THE SCRIBLERIANS UNCENSORED:
LIBEL, ENCRYPTION, AND THE MAKING OF COPYRIGHT IN
EIGHTEENTH-CENTURY BRITAIN AND IRELAND

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ABSTRACT

The Scriblerians, a group of satirists whose principal members were Jonathan Swift, Alexander Pope, John Arbuthnot, John Gay, and Thomas Parnell, saw in a broad range of eighteenth-century censorship apparatuses opportunities to elicit recognition and unprecedented compensation for their texts. Arguing that censorship was a necessary condition of copyright, this dissertation examines how the Scriblerians transformed various textual restrictions into modes of exercising authorial ownership. They did this in part by treating censorship as they did modern scholarship: as a hindrance to free and clear communication, and thus to learning itself. By making strategic uses of defamation, encryption, and Irish printing, they used censorship mechanisms instrumentally to argue for proper learning, and ultimately to establish terms of intellectual proprietorship.

The first chapter charts how the Scriblerians exploited the complex array of contemporary defamation regulations, and argues that by engaging in and stretching the boundaries of legal defamation, the Scriblerians appropriated ownership as authors via their status as potential defamers. The second chapter explores how letter interception at the post office and custom-house prompted the Scriblerians to encrypt and later to publish their correspondence, and argues that by doing so they removed letters from the realm of intelligence and situated them within that of property. The third chapter examines the effect of book-trade regulations on authors’ self-identifications, arguing that the Scriblerians’ evocations of piracy and plagiarism helped establish criteria for authorial ownership. The fourth chapter examines how the Scriblerians responded to the intellectual censorship that the process of compilation imposed upon source-texts, and argues that by disaggregating claims of literary-property rights from those about the labor of arranging information, they helped establish new criteria for
literary ownership. The fifth and final chapter analyzes the effect of Irish book-trade practices on the development of copyright, and argues that the Scriblerians exploited commercial restrictions on Irish-produced books to control how their works were released and ultimately to strengthen copyright protections in Britain. Throughout, this dissertation endeavors to recover the rich context of the Scriblerians’ world and to show how this singular group of authors put censorship into the service of learning—and copyright.
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# ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>BCN</td>
<td>17th and 18th Century Burney Collection Newspapers</td>
</tr>
<tr>
<td>BHO</td>
<td>British History Online</td>
</tr>
<tr>
<td>BL</td>
<td>British Library</td>
</tr>
<tr>
<td>BP</td>
<td>British Periodicals</td>
</tr>
<tr>
<td>BPMA</td>
<td>British Postal Museum and Archive</td>
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<tr>
<td>ECJ</td>
<td>Eighteenth Century Journals: A Portal to Newspapers and Periodicals c. 1685–1815</td>
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<tr>
<td>EEBO</td>
<td>Early English Books Online</td>
</tr>
<tr>
<td>EKAC</td>
<td>East Kent Archives Centre</td>
</tr>
<tr>
<td>ESTC</td>
<td>English Short Title Catalogue</td>
</tr>
<tr>
<td>HOCPP</td>
<td>House of Commons Parliamentary Papers</td>
</tr>
<tr>
<td>ML</td>
<td>Marsh’s Library</td>
</tr>
<tr>
<td>MML</td>
<td>The Making of Modern Law</td>
</tr>
<tr>
<td>MMW</td>
<td>The Making of the Modern World</td>
</tr>
<tr>
<td>MorL</td>
<td>Morgan Library</td>
</tr>
<tr>
<td>NA</td>
<td>National Archives</td>
</tr>
<tr>
<td>NLI</td>
<td>National Library of Ireland</td>
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<tr>
<td>ODNB</td>
<td>Oxford Dictionary of National Biography</td>
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<tr>
<td>OED</td>
<td>Oxford English Dictionary</td>
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<tr>
<td>PQDT</td>
<td>ProQuest Dissertations and Theses</td>
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<tr>
<td>PUL</td>
<td>Princeton University Library</td>
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<tr>
<td>RIA</td>
<td>Royal Irish Academy</td>
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<tr>
<td>SHC</td>
<td>Surrey History Centre</td>
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<td>SPO</td>
<td>State Papers Online</td>
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<td>TCD</td>
<td>Trinity College Dublin</td>
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INTRODUCTION

THE SCRIBLERIANS AND THEIR WORLD

*2 THERE is in Mankind a certain *
*  *  *  *  *  *  *  *  *
*  *  *  *  *  *  *  *  *
*  *  *  *  *  *  *  *  *
Hic multa *  *  *  *  *  *  *
desiderantur. *  *  *  *  *  *  *
*  *  *  *  *  *  *  *  *
*  *  *  And this I take to be a clear
Solution to the Matter.

Thus did Jonathan Swift tantalizingly render part of his “Digression concerning the Original, the
Use and Improvement of Madness in a Commonwealth,” from the fifth edition of A Tale of a
Tub (1710). In a footnote, identified by yet another asterisk,3 the “editor”—Swift’s creation—
ostensibly explained the passage: “Here is another Defect in the Manuscript, but I think the
Author did wisely, and that the Matter which thus strained his Faculties, was not worth a
Solution; and it were well if all Metaphysical Cobweb Problems4 were no otherwise answered.”5

2 This asterisk indicates a footnote. While the other asterisks (non-footnotes) had appeared in
earlier editions, this one first appeared when internal footnotes were introduced in the fifth
(1710) edition of A Tale of a Tub. The “Author” disavowed the footnotes in the apology (also
new to the 1710 edition), one of the many prolegomena to this complex work, with the following
explanation: “The Author is informed, that the Bookseller has prevailed on several Gentlemen, to
write some explanatory Notes, for the goodness of which he is not to answer, having never seen
any of them, nor intends it, till they appear in Print…” [Jonathan Swift], A Tale of a Tub. Written
for the Universal Improvement of Mankind. To Which Is Added, an Account of a Battel between
the Antient and Modern Books in St. James’s Library, 5th ed. (London: printed for John Nutt,
1710), [xxi–xxiii]. For a reproduction of that edition, see Jonathan Swift, A Tale of a Tub, in The
Writings of Jonathan Swift, ed. Robert A. Greenberg and William B. Piper (New York: W. W.

3 See note 2, supra.

4 In the Battel of the Books, after the bee destroyed the spider’s web, an argument ensued, with
the bee arguing on behalf of the ancients and the spider on behalf of the moderns. (The
The reader may wonder what purpose this passage was meant to serve. In highlighting it, the “editor” suggested that the lacuna was significant, and yet it still lacked content. Complicating matters, the professed editor was not the narrator’s actual editor. Nor was Swift’s narrator entirely reliable. Adding to the reader’s potential confusion is the knowledge, once gleaned from Swift’s own articulations of purpose and now a given in literary scholarship, that passages such as the above were meant to communicate an argument in favor of clear and lucid writing: that they provided a model of Augustan classicism. For really, what could be less clear or lucid than an indecipherable “Solution” to an unspecified “Matter”?

Swift’s approach to what he viewed as a lack of clarity was that of someone whose literary life was conducted outside of—but with constant reference to—the world of obscurity, dullness, and misguided criticism that elicited his mockery. His was a perspective within which the popular was perpetually at odds with the true. For Swift, ancient wisdom was the loftiest of aspirations for modern learning, not a set of tools and principles to be yanked into its service. Swift may not necessarily have revered ancient learning more than someone like the eminent scholar of classical antiquity and textual revisionist Richard Bentley, in opposition to whom he formulated some of his arguments about learning. He did, however, see in ancient learning a particular sort of perfection that rendered it unsuitable to alteration. For many of his contemporaries, its status remained less fixed.

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frontispiece to the Battel in the 1710 edition shows a still-intact web threatened by imminent apiary attack.) Jonathan Swift, Battel, ed. Greenberg and Piper, 384. One version of the frontispiece is reproduced on the cover of the Norton edition; another can be found in the facsimile of the 1710 edition accessible at ECCO.

5 [Swift], Tale of a Tub (1710), 184.
6 For a discussion of the unfixed persona of the narrator, see Pat Rogers, “Form in A Tale of a Tub,” Essays in Criticism 22, no. 2 (1972), 145–60.
7 For a discussion of Bentley and his interactions with the Scriblerians, see Kristine Louise Haugen, Richard Bentley: Poetry and Enlightenment (Cambridge, Mass.: Harvard University Press, 2011).
Without ever joining forces with the “dunces”—the much-ridiculed, pedantic practitioners of modern learning such as Bentley and William Wotton—Swift succeeded in inhabiting their world. Even when writing in styles borrowed from the dunces, he outshone them. Their reimaginings of texts Swift deemed corruptions. Their devices for explication he dismissed as embarrassments to learning, and more dangerously, hindrances to it as well. But rather than defy the obfuscation against which he railed, Swift reveled in it. Instead of forgoing indexes, footnotes, and the like, Swift multiplied them beyond the point of possible comprehension with such exuberance and facility we now take for granted that the irony of his excessive paratext\(^8\) itself constituted an argument for greater clarity. He could have done none of this had he lacked the removed perspective of an outsider.

Swift’s outsider status is by now so familiar as to approach (that intolerable state) the trite. He was, at one and the same time, a Dubliner in London, an aspiring Englishman in Ireland, a Church of Ireland dean in a predominantly Catholic country, and, for most of his adult life, an identified Tory under a Whig regime. Born in Dublin in 1667, he received his BA in 1685/6 from Trinity College, where he was an unexceptional student, before entering the employ of Sir William Temple at Moor Park in Surrey, about forty miles southwest of London. He eventually completed an MA at Oxford in 1692, and later returned to Trinity for a doctor of divinity degree in 1701/2. Although he was—most would now agree—a literary genius, his sermons were often

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\(^8\) In characterizing the term *paratext*, Genette has noted examples of verbal or other productions that may accompany the text of a literary work, including “an author’s name, a title, a preface, [and] illustrations”; these together may constitute the paratext, which “enables a text to become a book and be offered as such to its readers and, more generally, to the public.” Gérard Genette, *Paratexts: Thresholds of Interpretation*, trans. Jane E. Lewin (New York: Cambridge University Press, 1997), 1.
unremarkable; and his career as a churchman did little to make his name famous. Having spent the later years of Anne’s reign at the center of a rich literary and political world in London, his 1713 preferment—the last of his life—to the deanery of St. Patrick’s in Dublin seemed more an exile than an opportunity. Throughout his life, he was plagued with fits of dizziness and giddiness, symptoms of what may well have been Ménière’s disease. He is not known to have married, though he carried on what seems to have been a mutually unsatisfying relationship with Esther Vanhomrigh (Vanessa), the elder daughter in a prominent family who was 21 years Swift’s junior. His dearest friend and confidante Esther Johnson (Stella)—whom he had met at Moor Park when she was just eight, the daughter of Temple’s housekeeper—died in 1728, and he never fully recovered from the great loss. When he himself died in 1745, he left much of his fortune to the city of Dublin for the construction and maintenance of a hospital to house the ultimate outsiders: “Ideots and Lunaticks.”

Before his self-styled exile to Ireland, Swift was a principal member of a group of like-minded literary men—his lifelong correspondents—who came together as the Scriblerus Club, named for the fictitious pedant Martin Scriblerus, a character through whom Swift and his

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10 The two evidently had different sets of expectations and apparently incompatible dispositions, as Swift observed in a letter to Esther Vanhomrigh, a.k.a. “Vanessa,” dated 13 July 1722: “We differ prodigiously in one Point, I fly from the Spleen to the worlds end, You run out of your way to meet it.” *The Correspondence of Jonathan Swift*, 4 vols., vol. 2, ed. David Woolley (Frankfurt am Main: Peter Lang, 1999–2007), 424. This passage is also quoted and cited (though from the Williams edition) in Irvin Ehrenpreis, *Swift: The Man, His Works, and the Age*, 3 vols., vol. 2 (London: Methuen & Co. Ltd., 1962–83), 394, and n. 2. Ehrenpreis has thus characterized Swift’s tendency inversely to match the affections of another: “As his relation to [someone] grows more emotional, his manner turns formal, whimsical, or hollowly conventional. He will impose the distance the other person wishes to bridge. He will convey love through teasing humour; or he will mechanically echo the rhetoric of compliment.” Ibid., 2:395.

associates mocked modern learning in the *Memoirs of Martinus Scriblerus* (published in 1741) and other publications. The Scriblerians, as they ironically came to be known, shared in common an outsider’s mentality—or at least the conspicuous assumption of one—and a sense of alarm about the inadequacies of modern learning. Fittingly, the club lacked an institutional foundation and never developed into the sort of fashionable, established enterprise that the Whigs’ Kit-Cat Club became; its informality seems in fact to have sustained its success. After Swift’s banishment, the members corresponded by letters but less frequently saw one another, as they were separated by troublesome roads and the Irish Sea. They published separately as well as together, sometimes formally collaborating and other times merely exchanging emendations. Swift himself wrote a number of major and minor works, including *Gulliver’s Travels* (1726) and *A Modest Proposal* (1729). He wrote so prolifically and with such persistent anonymity, in fact, that a complete and accurate canon is impossible to establish.

Besides Swift, the Scriblerians counted four others among their principal members. There was the brilliant poet Alexander Pope, whose affliction with Pott’s disease had rendered him physically deformed, and whose Catholicism ensured that his social status was never quite secure, despite his considerable (and growing) fame. Born in 1688, the year of the “Glorious

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12 The given name seems to have come from the earl of Oxford, who noted that it, like *Swift*, was a variety of swallow. The surname evoked the figure of a hack-writer, or “scribbler.” Jonathan Swift, *Journal to Stella*, ed. Harold Williams, 2 vols., vol. 2 (Oxford: Clarendon Press, 1963), 381–2, and n. 6; see also *The Life and Works of John Arbuthnot*, ed. George A. Aitken (New York: Russell & Russell, 1892), 57, n. 3. Ehrenpreis has suggested a different source for the given name: Dryden’s Sir Martin Mar-all. Ehrenpreis, *Swift*, 2:725.

13 Ehrenpreis has written: “It was only when Swift gave up the plan of rivalling the Kit-Cats and accepted instead something like Addison’s informal cluster at Button’s [Coffeehouse, in Covent Garden] that he approached the ideal so often envisaged in the European imagination of a *convivium* of equal, creative minds.” Ehrenpreis, *Swift*, 2:723. See also Valerie Rumbold, “Scriblerus Club [Scriblerians] (act. 1714),” in *ODNB*. 
Revolution,” Pope would come to know anti-Catholic sentiment well. Although significantly
Swift’s junior, he predeceased the Irish dean in 1744. Like Swift, he remained unmarried; and
both men were prolific correspondents. Unlike Swift, however, Pope was no churchman: he
made his entire living from his writings. Among other works, Pope penned the Essay on
Criticism (1711), The Rape of the Lock (1712), the Dunciad (1728), and the Essay on Man
(1734/5). He also translated Homer’s Iliad (1715–20) and Odyssey (1725–6) in what proved to
be a highly profitable (and not entirely uncontroversial) undertaking.

Other, less prolific, members of the Club were John Arbuthnot, John Gay, and Thomas
Parnell. Arbuthnot, born in 1667 (the same year as Swift), was physician extraordinary to the
queen but lost his office with the Hanoverian succession. He continued to practice medicine, and
published medical as well as satirical works until his death in 1735. Among the Scriblerians he
was known as the great “hints”-giver: one who generated the foundational ideas upon which the
others constructed formidable literary edifices. He was also the author of, among other works,
The History of John Bull (published in its entirety in 1727). Gay, a poet and playwright most
famous for the Beggar’s Opera (1728), was of Pope’s generation. Born in 1685, he died
suddenly in 1732, like both Swift and Pope a perpetual bachelor. Finally, the poet and essayist

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14 When Bishop White Kennett sought to malign Swift, he noted the churchman’s association
with Pope, writing on 2 November 1713: “Then he [Swift] instructed a young Nobleman [in a
coffeehouse] that the best Poet in England was Mr Pope (a Papist) who had begun a translation
of Homer into English vers[e], for w[h]ich He must have ’em all subscribe.” Bishop Kennett’s
Collections, vol. 90, Lansdowne 1024, f. 426, BL, © British Library Board; original emphasis.
This passage is also transcribed (with some differences in emphasis, capitalization, etc., and an
omission toward the end) in Appendix IX of The Correspondence of Jonathan Swift, 5 vols., vol.
15 Swift wrote to Arbuthnot (regarding the various Scriblerian contributions to the Memoirs of
Martinus Scriblerus) on 3 July 1714: “You every day give better hints than all of us together
could do in a twelvemonth.” Correspondence of Jonathan Swift, ed. Woolley, 1:630, and 631, n.
3.
16 Gay also contributed to Scriblerus’s “Memoirs of a Parish Clerk.” Life and Works of John
Arbuthnot, ed. Aitken, 59, and n. 1.
Parnell was, like Swift, Dublin-born, though twelve years Swift’s junior. The two had met at St. Patrick’s, and Parnell eventually succeeded Swift in his prebendaries at Dunlavin when Swift received the preferment to the deanery. Parnell’s works include the poem *Homer’s Battle of the Frogs and Mice* (1717) and *Poems on Several Occasions* (1722), the latter edited by Pope and published posthumously; he also seems to have contributed (along with Pope and Arbuthnot) to the “Essay Concerning the Origin of Sciences” (1732). Parnell predeceased all of the other Scriblerians, having lived 39 years and been himself predeceased by his wife and two sons. He died in 1718 after a brief illness, survived only by his daughter.

The Scriblerian five cultivated vast and overlapping networks of associates and correspondents, the composition of which continued to change as certain outsiders became insiders, while erstwhile insiders found themselves cast out. Robert Harley, earl of Oxford and Mortimer, who at the height of his political career had been lord treasurer (1711–14), fell far from political grace but remained in favor with his Scriblerian friends. He had been dismissed in late July 1714 by Queen Anne, after whose death he was impeached and committed to the Tower; the charges against him were ultimately dropped in 1717. He died seven years later, leaving behind an expansive library as well as some of his own works, including *Faults on Both Sides* (1710).

Although a political rival to Oxford, Henry St. John, viscount Bolingbroke, also remained a close friend of the Scriblerians. He too had a somewhat short-lived career in political office, serving successively as Secretary of State for the Northern (1710–13) and Southern (1713–14) Departments. And he too was dismissed, about a month after his rival. Unlike Oxford, he fled to

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17 Bryan Coleborne, “Parnell, Thomas (1679–1718),” in *ODNB*.
France and was attainted *in absentia*. He there became secretary of state for the Pretender, a position he held only briefly, facing dismissal in the aftermath of the Jacobite rising of 1715. Bolingbroke remained in exile until he was finally able to return to England in 1725, after his once-forfeited estates had been restored to him.\(^{20}\) He thereafter wrote philosophical tracts including *The Idea of the Patriot King* (1739). Some of these texts, he learned after Pope’s death, the poet had emended and then secretly printed.\(^{21}\) This discovery prompted Bolingbroke to launch what turned out to be a highly unpopular posthumous attack on Pope that left the former again exiled, this time from the social and literary favor of the poet’s many supporters. When he died in 1751, Bolingbroke left no heirs, and his posthumously-published works further sullied his contemporary reputation.\(^{22}\)

Beyond Oxford and Bolingbroke, the Scriblerians had a great many associates and correspondents. Among them was Swift’s trusted friend Charles Ford.\(^{23}\) Born in Dublin in 1681/2, Ford exchanged a number of cryptic letters with Swift and helped arrange, in secret, the publication or emendation of various potentially libelous works, including *The Bubble* (1721), *Gulliver’s Travels* (1726; corrected and republished in Dublin in 1735), and *Some Free Thoughts upon the Present State of Affairs* (written in 1714 but not published until 1741). Of Ford’s generation was Thomas Sheridan, born in 1687, a schoolmaster and Irish clergyman whose spirited correspondence with Swift reflected a mutual love of punning and wordplay. The elder

\(^{20}\) Bolingbroke’s biographer Dickinson characterized the flight—which had various elements of intrigue, including the use of a disguise—as “an enormous blunder.” H. T. Dickinson, *Bolingbroke* (London: Constable, 1970), 135.


\(^{22}\) H. T. Dickinson, “St John, Henry, styled first Viscount Bolingbroke (1678–1751),” in *ODNB*.

churchman on occasion loaned money to the sometimes-irresponsible Sheridan, who tutored Swift in Greek and cared for Stella during her illness.\textsuperscript{24} In part because of Sheridan’s temperament—sour, moody, sometimes reckless—the two fell in and out of favor with one another, and they appear to have been decidedly out when Sheridan died in 1738.

Then there was Patrick Delany, the writer and dean of Down, whom Swift’s superior Archbishop William King characterized as a clumsy courtier.\textsuperscript{25} Delany was also the husband of Mary (formerly Pendarves, née Granville), another of Swift’s correspondents. It was through him that the satirist Matthew Pilkington and his soon-to-be-estranged wife Laetitia came into contact with Swift. Later, Swift figured prominently if not always favorably (or necessarily accurately) in Laetitia Pilkington’s \textit{Memoirs}. Matthew Pilkington benefited from the support of Swift, Patrick Delany, and the poet Mary Barber in getting \textit{Poems on Several Occasions} (1730) published.\textsuperscript{26} He and Mary Barber would pay a price for their association with Swift, however, later getting arrested in connection with the publication of \textit{Epistle to a Lady} (1733). The year before Mary Barber’s arrest, Swift had interceded, unsuccessfully, with the printer and lord mayor of London John Barber (no relation to Mary Barber) in attempting to secure a seat for her husband.\textsuperscript{27} John Barber had yet another connection to Swift; he was the lover of Delariver Manley, through whom the dean sometimes channeled controversial opinions. In 1711, for instance, he provided her with “hints” so she could comment on Oxford’s stabbing in the \textit{Examiner}, a Tory periodical with whose editorship he also entrusted her.\textsuperscript{28} Delarivier Manley

\textsuperscript{24} W. R. Meyer, “Sheridan, Thomas (1687–1738),” in \textit{ODNB}.
\textsuperscript{25} William King Out-Letters, MS 750/8/225, TCD.
\textsuperscript{26} A. C. Elias Jr., “Pilkington, Matthew (1701–1774),” in \textit{ODNB}.
\textsuperscript{27} Bryan Coleborne, “Barber, Mary (c. 1685–1755),” in \textit{ODNB}.
\textsuperscript{28} Dolores Diane Clarke Duff, “Materials Toward a Biography of Mary Delariviere Manley” (PhD diss., Indiana University, 1965), 171–2. In that issue of the \textit{Examiner}, the author(s) questioned: “If there be really so great a difference in Principle between the \textit{High-flying Whigs},
was both first cousin and sister-and-law to Isaac Manley, the Deputy Postmaster General of Ireland, whose influence upon the Scriblerians’ correspondence—later to be published and treated as part of their works—would prove significant.

As these brief biographical sketches suggest, the Scriblerians and the members of their larger network were often connected to one another in multiple ways, sometimes for better, and sometimes for worse. This image of a group of interlinked outsiders and exiles seems at odds with the reality of a well-known coterie of writers and correspondents who thrived on outwitting some of the most learned minds of their age. Even as they became increasingly famous, however, the Scriblerians maintained (and at times, insisted on expressing) the perspectives of underdogs. They purported to have arrived unarmed at the battle of the books, a spirited contest over the relative merits of ancient and modern learning. Arguing in support of ancient learning, they wielded the moderns’ own tools against them. The Scriblerians used an abundance of scholarly apparatuses, for instance, to highlight the pedantry of said apparatuses. To show just how anemic modern learning was, they undertook it and exposèd its flaws. They were chameleons; they were borrowers; they were survivors. At times, too, they were snobs.

When they sought to discredit popular modes of information acquisition, the Scriblerians also suggested the importance of wide, deep reading and memory cultivation. Any information gained quickly and without reflection, they implied, was worth disposing of with equal alacrity.

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and the Friends of France, I cannot but repeat the Question, how come they to join in the Destruction of the same Man? Can his Death be possibly for the Interest of Both? or have they Both the same Quarrel against Him, that he is perpetually discovering and preventing the treacherous Designs of our Enemies? However it be, this great Minister may now say with St. Paul, that he hath been in Perils by his own Countrymen, and in Perils by Strangers.” The Examiner 1, no. 33 (London: printed for John Morphew, 8 March–15 March 1710/1), [66]. On Manley’s editorship of that publication, see Ros Ballaster, Seductive Forms: Women’s Amatory Fiction from 1684 to 1740 (New York: Oxford University Press, 1998), 120.
They endeavored to expose *bathos*,29 and they disapproved of texts that appeared to privilege form over content.

Any writings they regarded as formulaic received the full force of their derision. For instance, although his contemporaries were avid consumers of almanacs, Swift considered these texts trite and self-aggrandizing literary affairs. He made his opinion known by getting into the business himself, anonymously issuing his *Predictions for the Year 1708*, in which he prognosticated the demise of none other than the most famous almanac maker of the day, John Partridge, “to shew how ignorant…Sottish Pretenders to Astrology are in their own Concerns.”30

Then, the day after Partridge was due to expire, Swift pseudonymously released the triumphantly-titled *Accomplishment of the First of Mr. Bickerstaff’s Predictions*, in which he detailed the scene at Partridge’s deathbed and mock-elegized the almanac maker. Partridge’s ensuing protestations that he remained among the living did not have the redemptive effect for which the astrologer had apparently hoped, and the joke of Partridge’s demise proved so enduring that indeed he could not outlive it. Swift’s prediction had, in a sense, come true: Partridge died two deaths; but only the first—the one Swift had conferred—endured in the public memory.

The year after Partridge’s second passing, Pope too committed literary homicide. In Pope’s case the offending antecedent had been not an excessive adherence to literary formulas but rather the opposite: a blatant disregard for literary protocol. Pope publicized the fictional death of the unscrupulous bookseller Edmund Curll—whom he had (non-fictionally) dosed with

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29 *Bathos* was Pope’s coinage (in *Peri Bathous*, 1727). The *OED* defines it as “[I]udicrous descent from the elevated to the commonplace in writing or speech; anticlimax.”
an emetic—in retaliation for Curll’s role in the release of *Court Poems* (1716).\(^{31}\) Also like Swift, Pope drew not criticism but praise for the ruse, which had entertained the public and fortified the image of Curll as exploitative. Curll’s recidivism confirmed that reputation, and Pope’s own later relapse into revenge brought the poet another favorable outcome. Two decades later, Pope leaked personal letters that he knew Curll would print and then used the ensuing publication to prompt the release of an otherwise-unpublishable authorized London edition (a legitimate piracy, as it were) of his correspondence.\(^{32}\) After advertising the publication, which he had claimed included the correspondence of peers,\(^{33}\) the bookseller was called to appear in the House of Lords, and Pope, under the disguise of a false name, even fed him testimony. Not coincidentally, Curll’s examination fell on the very day that a bill to extend booksellers’ rights was being read. The bill, to which Pope was (also not coincidentally) opposed, did not meet with success. Four years later Pope was still exacting revenge when he took Curll to court over the epistolary piracy and won the (still-standing) precedent that letter writers owned their transmissions. Curll had endeavored to steal Pope’s publications, and in retaliation Pope had appropriated Curll’s own; he even

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\(^{33}\) In Alexander Pope, *A Narrative of the Method by Which the Private Letters of Mr. Pope Have Been Procured and Publish’d by Edmund Curll, Bookseller* (London: printed for T. Cooper, 1735), 13.
blocked Curll from vending the officially unauthorized edition whose publication Pope himself had helped orchestrate. Pope had out-pirated one of the most notorious pirates of the day.

Such anecdotes (and there are many more like them) suggest several key Scriblerian characteristics. First, when a circumstance did not conform to the Scriblerians’ expectations, they intervened and altered it accordingly. Second, with a penchant for irony, they liked to use the tools of their opponents in crafting their rebuttals. Third, their whimsy sometimes belied their considerable discipline; the Scriblerians undertook every criticism they made with great seriousness and commitment. (When Swift wanted to show the inefficacy of commonplace book-keeping, for instance, he composed the humorous *Polite Conversation*, having evidently collected what would become its contents in a personal pocket notebook similar to a commonplace book—over a period of eight years.34) Finally, underlying the Scriblerians’ project of promoting sound learning was another aim: that of attaining recognition and compensation for the products of their minds, which they had carefully rendered identifiably theirs. In pursuit of this objective, they attached currency to the discovery of authorial identity. Their efforts ultimately helped establish the terms of modern proprietary authorship: that is, of copyright.

Today, copyright belongs to the same broad category that encompasses real property like houses, but it is grouped with intellectual property, which includes patented inventions like electric cars and trademarks like Kleenex. Intellectual property also encompasses literary property, which can refer both to tangible entities—texts—and to the intangible right to publish

certain texts.\textsuperscript{35} Within the domain of literary property, copyright refers to that latter intangible publishing right.\textsuperscript{36} During the Scriblerians’ age, \textit{copyright} was not yet firmly established as a proprietary right. It rather evoked a sense of duty. To the extent that copyright was a right, it was a conditional one: it could only be exercised as a right once it satisfied the condition of promoting learning. The Statute of Anne (1710), now regarded as the first copyright act, was in fact titled an “Act for the Encouragement of Learning.” The benefit of an exclusive publishing right was meant to incentivize authors to produce learned works; and the limited duration of that exclusive right allowed readers to gain access to learned works. Because copyright emerged within and perpetuated a discourse about learning, those intimately involved in its early negotiations variously concerned themselves with providing economic incentives to authors, distributing books widely, promoting the production of texts that encouraged loyalty to the crown, and preventing the production of texts that incited rebellion.

These various objectives may have stemmed from a common aim—to promote learning—but they were often fundamentally in conflict with one another. Distributing books widely, for instance, hindered their profit-generating potential, thus disincentivizing booksellers from paying large sums to authors. Early copyright, in its richness and its uncertainty, comprehended a range of negotiations: of private profit and public benefit, infringement and ownership, punishment and rights. Because its genesis was linked to a public good, copyright often meant different things to different people.

\textsuperscript{35} The \textit{OED} supports both definitions, identifying \textit{literary property} as “property which consists in written or printed compositions,” or, “the exclusive right of publication as recognized and limited by law.”

\textsuperscript{36} The \textit{OED} defines \textit{copyright} as “[t]he exclusive right given by law for a certain term of years to an author, composer, designer, etc. (or his assignee), to print, publish, and sell copies of his original work.”
The multiplicity of meanings attending the concept of copyright may in part explain its historical resistance to condensation into a single term. The reigning term in the early part of the eighteenth century was *copy*. That term too contained ambiguities: it could refer to a physical copy of a work, to a reproduction subsequently made of that original, or to an exclusive publishing right. A bookseller could purchase the copy to a copy, and then produce copies. To write of early eighteenth-century *copyright* might seemingly be to discourse in anachronism, as the first recorded usage of the term, according to the *Oxford English Dictionary*, did not occur until 1735. But it is not. The Scriblerians were not only instrumental in helping shape the concept of copyright (as a proprietary right) in both literary and legal contexts, but they and their associates also employed the term in letters that antedated by more than seven years the 1735 instance cited in the *OED*. Nichol has questioned whether *copyright* might have been a Scriblerian coinage, but the term seems to have been used (albeit uncommonly) during the seventeenth century. Though the concept remained unfixed through the eighteenth century, the

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38 Ibid., 114. On 12 March 1727/8 Motte wrote to the Reverend Woodford (concerning the Swift-Pope *Miscellanies* and Curl’s piracy thereof): “To vindicate their Reputation they made a Collection…and have just now published them, having before…made a formal Conveyance of the Copyright of them to me in May last.” *Correspondence of Alexander Pope*, ed. Sherburn, 2:477. Similarly, on 28 August 1732 Gay quoted Pope in a letter to Swift: “‘Motte & another idle fellow I find have been writing to the Dean to get him to give them some Copyright which surely he will not be so indiscreet as to do when he knows my design (and has done these two months & more) surely I should be a properer person to trust the distribution of his works with than to a common Bookseller. …but at any rate it wou’ld be silly in him to give a copy right to any which can only put the manner of publishing ’em hereafter out of his own & his friends power into that of Mercenarys.’” *Correspondence of Jonathan Swift*, ed. Woolley, 3:534. Both are also cited and quoted in Nichol, “On the Use of ‘Copy’ and ‘Copyright’,” 114–5.
39 In the *History of the Renowned Prince Arthur* (1634), a prefatory advertisement thus warned against a rival edition: “When the present work was far advanced in the printing, it was too late discovered that some illiberal persons had combined to print and vend another edition…. It was no trespass upon copy-right, nor a trespass upon the interest of any Booksellers: but an author cannot grow grey before he discovers that the pater-noster of a plain man has not the same
Scriblerians figured prominently in helping shape it into an authorial right. They succeeded in part because circumstance conspired with inclination. They were prominent writers; they possessed keen legal knowledge; and they transmitted texts across the Irish Sea. The Scriblerians’ engagements reveal an otherwise untold story: the narrative of how authors—and these authors in particular—helped shape copyright development. While London and Edinburgh booksellers battled in court over copyright durations, the Scriblerians were making other sorts of interventions in the debate. Learning figured so prominently in their discourse in part because it provided a justification for safeguarding authors’ rights. If texts (and their authors) were to be protected, they would have to prove useful; therefore, they would have to promote learning. If we are now to understand how and why copyright developed as it did, we must not fold contemporary concerns about learning into a narrative about economic competition among booksellers; we must, rather, take such concerns seriously.40


40 A number of scholars have written legal histories of copyright development, many of which address the relationship among authorship, censorship, and copyright. These studies tend to emphasize (sometimes disproportionately) the effect of booksellers’ profit-minded negotiations upon copyright development; and they often present copyright in terms of the court-based legal battle whose ultimate outcome established its limited duration. Ransom, for instance, presents a progressive view of copyright, whose form was shaped by “the Crown, the book trade, and the writing profession.” Tracing the prehistory of copyright back to the emergence of print in England (and periodizing it according to the introduction of various regulatory systems), Ransom suggests an almost inexorable progress toward the Statute of Anne. Harry Ransom, *The First Copyright Statute: An Essay on An Act for the Encouragement of Learning, 1710* (Austin: University of Texas Press, 1956), 12. Rose sees copyright as “a specifically modern formation produced by printing technology, marketplace economics, and the classical liberal culture of possessive individualism”; among other things, he argues that the Statute of Anne “marked the divorce of copyright from censorship and the reestablishment of copyright under the rubric of property rather than regulation.” Mark Rose, *Authors and Owners: The Invention of Copyright* (Cambridge, Mass.: Harvard University Press, 1993), 142, 48. Feather focuses on the economic forces that drove copyright development and traces the conditions that enabled authors slowly to
The Scriblerians certainly did. They spilled much ink satirizing modern scholars, whose works they argued were excessively elaborated and abstruse. These were men who, if asked for a couplet, would deliver an epic, with commentary. The sheer quantity of their paratext, the Scriblerians suggested, made it difficult both to discern the essence of an argument and then to assess its merit. In the Scriblerians’ view, the threat to learning posed by someone like Bentley, who was not only pedantic but also “[n]otorious for bold textual revisions,” was significant. Excessive emendation threatened textual authority and even knowledge itself.

The Scriblerians, who had come together to satirize the moderns, seized upon every apparent display of pedantry to lampoon their subjects. They argued, not always justly, that the moderns’ scholarly apparatuses were encumbrances to learning. In identifying these apparatuses as such, the Scriblerians aligned the discourse on the ancients and moderns with that on copyright, using each in the service of the other. By emphasizing that both discussions were framed in terms of the encouragement of learning, they were able to include all sorts of other obstacles to learning in their negotiations of copyright. For instance, they saw such hindrances in a range of impediments to free communication. These included the threat of punishment according to new as well as centuries-old defamation regulations; the practice of letter interception by post-office and custom-house officials; the alteration or misattribution of texts by publishers; the promotion of and engagement in index-learning; and policies that circumscribed

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41 Haugen, *Richard Bentley*, 3.
commerce between Ireland and England. All of these impediments constituted forms of censorship, defined broadly here as the restriction of information transmission, both among friends and to a wider public. They limited the knowledge that contemporaries could acquire. Nevertheless, in accordance with—and even because of—the terms of these limitations, the Scriblerians succeeded in transmitting ideas and claiming ownership of their texts.

This dissertation will argue that censorship was a necessary condition of copyright, and that censorship mechanisms provided unprecedented opportunities for authors to define and exercise copyright, often via the strategic uses of encryption techniques and Irish printing presses. The Scriblerian authors were well-positioned—culturally and geographically—and naturally inclined to seize on these opportunities. When they highlighted (and sometimes exaggerated) the prevalence of defamation prosecutions, letter interception, misattribution, emendation, and commercial restrictions, they helped establish in the public imagination the notion that no text was safe from corruption nor author from prosecution. What the Scriblerians claimed about censorship was reminiscent of what they asserted about modern scholarship: that it was a hindrance to free and clear communication, and ultimately to learning itself. How the Scriblerians addressed censorship also resembled their tactic for challenging the moderns. Just as they argued against scholarly apparatuses by writing with an abundance of those apparatuses, so too did they argue against censorship by engaging in self-censorship. They used dashes, innuendoes, pseudonyms, and other obfuscation devices to oppose impediments to information transmission. (These, of course, were themselves apparent impediments to information transmission.) Although the Scriblerians argued for clear and unimpeded communications, their objective was not ultimately to produce lucid writing. It was to become recognizable by way of
purposeful ambiguity: to achieve fame by the suggestion of infamy, and ultimately to capitalize, quite literally, on that fame.

Drawing inspiration from Robert Darnton’s communications circuit—“a general model for analyzing the way books come into being and spread through society”—this book-historical study examines the relationships among book producers, book consumers, and contemporary legal, political, intellectual, and economic circumstances; and it accordingly borrows methods from several disciplines. Making recourse to legal history, it charts the development of defamation regulations, copyright terms, and commercial restrictions. Borrowing from literary theory, it probes how the Scriblerians endeavored to condition readers’ interpretations of their works. Using bibliographical analyses, it looks at how Dublin imprints were utilized to displace blame for piracy. Turning toward the history of technology, it explores how the spread of the English language in Ireland—fueled by print—facilitated the development of an Anglophone book trade within the reach but beyond the grasp of the metropole. Collectively, these lines of inquiry elucidate the context within which copyright was born.


43 For a paradigmatic example of a bibliographical approach to book history, see Donald F. McKenzie, Bibliography and the Sociology of Texts (New York: Cambridge University Press, 1999).

Copyright was not only the product of specific economic and legal negotiations, but also of an entire political and cultural milieu. The context within which copyright developed suggests that it was more complex, dynamic, and multidimensional than the legal battle over exclusive publishing rights alone would suggest. An examination of this rich context provides insights into why and how contemporary actors negotiated the terms of authorship and textual ownership.

Copyright studies in turn provide a point of entry into political, cultural, and literary life in seventeenth- and eighteenth-century Britain and Ireland. They hold a mirror up to a world in which communications were scrutinized, prospective rebels identified and punished, and commercial transactions increasingly regulated to Britain’s advantage. They reveal how the rise of a more intrusive state—a state that plumbed private correspondence for Jacobite intelligence and monitored critiques of authority figures—influenced communications within and beyond Britain’s borders. To study copyright in its rich context is to catch a glimpse of a false title page being typeset or to eavesdrop on a coffeehouse conversation: it is to step into the world of contemporary literary production and consumption, which was itself shaped by legal, political, and commercial imperatives.

The Scriblerians’ world was rife with communicative hindrances. These authors were not uniquely affected by barriers to free communication; but because of their personal backgrounds, because of their engagement in communications between Britain and Ireland, and because of their ingenuity, they proved singularly adept at harnessing each limitation as a proprietary opportunity.\(^{45}\) In examining how the threat of punishment and the promise of encryption drove

\(^{45}\) For an examination of communicative hindrances in other contexts, see Jeffrey Freedman, *The Process of Cultural Exchange: Publishing between France and Germany* (1769–1789) (PhD diss., Princeton University, 1991). This study looks at cultural exchange between France and Germany via the Société Typographique de Neuchâtel, and shows, among other things, how in the course of translating texts, the STN often significantly altered them.
Scriblerian exercises of intellectual and economic ownership, this dissertation situates the group’s encounters with censorship practices with respect to legal standards of copyright, which the Scriblerians were also engaged in shaping. While it acknowledges the importance of economic competition among booksellers, this study emphasizes the additional role that authors, and especially the Scriblerian authors, played in establishing the terms of modern copyright. They saw opportunities to influence copyright in defamation law developments, intelligence-gathering operations, book-trade practices, plagiaristic productions, and commercial restrictions. In short, they understood emergent copyright within a broad and varied contemporary context. So too should we.

Chapter 1, “Defaming the Defamers: Or, How to Forge Authorship from Infamy,” explores the influence that defamation regulation and textual ownership exercised upon one another. It also charts how the Scriblerians variously abided by, influenced, and exploited the complex array of contemporary defamation regulations. It begins by tracing the statutory regulation of defamation from the thirteenth century down to Swift’s time. The course of defamation-law development, it argues, shows a shift in statutory attention away from defamed parties toward defamers. This shift, coupled with the extension of defamation regulations from the public into the private realm beginning in the early seventeenth century, created circumstances conducive to textual ownership by increasingly highlighting the identities of defamers. Even as rules governing innuendoes and other obfuscation devices became apparently increasingly stringent, however, they were chiefly characterized by vagueness and inconsistency.

The Scriblerians seized on this legal vagueness and inconsistency to transform defamation regulations into mechanisms for exercising ownership over their works. By engaging in—and stretching the boundaries of—legal defamation, the Scriblerians managed to avoid
punishment while simultaneously claiming credit for their defamatory works: they used their status as potential defamers to confirm their authorial roles. By writing pseudonymously, they indicated that their texts were potentially defamatory, and they thus attached value to the discovery of their authorship. They also mitigated their risk of prosecution by writing with abundant dashes, initials, and other obfuscation devices. In this way, the Scriblerians signaled to their readers that offensive content was intended. Their readers, thus charged with filling in defamatory blanks, endeavored to construe insults from typographical nonsense. They may have opted, for instance, to interpret “p-x” as pox rather than pax, or to understand a flattering description of the king as ironic rather than literal. This examination of the complex relationship between punishment and rights ultimately suggests how defamation punishment prospects, together with Scriblerian ingenuity, conferred authors unprecedented proprietary recognition. It also suggests how individuals living in eighteenth-century Britain and Ireland experienced changes in the laws that bound them, and how they adapted to or resisted new communicative challenges and opportunities.

Chapter 2, “On the Interception and Encryption of Letters: A True Account of Epistolary Property,” examines the influence of letter interception on the Scriblerians’ communication practices, and probes how those practices helped bring about a new (and still enduring) vision of epistolary ownership. Defamation standards that influenced what the Scriblerians could publicly say and write also had an impact on what (and how) they communicated with one another, given that officials at the custom-house and post office could often legally—or if not strictly legally, then with impunity—read private correspondence.

This chapter first reconstructs, in brief, the intelligence-gathering operations at the custom-house and post office. It endeavors to show that these were carried out by an entrenched
network of agents, who were often incentivized to disregard privacy protections in the interest of uncovering seditious or otherwise problematic texts. Given the constant threat of invasion during the eighteenth century, British stability depended in part on the diligence of these agents—or so they could claim when they overreached. Despite official attempts to maintain secrecy about letter-opening practices, however, correspondents were aware of the frequency with which their letters were intercepted. The Scriblerians often acknowledged that readers besides their intended recipients were privy to the dispatches they sent. Widespread awareness of epistolary scrutiny compelled many of their contemporaries to practice self-censorship.

For the Scriblerians, however, these circumstances brought new opportunities for self-expression. They found creative ways to evade prospective interceptors so that they could transmit uncensored letters. They also ingeniously repurposed diplomatic encryption techniques to convey sensitive information and, sometimes, to compliment their readers by treating them as intellectual equals. Finally, they capitalized on the widespread knowledge of letter-interception practices—at times even fueling public anxieties—to get their letters clandestinely published as supposedly pirated editions. By thus making their letters public (and then denying their involvement in any publication enterprise), they were able to claim—and have legally recognized—exclusive ownership of their letters, which they then redefined as works. In so doing, they removed letters from the realm of intelligence and situated them within that of property, a domain in which infringements amounted to theft, and authors constituted owners.

Chapter 3, “Publishing Open Secrets: Piracy, Plagiarism, and the Pseudonymous Author,” examines the effect of authorial anonymity—sometimes necessitated by defamation regulations, sometimes meant to evoke them—upon emergent copyright. Swift and his fellow Scriblerians frequently published anonymously or pseudonymously (as Pope did in anonymously
releasing the *Essay on Criticism* and the *Dunciad*; or as Swift did in adopting the personas of M. B. Drapier and Gulliver, among others). The flexibility of their authorial identities helped the Scriblerians avoid punishment for their offensive texts, even when their authorship was common knowledge. In many cases, booksellers, readers, and even the officials who pursued them knew of the Scriblerians’ authorial engagements. Despite apparent widespread recognition, however, the Scriblerians were never arrested and never turned in, not even for the sometimes-substantial rewards offered, and not even when their own muted declarations of authorship were commonly recognized as signatures.

The protections of anonymity, however loosely guarded that anonymity may have been, did not extend to their booksellers and printers, whose names were legally required to appear on the title pages of all published works. Booksellers and printers (and sometimes their illiterate employees too) frequently found themselves arrested and imprisoned for the offensive content that they had (knowingly or not) produced. Because printers were culpable when authors were not, they could—and did—alter texts to avoid punishment. The publishing environment that allowed them to do this also enabled them to bowdlerize, embellish, or misattribute texts for profit as well as self-protection.

The Scriblerians complained loudly and bitterly about unwanted or unauthorized publications, continually highlighting their lack of authorial control. But they did not officially reveal themselves as the authors of the texts they had written, nor did they issue definitive editions. By remaining formally anonymous while emphasizing their inability to correct their texts, the Scriblerians enabled booksellers to continue engaging in ostensibly unsanctioned practices: to emend or excerpt works and then reprint them as new (still anonymous) editions. They saw in unwanted emendation yet another opportunity to have authorship recognized but not
penalized, and they exploited reprinting practices to issue, clandestinely, corrected versions of their works. By writing anonymously, they elicited interest in the discovery of their authorial identities, which readers endeavored to discern by analyzing stylistic indicators. They succeeded in avoiding the punishments that their booksellers and printers faced while achieving the proprietary recognition associated with those punishments.

With their writings under close examination, however, the Scriblerians had to confront new challenges. Their work as satirists entailed appropriating the styles of others, but it also made them vulnerable to charges of plagiarism. They turned even this attack to their own advantage, using it to fortify their proprietary claims to their texts. Since plagiarism was a crime against authors, and since only owners could experience theft, authorship became aligned with ownership. When the Scriblerians ultimately prevailed against the charges of plagiarism—they could out-style their subjects (who could not usually best them, stylistically or otherwise) and thus remain recognizable—the discourse of ownership remained. This chapter shows how the Scriblerians recast concerns about piracy to underscore their creative agency, and then prompted allegations of plagiarism to suggest the true sources of ownership: authors.

Chapter 4, “Compiler and Thief? The Scriblerian Response to Index-Making,” explores the relationship between the eighteenth-century discourses concerning copyright and encyclopedism, both of which were conducted in terms of learning. Booksellers variously claimed that perpetual copyrights encouraged authors to produce learned works, and that limited copyrights allowed books to reach larger readerships. At the same time, encyclopedists and other compilers declared that their reductions of information into manageable quantities promoted learning, while their critics maintained that indexes merely masqueraded as content and thus hindered learning. Even though both discussions centered on learning, they did not speak to one
another: that is, until the Scriblerians and others engaged in a concurrent debate about the relative merits of ancient and modern learning brought them into conversation—and in turn, inserted themselves (as authors) into the process of copyright development. Because debates about copyright were conducted in terms of learning, the concurrent discourse about learning merits attention for its influence on copyright.

In addressing the rise of encyclopedias in the eighteenth century, the discussion focuses especially on Ephraim Chambers’s *Cyclopædia* (1728), the “first true general encyclopædia,” which, after the Scriblerians’ lifetimes, inspired the now more famous *Encyclopédie* (1751–72) of Diderot and d’Alembert. Compilers like Chambers asserted that their works promoted learning and thus merited property protection as a public good, and that their labor of arrangement, manifested in prescribed structures of knowledge, entitled them to their compilations. The Scriblerians, by arguing in favor of context-rich information acquisition and against the contemporary encyclopedic impulse, ultimately made a case for textual ownership based on original invention. They ventriloquized compilers to demonstrate the deficiencies of index-learning. They treated these arrangers of information as glorified readers—that is, as individuals carrying out the work of intellectual synthesis incumbent upon all literary consumers. The Scriblerians also used purposefully-ambiguous writing styles to compel discernment among authors as well as readers. Ultimately, they disengaged arguments about property rights from those about the labor of arranging information; and they called attention to literary content by devaluing form. This chapter extends its discussion of index-learning beyond the compilation

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enterprise and into the Scriblerians’ battle of the books with the moderns, and with Bentley in particular. It contends that the Scriblerians’ campaign against index-learning enabled them to oppose the moderns without engaging directly with the most erudite among them. Their extended battle against the moderns provided them with opportunities to formulate and promote a program of learning that was uniquely conducive to authorial proprietorship.

Finally, Chapter 5, “London Prints and Dublin Reprints: The Commerce of Copyright,” examines the effect of the Irish book trade on the development of copyright. Ireland’s book trade, slow to launch and inconsequential well into the eighteenth century, was not even a consideration when the Statute of Anne was enacted. Nor did Ireland develop its own copyright. The lack of Irish copyright, coupled with a growing population and rising domestic English-language literacy rates, led to the rapid expansion of the Irish publishing industry (concentrated in Dublin) during the eighteenth century. Even as it expanded, however, Irish publishing was limited. Because Ireland lacked copyright restrictions, it also lacked copyright protections, and so Irish printers and booksellers had no choice but to traffic in reprints. The flourishing Irish reprinting trade in turn raised numerous questions about textual ownership. Technically, as long as reprints were sold within Ireland, they were perfectly legal. Once they were exported into England, however, they often violated copyright protections there and were thus illegal. Although London booksellers promoted the notion that the Irish trade was principally characterized by endemic piracy, there is evidence that most of the reprints produced in Ireland were also sold there; they were therefore not piracies because they were not exports.

This chapter contends that London monopolists nevertheless evoked and perpetuated the notoriety of Irish publishing practices so that they could make a case for the necessary expansion of British copyright across the Irish Sea. Their complaints came amidst—and may have fueled—
increasingly stringent commercial restrictions, many of which treated all Irish-made books alike: as goods rather than intellectual property. Although the Statute of Anne and the participants in the ensuing court battle were silent on the topic of Ireland, the Irish book trade significantly influenced the development of modern copyright, in part because its activities brought about a confrontation—and ultimately a reconciliation—between these two very different visions of texts.

The Scriblerians, who were particularly well positioned to make recourse to both the London and Dublin book trades, played one against the other and helped bring about this resolution. As they helped draft bills and brought lawsuits to defend London copyrights, they concurrently undermined those copyrights by making recourse to Irish publishing outlets. They then cited the Irish editions of their works as evidence for the need to enhance copyright protections (and compensation) in London. In some cases, they secured the publication of Irish editions to prompt the release of copyrighted London ones. These methods exemplify characteristic Scriblerian ingenuity. If Irish booksellers bested their London counterparts by producing cheap reprints of English editions, then London booksellers could retaliate by evoking so-called Irish piracy to drive Irish booksellers out of their own domestic market. The Scriblerians, in turn, took advantage of the conflict by purporting to align themselves with each interest, and then playing one against the other in pursuit of their own objectives: to control when and how their works were released, and to elicit recognition and maximize compensation for their published texts.

This chapter argues, more broadly, for the singular importance of the Irish book trade upon copyright development, and for the need to expand the source-base for copyright studies. Scottish booksellers have (rightly) earned a place in the copyright narrative because they
instigated a protracted legal battle over copyright duration. The legal documents chronicling that struggle only tell part of the story of how copyright developed, however. This discussion draws on a range of sources, including proposed supplements to the Statute of Anne as well as a series of commercial restrictions, in examining what copyright meant to the Scriblerians and their contemporaries, and how economic and geopolitical circumstances figured in their negotiations of whether texts were public goods or merely goods, and how, accordingly, they were to be regulated.

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Before I began writing this dissertation, I had never had the occasion to use (or even to conceive of) the term *meta-ironic*. But so often, this adjective offers both the best and the only way to describe the Scriblerians’ literary projects. It is ironic that these ingenious authors would have proliferated obfuscation devices to make arguments for clarity. It is ironic that they would have appropriated the styles of their subjects to argue for their subjects’ incoherence. It is ironic that to make a claim about misguided learning, these authors would have undertaken it, carrying it out past any logical conclusion and proliferating its apparatuses beyond the point of intelligibility. And it is almost unimaginably ironic that they would have put all of these borrowings and literary reconfigurations into the service of an argument for copyrighting original texts, when their own texts were so often decidedly and purposefully (if ingeniously) unoriginal. That, however, is precisely what they did. Because of who they were, where they were, when they were writing, and how they were writing, the Scriblerians uniquely influenced how modern copyright developed. For all the praise and study they have rightly drawn, in this regard they have remained underappreciated.
This dissertation is ultimately not a prosopography of the Scriblerians, however. Nor is it a straightforward narrative of copyright development. Rather, it is an attempt to recover the rich context of the Scriblerians’ world, and to show how their interactions within that world helped shape the form that copyright took: it endeavors to tell the story of copyright via the Scriblerians and that of the Scriblerians via copyright. Copyright development was intensely contingent on an assortment of legal, literary, and geopolitical circumstances. Studying the former in terms of the latter serves to illuminate both. Copyright was also shaped by contemporary authors, the Scriblerians notably among them. This group of authors, who out-obfuscated the alleged obfuscators, also post-modernized the moderns in helping forge a truly modern form of copyright, by way of obfuscation and wit.

But what of Swift’s hack’s metaphysical cobweb problem? Was it truly better that it “were no otherwise answered”? Amidst the sometimes overwhelming cascade of ideas in the Tale generally, and in that “Digression” specifically, Swift did in fact provide an answer: he suggested, obliquely of course, clarity as the solution to the matter. In the course of making that suggestion, he also drew attention to issues of ownership. (Whose text was that defect?) He had created the figures of the apparent author and editor, and through them he had imagined the

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problem, and its solution, into existence. His own authorship had been total. If there were doubts about the author’s rights, there could be none about the meta-author’s rights: in the *Tale* Swift had created not just a text but an entire literary realm that was his to govern. The world within the text, and the text too, were both properly his.
CHAPTER 1

DEFAMING THE DEFAMERS: OR, HOW TO FORGE AUTHORSHIP FROM INFAMY

Defamation and Censorship

Writing to his friend Alexander Pope on 29 September 1725, Jonathan Swift remarked that *Gulliver’s Travels* (1726) would go to press “when a Printer shall be found brave enough to venture his Eares.”¹ Venture his ears the bookseller Benjamin Motte did, printing Swift’s pseudonymously-published work after making a few strategic alterations. Although both men retained their ears, Swift’s comment to Pope highlights the extent to which defamation punishment prospects loomed over publishing projects. The offense of defamation could be broadly construed; it could encompass any attempt to dishonor or attack another’s reputation, usually by words or in writing.² The sources of punishment for defamation were numerous and varied. There were scores of defamations statutes on the books, some recently enacted and others centuries old. Punishment could also be determined at common law by courts that readily created and reversed precedents.³ In addition, Parliament could condemn particular writings as defamatory, and the crown could issue proclamations for discovering their authors.⁴

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¹ *The Correspondence of Jonathan Swift*, 4 vols., vol. 2, ed. David Woolley (Frankfurt am Main: Peter Lang, 1999–2007), 606. The loss of ears was one legal punishment for uttering false, seditious, and slanderous words against the monarch. 23 Eliz. I, c. 2. The cropping or clipping of the ears also seems to have been the punishment for a variety of lesser offenses, including that of burglary.
² This definition is adapted from that given in the *OED*, s. v. “Defame, v.”
³ Libel cases were tried at Star Chamber until its abolition in 1641. *A Review of the Late Publications on Libel of Messrs. George, Holt, Starkie & Jones* (London: printed for Reed and Hunter, 1815), 38.
⁴ Swift’s pamphlet *The Publick Spirit of the Whigs* (1713/4) was condemned by the House of Lords, and the queen soon after issued a proclamation for discovering its author. For a discussion of this series of events, see Irvin Ehrenpreis, *Swift, the Man, His Works, and the Age*, 3 vols., vol. 2 (London: Methuen & Co. Ltd., 1962–83), 696–713, esp. 709–11.
Standards governing defamation were highly variable in part because they were susceptible to contemporary politics. What might have been a declaration of allegiance under one regime could amount to treason under another. Even within an administration, loyalties were often divided. While an offensive text could land its writer in prison (if it did not result in a fine, deformation, or even death), friends in high places could offer deliverance. The Swift critic Abel Boyer described how the author and his printer evaded punishment even after Anne had publicly denounced *The Publick Spirit of the Whigs* (1713/4): “But nevertheless, Dr. Swift, the reputed Author of the Libel in Question, remain’d undiscover’d to the Publick; tho’ at the same Time, he was, daily, highly caress’d by the Lord Treasurer [Oxford]; as Barber, the Printer, was by the Lord Bolingbroke.”\(^5\) When, a decade later, Swift faced a similar threat with the publication of the *Drapier’s Letters* (1724/5), he again evaded punishment with the tacit approval of John Carteret, the lord lieutenant of Ireland, and viscount Midleton, the lord chancellor of Ireland.

Swift and the other members of the Scriblerus Club were well-known for their suggestive and at times offensive writings. The club was named for the fictitious Martin Scriblerus, “a man of capacity enough that had dipped in every art and science, but injudiciously in each.”\(^6\) The idea for the club seems to have originated with Pope, who proposed a scheme for satirizing misguided learning in a 14 August 1712 letter to the *Spectator*, no. 457:

> I need not tell you…that there are several Authors in *France, Germany* and *Holland*, as well as in our own Country, who publish every Month, what they call *An Account of the Works of the Learned*, in which they give us an Abstract of all

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such Books as are printed in any Part of Europe. Now, Sir, it is my Design to publish every Month, *An Account of the Works of the Unlearned*. I may, in this Work, …take into Consideration such Pieces as appear, from time to time, under the Names of those Gentlemen who Compliment one another, in Publick Assemblies, by the Title of the *Learned Gentlemen*. Our Party-Authors will also afford me a great Variety of Subjects, not to mention Editors, Commentators, and others, who are often Men of no Learning, or what is as bad, of no Knowledge.⁷

The following year, Pope evidently pitched the plan to Swift, who “much approve[d]…even to the very title.”⁸ What ultimately emerged in 1713/4 as the Scriblerus Club was both more and less than the enterprise that Pope had proposed in the *Spectator* and to Swift. At some point, the plan for a monthly periodical was dashed, and instead a more ambitious—albeit less obviously structured—literary project emerged in its stead. The great project of the club was to compose the *Memoirs* of its namesake (ultimately published in 1741). In addition, the members planned to issue a series of shorter works written by the fictitious Scriblerus, published either under his name or under a (meta)pseudonym. The Scriblerians also proposed occasionally to claim on Scriblerus’s behalf publications that they wished to satirize.⁹

The Scriblerus Club was an expressly oppositional enterprise. Even in Pope’s original *Spectator* sketch, the poet had proposed attacking “*Learned Gentlemen*” and “*Party-Authors*.” The Scriblerians—and particularly the two principal members, Swift and Pope—were famous for writing provocatively. As will be argued, they courted not just fame but infamy. When satirists were successful at their craft (as the Scriblerians often were), they communicated controversial

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ideas while avoiding punishment. When they were unsuccessful, they were forced either to self-censor or to have their communications quashed and their livelihoods, if not their lives, imperiled. As their writings demonstrate, the Scriblerians were keenly aware of the long history of defamation regulations and of the potential for those regulations to silence them. Because defamation statutes stood unless expressly repealed, and because most of the defamation statutes enacted since the thirteenth century were still standing in the eighteenth, contemporary writers contended with a greater number of defamation regulations than had ever existed before. And yet, paradoxically, the Scriblerians conceived of and executed a literary project based entirely upon defaming those they saw as intellectually or morally deficient. Far from hindering their communications, defamation regulations gave way to the Scriblerians’ finest works, many of which remain among the most inspired and exuberant expressions written in English.

This chapter charts the convergence of two distinct but ultimately related narratives. During the Augustan age, a centuries-in-the-making legal tradition for preventing and punishing defamation encountered a Scriblerian writing style intended to communicate defamatory ideas without eliciting punishment. This confluence of censorship with satire afforded the Scriblerians unprecedented opportunities to achieve authorial recognition: not in spite but because of their status as potential defamers. Defamation, cleverly practiced, provided a gateway to literary ownership.

To defame cleverly, one had to be versed in contemporary defamation law, parts of which could be traced as far back as the thirteenth century. Two kinds of statutes, both medieval in origin, regulated defamation in England: first, a series of five acts known as the *scandalum magnatum*, or the “scandal of magnates”; and second, acts pertaining to high treason,\(^\text{10}\) and

\(^{10}\) High treason, as distinguished from petty treason, applied only to offenses committed against
occasionally the lesser offense of felony, which as a capital offense was still punishable by death.

(These, together with an ecclesiastical code meant to discourage heresy—but not defamation per se—provided the bases for censoring problematic texts.) Dating to the year 1275, the statutes of *scandalum magnatum* were based on the notion that certain words, if and only if directed at people of dignity, were actionable. For instance, the words, “My lord is a…paltry earl, and keepeth none but rogues and rascals, like himself,” when spoken in 1607 by a man named Roughton against the earl of Lincoln, were actionable. Roughton, had he not shortly thereafter died, would have had to pay damages to Lincoln for having besmirched the earl’s reputation so as “to raise contempt betwixt him and the people, or the King’s indignation against him.” The belief that defamation—particularly that of certain individuals—led to unrest motivated the statutes of *scandalum magnatum*, and it endured into the eighteenth century. So too did the punishments for transgression.

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12 This definition is adapted from that given in the *OED*, s. v. “Scandalum magnatum, n.” *Scandalum magnatum* statutes also applied to English nobles in Ireland. In 1631 several men were tried at Star Chamber and punished for having accused Henry Cary, viscount Falkland and late lord deputy of Ireland, of conspiring with a judge of the Assizes in Kildare to convict and execute a man for murder, with the intention “to pervert the course of justice and to make a prey upon the [man’s] estate.” Falkland’s case was built—and largely won—upon the argument that “the whole matter was a grievous scandall layd upon [him], and his Government.” *Reports of Cases in the Courts of Star Chamber and High Commission*, ed. Samuel Rawson Gardiner (Westminster: printed by Nichols and Sons for the Camden Society, 1886), 2, 4.

13 79 Eng. Rep. 171; Cro. Jac. 196. (Throughout, English Reports citations are followed by nominative citations.) Roughton was not the only one to commit defamation with the terms *rogue* and *rascal*. In 1744 a man named Gabriel de Seriere was tried for calling the King “a Rascal” and “a Rogue,” among other things. *Rex v. Gabriel de Seriere*, 30 March 1744, TS 11/944, part F (no. 3424), NA.

14 The notion that defamation led to dispute had ancient roots. In the fourth century BCE, Plato voiced through Socrates (conversing with Glaucon, Plato’s elder brother) a warning about the...
The Scriblerians nevertheless found unique ways to defame even the king himself without coming to a bad end. In the *Travels* (1726), Swift described the Lilliputian emperor’s motions as “graceful” and his deportment as “majestick,” characterizations that contemporaries would have understood as ironic references to George I. The king was, in Gibbs’s words, “[s]hortish and thickish in stature,” as well as “uneasy and awkward with the formality and splendour required of him as a king.” Pope made an even more direct criticism in the *Dunciad* (1728): “Book and the man I sing, the first who brings / The Smithfield muses to the ears of kings. / Say great Patricians! (since your selves inspire / These wond’rous works; so Jove and fate require!) / Say from what cause, in vain decry’d and curst, / Still Dunce the second reigns like Dunce the first.” This last line was an unflattering—and unmistakable—reference to the accession of George II. Yet for all the criticisms leveled against Pope for the *Dunciad*, charges of *scandalum magnatum* were not among them. Swift and Pope were daring because, as will be argued, they well understood the bounds of the law and of their superiors’ forgiveness.

When the Scriblerians obliquely criticized the Hanoverian succession, they were not just evoking scandal; they were also hinting at treason. A series of treason acts dating from 1351/2

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17 In Braverman’s words, Pope was insinuating that “Hanoverian dunces do not rule but reign”; the “great Patricians” referred to Whig lords. Richard Braverman, “‘Dunce the Second Reigns Like Dunce the First’: The Gothic Bequest in the *Dunciad*,” *English Literary History* 62, no. 4 (1995), 863–82: 867–8.
made it illegal to imagine, speak of, or write about the undoing of the monarch.\textsuperscript{18} Although treason statutes were broader in scope than the statutes of \textit{scandalum magnatum}, both encompassed defamation—or, more precisely, that variety of defamation regarded as seditious. The two types of statutes also exerted mutual influence. Plucknett has noted that statutory changes in \textit{scandalum magnatum} “were apt to occur at moments when treason also was being extended.”\textsuperscript{19} Under both the \textit{scandalum magnatum} and treason laws, defamation could be a crime—that is, a public offense for which punishment could be severe.\textsuperscript{20} Under the statutes of \textit{scandalum magnatum}, defamation could also be a tort,\textsuperscript{21} as it was in the earl of Lincoln’s case; punishments for these civil offenses were usually limited to fines, albeit at times exorbitant ones.

\textsuperscript{18} 25 Edw. III, st. 5, c. 2. The prohibition of compassing the death of the monarch was repeated in subsequent statutes, including 21 Rich II, c. 3; 1 & 2 Phil. & Mary, c. 10; 13 Eliz. I, c. 1; and 13 Car. II, st. 1, c. 1.

\textsuperscript{19} He further pointed out that “the statutes of Mary and Elizabeth treated the crimes of ‘public libel’ (\textit{scandalum magnatum}), ‘private libel’ and sedition as being substantially the same, or at least closely related.” Theodore F. T. Plucknett, \textit{A Concise History of the Common Law}, 5\textsuperscript{th} ed. (Boston: Little, Brown and Company, 1956), 489. The difference between libel and treason could at times be subjective, as a letter dated 31 December 1689 from the duke of Shrewsbury to the Mayor of Exeter suggests. In it, Shrewsbury described the offense of “Speakin[.]g of Scandalous & Seditious words against their Maj[es]ties and [th]e Government” as a high misdemeanor “tread[ing] upon the Heeles of Treason.” State Papers Domestic, Secretary’s Letter Books, SP 44/97, p. 223, NA.

\textsuperscript{20} Court procedures could be severe, as well. For charges of treason, alleged offenders were denied counsel, prevented from seeing copies of the indictments against them, and prohibited from appealing final judgments. Philip Hamburger, “The Development of the Law of Seditious Libel and the Control of the Press,” \textit{Stanford Law Review} 37 (Feb. 1985), 661–765: 666.

\textsuperscript{21} This development occurred in the mid-sixteenth century, when \textit{scandalum magnatum} “came under the influence of the doctrine that if a statute prescribes a punishment for acts which cause harm to others, then the injured party can have a civil action for damages in respect of breaches of the statute, even though the statute makes no provision for a civil remedy.” Plucknett, \textit{Concise History of the Common Law}, 486. Veeder cites \textit{Lord Townsend v. Dr. Hughes} (1677)—in which the plaintiff was awarded £4,000 for having been called “an unworthy man” who “acts against law and reason”—as the first civil action under \textit{scandalum magnatum}, but it was antedated by Roughton’s case. 86 Eng. Rep. 994; 2 Mod. 150; Van Vechten Veeder, “The History and Theory of the Law of Defamation,” \textit{Columbia Law Review} 3, no. 8 (Dec. 1903), 546–73: 554.
Each defamation statute suggests a cross-section of the local circumstances and events that gave rise to it. Cumulatively, however, these regulations also reveal a pattern of change in the adjudication of guilt for defamation offenses. Beginning in the mid-sixteenth century, defamation statutes began to shift focus away from apotheosizing defamed parties—as they had done since the late-thirteenth century—and toward vilifying defamers. From the start of the seventeenth century, as controversial printed materials proliferated at unprecedented rates and as defamation prosecutions became viable legal remedies for ordinary citizens, the pace of defamation-law development accelerated. A series of cases carved out an increasingly expansive—though not always tidy—literary space within which defamation could be achieved with impunity, though not without the specter of severe punishment. By the eighteenth century, Swift and his fellow Scriblerians could count on the attention that the law lavished upon alleged defamers. They crafted their works in precisely that literary space within which defamation would be recognized but not punished. They then used the attention that they received as alleged defamers to attain recognized ownership of their works.

To understand how they treated censorship as an instrument of satire, authorship, and ultimately ownership, we must chart—as they did—the pattern of change in defamation regulations. The increasingly defamer-centric shift in statutory emphasis becomes clear when we

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22 When, for instance, in the 1370s John of Gaunt, duke of Lancaster, became the target of public scorn and mob violence, the original scandalum magnatum statute from the year 1275, itself the product of scandals from the Barons’ Wars, was supplemented with a new act that explicitly named the figures against whom public criticism would be unlawful. 2 Ric. II, st. 1, c. 5. It also designated the defamation of great men a secular offense to be heard at king’s bench rather than punished by ecclesiastical authorities. Michael Hanrahan, “Defamation as Political Contest during the Reign of Richard II,” Medium Aevum 72, no. 2 (2003), 259–276: 261–2. When the ensuing years brought not peace but the Peasants’ Revolt, another supplementary act allowed offenders to be punished “by the advice of the [royal] council.” 12 Ric. II, c. 11. Plucknett, Concise History of the Common Law, 486, 488.
consider, first, the subjects named in defamation statutes, and second, the terms of punishment for defamation. And so, below, we shall.

**Fame and the Defamer**

The earliest statutes of *scandalum magnatum* had explicitly named only those against whom unkind remarks constituted defamation. The first such act, from the time of Edward I in the year 1275, protected the king and “Great Men of the Realm.” The second, dating to 1378 under Richard II, clarified and expanded the list of figures against whom defamation would be a punishable offense: “Prelates, Dukes, Earls, Barons, and other Nobles and Great Men of the Realm, and also… the Chancelor, Treasurer, Clerk of the Privy Seal, Steward of the King’s House, Justices…, and… other Great Officers of the Realm.” In the intervening years another act emphasized the importance of guarding public figures’ reputations. According to a 1327 statute, the king could prohibit indicted parties from bringing (potentially legitimate) countersuits if those suits had the effect of defaming their indictors.

The earliest treason statute, from 1351/2, similarly protected just a handful of individuals, who were again named therein. The statute forbade (among other things) compassing or

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24 This act was likely the result of the “disrespectful and disorderly words” that the church clerk Thomas Knapet had spoken against the duke of Lancaster John of Gaunt. Hanrahan, “Defamation as Political Contest,” 261.

25 2 Ric. II, st. 1, c. 5. After the dignity of viscount was created, the protections of the statutes of *scandalum magnatum* were extended to those with that title; and after the union of 1707, they were extended to peers of Scotland as well. *Say and Seal (Viscount) v. Stephens* held that a “viscount is within the statute [*scandalum magnatum*], though a dignity created since the statute.” 79 Eng. Rep. 719; Cro. Car. 135 (see also 79 Eng. Rep. 725; Cro. Car. 142). *Lord Viscount Falkland v. Phipps* (1734) extended *scandalum magnatum* protections to peers of Scotland. 92 Eng. Rep. 1149; 2 Comyns 439 (Com. Rep. 439, pl. 202). Both cases are also cited in n. 1(A) of 76 Eng. Rep. 877; 4 Co. Rep. 12b.

26 1 Edw. III, st. 2, c. 11.
imagining the death of the king, his queen, or their eldest son and heir;\textsuperscript{27} and it was later confirmed several times.\textsuperscript{28} Moreover, the breach of a truce was, according to a 1414 act, tantamount to the “Slander of the King” and was thus declared high treason.\textsuperscript{29}

Because the substantial legal apparatus for preventing the defamation of certain people did not always provide for the expedient identification and punishment of offenders,\textsuperscript{30} Parliament sometimes attainted individuals before establishing new general standards. For instance, after the nun Elizabeth Barton prognosticated the death of Henry VIII in the event that the king should divorce Katherine, she was attainted\textsuperscript{31} by an act of Parliament after a special counsel failed to convict.\textsuperscript{32} (This was the very king whom Swift, in a later age and without repercussions, called a “monster,” “tyrant,” and “infernal beast.”\textsuperscript{33}) Shortly thereafter came a general act prohibiting anyone from doing anything by “writing or imprinting or by any exterior acte or dede” to the peril of the king, the prejudice of his marriage to Anne, or the slander of their issue, upon the

\textsuperscript{27} Also prohibited were violating the king’s companion, the king’s eldest unmarried daughter, or the wife of the king’s eldest son and heir. 25 Edw. III, st. 5., c. 2.

\textsuperscript{28} See, for instance, 1 Hen. IV, c. 10, which held that “Nothing shall be accounted Treason but what was made Treason in the time of King Edward the Third”; see also 1 Edw. VI, c. 12, which held that no statutory offense of treason would be so adjudged except as set down in 25 Edw. III, st. 5, c. 2; 1 Hen. VIII, c. 4; 1 Mary, sess. 1, c. 1; and 2 Hen. IV, c. 15.

\textsuperscript{29} 2 Hen. V, st. 1, c. 6. That particular provision was repealed in 1442. 20 Hen. VI, c. 11.

\textsuperscript{30} The provision about imagining the monarch’s death was sufficiently vague to preclude the conviction of any number of potential imaginers; and yet it was also broad enough, in Bellamy’s words, “to embrace a wide variety of offences.” Bellamy, \textit{Tudor Law of Treason}, 11.

\textsuperscript{31} \textit{Attainders} referred to the permanent corruption of honor, accompanied by the loss of property and titles, and of the right to convey either to heirs.

\textsuperscript{32} See 25 Hen. VIII, c. 12. The act, according to Bellamy, seems to have been “based directly on the draft of an indictment.” Bellamy, \textit{Tudor Law of Treason}, 28.

penalties for high treason.\textsuperscript{34} Once again, the protected parties themselves were the statutory subjects. When even that act was deemed too lenient on those who \textit{spoke} traitorous words,\textsuperscript{35} the original 1351/2 treason statute was supplemented in 1534 with an act that established as traitorous anyone who maliciously wished by words or writing, or by craft imagined, invented, practiced, or attempted any bodily harm against a roster of protected individuals: the king, the queen, or their heirs apparent. Also prohibited were slanderously and maliciously publishing and pronouncing, by express writing or words, that the king was a heretic, schismatic, tyrant, infidel, or usurper of the crown.\textsuperscript{36}

Up to this point, defamation statutes—both for \textit{scandalum magnatum} and for treason—had focused on the monarch, his heirs, and nobles, who were expressly named therein. While some subsequent acts reiterated both the unlawfulness of compassing the death of the monarch and the accompanying punishment for high treason, statutory defamation provisions after the 1530s ceased to name new classes of protected individuals. The focus on “great men” would begin to shift as defamation regulations implicated increasing numbers of commoners. This process allowed fame—or infamy—to attach to authors and ultimately led to the emergence of a revolutionized vision of textual ownership. It was this shift that the Scriblerians recognized as an opportunity for authors who were bold or well-connected—or, ideally, both—to imprint themselves upon their works.

\textsuperscript{34} 25 Hen. VIII, c. 22. For a brief discussion, see Bellamy, \textit{Tudor Law of Treason}, 29. A later act of condemnation included within it a generally-applicable provision. When “Queen Katharine and her Complices” were attainted of high treason, the condemnatory act held that “[i]f the King, or any of his Successors, shall marry a Woman which was before incontinent, if she conceal the same, it shall be High Treason.” 33 Hen. VIII, c. 21. Similarly, the act of attainder for the pretended prince of Wales included the general provision that correspondence with the said Pretender was itself an act of treason. 13 Gul. III, c. 3.

\textsuperscript{35} Bellamy, \textit{Tudor Law of Treason}, 30–1.

\textsuperscript{36} 26 Hen. VIII, c. 13; emphasis added.
The change in emphasis occurred gradually, with defamers first making their way into the law, and then—as punishments became more permanent, more public, and more frequent—rising in prominence. As compared with defamation provisions in treason statutes from the reigns of Edward I through Henry VIII, those from the time of Edward VI through George II attended less to great men and more to common ones. A turning point occurred at the end of Henry VIII’s reign with a 1545 act that adjudged as felons those who spoke traitorous words or committed treasons against the king, and then left their accusations “in open places” without having first subscribed their names.\(^{37}\) In this way, the act made authorship compulsory: although writing a potentially defamatory text was illegal, once one had done so it was illegal not to sign one’s name. While this statute was still concerned with great men of the realm, the identities of defamers were thenceforth required to be written into the literary record along with those of their noble counterparts. This was a law that the Scriblerians, via pseudonyms and collective authorship, would flout many times over, all the while appearing to comply with its terms.

Subsequent Marian and Elizabethan statutes prohibited not just treason, but also the concealment of treason.\(^{38}\) In so doing, these statutes again highlighted the identities of traitors. According to the Marian Treason Act of 1554, the concealment of treason constituted misprision of treason,\(^{39}\) the penalties for which—loss of lands and goods, but not of life—were less severe than those for treason. Nevertheless, by the terms of the statute, treason, including but not limited to any treasonous act of defamation, had to be exposed rather than hidden.

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\(^{37}\) 37 Hen. VIII, c. 10.  
\(^{38}\) The penalty for concealment usually entailed forfeiture of lands and goods, though not of life. 1 & 2 Phil. & Mar., c. 10; 1 Eliz. I, c. 5.  
\(^{39}\) According to Bellamy, while in Henry VII’s reign a connection had been established between misprision and concealment of treason, the phrase “misprision of treason” had not appeared. Bellamy posits that the phrase was the creation of Cromwell and other advisors who “needed an offence less serious than treason but which contained the word, for purposes of political propaganda.” Bellamy, *Tudor Law of Treason*, 30.
Traitors were meant not only to have their identities made public, but also to have their own reputations permanently marred. According to a 1587 statute, “noe Recorde of Attayndor…of any p[er]son…for any High Treason, wheare the partie so attaynted is or hathe bene executed for the same Treason, shall by the Heire…or by anye other whatsoever…be in any wise hereafter reversed…by anye Plea or for anye Error whatsoever.”

To ensure that the lands of offending parties were properly forfeited to the monarch (and not retained by way of unlawful transfers), a subsequent statute required that any “secrete Estates Conveyaunces and Assuraunc[e]s…be openlie published and brought to light.” In this way, the crime of treason itself was to be displayed in the exposure of any accompanying fraud. The villains in defamation cases—and not the victims—were meant to command public attention.

From the mid-sixteenth century, the practice of attainting individuals by acts of Parliament also became increasingly common. In the roughly two centuries from the reign of Edward I until 1545, when the above-cited Henrician act against slanderous bills became law, there appear to have been five acts of attainder, including the Barton conviction. Collectively, these acts condemned twelve individuals. By contrast, in the ensuing two centuries, from the time of Edward VI through that of George II, there were at least eighteen such acts. On average, each act condemned greater numbers of individuals, and they collectively named 167

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40 29 Eliz. I, c. 2. Two earlier acts had taken the rare step of restoring land and/or blood; see 3 & 4 Edw. VI, c. 13 and 3 & 4 Edw. VI, c. 14, which reversed or partially reversed the attainders rendered by 2 & 3 Edw. VI, c. 17, and 2 & 3 Edw. VI, c. 18, respectively.
41 29 Eliz. I, c. 3; emphasis added.
42 Supra, 37 Hen. VIII, c. 10.
43 11 Rich II, c. 1; 9 Hen. VI, c. 3; 29 Hen. VI, c. 1; 25 Hen. VIII, c. 12; 33 Hen. VIII, c. 21.
44 2 & 3 Edw. VI, c. 17; 2 & 3 Edw. VI, c. 18; 3 & 4 Edw. VI, c. 13; 3 & 4 Edw. VI, c. 14; 1 Mary I, c. 16; 13 Eliz. I, c. 16; 29 Eliz. I, c. 1; 35 Eliz. I, c. 5; 3 Jac. I, c. 2; 17 Car. II, c. 5; 1 Jac. II, c. 2; 8 Gul. III, c. 4; 8 Gul. III, c. 5; 13 Gul. III, c. 3; 1 Geo. I, st. 2, c. 16; 1 Geo. I, c. 17; 1 Geo. I, st. 2, c. 42; 1 Geo. I, st. 2, c. 53.
45 See, for instance, 13 Eliz. I, c. 16, in which the 57 other condemned individuals were named.
people. One of these later acts was the Jacobean statute that listed the names of those involved in a plot to invade England and in the Gunpowder Plot. This and other similar acts provided rosters not of protected parties, but of traitors.

Statutes increasingly named defamers, and they also increasingly maimed them. Under the medieval statutes of *scandalum magnatum*, which were concerned with protecting noble reputations, defamers were dispatched with quickly and quietly. According to the original 1275 statute, any “[Devisors] of Tales” who might have caused discord to arise “between the King and his People, or Great Men of [the] Realm” were to be “taken and kept in Prison” until brought to court. The Ricardian re-enactments a century later confirmed the original punishment scheme. By contrast, the Marian and Elizabethan incarnations—although by definition still concerned with safeguarding noble reputations—did not shut offenders up in prison. Instead,

alongside Charles, earl of Westmoreland; 29 Eliz. I, c. 1, in which Thomas, Lord Paget and thirteen others were named; 3 Jac. I, c. 2, which named Guy Fawkes and eighteen others involved in the Gunpowder Plot as well as those planning an invasion of England; 17 Car. II, c. 5, which named Thomas Doleman, Joseph Bampfield, and Thomas Scot; 8 Gul. III, c. 5, which attainted Sir George Barclay and ten others of “the Persons concerned in the late horrid Conspiracy to assassinate His Majesty’s Royal Person”; and 1 Geo. I, c. 42, which attainted George Keith, earl of Marischal, William Mackenzie, earl of Seaforth, James Carnegie, earl of Southesk, James Maule, earl of Panmure, and forty-five others.

Within this total, two cases were the subjects of two acts each. Sirs William Sharington and Thomas Seymour were attainted by 2 & 3 Edw. VI, c. 17 and 2 & 3 Edw. VI, c. 18, respectively. Sharington was pardoned by 3 & 4 Edw. VI, c. 13, and Mary Seymour, the heir of Thomas Seymour, was restored in blood but not lands by the terms of 3 & 4 Edw. VI, c. 14.

The first re-enactment, from 1378, noted that an offender “shall incur and have the Pain another time ordained…by the Statute of Westminster the First [the 1275 statute]…that he be taken and imprisoned.” 2 Ric. II, st. 1, c. 5. The second re-enactment, from a decade later, also confirmed the punishment of imprisonment, adding to it that “when any such [defamer] is taken and imprisoned, and cannot [find him by whom the Speech be moved,]…that he be punished by the Advice of the Council, notwithstanding the said Statutes.” 12 Ric. II, c. 11.

The 1554 re-enactment of 3 Edw. I, c. 34, and 2 Ric. II, st. 1, c. 5 altered only the punishments meted out by the earlier statutes. 1 & 2 Phil. & Mary, c. 3. The 1558 re-enactment extended the 1554 re-enactment to “the Queen that now is, and to the Heirs of her Body.” 1 Eliz. I, c. 6.
they literally marked and thereby drew attention to defamers. For instance, the Marian Act
against Seditious Words and Rumors, later extended to Elizabeth and her issue, established that
those who maliciously uttered seditious slanders against the monarch were to be pilloried and
lose their ears, or pay the considerable sum of £100 and undergo three months’ imprisonment.\footnote{£100 in 1550 would have had the spending worth of about £20,051 in today’s money.
Those who wrote against the monarch were to have their right hands severed.\footnote{1 & 2 Phil. & Mar., c. 3. The Marian act was twice continued during Mary’s reign; see 2 & 3 Phil. & Mar., c. 21, and 4 & 5 Phil. & Mar., c. 9. The extension to Elizabeth and her issue was provided for in 1 Eliz. I, c. 6.}

The latter penalty was famously carried out when, in 1579, John Stubbe and William
Page lost their right hands as punishment for the publication of *The Discoverie of a Gaping Gulf*,
a pamphlet written in opposition to the prospective match between Elizabeth and the French
duke of Anjou. By punishing Stubbe so memorably, the queen and her council conferred him an
infamy that he may not otherwise have achieved. Camden memorialized the punishment

A century and a half later, Swift and Delarivier Manley recalled Stubbe’s fate in *A Modest Inquiry into the Reasons of the Joy…of Her Majesty’s Death* (1713/4).\footnote{For accounts that attribute authorship to Delarivier Manley under Swift’s direction, see *The Works of Jonathan Swift, D. D.*, 19 vols., vol. 6, ed. Walter Scott (Edinburgh: printed for Archibald Constable and Co., 1814), 437; Jonathan Swift, *A Supplement to Dr. Swift’s works, Being the Fourteenth in the Collection* (London: printed for J. Nichols and sold by H. Payne and N. Conant, 1779), 270. Manley and Swift thus described the episode: “This excellent queen [Elizabeth] was sometimes, indeed, attacked with pamphlets: particularly by one, entitled, ‘The Gulf wherein England will be swallowed by the French Marriage:’ for which, Stubs and Page, (the one the author, the other the disperser,) lost each their right hand. And, to show that men in those days had both a sense of their duty and their guilt, when Stubs had his right hand cut off, he...
Stubbe’s ensured that its legacy would too. Even in the early 1700s, Stubbe remained as defamed a defamer as he had been in his own day.

Elizabeth also promoted “catch-all felony statutes” whose punishments marred the reputations of defamers and made them publicly identifiable as wrongdoers.\(^{55}\) A 1581 act, noting that “there ys not sufficient and condigne Punishment provided for to suppresse the Malice of suche as be evell affected towards her Highenes,” dictated that the penalty for devising and speaking seditious rumors against the queen was, for the first offense,\(^ {56}\) pillory and the loss of both ears (or six months’ imprisonment and the exorbitant fine of £200). The penalty for reporting slanderous tales against the queen was pillory and the loss of one ear (or three months’ imprisonment and a fine of 200 marks).\(^ {57}\) Once again, those who exchanged offensive information would find the needed physical apparatuses permanently disabled: one could not write without a hand, and (at least symbolically) one could not converse without ears. Furthermore, according to that 1581 act, the printing, writing, or publication of any seditious book that did not qualify as treason under the 1351/2 Edwardian statute was deemed a felony with the requisite punishments of death and forfeiture.\(^ {58}\)

Many of these statutes remained relevant during the Scriblerians’ age and beyond. Prosecutors could often choose among several enduring statutes when they charged defendants...
with defamation. For instance, in 1557 a yeoman of the guard named William Oldenall\textsuperscript{59} was indicted “for horrible and slanderous words spoken of the queen [Mary]” under the first statute of *scandalum magnatum* from the year 1275—rather than, say, under the more-recent Marian Act against Seditious Words and Rumors.\textsuperscript{60} As late as 1773, the earl of Sandwich received £3,000 in a civil action upon *scandalum magnatum* against the publisher of the *Evening Post*, who had accused Sandwich of having sold naval offices.\textsuperscript{61} The original Edwardian and Ricardian *scandalum magnatum* acts were not repealed until the Statute Law Revision Act of 1887;\textsuperscript{62} and the Marian and Elizabethan re-enactments were repealed only slightly earlier, in 1863.\textsuperscript{63} The

\textsuperscript{59} Or Oldnoll. The name is listed as William Oldenall in John Roche Dasent, ed., *Acts of the Privy Council of England*, vol. 6 (London: printed for Her Majesty’s Stationery Office by Eyre and Spottiswoode, 1893), 139.

\textsuperscript{60} 1 & 2 Phil. & Mar., c. 3. The thirteenth-century act, rather than more recent incarnations, had been applied because it explicitly extended to the monarch, who was “an excepted person,” and also possibly because of a delay in prosecution that had led to an expiration of the statute of limitations for the Marian re-enactment. While the act confirmed the earlier statutes of *scandalum magnatum* (3 Edw. I, c. 34; 2 Ric. II, st. 1, c. 5; and 12 Ric. II, c. 11), it also imposed a three-month limitation for conviction. 1 & 2 Phil. & Mar., c. 3. Evidently, Oldenall’s conviction did not follow in sufficiently swift succession to the alleged crime; according to Dyer’s *Reports*, Oldenall had not been punished under the Marian act “because the time is past, &c.” James Dyer, ed., *Reports of Cases in the Reigns of Hen. VIII. Edw. VI. Q. Mary, and Q. Eliz. Taken and Collected by Sir James Dyer*, vol. 2 (London: sold by J. Butterworth, 1794), 155a. A 1623/4 act exempted offenses under *scandalum magnatum* from a statute of limitations for actions upon the cases of words. 21 Jac. I, c. 16. In *William Viscount Say and Seal v. Stephens*, it was determined that “*scandalum magnatum* was out of the statute of 21 Jac. I[,] c. 16 of Limitation of Actions upon the Case, and out of the statute of 27 Eliz. [I,] c. 8 of Errors in the Exchequer Chamber, because not mentioned, although it be included in the words, ‘actions upon the case.’” *Reports of Sir George Croke, Knight*, ed. and trans. Sir Harbottle Grimston, 4\textsuperscript{th} ed., corrected by Thomas Leach (Dublin: printed for E. Lynch, et al., 1793), 535. Additionally, it was held that “the King is not included in the words ‘great men of the realm,’ as the [1275] statute begins with an enumeration of persons of an inferior rank, as prelates, dukes, &c.” In 76 Eng. Rep. 877; 4 Co. Rep. 12b.


\textsuperscript{63} *Chronological Table of the Statutes Covering the Period from 1235 to the End of 1972*
treason act of 1351/2 still stands, although it has undergone several amendments.\textsuperscript{64} The act that expressly condemned Elizabeth Barton was not repealed until 1948.\textsuperscript{65} And the Jacobean act that attainted Guy Fawkes and his co-conspirators in the Gunpowder Plot still stands in its entirety, having permanently corrupted the reputations of those named therein.\textsuperscript{66}

The Scriblerians would have perceived the increasingly defamer-centric shift in legal emphasis because it belonged as much to their history as to their present age. During their lifetimes, they witnessed a sharp rise in the number of prosecutions for defamation. They even saw their printers arrested. Defamers were not merely increasingly prominent when they were prosecuted; they were also more prominently prosecuted. So too were others involved in the release of problematic texts. As the state prosecuted growing numbers of defamers, it also endeavored to encourage the publication of loyal (or at least benign) texts by issuing licenses. When writers and printers failed to comply with licensing regulations, they too were prosecuted. By Elizabeth’s reign, the penalties for issuing unlicensed texts included whipping, pillorying, imprisonment, mutilation, or even death.\textsuperscript{67} As these punishments suggest, printed texts that had not received official approval were treated as defamatory, inasmuch as their producers were sometimes dealt with as defamers would have been—regardless of whether the texts in question, had they not bypassed censors, would have been suppressed by them. Unlicensed thus became akin to libelous—and prosecuted like it too.\textsuperscript{68} When licensing finally lapsed at the end of the

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\textsuperscript{64} Ibid., 21.
\textsuperscript{65} Ibid., 43.
\textsuperscript{66} Ibid., 63.
\textsuperscript{68} Hamburger has argued that—in part because of the ambiguity of the term libel—numerous seventeenth-century trials punished so-called “seditious libels” that actually amounted to unlicensed rather than defamatory texts. Hamburger, “Development of the Law of Seditious Libel,” 664, 672–3, 696, passim.
seventeenth century, post-publication libel prosecutions became the most expedient (and the most common) means of controlling the press.69

The breadth of the term *libel* exacerbated the apparent threat of defamation punishment prospects. The word could comprehend an unlicensed text, a defamatory text, or, merely, a text.70

The expansion of libel law was, like the earlier development of *scandalum magnatum*, meant in part to prevent unrest.71 The precedential case of common-law libel, *De Libellis Famosis* (1605), defined libels as defamatory expressions against private persons, magistrates, or public persons, either *in scriptis* or *sine scriptis*.72 Coke argued that individuals who had been wronged were


70 See the *OED*, s. v. “Libel, n.” In the early seventeenth century, the attorney general Sir Edward Coke and the barrister William Hudson endeavored to distinguish between texts critical of the government and those that defamed individuals, insisting that legally the term *libel* encompassed only private defamations (of magistrates or of commoners), in contrast to those public defamations prohibited by the statutes of *scandalum magnatum*. Hudson clarified the intended scope of the libels prosecuted during Coke’s tenure: “But it must not be understood of libels which touch the alteration of government; as, [‘]The Cat, the Rat, and Lovell the Dog, / Rule all England under a Hog;[‘] or the work of mr. [sic] Williams of the Temple, not long since executed at Charing Cross; but libels against the king’s person and nobles have been here examined.” William Hudson, “A Treatise on the Court of Star-Chamber,” in Francis Hargrave, ed., *Collectanea Juridica. Consisting of Tracts Relative to the Law and Constitution of England*, 2 vols., vol. 2 (London: printed for E. and R. Brooke, 1792), 100. Hudson’s clarification is noted, and the barrister’s 1621 treatise on the Star Chamber partially excerpted, in Hamburger, “Development of the Law of Seditious Libel,” 696.


72 77 Eng. Rep. 250; 5 Co. Rep. 125a. A hierarchy still remained, however. The defamation of a magistrate, Coke wrote, constituted “a greater offence [than that of a private man]; for it concern[ed] not only the breach of peace, but also the scandal of Government; for what greater scandal of Government can there be than to have corrupt or wicked magistrates to be appointed and constituted by the King to govern his subjects under him?” 77 Eng. Rep. 250; 5 Co. Rep. 125a; original emphasis. Coke’s characterization of the defamation of magistrates is also discussed in William Searle Holdsworth, *A History of English Law*, vol. 8 (London: Methuen & Co. Ltd., 1903–1938), 336. This sliding scale of standards figured even in the requirements concerning the treatment of unattributed libels: if someone found a libel composed against a private man, the finder could either burn it or deliver it to a magistrate; but if the libel involved a
duty-bound to complain “in an ordinary course of law.” They were not to seek revenge “either by the odious course of libelling, or otherwise,” since

he who kills a man with his sword in a fight is a great offender, but he is a greater offender who poisons another; for in the one case, he who is openly assaulted, may defend himself, and knows his adversary, and may endeavour to prevent it: but poisoning may be done so secretly that none can defend himself against it: for which cause the offence is the more dangerous, because the offender cannot easily be known; and of such nature is libelling, it is secret, and robs a man of his good name, which ought to be more precious to him than his life, & difficilimum est invenire authorem in famatoræ scripturæ; and therefore when the offender is known, he ought to be severely punished.\(^73\)

As Coke’s analogy to poisoning suggests, the potential for a libel to be both anonymous and diffuse made it a particularly insidious threat to social harmony.

In the ensuing decades libel was elaborated at common law, thanks to a confluence of events, including but not limited to the decline of licensing and its ultimate lapse in 1695,\(^74\) the Treason Trials Act (1696),\(^75\) the statutory shift in focus from defamed parties to defamers, and the increase in punishments that themselves defamed offenders. The establishment of the civil side of *scandalum magnatum* may also have provided a basis for expanding common-law libel.\(^76\)

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\(^73\) 77 Eng. Rep. 250; 5 Coke 125a; original emphasis. The passage is also quoted (with minor variations) in Veeder, “History and Theory of the Law of Defamation,” 565. It was also (roughly) contemporarily repeated in John March, *March’s Actions for Slander, and Arbitrements* (London: printed for Elizabeth Walbank, 1674), 134.


\(^75\) This statute affirmed the right of the accused party to have counsel, then instituted the two-witness rule; it ultimately made convictions by treason increasingly difficult to obtain. Hamburger, “Development of the Law of Seditious Libel,” 722.

\(^76\) Plucknett, *Concise History of the Common Law*, 486–7. In certain cases, defamatory offenses could even be treated as both public and private wrongs. Writing in 1845 about historical abuses in the Post Office, W. M. Bathune noted that instances of a double liability “constantly occur; as
In some cases, alleged defamers themselves may have been responsible for broadening the libel laws meant to censor them. For instance, Swift characteristically took advantage of the ambiguity of *libel* when he issued his *Libel on Dr Delany and a Certain Great Lord* (1729/30),\(^{77}\) in which he insisted in the very title of the work that, far from venturing into the territory of *scandalum magnatum*, his was no more than a libel. Because of the ambiguities that *libel* comprehended, it could include unlicensed texts (until licensing lapsed in 1695), defamatory texts, even texts critical of the government,\(^{78}\) and—as far as Swift was concerned—any text that might otherwise have been implicated in a more serious crime.

As the roster of libelous offenses expanded, the media for their expression were narrowed. At the time of Coke’s writing in 1605, libels (written defamation) were distinguished from slanders (spoken defamation) insofar as the former tended to be criminal offenses, whereas the latter—provided that the offended party had incurred a temporal loss\(^ {79} \)—constituted civil

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\(^{78}\) Hamburger, “Development of the Law of Seditious Libel,” 696–7, 700–1, 739–40, *passim*. Hamburger has also argued that the extension of seditious libel to encompass non-defamatory criticism enabled a rewriting of the historical background of libel law, such that precedents other than those concerning the libel of magistrates could be considered in determining punishments for problematic texts. Ibid., 741.

ones. During the course of the seventeenth century, an increasingly sharp distinction emerged between written and spoken defamation. The two types of defamation had distinct rules for pleading, including a standard that veracity could not be a defense for libels. Defamers—even honest ones—were to be punished for their criminal offenses. For the lesser civil offense of spoken defamation, by contrast, truth was a defense. A failure to convict could thus be seen as a confirmation of an alleged defamer’s words. This standard helped to limit the quantity of slander cases.

As the number of slander cases was reduced, libel cases became more numerous. By the late seventeenth century, written defamation began to be recognized as a civil (as well as a criminal) offense, so that non-political, non-criminal libels could be tried as torts. King v. Lake

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80 Holdsworth has written: “…it was not till after the Restoration, and under the influence of ideas derived from the criminal offense of libel, that the modern distinction between libel and slander was introduced.” Ibid., 398. By the end of the century in the case The King v. Bear (1699), Holt wrote: “The Essence of a Libel consists not in the infamous Matter; for if a Man speaks such Words, unless the Words be put in Writing, he is not guilty of a Libel. The Nature of a Libel consists in putting this infamous Matter into Writing.” State Law, 46.

81 This seems to have been first articulated in Holwood v. Want et al. (1601/2). State Law, 12. In the case Lake v. Hatton (1618), Coke wrote that a libel might be justified if its contents were true; but Popham denied that principle. Ibid., 25. 80 Eng. Rep. 398; Hobart, 252. By 1621, Hudson had declared that written defamation was “past any justification, for then [in cases of printed libel] the manner is examinable and not the matter.” Hudson, “Treatise on the Court of Star-Chamber,” 2:104. This source is also cited and quoted in Veeder, “History and Theory of the Law of Defamation,” 566; and it is cited (though not quoted) in Plucknett, Concise History of the Common Law, 490, n. 1. The principle of disregarding the truth of a libel is repeated in March, Actions for Slander (1674), 134.

82 It is not clear whether truth was a defense for scandalum magnatum. Plucknett has written that it was not. Plucknett, Concise History of the Common Law, 486. Others have suggested that truth may have been a defense for scandalum magnatum. See Hamburger, “Development of the Law of Seditious Libel,” 668; Hudson, “Treatise on the Court of Star-Chamber,” 2:104. Hudson is also cited and quoted in Veeder, “History and Theory of the Law of Defamation,” 566. See also Kropf, “Libel and Satire in the Eighteenth Century,” 156. The case Henry, Viscount Falkland v. Lord Mountnorris, Sir Arthur Savage, Walter Weldon, Esq., Philip Bushell, et al. (1631) suggests that truth might indeed have been a defense, but it did not yield a favorable verdict for the defendants. Reports of Cases in the Courts of Star Chamber and High Commission, 2–50, esp. 4.

83 Carr, “English Law of Defamation,” 393; Veeder, “History and Theory of the Law of
(1670) seems to have been the precedential instance of a libel-as-tort; and numerous subsequent cases confirmed the civil offense of written defamation. By the time the Scriblerians were actively writing and corresponding, libel had become a fixture of literary and political discourse; it was also both a subject and consequence of gossip.

Given the proliferation of prosecutable defamatory offenses, and in turn of corresponding legal remedies, Parliament endeavored to provide its own redress for quashing libelous publications. Anne requested that some measure be taken to “find a Remedy equal to the Mischief” that defamatory publications constituted, and on 17 January 1711/2 the House of Commons resolved that it would “take the most effectual Course to put a Stop to the publishing [of] those false and seditious Libels, which have exposed her Majesty’s Government to Danger and Reproach.” After a series of unsuccessful resolutions—including one requiring the registration of all printing presses—the Stamp Act (1712) was passed. Buried within that statute—as the one hundred thirteenth provision—was the infamous tax. Although initially the

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86 These are noted in Thomas, “Swift and the Stamp Act of 1712,” 259–60. According to William Cobbett, the earlier resolutions had been abandoned because “[s]ome members having, in the grand committee on ways and means, suggested a more effectual way for suppressing libels, viz. the laying a great duty on all news-papers and pamphlets.” William Cobbett, Cobbett’s Parliamentary History of England. From the Norman Conquest, in 1066, to the Year 1803, 36 vols., vol. 6 (London: printed by T. C. Hansard, published by R. Bagshaw, and sold by J. Budd, et al., 1806–20), 1125.
87 Half-sheets were to be taxed a half-penny for each printed copy, whole sheets a whole penny for each printed copy, and larger pamphlets two shillings per sheet for one printed copy. 10 Anne, c. 18.
act facilitated a decrease in libel prosecutions\textsuperscript{89}—presumably because it had discouraged the production of printed texts, libelous ones among them—the publishing and defamation industries soon recovered, thanks to a statutory loophole.\textsuperscript{90} Even when a 1724 act endeavored to close the loophole,\textsuperscript{91} libelous writers and their publishers carried on. The endurance of libelous texts could have been due to the fact that pamphlets continued to be taxed at a lower rate,\textsuperscript{92} or to increasing literacy rates and a demand for short and (relatively) inexpensive publications, or to the publication of newspapers in formats that minimized the impact of the tax,\textsuperscript{93} or to some combination of these factors. Whatever the reasons may have been, the perpetrators of defamation were often (at least) a step ahead of its enforcers. As it became easier to bring suits against offenders, it correspondingly became easier still to evade punishment for defamation. The law had numerous mechanisms for rendering defamers infamous: if only they could be caught.

\textsuperscript{89} Hamburger, “Development of the Law of Seditious Libel,” 751.
\textsuperscript{90} Publishers could issue, for instance, one-and-a-half-page “pamphlets.” For these they could pay a tax for every edition rather than every copy sold. This loophole is noted in numerous sources, including in Ibid.
\textsuperscript{91} The “Act for Continuing the Duties upon Malt, Mum, Cyder, and Perry” included a clarification in its thirteenth provision noting that “such Journals, Mercuries, and News-Papers, so printed on One Sheet and half-sheet of Paper, shall not for the Future be deemed or taken as Pamphlets, to be entred, and to pay only Three Shillings for each Impression thereof.” 11 Geo. I, c. 8.
\textsuperscript{93} E.g., on a folded half-sheet containing four pages of news. Lynne Oats and Pauline Sadler, “Political Suppression or Revenue Raising? Taxing Newspapers during the French Revolutionary War,” \textit{Accounting Historians Journal} 31, no. 1 (June 2004), 93–128: 99.
The Legacy of Defamation in the Eighteenth Century

For the Scriblerians, it did not necessarily matter whether defamers were caught, so long as the prospect of infamy remained. By the eighteenth century, the range of defamation regulations was staggering. Contemporary authors seem to have been aware that they were subject to centuries-old regulations as well as still-unfolding ones. Although the Scriblerians seem not to have earnestly feared the punishments for *scandalum magnatum*, as they professed, the prospect still figured in their writings. In the preface to *A Tale of a Tub* (1704), Swift contrasted the consequences of making common critiques with those of scandalously criticizing powerful figures:

Here, you may securely display your utmost *Rhetorick* against Mankind, in the Face of the World;…. But…whoever should mistake the Nature of things so far, as to drop but a single Hint in publick, …How *such a one*…pays no Debts but for *Wenches* and *Play*: How *such a one* has got a Clap, and runs out of his Estate: How *Paris* bribed by *Juno* and *Venus*, loath to offend either Party, slept out the whole Cause on the Bench:⁹⁴ Or, how *such an Orator* makes long speeches in the Senate, …to no Purpose. Whoever…should venture to be thus particular, must expect to be imprisoned for *Scandalum Magnatum*; to have *Challenges* sent him; to be sued for *Defamation*; and to be *brought before the Bar of the House*.⁹⁵

Swift reiterated the risks that authors assumed when they transgressed the statutes of *scandalum magnatum* in the ninth issue of *The Intelligencer* (1729), a weekly Dublin periodical that he issued together with his mentee and fellow pun enthusiast Thomas Sheridan.⁹⁶ First lamenting

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⁹⁴ The fifth edition provides the following note: “*Juno* and *Venus* are Money and a Mistress, very powerful Bribes to a Judge, if Scandal says true. I remember such Reflexions were cast about that time, but I cannot fix the Person intended here.” Jonathan Swift, *A Tale of a Tub. Written for the Universal Improvement of Mankind. To Which Is Added, an Account of a Battel between the Antient and Modern Books in St. James’s Library*, 5th ed. (London: printed for John Nutt, 1710), 29.
⁹⁶ Swift and Thomas Sheridan wrote *The Intelligencer* jointly; but Swift noted in a letter to Pope on 12 June 1732 that he had personally written the ninth issue. (“….the 1, 3, 5, 7, were mine. Of
that “Education is always the worse in Proportion to the Wealth and Grandeur of the Parents,” Swift purported to realize the trouble that the claim—which he nevertheless repeated—could bring him: “if, according to the Postulatum already laid down, the higher Quality any Youth is of, he is in greater Likelihood to be worse educated; it behoves [sic] me to dread, and keep far from the Verge of Scandalum Magnatum.” And so he “retract[ed]…that hazardous Postulatum.” Or so he claimed; he would “venture no further” indeed—except “to say, that perhaps some additional Care in educating the Sons of Nobility and principal Gentry, might not be ill employed.” Obviously, Swift did not “keep far from the Verge of Scandalum Magnatum”—not even within the very passage in which he professed his literary conservatism. Still, he kept both hands and both ears, stayed out of prison, and paid no fines for noble defamation: he kept as far from the verge as he needed to be. While mutilation seems to have been less frequent in the 1700s than in the centuries before, the statutes allowing it remained on the books, and fines in civil cases could be exorbitant. The threat was real, even if Swift exaggerated it.

Pope also wrote of the danger in which scandalum magnatum apparently put him. In an appendix to the Dunciad, he presented a “parallel of the characters of Mr Dryden and Mr Pope, as drawn by certain of their contemporaries.” Writing about Dryden, he noted that “[i]n the poem called Absalom and Achitophel are notoriously traduced, the King, the Queen, the Lords and

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the 8th I writ only the Verses (very uncorrect, but against a fellow [Joshua, viscount Allen] we all hated) the 9th mine, the 10th only the Verses, and of those not the four last slovenly lines; the 15th is a Pamphlet of mine printed before with Dr Sh–n’s Preface, merely for laziness not to disappoint the town; and so was the 19th, which contains only a parcel of facts relating purely to the miseries of Ireland, and wholly useless and unentertaining.”) Correspondence of Jonathan Swift, ed. Woolley, 3:489; see also 3:491, n. 3.  
98 For instance: “The Thrifty Sanhedrin [Parliament] shall keep him [the king] poor: / And every Sheckle which he can receive, / Shall cost a Limb of his Prerogative. / … / The next Successor, whom I fear and hate, / My Arts have made obnoxious to the State; Turn’d all his Virtues to his
Gentlemen, not only their honourable persons exposed, but the whole nation and its representatives notoriously libeled. It is *scandalum magnatum*, yea of majesty itself.” In comparing Dryden to himself, Pope detachedly wrote of his own purported strategy for avoiding statutory infringement: “In his [Pope’s] miscellanies, the persons abused are—the King, the Queen, his late Majesty, both Houses of Parliament, the Privy Council, the Bench of Bishops, the Established Church, the present Ministry, &c.” To make sense of some passages, they must be construed into royal scandal.”

John Gay too cited the statutes of *scandalum magnatum* in “The Ant in Office” (1727), a poem in which he suggested that the imperative of preserving honor sometimes trumped that of honest expression:

> I strike at vice, be’t where it will; 
> And what if great folks take it ill? 
> I hope corruption, bribery, pension, 
> One may with detestation mention; 
> Think you the law (let who will take it) 

**Overthrow, / And gain’d our Elders to pronounce a Foe. / His Right, for Sums of necessary Gold, / Shall first be Pawn’d, and afterwards be Sold: / Till time shall Ever-wanting David [Charles II] draw. / To pass your doubtful Title into Law: / If not; the People have a Right Supreme / To make their Kings; for Kings are made for them. / All Empire is no more than Pow’r in Trust: / Which when resum’d, can be no longer Just. / Succession, for the general Good design’d, / In its own wrong a Nation cannot bind…”** John Dryden, *Absalom and Achitophel*. A Poem to Which Is Added an Explanatory Key Neve[r] Printed Before (Dublin: printed by James Hoey and George Faulkner, 1727), 13–4. See also Christopher Ness, *A Key (With the Whip) to Open the Mystery [and] Iniquity of the Poem called Absalom & Achitophel: Shewing Its Scurrilous Reflections upon Both King and Kingdom* ([London]: published by Richard Janeway, 1682); *The Poetical Works of Alexander Pope*, vol. 2, ed. Rev. George Gilfillan (Edinburgh: James Nichol, 1856), 321, n. 5.


100. Here Pope was alluding to the *Compleat Collection*. That work features a roster of “all such Persons, whether dead or living, who are abused in the three Volumes lately published by Pope and Company.” The list includes the king, “ALMIGHTY GOD,” and others. *A Compleat Collection of All the Verses, Essays, Letters and Advertisements, Which Have Been Occasioned by the Publication of Three Volumes of Miscellanies, by Pope and Company* (London: printed for A. Moore [pseud.], 1728), 51–2; original emphasis.

Can *scandalum magnatum* make it;  
I vent no slander, owe no grudge,  
Nor of another’s conscience judge:  
At him or him I take no aim,  
Yet dare against all vice declaim.  
Shall I not censure breach of trust,  
Because knaves know themselves unjust?  
That steward whose account is clear,  
Demands his honour may appear:  
His actions never shun the light;  
He is, and would be prov’d upright.¹⁰²

To the extent that Gay’s own writing dishonored great men, it remained sufficiently indirect—critical as it was of “all vice” rather than of certain individuals—to spare its author from punishment. In her *Memoirs* (1748), the Scriblerian associate Laetitia Pilkington similarly evaded punishment by neglecting to identify her subject by name: “As I do not chuse to be guilty of *Scandalum magnatum*, if nobody can guess who I mean, I will fairly acknowledge myself to be as arrant a Dunce as any B—p or Parson in the World, and really that is speaking largely.”¹⁰³ For those in the Scriblerians’ circle, the avoidance of charges of *scandalum magnatum* became a kind of theater.

These writers were also aware that if they escaped punishment for defamation under the terms of the statutes of *scandalum magnatum*, they would not necessarily be so fortunate under treason or felony acts. In *The Publick Spirit of the Whigs* (1713/4), Swift demonstrated his familiarity with the criteria for high treason. Citing an advertisement for Richard Steele’s *The Crisis*, he noted that the original title had included a clause—“that no power on earth can bar, alter, or make void, the present settlement of the crown”—in violation of a contemporary statute,

which had made it high treason to affirm that monarchs, “with and by the authority of parliament, are not able to make laws…of sufficient force…to limit and bind the crown, and the descent, limitation, inheritance, and government thereof.”

Later, in the *Travels* (1726), Swift at once quoted and lampooned English treason laws. For the crime of urinating on the royal palace (to extinguish a fire), which was “liable to the pains and penalties of high treason,” the narrator suffered articles of impeachment against him. The articles described Gulliver’s crime in purposefully ludicrous—but legally familiar—terms: he had, allegedly, “maliciously, traitorously, and devilishly, by discharge of his Urine, put out the said Fire kindled in the said Apartment [of his Majesty’s most dear Imperial Consort], lying and being within the Precincts of the said Royal Palace; against the Statute in that Case provided.” In writing about this episode, Swift—maliciously, traitorously, and devilishly, it could be said—committed his own potentially criminal acts. He parodied the language of treason laws. By questioning the judgment of Gulliver’s emperor, he also implied that Anne had erred in her judgment of him. He may, too, have been criticizing George’s mistress, Melusine von der Schulenburg, whom the king had

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104 This text comes from “An Act for the Security of Her Majesties Person and Government and of the Succession to the Crown of Great Britain in the Protestant Line”: “…if any Person or Persons shall maliciously advisedly and directly by writing or printing maintain and affirm that…the Kings or Queens of this Realm with and by the Authority of Parliament are not able to make Laws and Statutes of sufficient Force and Validity to limit and bind the Crown and the Descent Limitation Inheritance and Government thereof every such Person or Persons shall be guilty of High Treason and being thereof lawfully convicted shall be adjudged Traytors and shall suffer Pains of Death and all Losses and Forfeitures as in Cases of High Treason.” 6 Anne, c. 41. *The Works of Dr. Jonathan Swift, Dean of St. Patrick’s, Dublin*, vol. 9, ed. John Hawkesworth (London: printed for T. Osborne et al., 1766), 34–5; original emphasis.


106 By characterizing Gulliver’s punishment as having resulted from the emperor’s misunderstanding, Swift implied that Anne (by analogy) had misinterpreted his objective—to expose corruption—in the *Tale of a Tub* (1704). Ronald Paulson, “Putting Out The Fire In Her Imperial Majesty’s Apartment: Opposition Politics, Anticlericalism, and Aesthetics,” *English Literary History* 63, no. 1 (1996), 79–107: 80–1.
made duchess of Munster in the Irish peerage in 1716 and duchess of Kendal in the British peerage in 1719. Swift’s less forgiving readers could even have interpreted Gulliver’s offending action literally: as a casting of waste upon the royal palace and the monarch it housed. And yet no physical waste was cast, and all ears were spared. Swift had skirted the laws that he knew so well.

In his *Epistle to Allen Lord Bathurst* (1733), Pope also provocatively (and potentially treasonously) alluded to the benefits that treason condemnations afforded the monarch: “The House impeach him; / Coningsby harangues; / The court forsake him, and Sir Balaam hangs: / Wife, son, and daughter, Satan! are thy own, / His wealth, yet dearer, forfeit to the crown: / The devil and the king divide the prize, / And sad Sir Balaam curses God and dies.” That same year, in *The First Satire of the Second Book of Horace Imitated* (1733), Pope expressed, through the barrister William Fortescue, the statutory dangers that his writings placed him under: “…still I say, beware! / Laws are explained by men—so have a care. / It stands on record, that in Richard’s times / A man was hanged for very honest rhymes. / Consult the statute: *quart.* I think, it is, / *Edwardi sext.* Or *prim. et quint. Eliz.*” Pope would have known the terms of the statutes

109 Alexander Pope, *Horace Imitated: Satire I of Book II*, in *The Major Works*, ed. Pat Rogers (New York: Oxford University Press, 2006), 269, lines 143–8. The statutes to which Pope alluded may have been 3 & 4 Edw. VI, c. 5, which declared it high treason for twelve or more people, assembled together, to attempt to kill or imprison any of the king’s council, or to alter any laws, etc.; 1 Eliz. I, c. 5, which declared it high treason to compass or imagine to deprive the monarch or her heirs of the crown, or possibly 1 Eliz. I, c. 6, which confirmed the Marian act of *scandalum magnatum*; and 5 Eliz. I, c. 1, which declared that anyone who recognized the authority of Rome by writing, ciphering, printing, preaching, or teaching was to be attainted and incur the penalties of 16 Ric. II, c. 5. A nineteenth-century edition of *Notes and Queries* has suggested that the lines in Pope’s poem were meant to read “…*prim.* I think it is, / *Edwardi sext.* Or *quart. et quint. Eliz.*”: that is, 1 Edw. VI and 4 & 5 Eliz. *Notes and Queries: A Medium of Intercommunication*, 4th series, vol. 11 (London: John Francis, Jan.–June 1873), 69. Given this
he threatened to violate, and he suggested that other prospective defamers ought to be similarly armed with legal understanding. Sheridan certainly was, as a comment in the twelfth issue of *The Intelligencer* (1729) suggests: “That Ministers, by Kings appointed, / Are, under them, the Lord’s anointed; / Ergo, it is the selfsame Thing, / T’oppose the Minister or King; / Ergo, by Consequence of Reason, / To censure Statesmen is High Treason.”\(^{110}\) The Scriblerians and their close associates took care to learn precisely what treason was—and what it was not.

They knew the terms of defamation laws not just from books, but from personal experience. Treading so close to the line of punishable defamation, the Scriblerians and their associates were bound at some point to cross it. *The Publick Spirit of the Whigs* (1713/4) and later the *Drapier’s Letters* (1724/5) elicited proclamations offering rewards of £300 for the discovery of their authors (in both cases, Swift).\(^{111}\) Swift nevertheless emerged unscathed from these episodes. It was often the printers of defamatory works who, as Swift astutely observed, ventured their ears in earning their livelihoods. In the *Dunciad* (1728), Pope lampooned the frequency with which printers risked safety for profit: “[Printers] would forthwith publish slanders unpunished, the authors being anonymous, and skulking under the wings of publishers, new reading, the first statute in question may have been 1 Edw. VI, c. 12, which held, *inter alia*, that it was punishable openly to publish or say that anyone other than the king and his heirs or successors ought to be the king, or to write or print that the king was not the supreme head of the Church of England. The second statute, however, seems not to exist, as there are no documented statutes from the year 4 & 5 Eliz. I. Hence the poem, as printed, seems to indicate the statutes that Pope likely intended. It is also possible that Pope was not alluding to specific statutes, but rather to the existence of prohibitive statutes generally.

\(^{110}\) Jonathan Swift, *The Intelligencer* (London: reprinted and sold by A. Moor [pseud.], 1729), 128. It seems that Sheridan indeed wrote the quoted lines, as Swift did not take credit for them in his letter to Pope dated 12 June 1732. *Correspondence of Jonathan Swift*, ed. Woolley, 3:489. 

a set of men who never scrupled to vend either calumny or blasphemy, as long as the town would call for it.”\textsuperscript{112} Call for it the town did, and the Scriblerians were happy to oblige. But they took care, whenever possible, to protect themselves— and to a lesser extent, their booksellers and printers—from punishment. They became masters of purporting to conceal their intended targets, a trope that became one of their trademarks.

Beyond their cultivated expertise, the Scriblerians knew about defamation punishments because they were surrounded by examples of scandalous publications and the punishment spectacles that sometimes ensued.\textsuperscript{113} Beginning in the latter half of the sixteenth century—at a time when punishments for defamation began to claim the appendages of and thus permanently mark defamers—punishments were also more frequently administered than ever before. The historian John Lassiter has shown that in \textit{scandalum magnatum} cases from the 1580s on, the courts tended to favor plaintiffs, a trend that peaked in the reign of Charles II, reversing only after 1688.\textsuperscript{114} Swift and Arbuthnot, the oldest among the Scriblerians, would have grown up amidst punishments for the defamation of great men. James Butler, the (first) duke of Ormond (whose grandson and successor would later face impeachment for treason and exile to France for his Jacobite engagements) was in 1683 awarded the astonishing sum of £10,000 in a civil case of \textit{scandalum magnatum} against William Hatherington over the latter’s accusations of popery, conspiracy, and high treason.\textsuperscript{115} Had the case been criminal, Hatherington’s fate might have been

\textsuperscript{113} Bolingbroke and Oxford were both charged with treason, as well, though not for defamatory writings. Both were ultimately exonerated.
\textsuperscript{114} Lassiter, “Defamation of Peers” 219, and n. 11.
much worse. Even after the trend of favoritism toward plaintiffs reversed, neither prosecutions nor adjudications of guilt in *scandalum magnatum* cases ceased. Nor did those for treason and other capital offenses whose punishments were purposefully staged as public spectacles.\(^{116}\)

Moreover, prosecutions for seditious libel, which had been infrequent during the seventeenth century (when licensing was still in force), became increasingly common during the eighteenth century. From 1702 to 1760 there were at least 115 indictments and informations for seditious libel filed in king’s bench alone.\(^{117}\)

The ongoing reminders of punishment prospects highlight a paradox in the regulation of defamation regulation. On the one hand, it was expressly illegal even to contemplate the undoing of the monarch or, more broadly, of the realm.\(^{118}\) On the other hand, upon being confronted with

\(^{116}\) Between 1749 and 1771 at the Old Bailey, London, 1,121 people were condemned. Of these, 678 were executed and 443 pardoned. John Howard, *The State of the Prisons in England and Wales* (Warrington: William Eyres, 1777), 482. For a description of treason punishments, which were characteristically “solemn and terrible,” see Oscar Sherwin, “Crime and Punishment in England of the Eighteenth Century,” *American Journal of Economics and Sociology* 5, no. 2 (Jan. 1946), 169–99: 183. The documentation of gruesome punishments enabled even audiences not present at a given spectacle to envision it. For instance, the *Gentleman’s Magazine* graphically described the 24 August 1782 execution of David Tyrie, which it characterized as “a savage process, the bare relation of which is shocking to humanity.” “Historical Chronicle,” *Gentleman’s Magazine*, vol. 52, August 1782, 404–5. The *Gentleman’s Magazine* passage is also cited and partially quoted in Sherwin, “Crime and Punishment,” 183.

\(^{117}\) There were trials at Old Bailey, too. Hamburger, “Development of the Law of Seditious Libel,” 724–5.

\(^{118}\) 25 Edw. III, stat. 5, c. 2 had defined treason as occurring (though not exclusively) “[w]hen a Man doth compass or imagine the Death of our Lord the King, or of our Lady his [Queen] or of their eldest Son and Heir.” 1 & 2 Phil. & Mar., c. 10 similarly defined treason as occurring (not exclusively) when “any p[er]son or p[er]sons...compasse or imagine the Deathe of the Kings Majesty that now is.” 13 Eliz. I, c. 1 defined treason as occurring (not exclusively) when “any person or persons whatsoever...shall w[i]thin the Realme or w[i]thoute, compasse imagyn invent devyse or intend the Death or Destruc[ti]on or any bodily harme tending to Death Destruc[ti]on Mayme or Wounding of the Royall P[er]son of the same our Sov[er]aigne Ladye Queene Elizabeth.” 13 Car. II, st. 1, c. 1 later defined treason as occurring when “any p[er]son or p[er]sons whatsoever...compass imagine invent devise or intend death or destruc[ti]on or any
a pilloried defamer, a handless writer, or even a defamation statute, it was virtually impossible not to contemplate, if just momentarily, either eventuality. One could not legally print or proclaim defamatory statements against public figures. Yet the perpetration of subsequent fraud by a traitor had to appear openly before the public, often in print. Treason was a crime, but so too was its concealment. Traitors were to be publicly defamed, even if the very act of their defamation caused others to commit a treasonous act by imagining or speaking of the potential for harm to come to the monarch. The law further dictated that once offenders had been deemed traitors, no one under any circumstances could reverse their convictions. (A few lucky ones did, nevertheless, secure pardons.) Most defamers found themselves irreversibly defamed: physically disfigured or perpetually scorned, never to realize regeneration or redemption. When the Scriblerians reminded their readers of the risks associated with defamation, these were the consequences they invoked.

If they or their contemporaries wanted to learn about defamation law—whether from curiosity or anxiety—there were numerous texts available on the subject. In his popular *Cyclopædia* (1728), Ephraim Chambers included an entry for “libel,” much of whose contents he drew verbatim (and without attribution) from Coke.¹¹⁹ That entry distinguished between written and spoken defamation; emphasized the particular offense that reproaches against superiors or governors constituted; and even enumerated contemporary English punishment schemes: “putting the Criminal on the Pillory, Whipping, &c.”¹²⁰ There is evidence that Swift was at least familiar with Chambers’s work, and that Pope and Gay read it in part or whole.¹²¹

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¹¹⁹ 77 Eng. Rep. 250; 5 Co. Rep. 125a. He introduced *De Libellis Famosis* not by the case name, but with the vague attribution, “The Lawyers say…”

¹²⁰ Ephraim Chambers, *Cyclopædia: Or, An Universal Dictionary of Arts and Sciences*, 2 vols.,
Pierre Bayle similarly included a “Dissertation concerning Defamatory Libels” (punishment of which he supported) in his *Dictionary Historical and Critical* (published in English in 1709 and again in 1734–41). The “Dissertation,” an historical account of the origins of defamatory libels, traced the treatment of defamatory libels as crimes of high treason to the Emperor Augustus, whose presence in Bayle’s own age continued to loom large. (Dryden earlier noted that origin as well.) Addison in turn cited Bayle on libels in the *Spectator*, no. 451 (7 August 1712). Bayle’s *Dictionary* would likely have been familiar to Swift, who was a correspondent of Addison and who was also personally named at least once in a later edition of the *Cyclopædia*, see the fourth chapter.

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121 For a discussion of the Scriblerians’ engagements with the *Cyclopædia*, see the fourth chapter.
123 In Kropf, “Libel and Satire in the Eighteenth Century,” 154. Dryden wrote: “But Augustus, who was conscious to himself, of so many Crimes which he had committed, thought in the first place to provide for his own Reputation, by making an Edict against Lampoons and Satires, and the Authors of those defamatory Writings, which my Author Tacitus, from the Law-Term, calls famosos libellos.” John Dryden, “A Discourse Concerning the Original and Progress of Satire,” from *The Satires of Decimus Junius Juvenalis: Translated into English Verse by Mr. Dryden and Several Other Eminent Hands* (1693), ed. Jack Lynch, paragraph 93 http://ethnicity.rutgers.edu/~jlynch/Texts/drydendiscourse2.html; italics in original.
the work.\textsuperscript{125} The \textit{Dictionary} made its way into Thomas Sheridan’s library,\textsuperscript{126} and others in the Scriblerians’ extended circle may have had access to and read it as well.

Contemporary handbooks also detailed the history of defamation law and provided numerous examples of relevant cases. Judging by their rates of re-release, these guides must have garnered reliable readerships. Books that might have been accessible to the Scriblerians include March’s \textit{Actions for Slauder}, first published in 1647 and successively re-released and expanded in 1648, 1649, 1655, and posthumously in 1674. Sheppard’s \textit{Actions upon the Case for Slander} was published in 1662 and re-released in 1674. The unattributed \textit{Doctrine of Libels Discussed and Examined} was issued in 1728 and again c. 1730.\textsuperscript{127} And so forth. In Swift’s own library were Hale’s \textit{History of the Common Law of England} (1713), Charles Leigh’s \textit{Philologickal Commentary…of the Most Obvious and Usefull Words in the Law} (1652), and a number of other legal texts.\textsuperscript{128} Literate individuals who—like the Scriblerians—were interested in understanding the most recent developments in common-law libel would likely have had access to several relevant texts, and perhaps opportunities to learn from direct or indirect experience as well.

\textbf{Libel Law in the Making}

For all that the Scriblerians and their contemporaries knew and could learn about defamation law, there remained a great deal that they could not know. (It was, after all, still unfolding.) Although well documented and publicized, the law of libel was far from consistent. Given that the term \textit{libel} comprehended ambiguities, it is perhaps unsurprising that libel cases


\textsuperscript{126} Passmann and Vienken, \textit{Library and Reading of Jonathan Swift}, 4:223.

\textsuperscript{127} The publication details of the various editions of all three texts are listed in the \textit{ESTC}. Kropf cites the March and Sheppard handbooks as having been available to contemporaries. Kropf, “Libel and Satire in the Eighteenth Century,” 153.

\textsuperscript{128} Passmann and Vienken, \textit{Library and Reading of Jonathan Swift}, 2:783, 1065.
inspired semantic wrangling, and that expressions of apparently similar sentiments could result in distinct legal liabilities. For instance, it was actionable to impute a crime (e.g., to call someone a thief), to which the jurisdiction of a court could attach; but it was not actionable to imply a crime (e.g., to call someone a thievish knave), as courts had no jurisdiction over presumed or potential crimes. Similarly, it was actionable to impute that someone had leprosy, syphilis, or the plague, since historically those with such ailments could be deemed legally dead (and hence lose the privileges of citizenship) or forcibly removed to sick-houses. Since other ailments were not as legally consequential, imputations of sundry afflictions may have been impertinent, but they were not actionable. For the Scriblerians to write suggestively, they had to master these standards—and then keep abreast of new precedents and reversals.

In the semantic space between French pox and smallpox, or thief and thievish knave, lines had to be drawn between words criminal and those merely unkind. What if a potential defamer referred only to pox, without specifying the variety? To thievishness without specifying a theft? Could the courts punish every person who wrote or spoke ill of another? For practical reasons alone, they could not: even by the end of Elizabeth’s reign, the number of cases for civil defamation had become so numerous that steps had to be taken to discourage potentially frivolous actions. One suit-limiting interpretive standard held that an innuendo had to have a clear antecedent and could not itself be used to identify its referent. Another entailed

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129 This example is given in Veeder, “History and Theory of the Law of Defamation,” 560, n. 1.
130 These examples are in Ibid.
131 Kropf, “Libel and Satire in the Eighteenth Century,” 159. For instance, in Johnson v. Sir John Aylmer (1606), it was held that “[i]n slander, an innuendo in the recital of the words, that a particular name means the plaintiff, is not sufficiently certain; the declaration must expressly allledge [sic] that they were spoken of him.” 79 Eng. Rep. 109; Cro. Jac. 126. Of this interpretive standard, March wrote: “The office of an [innuendo] is onely to containe and designe the same person, which was named in certaine before: as thus, two are speaking together of B. and one of them saith, hee is a Thiefe; there B. in his Count may shew that there was a speech of him.
interpreting ambiguous words mildly, thus giving defendants interpretive advantages and
discouraging prospective plaintiffs from seeking legal redress for alleged defamation. The
principle of *mitior sensus*, formally established in *Stanhope v. Blith* (1585),\(^{132}\) held that
ambiguous terms or innuendoes had to be interpreted in the more lenient sense.\(^{133}\) Even Coke

*Defamation: Libel and Slander* (Westport, CT: Meckler Corporation, 1990), 152. Kupferman
also cites *The Lord Cromwell’s Case* (1578–81) as the first in which the doctrine was utilized.
Ibid.; see 76 Eng. Rep. 877; 4 Co. Rep. 12b. For other judgments that applied this standard, see
Co. Rep. 20a; and 81 Eng Rep. 64; 3 Bulstrode, 74; and 26 Eng. Rep. 683; 2 Atk. 469. *Baxter* in
1685 (the finding against Baxter notwithstanding) confirmed that references to individuals by
innuendo had to be sufficiently descriptive or explicit such that no other referent could
reasonably have been intended. *Baxter* is cited in Hamburger, “Development of the Law of
Seditious Libel and the Control of the Press,” 701. See also *The King v. Baxter*; 87 Eng. Rep. 44;
3 Mod. 69.

\(^{133}\) Sheppard explained how the *mitior sensus* principle might have figured in a case: “…if the
words will bear a good, and a bad sense, or a worse, and a better sense: if there be nothing in the
Case by that which is said with them, and before, or after them, to guide them more to the
worser, than to the better sense, they shall be alwaies taken in the better, and not in the worser
sense, and so not be liable to Action. For in this the Rule is, *verba sunt accipienda in mitiori*
*sensu*. And again, *Benignior sensus in generalibus & dubiis preferendus.*” William Sheppard,
*Actions upon the Case for Slander or A Methodical Collection under Certain Heads, of
Thousands of Cases Dispersed in the Many Great Volumes of the Law, of What Words Are
Actionable, and What Not* (London: printed for Ch. Adams, J. Starkey, and T. Basset, 1662), 9–
10; italics added. Sheppard went on to describe examples of the application of this principle: “It
is therefore agreed, That no Action will lye, for saying of a man, Hee did burn my Barn, for it
may be a Barn without Corn; Nor for saying, Hee hath the Pox; for it may be the ordinary, not
the French-Pox; Nor for saying, Thou art a Coyner of Gold; for it may be his Trade, and he may
do it by authority; ...And no Invendo in any of these Cases will make any such like words that in
themselves are not actionable to bee actionable. And yet if in this Case, the Common, Ordinary,
and Violent sense of the Words in the Import thereof be the worse sense; and there bee no other
words spoken with them to turn their sense the other way, there they may be taken in the worser
sense, and liable to Action…” Ibid., 10. This is partially quoted (though from a different edition)
later characterized it as an obstruction to litigation.\textsuperscript{134}

It was an obstruction, that is, when it was applied. Inconsistent application of the principle meant that the more benign meaning of allegedly defamatory remarks did not always prevail in court. Whereas in the Culliford case (1619), “pockey whore” had been interpreted leniently,\textsuperscript{135} in \textit{Clifton v. Wells} (1702) those same words resulted in a judgment for the plaintiff.\textsuperscript{136} And so, the \textit{mitior sensus} principle applied: except for when it did not. Even as one defendant was exonerated for accusing a plaintiff of having “struck his cook on the head with a cleaver”—on the technicality that a cleaved head merely suggested but did not aver an ensuing death\textsuperscript{137}—contemporary courts “were finding words actionable on the basis of their ‘common intendment,’ aware of, but not applying, the doctrine of \textit{in mitiori sensu}.”\textsuperscript{138}

\textsuperscript{134} Regarding the case \textit{Crofts v. Brown} (1616), he wrote: “We will not give more favour unto actions upon the case for words, than of necessity we ought to do...these actions being now too frequent, but they were not so in former times, for from 1 E[dw]. 3 [1327] unto 5 E[dw]. 3 [1332] there are not three actions upon the case for scandalous words.” 81 Eng. Rep. 141; 3 Bulstrode 167. This case is also cited and partially excerpted by Veeder, who has pointed to “the large amount of litigation” as having contributed to the apparent relaxation of interpretive standards. Veeder, “History and Theory of the Law of Defamation,” 546–73: 558–9. The \textit{mitior sensus} principle could also obviate consideration of whether the plaintiff had suffered damage. Holdsworth, “Defamation as a Tort,” 405, and n. 5.

\textsuperscript{135} Judgment for the plaintiff was stayed because the defendant’s words—“Thou art Luscombs hackney, a pockey whore, and a thievish whore, and I will prove thee to be so”—were to be taken \textit{in mitiori sensu}. 78 Eng. Rep. 162; Godbolt, 278; entire quotation of alleged slander de-emphasized.


\textsuperscript{137} Thus was the outcome of \textit{Holt v. Astrigg} (1607), tried at king’s bench. 79 Eng. Rep. 161; Cro. Jac. 184. This case has typically been cited as an instance of the extremes to which the \textit{mitior sensus} doctrine might have been taken; see, for instance, Plucknett, \textit{Concise History of the Common Law}, 495, n. 3; Holdsworth, “Defamation as a Tort,” 412; and Reynolds, “Libels and Satires,” 475.

\textsuperscript{138} Reynolds, “Libels and Satires,” 475.
By the first quarter of the eighteenth century, the standard of natural import had largely replaced that of lenient interpretation. In *Harrison v. Thornborough* (1714), the court, finding for the plaintiff, cited the decline in judgments based on the *mitior sensus* principle:

In this kind of action for words…the Courts did at first…discountenance them…when the words were capable of two constructions, the Court always took them *mitior sensu*. But latterly these actions have been more discountenanced; for men’s tongues growing more virulent, and irreparable damage arising from words, it has been by experience found, that unless men can get satisfaction by law, they will be apt to take it themselves. The rule therefore that has now prevailed is, that words are to be taken in that sense that is most natural and obvious, and in which those to whom they are spoken will be sure to understand them.\(^{139}\)

Eight years later, in *Button v. Heyward and His Wife* (1722), Justice Sir John Fortescue wrote:

“The maxim for expounding words *in mitior sensu* has for a great while been exploded, near fifty or sixty years; whenever words are disreputable they are actionable. It was the rule of Holt, Chief Justice, to make words actionable whenever they sound to the disreputation of the person to whom they were spoken; and this was also Hale’s and Twiden’s rule; and I think it a very good rule.”\(^{140}\) Even still, the doctrine apparently applied sporadically even into the nineteenth century, as it did in the case *Jackson v. Adams* (1835).\(^{141}\)

\(^{139}\) 88 Eng. Rep. 691; 10 Mod. 196. The words in question were: “Harrison got a witness to forswear himself in such a cause; you or he (*innuendo* the plaintiff) hired one Bell to forswear himself,” and also for these, spoken at another time: “Two dyers are gone off (*innuendo* become bankrupt), and for aught I know Harrison will be so too within this time twelvemonth.” Ibid.

\(^{140}\) 88 Eng. Rep. 18; 8 Mod. 24. In this case, the plaintiff alleged that Mrs. Heyward had said: “George Button is the man who killed my husband,” the speaker’s first husband being deceased. Lord Chief Justice John Pratt similarly wrote: “In former times words were construed *in mitiori sensu* to avoid vexatious actions, which were then very frequent; but now *distinguenda sunt tempora*, and we ought to expound words according to their general significations to prevent scandals, which are at present times too frequent.” Ibid.

\(^{141}\) 132 Eng. Rep. 158; 2 Bing. (N. C.) 402. In this case, it was held that “[t]he property of the bell-ropes of a parish church is in the churchwardens of the parish: it is not actionable, therefore, to say of a churchwarden, that he stole the bell-ropes of his own parish.” This case is cited in Kupferman, *Defamation*, 153, n. 37.
The *mitior sensus* principle did not consistently apply in all cases of alleged spoken defamation, and it seems not to have applied at all in written defamation cases.¹⁴² Those who could with (relative) impunity call another a “Coyner of Gold” aloud—with the legal expectation that the characterization was harmless, since the addressee *might* literally have minted currency for a living¹⁴³—could very well have been found guilty of libel for making such a potentially ambiguous assertion in writing. A piece in the *British Journal* (1722) advanced the position that “[w]hen words used in their true and proper sense, and understood in their literal and natural meaning, import nothing that is criminal, then to strain their genuine signification to make them intend sedition (which possibly the author might intend too) is such a stretch of discretionary power, as must subvert all the principles of free government.”¹⁴⁴ And yet sometimes juries convicted for such words, while other times they did not.

For libel, as for slander, standards of interpretation varied. To guard against punishment for defamation, many writers harnessed the tropes of innuendo, irony, allegory, and other devices to mask (but not to obscure fully) their intended meanings. Dashes, initials, and insinuations were rife in eighteenth-century texts: but these proved unreliable in protecting defamers from conviction. Contemporary authors knew this, and in writing obliquely they sought to strike a balance between self-protection and suggestiveness. Many of the readers who encountered texts with dashes and other conspicuous abbreviations would have applied a standard quite in contrast

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¹⁴² Kropf has argued that the principle applied, even through the eighteenth century, to written defamations that might lead to tort actions, but it seems to have been invoked (irregularly) in slander cases alone. Kropf, “Libel and Satire in the Eighteenth Century,” 164.
to the *mitior sensus* principle: they would have sought to imbue texts with the least innocuous possible meanings.

Literary interpretations were more likely than legal ones to be provocative; and libel standards were more likely than slander criteria to favor plaintiffs. Innuendoes, which for slander so often occasioned applications of the *mitior sensus* principle, induced a greater range of interpretive procedures in libel cases. In some instances, interpretation standards seemed to offer protection to alleged libelers. For example, at times an innuendo could not render something libelous that was not in itself so; nor could it add to or alter preceding words (although it could explain them). On other occasions, however, rules regarding innuendoes in alleged libels favored plaintiffs. For instance, even if no clear antecedent had been named, an innuendo could sometimes be deemed sufficiently transparent to bring success in a libel suit.145

Innuendo involving the use of initials and the substitution of dashes offered a promise (again, not always fulfilled) of protection against libel punishments. Recourse to these obfuscating tools was evidently so frequent that W. Mascall proposed—unsuccessfully—c. 1711 “that no Impressions shall be made with short Words, or Initial Letters, with Dashes, or without, to stand for any Word or Words, but all to be Printed at length, or to be taken, *ipso facto*, for a

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145 In *The King v. L. P.* (1606), the defendant was convicted upon his own confession for “composing and publishing an infamous Libel in Verse, by which John Archbishop of Canterbury, deceased, and Richard [then] Archbishop of Canterbury, by *Descriptions and Circumlocutions*, and not in express Terms, were traduced and scandalized.” *State Law*, 13. Similarly, in *The King v. Baxter* (1685), the defendant, a non-conformist minister, had been accused of seditious libel for allegedly intending “to bring the Protestant religion into contempt, and likewise [to bring into contempt] *the bishops* (innuendo the bishops of England).” Although Baxter argued that “*the bishops*” had been misinterpreted as “the bishops of England,” the court held that “no other could [have] be[en] reasonably intended but ‘the English bishops.’” He was ultimately found guilty and punished with a £500 fine and an order to give security for seven years’ good behavior. 87 Eng. Rep. 44; 3 Mod. 68. This case is also cited and partially quoted in Hamburger, “Development of the Law of Seditious Libel and the Control of the Press,” 701.
Libel. That no false sham Names shall be Printed.”¹⁴⁶ Like so many other linguistic defamation defenses, dashes and the like did not render a passage impervious to punishment; and in certain cases, the intent behind them was deemed transparent enough to constitute libel.¹⁴⁷ Cases involving the interpretation of wills provide excellent, if underutilized, information about the legal validity of initials during the eighteenth century. They too suggest that rules regarding the interpretation of initials varied from one case to another.¹⁴⁸ With wills, as with libels, innuendo

¹⁴⁶ Quoted in John MacFarlane, “Pamphlets and the Pamphlet Duty of 1712,” The Library, s2-I, no. 3 (1900), 298–304: 303; see also W. Mascall, A Proposal for Restraining the Great Licentiousness of the Press, throughout Great Britain, and for Redressing the Many Abuses and Mischiefs thereof (London: [s. n.], [1711?]). This is also cited and partially excerpted in Hamburger, “Development of the Law of Seditious Libel and the Control of the Press,” 750. Mascall had evidently put forward an earlier proposal in 1695; this is catalogued in Talbot Baines Reed, A History of the Old English Letter Foundries (London: Elliot Stock, 1887), 134, n. 2.

¹⁴⁷ For instance, in The Queen v. Hurt (1711), the defendant was “set in the pillory for a libel which had only the first and last letter of the name; for the court said, they would make it sense.” Francis Ludlow Holt, “On the Construction and Certainty of a Libel,” in The Law of Libel: In Which Is Contained a General History of this Law in the Ancient Codes, and of its Introduction, and Successive Alterations, in the Law of England, 2nd ed. (London: printed for J. Butterworth and Son, 1816), 236. This case is also cited in Mark Knights, Representation and Misrepresentation in Later Stuart Britain: Partisanship and Political Culture (New York: Oxford University Press, 2006), 263, n. 178. Similarly, in the St. James’s Evening Post Case (1742), Roach v. Garvan (or Hall), it was held that “[p]rinting initial letters will not protect a libeler.” The judgment suggested that the case was not among the first of its kind: “All the libelers of the kingdom know now, that printing initial letters will not serve their turn, for that objection has been long got over.” 26 Eng. Rep. 683; 2 Atk. 469.

¹⁴⁸ In Davies v. Glocester (1710), a will was declared void because the party who wrote down the will of a testatrix—who died before it could be drawn out—had recorded partial names and initials, e.g., “To Tho. West £200, to Jo. Dav. £100, to Reb. Cro £50, to Sis. to Self £10,” and so forth. On appeal the delegates determined that “if the Will had been written in Words at Length, so as they had carried a Sense and Meaning in themselves, it had been a good Will.” Since in this case, however, “the Will was not substantive, but was to take its Sense from the Interpretation of the Witness, and so there would be Innuendo upon Innuendo; which made it purely a Nuncupative Will; and as such…the Will and Legacies were void.” 21 Eng. Rep. 1134; 1 Eq. Rep. 403. In another case, Florance v. Florance and Florance (1755), the testator had signed only the initial letters of his name to his will because he was afflicted with a palsy, on account of which his widow claimed he had not known the state of his own affairs. Since in this instance the initials attested to the palsy but did not call into question the identity of the testator, judgment was that the will should stand. 161 Eng. Rep. 273; 2 Lee, 87.
by initials was deemed a valid and comprehensible form of expression—some of the time. It and other apparent obfuscation methods proved sufficiently insidious to render them punishable, but insufficiently definable to guarantee punishment.

Irony, like innuendo, offered another prospect for communicating criticism without incurring punishment. Hamburger has highlighted the link between “the Crown’s dependence upon seditious libel law after 1696 to prosecute the press” and “the use of irony and satire as a common form of literary expression.” Irony promised many a critical author opportunities to disparage the government, its officials, and even ordinary citizens, all the while maintaining plausible deniability for defamation. Nevertheless, the protection that irony afforded was, familiarly, imperfect. It became even more threadbare as Holt—in whose tenure as king’s bench chief justice the doctrine of seditious libel came to include institutions as well as individuals—worked to ensure that ironic libels would be punishable.

In an unusual (and, incidentally, ironic) reversal of typical interpretive standards, upon being indicted for high crimes and misdemeanors for his pamphlets, Reasons against the Succession of the House of Hanover; with an Enquiry How Far the Abdication of King James, 149

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150 In Hicks’s case (1619), a letter containing “spightly Scandals delivered Ironice”—e.g., “You will not play the Jew, nor the Hypocrite”—was adjudged libelous. State Law, 23, 58. Similarly, in The Queen v. Dr. Browne (1706), the defendant was accused of libel for his pamphlet Advice to the Lord Keeper by a Country Parson (1706), “wherein he would have him [the Lord Keeper] love the Church as well as the Bishop of Salisbury, manage as well as Lord Haversham, [and] be brave as another lord.” 90 Eng. Rep. 1134; Holt, K. B. [Q. B.] 425. See also Joseph Browne, The Country Parson’s Honest Advice to that Judicious Lawyer, and Worthy Minister of State, My Lord Keeper (London: [s. n.], 1706). Although the defendant argued that he had said “no ill thing of any person,” judgment was ultimately made against him, and he was punished with pillorying and a fine of forty marks. 88 Eng. Rep. 911; 11 Mod. 86. This case provided the basis upon which subsequent alleged ironic writings were deemed libels. See, e.g., 94 Eng. Rep. 207; 1 Barn. K. B. 305.
151 According to Hamburger, there was some precedent for Holt’s position dating back to Coke and De Libellis Famosis (1605). Hamburger, “The Development of the Law of Seditious Libel and the Control of the Press,” 738, n. 237.
Supposing It to Be Legal, Ought to Affect the Person of the Pretender (1713), And What If the Pretender Should Come? Or, Some Considerations of the Advantages and Real Consequences of the Pretender’s Possessing the Crown of Great Britain (1713), and An Answer to a Question that Nobody Thinks of, Viz. What If the Queen Should Die? (1713), Defoe argued that the writings were not libelous on the grounds that he had been purposefully ironic. In his petition he represented that

he, with a sincere design to propagate the interest of the Hanover succession, and to animate the people against the designs of the Pretender…did publish the said pamphlets: in all which books, although their titles seemed to look as if written in favour of the Pretender, and several expressions…yet the petitioner humbly assures us, in the solemnest manner, that his true and only design in all the said books was, by an ironical discourse of recommending the Pretender, in the strongest and most forcible manner to expose his designs, and the ruinous consequences of his succeeding therein.\(^{152}\)

Defoe received a royal pardon in November 1713,\(^{153}\) but that outcome was by no means assured. While irony usually facilitated the crime of libel, in this case it provided a defense: but it could not be counted upon to promote any consistent understanding or application.

Even the protection that allegory afforded could be flimsy.\(^{154}\) The contemporary *Doctrine of Libels* (1730[?]) drew an analogy between allegorical writing and satirical painting: “The Man that is painted with a Fool’s Cap and Horns is certainly abused,” even if he is disguised. Since “[t]his is the very Subterfuge of the Allegorist,” it “ought to have the same Answer[:] if it be the common Notion, that this Picture represents a certain Person, the Drawer is answerable for the

\(^{152}\) *The Works of Daniel Defoe, with a Memoir of His Life and Writings*, vol. 2, ed. William Hazlitt (London: John Clements, 1841), 10. This case is also noted in Knights, *Representation and Misrepresentation in Later Stuart Britain*, 264.

\(^{153}\) *Works of Daniel Defoe*, 11.

\(^{154}\) In *The King v. Woolston* (1728), the defendant was found guilty of publishing with “an intent to vilify and subvert the Christian religion” for his discourses on the miracles of Christ, even though “he maintain’d that the same are not to be taken in a literal sense, but that the whole relation of the life and miracles of our Lord Christ…is but an allegory.” 84 Eng. Rep. 655; Fitz-G. 64.
Injury he [the subject] suffers.” Similarly, “[t]hey that give Birth to Slander, are justly punished for it.” Recognition, according to this principle, would prevail over disguise.

Such recognition could lead prosecutors to claim all sorts of associations between written and allegedly intended words. In at least one instance, a word unconnected to but meant to evoke the plaintiff was legally understood—and accordingly punished—for its allegedly intended injurious meaning. (The same went for faulty spelling.) In general, the applied standard held that even if the literal sense of certain words was harmless, those words could be deemed legally scandalous if, “in the Country [or region] where they were spoke[n], they were universally understood to be Slander.” Literal interpretations could thus be invoked as proof both that some words were allegedly scandalous and that other words were not: an alleged defamer could be found guilty—or exonerated—over the words rogue and rascal, and also, potentially, over pogue and pascal.

Defamation and the Risk-Taking Scriblerians

Defamers could make recourse to a number of obfuscation devices that, they hoped, would keep them from being punished but not from being understood. All of their options were

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155 State Law, 58.
156 In the case Sir Miles Fleetwood v. Curle (1620), the defendant was found guilty of saying of the receiver-general of the court of wards, “Mr. Deceiver (innuendo the plaintiff) hath deceived the King, and I have him in question for it (innuendo a supposed material thing by him against the plaintiff), and I doubt not to prove it.” It was held that “if such crafty evasions [as ‘Mr. Deceiver’] should be admitted, it would be an usual practice to slander without punishment.” 79 Eng. Rep. 478; Cro. Jac. 557. This case is also cited in State Law, 60–1.
157 In The King v. Edgar (1725), a badly-spelt libel was deemed indictable. Lord Chief Justice Raymond wrote that it was “plain to all men” and thus punishable. 93 Eng. Rep. 135; Sess. Cas. 133. Justice Fortescue agreed, citing The Queen v. Hunt, in which the defendant had been “set in the pillory for a libel which had only the first and last letter of the name.” Ibid. The Edgar case is also cited in John Shortt, The Law Relating to Works of Literature and Art: Embracing the Law of Copyright, the Law Relating to Newspapers, the Law Relating to Contracts between Authors, Publishers, Printers, &c., and the Law of Libel (London: Horace Cox, 1871), 386.
158 State Law, 59.
imperfect, however. Innuendo could mask criticism, but not necessarily sufficiently. Irony too could implicate authors who were not ironic enough (or who were too ironic, as Defoe was). Allegory, if transparent enough to be understood, could land its creator in prison, in debt, or in peril. Perfectly innocuous words, because of their resemblance to scandalous ones, could elicit the punishments associated with their phonetic cousins. Even parts of words could provide bases for extrapolating longer, defamatory ones. For the Scriblerians and others keeping track of these precedents and reversals, the risks of defamation might have seemed to outweigh its benefits.

Yet despite the uncertainty of defamation standards during the eighteenth century, wit and satire—and particularly Scriblerian wit and satire—flourished. The rise of libel prosecutions in fact spurred on satirical literature.\(^{159}\) It also shaped the forms that satire took. In his biting “Journal of a Modern Lady” (1728), Swift spelled out the relationship between innuendo and scandal:

> Why should I ask of thee, my Muse,

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\(^{159}\) This discussion is not the first to make such a claim. Hamburger has written: “Since 1696, the law of libel had become increasingly effective as a means of prosecuting authors, printers, and publishers. In response to this development, authors refined the art of irony and satire. It is one of the minor curiosities of English literary and polemical history that the Crown’s dependence upon seditious libel law after 1696 to prosecute the press directly encouraged the use of irony and satire as a common form of literary expression.” Hamburger, “Development of the Law of Seditious Libel and the Control of the Press,” 738. Similarly, Kropf earlier contended that “[t]he law probably had little to do with dictating the form of satire insofar as form refers to genre, but it certainly did much to encourage the use of innuendo. To the degree that the law discouraged direct criticism of the government and public officials but was lenient with indirection and suggestion it did much to encourage satire which thrives on oblique attack. At the very least we may conclude that were it not for the legal tolerance of innuendo the eighteenth century could hardly have been known as an age of satire.” Kropf, “Libel and Satire in the Eighteenth Century,” 167–8. While the discussion here concurs that libel law influenced satire production, it maintains that innuendo-interpretation standards were neither reliably clear nor consistently tolerant. Satirists like the Scriblerians could not count on incurring or avoiding particular punishments, but they could (and did) manipulate punishment prospects to gain authorial recognition and unprecedented payments for their works.
An hundred Tongues, as Poets use,
When, to give ev'ry Dame her Due,
An Hundred Thousand were too few!
Or how should I, alas! relate
The Sum of all their [females’] senseless prate,
Their innuendo’s [sic], Hints, and Slanders,
Their Meanings lewd, and double Entendres.
Now comes the gen’ral Scandal Charge;
What some invent, the rest enlarge:
And, ‘Madam, if it be a Lye,
You have the Tale as cheap as I:
I must conceal my Author’s Name,
But now ’tis known to common Fame. 160

Later, Thomas Sheridan equated libel with lampooning, defining the former in his *General Dictionary* (1780) as “[a] satire, defamatory writing, a lampoon.”161

The Scriblerians may have conceived of satire as a form of defamation, but they certainly did not want it to be prosecuted as such. Precisely because defamation law was in flux, the Scriblerians had numerous opportunities not only to evade it, but also to influence how it evolved. Swift explicitly wrote (albeit meta-ironically) about the complicated writing strategy he had developed to avoid punishment. In the semi-anonymous *The Importance of The Guardian Considered, in a Second Letter to the Bailiff of Stockbridge. By a Friend of Mr. St—le* (1713), he declared:

[W]e have several ways here of abusing one another, without incurring the danger of the law. First, we are careful never to print a man’s name out at length; but, as I do, that of Mr St—le: so that, although every body alive knows whom I mean, the plaintiff can have no redress in any court of justice. Secondly, by putting cases; thirdly, by insinuations; fourthly, by celebrating the actions of others, who acted directly contrary to the persons we would reflect on; fifthly, by nicknames, either

161 The definition continues: “…in the civil law, a declaration or charge in writing against a person in court.” Thomas Sheridan, *A General Dictionary of the English Language*, 2 vols., vol. 2 (London: printed for J. Dodsley, C. Dilly, and J. Wilkie, 1780), [17].
commonly known or stamped for the purpose, which every body can tell how to apply.\textsuperscript{162}

This trope—of having a self-aware narrator purport to avoid falling into a trap of provable defamation—manifested in some of Swift’s other works, as well. In the revised Dublin edition of the \textit{Travels} (1735), a letter from the eponymous narrator and supposed author to his “cousin” Richard Sympson (under whose name Swift carried out publication negotiations with the bookseller Benjamin Motte) served as the apology/disclaimer for the work: “I hope you will be ready,” Gulliver began, “to own publickly…that by your great and frequent Urgency you prevailed on me to publish a very loose and uncorrect Account of my Travels.” After complaining about omissions or alterations in the text, he observed: “When I formerly hinted to you something of this in a Letter, you were pleased to answer, that you were afraid of giving Offence; that People in Power were very watchful over the Press, and apt not only to interpret, but to punish every thing which looked like an \textit{Inuendo [sic]} (as I think you called it.)”\textsuperscript{163} Despite his narrator’s feigned ignorance, Swift handled innuendoes ably, although he and his fellow Scriblerians were not always so explicit about their strategies for avoiding prosecution—particularly when they foresaw a legitimate potential threat. In such cases, they incorporated a variety of obfuscation devices to render any allegedly defamatory content believably innocuous—or at least deniably damaging.

As Swift so unabashedly attested, he turned to various forms of innuendo to shield himself from defamation prosecutions. He and the members of his literary circle employed evasive writing in their correspondence, as will be discussed in the second chapter; and they also

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\textsuperscript{162} \textit{Works of Jonathan Swift}, ed. Scott, 4:374. This passage is cited and partially quoted (though from Davis’s 1953 edition) in Knights, \textit{Representation and Misrepresentation in Later Stuart Britain}, 263.
\textsuperscript{163} Swift, \textit{Gulliver’s Travels}, ed. Greenberg and Piper, IV–V.
\end{flushleft}
used it in their published prose and poetry. Because straightforward innuendoes did not
necessarily obviate prosecution, the Scriblerians sometimes layered innuendoes upon innuendoes
so that their texts would have the maximum opacity that would enable comprehension and the
minimum transparency that would sustain lawsuits. For instance, in his anonymous invective
*Short Character of His Ex. T. E. of W. L. L. of I*—(innuendo, His Excellency the Earl of Wharton,
Lord Lieutenant of Ireland) (1711), Swift employed what Ehrenpreis has characterized as
“multiple innuendo,” i.e., an innuendo that “take[s] one vice for granted and then allude[s] to it
as so involved with another vice, also taken for granted, that the man accused could not defend
himself from either without admitting to the other and implying that he was really tainted with
both.”164 “How,” Ehrenpreis asks, “could Wharton begin to exculpate himself from the following
allegation? ‘He goes constantly to prayers in the forms of his place, and will talk bawdy and
blasphemy at the chapel door. He is a Presbyterian in politics, and an atheist in religion; but he
chooses at present to whore with a Papist.’”165 (Surely Wharton could not have replied that he
was an atheist in politics and a Papist in religion; nor could he have denied the Catholicism of
someone he ought not to have known.) Swift availed himself of the protection of several
innuendoes, all working together—against Wharton—and should any of those fail, he retained
his anonymity as well.166

Like Swift, Pope layered innuendoes upon innuendoes, and those upon metaphors. In
*Peri Bathous* (1727) the poet classified contemporary authors, whom he identified by their
initials, as various kinds of animals. “The Flying Fishes,” Pope wrote, were “writers who now

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165 Quoted in Ibid. The passage also appears (with minor differences in capitalization) in *Works
166 Noting that contemporaries found anonymity cowardly, Ehrenpreis has emphasized that
Swift’s self-perception as an underdog struggling to prevent the destructive force of someone
and then *rise* upon their *fins*, and fly out of the *profound*; but their wings are soon *dry*, and they drop down to the *bottom.* These flying fishes he identified as “G.S. A.H. C.G.” “The *Ostriches,*” by contrast, were “such whose heaviness rarely permits them to raise themselves from the ground…and their motion is between *flying and walking*; but then they *run* very fast.” These he listed as “D.F. L.E. The Hon. E.H.” Then there were the “*Parrots,*” who “repeat[ed] another’s words, in such a *hoarse, odd* voice, that ma[de] them seem *their own.*” These were “W.B. W.H. C.C. The Reverend D.D.” And so forth. On 26 January 1730/1, in what must have been an uncomfortable letter to Aaron Hill, whose initials placed him among the “*Flying Fishes,*” Pope claimed to have chosen the letters arbitrarily:

[Y]ou mistook…that two initial Letters, only, were meant of you, tho’ every Letter in the Alphabet was put in the same manner: And, in Truth (except some few), those Letters were set at Random to occasion what they did occasion, the Suspicion of bad and jealous Writers, of which Number I could never reckon Mr. Hill. and most of whose Names I did not know.168

Even when he admitted to having intended “some few” of the initials, Pope protected himself by keeping mum about which. Many of the dunces whom Pope apparently ridiculed were incensed—and commenced their attacks upon Pope nearly immediately following the publication of *Peri Bathous*—but their identities nevertheless remained well disguised. While a few of the initial-sets were transparent enough to those with contextual knowledge (Colley Cibber’s perhaps most obviously), some have evaded definitive identification even to this day.169 Since each referent was obscured not only by a pair of cryptic initials, but also by an animal name,

168 *Correspondence of Alexander Pope*, ed. Sherburn, 3:165; original emphasis. The letter to Hill is also cited and partially quoted in Edna Leake Steeves, ed., *The Art of Sinking into Poetry* (New York: King’s Crown Press, 1952), 110. Pope’s claim that the initials had been randomly chosen is noted too in Kropf, “Libel and Satire in the Eighteenth Century,” 164.
identifying the intended authors amounted to an exercise in multiple levels of guesswork. Absent clear subjects, Pope’s insulting metaphors were not punishable.

The Scriblerian authors were not the only ones to harness innuendo as an improbable but highly effective method of safely expressing themselves. On at least one occasion, Benjamin Motte, Swift’s bookseller, did so on his own and Swift’s behalf (but without Swift’s permission). In issuing the *Travels* (1726), Motte had opted to change (among other things) the colors of the Lilliputian emperor’s fine silken threads from blue, red, and green to purple, yellow, and white\(^{170}\), so as to render less transparent the representation of the Garter, Bath, and Thistle orders. (Swift later had the colors restored in Faulkner’s 1735 Dublin edition.\(^{171}\)) In re-coloring the threads, Motte added a second layer of innuendo to Swift’s satire, presumably to protect himself lest the contents offend: his was, after all, the only true name inscribed in the work. Motte had been cautious, quick to employ innuendo. Even still, he eventually paid a price for Swift’s directness in the later publication *Epistle to a Lady* (1733). Motte was vulnerable not just because his name appeared in Swift’s works, but also because he did not have the fame, wealth, and connections that seemed to keep Swift out of harm’s way. Although Swift lamented Motte’s meddling with the *Travels*,\(^{172}\) he seems to have understood the risks that printers faced, as his remark about finding a printer who would venture his ears suggested.\(^{173}\)

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\(^{171}\) Ibid.

\(^{172}\) He wrote to Ford that Motte had induced a friend not only to “blot out some things that he thought might give offence, but [also] to insert a good deal of trash contrary to the Author’s manner and Style, and Intention.” *The Letters of Jonathan Swift to Charles Ford*, ed. David Nichol Smith (Oxford: Clarendon Press, 1935), 154.

\(^{173}\) Motte’s case was not unusual. Edmund Curll also found himself on trial in *The King v. Edmund Curll* (1726) for having published “a false scandalous and seditious libel against the King intitled The memoirs of John Ker.” *Rex v. Edmund Curll*, 18 May 1727, TS 11/944, NA; italics added.
In attempts to preserve their own ears—or at least, to appear as if that was what they were trying to do—the Scriblerians made recourse to innuendo as well as other prosecution-defying tropes, such as irony. Pope, for instance, returned his “sincere and humble thanks to the Most August Mr Barton Booth, the Most Serene Mr Wilks, and the Most Undaunted Mr Colley Cibber” in Chapter XVI of *Peri Bathous* (1727);¹⁷⁴ and in his *Modest Proposal* (1729), Swift purported to propose “a fair, cheap, and easy Method of making [poor Irish] Children sound and useful Members of the Commonwealth.”¹⁷⁵ The Scriblerians undertook allegorical ventures too, as for instance in Swift’s *Tale of a Tub* (1704) and *Gulliver’s Travels* (1726) and Pope’s *Rape of the Lock* (1714), among other works.

The tropes of innuendo, irony, and allegory belonged to a larger legal and literary strategy whose paradoxical objective seems to have been communication via obfuscation: that form of writing which “every body alive” could discern while a prospective plaintiff nevertheless remained deprived of legal redress.¹⁷⁶ Some of the more obscure feats of semantic disguise reveal just to what degree the Scriblerians were conversant with contemporary case law. For instance, historically libels composed in foreign languages had proven difficult to prosecute. In the first place, the subject had to understand that he or she had been libeled in another language.¹⁷⁷ Even if the insultee were to discover the sense of the offending passage, he or she

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¹⁷⁷ Sheppard, writing of slander, noted that “the words that shall bear an Action, must be uttered in a language, that one of them (at the least) that do hear them do understand. And therefore that to call a man *Theef* in *Welch*, or in *Latine*, before such persons, neither of which do understand the tongue; that this will not bear an Action”: provided, however, that a hearer did not then “remember the word, and enquire, and so come to know what it is.” Sheppard, *Actions upon the Case for Slander*, 27–8; original emphasis.
would still need to set out the defamatory words exactly, a feat made more difficult by the introduction of a foreign language. For foreign-language libels, both the translation and the original words had to be set out, or the judgment would be arrested. Convictions could thus be hindered by a cleverly-placed—or subsequently poorly rendered—foreign phrase.

Pope seems to have been familiar with this standard. In satirizing the “Prurient” branch of the Alamode style in *Peri Bathous* (1727), he nominalized two of his targets—in Greek:

> [I]ts [the Prurient branch’s] incredible progress and conquests may be compared to those of the great Sesostris [Greek name for the Egyptian king Senusret], and are everywhere known by the same marks, the images of the genital parts of men or women. It consists wholly of metaphors drawn from two most fruitful sources or springs, the very Bathos of the human body, that is to say *** and ***************.

Here, *Kibberismos* (or *Kibberism*) and *Oldfieldismos* (Oldfieldism) are meant to evoke the writer Colley Cibber and the actress Anne Oldfield, who played Lady Betty Modish in Cibber’s

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178 The plaintiff needed to set out “those [words] only which [we]re material,” with some variance accepted “unless the sense were altered.” Thomas Starkie, *A Treatise on the Law of Slander, Libel, Scandalum Magnatum, and False Rumours; Including the Rules Which Regulate Intellectual Communications, Affecting the Characters of Individuals and the Interests of the Public*, ed. Edward D. Ingraham (New York: George Lamson, 1826), 268, 270; original emphasis.

179 *The Queen v. Drake* (1707) established the general standard (not specific to instances of foreign-language defamation) that if a libel were recited “according to the tenor following,” a slight variance (in that instance, of *not* instead of *nor*) would prove “fatal.” Despite the solicitor’s argument that one could “declare for words in Latin which [had been] spoke [sic] in English,” the analogy seems not to have taken, and the standard for exactness ultimately amounted, in Starkie’s assessment, to a requirement to “set out the [libelous] words with the greatest precision.” Upon bringing an action, the plaintiff had to present the original (foreign-language) words with an English translation. 88 Eng. Rep. 95; 11 Mod. 78; original italics. Starkie, *Treatise*, 267–8.


Careless Husband (1704). While Pope was clearly lampooning his subjects—in Steeves’s characterization, Pope’s reference “to Cibberism and Oldfieldism reflects upon the ribaldry and equivocality of the comedy roles in which Cibber and Mrs. Oldfield won applause”—he did so in a way that would have been difficult to prosecute. In the first place, their names appeared in Greek—and not their exact names, but rather nominalized forms. (Cibber knew Latin, but did he know Greek? What was the extent of Oldfield’s linguistic proficiency?) Moreover, in Cibber’s case, Pope replaced the initial c with a kappa—rather than, say, a sigma. And he did not write anything directly against either Cibber or Oldfield: he noted, rather, that the phenomena of Kibberism and Oldfieldism had derived from the “said sources,” whose antecedents he had identified solely with asterisks. Offensive to its subjects though the passage may have been, the levels of remove from clear insults would have thwarted allegations of libel: Κιββεϱισµος was an innuendo for Kibberismos, which was an innuendo for Kibberism, which was an innuendo for Kibber, which was an innuendo for Cibber, i.e., Colley Cibber, who was characterized as being a derivation of ***, which was an innuendo for Colley Cibber as a derivation of the Bathos of the human body, and so forth. If the initial translation from the Greek had been deemed inexact or unclear, any potential libel case would have lacked the necessary foundation to be successful. Furthermore, the fact that Pope’s works were replete with (many non-defamatory) non-English phrases may have obscured both the presence and the defamatory nature of this particular

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183 Ibid.
184 Salmon noted: “On the flight of James II to France the regiment was disbanded and Colley Cibber, at his father’s instance, applied to Devonshire (in Latin) for a place in his household.” Eric Salmon, “Cibber, Colley (1671–1757),” in *ODNB*.
example. The maddening brilliance of Pope’s multiple dissimulations derives in part from the fact that in order to argue for clarity (as he did in *Peri Bathous*) without succumbing to punishment, Pope had to out-obfuscate the obfuscators: he had to be only clear enough, and not provably so.

Even if a case could have been brought for libel in *Peri Bathous*, it could not necessarily have been sustained against the author himself. *Peri Bathous*, which first appeared in Swift and Pope’s *Miscellanies* (1727), had listed as its author Martinus Scriblerus.186 The work took root as a collective project during the early years of the Scriblerus Club, and it remained undeveloped until Pope, together with Arbuthnot, revived it in 1726–7.187 Although Pope ultimately assumed control over the project, the nature of its genesis would have obscured the sources of individual passages and thus made the identification of a particular defamer a feat in itself. Pope, at least, was quick to make that claim; as he wrote to Hill on 9 June 1738, “the Collection of those [what is cited in the Treatise of *Bathos*], and many more of the Thoughts censured there, was not made by me, but Dr. Arbuthnot.”188 (Much earlier, on 26 June 1714, Arbuthnot had presented a differing account to Swift: “Pope has been collecting high flights of poetry, which are very good, they are to be solemn nonsense.”189)

*Peri Bathous* did not just have built-in libel protections to guard against contemporary prosecution; it may also be read as a defense against potential future libel suits. One of the legal

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188 *Correspondence of Alexander Pope*, ed. Sherburn, 4:102; original emphasis. This passage is also quoted in Steeves, *Art of Sinking into Poetry*, xxvi.
requirements for libel—of which Pope was very likely also aware—was the presence of malice.\footnote{In the case \textit{Jones v. Givin} (1713), malice was determined to be necessarily excluded by a just cause. 93 Eng. Rep. 300; Gilb. Cas. 185.} That is, an “honest and good man,” if provoked, might act out, but his actions would not in turn be considered malicious.\footnote{In context, the passage about a hypothetical “honest and good man” applies the standard for determining malice in murder cases to libel actions. 93 Eng. Rep. 300; Gilb. Cas. 185.} Applying that standard to Pope, Steeves (among others\footnote{See also, for instance, John Barnard, ed., \textit{Pope: The Critical Heritage} (London: Routledge & Kegan Paul, 1973), 16; Kropf, “Libel and Satire in the Eighteenth Century,” 164; Valerie Rumbold and Thomas McGeary, “\textit{Folly}, Session Poems, and the Preparations for Pope’s \textit{Dunciads},” \textit{Review of English Studies} 56, no. 226 (Sept. 2005), 577–610: 577. The focus of this article is upon \textit{Folly}, which the authors suggest Pope may have hoped would prompt the same sorts of attacks as did \textit{Peri Bathous}.} has suggested that the poet used \textit{Peri Bathous} “as a sprat to catch a whale, or, more properly, as ground bait to bring fish to his net.”\footnote{Steeves, \textit{Art of Sinking into Poetry}, xlvi–xlvii.} The bait was that series of virtually unprovable attacks, which in short order provoked the (flying) fishes—not to mention the swallows, ostriches, parrots, didappers, porpoises, frogs, eels, and tortoises—into libeling Pope himself. In turn, Pope could release the significantly more substantial \textit{Dunciad} (1728) and claim it was an expression of self-defense,\footnote{Kropf, “Libel and Satire in the Eighteenth Century,” 164.} thus protecting himself from the charges of libel that were likely to ensue.\footnote{He could not guard against all, as the \textit{Dunciad} had more victims than \textit{Peri Bathous}. According to Steeves, “Of the slightly more than forty-five identifiable victims of ridicule in \textit{Peri Bathous}, roughly one-half reappear[ed] in the first \textit{Dunciad} or a later version. In the \textit{Dunciad} there are upwards of a hundred victims.” Steeves, \textit{Art of Sinking into Poetry}, l.} While attacks on Pope following the publication of \textit{Peri Bathous} do not seem to have occasioned the \textit{Dunciad}—particularly given the composition timeline for both works—it is far from inconceivable that Pope could have made instrumental use of the former to elicit criticism, or at the very least, to have recognized in the criticism he received an opportunity to justify the subsequent work.\footnote{Not everyone agrees that Pope used \textit{Peri Bathous} to elicit attacks. For another perspective,}
been, it nevertheless elicited attacks on Pope, who then collected and published—as an appendix to the *Dunciad Variorum* (1729)—records of them in the form of a “List of Books, Papers, and Verses, in which our Author was abused, before the Publication of the *Dunciad*; With the true Names of the Authors.” By striking his literary foes lightly once, Pope was able to strike more forcefully a second time, evidently without malice.

Another way in which the Scriblerians could take advantage of provisions pertaining to malice was to attribute a libel to a third party. The legal standard for repeating a libel was quite lenient: it was not punishable “to repeat Part of a Libel in Merriment, if it be without Malice, or any Purpose of Defamation.” The Scriblerians’ frequent use of pseudonyms facilitated such ostensible repetition. For instance, when Swift’s pseudonymously-published *Drapier’s Letters* were deemed seditious and a £300 bounty was offered for the discovery of the author, Swift brazenly transmitted the letters, first to the lord lieutenant John Carteret, earl Granville—who, with the council of Ireland, had offered the reward in the first place—and later, to the Bodleian with the inscription “M. B. Drapier” written in his own hand. While creating or dispersing a libel—and Swift had done both—would have been illegal, he could well repeat to Carteret (who had surely surmised Swift’s authorship) the sentiments that the “Drapier” had expressed:

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see Shef Rogers, “Pope, Publishing, and Popular Interpretations of the ‘Dunciad Variorum,’” *Philological Quarterly* 74, no. 3 (summer 1995), 279–95.


198 *State Law*, 12.

199 *Supra*, “Proclamation against the Drapier,” 153.


201 Ehrenpreis, *Swift*, 3:317. See also *Fraud Detected: Or, the Hibernian Patriot. Containing, All the Drapier’s Letters to the People of Ireland* (Dublin: reprinted and sold by George Faulkner, 1725). For more about this publication and its transmission, see the third chapter.
“…upon enquiry, you will find, that there is not one person of any rank or party, in this whole kingdom, who does not look upon that patent as the most ruinous project that ever was contrived against any nation.”

Swift was, after all, merely reiterating his narrator’s position, which was itself a professed reiteration of popular sentiment.

Similarly, on 9 September 1735, Swift reproduced “A Wicked Treasonable Libel,” writing the following memorandum on the back: “I copied out this wicked paper many years ago, in hopes to discover the traitor of an author, that I might inform against him.” The libel begins, “While the King and his ministers keep such a pother, / And all about changing one whore for another, / Think I to myself what need all this strife, / His majesty first had a whore of a wife…” and continues in kind.

While the attribution to Swift himself is doubtful, the crime of reproducing such a libel might have been mitigated by an accompanying sentiment of apparent merriment, or at least a lack of evident malice. And so, the Scriblerians employed innuendoes, irony, and allegory; and, just to be safe, they incorporated foreign languages, masked sources of authorship, claimed self-defense, and put potentially offensive words in the mouths of others. Collectively, these strategies suggest both a comprehensive knowledge of contemporary legal nuances as well as a drive to renegotiate—and ultimately, to extend—the boundaries of punishable defamation.

**Discerning Ownership**

In addition to obfuscating, the Scriblerians had two additional strategies for avoiding punishment: recourse to key friendships, and a willingness to seek legal advice. Swift’s boldness

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202 *Correspondence of Jonathan Swift*, ed. Woolley, 2:496.
in writing to Carteret—on more than one occasion, about the very publication that had occasioned Carteret’s proclamation—was possible only because the Irish dean had cultivated a friendship with the lord lieutenant, who had “obliged Swift repeatedly by giving preferments to his friends.”  

Although Pope, like Swift, took great care to insert dashes in place of vowels, to layer innuendo upon innuendo, and to write with equal measures of ingenuity and disingenuousness, he also “was keenly aware of the power of high-placed friends,” without whom, perhaps, all the dashes in the world might not have spared his ears or at least his fortune. The barrister (and secretary to Walpole) William Fortescue was a longstanding and close friend of Pope’s—a rare ally in government circles—and this association proved fortuitous for the poet. Not only did he dedicate his *First Satire of the Second Book of Horace Imitated* (1733) to the barrister—whom he made an interlocutor in the dialog—but in that very work he also wrote of seeking Fortescue’s counsel:

There are (I scarce can think it, but am told)  
There are, to whom my satire seems too bold:  
Scarce wise Peter complaisant enough,  
And something said of Chartres much too rough.  
The lines are weak, another’s pleased to say,  
Lord Fanny spins a thousand such a day.  
Timorous by nature, of the rich in awe,  
I come to counsel learned in the law:  
You’ll give me, like a friend both sage and free,  
Advice; and (as you use) without a fee.  

Because the Scriblerians could not heed the failsafe advice that Pope’s Fortescue had offered in the *First Satire of the Second Book of Horace Imitated*—to “write no more”—they sought

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210 Ibid., 266, line 11.
As libel law evolved, the Scriblerians increasingly layered their innuendoes, and poured on irony, and pursued a host of other methods for expressing libelous sentiments without being held legally accountable for having done so. This collection of strategies may have frustrated efforts to prosecute them, but it also complicated attempts to read their works. As their forms of obfuscation became more numerous and more varied, the Scriblerians placed increasingly vigorous demands upon readers. For instance, in a particularly self-referential passage from The First Satire of the Second Book of Horace Imitated, Pope wrote: “Slander or poison, dread from Delia’s rage, / Hard words or hanging, / if your judge be Page. / From furious Sappho scarce a milder fate, / P-x’d by her love, or libelled by her hate.”\(^{212}\) In parsing this passage, an attentive reader would have had to infer that the missing vowel in “P-x’d” was an o, that the offending variety of pox was French rather than small,\(^{213}\) and that Sappho was a pseudonym for Lady Mary Wortley Montagu,\(^{214}\) who had likely (anonymously) written A Popp Upon Pope (1728), a “True and Faithful Account of a…barbarous Whipping committed on the Body of Sawney Pope, a Poet,”\(^{215}\) to which Pope’s insult would have been (or could have been argued to be) a self-

\[^{211}\] As Shef Rogers has written, by the time the Dunciad Variorum (1729) was issued, “Pope had consulted with lawyers to ensure not only that he was safe from prosecution, but also that his printers and booksellers would not be subject to imprisonment.” Rogers, “Pope, Publishing, and Popular Interpretations of the ‘Dunciad Variorum,’” 279–95. Rogers notes that in an attempt to secure protection, Pope devised a scheme involving false authorship warrants, which ultimately caused difficulties for copyright renewals. Regarding the warrants and subsequent events, Rogers also cites David Foxon, Pope and the Early Eighteenth-Century Book Trade, rev. and ed. James McLaverty (Oxford: Clarendon Press, 1991), 108–14.
\[^{215}\] A Popp upon Pope; Or, a True and Faithful Account of a Late Horrid and Barbarous
defensive reply. The reader would also have had to connect the pox reference to Lady Mary’s controversial advocacy of inoculating children against smallpox, an association that would further have weakened a prosecutorial argument that Pope had accused her of carrying the French pox. In short, the complex task of (in)appropriately construing such passages fell to the reader (even though, technically, such construction itself was not legal: both the writing and copying of a libel amounted to the contriving of a libel). The many surviving contemporary keys suggest that readers readily and regularly accepted the charge of deciphering—and thereby completing the composition of—offensive passages.

The Scriblerians were also adept at using codes likely to be comprehensible to their audiences. Contemporary readers would have known, for instance, that in The First Epistle to the First Book of Horace Imitated (1738), Pope was alluding to Walpole when he wrote: “True, Whipping Committed on the Body of S--n--y Pope, a Poet (London: printed for A. Moore [pseud.], 1728). Also in Jonathan Smedley, Gulliveriana: Or, a Fourth Volume of Miscellanies. (London: printed for J. Roberts, 1728), 321–3. According to the text, two gentlemen had beaten Pope’s “naked Postiors” with a rod, such that “he voided large Quantities of Ichor, or Blood, which being Yellow, one Doctor A-----t [Arbuthnot], his Physician, has since affirm’d, had a great Proportion of Gall mix’d with it.” The text concludes: “we cannot too much admire the Wisdom of Providence, which brings this Man to the Lash, whose wanton Wit has been lashing of others. And that this Madness leads him to rave for Pen, Ink, and Paper, whereof he has made so ill a Use, and which has been the Cause of the present Misfortune he labours under. We hope, when he returns to his Senses, he will make a better Use of them, and then may say with holy David, It’s good for me that I have been afflicted.” Ibid., 323; original emphasis.

216 John Douglas Canfield, The Baroque in English Neoclassical Literature (Cranbury, NJ: Rosemont Publishing & Printing Corp., 2003), 151; see also Isobel Grundy, “Montagu, Lady Mary Wortley [née Lady Mary Pierrepont] (bap. 1689, d. 1762),” in ODNB.


conscious honour is to feel no sin, / He’s armed without that’s innocent within; / Be this thy screen, and this thy wall of brass; / Compared to this, a minister’s an ass.”

The mention of *brass* made Pope’s target clear. The Scriblerians thus drew in able readers, and then cultivated them to become abler.

While the Scriblerians feuded and obfuscated, their readers were (and are still) busily filling in vowels where dashes appeared, and construing severe meanings when more lenient senses might (legally) have sufficed. In this way, the Scriblerians transferred semantic responsibility, thus rendering their readers—and not themselves—libelers. When, as noted, Swift’s Gulliver described the Lilliputian emperor in the *Travels*, he was evoking the king, but not obviously so:

> He is taller by almost the Breadth of my Nail, than any of his Court; which alone is enough to strike an Awe into the Beholders. His Features are strong and masculine, with an *Austrian* Lip, and arched Nose, his Complexion olive, his Countenance erect, his Body and Limbs well proportioned, all his Motions graceful, and his Deportment majestick.

Gulliver’s description reads as flattering—because Swift relied on his readers to know that George was physically unappealing, and that the description was therefore ironic.

Readers were the ones who painted unbecoming mental portraits. They were the ones who compassed, however indirectly, the monarch’s undoing: *they* were the defamers. Swift was a facilitator or, he could claim, an innocent and misunderstood writer. Swift thus expanded the

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221 Ibid., 13; original emphasis.
authorship of defamatory content to include his readers, in so doing disseminating blame beyond the point of prosecutorial viability.

The discernment that the Scriblerians cultivated in their readers required careful attention to detail and a clear understanding of style. While there was intrigue to be had, it was ultimately a reward for those readers willing—and able—to labor over it. Cryptic writing promoted assiduous reading practices, which enabled even more complex writing. Each additional layer of meaning rendered decipherment all the more rewarding for the reader and vexing for the prosecutor. Swift and Pope were particularly adept at maneuvering their works into print and avoiding punishment for having done so, given a literary system seemingly meant to prevent them from engaging in free textual transmissions. This spirited sensibility emerges even from the jokes they made with one another. Pope, for instance, wrote to Swift on 14 September 1725 that “[Dr. Arbuthnot]…would give you…such advice as might cure your deafness, but he would not advise you, if you were cur’d, to quit the pretence of it; because you may by that means hear as much as you will, and answer as little as you please.” Using innuendoes, initials, and pseudonyms so that they could answer as little as they pleased (or as much as they dared), Swift and his correspondents divulged their open secrets.

This tactic enabled them to escape possible punishment and, paradoxically, to appropriate literary ownership: to render themselves identifiable but to be spared liability. By omitting their own names, not to mention certain strategic vowels, they “trained” readers in how to be defamers. They taught readers to recognize not just the subjects of defamation, but also the clever satirists who had obscured those subjects’ identities. Ultimately, the Scriblerians claimed

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222 Swift is believed to have suffered from Ménière’s disease.
authorship on the basis of defamatory acts in the process of evading punishment for those very acts.

It seems likely that they even appeared to encrypt their works not just to avoid punishment, but also to propagate the belief that punishment always loomed over them and their texts. Given the social status and friendships the Scriblerians enjoyed, the most gruesome or costly punishments existed outside the realm of possible outcomes for them, as they would well have realized. Nevertheless, the Scriblerians were acutely aware of class issues, which they evoked whenever they proclaimed the dangers of defamation. To defame a noble was, according to the law, scandalous: and they made sure their readers understood that they knew that. The existence of tiered offenses that apparently so offended the Scriblerians also protected them when they transgressed.

Their extraction of a right from a punishment scheme was only partly the result of their connectedness, however. The Scriblerians also happened to be both well-positioned and well-suited to capitalize on the contemporary state of defamation regulations. The evolution of defamation law reflected a constant balancing act among the state’s sometimes competing objectives of fostering peace, freedom, and obedience. Successive efforts to achieve the hoped-for harmony produced a doctrine of defamation defined increasingly by its perpetrators. This in turn created a literary environment in which even ostensibly anonymous satirists achieved celebrity status because they had committed acts of defamation. Once authorship was aligned with defamation, the Scriblerians were able to use the latter to evoke the former: they

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224 When during the Middle Ages scandals became frequent, the statutes of scandalum magnatum and then the first major treason act emerged to prevent acts of rebellion. When violent retribution became frequent among private citizens, the offense was developed at common law. When defamation lawsuits became frequent, prosecution-hindering doctrines like the mitior sensus principle were conceived and applied. And when violent retribution again began to rise because of a lack of legal recourse, the mitior sensus principle was eroded.
suggested guilt for an offense for which they simultaneously evaded punishment.\(^{225}\) They succeeded, in part, by enlisting their readers as code-cracking co-conspirators. The Scriblerians had only to encrypt their libels cleverly—neither too clearly nor too ambiguously—and recognized authorship would follow. Theirs was no ornamental secrecy: encryption via obfuscation created a new brand of authorial currency and raised the stakes of textual transmission. The threat of punishment for defamation, coupled with Scriblerian ingenuity, helped bring about an enduring vision of authorial rights.

As the following chapter will endeavor to show, epistolary encryption provided still other opportunities for the Scriblerians to appropriate literary ownership, again in part by relying on the careful attention of their readers—intended or otherwise.

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\(^{225}\) They thus exhibited the tendency that Ehrenpreis has written was characteristic of Swift and Pope especially, of desiring “the crown of martyrdom without the agony.” Ehrenpreis, *Swift*, 3:276.
CHAPTER 2
ON THE INTERCEPTION AND ENCRYPTION OF LETTERS:
A TRUE ACCOUNT OF EPISTOLARY PROPERTY

A Fateful Arrival

John Barber had scarcely produced Francis Atterbury’s anonymous *English Advice to the Freeholders of England* when on 11 January 1714/5 a proclamation was issued offering a reward for the discovery of its author and printer.¹ The pamphlet, released in anticipation of a general election, contained vitriolic attacks against the Whig party and even the king.² (It did not have its intended effect on the election, which nevertheless yielded a Whig majority.³) In spite or perhaps because of the controversy the pamphlet had generated—an investigation into its transmission across the Irish Sea was already underway⁴—the London printer sought to transmit it, together with some other Tory pamphlets, to his friend Jonathan Swift in Dublin.⁵ Barber exercised caution, forgoing the post in favor of a private hand, with the knowledge that if the packet were intercepted, no one would be safe from suspicion: not the author, not the publisher, not the

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¹ The proclamation offered a reward of £1,000 to the discoverer of the author and £500 to the discoverer of the printer. Charles Henry Timperley, *A Dictionary of Printers and Printing* (London: H. Johnson, 1839), 605.
² Atterbury also implied that the king was vulnerable amidst Whig leadership and questioned the king’s “veneration for a religion he came into but the other day.” Francis Atterbury, *English Advice to the Freeholders of England* ([London?]: [s. n.], 1714), 6, 20.
⁴ On 9 March 1714/5, Archbishop of Armagh and Lord Primate of All Ireland Thomas Lindsay was examined before a committee of the council regarding his receipt of a packet including the libelous pamphlet. State Papers Ireland, SP 63/372/27, NA. Please note that the item numbers listed after the second forward slash (where applicable) in this and all other documents from the National Archives collections are, unless specified otherwise, folio numbers, which appear in typescript on microfilmed documents such as those in the SP 63 series. These folio numbers may differ from those listed for the corresponding items in the National Archives’ online catalog.
⁵ When he died in 1741, Barber bequeathed Swift £200, Pope £100, and Bolingbroke £300. Timperley, *Dictionary of Printers and Printing*, 666.
deliverer, and not even the recipients, their personal opinions about Atterbury’s arguments notwithstanding.⁶

Barber had good reason to be wary. In times of conflict, communications were closely monitored, and there was no shortage of contemporary strife. The coronation of the Hanoverian king George had just occurred on 20 October 1714. (George was not the nearest heir to the throne genealogically, but he was, per the terms of the Act of Settlement,⁷ the nearest Protestant heir.) In the months leading up to Anne’s death, Oxford and Bolingbroke—both close Scriblerian associates, despite their mutual dislike—had unsuccessfully endeavored to convince the queen’s exiled half-brother James Edward Stuart to renounce Catholicism so that he might ascend to the throne.⁸ In the end they were unsuccessful, and George became king; but not all of his subjects were as loyal as the law commanded (and as peace necessitated). A 1715 Jacobite uprising demonstrated the extent of dissatisfaction with the new regime, particularly in Scotland and northern England. In the years following the Fifteen, a series of attempted rebellions confirmed the endurance of discontent.

⁶ When he received a packet containing the pamphlet, Lindsay arranged for witnesses to be present at its opening and was later himself examined. State Papers Ireland, SP 63/372/27, NA. Swift too was defensive about receiving offensive correspondence, writing to Gay and the duchess of Queensbury on 3 October 1732: “Neither would I be under any apprehension if a letter should be sent me full of treason; because I cannot hinder people from writing what they please, nor sending it to me; and although it should be discovered to have been opened before it came to my hand, I would only burn it, & think no further.” The Correspondence of Jonathan Swift, ed. David Woolley, 4 vols., vol. 3 (Frankfurt am Main: Peter Lang, 1999–2007), 543. Both Lindsay and Swift had good reason to be concerned that suspicion would turn toward them as the recipients of offensive correspondence. In June 1689 Shrewsbury had requested a list of the “names of them to whom” parcels of libels had been directed. State Papers Domestic, Secretary’s Letter Books, SP 44/97, p. 110, NA.
⁷ 12 & 13 Will. III, c. 2.
⁸ This series of events is well catalogued in numerous sources. For a brief account, see Holmes, Making of a Great Power, 207. Oxford was dismissed days before Anne’s death, then impeached and sent to the Tower a year later. Bolingbroke’s dismissal came a month after Oxford’s, but rather than remain and face punishment, Bolingbroke fled to France, where he was appointed secretary of state for the Pretender, a position he lost in the aftermath of the Fifteen.
Violent disagreement over the succession was hardly new. Swift and all of his generation would have well remembered the Revolution of 1688, during which William III and Mary II replaced James II.\(^9\) That Revolution too came just decades after the regime changes of the Civil War. For Swift and his contemporaries, the conflict over succession rights, however unsettling, would not have been unfamiliar.

The prospect of a rebellion from within was exacerbated by the threat of invasion from without. As ever, the succession served as a wedge to drive some loyalties together and others apart. When George ascended to the throne, the ink on the Treaty of Utrecht (1713)—which, among other things, had established that France and Spain recognized the Hanoverian succession\(^10\) and concluded the War of Spanish Succession (1702–13)—was not long dry. That conflict was itself sandwiched between the Nine Years’ War (1689–97), in which France endeavored to restore the English crown to James II, and the War of the Quadruple Alliance (1718–20), during the course of which the exiled duke of Ormond led a failed expedition to

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\(^9\) This was precipitated by the birth of James Edward Stuart to James II and his second wife, Mary of Modena. The birth of a Catholic son and heir jeopardized the Protestant succession that had been assured with the hereditary right of Mary (daughter of James II and his first wife Anne Hyde) and her Dutch husband William. William’s forces invaded England, and James fled to France. In 1689 the Bill of Rights was passed. Among other things, this held that the heir to the throne was to be Mary’s issue or, in the event that she bore none, Anne of Denmark and her heirs. 1 Will. III & Mary II, sess. 2, c. 2. See also Holmes, *Making of a Great Power*, 427.

\(^10\) The agreement with Louis XIV in April 1713 recognized the succession as proceeding to the issue of Anne, “and in default thereof, to the most Serene Princess Sophia, Dowager of Brunswic-Hanover [sic], and her heirs in the Protestant line of Hanover.” It also held that Louis XIV and his heirs and successors would “take all possible care that [James Edward Stuart, the Old Pretender] shall not at any time…return into the kingdom of France, or any the dominions thereof.” George Chalmers, ed., *A Collection of Treaties between Great Britain and Other Powers*, vol. 1 (London: printed for John Stockdale, 1790), 343. The agreement with Philip V in July 1713 similarly recognized the Protestant succession. *Actes, Memoires, & Autres Pieces Authentiques, concernant la Paix d’Utrecht*, 6 vols., vol. 5 (Utrecht: Guillaume vande Water et Jaques van Poolsum, 1715), 150–3. For a synopsis of the treaty terms, see Holmes, *Making of a Great Power*, 437.
replace the Hanoverian king with James Edward Stuart. During the later War of Austrian Succession (1739–48), in the reign of George II, the campaign to reinstall a Stuart—this time, James Edward’s son Charles Edward—was reinvigorated.

The prospects of rebellion and invasion—and the potential for the two to fuel one another—drove officials to monitor communications closely. (The Scriblerians were particularly vulnerable to having their transmissions intercepted, given their political and personal engagements.) Barber’s ultimately unsuccessful attempt to transmit Atterbury’s tract exemplifies many of the challenges and opportunities associated with communicating in this conflict-rich context. For this reason, we shall briefly trace the pamphlet’s movements here.

The tract began its fateful journey to Ireland after Barber discovered—probably through his contact with Ormond, whose removal the pamphlet expressly criticized—that George Jeffreys, secretary to the bishop of Derry, was planning to set out across the Irish Sea. He and Ormond understood Jeffreys’s journey as an opportunity to communicate with Swift in Ireland, and they accordingly transmitted their conveyances to Jeffreys via the duchess of Ormond’s chaplain, the Reverend Arthur Charleton. “I rejoice,” Barber opened his dispatch, “at this occasion of sending a Letter by a safe hand to the Dean of St P[atrick’s] my best Friend and

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11 Primary-source material concerning this plot may be found in The Jacobite Attempt of 1719. Letters of James Butler, Second Duke of Ormonde, Relating to Cardinal Alberoni’s Project for the Invasion of Great Britain on Behalf of the Stuarts, and to the Landing of a Spanish Expedition in Scotland, ed. William Kirk Dickson (Edinburgh: printed at the University Press by T. and A. Constable for the Scottish History Society), 1895; for a narrative of events, see Ibid., ix–lix.

12 For a discussion of these invasion threats and of Britain’s prolonged conflict with France, see Linda Colley, Britons: Forging the Nation 1707–1837 (New Haven: Yale University Press, 2005), 3–4, passim.

13 Atterbury, English Advice, 9–10.

14 State Papers Ireland, SP 63/372/43, NA.
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Patron.” A safe hand, it turned out, Jeffreys could not provide. Upon his arrival in Ireland, he underwent what seems to have been a typical—and typically thorough—examination. A custom-house officer searched Jeffreys’s “trunks & Pockets as usual to see if he brought over any prohibited goods.” In the course of this inspection, the officer found Atterbury’s *English Advice* together with several other pamphlets.

News of the interception traveled quickly. Barber had dated his letter 3 May 1715. By 19 May, two of the lords justices, Archbishop William King of Dublin and Robert FitzGerald, earl of Kildare, were reporting that the custom-house officer had “thought proper to carry [the papers] to the Commissioners, who immediately brought them to [King and Kildare],” who in turn conveyed them to James Stanhope, secretary of state for the Southern Department, “by a Packet-boat sent on purpose, conceiving it might be of no small importance to His Majesty[’]s Service could the last instructions to the Lord Bolingbroke mention’d in one of these Letters be

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15 *Correspondence of Jonathan Swift*, ed. Woolley, 2:123.
16 A quarter-century earlier, the Mayor of Dover received explicit instructions from Shrewsbury that searches of passengers were to be carried out. State Papers Domestic, Secretary’s Letter Books, SP 44/97, p. 178, NA.
17 State Papers Ireland, SP 63/372/43, NA; emphasis added.
18 These included *A Defence of the King against What is Commonly Called His Speech*, a half-sheet relating to the proceedings of the House of Commons against Sir William Wyndham (*The Impartiality of Parliament in Sir William Wyndham’s Case*) and the “Ballad on the Late Lord Wharton.” Brodrick Papers, 1248/3, ff. 244r–245v, SHC; State Papers Ireland, SP 63/372/43, NA. The “Ballad” is included in the list that King and Kildare provided to Stanhope (in the State Papers), but not in Midleton’s letter (in the Brodrick Papers). Woolley’s list of documents, likely gleaned from SP 63/372/43, includes the ballad as well. In a separate packet, Barber also transmitted *The Conduct of His Grace the Duke of Ormond in the Campagne of 1712*, which was meant to “do that Great Man [Ormond] Service.” *Correspondence of Jonathan Swift*, ed. Woolley, 2:124, 125, n. 8, 126, n. 15.
19 John Vesey, the archbishop of Tuam, was also a lord justice, but he did not sign the initial correspondence about the intercepted pamphlets; he was, however, named in previous communications about *English Advice*. See, for instance, State Papers Ireland, SP 63/372/35, SP 63/372/27, and SP 63/372/45, NA.
Writing that day to Charles Delafaye, secretary to the earl of Sunderland, the lord lieutenant of Ireland, Archbishop King lamented:

I need not tell you that we are pestered with libels and virulent pamphlets sent over by the party there [in England] to their fr[ien]ds here [in Ireland], who keep them very secret and hand them to one another. We sometimes catch them, and have now 6 or 7 before us. We sent lately to Secretary Stanhope [sic], because it required dispatch, and another go’s to-night.

On that same day, viscount Midleton, the lord chancellor of Ireland, informed his brother, the Irish MP Thomas Brodrick, about the interception, and suggested that further suspect communications were likely forthcoming: “Among the letters one tells the Dean their [Tory] party is in great heart all over the Kingdome, assures him things will doe [sic] well and wishes he might speak plainly.”

At the same time, Eustace Budgell, secretary to the lords justices of Ireland, sent transcripts of Barber’s and Ormond’s letters to Sunderland at Bath; and Isaac Manley, the deputy postmaster general of Ireland, made a further report to Sunderland, who raised the matter with Archbishop King, Swift’s superior in Dublin. Delafaye wrote on Sunderland’s behalf to inform King on 25 May 1715 that Swift was to be “kept in confinement” if there appeared “enough

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20 State Papers Ireland, SP 63/372/43, NA. The Lords Justices also transmitted The Conduct to Secretary Stanhope, “not knowing whether or no it may be yet published in England.” Ibid. According to the ESTC, it was published in London in 1715.
21 William King, Correspondence, 1473.176.521, 5 reels (microform), reel 2, p. 288, PUL.
22 Brodrick Papers, 1248/3, f. 245v, SHC. The text to which Midleton referred comes from Barber’s letter to Swift: “Our Friends here and all the Kingdom over are in great spirit. We shan’t always groan under the Burden. I wish I might speak out.” Correspondence of Jonathan Swift, ed. Woolley, 2:124.
23 Although contemporaries sometimes referred to Manley as the postmaster general of Ireland, his official title was that of deputy postmaster of Ireland, as he is so called in a king’s warrant granting him an annual payment of £200. Post Office, Treasury Letters, POST 1/6, p. 84, BPMA; State Papers Ireland, SP 63/375/162, NA; Treasury Warrants, August 1717, 11–12, Calendar of Treasury Books, vol. 31, ed. William A. Shaw and F. H. Slingsby (1960), 507–44, www.british-history.ac.uk.
24 These events are related in Correspondence of Jonathan Swift, ed. Woolley, 2:122, headnote.
against [him] to justify it.”

On 4 June 1715, King replied, evidently defending Swift: “The letters directed to Dean Swift we sent to England with an Examination where they were found, they could effect none there because not delivered to them, and they secured to acquit the Dean by complaining of his not writing, which they interpreted as a forbidding [sic] them to write.”

King later told Swift, as the latter recounted to Knightley Chetwode, “how kind he had been in preventing [Swift’s] being sent to &c.”

Certainly Swift knew enough to question King’s motives; the archbishop had, just a couple of weeks before his apparent exercise of kindness, reported the intercepted transmission to Stanhope.

King ultimately had to be generous with his loyalties; he was responsible for ensuring the proper management of the Jeffreys affair, both as lord justice to Ireland and as archbishop to Swift.

A Bureaucracy of Acquaintances

As these few exchanges suggest, Swift’s epistolary network had redundancies in the connections among its members. If Swift did not learn about the contents of English Advice from Barber via Jeffreys, he might have heard about the pamphlet from any number of contacts who were connected to him (and to each other) through multiple acquaintanceships. For instance, he had friends in high places, some of whom recovered and destroyed a letter that had evaded the searchers’ examination of Jeffreys; surely they would have known about the confiscated papers as well. Swift also could have learned the contents of Ormond’s (intercepted) letter of 3 May

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25 There is a transcript of Delafaye’s letter to Archbishop King in Ibid., 5:232–3.
26 William King Correspondence, 1473.176.521, 5 reels (microform), reel 4, [n. p.], PUL. This passage is also partially quoted in The Correspondence of Jonathan Swift, 5 vols., vol. 5, ed. Harold Williams (Oxford: Clarendon Press, 1965), 233.
28 State Papers Ireland, SP 63/372/43, NA. Williams, citing Ball, has also noted King’s apparent disingenuousness. Correspondence of Jonathan Swift, ed. Williams, 2:172–3, n. 4
29 Correspondence of Jonathan Swift, ed. Woolley, 2:129, and 130, n. 3.
1715 because Isaac Manley might well have shown him a clerk’s copy. Manley certainly told Swift’s friend and colleague Walls about the interception, and Walls in turn sent a letter of alert (ultimately undelivered) to the dean. Manley himself was doubly related to Barber’s lover, Delarivier Manley, the anonymous author of another enclosed (and intercepted) pamphlet, the *The Conduct of His Grace the Duke of Ormond in the Campagne of 1712*. Swift was connected to Mrs. Manley through his association with Barber, and independently as well; he sometimes enlisted her to write or assist in writing politically sensitive tracts. (Swift did not consider her a literary equal, though, and he variously took pity on and—like Pope—satirized her.) Mrs.

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30 Ibid., 2:122, headnote.
31 Ibid., 2:127, and 128, n. 4.
32 A birth notice for “Mary Manly” on 7 April 1663 was thought to refer to Delarivier Manley, but further biographical investigations have suggested that Mary was Delarivier’s eldest sister, and that Delarivier Manley was born c. 1670. For the 1663 birth notice, see MS Sloane 1708, f. 117, BL, © British Library Board. For a discussion of the provenance of the attribution of the given name Mary, see Patricia Köster, “Delariviere Manley and the DNB: A Cautionary Tale about Following Black Sheep, with a Challenge to Cataloguers,” *Eighteenth-Century Life* 3 (1977), 106–11. The relationship between Manley and Barber evidently began at the publication of Manley’s first novel, *The Secret History of Queen Zarah and the Zarazians*, in 1705. Dolores Diane Clarke Duff, *Materials toward a Biography of Mary Delariviere Manley* (PhD diss., Indiana University, 1965), iii. According to Rogers, Barber and Manley did not cohabit until 1714. Nicholas Rogers, “Barber, John (bap. 1675–1741),” in *ODNB*.
33 I refer to Delarivier Manley as “Mrs. Manley” to distinguish her from Isaac Manley, who figures more prominently in this chapter. She is so called in the title of her autobiography.
Manley was also the first cousin and sister-in-law of Isaac Manley, whose brother was her estranged husband John Manley (d. 1713), a Tory lawyer and eventual MP.  

Unlike his brother John, Isaac was an ardent Whig. He was promoted from comptroller of the Inland Post at the General Post Office to become the deputy postmaster general of Ireland.  

Swift was at one point on cordial terms with Manley, playing ombre (a card game) with him and his wife on several occasions at least through June of 1710. When a 1710/1 outcry about the practice of letter-opening threatened to leave Manley officeless, Swift lobbied Will Frankland, comptroller of the Inland Office at the Post Office, on the postmaster’s behalf. He continued to defend the postmaster, a fact that he remarked upon in one letter to Stella from February 8th.
1711/2,41 and again two years later in another to Walls.42 Swift felt he was owed a measure of the postmaster’s gratitude; having “served Manley while [he] was able”—even, when prospects looked bleak, lobbying that Manley not be refused a pension43—Swift felt by 1714 that the postmaster should “look out for some other Friends.”44 Given that Manley was then “secure in his post,” it was to be Swift’s “turn to solicit favours from him.”45 But Manley evidently did not agree. The postmaster may have endeavored to alert Swift that Barber’s packet had been intercepted; but he was nonetheless a willing participant in the exchange of intelligence following the interception. He regularly engaged in the sorts of intrusive practices that Jeffreys encountered.

Manley perhaps felt he owed little to Swift; the postmaster’s endurance resulted not just from Swift’s assistance but also from his own savvy,46 and probably from the connections that

43 Ibid., 1:586, 2:35. Manley was, in fact, very well compensated. He received an annual pension of £200, and while in the position of deputy postmaster general, he seems to have enjoyed an additional annual salary of £600. Post Office, Treasury Letters, POST 1/6, p. 84, BPMA; see also State Papers Ireland, SP 63/375/162, NA. Manley corroborated the sum in State Papers Ireland, SP 63/388/180, NA. Manley’s pension is also briefly discussed in Reynolds, History of the Irish Post Office, 21. Additional evidence of the £600 supplement to Manley may be found in State Papers Domestic, Secretary’s Letter Books, SP 44/119, p. 160, NA. In contrast, Manley’s predecessor George Warburton had paid £2,500 annually for “the privilege and the profits” of serving as deputy postmaster in Ireland; nevertheless, Warburton had made up for the loss in part by availing himself of at least £6,000 of public funds during his postmastership. F. E. Dixon, “Irish Postal History,” Dublin Historical Record 23, no. 4 (July 1970), 127–36: 128.
44 Correspondence of Jonathan Swift, ed. Woolley, 2:35.
46 Manley responded to allegations of letter-opening practices by forbidding the reception for postage of any letter that contained money or jewelry. In this way, he redirected attention away from one consequence of letter opening—the discovery of private information—and toward another, less frequent, result: theft. Reynolds, History of the Irish Post Office, 21. The problem of theft, however sporadic, nevertheless seems to have persisted; a letter from John Eyles to Lord Harrington dated 29 August 1739 reports a deposition attesting that “several Jewells and other
had furnished the office in the first place. (His father, John Manley, was postmaster general in London from 1653 until 1655. And so, far from being in a position to solicit favors, Swift found himself under veritable surveillance (though that term did not enter the lexicon until the beginning of the nineteenth century) under Manley’s watch. Though not visually tracked—as the term’s current usage implies—Swift was constantly being read. Because Manley was not just a bureaucrat but also an acquaintance, the postmaster’s scrutiny was personal; and Swift took it personally. If he had not earlier been suspicious—or if his initial praise of Manley had belied his suspicions because it was sometimes conveyed by post—he soon began to express misgivings explicitly, as is clear from a letter he wrote from London on 18 May 1714 to the earl of Peterborough. In it, Swift did not feign to imagine that privacy attended his transmissions: “Nor is anything I write the least secret, even to a Whig footman.” He jested to Chetwode the month after Jeffreys’s examination that another packet directed to him had been “seised by the Government; but after opening several Seals it proved onely plum-cake.”

Swift and his correspondents responded to the increasingly pervasive practice of letter interception by availing themselves of private hands whenever possible. Those were not always

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48 *OED*, s. v. “Surveillance, n.”

49 Technically, 9 Anne, c. 11 authorized the opening of letters by an express warrant in writing, signed by one of the principal secretaries of state. As will be discussed, the practice of letter-opening by Irish post officials seems to have been common, as did that by secretaries of state of issuing blank or broad warrants.


51 Ibid., 2:129.
safe, either—as Jeffreys’s experience attests—but they offered a more secure prospect than the
post. As Swift’s friend Peter Ludlow wrote on 10 September 1718:

…I suppose I need make no apology for not sending it by post…. For your friend
Mr. Manley has been guilty of opening letters that were not directed to him, nor
his wife, nor really to one of his acquaintance. Indeed, I own, it so happened, that
they were of no consequence, but secrets of state, secrets of families, and other
secrets (that one would by no means let Mr. Manley know) might have been
discovered…to be plain with you, no man nor woman would (with their eyes
open) be obliged to shew all they had to Mr. Manley.⁵²

Ironically, because Manley had been kept on—in part due to Swift’s advocacy—he held the
postmastership in 1714 when the duke of Shrewsbury was replaced as lord lieutenant of Ireland
by Sunderland.⁵³ Under the new lord lieutenant, Manley had been required to make a report of
Jeffreys’s intercepted letters.⁵⁴ Swift had thus unknowingly facilitated his own surveillance.

Thus the cycle went: Swift corresponded, Manley gathered intelligence on Swift’s
correspondence, and Swift received intelligence on Manley’s activities. And active Manley was.
In a letter to his brother Thomas, Lord Brodrick characterized the postmaster as a gentleman who
“interposes in almost every thing which lies in the disposal of the Government here.”⁵⁵ Just as

⁵² Ibid., 2:271–2.
⁵³ According to a contemporary characterization, “…he [Manley] was, and is, the first Favourite
[of Shrewsbury]; always chosen as a Companion to the Park, to the Strand, and to the Country;
Controller of his G—e’s [Grace’s] Houhold [sic], and of his closet Council.” [Richard Helsham
and Patrick Delany], A Long History of a Short Session of a Certain Parliamint in a Certain
Kingdom ([Dublin?]: [s. n.], 1714 [1730?]), 9; original emphasis. This is also cited and partially
quoted in Correspondence of Jonathan Swift, ed. Woolley, 1:587–8, n. 6.
⁵⁴ Correspondence of Jonathan Swift, ed. Woolley, 1:587–8, n. 6. Sunderland’s zeal for
intelligence-gathering is evident in a letter from Delafaye to King dated 15 June 1715, in which
the former urged King to continue “proceeding briskly & with vigour” in matters concerning
libels and satire, and expressed Sunderland’s wish that offenses against the government be
punished “as severely as the law will allow.” Sir Charles Simeon King, ed., A Great Archbishop
⁵⁵ Brodrick Papers, 1248/3, f. 361v, SHC. Dunton described Manley as “loyal and acute.” John
Swift cultivated a network of informants who would alert him if his communications were intercepted, Manley similarly had contacts who could be counted upon to convey intelligence, even for information not transmitted by post. What may be surprising is that these two networks—Swift’s and Manley’s—had several points of overlap. One was Jeffreys, whose connection to Swift has already been established. He was also linked to Manley through the custom-house, where Manley’s son John was by 1716 an officer, the secretary for the Western Ports, and where Jeffreys would go on to gain London employment. Another point of contact was James Craggs, junior, secretary of state for the Southern Department (1718–21). The younger Craggs was a friend of Alexander Pope, who memorialized him in 1721 with the line, “There never lived a more worthy nature, a more disinterested mind, a more open and friendly temper.” It was Craggs, nevertheless, who emphasized to the commissioners of the customs the importance of searching even otherwise approved travelers, and it was his father and namesake who held the position of postmaster general (1715–20, with Lord Cornwallis): that is, the elder Craggs was Manley’s boss. Another shared link was Archbishop King. King may have intervened with Sunderland on Swift’s behalf, but he also went out of his way to cooperate with

Nicolls, Son, and Bentley, 1818), 291. This latter characterization is also noted in Jonathan Swift, Journal to Stella (Whitefish, MT: Kessinger Publishing, 2004), 386, n. 3.
56 His salary is given as £130. John Chamberlayne, Magnæ Brittanniae Notitia: Or, the Present State of Great-Britain (London: printed for Timothy Goodwin, et al., 1716), 499. This is also cited in Correspondence of Jonathan Swift, ed. Woolley, 1:370, n. 1. There was a William Manley who worked for the custom-house in London in October 1741; his relationship to Manley, if he was indeed related, is not known. State Papers Domestic, SP 36/57/24, NA.
57 Matthew Steggle, “Jeffreys, George (1678–1755),” in ODNB. The dates of Jeffreys’s employment at the custom-house are unclear.
59 State Papers Domestic, Secretary’s Letter Books, SP 44/119, pp. 236–7, NA.
Manley. He must have channeled letters to Manley sufficiently often that at least one person sought access to the postmaster by way of the archbishop. Yet King too was circumspect in his communications, and his correspondents sometimes made recourse to private hands when writing to him; in fact, among the communications that Jeffreys had brought over to Ireland (along with Atterbury’s pamphlet) was one from the bishop of Derry to King himself. King, like Swift, saw the benefits—and the limits—of a friendship with Manley. The postmaster was not an ally; but he could not be avoided, either.

The Post as a Means, The Post as an End

Manley’s involvement in a custom-house matter such as Jeffreys’s was not atypical for a post official. The two institutions had a shared history, a shared network of civil servants, and—it turned out—a shared mission. The post office, like the custom-house, was meant to serve not just as a channel for transmitting goods and information, but also as the hub of an intelligence-gathering operation. It was no coincidence that the first act establishing a

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60 William King Out-Letters, MS 750/8/90, TCD.
61 In a postscript, he noted: “Mr Jefferrys was seised by the Custom house officers with sev[eral]l pacquets, which gave him and us a good deal of trouble.” William King Correspondence, 1473.176.521, 5 reels (microform), reel 2, p. 291, PUL.
62 In the late seventeenth century, the farmers (lessees of a government monopoly) of the post also farmed the customs. To curb the substantial profits that the farmers were making, in 1683 the farming system was stopped, and the farmers began to be paid regular salaries (as Manley later was). Dixon, “Irish Postal History,” 129; see also OED, s. v. “Farmer2.”
63 Isaac Manley’s ties to the custom-house were not unique; in some cases, the same person would at various points hold offices at both the custom-house and the post. For instance, Sir Thomas Frankland, the father of Inland Office Comptroller William Frankland, to whom Swift had appealed on Manley’s behalf, served as postmaster general until George’s accession, after which he became a customs commissioner. David Hayton, Eveline Cruickshanks, and Stuart Handley, eds., The House of Commons 1690–1715, vol. 3 (New York: Cambridge University Press, 2002), 1112.
64 In some cases, the custom-house and post office were even treated as interchangeable sites for carrying out searches of letter packets. See State Papers Domestic, SP 36/18, f. 238r, NA.
centralized post office came about during a period of political tumult. Established on 9 June 1657, the General Post Office had the express mission not onely [sic] to maintain a certain and constant Intercourse of Trade and Commerce...but also to Convey the Publique Dispatches, and to discover and prevent many dangerous, and wicked Designs...contrived against the Peace and Welfare of this Commonwealth, the Intelligence whereof cannot well be Communicated, but by Letter of Escrip. At moments of turmoil, the post office promised to help maintain order by uncovering and then preventing acts of rebellion. (And at some crucial points, it succeeded: when in the winter of 1716/7 Georg Heinrich von Görtz, chief minister of the Swedish king Charles XII, schemed to incite a Jacobite rebellion in England and an invasion of Scotland, he was thwarted when the British government intercepted and deciphered some of his correspondence with Carl Gyllenborg, the Swedish minister in London.) To ensure that key information could be drawn

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65 Posts in England predated the 1657 act, which confirmed the postal system and, among other things, united the Foreign and Inland Offices within a General Post Office. According to Ellis, the Yorkist government had established temporary posts in the second half of the fifteenth century, and the Tudors had set up permanent posts in the early sixteenth century; before these, there had not been posts since Roman times. Ellis, Post Office in the Eighteenth Century, 1–3.

66 “June 1657: An Act for Setling [sic] the Postage of England, Scotland and Ireland,” Acts and Ordinances of the Interregnum, 1642–1660, ed. C. H. Firth and R. S. Rait (1911), pp. 1110–3. BHO, www.british-history.ac.uk. Whyman cites and partially quotes Hyde on the nature of the post office under Secretary Thurloe and beyond: “[N]ot only in Thurloe’s time, but in the years immediately preceding the Restoration, during the settlement of the kingdom after the Restoration, and probably for long after that, the Post Office was regarded as the pulse of all political movements, the deputy postmasters in the country serving as the hydra-headed agency for the State—seeing, hearing, and reporting everything of importance that transpired in their districts; while the opening of letters in the Post afforded a means of securing evidence against the enemies of the ruling powers for the time being.” James Wilson Hyde, The Post in Grant and Farm (London: Adam & Charles Black, 1894), 238; cited and partially quoted in Susan E. Whyman, “Postal Censorship in England, 1635–1844,” web.princeton.edu/sites/english/csbm/papers/censorship/postal_censorship_england.doc.

from all possible dispatches, the 1657 act also provided the post office with a monopoly for letter transmission within England, Scotland, and Ireland. In the ensuing years, the role of the post office as an intelligence-gathering body expanded. Ellis has written that it essentially stood in for a dedicated department: “During the eighteenth century the Post Office transmitted, collected, and created intelligence. Lacking a centralized agency, the government used various organs, the office being especially important.” Although the post office enjoyed a monopoly on letter transmission, not all correspondents availed themselves of it—as Jeffreys’s case demonstrates, and as the mandate of the custom-house to intercept private communications attests.

For someone like Jeffreys—a private man on a private mission—it was not illegal to act as a messenger. Both the 1660 and 1710 statutes excepted from monopoly infringement letters sent by private friends who were in the course of their journeys. Jeffreys’s transmission nevertheless fell within a gray area. A royal proclamation dated 25 August 1683 had ordered that

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68 Acts and Ordinances of the Interregnum, 1110–3. When a Committee of Secrecy was convened in 1844 “to inquire into the State of the Law in respect to the detaining and opening of Letters at the General Post-office,” it reported that “[w]ith regard to correspondence conveyed by other Messengers than their own, our Monarchs viewed it with great suspicion.” From at least the early fourteenth century, all letters from overseas were to be seized (although a record from Edward II’s time indicates that merchants were not to be oppressed); and Wolsey is known to have intercepted dispatches sent from the ambassador to England of Charles V. Report from the Secret Committee, G.13933, pp. 2, 4, BL, © British Library Board. After the Restoration, the Act for Erecting and Establishing a Post Office, passed in December 1660, confirmed the principal terms of the Interregnum statute, including a provision that the postmaster general and his agents, “and noe other person or persons whatsoever” were charged with the “delivering of all Letters and Pacquets whatsoever.” 12 Car. II, c. 35. The subsequent grant of a lease to Daniel O’Neale to serve as postmaster general prohibited “all and singular person and persons whatsoever, other than the said Daniel Oneale [sic], his deputies, servants, or assigns” from carrying out any of the duties that “ought to be done by him the said Daniel Oneale, his deputies, servants, or assigns.” Report from the Secret Committee, G.13933, Appendix LX, p. 89, BL, © British Library Board. The 1710 Act for Establishing a General Post Office replaced the earlier statutes and similarly prohibited unauthorized agents from conveying mail. 9 Anne, c. 11.

69 Ellis, Post Office in the Eighteenth Century, 60.

70 12 Car. II, c. 35; and 9 Anne, c. 11. The latter statute—which was in effect at the time of Jeffreys’s transmission—placed two additional restrictions on the exception: it mandated that
all Letters whatsoever sent or conveyed by Clandestine and Indirect ways, and by Persons not lawfully authorized, shall be lookt upon as Letters of Dangerous Consequence, and shall accordingly be seized and brought to one of His Majesty’s Principal Secretaries of State, or to some one or more of the Lords of His Majesty’s most Honourable Privy Council, to the end the same may be opened and inspected, and the persons conveying or sending them may be proceeded against according to Law.\textsuperscript{71}

Jeffreys’s packets were conveyed in what might have been deemed a clandestine or indirect way, but the state’s intelligence-gathering enterprise had sufficient redundancies (both in operations and personnel) to enable their discovery.

While the officers at the custom-house had the authority to search the pockets of every passenger who passed through in the course of their “usual” examinations, those who worked at the post had a more limited mandate. The perusal of letters, at least in theory, was not to take place without the express direction of a secretary of state.\textsuperscript{72} Once a warrant was issued, however, any recovered correspondence could be used in a host of ways, including as evidence against alleged criminals. The seizure of Atterbury’s anonymous pamphlet in 1715 adumbrated the later recourse to a much more consequential cache of intercepted letters in proceedings against the bishop for his role in a Jacobite conspiracy.\textsuperscript{73} Atterbury’s counsel, William Wynne, did not

\textsuperscript{71} Graham Papers, vol. CLIII, Additional Manuscripts 79743, f. 93, BL, © British Library Board.

\textsuperscript{72} The 1660 act did not explicitly mention the opening of letters, but the leases granted to Henry Bishop and his successor Daniel O’Neale to farm the post office included provisions that the lessees permit the principal secretaries of state to have, at their discretion, the survey and inspection of all letters lawfully conveyed. O’Neale’s lease even established the language that would find its way into the long-enduring 1710 Post Office Act, which was still largely in force at the time of the Secret Committee’s report in 1844. Report from the Secret Committee, G.13933, p. 7, BL, © British Library Board. See also A. M. Ogilvie, “The Rise of the English Post Office,” The Economic Journal 3, no. 11 (Sept. 1893), 443–57: 447. The 1710 act held, \textit{inter alia}, that a written warrant from one of the principal secretaries of state was required for “every such opening detaining or delaying” or mail. 9 Anne, c. 11.

\textsuperscript{73} Atterbury’s case is noted in Ellis, \textit{Post Office in the Eighteenth Century}, 71.
challenge the legality of the warrants under whose authority the letters had been stopped.74 In this regard, he was not alone; the legitimacy of the secretaries’ warrants remained officially unquestioned for almost a century following Swift’s death, when the Secret Committee of the Post Office issued its report in August of 1844. The committee wrote that, regarding the number and nature of warrants for opening and detaining post letters during the period 1712–98, it was “able to render only a very incomplete account,” since “it was not [then] the practice to record such Warrants regularly in any official book.”75

**Of Laws and Loopholes**

It was not even (necessarily) the practice to require warrants at all. If warrants were issued for the interception of Swift’s correspondence, none seem to survive. Many of Swift’s complaints about letter interception do survive, though. Given the entertainment value of the Scriblerians’ published works, it is not surprising that their private communications would have aroused interest. Moreover, given the Scriblerians’ political and personal involvements, their correspondence may have been especially enticing to post officials seeking rewards for uncovering treason or its antecedents.76

If Manley and his colleagues wanted to read Swift’s—or anyone else’s—letters in the absence of a specific warrant, they could profess to carry out one of the various quality-control procedures for which the thorough inspection of letters was required. They could, for instance,

74 Wynne focused on the legality of admitting copies—which might have been falsely made—into evidence. Paul S. Fritz, “The Anti-Jacobite Intelligence System of the English Ministers, 1715–1745,” *The Historical Journal* 14, no. 2 (June 1973), 265–89: 270. The fact that the legality of the warrants was not questioned in the Atterbury case is also noted in *Report from the Secret Committee*, G.13933, p. 8, BL, © British Library Board.
75 *Report from the Secret Committee*, G.13933, p. 9, BL, © British Library Board.
76 One successful intelligence gatherer was John Macky, the Scottish spy and former director of the packet boats at Dover and director of those at Dublin. See State Papers Domestic, Secretary’s Letter Books, SP 44/119, p. 160, NA.
open letters in purported attempts to prevent the abuse (including by the Scriblerians\(^{77}\)) of the franking privilege.\(^{78}\) (If they did so with too much enthusiasm or frequency, however, they risked drawing the ire of MPs.\(^{79}\)) Some post officials also adopted the practices of “candling”—i.e., shining the light of a candle through a letter\(^{80}\)—ostensibly for the purpose of checking that the number of enclosed sheets was properly charged.\(^{81}\) If in the course of their inspections they happened to read the contents of a dispatch, not much could be done to prevent them. Officials also carried out inspections of by-letters, i.e., letters carried on subsidiary routes that bypassed the General Letter Office in London.\(^{82}\) Again, on pretense of ensuring that all letters sent through the post were accounted for, officials could inspect them—perhaps with greater care than was necessary.

Post officials could also claim that certain letters were covered by a warrant that had not expressly noted them. Secretaries of state could (and, particularly from 1745 on, did) issue

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\(^{78}\) The carrying of official mail free of charge, otherwise known as franking, is defined in Order in the Committee for Irish Affairs, 25 November 1652, SP 18/25, f. 98, NA. In *Calendar of State Papers, Domestic Series, 1651–1652, Preserved in the State Paper Department of Her Majesty’s Public Record Office*, ed. Mary Anne Everett Green, vol. XXV, no. 67 (London: Longman & Co., 1877), 507. See also Howard Robinson, *The British Post Office: A History* (Princeton: Princeton University Press, 1948), 40, and n. 8; the Calendar is therein cited.

\(^{79}\) Post officials seem to have availed themselves of the opportunity to open letters on the pretense of inspecting franks in such numbers that in 1735 they prompted a formal complaint in the House of Commons, following which came a prohibition against opening or detaining letters without a written warrant, “unless there shall be good reason to suspect some counterfeit.” *Report from the Secret Committee*, G.13933, p. 8, BL, © British Library Board.

\(^{80}\) This definition has been adapted from that in *OED*, s. v. “Candle, v.”

\(^{81}\) Robinson, *British Post Office*, 125.

\(^{82}\) Ibid., 65. The practice of collecting and conveying by-letters, and subsequently pocketing the postage, was of such “detriment of her Majesty’s Revenue” that a 1710 statute prohibited the practice. 9 Anne, c. 11, as quoted in Papers Relating to the Post Office, PRO 30/8/232, p. 2, NA.
warrants “of a very general and unlimited character.” On at least one occasion, a secretary of state sent a warrant with a blank, which, like a blank check, could be filled out at the discretion of its recipient. Even when warrants specified the names of their targets, they could still cover scores of individuals simply by naming them or the groups to which they belonged; and they could provide for the direction of intercepted letters to anyone, even individuals who did not work for the post. Post officials sometimes requested the very warrants they were to execute, and it was not unheard of for secretaries to defer the task of warrant initiation to those more directly involved in day-to-day intelligence-gathering operations. Where Ireland was

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83 Report from the Secret Committee, G.13933, p. 8, BL, © British Library Board. For instance, on 8 October 1745 Newcastle instructed the assistants of the Yarmouth and Chester Roads “to open inspect and detain all such letters and packets as shall come to their offices suspected to contain treasonable correspondence and to transmit them to the Sec[retary] of State.” Graham Papers, vol. CLIII, Additional Manuscripts 79743, f. 60, BL, © British Library Board.

84 On 25 October 1689, Shrewsbury wrote to Mr. Chiffwich, a searcher at Gravesend, to convey an arrest warrant with a blank “to be filled up with” the name of someone Chiffich had mentioned but not named. State Papers Domestic, Secretary’s Letter Books, SP 44/97, p. 173, NA.

85 One dated 15 May 1730, from Newcastle to Edward Carteret and Edward Harrison, the (joint) postmaster general of Great Britain, authorized and directed the recipients to transmit copies of communications directed to any of 115 individuals or groups. State Papers Domestic, SP 36/18, ff. 211–2, NA.

86 On 17 September 1741, Newcastle wrote to the (joint) postmaster general, Lord Lovel, earl of Leicester, and Sir John Eyles, directing them to allow a man named Isaac Duqueruy (at the request of his father Henry) to “have the perusal” of all letters directed to Philip Augustus Duqueruy (Isaac’s younger brother), Catharine (or Catherine) Bailey (Philip Augustus’s wife), and John Knight. State Papers Domestic, SP 46/56 (part 2)/91, NA. This case is also recorded in Graham Papers, vol. CLIII, Additional Manuscripts 79743, f. 54, BL, © British Library Board.

87 For instance, on 19 December 1738, John Barbutt, secretary of the post office, wrote to John Wace, chief clerk in the secretary of state’s office, requesting “a new warrant for certain Assignees to receive letters directed under the names of La Cour, Belmonte &c.” Graham Papers, vol. CLIII, Additional Manuscripts 79743, f. 54, BL, © British Library Board. In another instance, four commissioners of the customs wrote to Newcastle requesting a warrant to detain letters directed to Francis Corbin. State Papers Domestic, SP 36/56 (part 2)/85, NA.

88 For instance, on 31 October 1740 Henry Bilson Legge, chief secretary to the lord lieutenant of Ireland (the duke of Devonshire), sent a letter to Andrew Stone, secretary of state for the Southern Department, conveying his superior’s wishes that Sir Marmaduke Wyvill (Manley’s successor) be given a broad mandate for opening letters. Perhaps because the order seemed to
concerned, standards for opening letters seem to have been especially lax. Ellis has written that Irish letters “were usually opened by a confidential clerk from Dublin Castle on warrants from London till 1783.”89 Secretaries of state also delegated authority for the opening of letters to the lord lieutenant, 90 who could in turn pass along that power to the deputy postmaster general. However private letters were read, it suffices to say that they were read. Officials knew it,91 and correspondents certainly did too.

Because awareness of the practice was widespread, post officials adopted strategies for covering up letter-opening. They sometimes did this by holding an entire batch of letters to suppress signs of delay for those that had been intercepted.92 In at least one instance, the delay of a transmission or the physical signs that letters had been opened—or both—led an official to consider either not delivering intercepted letters or transferring delivery responsibilities to the

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89 Ellis, *Post Office in the Eighteenth Century*, 64.
90 Although 9 Anne, c. 11 extended to Ireland, prior to the passage of 23 & 24 Geo. III, c. 17, the secretaries of state “were in the habit of delegating to the Lord Lieutenant authority” for directing the opening of Letters. Report from the Secret Committee, G.13933, p. 17, BL, © British Library Board. See, for instance, Graham Papers, vol. CLIII, Additional Manuscripts 79743, f. 55, BL, © British Library Board.
91 In a letter addressed to Colonel Heyford dated 21 May 1689, Shrewsbury hinted at the prevalence of the practice in making reference to “severall private Letters about Towne” to whose contents he was evidently privy. State Papers Domestic, Secretary’s Letter Books, SP 44/97, p. 81, NA.
92 For instance, on 23 April 1722, Charles, viscount Townshend, secretary of state for the Northern Department, and John Carteret, earl of Granville, secretary of state for the Southern Department, sent the (joint) postmaster general, Edward Carteret and Galfridius Walpole, “a War[ran]t for searching all Letters that come by [th]e [F]rench & [F]landers mails,” directing them to “find some pertinent to delay giving out [th]e Letters till [a thorough search] be over, that this may be done w[i]th as little noise as possible.” State Papers Domestic, SP 35/31/60, NA.
penny post (a flat-rate delivery service within London). Alternatively (or sometimes additionally), officials endeavored to conceal evidence that letters had been opened by carefully resealing them.

The practice of resealing, for its technical complexity and necessary secrecy, spawned an entire department—the Secret Office—dedicated to the art of closing what had been surreptitiously opened and read. From 1732, expert resealers were brought over from Hanover “by command of George II to perform the Opening [of letters] business which was then badly

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93 For example, on 27 July 1741 Richard Hall sent Newcastle’s aide Andrew Stone three intercepted letters with the postscript: “I leave it to you, whether the letters should not be delivered, to save [th]e Credit of the Post Office.” To transfer responsibility for the delay, he proposed: “[th]e pen[n]y post will doe it.” State Papers Domestic, SP 36/56 (part 2)/31, NA. Miscarriage seems to have occurred with sufficient frequency that it made a plausible excuse. The Scriblerians alluded to it periodically; see, for instance, Correspondence of Jonathan Swift, ed. Woolley, 2:45, 2:288; Correspondence of Jonathan Swift, ed. Williams, 2:310, n. 3; etc.

94 W. M. Bathune remarked: “I believe closing and sealing the letter to be as much the legal subject of an action of trespass as opening it, and there is nowhere any indication of an authority given for this purpose.” Graham Papers, vol. CLIII, Additional Manuscripts 79743, ff. 118–9, BL, © British Library Board. By the terms of 27 Hen. VIII, c. 2, counterfeiting the king’s sign-manual, privy-signet, or privy-seal constituted high treason. While this rule applied specifically to royal seals, it could have provided a basis for questioning the legality of counterfeiting other sorts of seals.

95 There was also a Private Office, which had a common mandate and leadership; it primarily handled domestic mail, while the Secret Office handled mostly foreign mail. Ellis, Post Office in the Eighteenth Century, 68. The Private Office ensured that, in Bamford’s words, “no one was spared”: “[t]he mail of private citizens was opened in order to catch crooks; ministers’ mail to warn the King of impending resignations and security risks; the King’s mail to observe his attitude and then alter it either by argument or well-placed leaks; opposition leaders’ to undermine their policies; and even each other’s to keep track of their conduct.” James Bamford, The Puzzle Palace: Inside the National Security Agency, America’s Most Secret Intelligence Organization (New York: Penguin Books, 1983), 414–5.

96 Although the earliest documents relating to that office date to 1733, John David Barbutt, secretary to the post office, testified in 1742 before a Secret Committee of the House of Commons that it had existed as far back as 1718, further stating his belief that an office for the inspection of foreign correspondence had always existed. Papers Concerning the Secret Office, HD 3/17, p. 5, NA. According to Ellis, the Secret Office originated in 1653 under John Thurloe, secretary to the council of state. Ellis, Post Office in the Eighteenth Century, 65. I am grateful to Ben Bühring for pointing out several sources pertaining to seal forgeries.
done [in England].” One Hanoverian family in particular, the Bodes, figured prominently in the business of seal-forging. The senior Bode, John Ernest, could hold no position of rank because he was not English-born, and yet, when an additional engraver was needed, Anthony Todd—from 1752 the foreign secretary, a post he had acquired “perhaps improperly as he also was Secretary to the Post Master General”—had recruited not an Englishman but rather one, and later two, of Bode’s sons. Perhaps because of the sensitive nature of the resealing enterprise, Todd had sought to create a redundancy in the bonds of trust among the men, supplementing their ties of kinship with professional ones as well. The Bodes’ multiple employments resembled those of other contemporary families involved in intelligence-gathering operations—including Todd and his nephew and successor Maddison, the Franklands, and the Manleys, to name just three. These types of familial lines served, as Holmes has shown, to foster the development of a

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97 Papers Concerning the Secret Office, HD 3/17, p. 5, NA. John Ernest Bode, senior, brought over from Hanover in 1732, was one of four clerks who worked under John Lefebvre in the Secret Office. The others were Robert Clark (or Clarke), Peter Thouveis (or Thouvois), and Peter Hemmitt (or Hemet). Ibid., 2. For alternative spellings, see SP 35/72 (part 1)/19, and PRO 30/8/232/3, f. 286r, NA. The PRO 30/8/232 source is also cited in Ellis, *Post Office in the Eighteenth Century*, 67, 132–3, passim.

98 This fact is noted in Ellis, *Post Office in the Eighteenth Century*, 80. The Act of Settlement (1700) had explicitly limited who could hold an office or place of trust, and to whom the crown could legally issue payments for such offices. 12 & 13 William III, c. 2. I am grateful to Ben Bühring for pointing out the conflict between the terms of the Act of Settlement and the hiring of John Ernest Bode, senior.

99 Papers Concerning the Secret Office, HD 3/17, p. 5, NA.

100 Newcastle Papers, vol. XLVI, Additional Manuscripts 32731, ff. 9r–v, BL, © British Library Board. I am grateful to Ben Bühring for pointing out this source. By 1761 Bode, senior, received a supplement of £100 “for educating his Sons to the Business.” Revenue Papers, PRO 30/8/83 (part 1), NA. The PRO 30/8/83 source is also cited in Ellis, *Post Office in the Eighteenth Century*, 67, n. 1; 132, n. 3; passim.

101 The foreign secretary position was held from 1787 by Todd’s nephew John Maddison until 1809. Todd alluded to his familial ties to Maddison in Papers Relating to the Post Office, PRO 30/8/232/3, f. 286v, NA. For an account of the fate of Maddison and the office, see Ellis, *Post Office in the Eighteenth Century*, 68.
permanent civil service tradition: they ensured continuities in executive policy and administrative methods; and they provided a reliable store of professional expertise.\(^{102}\)

The payment of Secret Office employees, like their recruitment, was a clandestine business.\(^{103}\) According to Newcastle, those employed in the Secret Office had (since 1718) “always been paid their Allowances from the Crown, free of Deduction, as soon as due.”\(^{104}\) In this way, the salaries of the Secret Office specialists could be disbursed without generating a public account or making a report to Parliament.\(^{105}\) This arrangement seems to have functioned at least in part because the revenues of the post office were then directed to the royal household. It persisted until a 1760 act of Parliament\(^{106}\) reallocated post office revenues to the Aggregate Fund.\(^{107}\) Even after 1760 the money continued to be spent, but by a different method.\(^{108}\)


\(^{103}\) The Bodes apparently received their salaries from the crown’s discretionary monies, which were issued upon royal warrants. The royal warrant that provided for the salaries of the employees in the Secret Office also covered material considerations, namely the “accidental charges for seals.” *A Further Report from the Committee of Secrecy* (Dublin: printed by S. Powell, for George Risk and George Faulkner, 1742), 132.

\(^{104}\) Papers Relating to the Post Office, PRO 30/8/83 (part 1), NA. In the early days of the Secret Office, the expenses it incurred were defrayed by the secretary of state, but from 1718 the money seems to have been paid by “Receipts Warrants signed by the King for so much received for ‘Our Secret Service.’” Papers Concerning the Secret Office, HD 3/17, p. 5, NA. See also Appendix 15 in *A Further Report*, 130–1. The Barbutt account in HD 3/17 (pp. 1–3 only) also appears in print as Appendix 16 of *A Further Report*, 131–2.

\(^{105}\) I am grateful to Will Deringer for his explanation regarding the listings of Secret Office salaries. He also directed me to a contemporary report of accounting practices for post-office revenue in Adam Anderson, *An Historical and Chronological Deduction of the Origin of Commerce, from the Earliest Accounts to the Present Time*, 2 vols., vol. 2 (London: printed for A. Millar et al., 1764), 227.

\(^{106}\) 1 Geo. III, c. 1. After that act, the source of Secret Office salaries was uncertain; and Todd wrote in 1761 to Newcastle to request a new arrangement for payment. (When salaries became past due, Todd advanced those in his employ £1,075 of his “own Money, which with a year due” him as well, made “a large Sum.”) PRO 30/8/232, f. 293r, NA. The advance of £1,075 is also noted in Ellis, *Post Office in the Eighteenth Century*, 95.

\(^{107}\) The Aggregate Fund, together with the General and South Sea Funds, figured in Walpole’s plan to reduce the interest of the debt. William Albert Samuel Hewins, “The National Debt: Its
The activities of the Secret Office were not, despite its name, entirely secret. The Scriblerians knew about it—and so they also knew that none of their transmissions, not even apparently well-sealed letters, had necessarily evaded inspection. Although payments to the Secret Office could not easily be tracked, contemporaries seemed to know that monies were being disbursed there. In “The Ant. To a Friend” (1727) John Gay criticized the considerable sums required to maintain the secret service, which encompassed the Secret Office:

‘Think how our present matters stand,  
What dangers threat from every hand;  
What hosts of turkeys stroll for food,  
No farmer’s wife but hath her brood.  
Consider when invasion’s near,  
Intelligence must cost us dear;  
And, in this ticklish situation,  
A secret told betrays the nation:  
But on my honour, all th’ expense  
(Though) vast was for the swarm’s defence.’

Again, without examination,  
They thank’d his sage administration.  
The year revolves. Their treasure spent,  
Again in secret service went:  
His honour, too, again was pledg’d,  
To satisfy the charge alleg’d.’

Gay acknowledged that the prospect of conflict brought about an increasingly intrusive—and expensive—bureaucracy, but he implied that the inconveniences it occasioned may well have

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108 Since thenceforth Secret Office salaries could be “no longer paid upon the King[’]s Warrant at the Post Office,” Todd requested “to have the said Sum [collective allowances of £4,610 per year] issued out of His Majesty’s Treasure, by Quarterly Payments as has been customary, to some one person who must unavoidably be trusted in the Business itself, rather than, without need, to expose such a Secret, to more than are necessary for carrying on of the Service.” He suggested himself as the “one person.” Revenue Papers, PRO 30/8/83 (part 1), NA. For more on Secret Office workers’ payments in the latter half of the eighteenth century, see Ellis, Post Office in the Eighteenth Century, 67–8. Barbutt wrote that the money was paid by royal warrant during the entire period 1718–82. Papers Concerning the Secret Office, HD 3/17, p. 5, NA.

outnumbered those it spared. Similarly, Thomas Sheridan wrote in “The Progress of Patriotism” (1729): “Sir Ralph, a simple, rural Knight, / Could just distinguish Wrong from Right, / When he receiv’d a Quarter’s Rent, / And almost half in Taxes went: / He rail’d at Places, Bribes and Pensions, / And secret Service, new Inventions…”

It is remarkable that the crown—and Todd—would have gone to such lengths to recruit, train, and retain personnel who in some cases could be neither legally installed in their positions nor openly paid: so highly did many regard the business of resealing intercepted letters.

Once a Secret Office specialist had forged the proper engraving and resealed an intercepted and clandestinely-copied letter, it would pass to the Deciphering Branch, where the task of interpreting its contents began. The art of deciphering, like resealing, required a unique combination of care, alacrity, and secrecy. Encryption was neither new nor unique to seventeenth- and eighteenth-century Britain. Kahn has cited an instance of funerary cryptography from ancient Egypt; and ciphers (whose basic units are letters) as well as codes (whose basic units are words/phrases) served many different purposes in the intervening centuries. Nevertheless, the known prevalence of letter interception spurred on letter-writers’ encryption practices, which in turn compelled the state to enhance decryption techniques. In Britain the locus of these emerging techniques was the “black chamber,” so called because of its analogs

[Jonathan Swift and Thomas Sheridan], The Intelligencer (London: reprinted by A. Moor [pseud.], 1729), 121. Swift and Sheridan wrote The Intelligencer jointly; but in a letter to Pope dated 12 June 1732, Swift noted which issues he had personally composed, and the twelfth was not one. Correspondence of Jonathan Swift, ed. Woolley, 3:489, and 3:491, n. 3.

The Deciphering Branch was responsible for decrypting the contents of intercepted mail from both the Secret and Private Offices. Just as Secret Office clerks were influenced by Hanoverian intelligence-gatherers, so too were decipherers, who collaborated with specialists in the black chamber at Nienburg. See also David Kahn, The Codebreakers: The Story of Secret Writing (New York: Signet, 1973), 110.

Kahn, Codebreakers, 70–1.

These definitions are adapted from those given in Ibid., xiii.
and predecessors across the continent (Henri IV had created the first such chamber in 1590\textsuperscript{114}); these secret cipher chancelleries were called \textit{cabinets noirs}.\textsuperscript{115}

The British “black chamber” originated with the seventeenth-century cryptanalyses of the mathematician John Wallis.\textsuperscript{116} Like the next generation of intelligence-gatherers who worked in tandem with analysts like Wallis, the mathematician passed on the skills of his craft to a family member, his daughter’s third son William Blencowe. After Blencowe’s suicide in 1712, the position was ultimately filled in 1716 by the Reverend Edward Willes (from 1742, bishop of Bath and Wells), who similarly brought his sons into secret-service work.\textsuperscript{117} The decipherer’s office was not abolished until 1812, and the Deciphering Branch endured until 1844.\textsuperscript{118} The Scriblerians would come to know of its activities, just as they knew some of what went on in the Secret Office. During the Atterbury trial, two specialists, Reverend Edward Willes and Anthony Corbiere, attested to the accuracy of their decipherings, the “Art or Mystery” of which they nevertheless refrained from revealing.\textsuperscript{119} In the \textit{Travels} (1726), Swift via Gulliver satirized the apparently inscrutable craft in a veiled reference to the Atterbury case:

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116 Kahn, \textit{Codebreakers}, 106. In the Tudor period the secretaries assumed responsibility for cryptography, but the enterprise collapsed in the early Stuart years, re-emerging with Wallis during the Civil War. Ellis, \textit{Post Office in the Eighteenth Century}, 127. For biographical information, see John Wallis’s MSS, MS. Eng. misc. e. 475, pp. 258–64, Bodleian Library, University of Oxford.
117 In between, Dr. John Keill briefly and unsuccessfully held the post. Willes’s sons Edward, junior, the Reverend William, and Francis worked for the Secret Office from 1742, 1752, and 1758, respectively. In the 1790s they were succeeded by Edward, William, and Francis Willes, sons of the elder William. Ellis, \textit{Post Office in the Eighteenth Century}, 128–31.
118 Ibid., 131.
\end{flushleft}
I told him [the Professor] that in the Kingdom of Tribnia [anagram for Britain], by the Natives called Langden [anagram for England]…the Bulk of the People consisted wholly of Discoverers, Witnesses, Informers…; together with their several subservient and subaltern Instruments; all under the Colours, the Conduct, and pay of Ministers and their Deputies. The Plots in that Kingdom are usually the Workmanship of those Persons who desire to raise their own Characters of profound Politicians; …and raise or sink the Opinion of publick Credit, as either shall best answer their private Advantage. It is first agreed and settled among them, what suspected Persons shall be accused of a Plot: Then, effectual Care is taken to secure all their Letters and other Papers, and put the Owners in Chains. These Papers are delivered to a Set of Artists very dextrous in finding out the mysterious Meanings of Words, Syllables and Letters. For Instance, they can decypher a Close-stool to signify a Privy-Council; a Flock of Geese, a Senate; a lame Dog, an Invader, [etc.]…

When this Method fails, they have two others more effectual; which the Learned among them call Acrosticks, and Anagrams. First, they can decypher all initial Letters into political Meanings…. Or, secondly, by transposing the Letters of the Alphabet, in any suspected Paper, they can lay open the deepest Designs of a discontented Party….120

Swift was making an argument about deciphering that resembled his claims about modern learning: he was denying the authority of what he essentially characterized as conjectural emendation. The problem with decipherers, Swift’s narrator implied, was that their craft was so (in)famously abstruse that they could have been fabricators as easily as interpreters, and—because of the “Art or Mystery” of deciphering—no one outside of their office would know. Indeed, as Bennett has pointed out, none of the intercepted letters “was in the Bishop’s handwriting and all were in code.”121 Because interception operations were carried out in

121 Bennett, Tory Crisis in Church and State, 259.
secrecy, scores of letters could be intercepted, opened, read, copied, deciphered, resealed, and transmitted without either the sender or the addressee learning of the odyssey that their dispatches had undergone prior to their apparently uneventful (if sometimes delayed) arrivals. For this reason, the passage reads too as a defense of the Scriblerians’ own uses of innuendoes; they could claim that “political Meanings” were improperly construed by officials whose excessive zeal Swift had thus documented.

Even if correspondents did not know precisely which letters had been intercepted, they certainly knew that the threat of interception attended virtually every transmission. Domestic mail was (often, it seems) subject to searches in which no specialist engravers bothered to reseal what had been torn open, and for which warrants—if they had been issued at all—could be very general. Even after Manley’s death (in January 1735/6\textsuperscript{122}) and Sir Marmaduke Wyvill’s succession to the deputy postmaster general position, the searches persisted. In a letter to Pope and Bolingbroke dated 8[–24] August 1738, Swift implied that the intelligence-gathering operations of the post office had contributed to the irregularity of his dispatches: “I have an ill name in the Post-Office of both Kingdoms, which makes the Letters addressed to me not seldom miscarry, or be opened and read, and then sealed in a bungling manner before they come to my hands.”\textsuperscript{123}

Such letter interception often amounted to censorship, but not straightforwardly so. Typically censorship manifests in a diminution in the number of individuals privy to certain, often sensitive, information. The transmissions among state officials of intercepted letters,

\begin{footnotesize}
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\item[\textsuperscript{123}] \textit{Correspondence of Jonathan Swift}, ed. Woolley, 4:535.
\end{itemize}
\end{footnotesize}
however, meant that greater numbers of people were privy to personal information. Because letter-writers knew about contemporary intelligence-gathering operations, they often wrote very carefully. Their urge to self-censor did not just reflect a desire to keep certain information private; it also attested to fears about punishment for offensive writing. The volatile contemporary legal environment (discussed in the previous chapter) meant that many did not know—indeed, they could not have known until too late—what constituted defamation, or worse, treason. Because letters were intercepted, because individual correspondents knew about the interception, and because they did not want either their privacy compromised or legal action taken against them, they had to adapt what they wrote to conform to standards of acceptability. Letter interception amounted to censorship because it prevented the free expression of ideas.

**In Plain Sight**

Or did it? Beyond voicing exasperation or occasional amusement about the suspicion that attended even plum-cake deliveries, Swift and his correspondents took preventive measures to guard against interception. The Scriblerians also employed unconventional encryption techniques to prevent unwanted readers from understanding their letters. And, ingeniously, they reinforced interception anxieties as a means of appropriating control over their letters. In the Scriblerians’ epistolary world, censorship at the post ultimately provided opportunities for their expressions of authorship and claims of intellectual ownership.

The best line of defense against unwanted readers entailed preventing them from accessing sensitive letters. This could be done by distracting overeager officials, as D. W., in a letter to Thomas Carte dated 4 February 173[2]/3, posited had been done:

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124 See, for instance, State Papers Domestic, Secretary’s Letter Books, SP 44/97, pp. 105, 110, 117, NA.
I wonder Mr WALK[er?] sh[oul]d be under a necessity to put so small a parcel of
medals into the hands of Custom house officers he perhaps was overcome by his
fears, or as sailors do at sea when a whale comes too near their ship they toss out
an empty barrel for him to play with, the mean while sheer off themselves with
the rest of their cargo in safety.\textsuperscript{125}

While the Scriblerians did not tend to distract officials with objects, they did seek to lead
unwanted readers astray. As has been established, the Scriblerians sought whenever possible to
convey letters by a private hand rather than through the post.\textsuperscript{126} Not all private hands were
created equal, however. Some individuals were less likely than others to arouse suspicion.
Women constituted one such group. In Chetwode’s 5 April 1715 letter to Swift, the Gloucester
dean remarked that he “did not judge the messenger being a Lady so proper.”\textsuperscript{127}

The Scriblerians were not the first to employ this strategy; the recourse to female
information-carriers dates back at least to Wallis’s time.\textsuperscript{128} On 18 February 1689/90, for instance,
Shrewsbury warned Sir John Morgan of seditious-document transmission by women:

\begin{quote}
Being informed that [th]e Lady Oglethorpe & One Mrs Conway are this day set
forward from hence for Chester in [th]e Stage Coach ([th]e Lady going under
[th]e disguise of Mrs Conways Serv[an]t) and that they have Sever[al]l Papers of
dangerous Consequences about them so t\texttt{hat} there is Just reason to beleive tis in
Order by One way or other to get over into Ireland upon some Ill designe I have
thought fitt to give you notice of it by this Messenger who goes on purpose and to
recommend it to you that when [th]e Coach Comes in at Chester you will take
Care strictly to examine all [th]e Passengers, twill be necessary to be very
Carefull in [th]e search that shall be made for her Papers, there being no doubt but
she will Contrive [th]e best way she can possible to Conceale them the inclosed
Warrant I leave to you to make use of as you see occasion.\textsuperscript{129}
\end{quote}

\textsuperscript{125} Carte Papers, MS. Carte 227, f. 134v, Bodleian Library, University of Oxford.
\textsuperscript{126} Examples of this tactic abound. See, for instance, \textit{Correspondence of Jonathan Swift}, ed.
\textsuperscript{127} \textit{Supra}, Ibid., 2:117.
\textsuperscript{128} Examples may be found in John Wallis, “A Collection of Letters and Other Papers, Which
Were at Several Times Intercepted, Written in Cipher,” MS. e Mus. 203, p. 121, Bodleian
Library, University of Oxford; Ibid., 1–3; Letter-Book of John Wallis, D. D., Additional
Manuscripts 32499, f. 5, BL, © British Library Board.
\textsuperscript{129} State Papers Domestic, Secretary’s Letter Books, SP 44/97, p. 265, NA. Shrewsbury wrote to
the earl of Macclesfield about the matter on 29 February 1689/90. Ibid., 270.
Under either pretense of or concern about modesty—and with an understanding that women, who were literate less often than their male counterparts, were correspondingly less likely to be trafficking in treason—a shrewd communicator might sometimes solicit a female carrier to transmit a sensitive message. This constituted and relied on profiling, and the conveyors in such cases were anti-decoys of sorts: individuals meant not to lure inspectors into a trap, but rather to divert them away from sensitive or controversial letters.¹³⁰

Alternatively, some people sent letters via adolescent males, who—like women of any age—were thought less likely than adult men to be engaging in treasonous or otherwise noteworthy correspondence. Even Isaac Manley, that gentleman who “interpose[d] in almost every thing which I[ay] in the disposal of the Government,”¹³¹ acknowledged that the post did not always afford the most discreet means of transmitting information. In a letter to Delafaye from early October 1724, he wrote:

I have often told [William Conolly, lord justice and speaker of the Irish House of Commons], that I was sure we should hear from you when a convenient opportunity offered, for that there were some reasons why you did not write by the Post. And ’tis for this reason that I do now send[?] this under my son’s Cover, to be delivered by him with his own hand: and if you Sir have leisure to favour us with a Line by the same way, I believe it will come safe, and I promise that no ill use shall be made of any thing you think fitt to instruct either of us with at [this] Juncture.¹³²

The very intelligence-gathering practices that the deputy postmaster general promoted had also compelled him, ironically, to evade his own service to communicate sensitive messages.

Still another related way to deflect the attention of post officials was to involve people of perceived quality. For instance, Shrewsbury wrote to the mayor of Durham on 4 July 1689: “I

¹³⁰ The definition of decoy is adapted from that given in OED, s. v. “Decoy, n.²,” 4b.
¹³¹ Supra, Brodrick Papers, 1248/3, f. 361v, SHC.
¹³² State Papers Ireland, SP 63/384/90, NA.
have rec[eive]d Yours & [th]e Justices Letter of [th]e 28th June concerning [th]e Libells & Declarations brought to Durha[m] it is now grown a frequent abuse to dispers[e] those Papers in a Clandestine manner by directing them to Persons of worth & integrity.” Just as a libelous transmission could incriminate a recipient (as Jeffreys’s packet threatened to do to Swift), so too, evidently, could an estimable recipient redeem a libelous transmission.

One tactic for associating “Persons of worth” with dispatches—and in turn, of guarding against post officials’ impulse to suspect and open them—was to enclose a personal letter inside of a franked one. Swift thus sent a letter to Pope on 2 December 1736, under Lord Orrery’s cover. The Scriblerians seem regularly to have made use of others’ franks, perhaps motivated by both a desire to decrease the chance of having their letters opened and to save their correspondents postage fees. Franks had to be used with care, however, since under certain circumstances a particular frank could attract rather than repel extra attention. The Whig opposition leader William Pulteney wrote to Swift on 3 September 1726 that he took “it for granted that a letter directed to you, & franked by me, cannot fail of raising the Curiosity of some of our vigilant Ministers, & that they will open it, thô we know it is not customary for them so to do [with a franked letter, presumably].”

Just as franking in certain instances offered the Scriblerians protection by affording them anonymity, so too did their concerted attempts to conceal their identities. They and their correspondents sometimes evaded potential interceptors by omitting their own names. For instance, on 26 May 1720 Swift wrote to Robert Cope: “I do not care to put my name to a letter;

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133 State Papers Domestic, Secretary’s Letter Books, SP 44/97, p. 121, NA.
134 Supra, Correspondence of Alexander Pope, ed. Sherburn, 4:44–6.
135 The potential cost savings is implied in a letter dated 25 July 1738 from William Richardson to Swift: “This pacquet goes franked by the secretary of the foreign office [Lefebvre], who can frank any weight.” Correspondence of Jonathan Swift, ed. Woolley, 4:528.
you must know my hand."^{137} Similarly, on 22 October 1720 Sir Thomas Hanmer instructed Swift: "[Y]ou will excuse me, if I avoid putting my name to the outside of my letter, lest it should excite the curiosity of the Post-Office."^{138} This tactic is one that Isaac Manley himself employed. Writing to an unidentified person (Delafaye?) on 24 April 1724, Manley—after boasting about the protection from prying eyes that his position uniquely afforded him—gave instructions about how to direct a letter to him without drawing the attention of his colleagues at the post office:

[William Conolly] allso joyns with me in beg[gi]ng your advice and notice of what happens, which I think may come safely by the Post, for it I flat[t]er not my self, I have reason to believe that those that are at the stead of that office have a better oppinion of me than I believe it needful to Inspect every letter to me. But if you please you need not put your name on [th]e out side, but only direct it in my Name.^{139}

Manley even sent that letter by a private hand, in reply to a dispatch he had received by the same bearer.

The final sort of preventive measure available to eighteenth-century correspondents, though not specifically the Scriblerians, was the destruction of letters on the verge of being intercepted. This tactic proved effective for letters transmitted by ship, since throwing bags of dispatches overboard presented a ready (indeed, perhaps the only) guarantee of safety for a captain threatened with potential seizure.^{140} The (joint) postmaster general Frankland and Cotton, in a letter (to Sunderland?) dated 14 May 1707 related such an event and remarked on the danger that attended overseas letter transmission:

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^{137} Ibid., 2:334.
^{138} Ibid., 2:349.
^{139} State Papers Ireland, SP 63/383/172, NA.
^{140} Townshend warned Captain Pilgram about that very eventuality on 7 May 1722. State Papers, Domestic, Secretary’s Letter Books, SP 44/122, p. 97, NA.
The James Packet Boat which had the Mayl of the 3d of this month from hence, was taken by a French Privateer in her passage outward from Holyhead to Dublin. The Mayl was sunk by the Master of the Packet Boat to prevent it’s [sic] falling into the enemy’s hands. We thought it our duty to advise your Lordship of this accident and to represent the great hazard the vessels employed in that correspondence are continually exposed to by the many small privateers which infest those seas in so much that it will be impossible to carry on that Intercourse with any regularity or certainly unless his Royall Highnesse shall be pleased to order a Cruiser to guard those seas from the said Privateers.\textsuperscript{141}

In a letter dated 2 March 1707/8, the postmaster general wrote again (to Sunderland?) to explain that another such defensive action had resulted in the miscarriage of a packet that their recipient had ordered to be sent: “[T]he Packet boat wh[i]ch carried it [the packet] meeting a Privateer and the Master not knowing whether he was a friend or enimy [sic], the Mail and Packet were thrown overboard for fear they should be taken.”\textsuperscript{142}

Decoys, disguises, and the destruction of letters offered methods for preventing unwanted readers from gaining access to correspondence. They presented, in fact, the only options available prior to letter interception. The next line of defense—code-making—was intended to hinder comprehension after interception had occurred.

In the spirit of the diplomatic personalities whose encrypted correspondence had given rise to the Deciphering Branch, the Scriblerians made recourse to encryption as a way to prevent their letters from being understood by unwanted readers. (\textit{Encryption} is defined here to encompass writing designed to be understandable to recipients but not to interceptors.) Swift alluded to the practice early on, in a letter dated 11 February 1713/4 to Joshua Dawson, MP,

\textsuperscript{141} Correspondence Relating to Intelligence from Post Office Agents, vol. DI, Additional Manuscripts 61601, f. 27r, BL.
\textsuperscript{142} Ibid., 62r.
clerk of the Irish privy council and secretary to the lords justices of Ireland: “You will see I write in a most curious [cautious] Style but you may guess the Reasons.”

The Scriblerians’ mode of corresponding carefully developed into more than an exercise in caution, for theirs was no ordinary encryption. A “typical” encrypted letter was clearly identifiable as such: it employed a strange alphabet, or numeric code, and had an appearance of impenetrability. For instance, a letter from Charles I to his son was entirely encrypted; a record of it remains in the papers of John Wallis, who deciphered it. The code reads: “227. 81. 102. 312. 85. 108. 131. 56. 102. 124. 88. 41. 5….” The letter, decrypted, apparently reads:

“New-Castell. Candelmas day. Charles. It is a great contentment to mee that you have so true a sense of my estate as I find by 351’s [M. R.’s] letters…. While an interceptor or even a well-meaning transmitter would not have been able to decipher the letter at first (or even twenty-first) glance, anyone who came across it would know it had been encrypted, and might thus reasonably presume that discerning the meaning of its contents would be desirable. The sort of encryption in which Wallis trafficked was technically more sophisticated than the Scriblerians’ reinvented variety, but theirs was subtler.

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143 He made the following (apparently ineffectual) request as a postscript: “Pray burn this, & let me know you have received it.” Correspondence of Jonathan Swift, ed. Woolley, 1:588, and 589, n. 4. Biographical information about Dawson in Ibid., 1:278, n. 4. In the eighteenth century curious could mean “particular” or “cautious”; those senses are now obsolete. OED, s. v.
Curious, a.

144 This particular encryption scheme included both cipher and code based on a substitution by numbers. Individual letters could each be a variety of numbers (e.g., A = 5, 15, 23, 25); numbers were represented by other numbers; and some entire words had their own numbers (e.g., “all” = 100; “day” = 124).


146 Ibid., 36.
Their code-making was so effective because the Scriblerians employed a variety of steganography, or secret writing that obscured the presence of any sort of encryption.\footnote{The term is defined in Kahn, Codebreakers, xi; see also 274–89.} Whereas traditional steganography often called for a technology such as invisible ink, Swift and his correspondents endeavored to conceal the key parts of their communications via literary rather than chemical processes. They employed seemingly innocuous language, including pseudonyms, within the course of apparently unremarkable epistolary communications so as to obscure the presence of private messages. Their use of an ornate epistolary style—many of their letters dwelled at length on what read now as formalities, buried within which were morsels of content, the reasons for the dispatches—may even itself have facilitated a kind of steganography. Amidst flattering flourishes, they hid sensitive information in plain sight. Using the common shorthands of abbreviations and dashes, they added additional layers of obscurity to well-known names. Writing to Esther Vanhomrigh on 4 August 1720, for instance, Swift requested that she follow his lead in obscuring the names of epistolary subjects with dashes: “I wish your Letters were as difficult as mine; for then they would be of no consequence if they were dropt by careless messengers— a Stroak thus —— signifies every thing that may be s[ai]d to Cad– [Cadenus, i.e., Swift himself] at beginning or Conclusion.”\footnote{Correspondence of Jonathan Swift, ed. Woolley, 2:340.}

The Scriblerians were not the first to make use of such literary steganography,\footnote{Professor Anthony Grafton has pointed out that Trithemius made recourse to this variety of steganography well before the Scriblerians.} but because of the moment at which they wrote, their encryption technique enabled them to do more than transmit information: they appropriated the very practice of encryption—made necessary by zealous intelligence-gathering authorities—both to convey information safely (as encryption had traditionally been employed) and to acknowledge and confer power (as they uniquely used it).
Hidden encryption enabled the Scriblerians to stake claims of economic and intellectual ownership in their texts.

Pseudonyms provided the most ready means of encrypting letters; and the Scriblerians accordingly infused their letters with a large variety of pseudonyms, even allocating more than one to a single referent. For instance, Chetwode cryptically wrote to Swift on 25 April 1715:

Tommy little Tommy pretty Tommy is gone like Judas, ad locum proprium suum. Gallway alsoe stone dead; you & Gay Mortimer have brought a Rott among the wicked, as for Mortimer I doe not expect much from him, but I thought you as a churchman would allow him time to repent, which however, upon [th]e whole matter I saw little hope of from any but Horn mad Sunderland for marrying [sic].

In this opaque passage, Chetwode lamented the deaths of the Marquis of Wharton, here called Tommy (his first name was Thomas), and the bishop of Salisbury Gilbert Burnet, here called Gall[o]way (the name of a region in southwestern Scotland, perhaps because Burnet was born in Edinburgh). Chetwode further expressed his doubts about the leadership of Oxford, referred to as Mortimer (he was earl of Oxford and Mortimer), but suggested that Sunderland (Charles Spencer, earl of Sunderland), might make a promising prospect.

If these pseudonyms seem hard to follow, they were meant to be. They served at least two purposes. First, in taking the form of normal text they obscured the presence of encryption.

(Obliterated texts or symbolic representations would have rendered obvious the presence of

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150 Correspondence of Jonathan Swift, ed. Woolley, 2:120; see also Correspondence of Jonathan Swift, ed. Williams, 2:165.
151 Woolley and Williams both “translated” this excerpt, and I suggested the sources for many of the identities of the pseudonyms. See Correspondence of Jonathan Swift, Woolley, 2:120–1, n. 4; Correspondence of Jonathan Swift, ed. Williams, 2:165, n. 2. Woolley has pointed out that Chetwode seems to have hoped that Sunderland would, in his third marriage, repent for having allied himself by his second marriage to the Marlboroughs. Correspondence of Jonathan Swift, ed. Woolley, 2:120–1, n. 4. For more on Sunderland and the Tory party, see Linda Colley, In Defiance of Oligarchy: The Tory Party 1714–60 (New York: Cambridge University Press, 1982), 197–8.
secret or private information.) Second, even if an official had read a particular letter carefully enough to discover that it contained encrypted text, the multiplicity of pseudonyms—even for a single referent—would have rendered the contents incomprehensible to most outside readers.

Further complicating matters, each referent’s pseudonym-identity fluctuated. “Tommy” became “Wharton”152 a few sentences later.153 Oxford, moreover, was not typically called Mortimer but, just after his death, “a great Minister”154 or, more usually (and during his lifetime), the Dragon155 in letters exchanged among Swift and his correspondents. Yet “your old Dragon”156 was also an appellation that Swift (a.k.a. “Presto” and “pdfri”157) on at least one occasion gave not to Oxford but to a member of Esther Vanhomrigh’s household. Swift had dubbed Vanhomrigh Vanessa and sometimes called her “Governor Huff”158 in jest. Oxford too had other nicknames, including “the Collonel,”159 an appellation that Ford (aliases: “Don Carlos,”160 “Glass heel,”161 and “the Puppy”162) used when writing to Swift in 1714. The use of multiple pseudonyms for a single referent would have been analogous to the use of homophones (multiple substitutes for a single

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152 The text reads: “…this towne since Whartons deathe is like Hell…” Correspondence of Jonathan Swift, ed. Woolley, 2:120.
153 Ibid.
154 Ibid., 2:499, and n. 3.
155 For instance, Swift wrote to John Arbuthnot on 13 July 1714: “Do you really think the Dragon was at Bottom—pleased with my Lett[e]r; I should be apt to doubt it.” Ibid., 2:3, and 4, n. 2. The source for the nickname, Scott has suggested, is illuminated in a letter Swift wrote to Stella: “I made him [Oxford] make two lines in verse for the Bell and Drago[n], and they were rare bad ones.” The Works of Jonathan Swift, ed. Sir Walter Scott, 2nd ed., 19 vols., vol. 2 (London: Bickers & Son, 1883), 370. The source text is also in Jonathan Swift, Journal to Stella, ed. Williams, 2:382.
156 Correspondence of Jonathan Swift, ed. Woolley, 2:99, and 100, n. 1.
158 Correspondence of Jonathan Swift, ed. Woolley, 2:343; etc.
159 In that same letter, Oxford was also referred to as the Dragon. Ibid., 2:15–6, and 16, headnote.
160 Ibid., 2:531, and 532, n. 6.
161 Ibid., 2:340, and 341, n. 3.
letter) in traditional encryption practices: it hindered attempts at decipherment. And in this case it did so with the added protection that steganography afforded.

For Manley or another unintended reader to have grasped the true meaning of a particular pseudonym, he would have had to understand the broader context—the realm of discourse—within which Swift and his circle communicated. For outside readers, such an understanding would have been virtually impossible to acquire, for it entailed not only an extensive education (to grasp the numerous literary allusions) but also continual engagement in the conversations and communications among the correspondents, who seem to have shared one another’s letters—and expected that others would share theirs—among friends in Dublin or London. In many cases, particularly in the first decade and a half of the eighteenth century, they directed letters to their correspondents at coffee-houses, where conversation might naturally have emerged from and presumably also supplied the contents of letters.

Swift seems to have written his letters with the expectation that they would be shared among several readers. In some cases, he enclosed directions to that end, writing, for instance, to Walls on 23 February 1716/7: “Pray shew the inclosed to Mrs Johnson, to see if she be of my Opinion.” Likewise, on 6 January 1718/9, Swift wrote a letter to Ford that evidently was meant to prompt a conversation:

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163 The strategy of employing homophones was often complemented by that of using nulls, i.e., meaningless symbols meant to confuse unwanted interpreters. Kahn, *Codebreakers*, xii. Swift and his correspondents seem not to have developed an analog for nulls; however, it may be the case that seemingly incomprehensible words or passages constituted nulls rather than encrypted text.

164 For examples of the Scriblerians directing letters to or receiving them at coffee-houses, see *Correspondence of Jonathan Swift*, ed. Woolley, 1:237, headnote; 2:255, and 256, n. 5. At various points, too, Swift disavowed coffee-houses, as in Ibid., 1:344.

165 Ibid., 2:226.
[Charles] Jervas happened to read the Story of Belphigor [Belphegor] in an Italian Machiavel, and not knowing it was already in English, very gravely translated and published it here, so that I assure you he is an Author, I was not let into the Secret till lately, so this is entre nous, but it may serve for Pope to laugh at, if he can pretend to come by it any where else.

In this case, Swift encouraged a conversation while directing his recipient to make sure that Pope, Ford’s interlocutor, would not identify the source of this gossip. In other instances, Swift addressed letters to more than one recipient, as he did in writing to Gay and Pope on 23 November 1727, or to Bolingbroke and Pope on 5 April 1729. Similarly, sometimes more than one author wrote to a single recipient, as Bolingbroke and Pope did c. 15 February 1727/8.

Whereas the keys to traditionally-encrypted letters were physical entities that traveled separately from the communications they facilitated, the Scriblerians’ keys were often communicated orally, over the course of conversation. They therefore did not exist in tangible form. For instance, in a letter dated 7 or 14 February 1716/7, Swift wrote to Walls about a complicated series of arrangements for which an in-person explanation was evidently required:

This Letter [which Woolley has suggested was ‘A Modest Defence of Punning…In a Letter to a Member of Parliament’] is to go to the B[isho]p of Clogher [George Ashe] on Saterday [sic] and should have gone last Night, if I had not thought You might be such a Fool as to copy it to day, and send it to the B[isho]p of Dromore [John Stearne, soon to be the bishop of Clogher] on Saterday likewise—If you will come this morning and do it here, we will dine togeth[e]r and get the Provost or Worrall—I send you the Print [either the original London folio or the Irish reprint of God’s Revenge Against Punning] also, which may go with Y[ou]r Copy to Dromore, and because You will not understand some

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166 According to the ESTC, the earliest edition (of several that antedated Swift’s letter) is The Novels of Dom Francisco de Quevedo Villegas, Knight of the Order of St. James. Faithfully Englished. Whereunto Is Added, The Marriage of Belphegor, an Italian Novel. Translated from Machiavel (London: printed for John Starkey, 1671).
167 Correspondence of Jonathan Swift, ed. Woolley, 2:288.
168 Ibid., 3:140.
169 Ibid., 3:229.
things in the Letter (that are known well enough in London) I will explain them to You & to send the Notes with it to Dromore—if there be a greater fool than I who took Pains to write it, it must be he that Copyes it out.¹⁷¹

To understand the circumstances fully, Walls would have to await a conversation with Swift. Sometimes, to comprehend the Scriblerians’ letters, more than one conversation was needed. In the summer of 1720 Ford visited Ireland, where he initiated a series of letters and conversations involving Swift, John Barber, and Esther Vanhomrigh (Vanessa). When Ford arrived, he gave Swift a message from John Barber about jewels that Vanhomrigh had pawned to Barber.¹⁷² Swift reported Ford’s visit in a letter to Vanhomrigh dated 4 August 1720: “Sure Glass heel [Ford] is come over, and gave me a message from J. B– [Barber] about the Money on the Jewells w[hi]ch I will answer.”¹⁷³ Evidently Swift wrote back to Barber, and then in a message to Vanhomrigh dated 15 October 1720, he alluded to the ongoing series of exchanges: “I had a Lett[e]r from Your Friend J B– [Barber] in London in answer to what I told you that Glass [Ford] sayd about the Money.”¹⁷⁴ For an uninitiated reader, this sentence would have been incomprehensible. The tangle of multiple individuals communicating via two media would have made impossible the already formidable task of deciphering Swift’s pseudonyms. (Who was Glass? Who was J. B.? What had the latter said about the money? What money?) To uncover hidden meaning, the reader would have required background knowledge both of the recipient and his associates as well as of the letters exchanged among them.

In their letters, the Scriblerians did not merely construct two-dimensional encrypting devices, as traditional keys were. Rather, they created entire context-rich worlds of communication exclusively within which their encrypted texts had meaning. This point is

¹⁷¹ Ibid., 2:224. Suppositions about the “Letter” and “Print” from Ibid., 2:225, nn. 1, 4.
¹⁷² Ibid., 1:641, n. 4.
¹⁷³ Ibid., 2:340, and n. 3.
¹⁷⁴ Ibid., 2:347, and 348, n. 2.
perhaps best illustrated by the fact that modern scholars, even with the advantages of hindsight, access to and time with the collected letters and papers, and—now—electronic aids, have still not managed to decipher definitively all of Swift’s encrypted terms. The “little language” Swift exuberantly used in writing to Esther Johnson (Stella) and Rebecca Dingley, i.e., MD (‘my dear’ or ‘my dears’), is still not entirely transparent; and the meanings of terms like “lele” remain disputed.\textsuperscript{175} Similarly, not all of the pseudonyms that Swift and his correspondents included in their dispatches have been attached to undisputed referents. For instance, Swift wrote to Cope on 26 May 1720: “I could upon any occasion write to him [Primate Lindsay] very freely, and I believe my writing would be of some weight, for they say he is not wholly governed by Cross.” The Cross Swift mentioned has not, despite scholarly efforts, been identified definitively as a name, pseudonym, or pun.\textsuperscript{176}

Contemporaries, even those zealous interceptors of mail at the custom-house and the post office, lacked access to the complete sets of letters exchanged among all of the Scriblerians and their numerous, far-reaching correspondents; and they also lacked opportunities to eavesdrop on the Scriblerians’ conversations. Without inhabiting—and in turn, helping shape—the Scriblerian literary and conversational world, interlopers and presumptive decipherers (among whom, it seems necessary to acknowledge, are historians) could not hope to crack the codes tethered to that context. It took the best mathematical minds of the day to decipher diplomatic correspondence, which had been carefully and nearly-impenetrably crafted.\textsuperscript{177} But the encryption within the literary correspondence of Swift and his extended circle, though less technically

\textsuperscript{175} Swift, \textit{Journal to Stella}, ed. Williams, 1:lvi.
\textsuperscript{176} \textit{Correspondence of Jonathan Swift}, ed. Woolley, 2:334, and 335, n. 6. For a discussion of the significance of Cross (or Crosse), see \textit{Correspondence of Jonathan Swift}, ed. Williams, 2:349, n. 3.
\textsuperscript{177} Admittedly, names written in code (but not those written in cipher) in any context would challenge decipherers.
demanding, has in some ways proven more enduring. Context—defiant as it is of algorithmic regularity—continually eludes attempts to ascertain its operating principles.

**Encryption for Other Ends**

Given that many of the Scriblerians’ letters contained all the treason of a plum-cake, the use of pseudonyms and other encrypting devices must have served some other purpose besides guarding against punishment. It did. Not only did encryption keep unwanted readers out of the Scriblerians’ discursive realm, but it also enabled them to invite certain readers in. With characteristic ingenuity, they harnessed the practice of cryptic writing—made necessary by interception practices—to serve their own ends. A bit of encrypted text was a secret; and transferring it conveyed power. (That may explain part of Manley’s interest.) Encryption enhanced the benefits that letters transmitted as well as those for which they could ultimately be exchanged. It also provided an entertaining diversion among initiated correspondents.

Swift and his mentee, the Reverend Thomas Sheridan, engaged in word games, writing to one another in Latino-Anglicus, or mock Latin. This too was a kind of encryption, since its underlying meaning would not have been discernible to those without some knowledge of the game. On 12 October 1723, Swift wrote to Sheridan: “Mi Sana, Telo me Flaccus; odioso ni mus rem….” (It was meant to be read backwards phonetically in English, with the following result: I am an ass, oh let ’em suck calf; oh so I do in summer…. 178) When deciphered, the passage is offensive, perhaps, but not treasonous. For an uninitiated reader, however, it would have been neither: the passage would have had no discernible meaning at all. It was nonsense, but presumably nonsense that a Manley or other epistolary interloper would have found frustrating.

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178 *Correspondence of Jonathan Swift*, ed. Woolley, 1:472, and n. 2.
Swift and Sheridan could extract meaning from the passage because they possessed a common set of literary skills and a mutual understanding of purpose. To write in mock Latin, some familiarity with actual Latin was required. To know that mock Latin was meant to be read in English, the recipient would have benefited from having had similar oral or written communications with Swift in the past. Assuming that an official at the post overcame both of these hurdles—not to mention that of encountering and opening the letter in the first place—he may have found himself nonplussed at the deciphered text, and for good reason: this particular variety of encryption was an end in itself, not a clue to another message. The transfer of its secret amounted to one of intellectual and social regard. Swift was not plotting an insurrection; he was making a joke.

Although Swift benefited somewhat from his association with Sheridan—the younger man tutored him in Greek, and was, like Swift, a punning practitioner and enthusiast—he more often acted on Sheridan’s behalf. On 17 April 1725, he wrote to Carteret to request that the lord lieutenant take his “Time for bestowing [Sheridan] some Church-Preferment to the value of 150l a year”; Sheridan was soon appointed Carteret’s chaplain and given a preferment to Rincurran. A decade later, Swift lent Sheridan money. Swift also cultivated a friendship

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179 In this era post officials seems to have been overwhelmingly if not entirely male; the exception seems to have proven the rule. For instance, a 1691 list of the officers of the General and Penny Posts has the prefix of the accountant for the Penny Post, a Mrs. Thomas Lowe, thrice-underlined; the list is prefaced by the following note: “I send you a Copy of an Old Paper I put my hands upon…it is curious inasmuch as the Accompant of the Penny Post was a Lady.” General Post Office London and Penny Post Office, POST 59/1, BPMA; original emphasis.


181 Correspondence of Jonathan Swift, ed. Woolley, 2:552, and 553, n. 2; 2:506, n. 3; 2:566.

with Sheridan, who became part of the dean’s inner circle along with Stella.\textsuperscript{183} This relationship was carried on, and at least in part carried by, continual exchanges of ostensibly impenetrable insider information.

By venturing beyond an interpretation of Swift’s word games and puns as literary artifacts, we may appreciate the historically relevant social purposes they served. Punning afforded Swift other opportunities to confer insider status among an exclusive group of readers. It was, after all, a form of encrypted writing whose significance was comprehensible to a select few, who—even if they were Swift’s social superiors—would have appreciated the transfer of power that an acknowledgment of literary worthiness constituted. For instance, Swift knew that both the earl of Pembroke and his companion, the art collector Sir Andrew Fountaine, were fond of punning. Swift had also been charged with representing Archbishop King and the Church of Ireland in seeking the remission to the Irish clergy of the first fruits and twentieth parts.\textsuperscript{184} Swift hoped that Pembroke might use his influence to help the Irish clergy’s cause, and penned him puns to curry favor in a December 1709 dispatch:

\begin{quote}
I thought I could never chuse a better time [to write], than when I am in the country with my Lord Bishop of Clogher and his brother the Doctor: For we pretend to a triumvirate of as humble servants and true admirers of your Lordship, as any you have in both islands. You may call them a triumvirate; for, if you please to try-um, they will vie with the best, and are of the first rate, though they are not men of war, but men of the Church. To say the truth, it was a pity your Lordship should be confined to the Fleet [Prison], when you are not in debt. Though your Lordship is cast away, you are not sunk; nor ever will be, since nothing is out of your Lordship’s depth.\textsuperscript{185}
\end{quote}

\textsuperscript{183} Sheridan was near Stella at the end of her life; and it was he who informed Swift of her death. Ibid., 3:122–4. On at least one occasion in 1725 Swift and Stella also jointly wrote to Sheridan. MS 1494, NLI. Also printed in Correspondence of Jonathan Swift, ed. Woolley, 2:564–6.

\textsuperscript{184} These were a medieval tax that the crown claimed on ecclesiastical incomes. In 1704 Anne remitted the tax for the English but not the Irish clergy.

\textsuperscript{185} Correspondence of Jonathan Swift, ed. Woolley, 1:276, and 277, n. 2; original emphasis.
The value of such a message of course did not lie in its literal meaning, but rather in the fact that Swift was apparently willing to take this reader into his confidence. To Pembroke, it suggested a shared insider status, which derived both from the ability to engage with and discern the meaning of Swift’s puns and from the suggestion that Pembroke belonged, together with Swift, in a learned literary circle. Interloping readers would not have experienced those resonances as Pembroke did: the puns were not meant for them. Puns, like pseudonyms, amounted to a directed transfer of information—and to one of literary regard. They were gifts that Swift could leverage for personal benefit.

In his pursuit of the remission, Swift was ultimately unsuccessful. Nevertheless, that Swift was using puns instrumentally as a means of winning Pembroke’s favor and perhaps ultimately the benefit of Pembroke’s influence, is clear. He suggested as much to the bishop of Clogher John Stearne in a letter dated 30 November 1708: “What I have to say of the public, &c. will be inclosed, which, I suppose, will be shewn you, and you will please deliver [to King] as formerly. Lord Pembroke takes all things mighty well, and we pun together as usual.”

Around the same time, Swift also seems to have hoped for preferment to the bishopric of Waterford. Swift’s lack of opportunity to communicate with Pembroke’s friend Andrew Fountaine, with whom Swift also engaged in spirited punning, may in part have prevented Swift from obtaining it. As he reported to Walls on 22 January 1707/8: “I am glad the Punning Trade goes on: S[i]r Andr[ew] Fountaine has been at his Country house this Fortnight, And he has neith[e]r...
Influence nor Effluence from thence to London, else perhaps Things would not have gone as they did.”

For Swift, punning was a trade indeed. While Swift and his correspondents sometimes infused their letters with hidden meaning for political ends (as Swift did with Pembroke), what seems to have happened between Swift and Ford was the reverse: political advantage facilitated the exchange of insider information. Certainly, apart from any literary or political relations they had, Swift and Ford were friends, and their correspondence suggests considerable shared trust. Nevertheless, their inclination to trade in information perhaps figured in Swift’s decision in 1712 to persuade (successfully) the earl of Dartmouth (who was secretary of state for the Southern Department) to offer the editorship of the official journal the London Gazette to Ford, who held the post until shortly after Anne’s death in 1714. (Swift had also secured for Barber and Benjamin Tooke the printing of that publication.) As gazetteer, Swift wrote to Stella on 1 July 1712, Ford enjoyed a number of perks: “His salary is paid him every week if he pleases without Taxes or Abatements; he has little to do for it; He has a pretty Office, with Coals, Candles, Paper &c; can frank what Letters he will, and his Perquisites if he takes Care may be worth 100l more.” From this comfortable situation, Ford was, for the first time, well positioned to provide Swift with political information. (And unlike Isaac Manley, Ford made good on his friendship with Swift.) According to David Nichol Smith, “[I]n the critical months of 1714…Ford sent [Swift] regular reports of what was happening, or not happening,” such as the news of Oxford’s impending dismissal. Swift was

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190 *Correspondence of Jonathan Swift*, ed. Woolley, 1:171.
191 *Correspondence of Jonathan Swift*, ed. Williams, 2:313, n. 1.
apparently grateful for the information; he presciently wrote to Ford: “Your letters will make good Memoirs.”

Arbuthnot, a physician extraordinary to the queen from 1705, also used his position to feed Swift inside information; and in exchange, he received advice about how to protect Oxford’s—and perhaps ultimately his own—interests. The month before Oxford’s dismissal, he wrote in a pseudonym-rich note to Swift on 26 June 1714 that “the Dragon [Oxford] dy’s hard he is now kicking & Cuffing about him like the divill.” A couple of weeks later, on 10 July 1714 he reported that “[t]he Dragon holds fast with a dead grype the little Machine [the treasurer’s staff] if he would have taken but half so much pains to have done other things, as he has of late to Exert him self against the Esquire [Bolingbroke], he might have been a dragon, instead of a dagon.” In response to, and perhaps in exchange for, this information, Swift advised Arbuthnot, in a characteristically opaque reply, about how to protect Oxford from the fate to which Oxford nevertheless succumbed. A few days before receiving word of Oxford’s “kicking” and “Cuffing,” Swift wrote to Arbuthnot on 3 July 1714: “One thing still Lyes upon you, which is to be a constant Adviser to L[ady M— [Masham] The Game will of course be play[e]d into her hand. She has very good Sense, but may be imposed upon. And I had a Whisper, that the Squire [Bolingbroke] plyes there again.” Swift’s advice was true, if perhaps already too late: Lady Masham did have influence with the queen, and applied it in seeing to Oxford’s dismissal.

By writing cryptically, Swift ensured that not just any ordinary reader would comprehend his meaning, and simultaneously that his intended readers would. Moreover, the subjects that

194 Ibid., 24.
195 Correspondence of Jonathan Swift, ed. Woolley, 1:624.
196 Bolingbroke was also variously called the Squire, the Captain, and Charlotte. See, for instance, Ibid., 1:630; 2:123, 184, 384, 550.
197 Ibid., 1:641–2, and 642, n. 2. Dagon is “a term of reproach to a man.” OED, s. v. “Dagon.”
198 Correspondence of Jonathan Swift, ed. Woolley, 1:630.
Swift obscured paradoxically became more memorable to those who understood them. Nicknames became strongly associated with their referents, and passages in mock Latin stood out for their humor and ingenuity. Cryptic descriptions of events at court must have been similarly rendered all the more vivid in the comprehending reader’s mind than any straightforward account could have been. Even the letter-writers themselves were all the more closely associated with their epistolary creations when they omitted their own names. For instance, the 8 June 1714 letter that Barber wrote to Swift and signed “Tyrant” received not one but two endorsements from its recipient, who identified the pseudonymous sender as “John Barber,” then later: “Jon Barber Ald[er]m[an].”

While Swift and his correspondents evaded post censorship, they did not defy it. Far from seeking to overcome such censorship, they actively promoted the abstract figure of the interloping post official. They then used that conception to serve their own ends. When Swift asked Joshua Dawson to burn his “curious”-ly styled letter of 11 February 1713/4, he highlighted the ever-present prospect of the letter’s discovery. He and his correspondents did not shy away from encryption, but rather appropriated and promulgated it, multiplying the ways in which obscured messages could convey power. When they sought to trade puns for preferment, they confirmed the value that their hidden messages contained and conferred. They used censorship instrumentally to initiate new forms of communication and of recognition.

The Uncensorable Scriblerians

This discussion has thus far argued that the Scriblerians overcame letter interception at the post office using two strategies: evasion and encryption. By sending their letters via private
hands or to “Persons of worth & integrity,” they were sometimes able to prevent their correspondence from being opened and thus spare themselves the imperative to self-censor. Moreover, by drawing on—but rendering in a decidedly idiosyncratic way—the (otherwise largely diplomatic) practice of encryption, they transformed the prospect of letter interception into a means of appropriating and conveying social power.

The Scriblerians also defied letter interception in a third way: they exposed their correspondence for public consumption, thus obviating altogether the effect of epistolary censorship. The germ of the idea for going public with ostensibly private correspondence seems to have originated with Pope as early as 1712, when on 19 November the poet wrote in a postscript to John Caryll (whom he had acknowledged that same year in *The Rape of the Lock* with the flourish, “I sing—This verse to Caryll, Muse! is due”): “I have an odd request to you that if you ever thought any of my epistles worth preserving, you will favour me with the whole cargoe, which shall be faithfully returned to you.” (Pope did not end up publishing his correspondence with Caryll; but he later repurposed parts of that 19 November missive into a letter he presented as one he had sent to Addison.) Despite the twenty-four-year-old poet’s apparent inclination to publish his correspondence in 1712, Pope seems not to have pursued epistolary publication in earnest until fourteen years later, just after a 1726 episode in which the disreputable bookseller Edmund Curll published Pope’s letters to Henry Cromwell without either correspondent’s permission.

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200 Supra, State Papers Domestic, Secretary’s Letter Books, SP 44/97, p. 121, NA.
202 *Correspondence of Alexander Pope*, ed. Sherburn, 1:156.
203 Ibid., 1:154, n. 2.
204 Curll obtained private letters that Pope had written to Henry Cromwell because Cromwell (by Pope’s account) had possessed “the Indiscretion to lend these Letters” to a Mrs. Thomas, “who falling into Misfortunes, seven Years after, sold them to Mr Curll, without the Consent either of
McLaverty has argued that Curll was ultimately “responsible for the whole affair”: that is, for the various successive publications of Pope’s letters, many of which Pope himself ultimately orchestrated. In a sense, Curll was. Indirectly so too were other unscrupulous booksellers, and the Franklands, the Bodes, the Willeses, the Manleys, and everyone else who engaged in and perpetuated the culture of scrutiny in which Pope wrote and published. Collectively, they perpetuated the notion that private letters could be made available for public (or semi-public) consumption; and they also provided the context in which a letter-writer could reasonably and believably claim not to know in whose possession his dispatches had landed.

Given that Pope had wanted to have his letters published—as seems clearly to have been the case—he saw in letter interception not just a mechanism for conveying social power, but also an opportunity to facilitate the publication of his letters, on his own terms and with plausible deniability. The publication of private letters was, prior to Pope, typically done on behalf of a deceased person or in Latin (or on behalf of a deceased person and in Latin). Swift, for instance, was instrumental in getting Sir William Temple’s letters published shortly after the author/diplomat died in 1698/9. But there was little precedent for the publication of letters that belonged to a living person, that made references to other living people, and that were written in the vernacular. Before the Augustan age it would have been difficult if not impossible to publish

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McLaverty has also suggested the possibility that had Curll not first published Pope’s correspondence with Cromwell, Pope may not have thought of publication at all. James McLaverty, “The First Printing and Publication of Pope’s Letters,” The Library s6-II, no. 3 (1980), 264–280: 280. Given Pope’s 1712 communication to Caryll, however, this hypothesis seems improbable.

one’s own letters, in English, without eliciting considerable criticism. But the prevalence of intrusion into individuals’ private letters—a fact that the Scriblerians lamented loudly and often—made the enterprise of epistolary publication increasingly viable. Of course, the impulse to transform oppressive policies into promising opportunities was characteristically Scriblerian.

The story of Pope’s manipulations of Curll and others, already documented and here significantly abbreviated, does not disappoint in its deception or intrigue. Pope first discreetly arranged for the publication of letters he had exchanged with William Wycherley in the suppressed 1729 edition of the *Posthumous Works of William Wycherley.* More (in)famously, through an agent, “P. T.” (Pope himself?), and R. Smyth, ostensibly a clergyman—whom McLaverty has identified as “probably James Worsdale in disguise”—Pope tricked Curll into pirating a 1735 edition of his letters, which the poet then followed up with an authorized 1737 edition. Ironically, Pope accused Curll of having devised a strategy not

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209 In a letter from P. T. to Curll dated 11 October 1733—later printed by Pope on 10 June 1735—the sender provided biographical details about Pope that probably came from the poet himself. *Correspondence of Alexander Pope,* ed. Sherburn, 3:387–8, n. 3. Sherburn has also pointed out Curll’s own identification of P. T. as “Trickster Pope.” Ibid., 1:xiii.
unlike Pope’s own: he wrote that the bookseller was endeavoring to get him “to look on the Edition of *Cromwel’s* [sic] Letters, and so to print it as *revis’d* by Mr. Pope.”\(^\text{211}\) Pope, meanwhile, was getting Curll to print an unauthorized edition of correspondence so that he could ultimately release his own authorized, revised edition. The author’s preface to the 1737 official quarto edition, written in the third person, explained such a right of reply: Pope had “lay’d by the originals, together with those of his Correspondents, and caus’d a Copy to be taken to deposite in the Library of a noble Friend; that in case either of the revival of slanders, or the publication of surreptitious letters, during his life or after, a proper use might be made of them.”\(^\text{212}\) (Later, Pope even suppressed six letters from Swift in the clandestine volume of 1740, including them instead in his official version.\(^\text{213}\)) By portraying his own involvement as a necessary response—which the emerging etiquette of unauthorized publishing allowed—he was able to avoid the potential embarrassment of charges of vanity.\(^\text{214}\)

In the intervening years, Pope lobbied Swift, via the earl of Orrery, to return his sent letters so that he could publish them as a memorial to their friendship.\(^\text{215}\) In the course of trying to procure these, it seems likely that in 1736 Pope “leaked” two letters to Curll, who in turn

\(^\text{211}\) Alexander Pope, *A Narrative of the Method by Which the Private Letters of Mr. Pope Have Been Procur’d and Publish’d by Edmund Curll, Bookseller* (London: printed for T. Cooper, 1735), 13.

\(^\text{212}\) *Correspondence of Alexander Pope*, ed. Sherburn, 1:xxxvii. This passage is also discussed in McLaverty, “First Printing and Publication of Pope’s Letters,” 272.

\(^\text{213}\) *Correspondence of Jonathan Swift*, ed. Woolley, 3:491, headnote; see also *Correspondence of Alexander Pope*, ed. Sherburn, 1:xxviii, xxiv.


\(^\text{215}\) Pope wrote to Swift on 17 August 1736: “I do, and will preserve all the memorials I can, that I was of your intimacy.” *Correspondence of Alexander Pope*, ed. Sherburn, 4:28; also noted in Ibid., 1:xvi. Swift seems to have wished instead for a poetic memorial, as he wrote to Pope on 31 May 1737: “…I have a pretence to quarrel with you, because I am not at the head of any one of your Epistles.” Ibid., 4:72, and n. 1.
initially designated the source as having come from Ireland—to demonstrate that the whole of his and Swift’s shared correspondence was not safe. This tactic relied on the widespread belief that dispatches could wind up in unintended hands; and in sending the two letters to Curll’s seemingly unintended hands, Pope perpetuated that belief. Just four days after he wrote to Orrery on 7 November 1736, “I earnestly beg your Lordship (should that happen which may God Almighty prevent!) that you will take all possible methods to get them into your custody,” Edmund Curll was advertising the publication of original manuscripts, transmitted from Ireland, of the leaked letters from Pope and Bolingbroke to Swift. Curll then advertised, falsely but evidently believably, that he had still other letters from Ireland in his possession. This “fresh Incident” made Pope press the matter again in a letter to Orrery dated 4 March 1736/7, at which point, perhaps indeed wary of a leak (particularly given the constant scrutiny his transmissions underwent) Swift agreed to return the letters to Pope, evidently aware of the use to which they would be put. He even tacitly consented to their publication in a 31 May 1737

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216 Ibid., 4:50, n. 2.
217 Alexander Pope Correspondence, MA 351, MorL.
218 In the London Evening Post of 11 November, Curll advertised letters by Pope and Bolingbroke to Swift from 1723, “from the Original Manuscripts, transmitted from Ireland.” In his reprint of 1741 Curll altered the provenance from an anonymous Irish source to a “Gentleman of Essex.” Sherburn has speculated that Pope maneuvered the letters into Curll’s hands. Correspondence of Alexander Pope, ed. Sherburn, 4:50, n. 2.
219 Ibid., 4:59, n. 2.
220 Curll wrote in an address supposedly meant for his subscribers: “I have several other very valuable originals in my custody, which, with these, were transmitted to me from Ireland, and this volume will be closed with whatever additional letters Mr. Pope shall think fit to insert in his works in prose, now printing in quarto, price a guinea.” Mr. Pope’s Literary Correspondence, vol. 5 (London: Edmund Curll, 1736 [1737]); in The Works of Alexander Pope, vol. 6, ed. John Wilson Croker and Whitwell Elwin (London: John Murray, 1871), liv.
221 Alexander Pope Correspondence, MA 351, MorL.
missive to Pope, in which he indicated that had identified no excerpts in need of emendation: “I
found nothing in any of them to be left out: none of them have any thing to do with Party.”

In the preface to the 1737 quarto edition of his letters, Pope defensively emphasized the
vulnerability of authors to having their letters published:

Any scandal is sure of a reception, and any enemy who sends it skreen’d from a
discovery. Any domestick or servant, who can snatch a letter from your pocket or
cabinet, is encouraged to that vile practise. If the quantity falls short of a volume,
any thing else shall be join’d with it (more especially scandal)…all recommended
under your Name.223

Presumably one could include post officials along with domestics and servants. Pope’s direct
attack, in that same preface, of those who read others’ letters supports that suggestion: “To open
Letters is esteem’d the greatest breach of honour; even to look into them already open’d or
accidentally dropt, is held ungenerous, if not an immoral act.”224 In lamenting the practice so
publicly, however, Pope also perpetuated contemporary anxieties that “the most necessary
commerce of man with man” was “unsafe, and to be dreaded.”225 He then used that dread as a
vehicle for appropriating authority over his letters. In having his letters published, Pope
ultimately wrested control over them away from those who might have breached or exploited his
private correspondence for their personal gain. He would use their unscrupulousness for his own
benefit.

Publishing his correspondence did not just amount to a re-appropriation of authority over
who could read his personal letters, and under what circumstances; it also enabled him to stake a
definitive authorial claim in his letters so that subsequent intrusions into or seizures of his
correspondence would clearly constitute trespass or even theft. Having maneuvered various

222 Correspondence of Alexander Pope, ed. Sherburn, 4:72; also noted in Ibid., 1:xvi–xvii.
223 Ibid., 1:xxxix–xl.
224 Ibid., 1:xl.
225 Ibid.
authorized and ostensibly unauthorized editions of his correspondence into print, Pope then
ocked a legal precedent—the legal precedent pertaining to letters in English and American
copyright law—when he filed a bill of complaint in Chancery against Curll on 4 June 1741 for
the (reprinted) publication of *Dean Swift’s Literary Correspondence*. In that suit, Pope
contended, *inter alia*, that letters were protected under the Act for the Encouragement of
Learning (1710), often referred to as the Statute of Anne; and that as a correspondent he ought
to have been given the opportunity to provide (or withdraw) permission to publish the letters he
had written as well as those he had received. Curll replied on 13 June, arguing, among other
things, that the Statute of Anne did not cover familiar letters; and that Pope was not the author
and proprietor of “all or any of the said letters.” Lord Chancellor Hardwicke wrote on 17 June
that the Statute of Anne did cover letters, and by extension, their writers; recipients, however, did
not have proprietary rights over the contents. (Granting recipients such rights might have led
future letter-writers into the very position in which Pope had found himself with the Cromwell
Correspondence.) In the main, Pope won. Letters acquired the legal status of works, and their
writers, in turn, of authors. He was not only legally recognized as the author of his letters, but he
was also entitled to the economic benefits that derived from authorship. What is so fascinating

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226 For a discussion of the Chancery suit, see Pat Rogers, “The Case of *Pope v. Curll*,” *The
Library*, s5-XXVII, no. 4 (1972): 326–31. Curll maintained he had reprinted Faulkner’s Dublin
dition; but in fact, he seems to have reprinted the London quarto edition. Ibid., 328.
227 8 Anne, c. 21.
228 Rose, “Author in Court,” 206.
229 In Ibid.
230 “[I]t would be extremely mischievous,” he wrote, “to make a distinction between a book of
letters, which comes out into the world…and any other learned work.
“The same objection would hold against sermons, which the author may never intend
should be published, but are collected from loose papers, and brought out after his death….
 “[I]t [the letter] is only a special property in the receiver, possibly the property of the
paper may belong to him; but this does not give a licence to any person whatsoever to publish
them to the world, for at most the receiver has only a joint property with the writer.” 26 Eng.
about Pope’s case is that, given a realm in which seemingly anyone could gain access to his private letters, Pope used that apparently disadvantageous circumstance to articulate and secure rights for authors, and he did so by granting everyone access to some of his ostensibly private transmissions.

Rose has argued that in prompting Curll to print letters in 1735 and again in 1741, Pope was not trying merely to vilify the unscrupulous bookseller (although that he did). In Rose’s view, Pope had a very clear objective in mind: to secure additional protections for authors (defined to include the writers of letters) that the Statute of Anne had not expressly conferred. When in 1735 Pope tricked Curll into publishing his correspondence, he not only facilitated a situation that would “open the way for an authorized version,” but he also “contrived to have the surreptitious edition of his letters appear while the [1735 booksellers’ bill to extend the statutory term of copyright for booksellers] was pending.”

(Not coincidentally, Swift was around the same time working to drive forward statutory protections for authors; Swift drafted a provision, probably for a 1737 bill, that would have had copyright revert to the author after an initial ten years, but neither that nor any other contemporary proposed bill made it into law.) After the failure of the 1735 bill, Pope continued to express his concern that additional protections for

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231 Rose, “Author in Court,” 203. Rose is not the only scholar to have pointed out Pope’s probable ulterior motive. Feather has similarly written about this episode, although with the implication that Pope and Curll were (at least initially) allies. According to Feather, Pope had “deliberately dr[awn] attention to the deficiencies of the law in a way which was designed to influence Parliament,” by “collud[ing] with Edmund Curll to publish a ‘pirated’ edition of his own letters; Pope then sued Curll.” John Feather, Publishing, Piracy and Politics: An Historical Study of Copyright in Britain (London: Mansell Publishing Limited, 1994), 74. See also David Foxon, Pope and the Early Eighteenth-Century Book Trade, rev. and ed. James McLaverty (Oxford: Clarendon Press, 1991), 131, 244. For a further discussion of this episode, see the fifth chapter.

authors accompany any increase in the duration of the copyright term. Pope wrote that “in a Case so notorious as the printing a Gentleman’s PRIVATE LETTERS, most Eminent, both Printers and Booksellers, conspired to assist the Pyracy both in printing and in vending the same.” In this context, Pope articulated the act of appropriating another’s letters as piracy, or theft—violations that by definition evoked ownership. Six years later, aiming “to achieve in the courts the same goal that he had failed to achieve in Parliament,” Pope filed his bill of complaint—and within a fortnight had altered the course of copyright protections. Remarkably, the very regime of interception and censorship that had inspired Pope’s ingenious plot also enabled it. Whether or not Pope’s actions involved as much foresight as Rose has claimed, they show how the poet characteristically transformed the opportunism of others into opportunities for himself.

When Swift began writing the anonymously-published Drapier’s Letters in 1724, he based the series of seven pamphlets on the (admittedly transparent) premise that ordinary letters—including those of a common craftsman—could make their way into print. While Swift was not the first to present works as letters, Pope was the first to claim letters as works. In so doing, he re-appropriated his correspondence, which as his property could not be taken from him or repurposed without his consent. By removing letters from the realm of intelligence and situating them within that of property, he created a means of denying post officials access to an entire genre of information. Pope succeeded in claiming his letters as works by printing them publicly, and by perpetuating the belief that opportunistic interceptors had rendered every communication vulnerable to discovery.

233 In Rose, “Author in Court,” 203; original emphasis. For a modern edition of the original, see Pope, A Narrative of the Method by which Mr. Pope’s Private Letters Were Procured and Published by Edmund Curll, Bookseller (1735), in The Prose Works of Alexander Pope, ed. Rosemary Cowler, vol. 2 (Hamden, CT: Archon-Shoe String, 1986), 317–56: 345.
234 Rose, “Author in Court,” 204.
235 This example will be discussed further in the next chapter.
Once their letters and other works went to print, the Scriblerian authors had to contend with new sets of regulations, different unscrupulous officials, and additional demands for censorship. The next chapter examines how they staked claims in their printed works given a publishing environment in which altering and misattributing texts were, for legal as well as commercial reasons, routine practices.
CHAPTER 3

PUBLISHING OPEN SECRETS:
PIRACY, PLAGIARISM, AND THE PSEUDONYMOUS AUTHOR

The Drapier Affair

When “A letter to the shop-keepers, tradesmen, farmers, and common-people of Ireland, concerning the brass half-pence coined by Mr. Woods [sic]” left the presses of the Dublin printer John Harding in March 1724, its title page bore the pseudonym *M. B. Drapier.* Writing the following month to John Carteret, the earl of Granville and lord lieutenant of Ireland, Swift enclosed a copy of that pamphlet, which he coyly noted had been “entitled to a Weaver, and suited to the vulgar, but thought to be the work of a better hand.” That the better hand had been Swift’s own was one of the worst-kept secrets of the day. Even the language of that first Drapier’s letter belied a craftsman’s concerns. The Drapier quoted chapter and verse of the law, alluding to “the statute of the ninth year of Edward the 3d. chap. 3. Which enacts, ‘That no sterling halfpenny or farthing be molten for to make vessel, nor any other thing…upon forfeiture of the money so molten’ (or melted).” After Carteret and the Council of Ireland released an

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1 *A Letter to the Shop-keepers, Tradesmen, Farmers, and Common-people of Ireland, Concerning the Brass Half-Pence Coined by Mr. Woods…By M. B. Drapier* (Dublin: printed by J. Harding, 1724). The initials were a reference to Marcus Brutus, whom Swift regarded as “one of the two most virtuous men in ancient Rome.” The last name was meant to suggest that the author was a dealer in cloth: “a superior member of the class he addressed,” Irvin Ehrenpreis, *Swift: The Man, His Works, and the Age*, 3 vols., vol. 3 (London: Methuen & Co. Ltd., 1962–83), 207–8.
3 *The Prose Works of Jonathan Swift*, vol. 6, *The Drapier’s Letters* (Middlesex: Echo Library, 2006), 14. Swift’s citation was accurate. That statute held that “no Sterling Halfpenny nor Farthing be molten, for to make Vessel or any other Thing by Goldsmiths, nor other, upon Forfeiture of the Money so molten; and that the Goldsmith or other, which hath so molten such Money, shall be committed to Prison, there to remain till he hath yielded unto us the one half of
October proclamation promising £300 to anyone who could make known within six months “the author of the said seditious pamphlet,” no Drapier surfaced, and no bounty was issued. In the postscript of a letter to his friend Knightley Chetwode the following May, Swift noted: “The 6 months are over, so the Discoverer of the Draper, will not get the [£]300 as I am told.” In the seventh letter, *An Humble Address to Both Houses of Parliament*—issued after the six months had elapsed—the “Drapier” reasoned: “Am I legally punishable for these expressions? Shall another proclamation issue against me, because I presume to take my country’s part against William Wood; where her final destruction is intended?” Swift felt he should not, in fact, be legally punishable; and ultimately he did not face punishment.

Swift was protected, to some degree, by the fact that William Wood was wildly unpopular in Ireland. (Swift’s campaign had much to do with that.) In 1722 the ironmaster had obtained a patent to supply halfpence and farthings for Ireland over the course of fourteen years.

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5 This letter did not appear in print until the release of the fourth volume of Swift’s *Works* (1735), although by Faulkner’s account it was written shortly after the fourth Drapier’s letter, which itself appeared in print on 13 October 1724. *Prose Works of Jonathan Swift, Drapier’s Letters*, 114, 61. A 29 June 1725 letter from Swift and Stella to the Reverend Thomas Sheridan suggests that the finished manuscript of the seventh Drapier’s letter had made it to Dublin by the end of June. *Correspondence of Jonathan Swift*, ed. Woolley, 2:557, n. 8, and 2:566, n. 5.

6 He had purchased it for £10,000 from the duchess of Kendal, the king’s mistress, who had received the original patent. *Prose Works of Jonathan Swift, Drapier’s Letters*, 3; see also A. Goodwin, “Wood’s Halfpence,” *English Historical Review* 51, no. 204 (Oct. 1936), 647–74: 649–50.
Opposition to Wood’s coinage stemmed from, among other things, allegations (some exaggerated) that it had been forced upon the Irish people, that it was unregulated, that it was debased, and that it could easily be counterfeited.9 As Isaac Manley wrote to Charles Delafaye on 19 May 1724, “All people are under dreedfull apprehensions about that Brass Mercurey, and to say a word in Contra to ’em upon that Head is Enough to make ’em ones Enemy for ever after.”10 The episode is significant in Anglo-Irish history because, as McNally (1997) has written, “in 1723–4 the British administration was unable to implement its policy in Ireland.”11 Writing to the duke of Newcastle in September 1724, Robert Walpole emphasized that the king’s very authority was at stake.12 The situation was so unpromising that he had sent Carteret to Ireland to address it, evidently with the intention that it would lead to the latter’s demise. It did not, thanks to Carteret’s savvy (though the lord lieutenant soon encountered difficulties over parliamentary management).13 The patent was revoked in 1725, and Swift was celebrated as a great Irish patriot.

Carteret and his councilors were no great supporters of Wood’s coinage. Yet twenty of them (all present, save Archbishop King) had signed the proclamation against the Drapier, which

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9 For an assessment of the various claims made about Wood’s coinage, see Goodwin, “Wood’s Halfpence,” 647–74.
12 He wrote: “To repeat the orders of the King to the Lords Justices, when they have already told you in effect that they will not obey them, is but a second time to expose the King’s honour without any hopes of success…. I cannot but be of opinion to suffer the Lords Justices to continue in authority under such a behaviour is at once to give up all the power and authority of the Crown of England over Ireland from this time for ever.” Quoted in Ibid., 360, and n. 23.
13 The lord lieutenant later encountered difficulty with the management of parliament. For discussions of the halfpence affair and Carteret’s governance, see Ibid., 354–7.
the lord chancellor viscount Midleton had requested.\textsuperscript{14} To “blazon to the English ministers their condemnation of the Drapier,” they had promised an astonishingly high sum to his discoverer. But to make the proclamation more palatable for themselves, they had removed references to the coins and concentrated instead on the seditious portions of the Drapier’s fourth letter.\textsuperscript{15}

Despite the fact that a proclamation had been issued against the Drapier, Swift was protected, paradoxically, by both his popularity and his status. He had chosen a subject and style that “appealed to the commonest news-boy on the street,” and he also benefited from his own relatively privileged situation.\textsuperscript{16} The measures that Swift took to maintain anonymity certainly could not have protected him had Carteret or the Council of Ireland truly wished to see him undone. They apparently did not.\textsuperscript{17} In his \textit{Vindication of His Excellency the Lord Carteret} (1730), Swift later flatteringly characterized Carteret as having been endowed “with great Natural Talents, Memory, Judgment, Comprehension, Eloquence, and Wit.”\textsuperscript{18} Carteret was not just Swift’s pursuer; he was also an ally and a friend.

Even still, the affair did not pass unnoticed or altogether unpunished. Although Swift refrained from explicitly revealing his Drapier identity, his printer John Harding could take no such refuge in anonymity. In addition to the letters themselves, Harding was known to have printed at least two poems about the Drapier, including “An Excellent New Song upon His Grace

\textsuperscript{14} As Ehrenpreis has written: “Midleton’s devotion to the Irish interest was narrowly qualified by a warmer devotion to his own…[he] was simply too prudent to defy the English government in order to break Wood’s patent.” Ehrenpreis, \textit{Swift}, 3:267–8.
\textsuperscript{15} Ibid., 3:268–9.
\textsuperscript{16} \textit{Prose Works of Jonathan Swift, Drapier’s Letters}, [iii].
\textsuperscript{17} When it seemed that Swift was planning to go public with his Drapier identity, Carteret effectively warned him against it by communicating to King that the consequences would be immediate and grave. Ehrenpreis, \textit{Swift}, 3:275–7.
\textsuperscript{18} Swift ironically presented these and other desirable qualities as “disadvantages.” [Jonathan Swift], \textit{A Vindication of His Ex—y the Lord C—, from the Charge of Favouring None but Toryes, High-Churchmen, and Jacobites} (Dublin: [s. n.], 1730), 5.
Our Good Lord Archbishop of Dublin [about his opposition to Wood’s half-pence]” (1724) and “A Serious Poem upon William Wood” (1724). It was as if, after issuing the letters, Harding sought to confirm his engagement in the increasingly notorious Drapier affair, and to perpetuate the figure of the Drapier he had helped publicize. Harding’s association with the Drapier, perhaps because it was so well known, may have brought fame and even profit, but these came at a cost. For their roles in the publication of the letters, he and his wife Sarah Harding were both arrested after the 27 October 1724 proclamation, which itself came after the fourth Drapier’s letter addressed “to the Whole People of Ireland.”

From behind his cloak of anonymity, Swift nevertheless sought to help his printers—while continuing to celebrate the figure of the Drapier. The day before the proclamation against the Drapier was issued, he unsuccessfully endeavored to win the support of Alan Brodrick, viscount Midleton, by addressing the fifth Drapier’s letter—uniquely signed “J. S.” and dated from the “Deanery House” to the lord chancellor, who had put his name to the proclamation against the Drapier. (The fifth Drapier’s letter did not appear in print until the Dublin bookseller George Faulkner published it as part of the Works in 1735, but Midleton almost certainly saw the missive shortly after Swift wrote it.) On 11 November Swift intervened again, apparently on his printers’ behalf, by anonymously issuing Seasonable Advice (1724), a broadsheet addressed to the grand jury members who would determine the outcome of the Hardings’ case. Swift urged the jury to consider, among other things, “what Influence their finding the Bill [indicting the Hardings] may have upon the Kingdom.” Writing to his brother Thomas on 23 November, Midleton enclosed a copy of the paper and expressed his disdain for it: “You will see the

19 Prose Works of Jonathan Swift, Drapier’s Letters, 82.
20 Ibid., 97.
21 Ibid., 82, 62.
22 Jonathan Swift, Seasonable Advice (Dublin: [s. n.], 1724); original emphasis.
tendencye [sic] of it to disincline the grand Jury to find any bill of Indictment against Harding the printer, which I own I think to be a most impudent and illegal practice, and punishable by Law, under the name of embracery of Jurors.”

Midleton further contended that he himself had been libeled by the paper’s unflattering reflection on “the persons who [had] signed the order for prosecuting the writer and printer of the letter.”

As his printers’ case gained momentum, Swift intervened yet again, not just to aid the Hardings, but also to torment their oppressors. Chief Justice Whitshed had convened a second jury, the members of which again failed to find against the Hardings. Swift accordingly drafted another paper, this time in the form of a true bill that “presented all those who might attempt to impose Wood’s coins upon the Irish people.” It was clandestinely delivered to the new jurors on 27 November, the penultimate day of Michaelmas term, and, not coincidentally, the day before Swift left for the countryside. When Whitshed convened the jurors, they presented him with the paper, which they claimed to have drawn up themselves. Of course the lord chief justice knew its source—as did Carteret, to whom Whitshed in turn forwarded the false bill. But by this point the term was over, Swift was gone, and the Drapier affair was too far underway to be stopped.

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23 Midleton qualified that statement, writing parenthetically: “but perhaps I may mistake in this point of Crown Law having for some years past discontinued this king in that part of my profession which relates to Criminal matters.” Brodrick Papers, 1248/6, f. 99v, SHC.

24 Brodrick Papers, 1248/6, f. 99v, SHC. Swift had written: “Whereas those who go about to Advise, Entice, or Threaten them [the jurors] to find that Bill, have great Employments, which they have a mind to keep, or get greater, which was likewise the Case of all those who Sign’d to have the Author Prosecuted.” Swift, Seasonable Advice.


26 Correspondence of Jonathan Swift, ed. Woolley, 2:536, n. 2.

27 Ehrenpreis, Swift, 3:282.

In his sixth Drapier’s letter, addressed “to the Right Honourable the Lord Viscount Molesworth” and dated 14 December, Swift turned what had been a private joke on Whitshed into a public debacle, sarcastically remarking on “the laudable zeal and industry of [the] Lord Chief Justice in his endeavours to discover so dangerous a person [as the Drapier].”

He prefaced that letter by one to Harding, in which the Drapier purported to apologize for the texts that had landed the printer in jail—and then immediately proceeded to direct him in how to publish additional missives:

Mr. Harding, When I sent you my former Papers, I cannot say I intended you either Good or Hurt, and yet you have happened through my Means to receive Both…. Your Trade, particularly in this Kingdom [Ireland], is of all others the most unfortunately Circumstantiated…you [printers] often venture your Liberty and sometimes your Lives, for the Purchase of Half a Crown, and by your own Ignorance are punished for other Men[’]s Actions.

I am afraid, You in particular think you have Reason to complain of Me for your own and your Wife’s Confinement in PRISON, to your great Expence, as well as Hardship, and for a Prosecution still impending…. I desire you will send the inclosed Letter, directed to my Lord Viscount Molesworth…but I would have it sent Printed for the Convenience of his Lordship’s Reading, because this Counterfeit Hand of my ’Prentice is not very legible.

To ensure the Hardings’ safety—which by then was probably already secure—the Drapier publicly urged Harding to consult with a lawyer as necessary, and called upon qualified countrymen to offer their services free of charge: “I am assured you will find enough of them who are Friends to the Drapier, and will do it without a Fee.” Swift was thus warning potential prosecutors that the public outcry stemming from a punishment of the Drapier (or of his printers)

30 Correspondence of Jonathan Swift, ed. Woolley, 2:534–5; see also Prose Works of Jonathan Swift, Drapier’s Letters, 100. The latter differs in capitalization and italicization.
31 Correspondence of Jonathan Swift, ed. Woolley, 2:535; see also Prose Works of Jonathan Swift, Drapier’s Letters, 100. The latter differs in capitalization and italicization.
would surpass any that the Drapier’s letters had stirred. They seem to have intuited this as well, for the true Drapier remained at large.

By the spring of 1725 Harding was dead, his epitaph memorializing his role in the publication of Swift’s Drapier’s letters: “Here Lies an Honest Man inter’d, / By Merit and by Chance prefer’d. / No Friend to Woods, as wife as brave, / Tho’ now he’s Level with the Grave, / The Drapier’s Printer was he stil’d / While stout Snarlerus he beguiled.” Harding’s 1724 brush with the law may have hastened his death, but it was not an exceptional event. The last in a series of similar incidents—the printer had either been imprisoned or pursued for imprisonment in 1719, 1721, and 1723—it reflected the trend of punishing printers for the works they issued. Accordingly, Sarah Harding’s 1724 arrest did not prove her last. In the autumn of 1725 it was moved in the House of Lords that the widow Harding “should be taken into Custody of the Usher of the Black Rod” for having published *On Wisdom’s Defeat in a Learned Debate* (1725), which Midleton called a “false and scandalous libel.” That work was ascribed to “Rose Common, shameless woman,” and thought attributable, once again, to Swift himself. Swift’s Drapier was

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32 *Elegy on the Much-Lamented Death of John Harding Printer, Who Departed this Transitory Life, this Present Monday being the 19th of this Instant April 1725* (Dublin: [s. n.], 1725). The Swift critic Jonathan Smedley recast Snarlerus in terms unflattering to Swift in *The Metamorphosis: A Poem. Shewing the Change of Scriblerus into Snarlerus: Or, the Canine Appetite: Demonstrated in the Persons of P-p-e and Sw----t* (Dublin: printed for A. Moore [pseud.], 1728).

33 Probyn implies a causal relationship: “Harding…was arrested, and…consequently died the following spring after his release from gaol.” Clive Probyn, “Swift, Jonathan (1667–1745),” in *ODNB*.

34 On the last occasion, Harding evidently spent six months in prison. *Correspondence of Jonathan Swift*, ed. Woolley, 2:536, n. 2.

35 Brodrick Papers, 1248/6, ff. 324r–v, SHC. According to the lord chancellor, Lord Altham complained of the poem “to the house as containing in it scandalum Magnatum, but the Lord who seconded his complaint of it, considered it more properly a great breach of priviledge….,” Ibid., f. 324r.

36 The *ESTC* notes that the offensive paper was “[o]rdered to be burnt by the public hangman on 2 October 1725 following a resolution in the Irish House of Lords.” Rose Common was a play on
indubitably an Irish hero, and Swift himself was popularly allegorized as the Jonathan from Book I of Samuel (14:45) in the post-October 1724 declaration that “the people rescued Jonathan that he died not.” But who would rescue his printers?

The Culpable Printer

No one could really protect a printer from libel punishments. In his *Seasonable Advice*, Swift urged the grand jury members to consider the effect that a bill would have on “a poor Man perfectly Innocent,” an “Ignorant Printer,” who had been given the fourth Drapier’s letter “in an unknown Hand…the same in which He [had] receiv’d the three former.” Swift also insisted that John and Sarah Harding had “offer’d to take their Oaths that they knew not the Author.” The Hardings were very likely not so ignorant about the origins of the Drapier’s letters as Swift had made them out to be; but even if they had been, their ignorance would not necessarily have influenced the outcome of any case made against them.

While many printers issued offensive texts knowingly, some understood very little about the content they helped produce. According to the law, ignorance of a publication’s contents could be no excuse. In *The King v. Clerk* (or Clarke) (1728/9), the defendant was tried at king’s bench for printing and publishing the Jacobite periodical *Mist’s Weekly Journal.* Despite the fact that the defendant had “acted merely as a servant to the printer,” his business being “only to clap down the press,” and that “few or no circumstances were offered of his knowing the import of the paper, or being conscious of doing anything illegal,” he was nevertheless found guilty.

Rejecting the defendant’s claims of ignorance and consequent lack of malice, the solicitor

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*Roscommon*, i.e., the earl of Roscommon, who had changed sides in a debate over the wording of an address of thanks to the king for the revocation of the patent. McNally, “Wood’s Halfpence,” 369–70.

37 *Prose Works of Jonathan Swift, Drapier’s Letters*, 62; original emphasis.

38 Swift, *Seasonable Advice*; original emphasis.
general observed that if his prosecutors “could have given evidence of express malice, this fact would have been treason.” Since they could not, “the charge [wa]s only for printing and publishing a seditious libel, and consequently the circumstances of malice [we]re intirely immaterial.” The defendant’s ignorance had saved his head, but it could not do the same for his freedom. Even illiterate individuals were sometimes prosecuted for printing, helping to print, or distributing offensive texts.

While printers’ employees were sometimes held responsible for the libels their employers issued, the latter could also suffer because of the offenses of their subordinates. In *The King v. Dodd* (1724), it was held that printers were responsible for libels that their servants issued, even if they were unaware of their servants’ actions. The ruling was confirmed five years later. In *The King v. Strahan* (1717), it was established that a printer would be deemed guilty of having printed any libel found in his shop unless he could provide proof to the contrary.

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40 In January 1717/8, Ellen Vickers and her daughter Sarah Ogleby were taken into custody for selling *The Father’s Letter to the Son, and the Son’s Answer*, a satire on George I. Although the women implicated the Fleet Street printer Andrew Hynes and his wife, Vickers and Ogleby still remained culpable for their roles in distributing the text—despite the fact that the endorsements on their examinations suggested that they were illiterate. State Papers Domestic, SP 35/11/23, SP 35/11/24, SP 35/11/25, SP 35/11/26, SP 35/11/27, NA. Similarly, on 10 March 1727/8 Phillis Leveridge, an employee of the pamphlet shop-keeper Ann Dodd and salesperson for the distributor Anne Bowes, was examined for selling *A New Miscellany of Court Songs* (1727), parts one and two, and *Two New Ballads* (1728). Her mark too indicated that she was likely illiterate. State Papers Domestic, SP 36/5 (part 2)/55, NA. See also *A New Miscellany of Court Songs* (London: printed for A. Moore [pseud.], 1727); *Two New Ballads. The L-ds address to K. G. II* (London: [s. n.], 1728).
Because contemporary legal standards could be as stringent as they were ambiguous, ascertaining what fell on the safe side of the law proved difficult. Contemporary printers could not know with certainty what would be safe to publish, a circumstance that persisted even beyond Swift’s lifetime. In 1750 the stationers of Dublin’s Guild of St. Luke the Evangelist received an official warning that the government intended to prosecute seditious or libelous matter. The threat of punishment loomed large, even when the criteria for offenses were vague.

Harding was not the only one among Swift’s various printers who ended up in prison. Benjamin Motte too was arrested, together with Mary Barber, Lawton Gilliver, and Matthew Pilkington, in connection with the publication of Swift’s *Epistle to a Lady* (1733). Earlier, the printer Edward Waters faced legal difficulties for his involvement in the publication of Swift’s *Proposal for the Universal Use of Irish Manufacture* (1720). Just as Swift lampooned the miscarriage of justice in the Harding case—implying in the fifth Drapier’s letter that Whitshed’s...

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43 One might have predicted a different outcome in the 1728/9 Clerk case, given the apparent precedent set in John Lamb’s case (1611), that “to be convicted of libel in the Star Chamber [abolished in 1641], the party ought to [have] be[en] either a contriver of the libel, or a procurer of the contriving of it, or a malicious publisher of it, knowing it to be a libel.” 77 Eng. Rep. 822; 9 Co. Rep. 59b.


45 For a brief discussion of this episode, see Lynda M. Thompson, *The ‘Scandalous Memoirists’: Constantia Phillips, Laetitia Pilkington and the Shame of ‘Public Fame’‘* (New York: Manchester University Press, 2000), 87. Motte’s arrest is also noted in J. J. Caudle, “Motte, Benjamin (1693–1738),” in *ODNB*. Mary Barber’s prosecution was evidently held off for at least two years, during which time she had to remain in London. In May 1735 she petitioned William Harrington, the earl of Stanhope and Secretary of State for the Northern Department, to “put an End to the said prosecuc[i]on which hath already been very burthensome to your petitioner.” State Papers Domestic, SP 36/35 (part 1)/57, NA.

46 Waters was “arrested, obliged to give bail to a large amount, and put upon his trial.... The jury, although carefully packed, brought him in not guilty, but, having been sent back nine times, and kept eleven hours, by Judge Whitshed, they were obliged to leave the matter to the mercy of the latter by a special verdict.” Charles FitzRoy, the duke of Grafton and lord lieutenant of Ireland, eventually granted a *nolle prosequi* (the relinquishing of a suit), evidently upon Swift’s intervention. John Thomas Gilbert, *A History of the City of Dublin*, vol. 2 (Dublin: McGlashan and Gill, 1859), 153; D. Ben Rees, “Waters, Edward (d. 1751),” in *ODNB*; Sir Walter Scott, *Life of Swift*, vol. 2 (Boston: Wells and Lilly, 1829), 188. See also *OED*, s. v. “Nolle prosequi, n.”
motto *Libertas et natale solum* belied the true nature of the chief justice, who was “perjuring himself to betray both”\(^{47}\)—so too did he satirize the Irish linens affair with the verse, “... / We’ll buy English silks for our wives and our daughters, / In spite of his Deanship and journeyman Waters.”\(^{48}\) In Waters’s case,\(^{49}\) as in those of other printers too, the “technical anonymity” that Swift had assumed protected the author.\(^{50}\) Someone had to be held accountable for the appearance and circulation of anti-government writings, however. That someone often worked as, for, or alongside the printer.

Swift’s reputation as an Irish patriot—and the corresponding potential for a severe punishment to incite a public outcry—may in fact have aided his printers. Less famous printers and their colleagues often fared less favorably. They were punished not just to deter them from producing offensive texts, but also to set an example for others.\(^{51}\) Whatever the objective, arrests

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\(^{47}\) *Prose Works of Jonathan Swift, Drapier’s Letters*, 86. Of that motto, Swift wrote: “*Libertas et natale solum*: / Fine words! I wonder where you stole ’em. / Could nothing but thy chief reproach / Serve for a motto on thy coach? / ...” Ibid., n. 106.


\(^{49}\) The prosecution for Swift’s *Proposal* (1720) was neither Waters’s first nor last run-in with the law. On 20 September 1713 the lords justices and Council of Ireland referred to a committee the examination of “seditious prints and papers in the custody of Edward Lloyd, coffeeman, and in the custody of Edward Waters, printer.” The following year, Lord Brodrick wrote to his brother Thomas regarding the printing of a libel that “Shaw and Beckston own[ed] to have had the sheets from Waters as they were printed off.” Brodrick Papers, 1248/3, ff. 183–4, 220r, SHC. Waters continually endeavored to avoid arrest, once by leaping out of a second-storey window. In 1735 he landed in Newgate for reprinting Bishop Hort’s *New Proposal for the Better Regulation of Quadrille*. He was taken there again in 1736 for reprinting a pamphlet whose original had already brought about the same outcome for the printer George Faulkner. D. Ben Rees, “Waters, Edward (d. 1751),” in *ODNB*.


\(^{51}\) On 23 July 1689, the duke of Shrewsbury, secretary of state for the Southern Department, wrote to Colonel Strangway: “[S]ome of late have been very buisy [sic] in dispersing Papers of all sorts as well written as printed but it is to be hoped they will take warning by [th]e Example of those who have been so unhappy as to be taken in [th]e fact.” State Papers Domestic, Secretary’s Letter Books, SP 44/97, p. 132, NA.
of printers were sufficiently frequent that the National Archives at Kew brims with records of them.  

The process of determining printer punishments, like so much else involving defamation, remained in flux through Swift’s age. On 14 April 1721, Secretary Townshend wrote to Attorney General Sir Robert Raymond to inquire about how far the punishments of printers could be taken:

There being frequently in [th]e News Papers, Paragraphs of News wholly groundless, and as there is reason to believe, invented by the Authors merely to abuse the Govermn[en]t, and do mischief to [th]e Publick; I must desire to have your opinion, whether [th]e Printers and Publishers of Such Falsehoods, may not be prosecuted as Authors thereof unless they can produce their Vouchers for [th]e Same.  

Numerous contemporary treatments of libel suggested that authors, printers, and publishers played comparable roles and thus merited similar punishments. Often, however, only printers, publishers, and their sometimes-illiterate aides faced the uncertain and consequential risks associated with issuing libelous texts.

The legal emphasis on identifying printers as culprits—and in punishing them like writers—may also have reflected a typically contemporary conception of authorship, in which authors were conceived as creators (of all sorts) rather than necessarily as composers of written material. (Swift himself used author in this way in the Tale: “LORD Peter was also held the

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52 See, for instance, State Papers Domestic, Secretary’s Letter Books, SP 44/123, p. 79, NA; State Papers Domestic, SP 36/1/1, NA.
53 State Papers Domestic, Secretary’s Letter Books, SP 44/122, p. 20, NA.
54 Several months later, Lord Carteret ordered the prosecution of Nathaniel Wilkinson, the printer of the Weekly Journal, “in pursuance of His Maj[es]ty’s Order for the prosecution of the Authors Printers & Publishers of all Scandalous & Seditious Libells.” State Papers Domestic, Secretary’s Letter Books, SP 44/121, p. 266, NA.
Original Author of *Puppets* and *Raree-Shows.*\(^{56}\) While printers’ legal liability was by no means linguistically determined, neither was the privileged creative status of author-composers assured. Printers were also vulnerable to punishment because they did not usually enjoy the protection that a high social status afforded, as many writers did.

Why, then, did more printers not publish anonymously, just as authors wrote anonymously? A very few did; some title pages bore false printers’ or booksellers’ names. Nevertheless, printers could not cloak themselves in anonymity as easily as authors did. Legally, they had to stake claims in all of the works they issued; authors often did not. According to the terms of the Licensing Act (1662), “every person…that shall hereafter print or cause to be printed any Booke…or any other thing…shall thereunto or thereon print and set his…owne Name…and alsoe shall declare the Name of the Author thereof,” but in the latter case, only “if he be thereunto required by the Licenser under whose Approbation the licensing of the said Booke [etc.]…shall be authorized.”\(^{57}\) Similarly, the Stationers’ Company’s Supplementary Ordinances (1681) confirmed that part of the 1662 act (which had lapsed in 1679) requiring that every printed material bear the name of its printer or bookseller.\(^{58}\) The Stamp Act (1712) likewise required that “noe Person whatsoever shall sell or expose to Sale any…Pamphlet without the true

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\(^{57}\) 14 Car. II, c. 33.

respective Name or Names and Place or Places of Abode of some knowne Person or Persons by or for whome the same was really and truly printed or published."\(^{59}\)

In addition to the requirements placed on printers, the number of printing presses was also strictly regulated by the law and policed by the Stationers’ Company (with violators receiving severe punishments), so those who had the apparatuses to produce printed texts often lacked the option of anonymity.\(^{60}\) On this point, the Licensing Act (1662) rearticulated the relationship between the mechanical means to print and the dissemination of libelous texts: “For prevention [of licentiousness] no surer meanes can be advised then [sic] by reducing and limiting the number of Printing Presses and by ordering the setling the said Art or Mystery of Printing by Act of Parliament.”\(^{61}\) Guild members were authorized to inspect and make determinations about the legality of all printed materials.\(^{62}\) This right was sometimes backed up with the force of

\(^{59}\) 10 Anne, c. 18. The Licensing Act (1662), Stationers’ Company ordinance (1681), and Stamp Act (1712) are all noted (but not quoted) in David Foxon, *Pope and the Early Eighteenth-Century Book Trade*, ed. James McLaverty (Oxford: Clarendon Press, 1991), 1.

\(^{60}\) By the terms of a Star Chamber decree of 23 June 1586, all printers were to report the numbers of their presses. Presses could not be set up in obscure or secret places, and the wardens of the Stationers’ Company were to have access to all presses and the authority to seek out secret presses. Additionally, no new presses could be set up until the number of existing presses was diminished. The penalty for keeping a secret press held that it and the accompanying type were to be destroyed; the printer was to be imprisoned for a year; and the printer was to be prevented from working except as a journeyman. In H. R. Plomer, et al., *Dictionaries of the Printers and Booksellers Who Were at Work in England, Scotland and Ireland 1557–1775* (Ilkley, Yorkshire: reprinted by Grove Press Ltd., 1977), xiv–xv, and xv, n. 1. See also *A Transcript of the Registers of the Company of Stationers of London, 1554–1640 A.D.*, ed. Edward Arber, 5 vols. (New York: P. Smith, 1950), http://victoria.tc.ca/~tgodwin/duncanweb/documents/stationers_charter.html. *Transcript* is also cited (though from a different edition) in Plomer, et al.

\(^{61}\) 14 Car. II, c. 33. The Stationers’ Company charter (1557) had also granted a monopoly on printing to guild members. *Transcript of the Registers of the Company of Stationers*, ed. Arber. The charter is discussed in various sources, including in Mark Rose, *Authors and Owners: The Invention of Copyright* (Cambridge, Mass.: Harvard University Press, 1993), 12.

\(^{62}\) The charter empowered the Stationers’ Company to enforce the monopoly, and to seize, destroy, or convert any printed materials deemed contrary to the form of any statute, act, or proclamation already in existence or to be made in the future. Charles Henry Timperley, *A
warrants. Maintaining a clandestine operation was not an option for practical reasons, as well; printing shops were noisy and conspicuous affairs.

For a printer or bookseller, omitting one’s name was not even always desirable. The more titillating—and potentially scandalous—a work was, the more likely it often was to have been a bestseller. *Gulliver’s Travels* (1726), which Motte had strategically altered so as to avoid publishing treasonable material, sold out almost instantly. Sales estimates vary—all seem to suggest that thousands per week sold initially—but it is certain that the work was on its third edition about a month after its release. This sales rate is all the more astonishing given the price tag per copy: 8s. 6d. According to Samuel Johnson, the work “was received with such avidity, that the price of the first edition was raised before the second could be made; it was read by the high and the low, the learned and illiterate.” Anonymity, for Motte, would have been difficult for logistical reasons and undesirable for promotional ones.

Listing the names of booksellers did not just make them famous (or infamous); it also provided protection against copyright infringements. The owners of copyrights—usually booksellers—had to enter their works into the Stationers’ Register. When booksellers opted out

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*Dictionary of Printers and Printing, with the Progress of Literature, Ancient and Modern* (London: H. Johnson, 1839), 325.


64 For a summary of these various estimates, see Ehrenpreis, *Swift*, 3:498.

65 It was released on or shortly after 28 October 1726, in two octavo volumes; the third octavo edition was ready by 1 December. Ibid., 3:497–8.

66 This is noted in several sources, including in Ibid., 3:497; and Clive Probyn, “Swift, Jonathan (1667–1745),” in *ODNB*. 8s. 6d. in 1730 would have had the spending worth of about £37 in today’s money. “Currency Converter,” in “Old Money to New,” [http://nationalarchives.gov.uk/currency](http://nationalarchives.gov.uk/currency).

of registering their copies—and indeed, a number of established London booksellers did not go to the trouble and expense—listings in the works themselves became all the more crucial.

**Whispering Loudly**

For booksellers, the reasons to forgo anonymity were numerous. For authors, however, anonymity offered an altogether more promising, if also more complex, prospect. Since writing was an unobtrusive craft, authors had the logistical flexibility to issue texts anonymously. They also often had the legal right to keep their identities hidden, and the incentive—fear of prosecution—to do so as well. Despite the relative ease of publishing anonymously, Swift—like his booksellers—did not wish to forgo recognition. He accordingly proclaimed his authorship, but always under the guise of an assumed identity.

Swift seems to have taken pleasure in the pseudo-anonymity that his pseudonymity facilitated. According to his biographer Irvin Ehrenpreis, “Swift showed tangibly how his secretiveness played with his love of fame; for he gave to the Bodleian Library a copy of *Fraud Detected* [the first collected edition of *The Drapier’s Letters*] richly bound and endorsed unmistakably in his own handwriting, ‘Humbly presented…by M. B. Drapier.’” Fraud, indeed: the move was bold if not outright brazen. In both legal and literary contexts, handwriting had

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69 One of the provisions of the unsuccessful 1737 copyright bill would even have facilitated authorial anonymity by allowing someone else to register a book in trust for an author. Foxon, *Pope and the Early Eighteenth-Century Book Trade*, 245.

70 Ehrenpreis, *Swift*, 3:317. See also [Jonathan Swift], *Fraud Detected: Or, the Hibernian Patriot* (Dublin: reprinted and sold by George Faulkner, 1725).
come increasingly to signify identity. The eminent evidentiary theorist Jeffray Gilbert wrote in a nearly-contemporary treatise draft that “Men are distinguished by their Hand-Writing as well as by their Faces, for it is very seldom that the Shape of their Letters agree any more than the Shape of their Bodies.” Handwriting was also used as evidence against the printer Edmund Curll in *The King v. Curll* (1726).

There is ample epistolary evidence to suggest that Swift and his contemporaries shared Gilbert’s belief in the link between handwriting and identity. Writing to his friend Charles Ford on 1 July 1714, Swift provided instructions on how to emend *Some Free Thoughts upon the Present State of Affairs* (written by Swift, and published anonymously in 1741): “vary it as You

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71 The treatise was probably written before 1710. It was published posthumously beginning in 1754 (the 1756 edition is quoted here). Prior to that, according to Macnair, it circulated in manuscript. M. Macnair, “Gilbert, Sir Jeffray (1674–1726),” in *ODNB*.

72 Gilbert clarified that identifications based on handwriting sufficed in civil cases but, because of the possibility of forgery and because of the benefits afforded defendants, such identifications were insufficient evidence in criminal cases. Sir Geoffrey Gilbert, *The Law of Evidence* (London: printed for Henry Lintot; for W. Owen, 1756), 54. This is also quoted and cited (though from an earlier edition, with differences in capitalization) in Tamara Plakins Thornton, *Handwriting in America* (New Haven: Yale University Press, 1996), 35.

73 In that case, Curll was accused of “printing and publishing and caus[ing] to be printed and published” the libellous *Memoirs of John Ker*; evidence against Curll included an allegation that a list of errata in the libel was largely in “the Def[endan]t[‘]s own hand Writing.” *Rex v. Edmund Curll*, 18 May 1727, TS 11/944, NA.

74 Although, as Nicolas Barker has noted, “papal courts had earlier used calligraphers as expert witnesses in trials for libels or forgery,” in the nineteenth century the belief in an unconscious escape of identity via the pen seems to have gained ground. Nicolas Barker, “A Question of Character,” review of *Handwriting in America: A Cultural History*, by Tamara Plakins Thornton, *The Spectator* (Dec. 20–7, 1997), 68–9: 68. Regarding the case *Doe v. Suckermore* (1836), which addressed the attestation of a will, the king’s bench justice Sir John Taylor Coleridge (Samuel Taylor Coleridge’s nephew) introduced the precedent that recollections of a particular person’s handwriting were more reliable than were comparisons to samples; he wrote: “The test of genuineness ought to be the general resemblance, not to the formation of the letters in some other specimen or specimens, but to the general character of the writing, which is impressed on it as the involuntary and unconscious result of constitution, habit, or other permanent cause, and is, therefore, itself permanent.” 111 Eng. Rep. 1331; 5 Ad. & E. 703. See also Christopher Allen, *Practical Guide to Evidence*, 4th ed. (London: Routledge-Cavendish, 2008), 58–9.
please, but alter Y[ou]r Hand.” Other similar examples abound, and collectively they illustrate that to forgo a copyist or an altered hand was, in essence, to announce one’s authorship. And that is precisely what Swift, thinly veiled as the Drapier, had done.

Although Swift, as Swift, said little else, the guise of other authorial identities brought new opportunities to allude to the Drapier alter-ego. In Verses on the Death of Dr. Swift, D.S.P.D. (1731), the narrator noted the differing receptions that Swift and his sobriquet received: “Now Grub-Street Wits are all employ’d; / With Elegies, the Town is cloy’d: / Some Paragraph in ev’ry Paper, / To curse the Dean, or bless the Drapier.” Under that gossamer cloak of anonymity, Swift even wrote poems about the ironmonger William Wood, who held the patent to produce the halfpence and farthings that had occasioned Swift’s pamphlet campaign. These poems came out during the very period in which the Drapier’s letters were being issued and circulated. In Prometheus (1724), which may have been printed by John Harding too, Swift wrote of the threat that Wood’s coinage posed:

There is a Chain let down from Jove,
But fasten’d to his Throne above;
So strong, that from the lower End,
They say, all humane Things depend:
This Chain, as Ancient Poets hold,
When Jove was Young, was made of Gold,

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75 Correspondence of Jonathan Swift, ed. Woolley, 1:627; see also Correspondence of Jonathan Swift, ed. Williams, 2:44. Williams has noted that “the printed text of 1741 differs widely from what Swift [had] sent Ford.” Ibid., 2:43, n. 4.
76 See, for instance, Correspondence of Jonathan Swift, ed. Woolley, 2:28.
77 Verses on the Death of Dr. Swift, D.S.P.D., in The Writings of Jonathan Swift, ed. Robert A. Greenberg and William B. Piper (New York: W. W. Norton & Company, 1973), 553–4, lines 165–8; original emphasis. Swift included the following accompanying footnote: “The Author imagines, that the Scriblers of the prevailing Party, which he always opposed, will libel him after his Death; but that others will remember him with Gratitude, who consider the Service he had done to Ireland, under the Name of M. B. Drapier, by utterly defeating the destructive Project of Wood’s Half-pence, in five Letters to the People of Ireland, at that Time read universally, and convincing every Reader.” Ibid., 554, n.
78 According to the ESTC.
Prometheus once this Chain purloin’d,
Dissolved, and into Money Coin’d;
Then whips me on a Chain of Brass;
(Venus was Brib’d to let it pass.)

In the following verse, Swift even went so far as to provide a key to his innuendoes:

Ye Pow’rs of Grub-street make me able,
Discreetly to apply this Fable.
Say, who is to be understood,
By that old Thief Prometheus? WOOD.
For Jove, it is not hard to guess him;
I mean His M------, God bless him.

On the heels of this poem were others. Though he continued to write about Wood’s coinage, Swift did no more than offer hints of his authorship.

If cloaked public boasts left Swift unsatisfied, he could (and did) quietly note the Drapier’s popularity and productivity to friends. Writing to Ford on 31 December 1724, Swift declared: “The Drapier is not the only Poet, for there are severall Writers in his Praise about as good as himself…. This Day is come out a fifth Letter from the Drapier inscrib[e]d to L[or]d

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79 [Swift], Fraud Detected, 215. This poem also made its way into at least one contemporary manuscript. See, for instance, Political and Other Pieces in Prose and Verse, Egerton Papers 2560, ff. 100r–101r, BL, © British Library Board.
80 [Swift], Fraud Detected, 216; original emphasis.
81 See An Excellent New Song upon His Grace Our Good Lord Archbishop of Dublin (1724), A Serious Poem upon William Wood (1724), An Excellent New Song…for the Downfall of Woods and His Brass Half-Pence & Farthings (1724?), On Wood the Ironmonger (1725), Will Wood’s Petition to the People of Ireland (1725), A New Song on Wood’s Halfpence (1725), A Smile on Our Want of Silver (1725), Wood an Insect (1725), Verses on the Upright Judge, Who Condemned the Drapier’s Printer (n. d.), and so forth. All but the first of these appear in The Works of Jonathan Swift, ed. Sir Walter Scott, 2nd ed., vol. 12 (London: Bickers & Son, 1883), 355–75; the citation for the first is Jonathan Swift, An Excellent New Song upon His Grace Our Good Lord Archbishop of Dublin. By Honest Jo. One of His Grace’s Farmers in Fingal (Dublin: printed by John Harding, 1724).
82 The editor of the Echo Library edition of the Drapier’s Letters gives the publication date of this letter as 14 rather than 31 December. In either case, it was issued after the letter to Midleton, for which reason the editor numbered them five and six, respectively, the traditional (inverse) ordering notwithstanding. Prose Works of Jonathan Swift, Drapier’s Letters, 98.
Whether or not they had received intimations directly from Swift, the members of his inner circle knew of the Drapier’s underlying identity. On 19 April 1731, Lord Bathurst complimented Swift in noting that “had the Drapier been a milk-sop Poor Wood had not suffer[e]d so much in his reputation & fortune.” Similarly, the countess of Suffolk wrote a letter to Swift on 25 September 1731 in which she characterized her recipient as “the Man of Wit, The Dignified Divine, The Irish Drapier.” Swift’s mentee Thomas Sheridan wrote to Thomas Carte on 21 June 1733 that John Brown had “made many advances to [Sheridan], but [Sheridan] would not be acquainted with him, because of an unlucky character given him by the Drapier.” Swift and his correspondents thus acknowledged, with a wink, the purported anonymity of Swift’s literary creation M. B. Drapier.

While Swift and his friends contained their admissions of the Drapier’s underlying identity to a small social circle, others—outsiders—declared it publicly. On 3 September 1726, *Mist’s Weekly Journal* described the fanfare that had attended Swift’s homecoming from London the previous week:

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83 He continued: “...but how to send it to you I know not, for although I should direct it to Lord Barrymore, it would probably be opened here by Manley the Postmaster, who either by his own Pragmaticallness or the Orders of the Governm[en]t opens all Pamphletable Letters, and I know nobody that goes from hence.” *Correspondence of Jonathan Swift*, ed. Woolley, 2:540; see also *Correspondence of Jonathan Swift*, ed. Williams, 3:46.
84 *Correspondence of Jonathan Swift*, ed. Woolley, 3:379.
85 Ibid., 3:434.
86 Carte Papers, MS. Carte 227, f. 32r, Bodleian Library, University of Oxford. The “unlucky character” seems to have originated in the third Drapier’s letter, “To the Nobility and Gentry of the Kingdom of Ireland,” in which the author wrote: “That paper [The English Privy Council’s Report of 24 July 1724] mentions ‘such persons to have been examined, who were desirous and willing to be heard upon that subject.’ I am told, they were four in all, Coleby, Brown, Mr. Finley the banker, and one more whose name I know not. The first of these was tried for robbing the Treasury in Ireland, and although he was acquitted for want of legal proof, yet every person in the Court believed him to be guilty. The second was tried for a rape, and stands recorded in the votes of the House of Commons, for endeavouring by perjury and subornation, to take away the life of John Bingham, Esq.” *Prose Works of Jonathan Swift*, Drapier’s Letters, 37.
Dr. Jonathan Swift, Dean of St. Patrick’s, is arriv’d safe from England to the general Joy of this City. On this Occasion the Bells of St. Patrick’s, and other Adjacent Churches, were rung, and large Bonfires made in the neighbouring Streets; there was…one…which illuminated the whole Town. And so grateful a Sense do the People preserve of the Merits of the Author of the Drapier’s Books against Wood’s Brass Coin, that there’s scarce a Street in Town without a Representation of him for a Sign.  

It is perhaps not surprising that a public who followed Swift’s life rather closely—his trips to and from London were recorded in contemporary periodicals—would have been in on the secret that Swift theatrically if ineffectually guarded. 

For a well-known figure like Swift, publishing pseudo-anonymously was no mere authorial diversion. Concealing his identity—or at least appearing as if he wanted it concealed—required a great deal of planning and effort on Swift’s part. Swift had to devise innuendoes that were at once readily comprehensible and plausibly deniable. He had to disguise his handwriting, or get someone else to transcribe all of the correspondence concerning any potentially controversial work. And he had to negotiate the terms of publication and payment through a third party, or through the ostensible third party of one of his personas. (While a work itself would have been sent to the printer as a “fair copy,” it was unusual for an author to disguise his identity simply to communicate with the printer or bookseller.)

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87 Mist’s Weekly Journal (London), no. 71, 3 Sept. 1726. Also quoted (with minor differences in capitalization) in Ehrenpreis, Swift, 3:496.

When directing Ford about how to emend *Some Free Thoughts* on 1 July 1714, Swift described the choreography necessary to get the pamphlet into print (a process that nevertheless took nearly three decades):

[G]et some Friend to copy out the little Paper, and send it inclosed with the rest, & let the same Hand direct it, and seal it with an unknown Seal. If it be not soon printed, send to Dunstons [coffeehouse] in the name desired.—Spend an hour in reading it, & if the same word be too soon repeated, vary it as You please, but alter Y[ou]r Hand…. I would fain have it sent on Saterday night, or Sunday because of the date, that it might not be suspected to come from here. If You think any thing in the little Letter suspicious, alter it as you please.  

Likewise, in endeavoring to publish his poem *The Bubble* (1721) anonymously, Swift provided Ford with specific transmission instructions: “The way to pub[lish] it will be to send it by the peny [sic] Post or an unknown Hand to some [oth]er Printer [than John Barber], and so let him do what he pleases: onely tear out this prose P[art an]d blot out the Subscription.”

In negotiating the publication of the *Travels* in 1726, Swift assumed the persona of Richard Sympson, the cousin of the work’s narrator. On 8 August 1726, seemingly from London and in the character of Sympson, Swift sent a letter—copied in John Gay’s hand—to Motte claiming that his (Sympson’s) “Cousin Mr Lemuel Gulliver” had entrusted him “some Years ago with a Copy of his [Gulliver’s] Travels, whereof [the enclosed was] about a fourth

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89 *Correspondence of Jonathan Swift*, ed. Woolley, 1:627.
90 This was due to the debacle concerning the printing of *Some Free Thoughts*. Ibid., 2:354, n. 3.
92 Richard Sympson was a real person, but of course he was not the cousin of the fictitious “Gulliver.” The brothers Richard and Ralph Sympson were, from 1690, copyright holders of Temple’s writings, which Swift had prepared for publication. They held *Miscellanea the Second Part* (1690), *An Introduction to the History of England* (1695), and a share in the *Letters* (1700). See also Clive Probyn, “Swift, Jonathan (1667–1745),” in *ODNB*. In a letter to Sympson in the 1735 edition, Gulliver impugned his cousin for having rushed the publication of “a very loose and uncorrect Account” of his travels. *Gulliver’s Travels*, in *The Writings of Jonathan Swift*, ed. Robert A. Greenberg and William B. Piper (New York: W. W. Norton & Company, 1973), IV, and VII, n. 3.
part.”\(^93\) In that letter, Swift requested that Motte “never suffer these Papers to be once out of [Motte’s] sight.”\(^94\) He went on to set out the narrow terms of subsequent negotiations:

> I know the Author intends the Profit for the use of poor Sea-Men, and I am advised to say that two Hundred pounds\(^95\) is the least Summ I will receive on his account, but if it shall happen that the Sale will not answer as I expect and believe, then whatever shall be thought too much even upon your own word shall be duly repaid. . . . [I]f after three days reading and consulting these Papers, you think it proper to stand to my agreement, you may begin to print them, and the subsequent parts shall be all sent you one after another in less than a week, provided that immediately upon your Resolution to print them, you do within three days deliver a Bank Bill of two hundred pounds wrapt up so as to make a parcel to the Hand from whence you receive this, who will come in the same manner exactly at 9 a clock on Thursday . . .

> If you do not approve [sic] of this proposal deliver these Papers to the person who will come on thursday

> If you chuse rather to send the Papers make no other Proposal of your own but just barely write on a piece of paper that you do not accept my offer.\(^96\)

In addition to carrying out these cloak-and-dagger negotiations, Swift diligently guarded the manuscript, which he transmitted to Motte as a “fair copy,” that is, in someone else’s hand.\(^97\)

Over the course of just three letters—two from Swift and one from Motte—“Sympson” and the bookseller negotiated the terms of the work’s release.

> For all of “Sympson’s” effort, a great many people knew that Swift was Gulliver, just as they had known that he was the Irish Drapier, and just as they would come to know that he was the less-than-modest proposer of 1729. Among his closest friends, Swift had long been

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\(^94\) Ibid., 3:9.

\(^95\) That sum was substantial; Motte responded: “you were much mistaken in the Estimate you made of my Abilities, when you suppos’d me able, in Vacation time . . . at so short notice, to deposite so considerable a Sum as [£]200 . . . [T]he Book shall be publish’d within a Month after I receive the Copy, and if the Success will allow it, I will punctually pay the money you require in Six Months.” Ibid., 3:12. £200 in 1730 would have had the spending worth of about £17,196 in today’s money. “Currency Converter,” in “Old Money to New,” http://nationalarchives.gov.uk/currency.

\(^96\) Correspondence of Jonathan Swift, ed. Woolley, 3:9–10.

\(^97\) Ibid., 3:152, n. 2.
recognized by his Gulliverian persona. When in July 1714 Swift sent Barber, via Ford, a copy of
Some Free Thoughts, Barber in turn passed on the manuscript to Bolingbroke. When Barber replied to “Samuel Bridges,” i.e., Ford, his recipient endorsed it before passing it on to Swift:
“I sent [to] Lemuel.”

After the Travels was published, others came to be in on the secret of Swift’s Gulliverian alter-ego. In a reprinted Travels abridgment, which appeared in the monthly Political State of Great Britain (November 1726), Abel Boyer correctly identified the true author of the original. A 1729/30 advertisement for A Libel on Dr. Delany and a Certain Great Lord [Carteret], by Dr. Sw—t included a note that its key would be published by “Capt. Gulliver,” whose printing house was listed as “near the Temple.” Directly beneath that was an additional advertisement for the third edition of Cadenus and Vanessa (originally published in 1726), a poem written by and attributed to “Dr. Swift.” There was no printer named Captain Gulliver, of course; that appellation served both to provide a “slight disguise” for Lawton Gilliver, a bookseller of some of Pope’s works (and someone who had an association with Swift as well), and to hint at the common authorship of both the Libel and the Travels by creating literary, visual, and interpersonal associations between them. The literary association suggested that both works, in sharing a publisher, had common origins; the visual association emerged from their

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98 Ibid., 2:60, n. 1.
99 Ibid., 1:645, headnote.
100 Ehrenpreis, Swift, 3:502.
101 The price of the poem was listed as 4d. “Advertisement,” in Grub-Street Journal (London), no. 7, 19 Feb. 1730.
102 Robert Carruthers, The Life of Alexander Pope: Including Extracts from His Correspondence, 2nd ed. (London: Henry G. Bohn, 1857), 273. Feather has noted that there is some evidence that Pope had “established Gilliver and Wright in business,” and that the poet “dominated the relationship between himself and his publishers.” John Feather, Publishing, Piracy and Politics: An Historical Study of Copyright in Britain (London: Mansell Publishing Limited, 1994), 77, and n. 68.
adjacency on the page; and the interpersonal association linked Swift’s works with other Scriblerian writings.

Other clues to the true origins of Swift’s literary productions were more direct. Although no author was listed in the Modest Proposal (1729), the title page noted that the pamphlet had been printed by “S. Harding.” Sarah Harding was, of course, the widow of John Harding. She and her late husband were known to have been Tory printers, and to have issued Swift’s Drapier’s letters. When the Proposal was reprinted at London in 1730, its title page again omitted Swift’s name, but it did note the bookseller for whom it had been printed: Weaver Bickerton. That same bookseller also released Madeleine Angélique Poisson de Gomez’s Persian Anecdotes in 1730; and at the end of the latter work, there appeared a list of other books printed and sold by Bickerton. Among these was A Modest Proposal, noted to have been written “by Dr. Swift.” In a 1720 edition of Swift’s Tale of a Tub (1704), published ostensibly anonymously, the author was listed as “T.R.D. J.S. D.O.P.I.I.,” that is, The Reverend Dr. Jonathan Swift Dean of St. Patrick’s in Ireland. Just as in the very act of publishing, authors sometimes betrayed their booksellers, so too could booksellers divulge authors’ identities. With a bit of detective work and some book wandering, contemporaries could readily ascertain Swift’s

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103 [Jonathan Swift], A Modest Proposal for Preventing the Children of Poor People from Being a Burthen to their Parents, or the Country, and for Making them Beneficial to the Publick (Dublin: printed by S. Harding, 1729).
104 Idem, A Modest Proposal for Preventing the Children of Poor People from Being a Burthen to their Parents, or the Country, and for Making them Beneficial to the Publick, 2nd ed. (London: reprinted for Weaver Bickerton, 1730).
105 Madeleine Angélique Poisson de Gomez, Persian Anecdotes: Or, Secret Memoirs of the Court of Persia. Written Originally in French, for the Entertainment of the King, by the Celebrated Madame de Gomez, Author of La Belle Assemblée. Translated by Paul Chamberlen, Gent. (London: printed for Weaver Bickerton, 1730), [408].
authorship of many of his ostensibly anonymous works: the booksellers who vended those works invariably put that information in print. For almost any contemporary reader, the revelation that the Drapier was Swift and Swift the Drapier would have been more a confirmation than a disclosure: Swift (and his booksellers) made sure that was the case.

**The Keepers of Open Secrets**

Why would Swift have whispered so loudly? Why would he have troubled himself with anonymity? Even as he purported to help his printers—by writing *Seasonable Advice*, for instance—he drew further focus toward the Drapier figure and to the libelous works to which that alter-ego was attached: he thus placed his printers at ever greater risk. Swift had many allies in perpetuating this charade, including his printers and even his prospective prosecutors. Why would so many different people have participated in the farce of not knowing the identity of the very Drapier whom they variously exalted or vilified? Why did no one come forward, if not to malign the author then to exonerate the printer? What purpose did an open secret serve? To understand why no one divulged the ostensible secret of Swift’s authorship, we must examine the motivations of the author, readers, publishers, and state officials.

Anonymity did not have the deleterious effect on authors that it did on printers. It did not prevent authors from earning money for their works, for which they typically received lump sums (the royalty system only began to emerge in the nineteenth century) in addition to or instead of a certain number of copies of their works. John Locke, for instance, received 25 copies plus £29 as payment for his *Essay Concerning Human Understanding* (1689).107 This was a relatively substantial sum for a contemporary author. Pope and Swift were among the first authors to earn incomes that qualified as livings, with Pope contracting a very favorable deal

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with Bernard Lintot for the publication of his *Iliad* (1715–20) translation, for which he received 200 guineas for each of the six volumes, plus an additional 750 copies of the work itself. Swift commanded similar sums, contracting with Motte a payment of £200 for the *Travels* (1726). Even Gay received 90 guineas (£94 10s.) for his *Fifty Fables* (1727) and *Beggar’s Opera* (1728).

For authors, writing anonymously did not usually violate the law, since there was no legal requirement that authors sign all works. (Treasonous works had for about two centuries required an authorial signature, but authors could not necessarily have known if a work was treasonous, nor would they likely have wished to append their names to a work they suspected was treasonous.) The various legal mandates requiring printers to attach their names to works did not comprehend authors. This fact would suggest that authors were considered less consequential than those who reproduced their works: that the effects of a libel were more deserving of attention than its causes, and that production trumped conception.

The Scriblerians used their anonymity not to disappear, but to highlight their authorial identities. By publishing anonymously, the authors suggested that they feared punishment for

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108 Original Agreements and Other Papers Relative to the Printing and Copyright of Works of Alexander Pope, 1713–40, Egerton Papers 1951, BL, © British Library Board. The copies themselves were also worth a considerable sum. According to Griffith, “In 1720 Lintot advertised the Iliad in six volumes and the *Works* in one volume ‘on superfine Dutch Royal’ [paper] for ten guineas,” probably bound. The same “‘on fine Holland Royal’ for eight guineas; ‘on large Paper Folio’ for seven guineas; and ‘on small Paper Folio’ for four guineas.” Reginald Harvey Griffith, *Alexander Pope: A Bibliography*, vol. 1, (Austin: University of Texas Press, 1922), 43.

109 Jonathan Swift Correspondence, MA 563 (08), MorL.


111 37 Hen. VIII, c. 10. This act was not repealed until 1863. *Chronological Table of the Statutes Covering the Period from 1235 to the End of 1972* (London: Her Majesty’s Stationery Office, 1973), 51.
their texts, thus implying that their works were in some way inflammatory. Then, as the first chapter argued, Swift and his fellow Scriblerians could use their status as potential defamers to confirm their authorial roles. Discovering the identities of defamers, for readers as well as officials, emerged as an end in itself. Part of the appeal of some Scriblerian works lay in the mystery of authorship that so many were keen to solve. Readers examined anonymous texts assiduously, filling in the initials and dashes in their personal copies.\textsuperscript{112}

Even when they discovered the Scriblerians’ underlying identities, these active readers did not betray the authors for a few reasons. They often lacked the evidentiary bases required to sustain a prosecution. (The “Proclamation against the Drapier,” for instance, promised payment only if the information enabled the libeling author to be “apprehended and convicted.”\textsuperscript{113}) Readers’ interests in protecting Swift, moreover, lay not just in a dearth of evidence but also in a growing sense of Irish patriotism, which Swift’s writings also helped to cultivate. He had, to that end, carefully calibrated each of his pamphlets to appeal to a particular audience.\textsuperscript{114} The ultimate

\textsuperscript{112} See, for instance, the rich marginalia in the digitized copy in \textit{ECCO} of \textit{Gulliver Decypher’d: Or Remarks on a Late Book, Intitled, Travels into Several Remote Nations of the World. By Capt. Lemuel Gulliver. Vindicating the Reverend Dean on Whom It Is Maliciously Father’d. With Some Probable Conjectures Concerning the Real Author} (London: printed for J. Roberts, [1726]). The \textit{ECCO} record lists the publication year as 1727[?].

\textsuperscript{113} \textit{Prose Works of Jonathan Swift, Drapier’s Letters}, 153.

\textsuperscript{114} The first, addressed to the shop-keepers, tradesmen, farmers, and common-people of Ireland, was a forceful polemic urging readers to “stand to it one and all, refuse this filthy trash” (Wood’s coinage). The second, to the printer Harding, was meant not just for the addressee but also for the landed gentry, who in rejecting the currency could inspire others to do the same. Swift wrote the third letter, addressed to the nobility and gentry of Ireland, as a response to the Report of the Privy Council. The fourth letter, issued after resentment in Ireland had peaked, was accordingly addressed to the “Whole People of Ireland.” After the proclamation against the Drapier was issued, Swift addressed the fifth (usually classified as the sixth) letter, signed “J. S.,” to Lord Chancellor Midleton. He used syllogistic arguments and implicated his addressee in the opposition to the coinage. The sixth letter, addressed to Lord Viscount Molesworth, was meant to show the extent of Irish solidarity across class and party lines. In the seventh and final letter, addressed to both houses of Parliament, Swift declared an end to party and faction and enumerated the wishes of the nation. For the text of the letters, see \textit{Prose Works of Jonathan Swift, Drapier’s Letters}. 
effect, which Swift achieved, was to mobilize Irish opposition that transcended bounds of class
and party.

Indeed, many would not have wanted to punish the man widely regarded as the savior of
Ireland. The public was on Swift’s side. Even the *Weekly Journal or British Gazetteer*, a London
paper, noted popular loyalty to Swift in its 28 December 1728 issue:

Saturday last being the Festival of St. Andrew, and the Birth-day of that
memorable Patriot *M. B. Drapier*, the great Deliverer of this Kingdom from
Wood’s base Coin, it was usher’d in with ringing the Bells of St. Patrick’s
Church, which continued the greatest Part of the Day, and at Night there were
Illuminations and Bonfires, at many of which Healths were drank by the
Populace, to his Long Life and Prosperity, with loud Acclamations of Joy for his
present Welfare.¹¹⁵

The extent of public admiration of Swift has been revealingly characterized by Temple Scott
(1903):

He was hailed joyously and blessed fervently wherever he went; the people
almost idolized him; he was their defender and their liberator. No monarch
visiting his domains could have been received with greater honour than was Swift
when he came into a town. Medals and medallions were struck in his honour. A
club was formed to the memory of the Drapier; shops and taverns bore the sign of
the Drapier’s Head; children and women carried handkerchiefs with the Drapier’s
portrait woven in them. All grades of society respected him for an influence that,
found in sincerity and guided by integrity and consummate ability, had been
used patriotically. The DEAN became Ireland’s chiefest citizen; and Irishmen will
ever revere the memory of the man who was the first among them to precipitate
their national instincts into the abiding form of national power—the reasoned
opinion of a free people.¹¹⁶

Had Swift’s fellow Dubliners possessed evidence implicating the dean—beyond the common-
knowledge account of the Drapier’s identity—they would likely have been loath to punish the

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¹¹⁵ *Weekly Journal or British Gazetteer* (London), no. 188, 28 Dec. 1728. Swift’s birthday was
30 November 1667. (The corresponding N.S. date was 10 December 1667.)
man considered Ireland’s “great Deliverer.” They may also have enjoyed the fact that Swift had evidently deceived some of their oppressors.

Perhaps too readers derived pleasure from their ostensibly restricted knowledge of the true identity of the Drapier and others. Writing to Swift on 29 November 1726, shortly after the publication of the *Travels*, the earl of Peterborough exuberantly strung together so many references to the dean’s (ostensibly pseudonymous) newly-published work that his letter reads almost as an allegory of the *Travels* itself. A potential—but as Peterborough cheerfully implied, improbable—suit against Swift provided the context for the earl’s allusions:

> indictments were upon the anvil, a charge of Sorcery preparing, & Merlin’s friends were afraid that the Exasperated Pettyfoggers would persuade the jury to bring in Billa vera.
> for they pretended to bring in Certain proofs of his appearing in several shapes, at one time a Drapper, att another a Wapping Surgeon, sometimes a Nardac, sometimes a Reverend Divine. Nay more that he could raise the Dead, that he had brought Philosophers, Heroes, & poets in the same Caravan from the other World, & after a few questions, had sent them all to play att Quadrille in a flying Island of his own.
> This was the scene not many days agoe and Burning was too good for the wizzard. But what mutations amongst the Lillyputians! the greatest Lady in the nation [Caroline, the princess of Wales] resolves to send a pair of shoes without heels to Capt[ain] Gulliver, she takes vi et Armis the Plad from the Lady it was sent too, which is soon to appear upon her Royall person, and Now, who but Capt[ain] Gulliver? The Capt[ain] indeed has nothing more to doe, but to chalk his pumps, Learn to daunce upon the Rope, and I may yet live to see him a Bishop, verily, verily I believe he never was in such imminent danger of preferment.\(^\text{117}\)

Such enchantment and vicarious thrill evidently deterred readers from reporting Swift. The undeclared author, in many cases, became the most prominent and one of the most memorialized of all.

But what of printers? Why did they not save themselves at the expense of their authors? They often had evidence that they could produce against authors; and yet they did not—not even

\(^{117}\) *Correspondence of Jonathan Swift*, ed. Woolley, 3:60–1, and 61, n. 6.
when proclamations offered “Our [monarch’s] most Gracious Pardon to such Person or Persons as shall make such Discovery of all Crimes and Misdemeanors committed in relation to the Printing, Publishing, and Dispersing” of a libel. Swift was not wrong when he publicly wrote to Harding:

Your Trade, particularly in this Kingdom [Ireland], is of all others the most unfortunately Circumstantiated; For as you deal in the most worthless kind of Trash, the Penny Productions of Pennyless Scriblers, so you often venture your Liberty and sometimes your Lives, for the Purchase of Half a Crown, and by your own Ignorance are punished for other Men[’]s Actions. They would continue to be punished for other men’s actions, again and again.

In some cases, printers and booksellers may not have known their authors’ identities, a possibility that Swift suggested to Motte in a letter dated 4 November 1732: “I have writ some things that would make people angry[.] I always sent them by unknown hands, the Printer might guess, but he could not accuse me.” But even if they did know who had written what, printers guarded authorial anonymity to protect their own economic interests. If they were printing the “Penny Productions of Pennyless Scriblers” as a way to stay afloat financially, they would very likely have recognized that turning in one of those scribblers—especially one as renowned (if not penniless) as Swift—would have jeopardized their businesses.

Perhaps their chief motivation for protecting the ostensible anonymity of authors was that, like Swift himself, they realized the value that anonymity carried: it provided a heuristic for titillating content. Given that there were not many reasons besides the presence of defamatory

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118 “By the Queen, A Proclamation, for Discovering the Author of a False, Malicious, and Factious Libel, Intituled, The Publick Spirit of the Whigs,” 15 March 1713/4, NR/ZPr/430, EKAC.
119 Correspondence of Jonathan Swift, ed. Woolley, 2:534–5; see also Prose Works of Jonathan Swift, Drapier’s Letters, 100. The latter differs in capitalization and italicization.
120 Correspondence of Jonathan Swift, ed. Woolley, 3:556; square brackets are Woolley’s. This letter is also quoted and cited (though from Williams, and with some alterations in spelling and punctuation) in Ehrenpreis, Swift, 3:748, and n. 1.
content to publish anonymously, an unidentified author’s publication was virtually guaranteed to contain scandalous contents that readers could delightedly decode. Just as Motte would not have wanted to keep his own identity secret when he published “Gulliver’s” *Travels*, it was in his interest to keep Swift’s identity an ostensible mystery so that the work would be positioned for readers to receive it with great “avidity.” Although, as noted, Swift earned from Motte an almost unprecedented (*pace* Pope) sum of £200 for the *Travels*; Motte seems to have earned profits far beyond that for the work. Their economic interests notwithstanding, printers may also have refrained from turning in authors on ideological grounds; the Hardings and John Barber shared Tory loyalties.

If authors, readers, and printers would not come forward, then why did state officials allow Swift to avoid punishment? A failure to prosecute Swift could not have resulted purely from a regard for the legal process, inasmuch as insufficient definitive evidence did not always deter a determined prosecutor or judge; and successful cases could be made from purely circumstantial evidence. Some may have declined to pursue prosecution because they supported Swift’s positions. At least two of the signatories to the proclamation against the Drapier were themselves opposed to Wood’s coinage. As the lord chancellor wrote to his brother Thomas on 22 July 1722 (just ten days after Wood received his patent), “I am determined to combat W[illia]m Wood in what shape so ever I meet him, and this I have at all times said and will at all

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122 Jonathan Swift Correspondence, MA 563 (08), MorL. Sales of 10,000 copies at 8s. 6d. per copy (notwithstanding the fact that some copies seem to have sold at a higher price) would have grossed £4,250. The supposition that 10,000 copies sold within the first few months seems reasonable given contemporary and current estimates. See, for instance, Ehrenpreis, *Swift*, 3:497–8.
times make good.”

Nevertheless, he believed that Swift’s Drapier’s letters—like many other inflammatory texts—might lead to unrest. (He also knew that apparently condemning the Drapier would keep him in a favorable position with the English ministers.) After the publication of the first four and the composition of the first five Drapier’s letters, Midleton wrote again to his brother on 17 November 1724, lamenting that “[t]he Kingdome hath receiv[e]d and probably may receive” considerable “damage by the politicks and vainglory of those two men [Swift and his patron].” And so the lord chancellor could not abide the Drapier’s letters: or at least he could not do so publicly.

Just as Swift had to appear to write anonymously, so too did Midleton and the other signatories have to seem to condemn the Drapier—but without obstructing his message. They did this by issuing the proclamation, which they subtly rendered ineffectual by specifying a time frame within which the discoverer of the Drapier had to come forward. Such limitations were not typical in proclamations. The proclamation “For Discovering the Author of a False, Malicious, and Factious Libel, Intituled, The Publick Spirit of the Whigs, Set Forth in Their Generous Encouragement of the Author of the Crisis” also offered £300 to the discoverer of the author of Swift’s ostensibly anonymous libel; but that proclamation specified no timeline. By circumscribing the opportunities to capture Swift, the signatories ensured that his Drapier’s letters would have their intended effect (to turn people against the coinage) without inciting unrest or inspiring other authors to undertake similar polemics. If they had wanted Swift to hang—or even merely to pay a fine—the officials who issued the proclamation could have

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123 Brodrick Papers, 1248/5, f. 227v, SHC.
124 Prose Works of Jonathan Swift, Drapier’s Letters, 82.
125 Brodrick Papers, 1248/6, f. 92r, SHC.
126 “Proclamation, for Discovering the Author of…The Publick Spirit of the Whigs,” NR/ZPr/430, EKAC.
obtained if not a conviction then certainly a trial. (Carteret had the evidence of Swift’s own
letter.) That course of action might have sparked a public outcry and provided grounds for
upholding Wood’s patent—an outcome antithetical to what they were seeking. While appearing
to condemn the messenger, they nevertheless condoned the message.

Swift was able to continue whispering loudly, proclaiming his (pseudonymous)
authorship. And readers could continue speculating about who the real Drapier (or the real
Gulliver, or others) might have been. By 1735, when Faulkner released Swift’s Works—on the
title page identifying the author by his initials—among the contents of the fourth volume were
“The Drapier’s Letters to the People of Ireland against receiving Wood’s Half-pence,” along
with “two Original Drapier’s Letters, never before published.”127 By that point, well after the six
months had elapsed, Swift was widely (if still tacitly) acknowledged as the Irish Drapier he had
long been known to have impersonated.

**Primed for Piracy**

Swift anonymously or pseudonymously published a minimum of eighty-one unique titles,
many of which were also issued in multiple volumes, several editions, and even by more than
one bookseller. His anonymity was, paradoxically, everywhere. A confluence of forces drove the
perpetuation of anonymity: the growing number of defamation lawsuits and the inconsistencies
among successive precedents; the rise of anonymously-written bestsellers and the proliferation of
keys,128 both of which attested to the fascination that accompanied secrecy; and the failure of

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George Faulkner, 1735), title page.
128 One such key (plus commentary) for the *Travels* explicitly drew a connection between the
sales of a work and the erosion of ostensible authorial anonymity: “…the superficial People of
the Town, who have no Judgment of their own, are presently amus’d by a great Name; tell them
by way of a Secret, that such a Thing is Dr. Swift’s, Mr. Pope’s, or any other Persons of Note and
Genius, and immediately it flies about like Wild-fire.” (The writer then listed Pope’s *Essay upon*
state officials to prosecute certain offenders, thus clouding popular perceptions about what
should and should not have been published and subsequently punished. In their own ways,
authors, readers, publishers, and even state officials all contributed to popularizing anonymity.

Authors often traded a measure of control over their published works for at least
ostensible anonymity. As they relinquished formal responsibility for their texts, they helped
create an environment disposed toward the unauthorized appropriation of their works—an
environment they would lament, just as they lamented the circumstances that had driven them to
publish anonymously in the first place. Printers and booksellers took advantage of this
circumstance to pirate profitable works, issuing unauthorized or altered editions. Shortly after
Pope’s death in 1744, the earl of Bathurst brought a suit against the bookseller Edmund Curll,
James Jodges, and Esther Palmer, for having allegedly “printed some great Number” of Pope’s
anonymously-published Essay on Man (1733), the copyright and title to which Pope had
bequeathed to William Warburton, with the caveat that the latter “should Publish [it] without
future Alterations.” In the suit, Bathurst alleged that Curll and his associates had “pretend[ed]
and insist[ed] that the said Alexander Pope was not the Author, and that the defendants
“threaten[ed] that they w[ould] Continue to publish sell and Expose to sale the Said Book or
Poem.”129 (Curll had become so notorious that in a key to the Travels, a nominalized form of his
name was meant to evoke unscrupulous printing practices in general: “…every Body is now
acquainted with Curlism, or the Tricks which Booksellers put upon the World, in order to raise

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129 Lord Bathurst v. Curll, Bill, 19 November 1744, C 11/830/29, NA.

Criticism as an exception, for reasons “very obvious.”) Gulliver Decypher’d, 46; original
emphasis.
their Market.” Even by Bathurst’s account, Curll could not have claimed ignorance of Pope’s authorship had the poet not published anonymously.

Curiously, Curll did not pursue the line of defense that the prosecution had handed him, perhaps because Pope’s authorship was well known, and perhaps too because the bookseller wished to continue vending copies of the work (and he could as long as those copies had been legally produced and obtained). In the answer to his accusers, Curll acknowledged Pope’s authorship and denied that he and his associates had “ever printed reprinted or published or Caused to be printed reprinted or published the said Book or threatened or threatens or ever intended or intends so to do or ever found any paper or other materials for such purpose or ever sold or exposed to sale any Copy thereof.” Instead, Curll contended, he had legally retailed copies that “were not pirated Copyes as this Defendant Beleives but which this Defendant bought to serve his Customers from Lawton Gilliver of Ffleet [sic] Street London Bookseller or such persons as he might depute to publish & sell the same.” If piracy had occurred, Curll argued, he had not perpetrated it.

This episode—posthumous as it was—was the last involving Pope and the notorious bookseller. Curll had brought the poet both trouble and a few opportunities, including an occasion to facilitate the ostensible escape into print of his correspondence with Swift, as

130 *Gulliver Decypher’d*, 16. Pope also derided Curll’s publication practices, writing of an “Advertisement of an intended Book, call’d *Gulliveriana Secunda*; where it was promised ‘that any Thing, which any Body should send as Mr. Pope’s or Dr. Swift’s, should be printed and inserted as Theirs.’” Alexander Pope, *A Narrative of the Method by Which the Private Letters of Mr. Pope Have Been Procur’d and Publish’d by Edmund Curll, Bookseller* (London: printed for T. Cooper, 1735), 10; original emphasis.
131 Gilliver had been the bookseller of the 1734 edition, in which the epistles were collected; see [Alexander Pope], *An Essay on Man* (London: printed by John Wright, for Lawton Gilliver, 1734). The work was initially issued in parts (by epistle) in 1733 by booksellers in Dublin (printed by S. Powell, for George Risk, George Ewing, and William Smith) and London (printed for J. Wilford).
132 *Lord Bathurst v. Curll*, Answer, 6 December 1744, C 11/830/29, NA.
discussed in the previous chapter. Even earlier, in 1716, Curll had illegitimately obtained and published one of Pope’s poems. The poet had then arranged a meeting with Curll and dosed the unscrupulous bookseller with an emetic. Shortly thereafter, Pope issued two pamphlets in which he pronounced the bookseller dead from poison. This stunt—which quite literally added insult to injury—won Pope support, and it fortified Curll’s reputation as untrustworthy and exploitative. The incident also helped establish in the public imagination the notion that authors could fall prey to cunning, powerful booksellers and printers, who issued modified editions of works for profit above all else.

While the Scriblerians used apparent authorial impotence to their advantage, they did in fact sometimes lack control over how (or whether) their works appeared. Writing to the younger Tonson just before the publication of John Gay’s *The Captives* (1724), Pope made the following appeal:

Mr Gay & myself think it absolutely necessary that you should cancel that Leaf in which [th]e Epilogue is printed, or if it falls out wrong, cancel both leaves rather than fail; It must necessarily be inserted, after [th]e Title EPILOGUE….
Whatever Large this Cancelling will cost, shall be paid. It is yet time, I am very sure, to do it, before [th]e general publication in Thursday.

However “absolutely necessary” the cancellation may have been, it was evidently not carried out in that publication of Gay’s work.

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133 The account of this incident has been drawn from Raymond N. MacKenzie, “Curll, Edmund (d. 1747),” in *ODNB*.
In many cases, booksellers published texts that differed substantially from what authors had written in an effort to avoid the punishments that authors, in their anonymity, had eluded. Swift complained bitterly to Ford in a 9 October 1733 letter about the liberties Motte had taken with the _Travels_, writing that the bookseller had not only “suffer[ed] some friend of his…to blot out some things that he thought might give offence, but to insert a good deal of trash contrary to the Author’s manner and Style, and Intention.”\(^{137}\) The pages of the _Travels_, Swift lamented, had been “mangled and murdered” in Motte’s edition,\(^{138}\) a circumstance of which Ford was apparently already aware: he had long since sent Motte a list of corrections prefaced with a note that the first edition “abounds with many gross Errors of the Press.”\(^{139}\)

Some of the corrections were meant to remedy simple errors.\(^{140}\) Others, however, were intended to counteract purposeful alterations. In issuing the _Travels_, Motte (or rather, Benjamin Tooke,\(^{141}\) emending the work at Motte’s request) had, as noted in the first chapter, altered the colors of the Lilliputian emperor’s silken threads from blue, red, and green to purple, yellow, and white\(^ {142}\) so as to render more opaque the representations of the Garter, Bath, and Thistle orders.


\(^{138}\) Ibid.

\(^{139}\) _Correspondence of Jonathan Swift_, ed. Woolley, 3:66. This is also quoted in James Alan Downie, _Jonathan Swift, Political Writer_ (Boston: Routledge and Kegan Paul, 1984), 263. The corrections almost certainly originated with Swift, though Ford was the one to write out the letter. _Unpublished Letters of Dean Swift_, ed. George Birbeck Hill (London: T. Fisher Unwin, 1899), 206; Hill is also cited in Lucius L. Hubbard, _Contributions towards a Bibliography of Gulliver’s Travels_ (Chicago: Walter M. Hill, 1922), 49.

\(^{140}\) These included such changes as “Womenkind for Womankind…Death for Dearth…eldest for oldest,” and so forth. _Correspondence of Jonathan Swift_, ed. Woolley, 3:67.

\(^{141}\) That Tooke would have had the best interest of the government in mind is not surprising, given that on 13 October 1713 he had received the king’s printer’s patent. Letters Patent, King’s Printer, 1713–1882, C 197/35, National Archives, Kew, Richmond, Surrey, UK.

The extent of the pre-publication changes to the *Travels* has been well documented.\(^{143}\)

Contemporary publishing procedures facilitated booksellers’ interventions. Given the minimal negotiations that Swift (in the character of Sympson) had carried out with Motte over the publication of the *Travels* (1726), it is not surprising that booksellers encountered—and availed themselves of—opportunities to alter texts without first seeking or obtaining authorial permission.

There is no way to know for certain what Swift had intended originally, but he seems to have clandestinely cooperated with the Dublin bookseller George Faulkner in reissuing the work nine years later. Faulkner’s Gulliver represented lawyers in a much more succinct manner than Motte’s had in Chapter 5 of Part IV of the *Travels*:\(^{144}\)

<table>
<thead>
<tr>
<th>1726 Edition (Motte)</th>
<th>1735 Edition (Faulkner)</th>
</tr>
</thead>
<tbody>
<tr>
<td>...very many Men among us were bread [sic] up from their Youth in the Art of proving by Words multiplied for the Purpose that White is Black, and Black is White, according as they are paid. The Greatness of these Mens Assurance and the Boldness of their Pretensions gained upon the Opinion of the Vulgar, whom in a Manner they made Slaves of, and got into their Hands much the larger Share of the Practice of their Profession. These Practitioners were Men of Discernment called Pettifoggers, (that is, Confounders, or rather, Destroyers of Right,) as it was my ill Hap as well as the Misfortune of my suffering Acquaintance to be engaged only with this Species of the Profession. I desired his Honour to understand the Description I had to give, and the Ruin I had complained of to relate to these Sectaries only, and how and by what means the Misfortunes we met with were brought upon us by the Management of these Men, might be more easily I said there was a Society of Men among us, bred up from their Youth in the Art of proving by Words multiplied for the Purpose, that White is Black, and Black is White, according as they are paid. To this Society all the rest of the People are Slaves. For Example. If my Neighbour hath a mind to my Cow, he hires a Lawyer to prove that he ought to have my Cow from me. I must then hire another to defend my Right; it being against all Rules of Law that any Man should be allowed to speak for himself.</td>
<td></td>
</tr>
</tbody>
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\(^{143}\) Ehrenpreis has written that Tooke “softened the attack on lawyers, reversed some of the sense of the attack on prime ministers, and excised the allegory of Wood’s patent in *Laputa*, Chapter Three.” Ehrenpreis, *Swift*, 3:497.

\(^{144}\) Chapter 5 is: “The Author at his Master’s Command informs him of the State of England. The Causes of War among the Princes of Europe. The Author begins to explain the English Constitution.” Part IV is: “A Voyage to the Country of the HOUYHNHNMS.”
conceived by explaining to him their Method of proceeding, which could not be better done than by giving him an Example:

My Neighbour, said I, I will suppose, has a mind to my Cow, he hires one of these Advocates to prove that he ought to have my Cow from me. I must then hire another of them to defend my Right, it being against all Rules of Law that any Man should be allowed to speak for himself. Now in this case, I who am the Right Owner lie under two great Disadvantages. First, my Advocate, being as I said before practised almost from his Cradle in defending Falshood, is quite out of his Element when he would argue for Right, which as an Office unnatural he attempts with great Awkwardness, if not with an Ill-will. The Second Disadvantage is that my Advocate must proceed with great Caution; for since the Maintenance of so many depend on the keeping up of Business, should he proceed too summarily, if he does not incur the Displeasure of his Superiors, he is sure to gain the Ill-will and hatred of his Brethren, as being by them esteemed one that would lessen the Practice of the Law. This being the Case, I have but two Methods to preserve my Cow. The first is, to gain over my Adversary’s Advocate with a double Fee; from the Manner and Design of whose Education before mentioned it is easy to expect he will be induced to drop his Client and let the Ballance fall to my Side. The Second Way is for my Advocate not to insist on the Justice of my Cause, by allowing the Cow to belong to my Adversary; and this if it be dexterously and skilfully done will go a great Way towards obtaining a favourable Verdict, it having been found, from a careful Observation of Issues and Events, that the wrong Side, under the Management of such Practitioners, has the fairer Chance for success…

Now in this Case, I who am the true Owner lie under two great Disadvantages. First, my Lawyer being practiced almost from his Cradle in defending Falshood; is quite out of his Element when he would be an Advocate for Justice, which as an Office unnatural, he always attempts with great Awkwardness, if not with Ill-will. The second Disadvantage is, that my Lawyer must proceed with great Caution: Or else he will be reprimanded by the Judges, and abhorred by his Brethren, as one who would lessen the Practice of the Law. And therefore I have but two Methods to preserve my Cow. The first is, to gain over my Adversary’s Lawyer with a double Fee; who will then betray his Client, by insinuating that he hath Justice on his Side. The second Way is for my Lawyer to make my Cause appear as unjust as he can; by allowing the Cow to belong to my Adversary; and this if it be skilfully done, will certainly bespeak the Favour of the Bench.146

In this case the later text, which is sharper, seems to reflect Swift’s intentions, a supposition that Ford’s 3 January 1726/7 letter to Motte corroborates. This section in the 1726 edition, Ford wrote,

{towards [th]e end/ &c.” had been “manifestly most barbarously corrupted, full of Flatnesses, Cant Words, and Softenings unworthy the Dignity, Spirit, Candour, & Frankness of the Author. By that admirable Instance of the Cow it is plain the Satyr is design’d against the Profession in general, and not only against Attornys or, as they are smartly styl’d, Pettifoggers. You ought in Justice to restore those twelve pages to the true Reading.}  

In such passages, Swift had found his style “debased.” As Ehrenpreis has noted, while Swift “sometimes did not mind simple deletions,” he “always resented insertions.” Faulkner’s version, though unauthorized, was the more authoritative one.

On some occasions, booksellers borrowed, reprinted, or misattributed texts not out of a self-protective impulse but rather in pursuit of profit. Given Swift’s ever-increasing fame, it is not surprising that booksellers and readers alike would have been quick to declare him the author of texts that he had neither written nor perhaps even known existed. Writing to Ambrose Philips on 14 September 1708, Swift remarked on the abundance of attributions with which he was charged:

Here has been an Essay of Enthusiasm, lately publishd that has run mightily, and is very well writt, All my Friends will have me to be the Author, sed ego non credulus illis. By the free Whiggish thinking I should rathr take it to be yours: But mine it is not; For thô I am every day writing my Speculations in my Chamber, they are quite of anothr sort.  

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147 Correspondence of Jonathan Swift, ed. Woolley, 3:68. In Woolley’s transcription, the diagonals denote Ford’s insertions, and brace-brackets indicate “text lightly scored over, or under, in ink of a darker colour, and different quill.” Ibid., 69, n. 7.
148 Quoted in Ehrenpreis, Swift, 3:497.
149 Ibid.
150 Correspondence of Jonathan Swift, ed. Woolley, 1:207, and 208, n. 5.
The pamphlet about which Swift was complaining was the *Letter Concerning Enthusiasm, To My Lord ****** [Somers] (1708), anonymously published by the earl of Shaftesbury. Swift made the same complaint (almost verbatim, including the Virgil allusion) to Charles Ford on 12 November:

> Here was some time ago publisht an Essay upon Enthusiasm, which all my Friends would persuade me to have been the Author of; sed ego non credulus illis; For upon my word I was not. Some other Things people have been fathering on me with as little Truth, for I have publisht nothing since I saw You.

Swift’s claim not to have published anything since he had last seen Ford (in late 1707) seems not to have been true; shortly after Swift left for London, his *Predictions for the Year 1708* was published in January 1707/8. In that satirical work, he prognosticated the death of the almanac-maker and astrologer John Partridge on 29 March—a prediction he later “confirmed” with the *Accomplishment of the First of Mr. Bickerstaff’s Predictions*, released on 30 March. He, like Pope, was willing to confer his subject a literary death when a biological one did not seem forthcoming.

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151 [Anthony Ashley Cooper], *A Letter Concerning Enthusiasm, To My Lord ****** (London: printed for J. Morphew, 1708).
152 *Correspondence of Jonathan Swift*, ed. Woolley, 1:218.
153 *Letters of Jonathan Swift to Charles Ford*, ed. Smith, ix. This is also noted in *Correspondence of Jonathan Swift*, ed. Woolley, 1:218–9, headnote.
156 [Jonathan Swift], *The Accomplishment of the First of Mr. Bickerstaff’s Predictions. Being an Account of the Death of Mr. Partrige [sic], the Almanack-Maker; upon the 29th Instant* (London: [s. n.], 1708).
157 Partridge then had to correct the record. To Isaac Manley, Partridge (evidently unaware of Swift’s role in issuing the false prediction) wrote on 24 April 1708: “I don’t doubt but you are imposed on in Ireland also by a pack of Rogues about my being dead, the principal Author of it is one in Newgate lately in the Pillory for Libell against the State, there is no such Man as Isaack Bickerstaff, it is a sham Name, but his true Name is Pettie, he is always either in a Celler, a Garret or a Jaile, and therefore you may by that judge what kind of Reputation this fellow hath to
Swift seems not to have published anything else, however, since his previous visit with Ford. Nevertheless, the rumors of Swift’s authorship of Enthusiasm evidently persisted. On 12 January 1708/9 Swift wrote a postscript to Robert Hunter (the army officer, French captive, and eventual colonial governor) to right the same error of authorial attribution: “I can not forbear telling you of y[ou]r Mechancete [Méchanceté, ‘roguish trick’] to impute the Lett[e]r of Enthusiasm to me; when I have some good Reasons to think the Author is now at Paris.”

Beyond the example of the Letter, Swift generally—and frequently—bemoaned the problem of inaccurate ascription. In some cases, Swift’s complaints reflected the reality he faced. The anonymously-published Jack Frenchman’s Lamentation (1708) was at different

\[\text{be Credited in the world in a word he is a poor scandalous necessitous Creature, and would doe as Much by his own father if livering to get a Crown, but enough of such a Rascall.}

“I thank god I am very well in health, and at the time he had doom’d me to death I was not in the least out of order. The truth is, it was a high flight at a venture but a Miss.” [John Partridge to Isaac Manley, 24 April 1708], RTC01, Box 19, Folder 7, PUL.

158 Correspondence of Jonathan Swift, ed. Woolley, 1:230, and 232, n. 10. For biographical information about Hunter, see Mary Lou Lustig, “Hunter, Robert (1666–1734),” in ODNB. Shaftesbury seems not to have been then at Paris; in 1711, due to his declining health, he set off for Italy, traveling through Paris along the way. Lawrence E. Klein, “Cooper, Anthony Ashley, third earl of Shaftesbury (1671–1713),” in ODNB.

159 Writing to Tooke on 29 June 1710, he lamented that “there is no book, however so vile, which may not be fastened on me.” Correspondence of Jonathan Swift, ed. Woolley, 1:282. He wrote to Stella on 14 May 1711: “[T]hat villain Curl[1] has scraped up some trash, and calls it Dr. Swift’s miscellanies, with the name at large: and I can get no satisfaction from him.” Jonathan Swift, Journal to Stella, 2 vols., vol. 1, ed. Harold Williams (Oxford: Clarendon Press, 1963), 269. On 3 May 1715 John Barber wrote to Swift: “We have [in London] 20 frightful Accounts of your being sent for up, and your papers seized; for you are the reputed Author of every good thing that comes out on Our side.” Correspondence of Jonathan Swift, ed. Woolley, 2:124. To Chetwode on 13 March 1721/2, Swift wrote: “Surely you in the Country have got the London Fancy, that I am Author of all the Scurvy Things that come out here; the slovenly Pages called the Benefit of — was writ by one Dobbs a Surgeon. Mr. Sheridan sometimes entertains the World and I pay for all. So that they have a Miscellany of my Works in England, whereof you and I are equally Authors.” Ibid., 2:415–6. See also The Benefit of Farting Explain’d (London: printed for A. Moore [pseud.], near St. Paul’s, and sold by the booksellers, 1722).
points attributed both to Jonathan Swift and to William Congreve;\textsuperscript{160} Foxon, however, has written that there is no evidence that any major author had penned the song.\textsuperscript{161} The originator of \textit{A Tale of the Times} (1710) was identified as “the author of the Tale of a tub.”\textsuperscript{162} Despite the reference to Swift’s lampoon (and the resemblance in title), \textit{A Tale of the Times} did not share a common origin with Swift’s \textit{Tale of a Tub}. The similarly-titled \textit{The Tale of a Nettle} (1710), noted as having been written “by a person of quality,” was also sometimes attributed to Swift, although it too was probably by someone else.\textsuperscript{163} One misattribution could lead to a cascading series of errors. \textit{The London Tale} (1710), attributed to “the author of ‘The tale of a nettle,'” was also attributed to Swift on occasion.\textsuperscript{164} As Swift became increasingly (anonymously) prolific, booksellers and readers alike became all the more apt to attribute works to him—whether or not he had actually written those works.\textsuperscript{165}

\textsuperscript{160} The copy in Harvard University’s Houghton Library (available digitally via \textit{ECCO}), which is inscribed to a Francis Cholmesdely[?], has this marginal note: “By Mr Congrave.”

\textsuperscript{161} \textit{Jack Frenchman’s Lamentation. An Excellent New Song, To the Tune of I’ll Tell Thee Dick, &c.} (London: printed, and sold by John Morphew, 1708). See also the \textit{ESTC} record.

\textsuperscript{162} \textit{A Tale of the Times, by the Author of the Tale of a Tub} (London: printed for the author, and sold [by] B. Bragg, 1710). See also the \textit{English Short Title Catalogue} record.

\textsuperscript{163} \textit{The Tale of a Nettle. Written by a Person of Quality} (Cambridge: [s. n.], 1710). See also the \textit{ESTC} record.

\textsuperscript{164} \textit{The London Tale. By the Author of The Tale of a Nettle} (London: [s. n.], 1710).

\textsuperscript{165} Works that were sometimes misattributed to Swift included: \textit{The Tell-Tale; Or the Invisible Witness} (1711), \textit{The R-----r’s S-----ch Explain’d} (1711), \textit{The Windsor Prophecy, Found in a Marlborough Rock} (1711), \textit{An Excellent New Ballad, Or, the Whigs [sic] Lamentation} (1711), \textit{A Letter to a Member of the October-Club} (1711), \textit{A Fable of the Widow and Her Cat} (1712), \textit{Tory Annals Faithfully Extracted out of Abel Roper’s Famous Writings} (1712), \textit{The Story of the St. Alb--ns Ghost} (1712), \textit{The Representation of the Loyal Subjects of Albinia} (1712), \textit{It’s Out at Last: Or, French Correspondence Clear as the Sun} (1712), \textit{A Poem on the Memorable Fall of Chloe’s P--s Pot} (1713), \textit{A Letter from the Facetious Doctor Andrew Tripe, at Bath, to the Venerable Nestor Ironside} (1714), \textit{Hannibal Not at Our Gates} (1714), \textit{Notes and Memorandums of the Six Days, Preceeding [sic] the Death of a Late Right Reverend --------} (1715), \textit{Different Terms for Expressing the Change of Ones Mind} (1716), \textit{The Speech of the P-st of T-y C-ge, to His Royal Highness George Prince of Wales 1716}, \textit{Doctor Sw--t’s Circular Letter to the Clergy of the Diocese of Dublin} (1716[?]), \textit{The Wonderful Wonder of Wonders} (1720[?]).\textit{The Right of Precedence between Phisicians and Civilians Enquir’d into} (1720), \textit{The Swearers Bank, Or,
While Swift had reason to lament misattributions, he was not always in earnest when he did. Swift had exaggerated to Ford when he claimed not to have published anything since late 1707. Similarly, Swift complained to Joseph Addison on 13 May 1713 about another apparent misattribution:

I was told yesterday, by several persons, that [Addison’s close associate and friend] Mr. Steele had reflected upon me in his Guardian [Steele’s political journal]; which I could hardly believe, until, sending for the paper of the day, I found he had, in several parts of it, insinuated with the utmost malice, that I was author of the Examiner, and abused me in the grossest manner he could possibly invent, and set his name to what he had written.\footnote{Correspondence of Jonathan Swift, ed. Woolley, 1:483, and 484, n. 1. For additional commentary on the quarrel between Steele and Swift, see Correspondence of Jonathan Swift, ed. Williams, 1:347, n. 4, and 348, n. 1.}

Using legal language to make what was essentially a libel allegation, Swift disputed the characterization in the Guardian, no. 53, in which Steele had written that it would thenceforth be “nothing to [him], whether the Examiner [Swift] wr[ote] against [him] in the character of an estranged friend, or an exasperated mistress.”\footnote{Harrison’s British Classicks, vol. 2 (London: printed for Harrison and Co., 1785), 115. This issue is also partially quoted in Correspondence of Jonathan Swift, ed. Woolley, 1:484, n. 1.} The exasperated mistress was, of course, Delarivier Manley. In making the objection against Steele, Swift was technically correct that he was not then connected with the Examiner. He had, however, written earlier issues and was guilty of the offense that Steele had charged: of letting “the glory of our nation [Marlborough]…be calumniated in so impudent a manner.”\footnote{Harrison’s British Classicks, 2:115.}\footnote{168} Swift’s poem The Fable of Midas (1712) had been an attack on the duke;\footnote{169} and in earlier issues of the Examiner, Swift had unflatteringly characterized Marlborough.\footnote{170}

\begin{footnotes}
\item[166] Parliamentary Security for a New Bank (1720), etc. The erroneous attributions are too numerous to list in full.
\item[167] Correspondence of Jonathan Swift, ed. Woolley, 1:483, and 484, n. 1. For additional commentary on the quarrel between Steele and Swift, see Correspondence of Jonathan Swift, ed. Williams, 1:347, n. 4, and 348, n. 1.
\item[169] In the poem, Midas is meant to represent Marlborough: “Midas, we are in story told, / Turned everything he touched to gold. / … / Whene’er he chanced his hands to lay / On magazines of
\end{footnotes}
When Swift complained to Tooke on 29 June 1710 about having been assigned joint authorship (together with his cousin Thomas) of *A Tale of a Tub*,\(^\text{171}\) he was evidently less concerned with receiving credit for what he had not done (as expressed in that same letter with the lament, “…there is no book, however so vile, which may not be fastened on me”\(^\text{172}\)) and more concerned with having to share credit for what he had done. Ultimately, Swift did not have to share credit. Even among contemporary readers, Swift seems to have been recognized as the (sole) author of the *Tale*. In his letter-book, the Roman Catholic priest Silvester Jenks composed extensive commentary on the *Tale*, apparently shortly after its publication in 1704. In addition to taking detailed notes on the text, Jenks commented on Swift, of whose authorship he was evidently aware: “This Author, being born a Wit, and being bred, first a Schollar, and then a

\footnotesize{corn or hay, / Gold ready coin’d appear’d instead / Of paltry provender and bread; / Hence, by wise farmers we are told / Old hay is equal to old gold: / And hence a critic deep maintains, / We learn’d to weigh our gold by grains.” In a footnote, Scott has provided the following contextual information: “The reader will recollect, that the Duke of Marlborough was accused of having received large sums, as perquisites, from the contractors, who furnished bread, forage, &c. to the army.” *The Works of Jonathan Swift, D.D. Dean of St Patrick’s, Dublin; Containing Additional Letters, Tracts, and Poems, Not Hitherto Published*, 2nd ed., vol. 12, ed. Sir Walter Scott (Edinburgh: printed for Archibald Constable and Co., 1824), 302–3.

\(^\text{170}\) Responding to the apparently popular opinion that the duke of Marlborough was a great and ill-appreciated hero, Swift juxtaposed in the *Examiner*, no. 17 (23 Nov. 1710) “A Bill of Roman Gratitude” (totaling 994l. 11s. 10d.) with “A Bill of British Ingratitude” (totaling 540,000l.). “[U]pon the whole,” Swift wrote, “we are not yet quite so bad at worst, as the Romans were at best.” *The Prose Works of Jonathan Swift, D. D.*, vol. 9, ed. Temple Scott (London: George Bell and Sons, 1902), 92–9; original emphasis. Adams has written that “[a]lthough the inclusion of a balance sheet in a political essay was not entirely new [he cited Defoe’s *A Review of the Affairs of France* (1704) as an earlier example], Swift recognized and took advantage of its potential for satire.” Stephen M. Adams, “The *Examiner*: British Periodical, 1710–11, 1712–14,” in Tracy Chevalier, ed., *Encyclopedia of the Essay* (Chicago: Fitzroy Dearborn Publishers, 1997), 271–2: 272.

\(^\text{171}\) Swift did not name the title of the *Tale* and instead used the ambiguous identifier “&c.” *Correspondence of Jonathan Swift*, ed. Woolley, 1:283, n. 2.

\(^\text{172}\) Ibid., 1:282.
Rake, was certainly the fittest man in the world to set up for a pleasant-Ridiculer of all Religion.”

We must therefore take Swift’s claim, expressed in a letter to Chetwode on 12 December 1721, that he did not venture out of his “proper dominions, the Libertyes of the Deanry,” with a grain of salt. For venture he did, apparently to issue, *inter alia*, the *Letter to the K----- at Arms, from a Reputed Esquire, One of the Subscribers to the Bank* (1721), attributed pseudonymously to A. B. Esquire and printed in Dublin by none other than John Harding. Similarly, when Swift wrote to Chetwode on 13 March 1721/2 that the two of them were “equally Authors” of Curll’s *Miscellanies* (1722), he was not being entirely truthful. Although the work contained a number of texts not by Swift, he seems to have written three of the constituent pieces in addition to one supplementary tract. The prevalence of pseudonymous writing, and of the misattributions it encouraged, afforded Swift a healthy measure of plausible deniability whenever ascriptions—or accusations—of authorship were made.

By complaining so loudly and so often about unreliable authorial attributions, Swift contributed to the very artifice of theft and misattribution that he ostensibly wished to expose. His continual engagement in the politics of authorship appropriation and refutation validated pervasive uncertainty about textual origins. Why would Swift have lied about his authorship, especially when he was not in danger of being prosecuted for libel? Why build up such a

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175 Williams has noted that this “may” be Swift’s. The printed copy at Marsh’s Library is not attributed, nor is that in the Wren Library, but many accept Swift’s authorship. See *Correspondence of Jonathan Swift*, ed. Williams, 2:412, n. 1. See also *Letter to the K----- at Arms, from a Reputed Esquire, One of the Subscribers to the Bank* (Dublin: John Harding, 1721), Z1.1.13/53, ML; and RW.53.11, item 2222, Wren; *The Works of Dr. Jonathan Swift, Dean of St Patrick’s*, Dublin, vol. 13 (Edinburgh: printed for John Donaldson, London, 1774), 274–9.
complex apparatus for keeping a secret so readily revealed? Instead of serving the end of legal protection alone, the machinery of anonymity was an end in itself. It served other functions beyond protection against libel suits.

**In Search of Authenticity**

When the Scriblerians wrote anonymously or pseudonymously—thus increasing the potential for later misattributions—they were also making an argument about learning, and more specifically, about authenticity. A recurring theme in their quarrel with the moderns concerned the question of how to determine whether something was authentic. In an early episode of the Battle of the Books, Sir William Temple had claimed, among other things, that the sixth-century BCE tyrant Phalaris had written letters exemplifying “more Force of Wit and Genius than any others [he had] ever seen, either antient or modern.” Temple insisted, moreover, that despite the fact that “several Learned Men (or that usually pass for such, under the Name of Criticks)” had claimed that the letters were forgeries and attributed them to Lucian, he was certain of their authenticity. Bentley, one of those who disputed Phalaris’s authorship, took up Temple’s claim and wrote a *Dissertation* in which he sought to prove that the letters had been written significantly later than Phalaris’s time. His argument—in the vernacular (with Greek quotations), but still decidedly scholarly—relied largely on alleged anachronisms in the text: e.g., that the writer had referred to the wrong currency, quoted proverbs not yet conceived, referred to a city by its later name, and so forth. None of these offered conclusive proof, however, and many could be explained as having been later interpolations. In response to Francis Atterbury’s charge of

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pedantry,\textsuperscript{178} Bentley issued what was meant to be a more accessible second edition—one that was, nevertheless, seven times as long as the original, with a plethora of notes that he had included without, apparently, so much as a hint of irony.\textsuperscript{179}

Bentley was right about the Phalaris letters. And yet, judging by public consensus (even now), he had lost the dispute with Temple and Atterbury. What did contemporary authenticity mean if Bentley could be right and still lose? Part of the problem with Bentley’s apparently excessive scholarship, his detractors argued, was that in scrutinizing every detail of the letters, Bentley had not gotten a true sense of them. Although he claimed to have seen in the letters’ style reflections of a later period, the great scholar did not dwell on stylistic indicators, preferring instead to construct his argument in (quasi)empirical terms. Temple, by contrast, had made his claim about the letters’ authenticity on the basis of their “intuitive feeling of humanity…and presence.” He was thus suggesting a link between writing style and character, a relationship that Atterbury later evoked when he called pedantry “

\textit{Written Illbreeding}.”\textsuperscript{180} Bentley’s obsession with finding proof that the letters were forgeries could be cited as evidence of his punctilious nature. It suggested that somehow Bentley himself was inauthentic, and not to be trusted. (Atterbury implied precisely that when, using the same method that the scholar had employed to disprove Phalaris’s authorship of the letters, he satirically argued that Bentley had not been the author of the \textit{Dissertation}.\textsuperscript{181})

\textsuperscript{178} Their quarrel was also, as Haugen has pointed out, a proxy for the contemporary convocation controversy, in which the two churchmen were opposed. Ibid., 123.

\textsuperscript{179} A rich account of this episode (from which much of the information presented here has been drawn) is in Ibid., 110–23.

\textsuperscript{180} Quoted in Ibid., 116, 122.

\textsuperscript{181} This episode is discussed in Ibid., 122; and Joseph M. Levine, \textit{Dr. Woodward’s Shield: History, Science, and Satire in Augustan England} (Berkeley: University of California Press, 1977), 248.
In denying the originality of the Phalaris letters, Bentley could be seen as endeavoring to deprive contemporaries of a source of ancient wisdom that many may have found beautiful or useful. His *Dissertation*, if successful, amounted to a kind of canonical theft. Nor did Bentley redeem himself (certainly not in the Scriblerians’ eyes) with his interventionist editions of Horace and, more problematically, Milton, in which the scholar’s pursuit of authenticity betrayed what the authors themselves seem to have intended. Bentley’s conjectural emendations, the Scriblerians believed, did not enable him to recover authentic editions; instead, they led him to multiply inauthentic ones.

Any evidence that Bentley offered concerning the authenticity of his judgments served only to confirm the charge of pedantry leveled against him. For the Scriblerians, as for Temple and Atterbury, authenticity inhered in precisely that which could not be quantified. When Pope undertook his translations of Homer, his purpose was to “illustrate the poetical beauties of the author.” The commentators on Homer had been “voluminous in explaining those sciences which Homer made but subservient to his Poetry,” and the poet made it his business to avoid—as much as he could—the sorts of philological inquiries that he believed detracted from the essential poetic beauty of the text.182 (He also, it should be noted, lacked Bentley’s exceptional scholarly qualifications.) Although Pope, like Bentley, was vulnerable to the charge of having misrepresented his subject, he was rhetorically in a more favorable position. He had not set out to

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182 Quoted in Joseph M. Levine, *The Battle of the Books: History and Literature in the Augustan Age* (Ithaca: Cornell University Press, 1991), 206; see also 210. Writing about Arbuthnot’s *Tables of Ancient Coins Weights and Measures Reduc’d to the English Standard*, Levine characterized a problem inherent in the Scriblerian enterprise: “The Ancients, like Swift and Pope, insisted upon the imitation of classical authors. Such imitation depended, however, as even the most reluctant of them saw, on a knowledge of the meaning of the ancient writers. Some philology therefore was requisite, however mean the discipline. The unresolved problem of the Ancients was how to achieve this knowledge without losing the polish of the gentleman, how to employ philology without becoming a philologist.” Levine, *Dr. Woodward’s Shield*, 242; original emphasis.
prove, exhaustively, that his text was *authentic* (that would not have been possible anyway); he had endeavored, rather, to illustrate the beauty of Homer. The Scriblerians had adopted a rhetorical stance that made it nearly impossible for the moderns to win an argument against them. Bentley could never prove that the Phalaris letters were unequivocally forgeries; and the more he tried, the more he was vulnerable to the Scriblerians’ ridicule. Any criticisms he made about the authenticity of Pope’s translations were similarly susceptible to charges of scholarly encumbrance. When pedantry was the charge, any labored, earnest rebuttal was itself proof of guilt.

The moderns’ preoccupation with authenticity emerged on other occasions, always providing a readymade source of Scriblerian ridicule. The physician and scientist Dr. John Woodward was an archetypal modern scholar with a broad range of interests, strong convictions, and a healthy measure of self-confidence. He inspired the character of Dr. Fossile in John Gay’s *Three Hours after Marriage* (1717) and of Dr. Cornelius Scriblerus, Martin’s father, in the *Memoirs* (1741). In 1693 Woodward had purchased a shield that he believed dated to Roman times. It was the subject of Henry Dodwell’s posthumously-published *De Parma Equestri* (1713), which featured an introduction by Thomas Hearne. The shield was thought to have belonged to Henry VIII’s gallery, and to have been produced at some point between 54 BCE and 77 CE. Woodward may have wished to prove this provenance true, but it was not. The shield was a fake, dating to the sixteenth century.

Woodward’s keen interest in classifying it as an ancient artifact, however, was all the Scriblerians needed to devastate him with their satire. Their Cornelius, when proudly presenting

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184 Levine, *Dr. Woodward’s Shield*, 236.
the shield—with his infant in it—dropped both when he discovered a maid had scoured the rust off of the former. He became more agitated still when his learned guests assured him that the shield was no more than a mere sconce.\textsuperscript{185} The notion that the moderns, so encumbered by their learning, could not see what was plainly before them, was one the Scriblerians took up time and again. Pedantic studies, they argued, failed to capture the essential qualities of a subject. The moderns’ doggedly analytical methods were as practical as a string player tuning by half-steps rather than listening to the intervals of the perfect fifth and octave.

When the Scriblerians set themselves up in opposition to the moderns, they were suggesting how to make determinations about authenticity: on the basis of style. They may even have gotten the idea to highlight style in this way from their discourse with the moderns. Their frequent recourse to pseudonyms, and the misattributions that these enabled, made determinations of textual authenticity at once necessary and difficult. This was purposeful. Misattribution did not hinder their pursuit of recognition; on the contrary, its pervasiveness enabled it.

One of the functions that persistent pseudonymity served was to expand the figure of the author. Broadly denying authorship had the effect not of erasing authorial identity, but of increasing authorial potential: Swift could have written anything; he could have written everything. People were tuned into his style, to clues they believed he had left, to any information they could obtain that would definitively link him to some of the texts attributed to him. Did Swift write the songs “Through All the Employments of Life,” and “Since Laws Were

Made for Every Degree”?

If the songs were not Swift’s, who ought to have received credit (or blame) for them? Further complicating the matter of attribution is the fact that both landed in Gay’s *Beggar’s Opera*: whose were they then? By writing prolifically and pseudonymously, the Scriblerians helped ensure that their works would be ready conversation-pieces in London and Dublin coffeehouses.

Even now debate rages on about the Swiftian canon. The attribution of *A Letter of Advice to a Young Poet* (1721), among other texts, has been a source of scholarly disagreement. While Herbert Davis and Harold Williams have deemed Swift’s authorship doubtful, Ricardo Quintana and John M. Bullitt, among others, have thought the style distinctly Swiftian. Even tools from the social sciences do not provide clarity about the Letter’s originator. Using a statistical analysis to make a determination about Swift’s authorship, the Matlacks nevertheless concluded: “The versatility of Swift’s style and the presence of a number of unknown possible writers and imitators make it very difficult either to establish or refute the Swiftian authorship of the Letter on the basis of internal evidence.”

The *English Short Title Catalogue* impassively records these debates, noting in an entry for the Letter that the text is “[s]ometimes attributed to Jonathan Swift.” The premium placed on authorial discovery thus contributed to the increasing prominence of the author. The method of determining authenticity that the Scriblerians

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186 According to Scott, Warton assigned both to Pope, but Swift’s nephew Deane Swift and Martha Whiteway attributed them to the dean. *The Works of Jonathan Swift*, D. D. Dean of St Patrick’s, Dublin; Containing Additional Letters, Tracts, and Poems, Not Hitherto Published, 19 vols., vol. 1, ed. Walter Scott (Edinburgh: printed for Archibald Constable and Co., 1814), 351.

187 While it is mostly settled, a few texts remain at large.


189 Ibid., 632.
championed—attentiveness to style—enabled them to write boldly via encryption, and yet largely recognizably too.

**The Ingenuity of Disingenuousness**

That the Scriblerians wished to promote apparent uncertainty about textual origins is clear from their insistent and at times gleeful declarations about the authorial ambiguity that resulted from having multiple sources of “hints” (compositional ideas). It is even possible that a principal purpose of the Scriblerus Club, besides the ridicule of misguided learning, was to provide authorial cover for its members: hence its steadfastly un-institutional bent\(^{190}\) and the fluidity of its membership beyond the original five. The Scriblerians often collaborated with one another, and they were not shy about revealing they had done so. Gay, for instance, acknowledged having received some assistance with the *Trivia* (1716), noting in the prefatory advertisement that he “owe[d] several Hints of it to Dr. Swift.”\(^{191}\) Despite their readiness to admit collaboration, the Scriblerians did not always enumerate who was responsible for which compositional contributions. (And when they did, they were not always truthful.)

Readers and critics had to construe the identities of authors on their own. The author of *Gulliver Decypher’d* (1726), a satirical attack on Swift presented as ironic praise (and as a key to the *Travels*), suggested that the *Travels* had been the work not just of Swift’s pen, but also of Pope’s and Arbuthnot’s.\(^{192}\) Parodying Swift’s *Tale* (1704), the author presented the creators of

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\(^{190}\) Valerie Rumbold, “Scriblerus Club [Scriblerians] (act. 1714),” in *ODNB*.

\(^{191}\) John Gay, *Trivia: Or, the Art of Walking the Streets of London* (London: [printed for Bernard Lintot], 1716), [ii].

\(^{192}\) Ehrenpreis has written: “The most curious feature [of *Gulliver Decypher’d*] is an insistence that *Gulliver’s Travels* derives from the Scriblerus material.” Ehrenpreis, *Swift*, 3:504. Ehrenpreis, citing advertisements in contemporary periodicals, has given a publication date of the first edition as 3 December 1726 and that of the second as 24 December 1726. Ibid., n. 3.
the *Travels* as Martin (Swift), Peter (Pope), and John (Arbuthnot). The author further implied that the uncertainty surrounding the composition of offensive passages offered Swift and his alleged co-conspirators protection from punishment. Even still, the *Gulliver Decypher’d* author endeavored to identify who had written what. The author speculated, for instance, that particular “Touches of Obscenity” were Pope’s, that Swift had written the legal content, and that Arbuthnot had tackled the topics of physics and mathematics. But who could say for certain?

The Scriblerians were aware of the benefits of collective authorship. They and their close associates—including Ford, Oxford, Bolingbroke, and others—frequently engaged in criticism and emendation of one another’s works; and they then used the multiplicity of textual contributions variously to claim or disclaim authorship. Pope used Arbuthnot’s early work on *Peri Bathous* (1727) as grounds for denying his own nearly-comprehensive contributions to the work; Arbuthnot, by contrast, downplayed the extent to which he had supplied content for the work. Pope also benefited from the input of the Reverend Ralph Bridges, chaplain to the bishop of London, who critiqued the poet’s translation of Homer’s *Iliad* (1715–20). On occasion, even Pope’s booksellers offered guidance, as we know from a 1726/7 letter that Pope wrote to the bookseller Jacob Tonson the younger, apparently regarding the publication of Pope’s Shakespeare edition: “You are so perfectly in [th]e right in your Correction of Containing to...

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193 *Gulliver Decypher’d*, 16, 42, 45.
194 Ibid., 32, n., and 42. Pope’s “obscene” additions are also noted in Ehrenpreis, *Swift* 3:505, and n. 1.
195 For instance, Swift wrote to Stella on 31 December 1712: “To day Parnel & I dined with Ld Bolinbrokle [sic], to correct Parnel’s Poem, I madde [sic] him shew all the Places he disliked, and when Parnel has corrected it fully, he shall print it.” Swift, *Journal to Stella*, ed. Williams, 2:591.
196 Specimens of Mr. Bridges’s Criticisms on Pope’s Version of Homer, MS. Eng. lett. d. 59, Bodleian Library, University of Oxford.
Consisting of, that I think when I print any thing of my own, I must get you to do for me, what you make me do for Shakespear[e], and Correct in my behalf.”

Pronouncements about uncertain authorship were not just a way to render the figure of the author increasingly prominent. They also offered, for the cleverest writers, a means of getting texts into print. The previous chapter argued that Pope had exaggerated the pervasiveness of letter interception as a way to facilitate the ostensible escape of his missives into print—so that, in turn, he could demand a right of reply, i.e., the release of an authorized, and not necessarily otherwise publishable, edition. Similarly, Swift may have exaggerated the (nevertheless real) circumstance of bookseller intervention as a way to issue secretly authorized editions of his works.

After completing Verses on the Death of Dr Swift toward the end of 1731, Swift evidently decided to get it into print during his lifetime rather than after his death, as he seems originally to have intended. Of course, the conceit of the poem—suggested in its very title—relied on the supposition that Swift’s death had occasioned its composition. Its very premise raised the question of authorship: Swift could not have composed the poem posthumously, so who could have been responsible for it? Swift’s ostensible lack of engagement in turn enabled the dean to deny unseemly involvement in the publication of the work.

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198 Original Correspondence of Jacob Tonson, 1710–82, Additional Manuscripts 28275, f. 239, BL, © British Library Board; original emphasis. Emendation by booksellers was not always so welcome, as Motte’s/Tooke’s changes to the Travels demonstrate.

199 Swift wrote that he would “finish it soon” in a letter to Gay and the Queensberrys dated 1 December 1731. Correspondence of Alexander Pope, ed. Sherburn, 3:251, and n. 5; also cited in Ehrenpreis, Swift, 3:708. The poem was not officially published until 1739, although it appeared earlier, in 1736, in what seems to have been a pirated version of Pope’s Essay on Man. See [Alexander Pope], An Essay on Man, 7th ed. (London: printed for J. Witford, 1736); [Jonathan Swift], Verses on the Death of Dr. S----, D.S.P.D. Occasioned by Reading a Maxim in Rochefoulcault. Written by Himself, November 1731 (Dublin: reprinted by George Faulkner, 1739).

200 Ehrenpreis, Swift, 3:708.
Swift’s need to disavow his engagement in the production of the *Verses* may explain what Ehrenpreis has characterized as the “puzzling announcement” that appeared in the *Dublin Journal* on 2 May 1732:

> We now hear, that the true copy of a certain poem, much talked of, occasioned by reading a maxim of Rochefoucault’s, hath by some accident or contrivance got into several hands; and we have reason to believe will be published in a few days, to the great delight and entertainment of the world, and probably equally to the vexation of the author, who, in this poem, largely describes what he imagines the world will say of him after his death. If the copy shall fall into our hands, we shall be very glad to oblige the publick with it.  

Swift took considerable pains to disguise his authorship, the very uncertainty over which—as Swift surely imagined—would have piqued interest in the *Verses*. As the earl of Orrery wrote, the *Verses* had been “artfully published by Dr. Swift in a manner so different from those rules of poetry to which he confined himself, that he hoped the public might mistake [the work] for a spurious, or incorrect copy stolen by memory from his original poem.”  

That, according to Laetitia Pilkington, was precisely Swift’s strategy. In her *Memoirs* (1748), Pilkington described how Swift had capitalized on the practice of misattribution to maneuver the *Verses* into print. He had, by her account, given her access to a copy, which she in turn memorized and rehearsed in the company of friends. Swift then accused her of having “copied his Poem, and shewn it round the Town.” Despite her assurances to the contrary, he “produced a Poem something like it, published in *London*,” telling Pilkington that “from reading it about…odd Burlesque on it had taken rise”: he was suggesting that another author had made unwelcome contributions. When, at his request, she then read the poem aloud, she wrote that she “plainly perceived, tho’ he had

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201 Quoted in Ibid., 3:709.
202 John Boyle, *Remarks on the Life and Writings of Dr. Jonathan Swift, Dean of St. Patrick’s, Dublin; In a Series of Letters from John Earl of Orrery to His Son, the Honourable Hamilton Boyle*, 3rd ed. (London: printed for A. Millar, 1752), 188. This passage is partially quoted in Brian A. Connery, *Representations of Swift* (Cranbury, NJ: Associated University Presses, 2002), 89; and Thompson, ‘*Scandalous Memoirists,*’ 89.
endeavoured to disguise his Stile, that the Dean had burlesqued himself.” The dean even went so far as to feign anger, asking Pilkington, “did I ever know him [Swift] to write Triplets?” To maintain his elaborate authorial disguise, Swift had deigned to traffic in triplets, perpetuating the very rumors about his authorship that virtually guaranteed the release, and subsequent analysis, of his anonymous work.

Even earlier, Swift had used uncertainty about his authorial role as a way to secure the release of a work. After the initial publication of the *Travels* (1726), with whose content Motte had both intentionally and unintentionally meddled, Swift launched a campaign to have a corrected edition produced. Several versions ensued. Later that year, the Dublin bookseller John Hyde produced an edition with about forty minor corrections; and in 1727 Motte published what he dubbed his second edition (though it was really the fourth he produced), to which he had made about one hundred minor corrections. There were still other editions, but these seem to have been reprints of existing versions. The most significantly altered edition was Faulkner’s of 1735. This contained about five hundred corrections.

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207 It was, according to Lock, “the first text to print several longer passages in a substantially rewritten form.” Lock, “Text of ‘Gulliver’s Travels,’” 514.
By encouraging the production of subsequent editions, Swift was suggesting that no single version was or could be definitive. (At the very least, he was ensuring that no single version would be.) The sheer number of available editions would have perpetuated the notion that an author’s texts, in a bookseller’s hands, were never safe. Swift’s *Travels* was no exception, with its text undergoing continual, destabilizing variation for the decade following its release. Even now, it is not entirely clear which edition is definitive, if such an edition ever existed at all. Swift used—having first perpetuated the common belief in—the well-known circumstance of bookseller and printer interventions to facilitate the publication of altered versions of his *Travels*. He did not formally claim the 1726 or the 1735 edition (or any other) as his “intended” text, and as a consequence, he left readers—even now—to speculate about the origins of authenticity.

Swift seems not to have been the victim of Faulkner’s re-publication, as he might have had others believe. On the contrary, he apparently encouraged the Irish bookseller to produce the later version of the *Travels*. When Faulkner’s editions were sold in Dublin, Motte—who held the London copyright—had been powerless to act, since copyright protections in Great Britain only

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208 Lock has argued that the 1735 Faulkner edition was not a restoration but a revision of Swift’s intended text, and that for a text resembling Swift’s original version, one should turn to the 1726 Motte edition. Ibid., 525, *passim*. While Ford’s corrections show that Motte’s earliest edition did not conform precisely to Swift’s original manuscript, Faulkner’s version seems to have been a refined version of that elusive original edition. That Faulkner’s edition contained some entirely new text seems all the more probable given that Swift evidently did not keep a master-list of all of the revisions in the various editions. Ibid., 527–33. Faulkner’s later edition is generally regarded as the one most reflective of Swift’s wishes. Accordingly, the editors of the Norton reproduction of the *Travels* drew principally from the Faulkner edition of the *Works*. *The Writings of Jonathan Swift*, ed. Robert A. Greenberg and William B. Piper (New York: W. W. Norton & Company, 1973), x.
prevented the importation of Irish reprinted editions. Motte still registered his dissatisfaction with Swift, writing on 31 July 1735:

Mr. Faulkner’s impression of four volumes has had its run. I was advised it was in my power to have given him and his agents sufficient vexation, by applying to the law; but that I could not sue him without bringing your name into a court of justice, which absolutely determined me to be passive. I am told he is about printing them in an edition in twelves; in which case I humbly hope you will please to lay your commands upon him (which, if he has any sense of gratitude, must have the same power as an injunction in chancery) to forbear sending them over here [to England].

Motte’s request put Swift in an awkward position, as the author had at once to deny having collaborated with the Dublin bookseller to produce an unacknowledged authorized edition—of the Travels as well as the Drapier’s Letters and other works—while still refusing to honor the appeal to intervene.

Swift was, of course, a master at such negotiations, and he accordingly transformed the terms of the conversation, responding with a polemical defense of Irish publishing. After lamenting “the many Oppressions” that Ireland suffered from England, Swift asserted that Faulkner had not done anything illegal. He then advised Motte:

Upon the whole I think you had better suspend your Suit, till you hear what Mr Faulkner hath to say, and as to my private opinion, it is that you will not find your Interest in going farther. Mr Falkner [sic] in printing those Volumes here, did what I much disliked, and yet what was not in my Power to hinder; and all my Friends pressed him to print them, and gave him what Manuscript copyes they had occasionally got from me. And he hath always behaved him self so decently to me that I can not treat him otherwise than as [a] well-meaning Man, although

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209 Pollard, *Dublin’s Trade in Books*, 69–70, 137. Contemporaries seem to have been aware of this standard. On 13 November 1726 H. Perrot wrote to Thomas Carte: “I have a confused notion that there are severe laws & penaltys prohibiting all books printed in Ireland being first printed in England, from being transmitted into England.” Carte Papers, MS. Carte 227, f. 243, Bodleian Library, University of Oxford. For a discussion of Irish-English publishing dynamics, see the fifth chapter.
210 *Correspondence of Jonathan Swift*, ed. Woolley, 4:152.
211 Swift did not receive this until 13 September and evidently did not at first answer it. Motte wrote again on 4 October, reiterating his request. Ibid., 4:195.
my desire was that those Works should have been printed in London by an Agreement between those who had a Right to them.\textsuperscript{212}

Motte disregarded Swift’s preference and brought a case against Faulkner in Chancery, winning an injunction against the Dublin bookseller.

Although a record of Motte v. Faulkner (1735) seems not to have survived, the case is cited in Millar v. Taylor (1769), which held that “Authors are only secured in their copy-right under the stat. of 8 Ann. c. 19 [i.e., 21].”\textsuperscript{213} According to the record of Motte in Millar, Faulkner had argued that many of the pieces included in the Works had been published prior to the Statute of Anne (1710), and that therefore he could rightly continue producing the work.\textsuperscript{214} Lord Talbot nevertheless “continued the injunction, as to the whole [of the Works].”\textsuperscript{215} By putting all of their literary eggs in the same figurative basket, both sides had run a great risk: either all of the texts in the collection, among which the Travels was just one, could be emended, reprinted, and imported into England; or none of them could. Ultimately, the finding was for none.

\textsuperscript{212} Ibid., 4:210.
\textsuperscript{213} 98 Eng. Rep. 201; 4 Burr. 2303. The statute citation seems to be erroneous. 8 Anne, c. 19 was the “Act to Regulate the Price and Assize of Bread.” The statute to which the case seems to have been referring was the “Act for the Encouragement of Learning,” i.e., 8 Anne, c. 21.
\textsuperscript{214} 8 Anne, c. 21. The act contained various ambiguities. It lacked a “clause specifically forbidding abridgement.” Richard Yeo, Encyclopaedic Visions: Scientific Dictionaries and Enlightenment Culture (New York: Cambridge University Press, 2001), 225. Moreover, it did not specify the terms of enforcement and renewal in the event of the sale of copyright to a third party. (See, for instance, the bills of sale of Henry Playford, et al. Leake v. Tonson, 1699–1714, C 104/222, NA.) It also failed to address the question of whether a common-law perpetual right superseded the limited durations specified in the statute. While many of the London booksellers who dominated the contemporary book trade argued in favor of enduring copyrights, their less-powerful provincial counterparts recognized no such rights. Feather has written: “English law undoubtedly recognised the existence of copyright as a property; and in general, although with a few exceptions, English judges had taken the view that as a piece of property, copyright had a perpetual existence.” John Feather, A History of British Publishing (New York: Croom Helm, 1988), 82. See the following chapter for a discussion of the quarrel over copyright duration.
\textsuperscript{215} 98 Eng. Rep. 201; 4 Burr. 2303
Forging Copyright

The outcome of Motte v. Faulkner raised the question of how, and whence, copyright derived. If the proximity within the Works of copyrighted texts to uncopyrighted ones could prevent Faulkner from printing the lot of them, it also conferred as-yet unrealized rights to Motte: the collection, as a text itself, achieved protected status—and Motte emerged as its veritable possessor. Motte may as well have owned the copyrights to the entirety of the included works, since his ability to prevent others from printing any of them approximated total copyright possession. If Motte could effectively exercise the copyright to works he had neither written nor published, then what did that copyright even mean?

This question was continually raised in the years following the enactment of the Statute of Anne. Given the disparity between what the act was ostensibly conceived to do (to promote learning) and how it was applied (to ensure property protections)—and given too that the greatest beneficiaries, at least initially, were London booksellers—it is not surprising that the act instigated a series of lawsuits in which London booksellers sought to uphold their copyrights in perpetuity, while their provincial counterparts sought to weaken them. Both sides claimed to champion the interest of learning. Of their other potential motivations, the Scottish printer Robert Foulis wrote to Attorney General William Murray on 20 December 1754:

I have had...occasion to examine the new doctrine by which Authors are supposed to be vested with a property, not only antecedent to all Acts of Parliaments, but even such an one as claims indefeasibility, and refuses to be limited by the highest national Authority.

I will not offer to trouble you with this subject at present, but shall be extremely glad at a season when you are more at leisure, to do it fully and freely, not with a view to hurt but to serve Learning. I shall only beg leave to take notice,

216 Some of these, such as the Predictions for the Year 1708, even antedated the Statute of Anne. (The inclusion of texts published before 1710 is also noted in 98 Eng. Rep. 201; 4 Burr. 2303.) The Drapier’s Letters were among the included texts whose release (by someone other than Motte) postdated the statute.
that no Bookseller ever purchases the work of an author, without hopes of being indemnified by the first edition.\textsuperscript{217}

For his own part, the printer Foulis professed to be in the midst of reprinting Pope’s Miscellanies, which he “\textit{kn[e]w by experience} [he could] sell to young students & others who [could] not afford to buy the works.”\textsuperscript{218} The not-always-complementary aims of generating intellectual as well as monetary capital caused much of the conflict surrounding the 1710 statute (as will be discussed further in the following chapter).

It was the uncertainty inherent in copyright that the Scriblerians exploited, to tremendous effect. The evidence that Swift collaborated with Faulkner in getting published a revised version of the Travels, among other works, is overwhelming. In the very letter in which he assured Motte that the Dublin bookseller had, in printing the Works, done “what [Swift] much disliked,” the author implied what must have been at the very least a close acquaintanceship with the accused party: “I had not received Your letter three minutes, nor opened it, for, I was going abroad when Mr Faulkner stopped the Coach he was in, (for he was coming to see me) So I called at his Neighbors a friend of mine, and he came in to me.”\textsuperscript{219}

Although he could not have known the precise outcome of the case involving Motte, Faulkner, and the Travels, Swift nevertheless engineered the entire series of events leading from the initial collaboration with “Sympson” and subsequent publication in 1726 down to various ensuing editions, many uniquely revised. It would seem that the outcome of Motte’s legal suit strengthened the London bookseller’s copyright, since he was able to deny Faulkner’s right to publish the entirety of the Works. As a copy-owning impersonator, however, Motte may also

\begin{footnotes}
\item[217] Original Letters Addressed to William Warburton, with Other Papers of the Same, 1753–60, Egerton Papers 1959, f. 20r, BL, © British Library Board.
\item[218] Ibid., f. 20v.
\end{footnotes}
have found his authority weakened: for if his copyright did not derive from a particular text that
he had purchased from an author, then it became less meaningful because the standard by which
he had acquired it could not be universally applied. Swift could deny that Motte owned the
copyright to a given text in the work, and the source of textual ownership would have become
further obscured. The authenticity of ownership was, once again, at stake.

In this publishing environment—in which booksellers could variously reprint, alter,
misattribute, and even claim to own any number of texts—determining just who was responsible
for what amounted to no mean feat. Anyone could write anything and transmit it to a bookseller,
who could in turn alter it, print it, and attribute it to anyone (else). The Scriblerians knew this
well. The trade in Scriblerian forgeries, the potential for which Swift and Pope announced at
every available opportunity, was—despite their occasional disingenuousness—significant. To
cite one instance, a counterfeit letter from Swift to Queen Caroline dated 22 June 1731 (though
1735 was the year inscribed, erroneously, on the original) made its way into Swift’s hands, via
Pope. In that letter (the handwriting of which suggests someone other than Swift as the author),
the writer recommended Mary Barber as “the best female poet of this, or perhaps of any age.”
Imitators impersonated Pope too, some persisting even after the poet’s death.  

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220 Ibid., 3:401, and headnote; original emphasis.
221 One undated letter, in the Forgery Collection of James Tregaskis, was ostensibly from Pope to
Arbuthnot: “The other day Mr Lintot came to me at Twitnam & says he has found a Receipt in his
Father’s books, wh[ich] will satisfy me what I gave him a Discharge in full for all Books,” and
so forth. The letter ended with the note that two days thence “L[or]d Bolingbroke & [he] go to
Twitnam for some days.” The attempt had been, in an editor’s characterization, “dismal”: “The
ink is the wrong colour, the paper is about twenty years after Pope’s death. And the imitation of
his hand is poor.” Miscellaneous Collection of Forged Letters and Papers, Add 57946, f. 20,
Additional Manuscripts 57946, BL, © British Library Board.
Style, Satire, and the Plagiarism Problem

Amidst the confusion about attribution—which they helped create—the Scriblerians cultivated styles that were just recognizable enough to pierce anonymity but not so obvious as to render them culpable as defamers. As they loudly (and often disingenuously) proclaimed the pervasiveness of misattribution and unauthorized emendation, they increasingly depended on readers to identify them correctly by their styles of writing. Swift indeed seems to have considered style a chief identifying marker. For him, style was discernable, and hence able to be manipulated. Writing to Joseph Addison on 13 May 1713, Swift disclaimed authorship of the *Examiner*, inquiring of Steele: “Is he so ignorant of my temper, and of my style?”

Identification by style alone, nevertheless, particularly when the author had the chameleon-like abilities of a Swift or a Pope, was a challenging endeavor—the difficulty of which was exacerbated by the authors’ regular recourse to anonymity. Although the Scriblerians took on the styles of others, they often seem to have felt invulnerable to that treatment themselves. In his *Epistle to Dr. Arbuthnot* (1734/5), Pope poked fun at those who felt they could straightforwardly identify him as an author: “Poor guiltless I! and can I choose but smile, / When every coxcomb knows me by my style?” Joseph Spence reported that in 1735 Pope told him, “[T]here is nothing more foolish than to pretend to be sure of knowing a great writer by his style.” On Pope’s opinion of style, Spence himself commented:

> Mr. Pope seemed fond of this opinion [that one cannot recognize an author by style alone]. I have heard him mention it several times, and he has printed it as

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222 *Correspondence of Jonathan Swift*, ed. Woolley, 1:483.
well as said it. But, I suppose, he must speak of writers when they use a borrowed style, and not when they write their own. He himself had the greatest compass, in imitating styles, that I ever knew in any man: and he had it partly from his method of instructing himself, after he was out of the hands of his bad masters, which was, at first, almost wholly by imitation. Mr. Addison did not discover Mr. Pope’s style, in the letter on Pastorals, which he published in the Guardian; but then that was a disguised style. Mr. Pope had certainly a style of his own, which was very distinguishable.

If Pope could assume the style of another, indeed that did not mean that another could convincingly imitate Pope’s style. The poet’s linguistic nimbleness could not, as Spence observed, be easily matched.

Pope surely recognized the powers of identification that stylistic indicators enabled. The Scriblerians were above all else ruthless satirists. Their satire depended upon the ability to slip into the style of another and alter it just enough to turn it in on itself, thus revealing its deficiencies. The fact that they were able to undertake such an enterprise suggests that they did believe that authors wrote in recognizable styles. On the one hand, it seems curious that a group so concerned with the cultivation of style would traffic in, of all genres, satire, which depended upon ongoing exchanges of stylistic identifiers. On the other hand, if style ranked chief among their literary concerns, they had to master the art of it; and there was no better way to do that than through satirical expression.

If, as this discussion has argued, the Scriblerians perpetuated the very authorial ambiguities that enabled booksellers to alter and misattribute their texts, and if they did this as a way to call attention to style and ultimately authorship, then their use of satire complicates these arguments. Why would the Scriblerians have called attention to style as a defining authorial characteristic when they continually and intentionally perverted it? If they had wanted to make an argument about the fundamental characteristics of their literary productions, why would they

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have relied so heavily on others’ texts? How could their readers know where Scriblerian style ended and the satire of another’s style began? If the boundary between the two were blurred, how much credit should the Scriblerians have received for originality?

For a group apparently concerned with staking authorial claims, the Scriblerians engaged in various forms of borrowing that their detractors could (and did) argue were illegitimate. In the first place, they sometimes incorporated excerpts into works for which they alone received authorial compensation and often authorial acknowledgment as well. In the *Dunciad* (1728) and *Dunciad Variorum* (1729), Pope quoted, verbatim, the authors he lampooned. Sir Richard Blackmore, for instance, found his *Paraphrase on the Book of Job* (1716) the subject of direct ridicule. Pope drew the following lines, without altering them, from Blackmore’s text: “With teats distended with their milky store, / Such numerous lowing herds, before my door, / Their painful burden to unload did meet, / That we with butter might have washed our feet.” As a preface to the quotation, Pope wrote: “When Job says in short, *He washed his feet in butter*, (a circumstance some poets would have softened, or passed over) hear how it is spread out by the great genius.” The commentary continues following the quotation: “How cautious! and particular! He had (says our author) so many herds, which herds thrived so well, and thriving so well, gave so much milk, and that milk produced so much butter, that if he *did not*, he *might* have

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washed his feet in it." The problem, according to some contemporaries, was not that Pope had quoted Blackmore’s text; after all, Pope had cited his source, and in any case quotation was not itself problematic. The problem was that so much of the *Dunciad* consisted of such quotations, and in turn of explications of those quotations, to the point that, familiarly, in the act of criticizing the styles of Blackmore and others, Pope had proliferated the very forms he derided.  

Accusations of Pope’s plagiarism stemmed in part from the charge that much of the poet’s material was not original to him. They also resulted from resentment about the profits that the poet yielded as a result. By the time he composed the *Dunciad*, Pope was a well-to-do writer, and he was collecting a considerable sum for every volume he produced. How were the hack-writers to feel about Pope out-earning them in reproducing excerpts from their own texts? Pope, of course, would have felt that the hacks had themselves out-earned their potential, having commanded too much of the public spotlight under which his own writings, nevertheless, helped them to remain. Was his work derivative, and if so, how much ought he have been compensated for a work thus “inspired” by so many others?  

When they did not borrow directly, the Scriblerians indirectly drew on the styles of others. In some cases, those styles were not of individuals but rather of types. In his *Modest Proposal* (1729), for instance, Swift assumed the persona of a callously detached member of the

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228 Alexander Pope, *Dunciad*, ed. Rogers, 209; original emphasis.  
229 This method induced not just plagiarism charges but also criticism of Pope’s use of his considerable talent. Writing to his son-in-law, William Morice, on 3–14 August 1729, Francis Atterbury lamented: “I find many are of my sentiment with regard to the Dunciad, and think the writer has engaged himself in a very improper and troublesome scuffle, not worthy of his pen at all, which was designed for greater purposes. Nor can all the good poetry in those three cantos make amends for the trouble and teasing they will occasion to him.” In John Barnard, ed., *Pope: The Critical Heritage* (Boston: Routledge & Kegan Paul, 1973), 227. Of course, inciting such “trouble and teasing”—and attention—seems to have been part of Pope’s objective.
upper class. The narrator described the suffering of the Irish poor—how “the Streets, the Roads, and Cabbin-doors [were] crowded with Beggars of the Female Sex, followed by three, four, or six Children, all in Rags, and importuning every Passenger for an Alms”—with such apparent indifference that he could propose as a solution the sale of one-year-old children “to the Persons of Quality and Fortune,” for whom the children, “well nursed,” would make “most delicious, nourishing, and wholesome Food.”

In other instances, the Scriblerians satirized particular individuals by co-opting their subjects’ modes of writing. Whether this constituted plagiarism remains open to debate; Lund (1991) has argued that Pope’s “habit of borrowing from his contemporaries without attribution…might better be termed a poetics of appropriation.” Part of the confusion about the poet’s intentions stemmed from an apparent ambiguity of purpose, of which Lund has written:

To be sure, Pope retained rhymes, images and ideas from other poets (Virgil and Milton primarily) as part of a deliberately allusive strategy in the Dunciad, but it is far less certain that he always meant to call the original to mind, or that for Pope, poetic imitation necessarily implied poetic allusion, particularly when he had borrowed from contemporary poets, journalists, and essayists who could hardly be said to form part of any honorific ‘tradition.’

In such cases, Pope blurred the boundary between allusion and allegation. Did Pope omit the names of other authors because he intended for his readers to undertake that bit of bibliographic work? Or did he omit them because he did not want his criticism to be provably defamatory?

Even when Pope named his subject, the reasons for his satire could be multiple and mutually inconsistent. In re-imagining verses of John Donne (1733, 1735), for instance, Pope seems to have sought simultaneously to satirize and to correct (or to use Pope’s own term, to

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231 Lund, “From Oblivion to Dulness,” 171.

232 Ibid.
versify) the work of his subject. This undertaking amounted to improvement by satire: but always with the understanding that the original was found lacking. Pope did not, however, lampoon Donne himself, instead prefacing the two *Satires*, when they were published together, with an epigraph from Horace: “What prevents us either from asking, as we read the writings of Lucilius, whether it was the nature of his own qualities, or those of his harsh themes which precluded more polished and gentle verses.” Pope thus used the words of Horace to characterize his engagements with the texts of Donne.

When the Scriblerians were not imitating to denigrate (or correct), they might have been imitating to celebrate their subjects. Champions of the belief in the superiority of ancient over modern learning, the Scriblerians imitated the greatest ancient writers ostensibly to provide modern exempla. In so doing, they risked crossing the line from commemoration to appropriation. Early in his career, Pope expressed concern that his imitation was too much in earnest; he wrote to William Walsh on 2 July 1706:

> I wou’d beg your opinion… It is how far the liberty of *Borrowing* may extend? I have defended it sometimes by saying, that it seems not so much the Perfection of Sense, to say things that have *never* been said before, as to express those *best* that have been said *oftenest*; and that Writers in the case of borrowing from others, are like Trees which of themselves wou’d produce only one sort of Fruit, but by being grafted upon others, may yield variety. A mutual commerce makes Poetry flourish; but then Poets like Merchants, shou’d repay with something of their own what they take from others; not like Pyrates, make prize of all they meet. I desire you to tell me sincerely, if I have not stretch’d this Licence too far in these *Pastorals*?

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235 *Correspondence of Alexander Pope*, ed. Sherburn, 1:19–20; original emphasis. This passage is partially quoted in Terry, “Pope and Plagiarism,” 603, n. 38.
In the introductory note to the *Pastorals* (published 1709), Pope noted his debts to the ancients and to his (friendly) critics, Walsh among them:

> These Pastorals were written at the age of sixteen, and then passed through the hands of Mr Walsh [et al.]. All of these [men] gave our author the greatest encouragement, and particularly Mr Walsh. ‘The author (says he [Walsh]) seems to have a particular genius for this kind of Poetry, and a judgment that much exceeds his years. He has taken very freely from the Ancients. But what he has mixed of his own with theirs is no way inferior to what he has taken from them…’”

Even in arguing against the proposition that he had plagiarized the ancients, Pope borrowed one of their tactics: he implied that his metaphorical “digestion” (or, perhaps, “pollination”) of others’ ideas had reinvigorated those ideas and yielded new, equally worthy intellectual material.

> His detractors interpreted Pope’s borrowings less generously. While praising Ambrose Philips’s pastorals—even quoting at length from the *Fourth Pastoral* (1709)—Thomas Tickell also derided the pastorals of contemporaries, including those of Pope. Tickell wrote in the *Guardian* dated 15 April 1713: “…our countreymen have so good an opinion of the ancients, and think so modestly of themselves, that the generality of Pastoral Writers have either stolen all from the Greeks and Romans, or so servilely imitated their manners and customs, as makes them very ridiculous.”

Pope, of course, responded in kind, charging Philips himself with plagiarism,

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238 *Harrison’s British Classicks*, 2:64. This passage is also quoted in Terry, “Pope and Plagiarism,” 603.
an accusation he repeated in his *Epistle to Arbuthnot* (1735) two decades later.\(^{239}\) He perpetuated the very cycle of satire by plagiarism that he simultaneously sought, ostensibly, to invalidate.

Pope elicited accusations of plagiarism not just for his re-rendering of classical style, but also for his wholesale importation of Homer’s *Iliad* and *Odyssey* into English. (Pope may well have carried out his translations with care—though not with the erudition of a scholar like Bentley\(^{240}\)—but he did not invent the *Iliad* and *Odyssey.*) Part of the problem with Pope’s translations may have stemmed from the fact that he profited considerably—and, for the age, without precedent—from works whose originals he had not originally composed. Even Swift acknowledged, in a letter to Gay dated 8 January 1722/3, that “poor Homer [had] helpt to make him rich.”\(^{241}\) An anonymous critique, “To Mr Pope on His Second Subscription to Homer,” appeared in the *Evening Post* on 24 September 1727, and in *Whartoniana* (1727). That disapproving verse began with the lines: “Your Pen and Ma—hs [Marlborough’s] sword were much the same / He faught [sic], you write, for profit more [tha]n fame.”\(^{242}\) Terry (2005) has noted other contemporary critiques, including those by Edward Ward (who likened Pope to a hoyden) and Thomas Cooke (who accused Pope of having “purloin’d from the immortal dead”).\(^{243}\) In presenting Homer’s works as in some sense his own, and in earning a comfortable living from those works (for what marked the ownership of a thing more than its sale?), Pope left

\(^{239}\) Pope’s successive literary responses are detailed in Terry, “Pope and Plagiarism,” 603.

\(^{240}\) There is a possibly apocryphal anecdote about Bentley encountering Pope and telling the latter that Pope’s translation was “a pretty poem,” but that it was not Homer. In 1735, in response to an alleged retaliation by Pope, Bentley’s nephew Thomas leveled scholarly criticisms against the poet: “…For Homer translated, first in English, secondly in Rhyme, thirdly not from the Original, but fourthly from a French Translation and that in Prose by a Woman too, how the Devil should it be Homer?” Quoted in Levine, *Battle of the Books*, 222, and n. 10.

\(^{241}\) *Correspondence of Jonathan Swift*, 2:443.

\(^{242}\) Anthology of English Poetry and Prose Assembled, Additional Manuscripts 78762, f. 9r, and headnote, BL, © British Library Board.

\(^{243}\) Noted and quoted in Terry, “Pope and Plagiarism,” 599.
himself open to accusations of plagiarism—of having profited from someone else’s lines. He was no mean translator dependent on a patron. (When George Chapman published his translation of Homer in 1598, he asked for financial assistance in the dedication to the earl of Essex.\footnote{Chapman wrote: “And thus wishing for the worthy expence of my future life to follow by al oportunitie your honord attempts & admirde disposition, I doubt not my zeale to the truth of your rare vertues wil enable me (inferior to none) to turne my paper to Christall, from whence no time shall race the engrauen figures of your graces.” George Chapman, trans., \textit{Seauen bookes of the Iliades of Homere, prince of poets, translated according to the Greeke, in judgement of his best commentaries} (London: printed by Iohn Windet, 1598), [vi–vii]. See also Mark Thornton Burnett, “Chapman, George (1559/60–1634),” in \textit{ODNB}.}) Part of Pope’s offense was that he was seeming to act like a scholar while getting paid like a wit.

If the translation enterprise was not problematic enough, Pope was also vulnerable to charges of plagiarism because of how he had produced his translations: with help. In the “Observations on the Twenty-Fourth Book” in his \textit{Iliad} (1715–20) translation, Pope had acknowledged William Broome and Parnell for assisting him.\footnote{He wrote: “The larger part of the Extracts from \textit{Eustathius}, together with several excellent Observations were sent me by Mr. \textit{Broome: And the whole Essay upon \textit{Homer} was written upon such Memoirs as I had collected, by the late Dr. \textit{Parnell}, Archdeacon of Clogher in Ireland.” Alexander Pope, trans., \textit{The Iliad of Homer}, vol. 6 (London: printed by W. Bowyer, for Bernard Lintot, 1715–20), 220. See also Levine, \textit{Battle of the Books}, 202.} He later benefited significantly from the intellectual contributions of Broome and Elijah Fenton in producing the \textit{Odyssey} (1725–6). As Terry has written, “the notion that Pope in translating Homer was in some way stealing from him was added to by the suspicion that Pope had also stolen from the efforts of his collaborators.”\footnote{Terry, “Pope and Plagiarism,” 599.} Daniel Defoe wrote two essays that appeared in \textit{Applebee’s Journal}, about whether Pope’s assisted translations constituted a kind of plagiarism. In the first, dated 31 July 1725, Defoe wrote:

Sir, I suppose, among the rest of your Friends, you have not been ignorant of the Clamour which has been made upon a certain Author, for publishing his Translation, or Version, of your old Friend \textit{Homer}, under his own Name, when it
seems he has not been, nay, some have had the hardiness to say, could not have been, the real Operator.\footnote{William Lee, ed., \textit{Daniel Defoe: His Life, and Recently Discovered Writings: Extending from 1716 to 1729}, vol. 3 (London: John Camden Hotten, 1869), 409–10; original emphasis. This passage is also quoted in Terry, “Pope and Plagiarism,” 600.}

In response to this accusation against Pope, Defoe (“probably ironically”\footnote{Barnard, \textit{Pope: The Critical Heritage}, 12.}) first drew an analogy between an author like Pope, who employed assistants in translation, and a clothier, who employed weavers. He then continued:

\begin{quote}
As to Writing…Do we expect that every Man that publishes a Book, and sets his Name to it, should \textit{Bona fide}, be the Author \textit{of it all} himself? Do we not know how several Booksellers…keep Authors of different Fame employed, some at one Price, some at another, to form the same Pieces of Work?… Nay, has not the Right Reverend Author himself [Applebee], who made this very complaint, his Deputy Journalist, and his supply of Operators, as Occasion requires, tho’ the Labourers receive their Esteem from his own illustrious Character, and are all called his Own?

Did not the late celebrated \textit{Tatlers} pass, even to the end of the Work, for the Labours of the worthy Editor Sir \textit{Dick Steele}?\footnote{William Lee, ed., \textit{Daniel Defoe: His Life, and Recently Discovered Writings: Extending from 1716 to 1729}, vol. 3 (London: John Camden Hotten, 1869), 410–1; original emphasis.}
\end{quote}

Defoe continued, “carry[ing] the Complaint higher,” that even “our Cousin \textit{Homer} himself was guilty of the same \textit{Plagiarism}.” Homer, he wrote, “was a mere Mr. P(ope), and Mr. P(ope)…a mere \textit{Homer}.”\footnote{Ibid., 411–2; original emphasis.} If even Homer could be suspect (ironically or not), then what of Pope, who had neither originally conceived nor autonomously produced his translations? If they were not \textit{his}, Pope’s detractors believed, then he had no business profiting from them.

Even when translations and translating collaborators were not involved, the Scriblerians remained vulnerable to accusations of illegitimate borrowing \textit{because} they were the Scriblerians. That is, the collective authorship of the Scriblerus Club was itself open to charges of plagiarism, for if any one member took credit for (or was credited with) a work for which he had received
assistance—in the form of “hints,” emendations, or additions—from the other members, he was essentially publishing a work that did not fully belong to him. Once conceived, the Scriblerians’ works benefited from developments to which often more than one member of the group contributed, and ultimately from the emendations that those in the Scriblerians’ extended circle readily offered. Arbuthnot had a reputation as a singular provider of “hints”; Swift wrote to him on 3 July 1714:

To talk of Martin [Scriblerus] in any hands but Yours, is a Folly. You every day give better hints than all of us together could do in a twelvemonth; And to say the Truth, Pope who first thought of the Hint has no Genius at all to it, in my Mind. Gay is too young; Parnell[ ] has some Ideas of it, but is idle; I could putt together, and lard, and strike out well enough, but all that relates to the Sciences must be from you.”

This passage makes clear that the Memoirs, like so many other Scriblerian texts, was the product of more than one Scriblerian imagination. When the Memoirs was ultimately published in 1741, after Arbuthnot’s death, the printed attribution cited both Arbuthnot and Pope as the authors. While collective authorship dispersed blame for potentially defamatory texts, it also complicated assignations of credit. When such assignations evoked theoretical questions of ownership, they caused no great stir; but when a single person, like Pope, received handsome compensation for a text that he had not produced on his own, his critics bristled.

When they were not co-authoring texts, the Scriblerians still offered—and sought—criticism of their works in progress. Writing to Swift about Some Free Thoughts on 6 July 1714, Ford described his own part in emending the controversial manuscript:

I took care to blot the e’s out of only [which Swift had written as onely], & the a’s out of Scheme [Scheam], which I suppose is the meaning of your question whether I corrected it. I don’t know any other alteration it wanted, & I made none except in one Paragraph that I chang’d the present to the past tense four times, & I

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251 Correspondence of Jonathan Swift, ed. Woolley, 1:630.
252 Ibid., 1:631, n. 3.
am not sure I did right in it neither. There is so great a tenderness & regard shewn all along to the — [Queen] that I could have wish’d this expression had been out, [‘the uncertain timourous nature of the — ’] But there was no striking it out without quite spoiling the beauty of the passage, & as if I had been the Author myself, I preferr’d beauty to discretion. \[253\]

The manuscript made its way to others in the extended Scriblerian circle, including Barber and Bolingbroke. The correspondence of Swift and Pope has numerous examples of requests (incoming as well as outgoing) for corrections. In a July 1721 letter, Bolingbroke asked Swift to correct a Latin inscription: “…if you will correct this, which I have not yet committed to paper, it shall be grav’d, & help to fill the table books of Spons and Missions yet to come.”\[254\] Around the same time variant inscriptions were sent to Abbé Pierre Joseph Alari (or Alary) as well.\[255\] In a long letter several months later, Bolingbroke acknowledged Swift’s corrections with the mere line, “I thank you for correcting my inscriptions,”\[256\] and Williams has interpreted his terseness as an indication that “Bolingbroke found little value in Swift’s corrections.”\[257\] And yet he and the others connected to the Scriblerians, however peripherally, continued to request and receive emendations of their works, perhaps both to fortify social bonds and to improve texts. Because the Scriblerians were such frequent collaborators, their critics continually sought to identify who merited blame, credit, and compensation for their multi-authored texts.

Because each of the Scriblerians had multiple personas, references to authorial alter-egos amounted to apparent plagiarism, even if the “victim” in any instance of self-referential borrowing was also the plagiarist himself. In his *Modest Proposal* (1729), Swift purported to dismiss other solutions to the problem of Irish poverty that he had, in a more earnest

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\[253\] Ibid., 1:634, and 636, n. 2.  
\[254\] Ibid., 2:390.  
\[255\] Ibid., 2:392, n. 18.  
\[256\] Ibid., 2:407.  
\[257\] Ibid., 2:415, n. 1.
circumstance, himself suggested in (for instance) *A Proposal for the Universal Use of Irish Manufactures* (1720). In the *Proposal*, Swift wrote: “Therefore, let no man talk to me of other Expedients: *Of taxing our Absentees at five Shillings a Pound: Of using neither Cloaths, nor Household Furniture except what is of our own Growth and Manufacture: Of utterly rejecting the Materials and Instruments that promote foreign Luxury [etc.]…*” He himself had proposed these various expedients in other (anonymous) pamphlets. In the *Proposal that all the Ladies and Women of Ireland Should Appear Constantly in Irish Manufactures* (1729), Swift had written that it was necessary “either to persuade…absentees to spend their money at home, which is impossible; or tax them at five shillings in the pound during their absence.” In that same pamphlet, Swift had gone on to suggest that “every senator, noble, or plebeian” ought to give “his honour, ‘That neither himself, nor any of his family, would, in their dress or furniture of their houses, make use of any thing except what was of the growth and manufacture of this kingdom;’” and so forth. Swift was, in essence, plagiarizing himself by borrowing the words of another of his personas whose underlying identity he would publicly have denied.

**The Perks of Plagiarism**

As argued above, the Scriblerians drew attention to—and, with their insistent anonymity, exacerbated—the problem of piracy: that is, of booksellers issuing inauthentic, misattributed, or unauthorized texts. They decried booksellers’ practices of making unauthorized alterations, and then exploited the prevalence of those practices to facilitate the release of works that infringed

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259 Ibid., 508; original emphasis.


261 Ibid., 7:453.
upon existing copyrights, contained controversial material, or offered improvements to already-published texts. Despite the Scriblerians’ claims to the contrary, what was bad for their booksellers was not necessarily bad for them. While they may have had to contend with improper attributions, they always enjoyed plausible deniability for the offensive works that they had written. Moreover, their open secrets compelled readers to pay attention to style as a means of determining authorship. (They did not, correspondingly, enable prosecutors of defamation to identify culprits definitively.)

As the Scriblerians cultivated readers increasingly attuned to stylistic shibboleths, they again took what may at first seem a counterintuitive course: they rendered their styles increasingly malleable. By trafficking in satire, they regularly slipped into and out of various styles, just as they did personas. They thus opened themselves up to an array of charges of plagiarism: as impersonators, borrowers, translators, collaborators, and general authorial chameleons. They certainly did not wish to be thought of as thieves; Pope’s early correspondence with Walsh makes clear that the poet did not want accusations of illegitimate borrowings to sully his reputation.

Provided that the Scriblerians could manage to elicit charges of plagiarism without succumbing to them—and they did indeed successfully preserve their reputations—the very supposition that they might have plagiarized their works served to help rather than harm them. Their continual engagement in what might have been seen as several different varieties of plagiarism served to bring public thinking about issues of ownership to the fore of literary discourse. A work could not be stolen, or borrowed illegitimately, from someone to whom it did not first belong. In the Scriblerians’ literary universe, that someone was never the bookseller. If plagiarism was suspected but not proven, then the acknowledged author drew recognition as the
proprietor of his work. If it was suspected and proven, then the true author elicited acknowledgment of his ownership. In either case, ownership was aligned with authorship.

Just as their status as potential defamers served to highlight their creative roles, their status as potential plagiarists served to link intellectual ownership with literary production. While the narrative of emergent literary property—replete as it is with intrigues of London booksellers defending their economic interests (on horseback, even\textsuperscript{262}) against infringement by provincial competitors—is certainly not inaccurate, it is incomplete; for authors were agents too. And the Scriblerian authors were particularly resourceful agents. Readers also played a part in shaping literary property. Their determinations of plagiaristic guilt drew attention to style, however mutable that may have been, and implied the sources of textual ownership.

While the Scriblerians created authorial proxies—recognizable pseudonyms or stylistic preferences—that were self-perpetuating and often unprovable, they ultimately did have identifiable styles. Even as impersonators, their considerable talent for assuming and casting off the styles of others ensured that they remained recognizable. But style was in some sense a red herring. The focus on it had enabled the Scriblerians to situate themselves at the center of a discourse on literary borrowing. In prompting allegations of plagiarism, the Scriblerians suggested the true sources of ownership: authors. The association of theft with ownership was longstanding and irrevocable, and so when the Scriblerians tethered it to literary production, they acquired the status of owners and not mere composers.

\textsuperscript{262} In 1759 a committee of leading London booksellers issued a letter to their provincial counterparts in which they offered to purchase imported reprints or to replace such reprints with licit London originals. In that letter they threatened that after 1 May 1759 (their deadline for returning illegal copies), so-called “riding officers” would be appointed to tour the countryside, inspecting the shops of provincial booksellers and initiating legal proceedings against those who possessed illegal copies. John Feather, \textit{A History of British Publishing}, 2\textsuperscript{nd} ed. (New York: Routledge, 2006), 65.
The questions of plagiarism and ownership that the Scriblerians’ satirical works raised were especially relevant given the unprecedented contemporary proliferation of reference works. It is to these works that the following chapter turns, in investigating how compilation projects, which abridged and even censored source texts, elicited from the Scriblerians an articulation of criteria for literary proprietorship. While this chapter focused on how the Scriblerians defended themselves against charges of plagiarism, the next charts their affirmative campaign to define new terms of intellectual ownership.
CHAPTER 4

COMPILER AND THIEF? THE SCRIBLERIAN RESPONSE TO INDEX-MAKING

The Battle of the Booksellers and the Battle of the Books

During the period after the Scots ratified the Act of Union in January 1706/7 and before it took effect in May, Swift penned *The Story of the Injured Lady*, an allegory about the relationship among England, Scotland, and Ireland, represented by a gentleman and two mistresses, respectively. The title character was meant to evoke Ireland: overeager, compliant, mistreated, and neglected. The favored mistress (Scotland) had done nothing to merit her preferred status. She was “poor and beggarly, and g[ot] a sorry maintenance by pilfering wherever she c[ame].” (She also had “a stinking breath,” “twenty ill smells about her,” and was “never without an itch.”) Moreover, she bore the gentleman “an invincible hatred; revile[d] him to his face, and raile[d] at him in all companies.”¹ Yet he had chosen her, protected her. The injured lady, by contrast, he had treated most domineeringly. He had convinced her to accept his “steward” (the king) and “under-steward” (the lord lieutenant), and, after depriving her of every opportunity to be self-reliant, he had accused her of being indebted to him.² The union of the gentleman with his preferred (though unworthy) mistress had far-reaching consequences for both ladies.

In political terms, the 1707 “marriage” of England and Wales to Scotland resulted in the abolition of the Edinburgh parliament; the Scots were thenceforth represented at Westminster. The Irish parliament remained distinct and unempowered, still significantly constrained by Poynings’s Law. When, just three years after the Act of Union, the Statute of Anne (1710) went into effect, it accordingly applied in Britain alone. The statute contained ambiguities, however, and these instigated a long series of legal negotiations between English and Scottish booksellers in court. Their dispute did not concern Irish booksellers, nor did it particularly comprehend authors, who do not figure prominently in the key sources—legal case records, the Stationers’ Register, and booksellers’ business ledgers—that provide information about the conflict. The dispute between the English and Scottish booksellers arose over tension between the apparent aim and the application of the Statute of Anne. Officially dubbed the Act for the Encouragement of Learning, the statute conferred copy-holders exclusive publishing rights with the understanding that these would facilitate access to texts. Accordingly, the act prohibited books from being sold at prices “too high and unreasonable,” and mandated that, after the copy-

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³ For a discussion of parliamentary politics after the Act(s) of Union, see Julian Hoppit, “Introduction,” in Parliaments, Nations, and Identities in Britain and Ireland, 1660–1850 (New York: Manchester University Press, 2003), 1, passim.
⁴ This 1494 act held that no Irish parliament could be held without the king’s prior consent, and that only bills approved by the English privy council could be considered. 10 Hen. VII, c. 9. Ireland. See also Steven G. Ellis, “Poynings, Sir Edward (1459–1521),” in ODNB. Hayton has argued that “there was always a fundamental weakness in the Irish parliament” that derived “from the operation of Poynings’ law, although not from the enforcement of English superiority.” That is, “the cumbersome method necessary to circumvent Poynings’ law placed a premium on the time available for legislating and restricted the number of bills that could be debated and passed.” David Hayton, “Patriots and Legislators: Irishmen and Their Parliaments, c. 1689–c. 1740,” in Parliaments, Nations, and Identities in Britain and Ireland, 1660–1850, ed. Julian Hoppit (New York: Manchester University Press, 2003), 119.
⁵ The penalty mandated that the offending bookseller first “pay all the Costs and Charges that the Person…complaining shall be put unto by reason of such Complaint,” and then—were he or she to persist in vending books at an illegally high rate—forfeit the considerable sum of five pounds “for every such Book…sold or exposed to Sale.” 8 Anne, c. 21; emphasis added. This entire
holder (usually the bookseller) entered the work in the Stationers’ Register at a nominal cost of 6d., he or she deliver nine copies “upon the best Paper” to various libraries. If booksellers did not enter a given work in the Stationers’ Register and comply with the requisite terms—and for various reasons, many did not—they could not claim the protections enumerated in the statute. For the public good of learning, the act had implemented a private remedy. The expense of enhanced accessibility was to be borne by booksellers, who subsidized the enterprise of making their publications available to sectors of the literate public in exchange for copyright protections. Entrusting the encouragement of learning to private interests meant that when serving the public did not benefit booksellers, they forwent it.

Copyright was not only optional; its duration was also uncertain. According to the Statute of Anne, copy-owning authors, booksellers, or printers of existing texts were, from 10 April 1710, to have the “sole Right and Liberty of printing such Book and Books” for a term of twenty-one years. New works would be under copyright protection for fourteen years from the publication date, after which copyright reverted to authors who, if still living, could renew it for

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6 The penalty for failing to do so required the forfeiture not only of the value of those copies, but also of five pounds “for every Copy not so delivered.” 8 Anne, c. 21; emphasis added. For Motte’s publication of Swift’s Travels (1726), the cost of nine copies (at 8s. 6d. each) would have totaled 3l. 16s. 6d. in missed gross earnings. Motte also bore the supplementary cost of printing those copies upon the best paper. According to Plant, by the eighteenth century “paper was quite definitely the most expensive item in book production, leaving apart any specially fine binding provided for the connoisseur.” Marjorie Plant, The English Book Trade: An Economic History of the Making and Sale of Books, 3rd ed. (London: George Allen & Unwin Ltd., 1974), 204.

7 The provision that authors be living at the time of renewal was significant, given contemporary life expectancies. In 1701 the expectation of life at birth in England was just shy of 36 years; for those of Swift’s generation, it was about 33 years. Edward Anthony Wrigley and Roger S. Schofield, The Population History of England, 1541–1871: A Reconstruction (New York:
an additional fourteen years. These terms would seem straightforward enough, except it was not entirely clear whether they supplemented or replaced a common-law perpetual copyright. The statute’s ninth provision held that nothing in the act “shall extend or be construed to extend either to prejudice or confirm any Right that the said Universities...or any Person or Persons have or claim to have to the printing or reprinting any Book or Copy already printed or hereafter to be printed.” Was a common-law perpetual copyright such an existing right?

When statutory copyrights began to expire, the legal battle between English and Scottish booksellers commenced. London monopolists, who had enjoyed exclusive publishing rights for profitable texts, argued that their copyrights were perpetual. They were a powerful group; they had pushed for the enactment of the Statute of Anne, even helping to shape its language. Their Edinburgh counterparts, who were eager to reprint texts and vend them at discounted rates in local markets, maintained that copyrights were limited in duration. The former could claim that other sorts of property (books themselves, for instance) were the perpetual possessions of their

Cambridge University Press, 1989), 530. The Scriblerians had relatively long lives for eighteenth-century men: Swift lived to be 77, Pope 56, Arbuthnot 67, Gay 47, and Parnell 39. 8 Anne, c. 21. These terms were based on the durations applied to patents, since—notwithstanding Locke’s proposal of a limited duration of fifty or seventy years—“naturally the legislators would have preferred to ground the specifics of their statute [the Statute of Anne] in precedent, and a suitable precedent for the copyright term existed in the old Statute of Monopolies, which controlled the law of patents for mechanical inventions.” Mark Rose, Authors and Owners: The Invention of Copyright (Cambridge, Mass.: Harvard University Press, 2002), 44–5. See also Lord Peter King, The Life of John Locke, with Extracts from His Correspondence, Journals, and Common-Place Books (London: Henry Colburn, 1829), 208. 9 Anne, c. 21. This provision is also cited and quoted (with slight differences) in Hugh Amory, “De Facto Copyright”? Fielding’s Works in Partnership, 1769–1821,” Eighteenth-Century Studies 17, no. 4 (summer 1984), 449–76: 451.

owners, and that copyright should be as well. The latter could cite the durations specified in the statute, and they could claim that copyrights were akin to patents.11

When these two groups of booksellers disputed the duration of copyright, they made claims that aligned with their respective economic interests, but they framed their arguments in terms of learning. Justice Aston wrote in *Millar v. Taylor* (1766–9) that the plaintiff (a London bookseller) had argued “that this allowance of a perpetual exclusive right to authors would encourage publications, and be of use for the explaining and cultivating of learning and science.” Aston countered that while such a right was “of use,” “every reward ha[d] its proper bounds,” and that any author “so very illiberal” as to be motivated by mercenary motives would be one from whom “the public could hardly expect to receive much benefit.”12 An exclusive right to publish, Aston postulated, could lead to an author or bookseller abandoning a work, thus making it utterly inaccessible to the literate public.13

English and Scottish booksellers thus variously claimed that perpetual copyrights encouraged authors to produce learned works, and that limited copyrights allowed books to reach large readerships. These debates would seem not to have concerned the Scriblerians. They were not booksellers, and Swift was not even living in Britain. (Nor was Parnell, prior to his death in 1718.) Nevertheless, just as learning provided English and Scottish booksellers with the vocabulary for their legal dispute, it also provided the Scriblerians with a point of entry into the booksellers’ conversation. They were already engaged in a debate about learning of a very different sort: they had come together in the first place to satirize misguided modern learning, which they claimed was epitomized in indexes, footnotes, and formulaic writing. By applying

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11 Those who refuted this notion, as Warburton did in 1747, drew a distinction between material and mental products. For a further discussion, see Rose, *Authors and Owners*, 71–4.
13 Ibid.
their arguments in support of ancient learning to discussions of textual appropriation, the
Scriblerians would ultimately make the two conversations speak to one another. The battle of the
booksellers would thus be implicated in the battle of the books. By examining how the
Scriblerians argued against modern learning generally and index-learning (the practice of
gleaning information from indexes) specifically, we may better understand their pursuit of
authorial ownership.

**Ancients versus Moderns: A Debate about Learning**

While the booksellers’ dispute originated with the Statute of Anne, the Scriblerians could
trace their discourse to the 1690s, with Temple’s assertion of the authenticity of the Phalaris
letters and Bentley’s expansive rebuttal. Even before he came together with Pope et al. to form
the Scriblerus Club, Swift was attacking modern learning. In his *Battel of the Books* (1704; fifth
dition, 1710), Swift depicted the moderns as cowards. The ancients were, by contrast, above
reproach—and, in Pope’s characterization in the *Essay on Criticism* (1709), also beyond the
intellectual reach of the moderns:

> Hail, bards triumphant! born in happier days;
> Immortal heirs of universal praise!
> Whose honours with increase of ages grow,
> As streams roll down, enlarging as they flow;
> Nations unborn your mighty names shall sound,
> And worlds applaud that must not yet be found!
> Oh may some spark of you celestial fire,
> The last, the meanest of your sons inspire,
> (That on weak wings, from far, pursues your flights;
> Glows while he reads, but trembles as he writes)
> To teach vain wits a science little known,
> T’admire superior sense, and doubt their own!\(^{15}\)

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Pope and the other Scriblerians charged the moderns with exhibiting a lack of humility and a resultant unfounded willingness to appropriate and misrepresent others’ ideas.\textsuperscript{16} From the Scriblerians’ perspective, an inflated belief in the capabilities of one’s own mind signified, and perpetuated, a fundamental methodological error. No new learning could result from the conjectures of the mind alone.

The Scriblerians’ contention that the moderns did not contribute to learning nevertheless belied the erudition of some of the moderns themselves. Bentley, a scholar of classical antiquity, was remarkably learned, as Levine (1991) has pointed out:

He was not, perhaps, a prodigy like his contemporary Wotton, but it had not taken him long to master all the ancient tongues. At twenty-four he compiled a hexapla for the Bible, a six-column work in which all the Hebrew words of the Scripture were matched with their equivalents in the Chaldean, Syriac, Vulgate, Septuagint, and other versions.\textsuperscript{17}

The problem with Bentley was not that he lacked intellect or scholarly experience; it was that he sought to use his personal experience as a primary basis for his critical enterprise. The spider in Swift’s \textit{Battel} exemplified this modern perspective, which the bee (representing the ancients) contested:

\ldots he [the spider] Spins and Spits wholly from himself, and scorns to own any Obligation or Assistance from without. Then he displays to you his great Skill in Architecture, and Improvement in the Mathematicks. To all this, the \textit{Bee}, as an Advocate, retained by us the \textit{Antients}, thinks fit to Answer; That if one may judge of the great Genius or Inventions of the \textit{Moderns}, by what they have produced, you will hardly have Countenance to bear you out in boasting of either. Erect your Schemes with as much Method and Skill as you please; yet, if the materials be

\textsuperscript{16} Bentley had argued in his edition of Horace that in the preparation of the work, “a good deal more [was] owing Conjecture, than to the Assistance of Books…what arises from Conjecture is much more certain than what is founded upon the Authority of books.” Quoted in Joseph M. Levine, \textit{The Battle of the Books: History and Literature in the Augustan Age} (Ithaca: Cornell University Press, 1991), 248, and 249, n. 13.

\textsuperscript{17} Ibid., 50. See also Kristine Louise Haugen, \textit{Richard Bentley: Poetry and Enlightenment} (Cambridge, Mass.: Harvard University Press, 2011).
nothing but Dirt, spun out of your own Entrails (the Guts of *Modern* Brains) the Edifice will conclude at last in a *Cobweb*: The Duration of which, like that of other *Spiders* Webs, may be imputed to their being forgotten, or neglected, or hid in a Corner.  

The moderns might have seemed to champion invention, but according to the Scriblerians, their intellectual creations consisted of the same arguments, spun and re-spun. Their literary productions were unreliable and (worse yet) dull.

Encumbered by its own scholarship, modern learning was, according to the Scriblerians, rife with pedantry and impracticality. Yet when they suggested that all modern learning involved shortcuts to erudition, they were conflating the products of modern learning—indexes and the like—with its methods. Surely a man like Bentley, who wrote a 540-page defense of his claim that the letters of Phalaris ([19](#)) (of which there numbered only 148) were forgeries was not someone who readily took shortcuts. Indeed, there is a sense in which Bentley did not take shortcuts enough. Bentley’s detractors—and the Scriblerians were prominently among them—felt that the scholar tended to amass a wealth of information that nevertheless failed to capture the essential beauty or style of his subject. For all Bentley’s learning, and for all his evidence, he could not convincingly refute Temple’s claim about the Phalaris letters, that

…such diversity of Passions, upon such variety of Actions, and Passages of Life and Government, such Freedom of Thought, such Boldness of Expression, such Bounty to his Friends, such Scorn of his Enemies, such Honor of Learned Men, such Esteem of Good, such Knowledge of Life, such Contempt of Death, with such Fierceness of Nature and Cruelty of Revenge could never be represented, but by him that possessed them.  

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20 Quoted in Haugen, *Richard Bentley*, 111.
Temple’s argument was compelling, and—in its lack of empirical evidence—difficult to rebut. It might be said that Temple was the one who had taken a shortcut to learning: that he had made a judgment about Phalaris’s style without undertaking a thorough inquiry. Yet that was precisely the display of learning that the Scriblerians advocated: one that reflected wide and deep reading, and a true digestion of source materials. For all his scholarly inquiry, Bentley’s *Dissertation* did not reflect that sort of reading (even though Bentley had surely done it). As Haugen (2011) has written, Bentley “virtually never comment[ed] on the impression given by the text as a whole,” although he did hint that the letters’ style was not consistent with the early period to which Temple had assigned them.\(^{21}\)

To the extent that Bentley did take shortcuts, it could be argued that he took shortcuts of the wrong sort. As Haugen has pointed out, Bentley’s *Dissertation* was “a spectacular application of compiled collective learning rather than an original piece of research in itself.”\(^{22}\)

That he had consulted scholarly reference works in his search for proofs of forgery did not undermine his considerable erudition. (On the contrary, these were works that Bentley evidently knew well.) Nevertheless, the Scriblerians, who took every opportunity to rail against the moderns and index-learning, could argue that Bentley’s reliance on reference works exposed his pedantry and suggested a superficiality of knowledge; they could argue too that modern learning was itself essentially derivative, and that the presentation of information in fragmented form constituted a misrepresentation of knowledge.

Bentley’s own learning notwithstanding, his inclusion of footnotes and an index popularized the apparatuses that, according to the Scriblerians, encouraged shortcuts to learning. When footnotes were numerous, they compelled readers to jump back and forth between text and

\[^{21}\text{Ibid.}, 113, 116.\]
\[^{22}\text{Ibid.}, 113.\]
paratext and could thus discourage audiences from reading a work through. Indexes similarly encouraged disjointed reading practices by leading readers to points in the middle of a text.\textsuperscript{23} They enabled the extraction of information from its original context, and they suggested that the only knowledge required of any reader was that of the alphabet. The Scriblerians promoted an association of the moderns with a style of learning that privileged access over reflection. The information acquired from index-learning, they suggested, could be no more than formulaic approximations of knowledge.

Any method for acquiring a great breadth of information by forgoing wide, deep reading practices was, in the Scriblerians’ view, fundamentally flawed. To be sure, Bentley himself had forgone little in the way of reading; but the Scriblerians sometimes did to modern learning what they claimed the latter had done to all learning: they reduced it to bits that misrepresented its fundamental nature. Accordingly, Pope wrote in the \textit{Essay on Criticism} (1709) of the mediocrity that resulted from applying modern learning techniques:

\begin{quote}
\hspace{1cm}So modern ’pothecaries, taught the art  
By doctor’s bills to play the doctor’s part,  
Bold in the practice of mistaken rules,  
Prescribe, apply, and call their masters fools.  
Some on the leaves of ancient authors prey,  
Nor time nor moths e’er spoiled so much as they.  
Some drily plain, without invention’s aid,  
Write dull receipts how poems may be made.  
These leave the sense, their learning to display,  
And those explain the meaning quite away.\textsuperscript{24}
\end{quote}

The Scriblerians railed against such “receipts” (i.e., recipes\textsuperscript{25}) for learning on the grounds that applying formulas was precisely the opposite of learning: formulas discouraged original insight

\textsuperscript{23} It is worth noting that Pope, in his \textit{Iliad} translation, included an “Index of Persons and Things,” a “Poetical Index to Homer’s Iliad,” and an “Index of Arts and Sciences.” Alexander Pope, trans., \textit{The Iliad of Homer}, vol. 6 (London: printed by W. Bowyer, for Bernard Lintot, 1715–20), 193, 207, 232.

and critical thinking. They imposed an order upon intellectual material that was both arbitrary and distinct from its content. In the Scriblerians’ view, the moderns—and they lumped together with Bentley all those who used scholarly apparatuses—were creating books that undermined the importance of other books. They suggested that by presenting fragmentary information, apparently undigested, in footnotes and indexes, modern writers undermined the authority of source texts. The growing acceptance of reconstituted information threatened to replace memorization with consultation and entire libraries with reference guides, recklessly assembled and alphabetically arranged.

Although index-learning was a particular point of Scriblerian attack, indexes were not unique to the eighteenth century or to print. As Blair (2010) has shown, compilations had emerged independently of printing, but print nevertheless shaped their form, content, and impact.26 Part of the purpose of reference works was (and remains) to facilitate the “four S’s of text management”: storing, sorting, selecting, and summarizing information.27 While these processes were not new in the eighteenth century, they were carried out—in print—on a larger scale than ever before. What may have been troubling to the Scriblerians was the fact that compilation itself was becoming a standardized affair. As Blair has written, the eighteenth century “became known as the ‘age of dictionaries’ because compilers and readers alike took for granted the justifications, tools, and methods of reference reading developed in the large Latin reference books of the sixteenth and seventeenth centuries.”28 Encyclopedists and other compendium-makers were putting together what they claimed were definitive collections of

25 A receipt was a “formula or preparation made according to a formula.” OED, s. v. “Receipt, n.,” IV, 12a.
26 Ann Blair, Too Much to Know: Managing Scholarly Information Before the Modern Age (New Haven: Yale University Press, 2010), 8–9.
27 Ibid., 3.
28 Ibid., 9.
excerpts and summaries, and—though some challenged them on their selections or arrangements of information—not many questioned the enterprise of compilation itself.

**The Rise of the Encyclopedia**

The Scriblerians were among those who did question the compilation enterprise. For all the reasons that compilers offered to justify their works, the Scriblerians did not acknowledge that meta-works possessed any value. There is a sense in which they used Bentley and the other moderns to formulate their opposition to compilations. When they argued against the indexes and footnotes of the moderns, they were making a case against decontextualized information generally. There was also, however, a sense in which they used compilations to oppose Bentley and the moderns. If Bentley’s own extensive learning made him a ready target for accusations of pedantry, it also made him a difficult person to oppose in a sustained discourse. By aligning Bentley’s scholarly apparatuses with those proliferated in contemporary compendia, they were able to argue against modern learning without engaging with its most worthy examples. The Scriblerians’ case against index-learning was thus an extension of the battle of the books—one that helped establish in the public imagination the infinite pedantry of the scholars and the boundless cleverness of the wits. In the course of waging their campaign against the moderns via attacks on index-learning, the Scriblerians also formulated a set of criteria for determining authorship and textual ownership.

The Scriblerians could not have conjured a more perfect embodiment of index-learning than the encyclopedia. These works were indexes writ large; they did for the multitude of books what a single index did for one: they reduced key information to an alphabetically-arranged list. Compendia, the genre to which encyclopedias belonged, were multiplying at unprecedented rates
during the Scriblerians’ age. (So were books generally.) More than 1,900 editions of compendia were published in England alone during the eighteenth century.²⁹

Because of their prominence and their function, encyclopedias provide a basis for examining how the Scriblerians’ objections to indexation figured in the contemporary copyright debate. Encyclopedists and their supporters argued that compendia facilitated learning by synthesizing an array of information. Detractors discouraged excerpting on the grounds that it impeded learning by disincentivizing writers from producing inventive texts and readers from acquiring authoritative knowledge. While the Scriblerians did not necessarily object to excerpting itself, they criticized the consultation of indexes and selected passages when original works were available. At stake in these arguments was the fundamental question of who bore the responsibility of arranging an array of intellectual material into a coherent whole. Was general learning best served if professional compilers undertook this task, or did it belong to readers? If the latter, then how were the efforts of compilers best characterized and rewarded? The various answers to these questions ultimately suggested who could rightfully claim ownership of texts.

Compendia were meant to address the widely-acknowledged problem of too many books, the quantity of which many people felt was itself a hindrance to learning. As Blair (2003) has shown, complaints about the multitude of books, like the compendia meant to address them, had been a theme of intellectual discourse for centuries.³⁰ The churchman and antiquary Thomas Baker lamented in 1708 that “Learning is already become so Voluminous, that it begins to sink under its own Weight, Books crowd in daily, and are heap’d upon Books, and by the Multitude

²⁹ This figure was obtained from searches of the ESTC.
of them, both distract our Minds and discourage our Endeavours.” Complicating matters, unlearned and learned works alike demanded time and discernment without contributing equally to intellectual advancement. Inferior literary productions threatened to hasten the descent into intellectual oblivion that many feared, and that, in Joseph Addison’s 1711 characterization, their authors had already undergone: “There is indeed something very barbarous and inhuman in the ordinary Scribblers of Lampoons.” London and other urban centers had too many good books to take in, and too many bad ones to allow proper consumption of the good ones.

With the Great Fire in 1666, the total number of books in London had dropped precipitously. The fire also destroyed printing presses and paper supplies. As the city recovered, so too did the book trade; and the eighteenth century brought a forceful revival of book production. (In England, more than twice as many works were produced during the eighteenth century as during the seventeenth.) Even for (most) literate Britons who could not afford to amass large personal libraries, the experience at the turn of the century for those born into that earlier ashen city must have been overwhelming: that of inhabiting a literary domain whose contents multiplied at inconceivable rates. As eighteenth-century readers contended with unprecedented book production, they also continued to engage in manuscript circulation.

33 Samuel Pepys wrote in his diary on 26 September 1666: “I hear the great loss of books in [the bookselling quarter] St. Paul’s Church-yarde, and at their Hall also, which they value about [£]150,000; some booksellers being wholly undone…And Mr. Crumlu all his books and household stuff burned…. His father hath lost above [£]1000 in books…” The Diary of Samuel Pepys, www.pepysdiary.com. Part of this is also noted and cited in Plant, English Book Trade, 34.
34 Plant, English Book Trade, 34.
35 According to the ESTC, 234,598 titles were published in England during the eighteenth century, 108,135 during the seventeenth, and 13,694 during the sixteenth.
Scriblerians often expected that their letters would be shared among friends, and, as Love (1993) has written, they engaged in other sorts of scribal publication, too. Swift, for instance, was “an exchanger of social verse with his friends [Patrick] Delany and [Thomas] Sheridan.”

For many, the problem of too many books—exacerbated by an excess of middling ones—was distressing but not unsolvable. Better methods of information retrieval promised to facilitate access to the worthiest ideas, thus lending order to apparent intellectual chaos. Compendia, their authors felt, would solve the problem of too many books, even as such reference guides contributed, paradoxically, to the proliferation of printed works. In the preface to the fifth edition (1741–3) of the *Cyclopædia* (1728), the most famous English encyclopedia of the Scriblerians’ age, it was noted that “a reduction of the body of learning is growing every day more and more necessary; as the objects of our knowledge are increasing, books becoming more numerous, and new points of dispute and enquiry turning up.” Amidst the proliferation of books, what harm were two additional *Cyclopædia* volumes, particularly if those could replace multiple others? In his essay “Upon the Manner of Writing in Single Thoughts” (published in

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37 As Blair has shown, information management did not fundamentally change even as the quantity and nature of information did. Blair, *Too Much to Know*, 3.
38 The experience of being inundated with intellectual material was not a unique feature of eighteenth-century Britain; it seems that readers in other ages and spaces experienced similarly overwhelming apparent informational saturation. For discussions of information overload in early-modern Europe, see Blair, *Too Much to Know*; Idem, “Reading Strategies.”
39 Blair has written that “[t]he dictionaries of arts and sciences, from Chambers’s *Cyclopædia* (1728) to the *Encyclopédie* of Diderot and d’Alembert (1751–80), are typically portrayed as the immediate models of the modern encyclopedia.” Johann Heinrich Alsted first used the term *encyclopedia* as a title for a reference work in 1630, and while other specialized works were thereafter termed encyclopedias, according to Blair, “among the major reference works before the *Encyclopédie*, only Chambers used the term in the title.” Blair, *Too Much to Know*, 260, 300–1, n. 179.
English in 1744), the critic of Voltaire (and eventually of the Encyclopédie too) Nicolas-Charles-Joseph Trublet rehearsed the rationalization for compilations:

There has been a long time a general outcry against the multitude of books; but it is also generally agreed, and become almost proverbial, that there are no books but what have something good in them. It were to be wished, therefore, that three parts in four of the number were destroy’d, after first making an extract out of them of what was worth preserving.\(^{41}\)

He even went so far as to suggest the utility (while acknowledging the impossibility) of an anti-compendium of sorts:

It would make a curious book, if it were well done, with this title, *An extract of the books which are not to be read.* But who shall venture to undertake such a work? Besides, that it would be a very laborious, very long, and very tiresome task; it would require, in order to succeed well in it, …qualities as rare as genius itself; and, after all, there would be but little honour to be gained from the most happy execution of it. Good books are hardly more scarce than good collections.\(^{42}\)

While an anti-compendium may not have been practicable, the notion that the most worthy excerpts ought to be collected and preserved—and correspondingly, that the least worthy ought to be identified and discarded—found its fair share of subscribers.\(^{43}\)

The justifications for compendia, exemplified abundantly in their prefaces, adopted a rhetoric of universality; compilers professed their intentions to systematize knowledge in the interest of education. The preface to the *Cyclopædia* was no exception; in the fifth edition (1741–3), a justification of the reduction of knowledge was touted to be “of no small advantage to all

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\(^{42}\) Ibid.

\(^{43}\) Rosenberg has noted that the Frenchman Louis-Sebastien Mercier, writing in the 1760s, “envisioned a utopia in which all relevant learning had been condensed into four volumes and all useless books had been eliminated.” Daniel Rosenberg, “Early Modern Information Overload,” *Journal of the History of Ideas* 64, no. 1 (2003), 1–9: 4; see also Idem, “Louis-Sébastien Mercier’s New Words,” *Eighteenth-Century Studies* 36, no. 3 (spring 2003), 367–86.
those concerned in the acquisition of learning, that is, or all persons in general." Many seemed to agree about the utility of Chambers’s compilation. The first edition in 1728 was followed up with a series of new and expanded versions. According to a quasi-contemporary issue of the *Universal Magazine* (1785), the “rapid sale of so large and expensive a work, is not easily to be paralleled in the history of Literature; and must be considered, not only as a striking testimony of the general estimation in which it is held, but, likewise, as a strong proof of its real utility and merit.” The rapid rates of expansion and re-release also suggested that the work was not definitive, as Chambers had claimed.

By stating his objective of “extending…Views, dilating…Knowledge, opening new Tracks, new Scents, new Vistas…not only to furnish the Mind; but to inlarge it, and make it in some measure co-extend with the Dimensions of all Minds, in all Ages and Places, and under all Situations and Circumstances,” Chambers indicated a tension that would run through the work: he had meant for the *Cyclopædia* simultaneously to encompass and to supplement knowledge. His project was a collection of others’ works, arranged under alphabetical heads; and yet it was, in the characterization of the *Universal Magazine* (1785), “the grand business of Mr. Chambers’s

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45 There was a second edition a decade later, succeeded by a third in 1740, a fourth in 1741, a fifth in 1741–3, a sixth in 1750, a seventh in 1751–2, a two-volume supplement in 1753, a five-volume expanded (by Abraham Rees) edition in 1778–88, four-volume Dublin editions in 1778–84 and 1780–7, a four-volume edition in 1784, another five-volume edition in 1786–91, and a four-volume edition in 1795. Some of these editions were themselves re-released. Information drawn from the ESTC.
46 “The Life of Mr. Ephraim Chambers,” *Universal Magazine of Knowledge and Pleasure* 76, no. 532 (Jan. 1785), 4–7: 5. This source is also cited in Richard R. Yeo, *Encyclopaedic Visions: Scientific Dictionaries and Enlightenment Culture* (New York: Cambridge University Press, 2001), 125, n. 17. The list of *Cyclopædia* editions in the *Universal Magazine* does not entirely agree (in dates) with the records listed in the ESTC and cited above.
47 Ephraim Chambers, *Cyclopædia: Or, an Universal Dictionary of Arts and Sciences*, vol. 1 (London: printed for James and John Knapton et al., 1728), xxix.
life, and...almost the sole foundation of his fame”:

48 it was his *magnum opus*. Were an original arrangement and an intention to promote learning sufficient to allow Chambers to claim the work as his own?

**A Digression Concerning Two Encyclopedias**

Just as Chambers had dubbed his compilation “the best Book in the Universe,”

49 having written that it “would answer all the Purposes of a Library, except Parade and Incumbrance,”

50 so too did many of his successors claim that their compendia could replace entire libraries. In the Prospectus to the *Encyclopédie* (1750), begun as a translation of Chambers’s work

51 (in what would have been a distillation of a distillation) Diderot expressed a similar perspective:

[C]et Ouvrage pourroit tenir lieu de Bibliothèque dans tous les genres à un homme du monde; et dans tous les genres, excepté le sien, à un Sçavant de profession; qu’il suppléera aux Livres élémentaires; qu’il dévelopera les vrais principes des Choses; qu’il en marquera les rapports; qu’il contribuera à la certitude et au progrès des connoissances humaines, et qu’en multipliant le nombre des vrais Sçavans, des Artistes distingués, et des Amateurs éclairés, il répandra dans la société de nouveaux avantages.

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50 He continued, writing that his work would “contribute more to the propagating of useful Knowledge thro’ the Body of a People, than any, I [Chambers] had almost said all, the Books extent.” Chambers, *Cyclopædia*, 1:ii.

51 While d’Alembert and Diderot expressed admiration for Chambers, ultimately they felt his work was insufficient: “Nous ne refusons point à cet Auteur la justice qui lui est dûe.... Mais, malgré toutes les obligations que nous avons à cet Auteur, et l’utilité considérable que nous avons retirée de son travail, nous n’avons pû nous empêcher de voir qu’il restoit beaucoup à y ajouter. En effet, conçoit-on que tout ce qui concerne les Sciences et les Arts puisse être renfermé en deux Volumes in-folio?” Denis Diderot and Jean Le Rond d’Alembert, eds. *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers*. University of Chicago: ARTFL Encyclopédie Projet, ed. Robert Morrissey (winter 2008), http://encyclopédie.uchicago.edu. An illuminating discussion of Chambers, d’Alembert, and Diderot (among others) may be found in Robert Darnton, *The Great Cat Massacre and Other Episodes in French Cultural History* (New York: Basic Books, Inc., 1984), 191–214.

In the definition for *encyclopédie*, the editors similarly asserted that they had compiled their masterwork for the good of letters as well as the human race—and out of concern that the overabundance of books would deter later generations from undertaking compilation enterprises altogether.\(^{53}\)

The fact that the *Encyclopédie* had been conceived as a translation of the *Cyclopædia* suggests a shared pedagogical purpose. Both seem to have had in common the aim of facilitating learning, and accordingly they each appeared in their respective vernaculars. Yet the two works diverged considerably. The French compilation ultimately grew into much more than the single-authored, two-volume compendium that had inspired its genesis. The *Encyclopédie* was to become a work of twenty-eight volumes containing about 72,000 articles written by more than 140 entry authors.\(^{54}\) Even in their apparently similar paratextual features, including trees of knowledge and cross-references, the works differed markedly. While the forms of these structures—clear, straightforward, hierarchical—suggested objectivity, their contents implicated arguments that were both subjective and suggestive.\(^{55}\)

Chambers’s knowledge tree ostensibly demonstrated how to understand the hierarchical relationships among the entries in the *Cyclopædia*.\(^{56}\) The compiler also included a list of forty-

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\(^{55}\) Structures of knowledge can be viewed as attempts to appropriate authority. Robert Darnton, *The Great Cat Massacre and Other Episodes in French Cultural History* (New York: Basic Books, 1999), 192.

\(^{56}\) As Withers has noted, Chambers’s “modernist and didactic” view “was to see in [the] *Cyclopaedia* a potential means to future utility through the re-definition of categories of knowledge.” Charles W. J. Withers, “Encyclopaedism, Modernism, and the Classification of Geographical Knowledge,” *Transactions of the Institute of British Geographers* 21, no. 1 (1996), 275–98: 282. Yeo has written that “[s]uch schemata (often based on the Porphyrian tree, but with horizontal inclination) were common in earlier encyclopaedias and were often arranged in a
seven heads to serve both as a table of contents and as a directory, “by indicating the Order they are most advantageously read in.” Chambers’s stated hope for his structures of knowledge was ambitious:

To consider Knowledge in its Principles, antecedent to such Intervention of ours; and even pursue it up to its Cause, and shew how it exists there, before it be Knowledge: And to trace the Progress of the Mind thro’ the Whole, and the Order of the Modifications induced by it. This is a Desideratum, hitherto scarce attempted; but which we could not here decline entering upon, on account of its immediate Relation to the present Design. ’Tis the Basis of all Learning in general; the great, but obscure Hinge, on which the whole Encyclopædia turns.

Just how a reader would enter into enlightenment via this “obscure Hinge” was not entirely clear, however. The “View of Knowledge” tree functioned entirely as a promissory note for a thematic arrangement, as Chambers readily admitted:

[T]his Distribution of the Land of Science…is wholly arbitrary and occasional; and might easily be broke thro’, and alter’d, and perhaps not without advantage…. I do not know whether it might not be more for the general Interest of Learning, to have all the Inclosures and Partitions thrown down, and the whole laid in common again, under one undistinguish’d Name. Our Inquiries, in such case, would not be confined to a narrow Channel; but we should be led to explore, and pursue many a rich Mine and Vein, now doom’d to lie neglected, because out of the way.


Ibid., iv–v.


Given that Chambers’s structures of knowledge would have been difficult to implement during the course of reading—and given that Chambers had not implemented them himself—they must have served some other purpose. And they did: in providing templates for acquiring knowledge, they attested to Chambers’s labor of arrangement and to his command of the entries in the work. In turn, they provided crucial bases for Chambers’s proprietary claims.

So too did Chambers’s cross-references, which highlighted how mutable the experience of acquiring information from the *Cyclopædia* could be. If these created redundancies—and ultimately hindered a streamlining of knowledge—Chambers assured his readers of the accompanying benefits: “FOR Redundancies, you know there cannot well be richness without ’em.” Chambers’s assertions about having designed an ordered and efficient program of learning were further contradicted by the alphabetical arrangement of the *Cyclopædia* entries. The cross-references, like the tree of knowledge, amounted to a proprietary declaration rather than an intellectual innovation.

These paratextual elements in the *Encyclopédie*, by contrast, served entirely different ends—although in that work, too, they suggested a view of knowledge acquisition that conflicted with the reigning alphabetical arrangement. As Chambers had, the *Encyclopédie* editors acknowledged the multiplicity of information-acquisition possibilities. But while Chambers had used paratext to confirm his compositional feat, the editors of the *Encyclopédie* imagined other, more subversive, possibilities. The “Système Figuré Des Connoissances Humaines”—another tree of knowledge—in the *Encyclopédie* was not meant as a possible means of claiming intellectual ownership, as Chambers’s had been; rather, it made a subtle and controversial

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61 Chambers, *Cyclopædia*, 1:xxviii; original emphasis.
argument about hierarchies of knowledge. In the *Encyclopédie*, all of understanding was grouped into three categories: memory, reason, and imagination, which contained history, philosophy, and poetry, respectively. Within the category of philosophy was the science of God, adjacent in value to general metaphysics, the science of man, and the science of nature. That, already, was an unconventional claim to make. Then, within the science of God, natural theology and revealed theology were given hierarchical adjacency to the science of good and evil spirits. In turn, the former yielded “religion, whence, through abuse, superstition.” The latter yielded divination and black magic, which were of comparable hierarchical value to religion. The *système*, in short, did not provide a means of acquiring information so much as it upset the “natural” order of things by equating religion with superstition and visually rendering it comparable to the black arts. It suggested not a claim about the ownership of knowledge, but rather about knowledge itself. The cross-references in the *Encyclopédie* at times similarly suggested dissident perspectives. While in some cases they provided straightforward and presumably benign connections, in other cases they implied controversial arguments. The entry for *anthropophages* (‘man-eaters’) contains, among others, the provocative note, “Voyez

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63 Professor Robert Darnton pointed out this objective, and the following example regarding the knowledge tree, in his History 554 graduate seminar at Princeton University in the spring of 2007.
65 For instance, the entry for *accession* directs readers to the entries for *accessoire* and *accroissement*, both of which refer back to *accession* while providing still additional cross-references. Diderot and d’Alembert, *Encyclopédie*, 1:69, 87.
66 Professor Robert Darnton pointed out this example regarding the cross-references in his History 554 graduate seminar at Princeton University in the spring of 2007.
Eucharistie, Communion, Autel, &c.”⁶⁷ For Diderot and d’Alembert, even the most apparently benign and objective compositional elements could serve polemical purposes.

If Chambers sought to capture the contemporary state of knowledge, then Diderot and d’Alembert were challenging it.⁶⁸ While Chambers used paratext to make proprietary claims, the French editors used it to avoid initial detection by censors. Chambers’s Cyclopædia was, in its day, celebrated in England, whereas the Encyclopédie lost its royal license in 1759. The two would trade places in due course; the Cyclopædia has now been largely forgotten, while the legacy of the Encyclopédie lives on still. Such key differences set the works apart.

This comparison may not be entirely fair to Chambers, however. The Cyclopædia and Encyclopédie were the products not just of distinct publishing worlds, but also of different eras. It is worth noting that Chambers had compiled his Cyclopædia as the Scriblerians were formulating their attack on index-learning, whereas the Encyclopédie emerged after that attack had been crystallized. While undoubtedly the contemporary literary and political circumstances of the French publishing industry figured prominently in the production of the Encyclopédie,⁶⁹ Swift and others in his coterie may also have played a role in exemplifying how to make polemical arguments through form and paratext (as in Swift’s Tale), as the French editors would later do. Diderot and d’Alembert, like the Scriblerians, were rewarded with literary endurance.

⁶⁷ Diderot and d’Alembert, Encyclopédie, 1:498. By contrast, the entry for the term eucharist in Chambers’s Cyclopædia directed the reader to “[s]ee Communion, Sacrament, Species, Transubstantiation, Consubstantiation, &c.” Chambers, Cyclopædia, 1:352.
⁶⁸ As Edelstein has argued, while the French philosophes “did not have much patience for certain kinds of erudite practices, pretensions, or simply individuals,” they did not claim to have no need for erudite learning. Dan Edelstein, The Enlightenment: A Genealogy (Chicago: University of Chicago Press, 2010), 46, and 44–51.
Even if the French editors were not directly influenced by the Scriblerians’ literary
inheritance, they were certainly aware of Swift’s capabilities. In the entry for *humour*, they
included a lengthy discourse on Swift’s writing, with references to the *Modest Proposal* and the
*Travels*, and even to the Irish dean’s antics concerning Partridge:

[L]es Anglois se servent de ce mot pour désigner une plaisanterie originale, peu
commune, & d’un tour singulier. Parmi les auteurs de cette nation, personne n’a
eu de l’*humour*, ou de cette plaisanterie originale, à un plus haut point que Swift,
qui, par le tour qu’il savoit donner à ses plaisanteries, produisit quelquefois, parmi
ses compatriotes, des effets qu’on n’auroit jamais pû attendre des ouvrages les
plus sérieux & les mieux raisonnés, *ridiculum acri*, &c. C’est ainsi, qu’en
conseillant aux Anglois de manger avec des choux-fleurs les petits enfans des
Irlandois, il fit rentrer en lui-même le gouvernement anglois, prêt à leur ôter les
dernieres ressources de commerce qui leur restassent; cette brochure a pour titre,
*Proposition modeste pour faire fleurir le royaume d’Irlande*, &c. Le voyage de
Gulliver, du même Auteur, est une satyre remplie d’*humour*. De ce genre est aussi
la plaisanterie du même Swift, qui prédit la mort de Pa[r]tridge, faiseur
d’almanach, & le terme échu, entreprit de lui prouver qu’il étoit mort
effectivement, malgré les protestations que son adversaire pût faire pour assurer le
contraire. Au reste, les Anglois ne sont point les seuls qui aient eu l’*humour* en
partage. Swift a tiré de très-grands secours des œuvres de Rabelais, & de Cyrano
de Bergerac. Les mémoires du chevalier de Grammont sont pleins d’*humour*, &
puissent passer pour un chef-d’œuvre en ce genre; & même en général cette sorte
de plaisanterie paraît plus propre au génie léger & folâtre du François, qu’à la
tournure d’esprit, sérieuse & raisonnée, des Anglois.\(^{70}\)

Elsewhere, in the entry for *menippée* (*satyre menippée* [Menippean satire]), the Irish dean was
referred to as “l’ingénieux docteur Swift.”\(^{71}\) (Chambers, without mentioning Swift, defined this
as “a kind of Satyr composed both in Prose and Verse. It is thus call’d from *Menippus*, a Cynic
Philosopher, who delighted in composing Satyrical Letters, &c.” He cited as an example the
1594 work *Catholicon of Spain*.\(^{72}\) The Scriblerian connection to Diderot and d’Alembert went

\(^{70}\) Diderot and d’Alembert, *Encyclopédie*, 8:353. The literary tradition to which they assigned
Swift’s work was a compliment. Ehrenpreis has noted that Pope had conferred Swift “the
sweetest flattery” in ranking the latter with Cervantes and Rabelais in the *Dunciad Variorium*


further still. Swift and Pope were both correspondents of Voltaire (who was closer to Pope’s age than to Swift’s), who wrote or co-wrote forty-five unique entries in the *Encyclopédie*.\footnote{This figure was obtained via a search for “Voltaire” in the “Author” category of the search form at Diderot and d’Alembert, *Encyclopédie*, http://encyclopedie.uchicago.edu.}

Notwithstanding their different histories, the two compilations—if we are to believe their creators—were born of a common impulse: to systematize a great array of knowledge. While Chambers, d’Alembert, and Diderot are among the most famous contemporary compendium-makers, they had ample company during the eighteenth century. The Scriblerians, and then later the French encyclopedists, used classificatory practices to make polemical arguments of very different sorts. For both sets of authors (and in distinct ways), the thread of learning ran through the entire fabric of eighteenth-century compilation.

**References and Meta-References**

Along with contemporary printed compendia emerged guides that provided instructions so that individuals could condense their own intellectual universes into personal compendia. In his treatise *A New Method of a Common-Place-Book* (published posthumously in 1706), John Locke proposed noting down passages of interest as they emerged from the natural course of reading, and of assigning each an appropriate head. To facilitate later access to those passages, he devised a table in which the page numbers of entries relating to each head were grouped according to the first letter and first vowel of that head.\footnote{Posthumous Works of Mr. John Locke (London: printed by W. B. for A. and J. Churchill, 1706), 312–22.} This alphabetization-based system eased information retrieval at the expense of narrative coherence: it imposed an arbitrary, if predictable, order to ideas, favoring classification over integration. It suggested too that accessing information trumped acquiring it (in context). Locke’s method was well-known enough that literate contemporaries were likely to have been familiar with it. Even decades after
the English translation of Locke’s method appeared, the educator Vicesimus Knox (quoting from a manuscript by William Holmes, president of St. John’s College, Oxford) wrote: “whatever you meet with remarkable…you will do well to translate into a common place book, made after the method Mr. Locke commends (which pray consult); or at least you should make such references to the passages of your authors, as you may know where to find them readily upon occasion.”75

Locke’s method endured through the eighteenth century and then into the nineteenth, with the publication of later “improvements” as well as appropriations in the eighteenth-century works of Erasmus Darwin, Mary Wollstonecraft, and others.76

Perhaps inspired by Locke, some individual compilers devised their own methods for compendium-making. The prospect that personal reference guides might be culled from published compilations alarmed the Scriblerians, who expressed concern about the tendency of compilations to create ever-growing levels of remove from source texts. As Daniel Rosenberg (2003) has written, Swift “warn[ed] against the multiplying dangers of second- and third-hand information.”77 The proliferation of indexes threatened to produce an informational void. Excessive indexation was not unlike the debased coinage in Ireland or the waste products of urban luxury that Gee (2010) has highlighted.78 In the Scriblerians’ view, the prospect of compilers citing compilers citing compilers, at each turn further abridging and misrepresenting knowledge, threatened to reduce all information to a state of ultimate unintelligibility.

That was not what professional compilers—and the amateur compilers they encouraged—claimed that they were doing. They insisted that, given the proliferation of books, and then of compendia intended to condense those books, personal meta-references provided yet another means of ordering an apparently chaotic intellectual realm: they were arguing, as so many contemporaries did, about the best way to promote learning. Order was not the enemy of learning, they believed; it necessarily preceded learning. To achieve order, the vast quantity (ever growing) of available information had to be sorted and arranged, packaged for consumption by readers who—even if they kept personal compendia—could not get through all of it on their own. But compilers did not toil away anonymously, at a cost only to themselves. While they purported to promote general learning, they also sought, and in many cases received, credit and corresponding payment for the packaging of ideas not original to them. If Pope could elicit charges of plagiarism for translation and extensive quotation (as discussed in the previous chapter), then a work consisting entirely of excerpts would have been (and was) vulnerable to accusations of literary theft.

Professional compilers were sensitive to the allegations that could be made against them. They profited from the work of others; but they also performed what many viewed as a public service, by providing access to (parts of) an otherwise daunting number of learned works. As compilers often reminded their readers, they had expended time and labor to bring order to apparent intellectual chaos. Chambers wrote that the Cyclopædia had proven “so disproportionate to a single Person’s Experience” that it “might have employ’d an Academy”; he had compiled it despite “the little measure of Time allow’d for a Performance to which a Man’s whole Life scarce seems equal.” As a result of his significant personal investment, Chambers was able to boast that “the present Work [wa]s as much more extensive than either [the
Vocabulary of the Academy *della Crusca* or the Dictionary of the *French* Academy] in its Nature and Subject, as it fell short of ’em in number of Years, or of Persons employ’d.”\(^{79}\)

While the *Cyclopædia* might well have employed an academy, it had not: it was the product of one man’s work. Had Chambers not exaggerated the effort involved in compiling the work, however, he would have undermined his own assertion that the *Cyclopædia* had been uniquely, perhaps unrepeatably, produced.

If a single man, however extraordinary, could in the space of a few years collect the most valuable bits of knowledge, then why could all readers not do the same? Many readers felt they could, as the proliferation of meta-references attests; but their personal compendia often supplemented rather than replaced professionally-made compilations. The great number of incomplete or organizationally incoherent commonplace books attests to the discipline and scholarship required to produce such compilations. The enterprise of creating fully systematized compilations was, as Chambers declared, ambitious—though obviously not impossible.

In the Scriblerians’ view, the capacity and willingness to undertake that enterprise obviated the need ultimately to produce a compilation. Swift’s sermon, “The Difficulty of Knowing One’s Self” (1744), which inquired “into the reasons why most men have so little conversation with themselves,” might have doubled as an explanation for why individuals turned to others’ compendia rather than crafting their own:

> …*first*, [b]ecause…reflection is a work and labour of the mind, and cannot be performed without some pain and difficulty; for before a man can reflect upon himself, and look into his heart with a steady eye, he must contract his sight, and collect all his scattering and roving thoughts into some order and compass, that he may be able to take a clear and distinct view of them; he must retire from the world for a while, and be unattentive to all impressions of sense…

\(^{79}\) Chambers, *Cyclopædia*, 1:i; original emphasis.
Secondly...because the business of the world taketh up all our time, and leaveth us no portion of it to spend upon this great work and labour of the mind.\textsuperscript{80}

Putting together a compendium, like engaging in self-reflection, entailed a great deal of focused work. It demanded measures of effort, endurance, and clarity of thought that the compulsions of daily life may have discouraged many from investing. Chambers reminded readers that he had not merely practiced compilation but actively engaged in discernment: “...the chief Difficulty lay in the Form; in the Order, and Economy of the Work: To dispose such a Variety of Materials in such manner, as not to make a confused Heap of incongruous Parts, but one consistent Whole.”\textsuperscript{81} Chambers’s project of informational assembly, in other words, had some of the attributes of a creative enterprise.

Chambers’s polemics elevated the compiler’s feats to the level of genius, a designation typically reserved for original authors. His reminders of the exertion of compilation also approximated the claims made about the great effort of composition. Could his labor of arrangement provide a basis for Chambers to claim intellectual ownership of his compilation? The volumes were, as a compilation, entirely original; but they consisted of works not original to him. Whose creation were they? Whose property?

The topic of labor figured prominently in compendium-makers’ prefaces and explanations, and not by coincidence. Locke, that great promoter of indexation whose \textit{New Method} proved so enduring, had famously written in his \textit{Second Treatise of Government} (1690) that the

\begin{itemize}
  \item \textsuperscript{80} The \textit{Works of Jonathan Swift, Containing Interesting and Valuable Papers, Not Hitherto Published}, vol. 2, ed. Thomas Roscoe (London: Henry G. Bohn, 1843), 138; original emphasis. See also Jonathan Swift, \textit{Three Sermons} (London: printed for R. Dodsley and sold by M. Cooper, 1744).
  \item \textsuperscript{81} Chambers, \textit{Cyclopædia}, 1:i.
\end{itemize}
labour of [a man’s] Body, and the work of his Hands…are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property…this labour being the unquestionable property of the labourer, no man but he can have a right to…  

This formulation is typically cited as the basis for later constructions of copyright that emphasized the uniqueness of products of the mind. If applied to compendium-making, Locke’s formulation could suggest that compilers, having expended the labor (via discernment) necessary to arrange an array of intellectual material into a coherent whole, became the proprietors of their (re)productions. (A similar argument was made about the labor that translators expended.)

Many compilers further tied their labor of arrangement to a public good: learning. While the multitude of books hindered learning, they argued, their syntheses facilitated it by providing

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83 Hesse has written about the application of contemporary accounts of knowledge to the discourse on property rights. In addition to Locke, she cites Edward Young, whose *Conjectures on Original Composition* (1759) communicated the perspective that “the labor of an author was…of a higher order than the labor of an inventor, never mind the labor of a farmer, for the author not only worked upon nature, but produced something from himself, which bore the indelible stamp of a unique personality.” Hesse, “Rise of Intellectual Property,” 33.

84 Although in *Burnet v. Chetwood* (1721), concerning an English translation of Thomas Burnet’s Latin treatise *Archaeologica Philosophica* (1692), Lord Chancellor Macclesfield issued an injunction to halt the printing of the translated work, the injunction was due to the content and not to any alleged copyright infringement. Regarding the latter, he held that “a translation might not be the same with the reprinting the original, on account that the translator has bestowed his care and pains upon it, and so not within the prohibition of the act.” 35 Eng. Rep. 2008; 2 Mer. 441. This case is cited and partially quoted in Ronan Deazley, *On the Origin of the Right to Copy: Charting the Movement of Copyright Law in Eighteenth-Century Britain* (1695–1775) (Portland: Hart Publishing, 2004), 56, and n. 23.
explicit instructions for consuming information. Chambers included the objective of advancing learning in the very title of his *Cyclopædia*, which he characterized as a universal dictionary of arts and sciences; containing the definitions of the terms, and accounts of the things signify’d thereby, in the several arts, both liberal and mechanical, and the several sciences, human and divine: the figures, kinds, properties, productions, preparations, and uses, of things natural and artificial; the rise, progress, and state of things ecclesiastical, civil, military, and commercial; with the several systems, sects, opinions, &c. among philosophes, divines, mathematicians, physicians, antiquaries, criticks, &c. *The Whole intended as a Course of Antient and Modern Learning.*

In addition to reducing the quantity of books to be consumed, some encyclopedists also promised to decrease redundancies of information by furnishing readers with access to the farthest reaches of knowledge. Although he acknowledged the inevitability of some redundancy within a compilation, Chambers declared that he had “augmented [what was ready procured] with a large Accession from other Quarters. No part of the Commonwealth of Learning, but has been traffick’d to on this Occasion.” By creating a definitive set of redundancies, encyclopedic compilations promised to ease instruction. In the preface, Chambers presented a subject index (itself an index to the larger index of the *Cyclopædia*) with the expressed hope that it “may not only supply the Office of a Table of Contents, by presenting the dispersed Materials of the Book in one View; but also that of a Directory, by indicating the Order they are most advantageously read in.”

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85 Chambers, *Cyclopædia*, 1:title page.
87 As the French editors noted: “Nous avons donc crû qu’il importoit d’avoir un Dictionnaire qu’on pût consulter sur toutes les matieres des Arts et des Sciences, et qui servît autant à guider ceux qui se sentent le courage de travailler à l’instruction des autres, qu’à éclairer ceux qui ne s’instruisent que pour eux-mêmes.” Diderot and d’Alembert, *Encyclopédie*, http://encyclopedia.uchicago.edu.
88 Chambers, *Cyclopædia*, 1:iii.
Chambers claimed, the best way to consume it. Not everyone agreed. The editors of the *Encyclopedia Britannica* (1778), pointing out the benefits of that work’s marginal references, disparagingly characterized Chambers’s prefatory lists of categories:

…we may likewise see how abortive and impotent the attempts of some authors have proved who by references have tried to direct us how we may form a full system from independent topics. From the preface of Chamber’s [sic] Dictionary the subsequent may be quoted as an example ‘Agriculture, or the Tillage and improvement of Soils, Clay, Sand, Earth, &c. by the operations of Ploughing, Fallowing, Burning, Sembbradore, Semination, Manuring, &c.…[’] But how extremely difficult it would be to follow a subject through such a multitude of references, as well as new ones which spring up at every one of them, any person may easily conceive.89

Chambers’s lists, which run like footnotes beneath the prefatory text, are themselves positioned above the footnotes to the main text. They are not particularly easy to read, and despite the claims Chambers made for them, they do not facilitate directed consumption of the work. But that seems not to have been their sole purpose.

**From Didacticism to Ownership**

When Chambers directed his readers in how to consume the *Cyclopædia* “most advantageously,” he was emphasizing the capacity of his compilation to encourage learning, the expressed purpose of the Statute of Anne. He then characterized learning in a way that conformed to what his work accomplished. The work did not facilitate memorization, but it had not been meant to, Chambers argued, reminding his readers of the natural forgetfulness of mankind. He accordingly proposed a variety of learning that did not depend on memorization: “what chiefly makes new Ideas of any significancy, is their extending and enlarging the Mind, and making it more capacious and susceptible.” This, in turn,

contributes to the increasing our Sensibility, to the making our Faculties more subtil, and adequate, and giving us a more exquisite Perception of things that occur; and thus enabling us to judge clearly, pronounce boldly, conclude readily, distinguish accurately, and to apprehend the manner and Reasons of our Decisions. In which view, several things may be useful, that are not so much direct Matters of Knowledge as subservient to the same End; for instance, much of the School Philosophy, which by exercising and exciting the Mind, has a kind of collateral tendency to sharpen its Faculties; and needs only be read, not retain’d to produce its Effect.  

Chambers thus justified his work on the basis that it encouraged learning.

Chambers’s claims that the Cyclopædia encouraged learning suggested his proprietorship of the work. At times, Chambers’s interest in staking a proprietary claim seems even to have exceeded his professed aim to universalize knowledge. As this discussion has already argued, Chambers claimed to have included structures of knowledge to facilitate learning. Ultimately, however, these weakened the work’s instructional capacity by creating a conflict between the intended and apparent organizational schemes. They nevertheless provided the bases for proprietary claims because they appeared to facilitate learning.

Had Chambers wished for his Cyclopædia to stand in for the collective of existing books, moreover, he would likely have chosen to fill its (limited) pages exclusively with quintessential examples of the entries he indexed. Instead, he featured a number of examples that were atypical. In the entry for “Brain,” he provided an apocryphal anecdote about a Parisian “Child, deliver’d at Maturity; and living four Days, not only without a Brain, but even a Head:

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90 Chambers, Cyclopædia, 1:xxx.
92 I also cited the following examples in an essay written for the graduate seminar History of Science 599, taught by Professors Eileen Reeves and Michael Gordin at Princeton University in the spring of 2007. I have in various places here drawn from some of the ideas concerning the Cyclopædia that I had presented in that essay.
instead of both of which, was a Mass of Flesh like Liver found.”⁹³ Examples such as this revealed little about the processes they ostensibly exemplified, and thereby seemed to undermine Chambers’s universalizing objective. Though they may have suggested the outer bounds of knowledge or experience, they could not promise to contain all that existed within those limits. In defying generality, however, these examples rendered the compilation identifiably Chambers’s own. Just as the Scriblerians remained recognizable despite their anonymity, Chambers too was identifiable despite his work’s universality. Examples of anomalous phenomena were Chambers’s analogs to innuendo: they were his stylistic indicators and markers of his ownership.

Stories about toad-voiding young adults⁹⁴ did not just help Chambers establish proprietary claims in the Cyclopædia; they also made amusing conversational anecdotes. Although Chambers did not claim that his work was meant to supply conversation, his choice of entries suggests that he imagined that it might.⁹⁵ Such conversational filler elicited Scriblerian criticism of its own. Tall tales masquerading as knowledge threatened to replace learned discourse with ephemeral entertainment. Swift, who lampooned meaningless, apothegmatic conversational flourishes in his Complete Collection of Genteel and Ingenious Conversation (1738), would not likely have found value in communicating anecdotes that cluttered the minds of readers with useless, possibly truthless notions. Chambers’s unrepresentative entries could not

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⁹³ Chambers, Cyclopædia, 1:123; original emphasis. Similarly, in the entry for “Voiding,” Chambers included doubtful accounts of “one Matt. Milford, who voided a Worm by Urine,” and of “Catherina Geilaria, who…for 20 Years voided by Vomit and Stool, Toads, and Lizards,” and of “a Kitten, bred in the Stomach, and vomited up.” Ibid., 2:327; original emphasis. The entry for “Urine” includes the tale of “a Boy of six Years old, that piss’d off almost all his Urine by his Navel,” as well as an account of someone who “lived to seventeen Years of Age without ever making Water; yet was in perfect Health. —He had constantly a Diarrhea on him, but without much uneasiness.” Ibid., 2:333; original emphasis.

⁹⁴ Ibid., 2:327.

⁹⁵ This use anticipated that of the German conversation lexicons of the following century.
have stood in for general knowledge, for they existed outside of it. Chambers had labored: but
would his readers learn?

Chambers had, after all, claimed that his compilation facilitated learning, and that he in
turn was its rightful owner. In supporting those assertions, he found himself in a unique position
as the compiler of a reference work: he could, with apparent objectivity, characterize his
compositional role. Chambers’s definition of *plagiar* accordingly established his “Title to every
thing” on the grounds that information-arranging efforts constituted a “Publick service”:

> Dictionary-Writers, at least such as meddle with Arts and Sciences, seem exempted from the common Laws of *Meum* and *Tuum*; they don’t pretend to set up on their own bottom,⁹⁶ nor to treat you at their own Cost. Their Works are supposed, in great Measure, Assemblages of other Peoples [sic]; and what they take from others they do it avowedly, and in the open Sun.—In effect, their Quality gives them a Title to every thing that may be for their purpose, wherever they find it; and if they rob, they don’t do it any otherwise, than as the Bee does, for the Publick service. Their Occupation is not pillaging, but collecting Contributions; and if you ask them their Authority, they’ll produce you the Practice of their Predecessors of all Ages and Nations.⁹⁷

Because Chambers found himself in the privileged position of literally defining the terms of his
proprietorship, he was able to anticipate and refute charges that he had stolen others’ ideas.

Amidst the contemporary debate about ancient versus modern learning, it was fitting that
Chambers would have evoked the apian metaphor that Seneca the Younger had used in
encouraging borrowing practices: “We…ought to copy the bees, and sift whatever we have
gathered from a varied course of reading.” Ultimately, Seneca promised, the sifter would emerge
with something that was “clearly a different thing from that whence it came.”⁹⁸ It was just such a

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⁹⁶ Chambers contradicted himself here. In the preface, he had claimed to have been “forced to
stand wholly on [his] own Bottom.” Chambers, *Cyclopaedia*, 1:i.
⁹⁷ Ibid., 2:820–1; original emphasis.
“different thing” that Chambers was claiming to have produced. Chambers had likened himself to a bee elsewhere, too. In the preface, he wrote that “it would be altogether as just to compare [him] to the Bee, the Symbol of Industry, as that of Pride. For tho [he] pick[ed] up [his] Matters in a thousand Places; ’tis not to look gay [him] self, but to furnish you [the reader] with Honey.” 99 In the very next paragraph, Chambers explained why his apian activities had nevertheless not constituted plagiarism:

NONE of our Predecessors can blame us for the use we have made of them; since it is their own Practice. It is a kind of Privilege attached to the Office of Lexicographer, if not by any formal Grant, yet by Connivance at least. We have already assumed the Bee for our Device; and who ever brought an Action of Trover or Trespass against that avowed Free-booter? 100

When Swift earlier characterized the Battel’s bee as an exemplar of ancient wisdom, he certainly did not have someone like Chambers in mind. Because the encyclopedist emulated the ancients in professing to emulate the bees, Chambers claimed immunity from plagiarism. And because he was a lexicographer, he wrote his immunity into the Cyclopædia. Chambers went further, not just disclaiming fraud but also proclaiming ownership over his unique arrangement on the grounds that he had collected contributions and encouraged learning. 101 If the problem of too many books could be solved, improbably, with more comprehensive books, then the problem of compendium authorship could be solved equally improbably: with the creation of taxonomies that claimed proprietary rights in one special case—that of compendium compilers.

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99 Chambers, Cyclopædia, 1:xxix.
100 Ibid. This passage is also quoted (though from the 1738 second edition of the Cyclopædia) in Boswell’s Life of Johnson, vol. 1, ed. George Birbeck Hill, (New York: Harper & Brothers, 1889), 253–4, n. 3.
101 Chambers may have claimed ownership on other bases, as well. Yeo has argued that “[d]edicating such a work to a king set up a gift relation in which the granting of a privilege could be construed as part of the king’s response.” Yeo, Encyclopaedic Visions, 230.
Compilers were not the only ones to champion the exceptional usefulness of their compendia; booksellers, having purchased the copyrights to those works, also made proprietary claims on compilers’ behalf. Chambers’s booksellers went so far as to secure a royal license to prevent the unauthorized abridgment of the work—which, ironically, itself consisted of unauthorized abridgments.102 In 1743 (three years after Chambers’s death), the bookseller Andrew Millar filed a suit against more than a score of Scottish booksellers who had published versions of the Cyclopædia. In bringing that suit, Millar was in the unenviable position of having to argue, ultimately unsuccessfully, that the work was recognizably the Cyclopædia—and yet also a new intellectual entity whose original version (a compilation of existing works) had been “greatly altered and improved” so that it qualified for an additional fourteen years of legal protection.103 Compilers could profess to promote learning by uniquely arranging information and instructing readers in how to acquire it. By thus encouraging learning, they could claim intellectual ownership of their collections. Just how far ownership by re-arrangement extended was another matter.

Index-Learning and Its Discontents

The Scriblerians were not litigants in Millar’s legal case against the Scottish (alleged) pirates, but they nevertheless contributed to the dialog concerning learning and ownership, particularly where indexes were concerned. Swift and the other Scriblerians had a lot to say, not much of it flattering, about index-learning. They were not only attentive to the general phenomenon of eighteenth-century encyclopedism, which they heartily denounced, but they also seem to have been aware of Chambers himself. Swift poked fun at the encyclopedic enterprise

102 Ibid., 198–9.
103 Ibid., 200. Per Yeo, see also “Case of Respondents” and “Answers for D. Midwinter et al.,” Session Papers 580, no. 10 (27 Feb. 1747), 5.
generally and at Chambers’s self-serious decision to style the 1728 compendium a *cyclopædia* rather than an *encyclopædia*. In the introduction to his *Complete Collection of Genteel and Ingenious Conversation* (1738), Swift—in the persona of Simon Wagstaff—wrote:

> I am confident this will meet, I mean, by turning the thoughts of the whole nobility and gentry to the study and practice of polite conversation; whether such mean stupid writers as the *Craftsman*¹⁰⁴ and his abettors could have been able to corrupt the principles of so many hundred thousand subjects, as, to the shame and grief of every whiggish, loyal, and true protestant heart, it is too manifest they have done. For I desire the honest judicious reader to make one remark, That, after having exhausted the whole *[o] in sickly pay-day* (if I may so call it) of politeness and refinement, and faithfully digested it into the following dialogues, there cannot be found one expression relating to politicks…¹⁰⁵

This admonishment, like so many of his criticisms, requires some further explanation, which—to an extent—Swift provided in the accompanying footnote: “[o] This word is spelt by Latinists, *Encyclopædia*; but the judicious author wisely prefers the polite reading before the pedantick.”¹⁰⁶

Here, Swift was mocking Chambers for having chosen to name his compilation *Cyclopædia*, a title that Swift implied further degraded the already-problematic compendium genre. (In the process of making this criticism, Swift did not miss the opportunity to associate the *Cyclopædia* with the so-called “politeness” and “refinement” he ridiculed.) This interpretation of the passage is supported by an editorial note that Bowyer (1765) included in the supplement to the *Works*:

> The great Author of the *Dictionary of Arts and Sciences* chose to shorten so hard a word, and entitled his work *Cyclopædia*, against all reason and authority. Being told of this, and desired to add one syllable to so large a work, he did more: he wrote a long defence of himself, under that article; and produced authorities in his defence; all which, he had not the sense to see, made directly against him.¹⁰⁷

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¹⁰⁴ The *Craftsman* was an opposition newspaper that Pulteney and Bolingbroke started in December 1726.
¹⁰⁶ Ibid., n.; square brackets in original.
¹⁰⁷ *A Supplement to Dr. Swift’s Works: Containing Miscellanies in Prose and Verse, by the Dean; Dr. Delany, Dr. Sheridan, Mrs. Johnson, and Others, His Intimate Friends. With*
Apparently in response to such criticism, Chambers expanded the entry for the term *cyclopædia*, which in the first edition (1728) had been cross-referenced with *encyclopædia* and thus succinctly defined: “the Circle, or Compass of Arts and Sciences; more ordinarily call’d *Enclopædia.*”\(^{108}\) By the third edition (1740), Chambers had added a Greek rendering (*Κυκλοπαιδεία*) and a long rejoinder note to received and anticipated criticism:

> The word *cyclopædia* is not of classical authority, though frequent enough among modern writers, to have got into several of our dictionaries. Some make it a crime in us to have called the present work by this name; not considering, that names and titles of books, engines, instruments, &c. are in great measure arbitrary, and that authors make no scruple even of coining new words on such occasions when there are no old ones to their mind…. But, it is suggested, the word *Cyclopædia* is ambiguous, and may denote the *science of a circle*, as well as the *circle of sciences*: we answer, that as custom, the only sovereign rule of language, has determined the word to the latter sense, it is no more chargeable with ambiguity than a thousand other words of received use…\(^{109}\)

As Bowyer pointed out, in defending himself against charges of pedantry, Chambers came across as all the more pedantic. By criticizing Chambers’s (en)cyclopedic enterprise, Swift and others elicited a response that would, for attentive readers, have justified a low opinion of the genre.

Swift was not the only one among his circle to have evidently been familiar with Chambers’s project. In the English translation of the late (*d.* 1729) Archbishop William King’s *Essay on the Origin of Evil* (1731), to which John Gay contributed the account of the origin of the passions,\(^{110}\) Chambers’s compendium is cited in a note: “For an account of the different Opinions of Philosophers about Ideas and their Origin, see the word Idea in *Chambers’s*...
Chambers did, in that entry, provide a lengthy overview of the concept, dwelling, as did King’s translator, on Locke’s formulation. Given his own contribution to the *Essay*, Gay would very likely have been familiar with the contents of the *Cyclopædia*.

In his *Essay on Man* (1733), Pope likewise alluded to entries in Chambers’s compendium. Early in the poem, Pope employed an architectural metaphor apparently drawn from a neologism in Chambers’s work. Pope wrote: “But of this frame the bearings, and the ties, / The strong connections, nice dependencies, / Gradations just, has thy pervading soul / Looked through? or can a part contain the whole?” This evocation of *gradation* in an architectural sense is noteworthy because Chambers’s compendium provided the first known example of that usage of the term. In architecture, Chambers wrote, the term signified “an artful Disposition of several Parts, as it were, by Steps, or Degrees, after the manner of an Amphitheater; so that those placed before, do no Disservice, but rather Service to those behind.” Pope used this sense of *gradation* elsewhere in the 1733 poem, writing: “Remembrance and reflection how allied; / What thin partitions sense from thought divide: / And middle natures, how they long to join, / Yet

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112 Both provided similar initial definitions, the former writing that the word seemed “to mean immediate, intimate, perception, or the same with *intuition*.” Chambers identified it as “that immediate Object of the Mind about which we are employ’d when we perceive or think.” King, *Essay on the Origin of Evil*, 8, n. 4; Chambers, *Cyclopædia*, 2:368–9.
114 *OED*, s. v. “Gradation, n.,” 10b. Other new usages of the term also seem to have originated in Chambers’s work: one pertaining to logic (Ibid., 8b), and another pertaining to painting (Ibid., 10a). Pope’s architectural usage of *gradation* in this instance, and Chambers’s definition, are noted in Alexander Pope, *An Essay on Man*, ed. Maynard Mack (London: Methuen & Co. Ltd., 1969), 16, n. Mack has also partially quoted Chambers’s architectural definition. Pope elsewhere expressed an interest in architecture. In a letter to Martha Blount dated 11 August 1734, Pope recounted an excursion he took with the earl of Peterborough to the Isle of Wight, and he described in detail the Gothic architecture of the ruins of a monastery. Robert H. Taylor Collection, RTC01, Box 13, Folder 17, PUL; see also the accompanying cataloguer’s note.
never pass th’insuperable line! / Without this just gradation, could they be / Subjected these to those, or all to thee?”\footnote{Pope, \textit{Essay on Man}, ed. Rogers, 278, lines 225–30.}

Similarly, in writing, “What modes of sight betwixt each wide extreme, / The mole’s dim curtain, and the lynx’s beam,”\footnote{Ibid., lines 211–2.} Pope may have been alluding to an example that Chambers had provided about moles in his \textit{eye} entry.\footnote{That is Mack’s suggestion in Pope, \textit{Essay on Man}, ed. Mack, 41, n.}

In that entry—in which Chambers contradicted ancient authorities—the encyclopedist described his subjects’ visual capacity:

\textit{Moles, which the Antients…supposed to have no \textit{Eyes} at all, are now found to furnish a notable Instance of the Diversity of the Apparatus of Vision…. It has therefore \textit{Eyes}, but those so exceedingly small, and withal situate so far in the Head, and cover’d so strongly over with Hair, that they cannot ordinarily be either of Service or Disservice to it. Yet, to guide and secure it a little when it chances to be above ground, \textit{Borrichius, Blasius, Schneider, Mr. Derham,} and others, observe, that it can protend, or put them forth beyond the Skin, and again draw them back at Pleasure, somewhat after the Manner of Snails.}\footnote{Chambers, \textit{Cyclopædia}, 1:379. This part of the entry is partially quoted in Pope, \textit{Essay on Man}, ed. Mack, 41, n.}

Pope’s use of a curtain metaphor to depict a mole’s vision was reminiscent of Chambers’s description of the mole’s eyes as drawn back, like a curtain. Pope had seemingly read and digested Chambers’s work, then repurposed parts of it in his own.

If indeed Pope was on these occasions alluding to passages in Chambers’s compendium, he could only have acquired knowledge of the relevant entries by making uncommon use of the compendium: that is, by reading it through. How else would he have known to seek out an example about moles from the entry on \textit{eyes}? (One can only imagine that, having read Chambers’s work, Pope would have encountered the passages containing apocryphal anecdotes and lamented the departure from that lofty end, “for ancient rules a just esteem,” that he sought
so fervently to promote.\textsuperscript{120} In the process of reading Chambers’s compilation, Pope had used the compilation as a mere book: the very entity it had arisen to replace.\textsuperscript{121} This may have been possible for a two-volume work; but as the \textit{Cyclopaedia} was expanded, and as new, longer compendia were issued, the prospects for reading dwindled as those for consultation multiplied.

Even if Pope had possessed the time or the inclination to read a multi-volume work, one determined poet’s personal reading practices could do little to quell an entire genre; and so Pope and his fellow Scriblerians engaged in more general attacks on compendia and the compilers who assembled them. Despite the claims for comprehensiveness that many compilers made, the Scriblerians countered that compendia (not limited to Chambers’s \textit{Cyclopaedia}) prevented comprehensive understanding. In the \textit{Tale}, Swift’s Hack described how the practice of reading had degenerated because of excessive indexation. A method had emerged, the narrator noted, to allow individuals “to become \textit{Scholars} and \textit{Wits}, without the Fatigue of \textit{Reading} or of \textit{Thinking}”:

\begin{quote}
The most accomplisht Way of using Books at present, is twofold: Either first, to serve them as some Men do \textit{Lords}, learn their \textit{Titles} exactly, and then brag of their Acquaintance. Or Secondly, which is indeed the choicer, the profounder, and politer Method, to get a thorough Insight into the \textit{Index}, by which the whole Book is governed and turned, like \textit{Fishes} by the \textit{Tail}.\textsuperscript{122}
\end{quote}

Recalling Swift’s metaphor, Pope later wrote in the \textit{Dunciad}, published the same year as Chambers’s \textit{Cyclopaedia} (1728): “How prologues into prefaces decay, / And these to notes are

\textsuperscript{120} In the \textit{Essay on Criticism}, Pope wrote: “Learn hence for ancient rules a just esteem; / To copy nature is to copy them.” Pope, \textit{Essay on Criticism}, ed. Rogers, 22, lines 139–40.

\textsuperscript{121} Chambers would not necessarily have objected to this use of his work, though he specifically suggested reading via cross-references. As Blair has written, Chambers had “boasted that his \textit{Cyclopaedia} could be read through, starting with long, well-organized articles and moving on through cross-references to build knowledge of a whole discipline.” Blair, \textit{Too Much to Know}, 171, and n. 186.

frittered quite away: / How index-learning turns no student pale, / Yet holds the eel of science by the tail.”¹²³ By placing a premium on arrangement and retrieval, the Scriblerians argued, indexes predetermined how readers acquired new information: namely, by a method that divorced each excerpt from its original context and presented it arbitrarily—if predictably—alongside alphabetically adjacent concepts.

Chambers may not have entirely disagreed with this assessment, even though he defended his choice of form and argued that the work could be consumed along disciplinary lines.¹²⁴ Chambers made clear that information acquisition was not his primary aim because, as he suggested, it was not the worthiest one:

But it must be owned, Men[’]s Heads are not so soon fill’ed: the Memory is not so tenacious as we imagine; Ideas are transient things, and seldom stay long enough with us to do us either much good, or harm: Ten to one but what we read to-day, is forgot again to-morrow.¹²⁵

For the Scriblerians, whose intellectual forebears had cultivated the art of memory, information acquisition was hardly beside the point.

The perceived problem of too many books—which compendia were ostensibly meant to solve—belied and contributed to a more insidious predicament: a lack of new information. This

¹²³ Alexander Pope, *The Dunciad*, in *The Major Works*, ed. Pat Rogers (New York: Oxford University Press, 2006), 733, book 1, lines 277–80. These lines are also quoted in Lund, “Eel of Science,” 19. In the *Letter of Advice to a Young Poet*, ascribed (perhaps inaccurately) to Swift, the author similarly argued: “Possibly you may think it a very severe Task, to arrive at a competent Knowledge of so many of the Ancients…and indeed it would be really so, but for the short and easie Method lately found out of Abstracts, Abridgments, Summaries, &c. which are admirable Expedients for being very learned with little or no Reading…. And this is nearly related that other modern Device of consulting Indexes, which is to read Books Hebraically, and begin where others usually end; and this is a compendious Way of coming to an Acquaintance with Authors: For Authors are to be used like Lobsters, you must look for the best Meat in the Tails, and lay the Bodies back gain in the Dish.” Jonathan Swift[?], *A Letter of Advice to a Young Poet* (Dublin: printed, reprinted at London, and sold by W. Boreham, 1721), 14.

¹²⁴ Blair, *Too Much to Know*, 171.

¹²⁵ Chambers, *Cyclopaedia*, 1:xxx.
dearth, in turn, threatened to hinder learning. As Swift pointed out, composers of new works, and particularly of compendia, were not necessarily also generators of new knowledge. On the contrary, many seemed unable or unwilling to undertake truly creative enterprise, a phenomenon the Hack described in the “Digression in Praise of Digressions” from Swift’s Tale of a Tub:

[O]ur Modern Wits are not to reckon upon the Infinity of Matter, for a constant Supply...our last Recourse must be had to large Indexes, and little Compendiums; Quotations must be plentifully gathered, and bookt in Alphabet; To this End, tho’ Authors need be little consulted, yet Criticks, and Commentators, and Lexicons carefully must. But above all, those judicious Collectors of bright Parts, and Flowers, and Observanda’s, are to be nicely dwelt on; by some called the Sieves and Boulters of Learning; tho’ it is left undetermined, whether they dealt in Pearls or Meal; and consequently, whether we are more to value that which passed thro’, or what staid behind. By these Methods, in a few Weeks, there starts up many a Writer, capable of managing the profoundest, and most universal Subjects. For, what tho’ his Head be empty, provided his Commonplace-Book be full; And if you will bate him but the Circumstances of Method, and Style, and Grammar, and Invention; allow him but the common Priviledges of transcribing from others, and digressing from himself, as often as he shall see Occasion.126

Modern “wits” mimicked learning, but did not enable it. According to the Hack, “to enter the Palace of Learning at the great Gate, requires an Expence of Time and Forms; therefore Men of much Haste and little Ceremony, are content to get in by the Back-Door.”127 When in ancient times learning was in its cradle, “to be reared and fed,” it “was cloathed by Invention”—the creation of new ideas—not by the arrangement of existing ones.

A crucial problem with index-learning was that it could be undertaken by “receipt,” i.e., recipe, that loathsome substitute for originality that Pope lampooned in his Essay on Criticism (1709). This is what Swift’s narrator sardonically suggested in the Tale of a Tub (1704):

...I cannot but bewail, that no famous Modern hath ever yet attempted an universal System in a small portable Volume, of all Things that are to be Known, or Believed, or Imagined, or Practised in Life. I am, however, forced to

126 Swift, Tale, ed. Greenberg and Piper, 339.
127 Ibid., 338.
128 Ibid., 337; original emphasis.
acknowledge, that such an enterprise was thought on some Time ago by a great Philosopher of *129 O. Brazile. The Method he proposed, was by a certain curious Receipt, a Nostrum, which after his untimely Death, I found among his Papers; and do here out of my great Affection to the Modern Learned, present them with it, not doubting, it may one Day encourage some worthy Undertaker.

YOU take fair correct Copies, well bound in Calfs Skin, and Lettered at the Back, of all Modern Bodies of Arts and Sciences whatsoever, and in what Language you please. These you distil in balneo ætc [a double boiler], infusing Quintessence of Poppy Q. S. [in sufficient quantity] together with three Pints of Lethe, to be had from the Apothecaries. You cleanse away carefully the Sordes and Caput mortuum [the leavings and the residuum], letting all that is volatile evaporate. You preserve only the first Running, which is again to be distilled seventeen times, till what remains will amount to about two Drams. This you keep in a Glass Viol Hermetically sealed, for one and twenty Days. Then you begin your Cathlick Treatise, taking every Morning fasting, (first shaking the Viol) three Drops of this Elixir, snuffing it strongly up your Nose. It will dilate it self about the Brain (where there is any) in fourteen Minutes, and you immediately perceive in your Head an infinite Number of Abstracts, Summaries, Compendiums, Extracts, Collections, Medulla’s, Excerpta quædam’s, Florilegia’s and the like, all disposed into great Order, and reducible upon Paper.130

In this passage, Swift reduced the entire encyclopedic enterprise to a single recipe: one so ridiculous as to defy belief. This trope—of exemplifying the objects of satire in such excess as to render them absurd—is classically Swiftian; and the Irish dean employed it to great effect in discrediting compilers’ proprietary claims.

To show just how anemic index-learning was, Swift in at least one instance carried it out. In the preface to the Complete Collection of Genteel and Ingenious Conversation (1738), the narrator Simon Wagstaff described the method by which he had gathered material for the composition:

[When passing time with polite families.] I always kept a large table-book in my pocket; and as soon as I left the company, I immediately entered the choicest expressions that passed during the visit; which, returning home, I transcribed in a fair hand, but somewhat

129 The asterisk indicates the following footnote: “This is an imaginary Island, of Kin to that which is call’d the Painters Wives Island, placed in some unknown part of the Ocean, meerly [sic] at the Fancy of the Map-maker.”
130 Swift, Tale, ed. Greenberg and Piper, 327–8; original emphasis. The bracketed clarifications are editors’ notes in Ibid., 417, nn. 70–2.
enlarged; and had made the greatest part of my collection in twelve years…. Herein I resolved to exceed the advice of Horace…that an author should keep his works nine years in his closet, before he ventured to publish them; and finding that I still received some additional flowers of wit and language…I determined to defer the publication, to pursue my design, and exhaust, if possible, the whole subject, that I might present a complete system to the world.\footnote{Works of Dr. Jonathan Swift, ed. Hawkesworth, 11:79.}

In outlining this method, Wagstaff was essentially describing Swift’s own process of (meta)composition. As Mayhew has shown, Swift likely recorded bits of Dublin drawing-room conversations in a personal pocket notebook during the period 1731–8.\footnote{George P. Mayhew, “Swift’s Anglo-Latin Games and a Fragment of ‘Polite Conversation’ in Manuscript,” The Huntington Library Quarterly 17, no. 2 (Feb. 1954), 133–59: 135.} Even Swift’s method of recording, “writing upside down…making hurried…entries,” in anticipation of making a fair copy, resembled that which his narrator Wagstaff claimed to have used.\footnote{Ibid., 155.} This was one typical mode of keeping a commonplace book: collecting notes over the course of reading, then recopying and rearranging them in a fair hand.\footnote{Ibid., 155.} What seems to have been an emergent feature of commonplacing in the eighteenth century was its use for recording the trivia of daily life.\footnote{Moss has written that the commonplace book “was by Locke’s time a rather lowly form of life, adapted to fairly simple tasks, and confined to the backwaters of intellectual activity.” Moss, Printed Commonplace-Books, 279.}

This was the application that Swift’s Wagstaff (and Swift himself) made of the ancient concept of the commonplaces.

\footnote{Blair has written: “Heading choice happened either at the moment of reading, if one entered the passage directly into a sorted commonplace book, or at a later stage, in the case of notes arranged in the order of reading and later sorted by heading, whether by copying the passage over again…or by adding headings in the margin of the first notebook…or by drawing up an index to the notebook.” Blair, Too Much to Know, 89.}
By employing the methods he critiqued, Swift demonstrated their potential to lead an earnest student to draw preposterous conclusions.\(^{136}\) By extension, he made a case for a more inventive variety of writing. Like many of his contemporaries, Swift despised the prevalence of proverbs in contemporary conversation, both because they obviated originality and because they encouraged triteness and improper borrowing. Wagstaff seemed to agree, declaring that he “utterly reject[ed] them [proverbs] out of all ingenious Discourse.”\(^ {137}\) Wagstaff then went on to describe the process by which some of his own bits of conversation had come into being:

[T]here may possibly be found in this Treatise a few sayings…which have a proverbial Air: However, I hope, it will be considered, that even these were not originally Proverbs, but the genuine Productions of superior Wits…from whence, with great Impropriety, as well as Plagiarism…they have most injuriously been transferred into proverbial Maxims.\(^ {138}\)

While Swift may have concurred that such “impropriety” amounted to plagiarism or at least banality, Wagstaff proposed a solution that suggested he had misunderstood the nature of the problem: “Justice ought to be resumed out of vulgar Hands, to adorn the Drawing-Rooms of Princes…the Levees of great Ministers, as well as the Toilet and Tea-table of the Ladies.”\(^ {139}\)

Plagiarism by proverb, according to Wagstaff, was problematic because it gave commonplaces to common people, not because it obscured their sources or limited the scope of conversation.

Swift also highlighted the hypocrisy inherent in the compendium-making enterprise by having Wagstaff selectively claim credit and assign blame for unoriginality. Whereas at the start


\(^{138}\) Ibid., 9–10.

\(^{139}\) Ibid., 10.
of the introduction, Wagstaff had accused proverb-users of plagiarism, itself “a hard Word.”<sup>140</sup> by the end of that section he was making a request, “or indeed rather, a just and reasonable demand,” to receive authorial credit for his own arrangement of others’ ideas:

> I…Request…that while [Lords, Ladies, and Gentlemen] are entertaining and improving each other with those polite Questions, Answers, Repartees, Replies, and Rejoiners, which I have with infinite Labour, and close Application, during the Space of thirty-six Years, been collecting for their Service and Improvement, they shall, as an Instance of Gratitude, on every proper Occasion, quote my Name, after this or the like manner. Madam, as our Master Wagstaff says.<sup>141</sup>

As will by now be familiar, Wagstaff cited the labor of compilation as grounds for his intellectual ownership. Just as compilers like Chambers pursued protection from plagiarism even as they claimed exemption from the charge, so too did Swift’s Wagstaff.

While Wagstaff expressed hope that each reader would “retain in his Memory every single Sentence contained in this Work, so as never to be once at a Loss in applying the right Answers, Questions, Repartees, and the like,” and even to carry the treatise about “as a Pocket-Companion,” Swift would have recommended just the opposite: to purge conversations of truisms.<sup>142</sup> Where Wagstaff aimed to “present a complete System to the World,” Swift showed readers that complete systems could not be conjectured from limited and superficial experience.<sup>143</sup> Indeed, the notion that a collection of polite expressions might “easily incorporate with all Subjects of genteel and fashionable Life” is absurd, and Swift demonstrated it to be

<sup>140</sup> Ibid.
<sup>141</sup> Ibid., 52; original emphasis.
<sup>142</sup> Ibid., 10–1, 14–5.
<sup>143</sup> Ibid., 6. Later, Wagstaff also characterized his aim thus: “to form a compleat Body or System of this most useful Science in all its Parts.” Ibid., 51. Hamilton has written that “Swift’s contempt was not for empiricism per se, but for the ludicrous faith projectors had in their ability to draw complete systems out of their own limited experience; and also, of course, at the banality and the thoughtlessness of so much of the talk that he heard.” Hamilton, “Swift, Wagstaff, and the Composition of Polite Conversation,” 295.
The dialogue, replete with clichés, shows the perils of misguided learning, subtly advocating instead for first-hand intellectual exposure that was broad as well as deep.

The systematization of knowledge that writers like Wagstaff undertook was not just detrimental to learning; it was also potentially harmful to existing knowledge. By taking authors’ works out of context, the process of indexation necessarily altered what original authors communicated. Swift demonstrated the problems inherent in taxonomies of knowledge with that counterintuitive strategy he had successfully applied elsewhere: he engaged in the practice of creating taxonomies of his own. In the earlier *Tale*, Swift had included a great quantity of prefatory material—sixty-one pages in the expanded fifth edition of 1710—followed by alternating sections of main text and digressions, the titles of which did not always accurately describe their contents. The reason for the discrepancy between form and content, according to Swift biographer Irvin Ehrenpreis, was “to show up the excessive elaboration of framework in much polite literature of the age.” In proliferating classificatory categories, Swift rendered those categories meaningless. Moreover, he prevented readers from undertaking index-learning, i.e., gleaning from headings the contents of sections, and forced them instead to read the work in its entirety.

Swift was not the only one among the Scriblerians to employ the trope of proliferating indexes and other bibliographical apparatuses to emphasize their meaninglessness. Gay’s *Trivia* (1716) functions as a sort of commonplace book about the city of London. The poem has a

144 Swift, *Polite Conversation*, 42.
146 Ehrenpreis, *Swift*, 1:204.
147 For an illuminating series of essays on this poem, see Clare Brant and Susan E. Whyman, eds., *Walking the Streets of Eighteenth-Century London: John Gay’s Trivia (1716)* (New York:
substantial index that, according to Ames (1978), seemed meant as “a parody of variorum machinery.” That index includes such an entry as “Legs, their Use” (from which the reader is directed to the lines, “Has not wise nature strung the Legs and Feet / With firmest Nerves, design’d to walk the Street?”). Pope’s *Dunciad Variorum* (1729) is rife with such a great quantity of prolegomena, testimonies, summaries, remarks, and index entries that these ostensible guides to the content overwhelm the content itself. The Scriblerians’ indexes tended to proliferate rather than condense meaning. These indexes were, of course, a comment on modern exhibitions of pedantry. In their sheer abundance, however, such apparatuses also precluded index-based information acquisition. That was precisely what the Scriblerians meant for their indexes to do. Blair has written that “some authors explicitly refused to index their works lest readers fail to read the text through.” Pope did just the opposite, but for the same purpose: he included so much paratextual information that if readers wanted to make sense of the work, they would have to read it all through.

In the Scriblerians’ view, indexes aided retrieval but hindered learning. Readers were prevented from encountering excerpts in their original contexts, and authors were discouraged from producing original works. Even if authors were cited, they were not compensated, and so

149 John Gay, *Trivia: Or, the Art of Walking the Streets of London* (London: [printed for Bernard Lintot], 1716), [86], 69.
150 Blair, *Too Much to Know*, 144.
151 In his treatise about commonplacing, Locke emphasized the importance of proper attribution: “Before I write any thing,” he averred, “I put the Name of the Author in my *Common-Place-Book,* and under that Name the Title of the Treatise, the size of the Volume, the Time and Place of its Edition, and (what ought never to be omitted) the number of Pages that the whole Book contains.” John Locke, *Posthumous Works of Mr. John Locke* (London: printed by W. B. for A. and J. Churchill, 1706), 322.
they—like the original literary contexts they had created—became the relics of unrepeated reading experiences. In some instances it apparently sufficed for a compiler to note that original sources—and not excerpts from other compendia—had been consulted in the preparation of a collection. Chambers made a point of emphasizing that “[r]ecourse ha[d] been had to the *Originals* themselves on the several Arts.”\(^{152}\) (That this required special mention suggested that it was not necessarily standard practice.) Chambers was not alone in admitting that he had drawn from other authors,\(^{153}\) but those authors could not control how they or their works were presented. That became increasingly true with each new iteration of a reference work, such that the contents of meta-references and meta-meta-references would have been adulterated to an extent that the references that had given rise to them were not.

If compilers could claim that their compendia facilitated learning, their detractors—the Scriblerians prominently among them—could argue exactly the opposite: that without an economic incentive for undertaking an inventive enterprise, and without some protection of the fruits of their creative labors, authors could not sustain themselves or their future projects. The production of information that could be methodized would cease; and existing knowledge would be continually reconstituted until it approached meaninglessness. If compilers were going to insist at once on the uniqueness of their compendia and on the imperviousness of the genre to charges of plagiarism, the Scriblerians would need to refute them on both counts. And they did: they took up the index-making of which they were critical; and they contested compilers’ claims about encouraging learning by demonstrating the inefficacy of taxonomic knowledge acquisition.

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\(^{152}\) Chambers, *Cyclopædia*, 1:i.

\(^{153}\) He was not the first. As Blair has written of the seventeenth-century encyclopedist Johann Heinrich Alsted, “Without disclosing the full extent of his borrowing in composing the text itself, Alsted readily acknowledged his debt to eighteen other ‘great men who preceded him’ in the project of ‘delineating in one syntagma the great expanse of the philosophical kingdom.’” Blair, *Too Much to Know*, 170–1.
They showed the extent to which compilers did not advance learning, and thus could not rightly be considered owners at all.

**Glorified Readers**

If many of the claims that Swift made about learning—both directly and indirectly—sound like arguments concerning copyright, ultimately they were. Part of the process of learning, the Scriblerians suggested, entailed arranging the array of available intellectual material into manageable, meaningful bits. Compilers, in other words, were merely doing work that *all* readers ought to have done: and so, they were nothing more than glorified readers. They were not encouraging learning; they were engaging in it. Pope explicitly made that argument in the preface (dated 1716) of his *Poetical Works*:

> I am inclined to think that both the writers of books, and the readers of them, are generally not a little unreasonable in their expectations. The first seem to fancy that the world must approve whatever they produce, and the latter to imagine that authors are obliged to please them at any rate. Methinks, as on the one hand no single man is born with a right of controlling the opinions of all the rest, so, on the other, the world has no title to demand that the whole care and time of any particular person should be sacrificed to its entertainment; therefore I cannot but believe that writers and readers are under equal obligations, for as much fame or pleasure as each affords the other.\(^{154}\)

Authors were not, in other words, mere entertainers: they had a loftier aim “to recommend [their] productions by the imitation of the Ancients.”\(^{155}\) The ideal reader, in turn, was an active reader. Compilers ought not to have had a monopoly on labor or exertion.

> Although compilers were doing a job that all literary consumers ought to have done, they were not—by Scriblerian standards—doing it very well. Their aim was, after all, merely to present information in undigested form: as fragments from a range of (not necessarily

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\(^{155}\) Ibid., 2.
systematic) reading practices. One of the criticisms that the *Britannica* editors leveled against Chambers was on this very point:

…when topics, far from being digested into a system, or disposed in their natural order, are violently dilacerated, and, without any regard to their proper positions, huddled together as the order of the letters which constitute their technical terms determine, such a work should rather be called a book of shreds and patches, than a Dictionary of Arts and Sciences.\textsuperscript{156}

Compilation was meant, for its practitioner, to facilitate intellectual digestion. It could have been forgiven for being fragmentary if it had not been meant for display.

Early-modern readers had developed all sorts of idiosyncratic practices for compiling together the fragments of their reading experiences. As Blair (2010) and Sherman (2008) have described, some literally cut and pasted passages into personal notebooks.\textsuperscript{157} In the seventeenth century, the English minister Thomas Harrison (an associate of Samuel Hartlib) constructed an “Ark of Studies,” featuring a series of alphabetized metal plates to which subject-keywords were affixed. These plates were hung from hooks, and all notes relevant to the keywords were pinned to the relevant hooks.\textsuperscript{158} These sorts of compilation practices were not prescribed; they were developed and carried out by individual readers who undertook their own exercises of discernment and synthesis. These processes were a means to original thought, not an example of it. The compilers of personal (or semi-personal) information management systems did not have to write prefaces in which they purported to have read many, most, or all books because they did claim that they had produced the book to end all books.

\textsuperscript{156} *Encyclopedia Britannica*, 2\textsuperscript{nd} ed., 1:vi. This passage is partially quoted in France, “Encyclopedia as Organism,” 64.


In Pope’s view, disciplined authors did not aspire to compose or compile books meant to capture all knowledge. Rather, they carefully crafted thoughtful works, never publishing anything of questionable intellectual value. A worthy author could oblige an active reader by practicing restraint and discernment. As Pope wrote in the preface to his *Poetical Works* (1716):

…I have as great a respect for [the public] as most authors have for themselves; and…I have sacrificed much of my own self-love for its sake, in preventing not only many mean things from seeing the light, but many which I thought tolerable. I would not be like those authors who forgive themselves some particular lines for the sake of a whole poem, and, *vice versa*, a whole poem for the sake of some particular lines. I believe no one qualification is so likely to make a good writer as the power of rejecting his own thoughts…For what I have published, I can only hope to be pardoned; but for what I have burned, I deserve to be praised.  

Compilers of multi-volume reference works certainly could not make the same claim. Pope objected to the very impulse that drove compendium production, and to the urge to include—thus implying the equivalence of—brief histories of ancient thinkers along with apocryphal anecdotes about headless humans. In the Scriblerian critical space, active readers deserved discerning authors; but even discerning authors could never obviate active reading.

Not only did compilers pose a threat to active reading, but they also imperiled discerning writing. The act of widely distributing interpretive syntheses brought the unwelcome prospect of replacing composition with excerpting and learning with short-term (if any) memorization. It also threatened to standardize how individuals sought out and received information. Index-based reading compelled index-rich writing; and this cycle, if carried out and repeated, would result in the propagation of nothing but indexes. According to the Scriblerians, it had the potential to eliminate content altogether.

Compilers may have sought to articulate their labor-rich enterprises in terms of learning; but it was precisely to these terms that Swift and his fellow Scriblerians objected, instead

reframing the relationship between labor and learning and thus re-imagining the bases of literary property. In order to align the discourse of learning (of the sort that they promoted) with that of property, the Scriblerians had to disaggregate assignations of ownership from the labor of arrangement. Then, as has been argued in the preceding chapters, by cultivating purposefully ambiguous styles of writing—and insisting on anonymity—they foisted additional labors of interpretation onto readers, thus motivating them to be ever more active: encouraging, ultimately, learning.

By compelling readers to employ powers of interpretation, the Scriblerians both secured the labor of arrangement away from prospective compilers and reinforced the notion that proprietorship derived not from repetition or re-arrangement but from creative output. Their rewards were intellectual, certainly: Swift and the members of his circle engaged in and promoted assiduous reading practices. But for their encouragement of learning, they also benefited financially, as we might now expect modern authors to do.

It may seem counterintuitive that an age of compendia could also have emerged as one of copyright. The Scriblerians were among the first authors to benefit from copyright, and not coincidentally: they had helped shape it. Had Swift and his fellow Scriblerians not lived and not written, perhaps eighteenth-century copyright would not have taken the form it did. From outside the realm of booksellers’ negotiations—and for Swift (and Parnell), from outside Britain altogether—the battle of the books provided a forum for making arguments about copyright. Perhaps these authors even went on making arguments about copyright as a way to achieve the victory that history has confirmed. Given a range of what would now seem to have been unfavorable circumstances—including a proliferation of compendia that threatened authors’
rights concerning their texts—it is particularly remarkable that the Scriblerians exploited each limitation to their advantage, and that they did this by proliferating the objects of their satire.

In the case of compilation, they used the very tropes of compendium-makers to make a case for authorial proprietorship. While compilers argued that their compendia facilitated learning, the Scriblerians emphasized the primacy of invention over arrangement. While compilers propagated indexes and other information-retrieval aids, Swift proliferated them beyond the point of possible understanding. And while compilers trumpeted their labor of arrangement, the Scriblerians reassigned that labor to readers—leaving compilers, in the absence of invention, under the shadows of their knowledge trees. By stripping indexation tools of their connections to ensuing content, moreover, the Scriblerians demanded active and discerning reading, therein encouraging learning—and ultimately, authorial proprietorship.

Because of Swift, the legal debate over learning between English and Scottish booksellers had a literary interlocutor in Ireland, where the Statute of Anne did not apply. Although copyright did not exist there, British trade restrictions on books (and other items) did. For the Scriblerians, these commercial limitations provided new opportunities to write daringly, and then to use the Dublin book trade instrumentally to secure copyright benefits in London for their otherwise unpublishably bold writings.
CHAPTER 5

LONDON PRINTS AND DUBLIN REPRINTS: THE COMMERCE OF COPYRIGHT

Irish Import

In enumerating the “true causes of any country’s flourishing and growing rich” in 1727/8, Swift placed fifth among these the importance of “the liberty of a free trade in all foreign countries.”¹ This, of course, Ireland did not have. Nor did its book trade. The early insignificance of Irish publishing had initially spared Ireland from mention in the Statute of Anne (1710),² and Ireland had no corresponding copyright act of its own. Thus free from restrictions, trade activity soared, and the number of stationers more than tripled over the course of the eighteenth century.³

The absence of copyright restrictions, however, also meant that there were no copyright protections. The lack of copyright in Ireland both enabled the growth of Irish publishing and drove its booksellers into the trade in reprints. The success of the Irish reprinting trade, in turn, coincided with and in some cases occasioned restrictions on the exportation of Irish-made books. For the Scriblerians, Irish reprinting practices and commercial restrictions provided opportunities to pursue, in London, copyright arrangements favorable to authors.

¹ He included the qualification that the foreign countries also had to permit such trade, and noted as an exception countries with which the prince or state was at war. Jonathan Swift, “A Short View of the State of Ireland,” in The Prose Works of Jonathan Swift, D. D., vol. 7, ed. Temple Scott (London: George Bell and Sons, 1905), 84.
² M. Pollard, Dublin’s Trade in Books 1550–1800 (Oxford: Clarendon Press, 1989), 31. Pollard also notes that Ireland was excluded from the Stamp Act. That act, which required that printers’ names appear on all publications (as discussed in the third chapter), mandated the payment of duties upon all pamphlets and newspapers “printed in Great Britain and to be dispersed.” 10 Anne, c. 18. It also placed duties upon certain advertisements. Ibid. Some have argued that Swift had suggested the tax, but by Swift’s account he had sought to prevent it. Joseph M. Thomas, “Swift and the Stamp Act of 1712,” Publications of the Modern Language Association 31, no. 2 (1916), 247–63.
The influence that the Irish book trade had on English copyright has often been underestimated and overlooked. The standard narrative of copyright development instead focuses rightly, if disproportionately, on the legal battle that London booksellers fought against their provincial (largely Scottish) counterparts. While the Statute of Anne had initially applied to Scotland but not Ireland, at the time of its enactment neither figured especially prominently in English-language publishing. By the 1730s, however, both Scotland and Ireland had viable competing trades that siphoned off part of London’s consumer market. In due course, the Scottish book trade became central to copyright disputes, in part because it was—at least during the first half of the century—more robust than its Irish counterpart, and in part because London booksellers had legal grounds upon which they could challenge it.

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4 Passed after the Act of Union of 1707, the statute made direct reference to the market in Scotland and held “That if any Person or Persons incur[red] the Penalties contained in this Act in that Part of Great Britain called Scotland they shall be recoverable by any Action before the Court of Session there.” 8 Anne, c. 21.


6 Scottish printing tended to be concentrated in Edinburgh, and Irish printing in Dublin. Other cities also had presses, though. The number of English-language texts printed during the eighteenth century in Edinburgh or Glasgow was 28,811. (According to the ESTC, there were 24,158 such works printed in Edinburgh and an additional 94 and 2, respectively, in the variants “Edinburg” and “Edinborough”; in Glasgow, there were 4,556, and in “Glasgo” 1.) The number of English-language works printed during the eighteenth century in Dublin, Waterford, Cork, and Kilkenny was 24,037. (According to the ESTC, there were 23,276 works printed in Dublin and 63, 681, and 17 printed in Waterford, Cork, and Kilkenny, respectively.) Thus the Scottish market in English-language texts was, considering all eighteenth-century works produced, about twenty percent larger than its Irish counterpart. Sher has rightly pointed out, however, that during the second half of the eighteenth century the number of English-language publications in Dublin “barely nosed out”—by a margin of ninety works—the number of such publications in Edinburgh. (The figures from recent searches of the ESTC were both higher than those from Sher’s 2006 and 1997 searches, but their relationship to one another remains similar to what Sher has described.) Richard B. Sher, *Enlightenment and the Book: Scottish Authors and their Publishers in Eighteenth-Century Britain, Ireland, and America* (Chicago: University of Chicago Press, 2007), 443, and n. 1; Idem, “Corporatism and Consensus in the Late Eighteenth-Century Book Trade: The Edinburgh Booksellers’ Society in Comparative Perspective,” *Book History* 1, no. 1 (1998), 32–90: 34, and n. 3.
And challenge it they did, as the previous chapter noted. As the Scottish trade grew—thanks in no small part to the bookseller Alexander Donaldson⁷—English booksellers insisted that reprinters were violating a common-law perpetual copyright, while their Scottish counterparts rejected the notion that such a right existed.⁸ The conflict progressed from English and Scottish booksellers to the English and Scottish courts with Midwinter v. Hamilton (1743), which began in the Scottish Court of Session and became Millar v. Kincaid (1749–51) upon appeal to the House of Lords.⁹ In that case, Andrew Millar accused Alexander Kincaid and other Scottish booksellers of pirating several works, one of which was Chambers’s Cyclopaedia.¹⁰ The Scottish Court of Session avoided the question of a common-law copyright¹¹ and found that “no action of damages lies upon the statute [of Anne].”¹² Upon appeal to the House of Lords, Lord

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⁷ Feather, British Publishing, 76. A search of the ESTC indicates that Donaldson was responsible for or associated with the publication of nearly 500 works.

⁸ As Feather has written, “in Scotland there was a good deal of legal opinion which was sympathetic to the idea that copyrights did not exist in Scots law.” Feather, British Publishing, 73.


¹² “Daniel Midwinter and other Booksellers in London contra Gavin Hamilton,” in Remarkable Decisions of the Court of Session, From the Year 1730 to the Year 1752, ed. Henry Home, 2nd
Chancellor Hardwicke “doubted whether that statute [of Anne] was declaratory of the common law; or introductive of a new law, to give learned men a property which they had not before.” He felt it “material to consider how the common law of Scotland stood before the statute” and stated that “the question could not be judicially determined upon the present appeal.”¹³

The court battle raged on, and booksellers pursued legal advantages at every turn. In Tonson v. Collins (1761), for instance, no verdict was reached after it became clear that an alleged piracy had been staged to obtain a precedent.¹⁴

Subsequent verdicts intermittently favored English booksellers and their Scottish counterparts. The court of king’s bench ruled in favor of a common-law perpetual copyright in Millar v. Taylor (1766–9).¹⁵ That decision applied only in England, however; it did not settle the issue of Scottish reprints. Nor did Hinton v. Donaldson (1773), in which the Scottish Court of

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¹³ The above is not a direct transcript but rather an account provided in “a letter said to be written to the respondents in Scotland, by their solicitor.” 98 Eng. Rep. 211; 4 Burr. 2321. A record of Millar v. Kincaid does not survive; the above was drawn from references in Millar v. Taylor (1769), which is also cited in Bracha, “Owning Ideas,” 200, n. 258.

¹⁴ The defendant Benjamin Collins had apparently colluded with the London bookseller Jacob Tonson to elicit a charge of having pirated Scottish-printed copies of the Spectator. Lord Chief Justice Mansfield ordered that the case should “stand over for farther argument.” 96 Eng. Rep. 169; 1 Black. W. 301. In Millar v. Taylor (1769), Lord Hardwicke reflected on the Tonson case: “so far as the Court had formed an opinion, they all inclined to the plaintiff. But as they suspected that the action was brought by collusion; and a nominal defendant set up, in order to obtain a judgment, which might be a precedent against third persons; and that therefore a judgment in favour of the plaintiff would certainly have been acquiesced in; upon this suspicion, and because the Court inclined to the plaintiff, it was ordered to be heard before all the Judges. Afterwards, upon certain informations received by the Judges, …[t]hey thought, this contrivance to get a collusive judgment was an attempt of a dangerous example, and therefore to be discouraged.” 98 Eng. Rep. 201; 4 Burr. 2303. The suspicion of collusion is also noted in Bracha, “Owning Ideas,” 200, n. 258. See also C. Y. Ferdinand, “Collins, Benjamin (bap. 1715, d. 1785),” in ODNB.

¹⁵ The verdict was not unanimous, however. Justice Yates, for instance, held: “All property has its proper limit, extent, and bounds. Invention or labour (be they ever so great) cannot change the nature of things, or establish a right, where no private right can possibly exist.” Ibid.
Session rejected *Millar v. Taylor*. In ruling against a common-law perpetual copyright, Lord Coalston first questioned the property right that could derive from abstract ideas, and then pointed to *Millar* as an instance of the differences between the law in England and in Scotland:

As to the decision given in the Court of King’s Bench, …that decision is a single one, and has the less weight, as it was not unanimous…[and] it cannot influence the decision in the present case, which must be determined, not according to the law of *England*, but by the law of *Scotland*; …by the common law of *Scotland*, an author, after publication made by his own consent, has no right of property, such as can found him in an action of damages against those who may afterwards publish another edition of the same work.\(^\text{17}\)

Even as the Court of Session distinguished Scots law from English law, it too was divided, with Lord Monboddo dissenting from his colleagues, in agreement with the decision of the court of king’s bench. A final reconciliation came with *Donaldson v. Becket* (1774), in which the House of Lords settled the common-law issue, rendering copyrights limited in term.\(^\text{19}\)

Despite the prominence of this legal-historical narrative, it only partially accounts for how copyright unfolded as it did. To round out our understanding of modern copyright

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\(^{16}\) In *Hinton*, the copyright of the Reverend Thomas Stackhouse’s *History of the Holy Bible* (1733) was at issue. Stackhouse had compiled the work (“after many years study and labour”), and had assigned the copyright to the London bookseller Stephen Austin, at whose death the copyright went to the latter’s widow, Elisabeth Austin, who remarried John Hinton, who thereby acquired it and brought a suit against Alexander Donaldson and other Edinburgh booksellers for reprinting and selling the work. *The Decision of the Court of Session, upon the Question of Literary Property; in the Cause John Hinton of London, Bookseller, Pursuer; against Alexander Donaldson and John Wood, Booksellers in Edinburgh, and James Meurose Bookseller in Kilmarnock, Defenders* (Edinburgh: published by James Boswell, 1774), i–iii.

\(^{17}\) Ibid., 30. Information about this case is also available online at “Commentary on: Hinton v. Donaldson, United Kingdom (1773),” *Primary Sources on Copyright (1450–1900)*, www.copyrighthistory.org. *Primary Sources* also cites *Decision of the Court of Session*.


\(^{19}\) The perpetual right, Deazley has written, “had literally been written, talked and argued into existence” by London monopolists. Deazley, *Origin of the Right to Copy*, 178–9.
development, we must incorporate Ireland into its story. Ireland had no statutory copyright until 1801, but it did have an increasingly robust book trade. Whereas Scottish booksellers were subject to the Statute of Anne, Irish booksellers enjoyed relatively unregulated domestic publishing opportunities.

With Swift in Dublin, the Scriblerians were especially well-positioned to take advantage of Irish publishing prospects. These authors were so exceptional not just because of their literary talents, fame, political connections, and willingness to engage in legal suits, but also because they made productive use of the Irish book trade. They recognized that Irish-made books were treated as goods rather than intellectual property, and they exploited the distinction in their dealings with booksellers on both sides of the Irish Sea. By variously promoting and evading restrictions on Irish commerce, the Scriblerians helped shape the ways in which authors could claim property in the texts they wrote—not just in Ireland, but ultimately in England and beyond. They were able to accomplish these feats in large part because of commonly-held misconceptions about the Irish book trade—misconceptions that they helped perpetuate, and that in some cases endure still.

**In Search of Readers**

To the extent that the Irish book trade has featured in copyright narratives, it is largely presented as an exporter of illegally-reprinted books: a foil to its English counterpart. The idea that Ireland’s booksellers were filching from markets in Britain and America has been energetically promoted—and often exaggerated—for almost three centuries. It has relied on the misleading claim that there were not sufficient Anglophone readers in Ireland to sustain a book trade there. In 1745 George Faulkner and George Grierson, two of the most famous and successful contemporary Irish booksellers, unflatteringly and inaccurately characterized the Irish
populace as comprised mostly of people who could not or ought not to read, and otherwise of individuals who chose not to read. To the last group, “People of Fashion,” they proposed in a mock-petition that each purchase “four Books per Annum,” a consumption commitment that would bestow upon Dublin some of the “Honour and Lustre” that the city “want[ed] a little.” A little more than a decade later, Faulkner again lamented that Dublin was “the poorest place in the world for subscriptions to books,” observing that “[m]ore bottles [we]re bought in one week than books in one year.”

Readership rates were not, however, as bleak as the booksellers’ comments suggested. The population of Ireland—and correspondingly, of Dublin—was on the rise through the eighteenth century, as was the number of Irish men and women who could read English. While toward the beginning of the century (in 1706) the population of Ireland was between 1.75 and 2.06 million souls, it more than doubled before the end of the century, when (in 1791) it reached an estimated 4.42 million. Census records suggest that during the decade 1781–90, 52 percent could read English. The proportion of literate Dubliners seems to have been higher still. The total population of Dublin numbered approximately 45,000 in 1685, then 62,000 in 1706. By

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20 George Faulkner and George Grierson, *To the Nobility, Gentry, and Clergy, of Both Sexes in the City of Dublin. The Humble Petition of George Faulkner and George Grierson, Printers and Booksellers* (Dublin: printed by James Esdall, 1745), 7. The relevant passage is also cited and quoted (with differences in capitalization) in Pollard, *Dublin’s Trade in Books*, 213.


23 Caoimhin Ó Danachair, “Oral Tradition and the Printed Word,” *Irish University Review* 9, no. 1 (spring 1979), 31–41: 36. This information about literacy was culled from the census of 1841, which was for the first time filled out by householders themselves rather than by officials. “Irish Ancestors,” www.irishtimes.com. The literacy statistic and Ó Danachair’s work is also cited in Pollard, *Dublin’s Trade in Books*, 214, n. 119.
1778 it had jumped to 154,000; and in 1800 it had reached 182,000.\textsuperscript{24} As early as the end of the seventeenth century, more than eighty percent of the individuals listed in Dublin bail books could sign their names.\textsuperscript{25} Demand in Ireland for books was on the rise through the eighteenth century, particularly among those “People of Fashion” whom Faulkner and Grierson characterized as “above Reading.”\textsuperscript{26}

Insignificant though it may have been early on, the Irish book trade would not remain that way. While the press had initially been introduced into Ireland “as an instrument of propaganda to win the natives over to Protestantism through the Irish language,” Irish-language works “remained firmly outside the medium of print to the end of the eighteenth century, by which time English had already begun to supplant Irish in the everyday speech of the majority of inhabitants.”\textsuperscript{27} (Irish-language works largely remained in manuscript through the eighteenth century; and in that period, virtually no printed literature in Irish was produced.\textsuperscript{28}) Since Catholic


\textsuperscript{26} According to Pollard, who collected data on the professions of the owners of libraries sold by auction in the mid-eighteenth century, those who owned sufficient quantities of books to have had personal libraries were principally members of the clergy (33.7 percent), followed by lawyers (17.1 percent) and members of the nobility and gentry (12.6 percent). Pollard, \textit{Dublin’s Trade in Books}, 215. These figures, for the period 1741–60, do not distinguish libraries based on their sizes. William King (later archbishop), for instance, had toward the end of the seventeenth century a catalogue of 649 titles in his library. Samuel Foley, bishop of Down and Connor, left a library of nearly 1,700 titles when he died in 1695. Raymond Gillespie, “The Circulation of Print in Seventeenth-Century Ireland,” \textit{Studia Hibernica}, no. 29 (1995–7), 31–58: 55.


\textsuperscript{28} A search of the \textit{ESTC} indicates that 22 Irish-languages books were produced in Ireland during the eighteenth century, and all but two (a first and second edition of the same work) were
literature was proscribed, most of the printed books produced in Ireland were meant for—though not always consumed exclusively by—the Protestant ascendancy.\(^{29}\) By the eighteenth century, in short, Ireland had a growing population of Anglophone readers.\(^{30}\)

It also had a growing book trade whose late emergence belied its immense potential. While William Caxton had set up a press in England in 1476, the first Irish-produced printed book—the Book of Common Prayer, printed by Humphrey Powell\(^{31}\)—was not issued until 1551.\(^{32}\) With no regulations that limited the sites of Irish publishing, the industry spread—albeit published during the second half of the century. These works consisted largely of almanacs, sermons, and spiritual texts. See also Pollard, *Dublin’s Trade in Books*, 211, n. 113; Pollard cites E. R. McClintock Dix and Seamus Ó Casaide, eds., *List of Books, Pamphlets, &c., Printed Wholly, or Partly, in Irish from the Earliest Period to 1820* (Dublin: An Cló-Cumann, 1905).\(^{29}\) In the period 1732–3, 105,501 Protestant families and 281,401 Protestant families lived in all of Ireland, a proportion of about three to eight. Those figures do not, however, include all Protestants, such as soldiers and their families; inhabitants of colleges, hospitals, and poorhouses; and servant emigrants from Great Britain. Taking these individuals into account, the proportion became two to five. The population of Dublin reversed the majority and minority groups; 8,823 Protestants and 4,119 Catholics lived in that city. David Bindon, *An Abstract of the Number of Protestant and Popish Families in the Several Counties and Provinces of Ireland, Taken from the Returns Made by the Hearthmoney Collectors, to the Hearthmoney Office in Dublin, in the Years 1732 and 1733* (Dublin: printed by M. Rhames, for R. Gunne, 1736), 4, 8. Also cited in Pollard, *Dublin’s Trade in Books*, 210. Among landowners, Catholics were a minority. By 1704 Catholics owned fourteen percent of Irish land; in 1641 they had owned 61 percent. T. C. Barnard, “British Settlement: Ireland, 1650–1700,” in *The Oxford History of the British Empire*, vol. 1, *The Origins of Empire: British Overseas Enterprise to the Close of the Seventeenth Century*, ed. Nicholas Canny (New York: Oxford University Press, 1998), 312, and n. 9. A mid-seventeenth-century attempt to bring approximately 36,000 new landowners to Ireland (by allocating lands to private soldiers and junior officers from England, Wales, and Scotland) resulted in just 8,000 new owners, but it nevertheless changed the Irish demographic landscape and promoted the notion that Ireland harbored opportunities for the ambitious. Ibid., 310–5.


slowly—across Ireland. The first Irish books printed outside of Dublin came from Waterford in 1555, but that city did not see the rise of printing until 1643, and even then it was a halting process. Kilkenny and Waterford established presses in the 1640s, but those were closed the following decade. By the 1650s there was printing in Cork, and at the end of the century in Belfast too. Although dispersion into the provincial market made books available to a broader number of readers, it also served to decentralize the book trade and to weaken its Dublin center. Gillespie has written: “One of the paradoxes of early seventeenth-century Irish society is that although the population became increasingly literate, …the output of the Dublin printing presses was modest.” The fact that provincial outposts could not always be maintained, even by the mid-seventeenth century, suggests that Irish publishing was not then an especially formidable industry. Its slow development perhaps fueled suspicions that Irish readers were not sufficiently numerous to sustain the domestic book trade—for if they were, would it not have grown more rapidly?—and that the emergent Irish book trade would thus ultimately depend upon exportation.

The trade’s governing body too had an inauspicious start. Dublin’s Guild of St. Luke the Evangelist regulated not just stationers but also cutlers and painter-stainers, and it did not initially have a strong stationer presence. The guild charter, dated 4 October 1670—a mere two

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34 Ibid., 1–5.
37 Hierarchically, the guild consisted of free brothers and quarter brothers. Typically, free brothers attained their positions by serving seven-year apprenticeships, receiving recommendations from their masters, and then obtaining approval by the Council of the House. Quarter brothers paid quarterly dues to be allowed to practice their trade. They were not allowed to vote or hold guild offices. Some of the quarter-brothers were journeymen; some were women; some—despite an official prohibition—were Catholics and dissenters; and some were
generations before the Statute of Anne—named just two stationers. \(^{38}\) A month after the charter was signed, the guild had four each of stationers and painter-stainers and eleven cutlers; a decade later, stationers, numbering 27, still did not dominate the guild, but they outnumbered painter-stainers and approached the number of cutlers (of whom there were sixteen and 31, respectively). Less than a decade after that, stationers dominated the guild, and their numbers continued to rise, with some fluctuations, such that by 1781 the guild counted among its members 89 stationers (as compared to 44 painter-stainers and twenty cutlers). \(^{39}\) The stationers were growing in number and becoming increasingly prominent, but always within a context of limited potential influence. \(^{40}\)

English-language publication rates were similarly on the rise, with some fluctuations, over the course of the eighteenth century. \(^{41}\) Whereas in the first decade of the eighteenth century, 1,088 titles were produced in Dublin, by the final decade that number had risen more than four-fold, to 4,732. \(^{42}\) Although the rate of growth toward the end of the century was particularly

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\(^{39}\) Pollard, *Dictionary of Members of the Dublin Book Trade*, xi.

\(^{40}\) Each free member had a vote, and so the increase in stationers meant that the stationers’ interests were better represented in the guild. The stationers could, if united, determine the candidates who would hold the offices of the master and two wardens; but the candidates themselves came from each of the three faculties on a rotating basis. Munter, *Dictionary of the Print Trade in Ireland*, 4.

\(^{41}\) The fluctuations in publication rates corresponded to the fluctuations in the growth rate of stationers. For a chart documenting the growth rate of the stationers, see Pollard, *Dictionary of Members of the Dublin Book Trade*, xi.

\(^{42}\) These figures were obtained via searches of the ESTC.
accelerated, the early decades—during which the Scriblerians were actively engaged in publishing their works—also saw a sharp increase in publication rates.

Even as book production rates decelerated toward the middle of the century, books continued to be produced at about twice the rate that they had been during the early 1700s. And, of course, the total number of printed books continued to rise. The accumulation of English-language works available in Dublin—even if all did not survive or did not remain there—would have made that city an increasingly central node in the network of book publishing. By the second half of the eighteenth century, it was (albeit not by a great margin) “the second city of the British Empire” as far as publishing was concerned.44

Grierson and Faulkner knew better than most that the Dublin trade was becoming increasingly robust; for they themselves held prominent places within the guild. Grierson was the king’s printer during the period 1732–53;45 he held the post at the time of his and Faulkner’s Petition.46 The king’s printer’s patent was no mere token; it conferred a total monopoly upon the

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43 In 1783 the Irish Parliament passed the Act for Facilitating Trade and Intercourse between This Kingdom and the United States of America; 23 & 24 Geo. III, c. 9, Ireland. This fact is also noted (and cited) in Pollard, Dublin’s Trade in Books, 137, and n. 94; see also Thomas M. Truxes, Irish-American Trade, 1660–1783 (New York: Cambridge University Press, 1988), 249.
44 Sher, Enlightenment and the Book, 443.
46 The patent was granted to Grierson in 1727 “for life,” and it reverted to him after the death of Andrew Crooke five years later. Printing of Statutes etc. in Ireland, PRO 30/9/141, ff. 3r, 18r,
Irish book trade, and its holder was empowered to license others to sell books. He published works by Swift (including the 1735 edition of the *Works*) and other prominent figures. The Dublin trade was up and coming: not as formidable as what had developed in London, but not as inconsequential as its late-seventeenth-century size had inauspiciously—and it turns out, inaccurately—indicated. Irish booksellers’ complaints concerning unauthorized competition within the trade further attest to the strength of domestic publishing. Even in the late seventeenth century, the Irish market was evidently sizable enough to sustain a legitimate printing industry as well as (in some cases) an illicit, underground one.

**Pirating the Pirates?**

That some Irish booksellers unhappily contended with piracy is ironic, given that the seventeenth- and eighteenth-century Irish book trade had—and continues to have—the reputation of having trafficked principally in piracies. The unfavorable reputation appears to have resulted, in part, from the belief that Anglophone Irish readers could not sustain a domestic market, and

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NA. For an account of how Andrew Crooke (II) came into possession of the patent, see Pollard, *Dictionary of Members of the Dublin Book Trade*, 129.


48 Pollard has characterized him as “probably the best known and most important bookseller of the century.” Ibid., 198; de-emphasized.


50 For instance, on 22 December 1680, Benjamin Tooke and John Crooke (II), the king’s printers in Ireland, petitioned James Butler, the duke of Ormond and lord lieutenant of Ireland, to issue a warrant “to seize on the Press and other Materialls belonging to…Joseph Ray,” who had infringed upon the petitioners’ printing mandate. In their petition, Tooke and Crooke noted a complaint from nine years before—of which they claimed Ray had been aware—against a Dr. Thomas Bladen for a similar offense. Petition of Benjamin Tooke and John Crooke (II) to the Duke of Ormond against Joseph Ray, 22 December 1680, MS 16998, [pp. 191–5], NLI.
from the not inaccurate perception that Dublin booksellers often had no choice but to reprint London editions. London did have a monopoly on original editions, for several reasons. In the first place, the London publishing industry was far more developed than its Dublin counterpart. It had emerged earlier, and it remained concentrated in the metropole, not weakening through provincial dispersion.\textsuperscript{51} (Prior to the lapse of licensing in 1695, it was illegal to print anything outside of London, Oxford, Cambridge, and York.\textsuperscript{52}) In the late eighteenth century, the London bookseller James Lackington reflected on his city’s celebrated status as a publishing center: “…I may venture without fear of contradiction to assert, that London, as in all other articles of commerce, is likewise the grand emporium of Great Britain for books, engrossing nearly the whole of what is valuable in that very extensive, beneficial, and I may add lucrative, branch of the trade.”\textsuperscript{53}

London also had a greater array of literary and cultural activity than did Dublin. (Swift, having been preferred to the deanery of St. Patrick’s Cathedral in Dublin, considered his reassignment an exile.\textsuperscript{54}) If coffeehouse culture was one measure of literary vitality, London was vital indeed, with 551 coffeehouses in 1732.\textsuperscript{55} Dublin too had coffeehouses, but these were not as

\textsuperscript{51} While booksellers certainly existed outside of London prior to the eighteenth century, there had been, in Feather’s words, “no tradition of provincial printing.” John Feather, \textit{The Provincial Book Trade in Eighteenth-Century England} (New York: Cambridge University Press, 2008), 2.
\textsuperscript{52} Johns, \textit{Nature of the Book}, 61, and n. 5.
\textsuperscript{53} James Lackington, \textit{Memoirs of the Forty-Five First Years of the Life of James Lackington Bookseller} (London: Whittaker, Treacher, and Arnot, 1830), 269–70.
\textsuperscript{54} In \textit{Verses on the Death of Dr. Swift} (1731), the dean autobiographized: “In exile, with a steady heart, / He spent his life’s declining part”; the word \textit{exile} in this passage is accompanied by the footnote: “In Ireland, which he had reason to call a place of exile: to which country nothing could have driven him but the queen’s death, who had determined to fix him in England, in spite of the Duchess of Somerset, &c.” \textit{The Works of Jonathan Swift, D. D.}, ed. Walter Scott, vol. 14 (Edinburgh: printed for Archibald Constable and Co., 1814), 343.
numerous, nor did they cater to a comparably large and elite clientele. John Gay, amidst his jests at the sort of person-about-town who traveled everywhere by chariot, offered in his *Trivia* (1714) a sampling of the wide variety of cultural activities available in London: “Let beaus their canes with amber tipt produce, / Be theirs for empty show, but thine for use. / In gilded chariots while they loll at ease, / And lazily insure a life’s disease; / While softer chairs the tawdry load convey / To Court, to White’s, Assemblies, or the Play.” Authors preferred the London trade, in Pollard’s (1989) words, “for the sake of reputation and the better circulation of their work amongst the discerning.”

In addition to the practical and intellectual reasons to publish in London, there were unmatched economic opportunities there for authors, as well. London booksellers offered authors increasingly substantial payments in exchange for the copyrights to their works. Because these copyrights could be legally enforced (particularly within the metropole, where congers policed trade activity), London booksellers could afford to pay relatively large sums, knowing they did not have to worry that a book would be undersold in their local market. In Ireland, by contrast, exclusivity of publication was less assured. Even if authors wanted to publish their works first in

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56 These included the Little Dublin, the Exchange, Dick’s, the Anne and Grecian, Dempster’s, Bacon’s, Norris’s, the Merchant’s, and Walsh’s. A brief overview of eighteenth-century Irish coffeehouse culture may be found in Máire Kennedy, “Dublin Coffee Houses,” *Ask about Ireland*, www.askaboutireland.ie/reading-room/history-heritage/pages-in-history/dublin-coffee-houses/index.xml. Kennedy has elsewhere written: “In the seventeenth and early eighteenth centuries intellectual life in Dublin was relatively limited. Educational opportunities were restricted to those who could afford private schooling.” Idem, “Politicks, Coffee and News,” 77.


Ireland, many could not have expected to receive compensation comparable to what booksellers in England would have offered. As the London bookseller Thomas Cadell attested when examined (along with George Robinson, Thomas Longman, and Edward Brook) by the lords of the committee of council on 15 March 1785, “because Copy Right is not protected by any Law in that Country [Ireland], …many of their Authors send their Works to be printed here [in England].” According to Cadell, the contemporary value of copyrights and books in England was “Very considerable…. In the House of Strahan and Cadell above £39,000 ha[d] been paid, in 18 Years, to Authors for Copy Right.—The Value of Books now [in 1785] in Possession of the Booksellers of Great Britain, printed and now printing, under Copy Right, …at £200,000.”

Even if he was exaggerating, Cadell nevertheless touched upon an important truth: for authors, London was often the more promising publishing site.

Irish booksellers were thus left to produce reprints. But were the majority of these reprints really *piracies*? Not necessarily: technically, piracy inhered in the sale rather than the production of a work. While reprinting works in Ireland and selling them within Ireland was perfectly legal, exporting to England reprinted texts that had earlier been copyrighted in England was, according to the Statute of Anne, implicitly illegal. After the Importation Act of 1739, it

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61 Incidentally—and perhaps undermining his own case—the bookseller noted that the copyrighted books were insured “at the Rate of £50,000, which [wa]s considerably less than their Value.” Lambert, *Commons Sessional Papers*, vol. 52, 359. Cadell’s testimony is also discussed (and other parts of it quoted) in Sher, *Enlightenment and the Book*, 445–6.

62 James W. Phillips, *Printing and Bookselling in Dublin, 1670–1800* (Dublin: Irish Academic Press, 1998), 108. Dix earlier did not make that distinction. Pirated texts, he wrote, “are editions or issues reproduced from an authorised edition, but yet not themselves authorised by, or not brought out under the supervision of, the author or his agent or publisher.” E. R. McClintock Dix, “Irish Pirated Editions,” *An Leabharlann* 2 (1906), 67–77: 68. (Given Dix’s definition, Faulkner’s “piracies” of Swift’s *Travels* would have been difficult to classify, given the author’s professed anonymity and clandestine dealings with the Irish bookseller.)
was expressly illegal. There is much evidence, including the growing Anglophone readership within Ireland, to suggest that reprints were often meant for domestic consumption, and thus that they were not piracies. Nevertheless, London booksellers implied that it was unjust for Irish reprinters to reproduce English editions, since booksellers in Ireland were spared the expense of compensating writers. Cadell suggested that Irish booksellers prospered by doing just that:

“[T]hey [Irish booksellers] re-printed Books soon after they [we]re printed here [in England], and often g[o]t the Sheets as they c[a]me from the Press.” 63 Admittedly, Cadell had an incentive to exaggerate the extent of Irish reprinting practices—and to imply that they reflected unethical business practices—since his testimony was intended to thwart a bill that would have allowed Irish books into the British market. 64 Cadell’s testimony before the committee of council on 15 March 1785 was, three days later, ordered to be distributed within the House of Commons. 65 It was later resolved on 26 May that “such Privileges of printing and vending Books, as are or may be legally possessed within Great Britain, under the Grant of the Crown or otherwise, and the Copy Rights of the Authors and Booksellers of Great Britain, should continue to be protected in the Manner they are at present by the Laws of Great Britain.” Regarding Ireland, it was resolved that it was “just that Measures should be taken, by the Parliament of Ireland, for giving the like Protection to the Copy Rights of the Authors and Booksellers of that Kingdom,” and subsequent resolutions, amendments, and an ensuing bill reiterated the importance of protecting copyright. 66

63 Lambert, Commons Sessional Papers, vol. 52, 358. This is also cited and partially quoted in Sher, Enlightenment and the Book, 445.
64 Sher, Enlightenment and the Book, 446. Although the bill proposed to eliminate prohibitions on Irish goods, there were a number of exceptions, among which were copyrighted works. House of Commons Sessional Papers of the Eighteenth Century: Bills, 1784–1785, vol. 46, 2.
66 Ibid., 1022. It was then ordered that consideration resume the following Monday, 30 May, when the above-quoted resolutions were reiterated, and the desire for a conference with the Lords was expressed. Ibid., 1036. Following a conference on 31 May, amendments were made
The nature of the relationship between British and Irish publishing had not fundamentally changed—yet.

Cadell later testified that even the price of paper and wages of journeymen printers were lower in Ireland than in England, circumstances that allowed Irish booksellers to maximize their profits. Cadell also pointed out other publishing advantages that Dublin booksellers enjoyed, and implied that these benefits came at a cost to their counterparts in London:

…they have no Copy Money to pay, because Copy Right is not protected by any Law in that Country…. It is also customary for us [London booksellers] to pay large Sums of Money for new Editions of old Works, which they reprint with the Additions and Improvements—consequently they have all the Benefit of the Expence we [London booksellers] have been put to.  

It is certainly true that Dublin booksellers were spared the expense of author payments, which, particularly for composers of popular works, increased substantially over the course of the century. But not all authors were Swift and Pope; more typical compensation rates were on the order of tens of pounds, not hundreds.

Complaints that Irish booksellers’ advantages facilitated piratical printing practices were hardly new. When on 18 November 1736 the Shrewsbury MP Corbet Kynaston wrote to Thomas Carte about alleged piracies of the latter’s *Life of the Duke of Ormonde*, he too drew a connection between inexpensive printing opportunities and piracy:

by the Lords; these, noted on 22 July, extended the scope to include a wider range of texts, including engravings, prints, maps, charts, and plans. Ibid., 1151–2. These amendments seem to have been incorporated into the resolutions read on 25 July. Ibid., 1157. On 2 August there emerged the “Bill for Finally Regulating the Intercourse and Commerce between Great Britain and Ireland” (cited above). *Commons Sessional Papers*, vol. 46, 2.

67 Lambert, *Commons Sessional Papers*, vol. 52, 358–9. This is also noted and cited in Sher, *Enlightenment and the Book*, 445.

68 Lambert, *Commons Sessional Papers*, vol. 52, 358. Cadell’s testimony is also discussed (and other parts of it quoted) in Sher, *Enlightenment and the Book*, 445–6.

69 The work is not cited in this letter, but the date suggests that the text in question was Carte’s *Life*, first published in 1736 and reprinted in Dublin shortly thereafter. According to Plant, Carte
I am much concerned to hear your book is pirated in so bear [sic] faced a manner you mention for if you can prove an observation taken for that purpose I should think it a sufficient reason for the parliament to do something to secure the property of authors and the attempting this in Ireland where you say their [sic] is no duty paid for paper I should think also an other very good argument for such an act as it is prejudicing the revenue but how to bring this affaire properly before them is the point you are to consider upon and how to bring them of thinking such an act is not calculated for the benifit of book sellers but authors which for my own part I am priety clear in and will do any thing I can to serve you in obtaining such an act.  

Nearly a week before Kyanston composed his missive, H. Perrot wrote to Carte about seemingly the same work, describing the infringement upon copyright in the familiar terms of learning:

I am perfectly shocked at [th]e acc[oun]t you give me of [th]e villany of [th]e Irish proceedings. Impudence is [th]e Characteristick of [th]e nation, but this is such a vile action I can[’]t beleive [sic] any…Gentleman can give any encouragem[en]t to such practices. … [W]ait on the [lord steward] Duke of Dorset, & desire his assistance in representing our Case to [th]e Secretarys of State to obtain an order from them to be sent to [th]e Governing Power in Ireland to put a stop to so unjust and a Cruel treatm[en]t of you in publishing y[ou]r book. If [th]e Ill consequences are such as you have represented them to me, it is giving so fatal a blow to [th]e encourage[men]t of Learning, that no Person…will ever give himself the trouble to publish any book…. The B[isho]p of London & all Learned men of y[ou]r acquaintance should be made acquainted with [th]e Injury That is offer’d you who…will all interest themselves in y[ou]r favour, w[hi]ch is in favour of Learning, and must prevail in preventing y[ou]r works being printed in Ireland.

 remembered “an order of the House of Lords, issued in 1721, to the effect that anybody presuming to print an account of the life of a deceased peer without the consent of his heirs or executors should be regarded as guilty of a breach of privilege,” and he was thus able to help put a stop to the Irish reproductions with the intervention of Lord Arran, the dedicatee. Marjorie Plant, *The English Book Trade: An Economic History of the Making and Sale of Books*, 3rd ed. (London: George Allen & Unwin Ltd., 1974), 120, 474, n. 48. (It was this very 1721 order that Curll was thought to have breached in 1735, as will be discussed.)

70 MS. Carte 227, ff. 263r–v, Bodleian Library, University of Oxford. Kynaston seems to have been alluding to the 1737 copyright bill, discussed below.

71 Ibid., 243–4. Perrot then recounted his understanding of the law, that Irish reprints of (copyrighted) works originally produced in England could not be imported into England. Ibid. This prohibition was implicit in the Statute of Anne, but it was not made explicit until the Importation Act (1739). 12 Geo. II, c. 36.
Such complaints were common, and they ensured the endurance of Ireland’s reputation as a haven for reprinting—and, not always fairly, for piracy as well.

The Exploitation of Exportation

The professed belief that Dublin booksellers used Ireland’s favorable publishing conditions to undercut their London counterparts’ sales in Britain had a number of subscribers, particularly among London booksellers. Cadell suggested that Irish booksellers profited handsomely from that “great clandestine Importation of Books from Ireland into this Country [England].” On 5 March 1785, ten days before giving his testimony, Cadell wrote a letter to Charles Jenkinson in which he described the importation of Irish reprints as posing a threat not only to current but also to future copyrights: “No Bookseller will in future venture to give a Sum of money for the property of a Book if he cannot be protected in the exclusive Sale, at least in this Country, for the Term given by the Act of Queen Anne.” The London bookseller James Lackington similarly offered an assessment of Irish booksellers’ propensity toward piracy:

As to Ireland I shall only observe, that if the booksellers in that part of the empire do not shine in the possession of valuable books, they must certainly be allowed to possess superior industry in reprinting the works of every English author of merit as soon as published, and very liberally endeavouring to disseminate them, in a surreptitious manner, through every part of our island, though the attempt now generally proves abortive, to the great loss and injury of the ingenious projectors.

Having failed in obeying the law, Irish booksellers also failed in disobeying the law, Lackington sardonically implied. Like Lackington, many presumed or professed that illegal exportation was the only viable option for Irish booksellers.

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72 Lambert, Commons Sessional Papers, vol. 52, 358. This is also cited and quoted in Sher, Enlightenment and the Book, 445.
73 Sher, Enlightenment and the Book, 446, and n. 3.
74 Lackington, Memoirs, 270. This is also cited and quoted (though from the original 1791 edition) in O’Kelley Papers, SR/Bay 21, vol. 1, RIA Library.
To the extent that Irish booksellers exported reprinted copies, they were not unique. Johns (2011), among others, has pointed out that “the Swiss and Dutch were doing this [exporting reprints] to France, and any number of German statelets were doing it to each other.” The Irish book trade was distinct because it was bound by “no authoritative system of literary property within Dublin itself.” Dublin was thus “a place where piracy was the only propriety, and anarchy the only rule.” The fact that the Dublin trade functioned—and grew—in the absence of any copyright protections posed not just a piratical challenge to London, but a conceptual one as well.

London booksellers did not have a basis to object to Dublin’s “anarchy,” and so instead they vocally opposed the importation of Irish reprints. Pollard has suggested that underlying many of the numerous complaints about imports from Ireland was a concern about forgoing sales, via exports from England, to that growing Irish readership noted above:

The official complaint was of the importation into Britain of cheap Irish reprints which threatened the market at home. I suspect that quite as important, though never formally expressed, was the damage done to the market in Ireland. Against this loss there was no redress by law, and the London trade made up for their silence here by their complaints of reprints smuggled into England.

Pollard’s supposition is bolstered by rising rates in Ireland of bilingualism, literacy, and book production; the Irish reading public could, increasingly, sustain a market for Irish-made, English-language texts.

The market share that London booksellers stood to lose, were they to fail to capture Irish domestic readers, was not insignificant. By 1665 Ireland was importing books valued at £1,721, nearly 65 percent (£1,118) of which had come from England; this amount equaled or exceeded

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75 Johns, *Piracy*, 146.
76 Ibid.; original emphasis.
77 Ibid., 147.
78 Pollard, *Dublin’s Trade in Books*, 70.
that of imported drugs, clothes, or horses.\footnote{Gillespie, “Irish Printing in the Early Seventeenth Century,” 81, and n. 1.}\footnote{Idem, “Print Culture,” 24.} Gillespie, citing customs figures, has written that “by the late 1690s Ireland was England’s single largest export customer for books with 175 cwt [hundredweight] being exported there.”\footnote{Pollard, Dublin’s Trade in Books, 41.}\footnote{Pollard, Dublin’s Trade in Books, 132–4.} Pollard has supplied an even higher figure: by her estimation, in 1696/7 books of more than 297 cwt, totaling £2,975 (given a value of £10 per cwt), were imported into Ireland from England.\footnote{Gillespie, “Irish Printing in the Early Seventeenth Century,” 87. This passage is also cited and quoted in Sessions, First Printers in Waterford, inside cover.} The dominance of imports in the Irish literary domain during the early seventeenth century was neither a matter of happenstance nor of poor management of printing apparatuses. Rather, according to Gillespie, it reflected systemic impediments to the development of a book trade, manifested in “the character of Irish society, the lack of patronage, and the nature of the Irish Reformation.”\footnote{Pollard, Dublin’s Trade in Books, 131.} The subsequent growth of the Irish book trade, unpromising as it had seemed, proved an unexpected and unwelcome development for London booksellers.

London booksellers’ prices were not competitive in Dublin. In their respective local markets, London books sold at an estimated $2.5d. per sheet, whereas their Dublin counterparts went for approximately 80 percent of that value, or $2d. per sheet.\footnote{Johns, citing Pollard and others, has written: “In 1767 the Irish parliament heard that there was even a standardized retail price, twopence per sheet, and those for whom this was too high might find books at one of the proliferating circulating libraries.” Johns, Piracy, 148, and n. 6.} Books imported into Dublin from London, however, cost even more than they did within London. The imported edition of the Church Bible, for instance, which in 1620 cost Londoners £1 12s., was £2 for Dubliners.\footnote{Pollard, Dublin’s Trade in Books, 131.}

The price differences between London and Dublin editions also reflected qualitative differences. Although paper was more expensive in England than in Ireland, Pollard has pointed
out that the key difference in cost resulted from how paper was used. In Dublin, printers “made
do with inferior paper, printed few copies, and above all used a smaller format than that of the
original edition.” In London, by contrast, editions had “a grand and lavish style” meant for
wealthy book buyers. Swift commented upon the difference in a letter to Pope dated 31 March
1733:

This day I received the two Poems to my self, and one for Dr D—[.]we are not
obliged to you; for all your things came over quickly, and are immediately
printed, in tolerable wealdable volumes, not your monstrous twelvepenny folio.
By comparing Kingdoms I find England just out weighs 24 Ir[e]ld, for we get a
shillings worth here for a half-penny, only yours yeilds [sic] a penny.

Swift may have appreciated the convenience of octavo volumes, but he was also clearly aware of
the difference in quality between those editions and the varieties for sale in London. While the
Irish book trade indeed largely supplied the Irish market, London and Dublin were not catering
to precisely the same set of consumers.

Nevertheless, if London copyrights could be enforced in Dublin, then the differences in
cost and quality between London imports and Dublin reprints would not have mattered, since the
former would not have had any competition in the Irish marketplace. Even if fewer people
bought the London imports, the total number of sales of London editions would probably have
been higher if Irish reprints had not been allowed to compete in the Irish marketplace. Indeed,
after the Copyright Act of 1801 (when copyright regulations applied in Ireland for the first time),

85 Ibid., 115–6.
86 That is, the Epistle to Bathurst and the Imitation of the First Satire of the Second Book of
Horace. Correspondence of Jonathan Swift, ed. Williams, 4:134, n. 3.
87 The Correspondence of Jonathan Swift, ed. David Woolley, 4 vols., vol. 3 (Frankfurt am
Main: Peter Lang, 1999–2007), 615, and 618, n. 8; square brackets are Woolley’s, and “Dr. D—”
refers to Patrick Delany. This passage is cited (though from the Williams edition) and partially
quoted in Pollard, Dublin’s Trade in Books, 115–6, and n. 20.
88 Dublin reprints had inferior paper, smaller type, and few if any of the aesthetic flourishes
common among larger, more ornate London editions. Pollard, Dublin’s Trade in Books, 163.
89 On both sides of the Irish Sea, possessing London-made books brought prestige. Ibid., 111.
Irish consumers spent unprecedented sums on London-made books because they had no other choice.\textsuperscript{90}

Supporting the argument that Irish exports did not pose a significant threat to the London market—and that domestic Irish editions did—is the fact that exporting books, especially illegally, brought both practical and economic challenges. It hardly needs noting that books—even unbound ones—were heavy: they were difficult and expensive to transport. As Pollard has written, “[t]he difference in book-prices between Dublin and London was not so great that there would have been large profits after freight charges were subtracted.”\textsuperscript{91} Following up on Pollard’s study, Sher (2006) has pointed out “examples of Irish octavos being smuggled into Scotland at a time when the British editions of the books in question were expensive quartos”; in such cases, British publishers were indeed vulnerable to being undersold. But once British booksellers followed suit, producing their own mid-range octavo editions, the price difference between the Dublin and London publications “was usually no longer high enough to justify the risk of illegal importation.”\textsuperscript{92} The only occasions on which Irish editions proved competitive in British markets were, first, when there was a local demand for them; and second, when a popular book sold in such quantities that lower profit margins per copy enabled smuggling.\textsuperscript{93} Bulk transmissions, however, were not usual; books were often sent over from Ireland as “a variety of specified titles to the order of a particular English or Scottish bookseller.”\textsuperscript{94} In most cases, selling smuggled books was neither desirable nor even feasible, since profit margins were discouragingly slim. An original London 1766 edition of Goldsmith’s \textit{Vicar of Wakefield} was published “In two Volumes

\begin{thebibliography}{94}
\bibitem{90} Ibid., 164.
\bibitem{91} Ibid., 87.
\bibitem{92} Sher, \textit{Enlightenment and the Book}, 464–5.
\bibitem{93} Ibid., 465.
\bibitem{94} Pollard, \textit{Dublin’s Trade in Books}, 86–7.
\end{thebibliography}
in Twelves” and sold for “6s. bound, or 5s. sewed”; it was not a cheap work, but neither was it sufficiently expensive to abide a substantial markup.\textsuperscript{95} Works that were easier to transport had even less profit potential; and those too could be risky to transmit, as Jeffreys’s non-commercial but nevertheless unsuccessful pamphlet-transmission odyssey (discussed in the second chapter) revealed.

Even if illegally-exported books could generate a profit, payments could be difficult to collect, and may have entailed barter.\textsuperscript{96} And even with the coerced or incidental cooperation of custom-house officials, a formidable illicit trade would surely have been thwarted by ever-vigilant London booksellers.\textsuperscript{97} In short, little evidence—besides protest from London, and indications that other goods such as tea and tobacco were illegally imported from Ireland\textsuperscript{98}—has yet been found to substantiate claims that the illegal importation of books from Ireland occurred on a large scale. Pollard has concluded that

\begin{quote}
[t]aking into account [such] difficulties [as collecting payment, getting Irish-made books through customs, and evading London copyright-holders], the comparative rarity of seizures [of illicit reprint-exports], the scarcity of Irish reprints in British
\end{quote}

\begin{footnotes}
\footnotereference{95}[Oliver Goldsmith], \textit{The Vicar of Wakefield}, vol. 1 (London: printed by B. Collins for F. Newbery, 1766), xvi. 5s. in 1770 would have had the spending worth of about £16 in today’s money. “Currency Converter,” in “Old Money to New,” http://nationalarchives.gov.uk/currency.
\footnotereference{96}For instance, in 1778 Parliament allowed Irish-produced books to be exported to the colonies, but because direct imports into Ireland were prohibited, a barter system would have been necessary for any trade to occur. Pollard, \textit{Dublin’s Trade in Books}, 136.
\footnotereference{97}Ibid., 86–7. At times custom-house officials could be perhaps too vigilant. Siebert has noted that, in the mid-seventeenth century, “[t]o satisfy the complaints of importers who accused the representatives of the Stationers Company [who were] engaged in searching incoming cargoes of appropriating such imported books to their own use, it was provided in the new [1653] act that such inspections should take place within forty-eight hours with adequate notice…together with a remedy…for loss or damage caused by the inspection.” Fredrick Seaton Siebert, \textit{Freedom of the Press in England 1476–1776: The Rise and Decline of Government Controls} (Urbana: The University of Illinois Press, 1952), 229.
\footnotereference{98}Those too were expensive to smuggle. To reduce costs, smugglers came to rely on entrepôt centers, such as the Isle of Man, to redistribute goods from large vessels onto smaller ones. L. M. Cullen, “The Smuggling Trade in Ireland in the Eighteenth Century,” \textit{Proceedings of the Royal Irish Academy} 67C (1968/1969), 149–75.
\end{footnotes}
libraries, and admitting the evidence of false imprints, ... smuggling did not exist on a very large scale, though some Dublin booksellers probably sent as many forbidden books to England as they could.99

And London booksellers, in turn, lamented forbidden books as often as they could.

London booksellers were, at times, explicit about wanting to capture the domestic market that their Dublin counterparts served. In a circular letter from the London bookseller John Wilkie dated 2 November 1759, the writer lamented that “[t]he authors of books, as well as the persons to whom…they have transferred their copyright” had “for some years past been greatly injured in their property, by sundry persons fraudulently and clandestinely in England, and openly in Scotland and Ireland, reprinting and vending the same, to the particular loss and injury of the said authors and proprietors, and to the detriment of the fair trader in general.”100 Wilkie made no distinction between the practices of reprinting copyrighted works in Scotland and of reprinting those works in Ireland; and yet the former was universally illegal, whereas the latter was perfectly legal, provided that it was not a precursor to exportation.

In his 1785 testimony, Cadell similarly implied that the exportation of books from England to Ireland had suffered as a result of Irish reprinting. In response to the question of whether there was “any considerable Export of Books…from this Country to Ireland,” Cadell replied that there was not, “except in such heavy Works as they cannot print there, such as Dictionaries, [etc.],” which were “generally exported unbound.” Cadell suggested that Ireland mostly had no need for England’s exports, since originals were easily secured and reprints relatively cheaply produced in Ireland.101

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99 Pollard, Dublin’s Trade in Books, 87.
101 Lambert, Commons Sessional Papers, vol. 52, 358. Cadell’s testimony is also discussed (and partially quoted) in Sher, Enlightenment and the Book, 445.
Of course, piracy (or alleged piracy) could also occur in reverse. As Johns has written: “If reprinting English books in Ireland for the Irish was acceptable, …so, by the same token, was reprinting Irish books in England for the English.”102 In the 1741 suit involving Pope, one of the arguments that Edmund Curll had made in his own defense was that he “verily believe[d] that the said letters were first printed at Dublin…by Mr George Faulkener…and humbly insist[ed] that all persons in this kingdom [England] have a right to reprint such books as are first published in Ireland.”103 (In his decision, which focused on the source of copyright ownership under the Statute of Anne, Hardwicke did not directly challenge the rule regarding Irish editions, but he did note its potential to be exploited.104) Even earlier, in 1694, the London bookseller Benjamin Tooke defended his reprinting of Bishop (later, Archbishop) William King’s *Discourse on the Inventions of Men in the Worship of God* on the grounds that had he not reproduced the work, another would have.105 Still, the notoriety and comparative frequency of Dublin reprinting made it a particular target of attack by London booksellers.

Irish booksellers as well as readers seem to have been aware of London booksellers’ intentions to seize control of copyright protections within Ireland. An announcement in the *Dublin Morning Post* of 7 April 1785 warned of the imminent threat that the London booksellers’ lobbying posed:

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104 Hardwicke wrote, concerning whether a book originally printed in Ireland was “lawful prize” to English booksellers: “If I should be of that opinion, it would have very pernicious consequences, for then a bookseller who has got a printed copy of a book, has nothing else to do but send it over to Ireland to be printed, and then by pretending to reprint it only in England, will by this means entirely evade the act of parliament.” Quoted in Rose, *Authors and Owners*, 153; original italics.
It is particularly incumbent on the booksellers of Ireland to be attentive to the bill which is to be brought into the house of Lords for the regulation of literary property—with prudence and spirit Ireland might become an emporium for the book trade of America—an object of the highest consequence—and which should not be hastily abandoned. Should the booksellers of London get possession of Copyright in Ireland—from enormous expense, the luxury of reading must, as in the days of barbarous ignorance, be confined solely to the cloister—or the castle of the insolent and haughty baron…. If we are to have a bill for literary property—it is peculiarly the care of the great—not by their laws to diffuse ignorance….  

Irish booksellers had good reason to worry that the efforts of London booksellers to rein in the Irish book trade belied a desire to supplant it. Ultimately, after the Act of Union, London booksellers would do just that. And they would come to command what they seem to have sought all along: a monopoly in English-language book sales to an increasingly literate Irish populace.

**Supplementing the Statute of Anne**

In their pursuit of stronger copyright protections, London booksellers did more than lament, sometimes disingenuously, the pervasiveness of exported Irish reprints; they also sought redress in the form of a new booksellers’ bill. In their petition of 3 March 1734/5, they argued:

That the Expence of printing and publishing learned and useful Books, frequently oblige[d] the Authors thereof to transfer their Property therein; and that the Property of the Authors of such Books, and their Assignees, hath, of late Years, been, and still continues to be, injured by surreptitious Editions and Impressions made as well in Great Britain as in foreign Parts, where Paper is purchased at Half the Expence that it can be provided for in England; to the Diminution of his Majesty’s Revenue, the Discouragement of the Art of Printing, and the Trade and Manufacture of this Kingdom: And therefore praying Leave that a Bill may be brought in for making more effectual…An Act for the Encouragement of Learning…; and for the better preventing the surreptitious Printing or Importing thereof from foreign Parts…

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106 Quoted in O’Kelley Papers, SR/Bay 21, vol. 1, RIA; original emphasis. The ellipses above also appear in the text of the O’Kelley Papers.
107 *Journals of the House of Commons*, vol. 22, 400. This petition is also noted and cited in John Feather, *Publishing, Piracy and Politics: An Historical Study of Copyright in Britain* (London: Mansell Publishing Limited, 1994), 70–1, and n. 32.
The committee ordered to report on the petition followed up nine days later, presenting testimony from witnesses who corroborated the booksellers’ accusations of widespread Irish piracy. Among these was the Reverend Doctor John Clarke, who testified that he had sold the copyright of his late brother Samuel’s sermons to John Knapton for £1,000. Knapton in turn testified that he had printed the sermons in ten volumes, which he had then sold at the price of 40s. (£2) per volume in sheets, but that his sales prospects diminished when he discovered that “a short time after, the said Sermons were reprinted in [Dublin] Ireland, in Two Volumes in Folio, and…imported from thence, and sold here [in England] for 26s. [£1. 6s.].”

Other examples were offered—“carefully selected ones,” of course—and collectively they suggested that the effects of importation from Ireland (and also from Holland) of reprinted editions were contrary to the intentions of the Statute of Anne. The result was the order “That Leave be given to bring in a Bill, upon the Debate of the House, for making more effectual [the Statute of Anne].” The booksellers’ bill that came up on 1 May had provisions that strengthened copyright by lengthening its term and then by clarifying the penalties for breaches of it. Copyright would have been lengthened for booksellers only, however; for authors, its duration would have been reduced.

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111 The bill would have reduced the duration of copyright for authors from a renewable fourteen-year period (i.e., twenty-eight years, provided the author remained living) to a twenty-one year period, while increasing the duration of the purchaser’s copyright from fourteen years to twenty-one years. The bill also proposed allowing proprietors to sue pirates for 10s. per book (with another 10s. to go to the monarch) and allowed for recovering costs associated with suits. David Foxon, Pope and the Early Eighteenth-Century Book Trade, rev. and ed. James McLaverty (Oxford: Clarendon Press, 1991), 244.
While the booksellers’ bill was under consideration, the London monopolists supplemented their petition with polemics. The broadside *Reasons Humbly Offered to the Consideration of the Honourable House of Commons, in Support of a Bill for Making More Effectual... An Act for the Encouragement of Learning* (1735) reiterated some of the concerns expressed in the petition and noted the burden that copyright-owning booksellers bore:

…it cannot be supposed...that Booksellers and others, who have purchased the Right of Copies from the Authors thereof, at great Prices, and whose Fortunes are principally invested in this Kind of Merchandize, should be exposed to Ruin, either by the Printing and Publishing their Works at home, by Persons who have paid no Consideration whatever to the Authors, or, by Foreigners importing such Books printed abroad into this Kingdom, and Under-Selling the fair Trader.... And Foreigners have still this further Advantage, in that they not only pay no Copy Money, but can also import Books into this Kingdom, upon paying only the Duty upon Printed Books, which is Two Thirds less than the Bookseller pays for the Duty of the Paper used for Printing...¹¹²

While *Reasons* took into account the position of authors—who, it argued, “should have a more certain and durable Property in their Works,” and “the Right to dispose of, and receive a Consideration for” their communications of “useful Knowledge”—it nevertheless remained focused on the interests of booksellers, who participated in a Trade that had “become very valuable and extensive,” and that accordingly “deserve[d] the Notice and Protection of the Publick.”¹¹³

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¹¹² *Reasons Humbly Offered to the Consideration of the Honourable House of Commons, in Support of a Bill for Making More Effectual an Act Passed in the Eighth Year of the Reign of Her Late Majesty Queen Anne, Intitled, An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of Such Copies during the Times therein Mentioned* (London: [s. n.], 1735), 1. This is also cited in Feather, *Publishing, Piracy and Politics*, 75, and n. 57; Feather lists the publication date as 1737, in contrast to the *MMW* and *ESTC* records (which list it as 1735), and cites it as a reaction to the bill that was brought to the House of Commons on 11 February 1736/7.

¹¹³ *Reasons Humbly Offered*, 1. This is also cited in Feather, *Publishing, Piracy and Politics*, 75, and n. 57; see the above note regarding the publication date.
The ensuing *Farther Reasons* likewise noted the threat that imported reprints posed; and it placed a similar emphasis on protecting booksellers’ rights as a public good:

…a Bookseller purchases the Copy of an Author at his own Risque, …and is very often a Sufferer thereby; and if the Book is so fortunate as to be approved, it is to be considered, that as the Bookseller pays a large Price for the Copy, and has but a Term of Fourteen Years, so he cannot venture to print a large Impression, lest it should not be sold off within that Time; besides the Hazard of its being printed Abroad and imported into this Kingdom at a less Price than he can afford to sell it for: whereas if the importing such Books were restrained, and the Property secured to the Author and his Assignes for a longer Term, he might be enabled to print a larger Impression, whereby the Charges upon the whole would be diffused, and consequently the Book come cheaper to Market.\(^\text{114}\)

Such polemics were ultimately in vain. The bill, which passed through the Commons, was postponed and ultimately lost in the House of Lords.\(^\text{115}\)

In short order there emerged a new copyright bill, introduced in 1735/6, with a similar purpose. It too was meant to compensate for the deficiencies in the Statute of Anne, which had proven “ineffectual to prevent the Publication and Sale of surreptitious Editions, and impressions of Books.”\(^\text{116}\) The Irish book trade again provided a ready source of examples for arguments to strengthen British copyright protections. The remedy for surreptitious editions, according to the bill, was a dramatic extension of the term of copyright—one that, as compared with its predecessor, took a greater account of authors’ rights. It disallowed authors from selling

\(^\text{114}\) *Farther Reasons Humbly Offered to the Consideration of the Honourable House of Commons, for Making More Effectual an Act, Passed in the Eighth Year of the Reign of Her Late Majesty Queen Anne, intitled, An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of Such Copies during the Times therein Mentioned* (London: [s. n.], 1735[?]), 2. This source is also cited in Feather, *Publishing, Piracy and Politics*, 76, and n. 58; Feather lists the publication date as 1737. The *MMW* lists it as possibly 1735, and the *ESTC* lists it as possibly 1735 or possibly 1737. If it directly followed the publication of *Reasons*, and if *Reasons* was published in 1735, then it too was likely published in 1735.


\(^\text{116}\) This preamble to the proposed bill is quoted in Ibid., 75.
copyrights for more than ten years at a time.\textsuperscript{117} It also extended the duration of copyright, from a renewable fourteen-year term to the span of the author’s lifetime plus an additional eleven years. For authors who died within ten years of publication, protection was to endure for twenty-one years from the date of death; and for posthumous publications, the term of copyright was to be twenty-one years.\textsuperscript{118} This bill, which came into the House of Commons on 11 February 1736/7, was ultimately lost as well.

**The Scriblerians and the Law**

Where were the Scriblerians amidst all of this? They were, characteristically, actively lobbying for the extension of rights for authors. Pope, for instance, was unhappy that the 1735 bill did nothing to increase the protections afforded authors. And he was well positioned to act on his dissatisfaction. Having apparently adopted the guise of P. T., he duped Edmund Curll into printing his correspondence (as discussed in the second chapter). Pope then used Curll’s edition of literary correspondence not just to provide a justification for the subsequent release of a corrected and authorized edition, but also to make a case for the necessity of enhancing authorial protections. (Like the London booksellers, Pope too was making an argument for copyright under false pretenses.)

The succession of circumstances that enabled Pope to make such a case was well underway by the time the 1735 bill arose. It had begun as soon as Pope’s correspondence with

\textsuperscript{117} This fifteenth clause is quoted in Deazley: “[N]o author shall have the power to sell, alienate, assign or transfer, except by his last will and testament, the right thereby vested in him to the original copy of any book…for any longer time than 10 years, to commence from the date of such sale.” In Deazley, *Origin of the Right to Copy*, 106, and n. 89; square brackets are Deazley’s. See also Royal Commission on Historical Manuscripts, *Report on the Manuscripts of Earl Bathurst, Preserved at Cirencester Park* (London: H. M. Stationery Office [printed by T. B. Hart, Ltd.], 1923) 10–1.

Henry Cromwell appeared in print in 1726, after which the poet reported feeling “induced to preserve a few of his own Letters, as well as of his Friends,” which he inserted in Two Books, some Originals, other Copies, with a few Notes and Extracts…. In the same Books he [Pope] caused to be copied some small Pieces in Verse and Prose, either of his own, or his Correspondents; which, tho’ not finish’d enough for the Publick, were such as the Partiality of any Friend would be sorry to be depriv’d of.\textsuperscript{119}

It was from that manuscript that Curll derived the material to print Pope’s correspondence. This was, of course, no grand coincidence, despite Pope’s purported lament (“…several of the Letters could only have come from the Manuscript-Book…”), which he published as a formal complaint in a 1733 advertisement:

Whereas a Person who signs himself P. T. and another who writes himself R. Smith…have Transacted…with Edm. Curl, and have in combination printed the Private Letters of Mr. Pope and his Correspondents [some of which could only be procured from his own Library, or that of a Noble Lord…] This is to advertise, that if either of the said Persons will discover the Whole of this Affair, he shall receive a Reward of Twenty Guineas…\textsuperscript{120}

Pope accused Curll of trying to coerce him to get involved in the affair so that the unscrupulous bookseller could then issue an edition that had been purportedly revised by the author,\textsuperscript{121} a strategy that Pope knew well. (He was exploiting Curll’s penchant for unscrupulous publishing so that he himself could release an authorized edition of his letters without appearing to have initiated the publication.) Ostensibly without Pope’s approval, Curll went on to print the correspondence, whose publication he triumphantly advertised on 12 May 1735 in the \textit{Daily Post-Boy}:

\textsuperscript{119} Alexander Pope, \textit{A Narrative of the Method by Which the Private Letters of Mr. Pope Have Been Procur’d and Publish’d by Edmund Curll, Bookseller} (London: printed for T. Cooper, 1735), 9.
\textsuperscript{120} Ibid., 15; square brackets in original.
\textsuperscript{121} Ibid., 13.
This Day are published, and most beautifully printed, Price five Shillings, Mr. Pope’s Literary Correspondence for thirty Years; from 1704 to 1734. Being a Collection of Letters, regularly digested, written by him to the Right Honourable the late Earl of Halifax, Earl of Burlington, Secretary Craggs, Sir William Trumbull, Honourable J. C. General ****, Honourable Robert Digby, Esq; Honourable Edward Blount, Esq; Mr. Addison, Mr. Congreve, Mr. Wycheley, Mr. Walsh, Mr. Steele, Mr. Gay, Mr. Jarves, Dr. Arburthnot [sic], Dean Berkeley, Dean Parnelle, &c. Also Letters from Mr. Pope to Mrs. Arabella Fermor, and many other Ladies. With the respective Answers of each Correspondent….

Curl’s momentary triumph in turn enabled—and then was promptly superseded by—Pope’s own success in helping quash the 1735 bill, which the poet felt would have given booksellers too many rights at the cost of allocating authors too few.

Curl had erred in advertising (inaccurately, it would turn out) that his publication contained lords’ correspondence. As Pope noted, this would have constituted a “Breach of Privilege.” As a result of this incident, Pope recounted, “the Tables now began to turn. It happened that the Booksellers Bill…came on this Day [12 May] in the House of Lords.”

According to the Lords Journals, “Notice was taken to the House” of Curl’s advertisement, which was read. Then orders were given for the seizure of copies of the book and for Curl and the bookseller John Wilford to appear the following day. The poet noted that on 14 May, P. T. (very probably Pope himself) had written to Curl, “on the unexpected Incident of the Lords, to

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122 Ibid. The advertisement also included the following note: “The Original Manuscripts (of which Affidavit is made) may be seen at Mr. Curl’s House by all who desire it.” Ibid.
123 Ibid., 28; original emphasis.
124 They did appear on 13 May, and they were then examined, as was a servant of Mr. Redmaine, the printer of the newspaper in which the advertisement had been published. The seized books were estimated to number five hundred, and the matter was referred to the consideration of a committee, before whom Curl was directed to appear the following day. The committee reported on 15 May that it had “looked into the Book [of Pope’s correspondence that Curl had published] produced before them…and, having examined the same, d[id] not find that there [wa]s any Letter of any Lord printed therein; and therefore conceive[d], that the Printing of the said Book [wa]s not contrary to the Standing Order of the House, of the 31st of January, 1721; and the Committee [we]re of Opinion, that the Books seized by the said Gentleman Usher [of the Black Rod] should be delivered back to the said E. Curl.” Journals of the House of Lords, vol. 24, 554, 556.
instruct him in his Answers to their Examination, and with the utmost Care to conceal himself.”

Pope had brought about the questioning of Curll; he then supplied Curll with answers: he was effectively having, via the House of Lords and Edmund Curll, a conversation with himself.

The episode was to be short-lived: the bookseller, though unscrupulous, had not breached privilege and was ultimately exonerated. Nevertheless, the suspicion about the contents of Curll’s publication produced the juxtaposition that Pope seems to have intended: an instance of one bookseller’s (alleged) overreaching with the prospect of extending booksellers’ rights.

Immediately after notice had been taken of the advertisement in the House of Lords, the second reading of the booksellers’ bill was postponed for a week, and the bill was not thereafter revisited. As Foxon has written, “it is impossible to believe the arrival of the books at Curll’s shop on the day of the second reading was a coincidence.”

Even by Pope’s own account the timing seems to have amounted to more than mere fortuity. After recounting, virtually verbatim, the report of the Lords session, Pope triumphantly declared: “By THIS INCIDENT THE BOOKSELLERS BILL WAS THROWN OUT.”

He further expressed the hearty Wishes…that the next Sessions, when the BOOKSELLERS BILL shall be again brought in, the Legislature will be pleas’d not to extend the Privileges, without at the same Time restraining the Licence, of Booksellers. Since in a Case so notorious as the printing a Gentleman’s PRIVATE LETTERS, most Eminent, both Printers and Booksellers, conspired to assist the Pyracy both in printing and in vending the same.

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125 Pope, *Narrative of the Method*, 29.
126 *Journals of the House of Lords*, vol. 24, 556.
127 Ibid., 550. This source is also cited in Feather, *Publishing, Piracy and Politics*, 74, n. 48.
130 Ibid., 36.
Pope made sure that he derived every possible advantage from this episode. He sought not merely to vilify Curll or to generate sufficient cause for getting his personal letters published—though he succeeded in both. Still, Curll perhaps preferred this to the dosing he had unknowingly received from Pope in 1716. The poet also timed the entire episode to coincide exactly with the consideration of the booksellers’ bill in the House of Lords. It could then serve to remind the lords of the dangers associated with allowing booksellers’ rights to go unchecked.

The opportunity to issue authorized corrected letters soon arose, and Pope seized it, eventually releasing an edition in 1737. That publication brought yet another opportunity to influence pending legislation—in this case, the 1737 copyright bill, which, like the booksellers’ bill, was meant to supplement the Statute of Anne, but unlike it, was more favorable to authors than booksellers. Once again, Pope used the occasion of publishing his letters to influence a pending bill. In announcing the publication of “An Authentic Edition of His Letters” on 22 March 1736/7 in the London Gazette, Pope noted that the release of the work would be held in anticipation of the bill’s outcome: “…A Bill being now depending in Parliament, to secure the Property of Books, it is presumed the Subscribers will admit a short Delay in the Delivery of the same, till the Fate of the said Bill is determined.” On 28 March 1737 Pope wrote to the earl of Orrery (who had been instrumental in Pope’s scheme to retrieve correspondence from Swift) about the reasons for delaying the publication of the letters: “The Book of Letters now printed, is

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131 Raymond N. MacKenzie, “Curll, Edmund (d. 1747),” in ODNB.  
retarded in the hope of an Act of Parliament now depending, which may secure it from Pyracy.”

So confident was he in the invariable success of the bill, scheduled to go into effect on 1 June, that Pope conformed to its terms before he was bound by them, evidently in the hope that in so doing he would also benefit from its protections. One provision with which he sought to comply held that publishers of subsequent editions of a work costing more than 5s. in sheets were to make additions and alterations available separately so that those could be easily purchased and inserted. He accordingly wrote to the printer Samuel Buckley in a letter dated 13 April 1737:

…I’ll be glad you desir[e]d Mr Knapton to send me word what number of Second Vols. of my Works, Quarto or folio, are in his hands? which I am to make some addition to, of New Works, & would print a number accordingly, in each Size: Thus I am fulfilling the act of Parliament before it commences.

Despite Pope’s efforts, consideration of the bill was postponed repeatedly. On 18 April (a Monday) it was ordered in the House of Lords that “the said Bill be committed to a Committee of the whole House, on Friday next.” On 22 April the matter was brought up again, and it was ordered to be put into a committee the following week; then, a week later on 29 April, it was

133 Correspondence of Alexander Pope, ed. Sherburn, 4:65, and n. 1.
134 This provision had evidently been carried over from the failed 1735 bill; Pope sought to accommodate it because he anticipated a favorable outcome for the new bill. Foxon, Pope and the Early Eighteenth-Century Book Trade, 245. Other provisions allowed for the possibility of “renouncing the penalties under the Act and bringing a bill in a court of Equity to discover the profits made from piracy and to sue for them,” and provided for authors to remain anonymous (as discussed in the third chapter). Ibid.
135 For more on Buckley, see Pat Rogers, The Alexander Pope Encyclopedia (Westport, Conn.: Greenwood Press, 2004), 47.
136 Correspondence of Alexander Pope, ed. Sherburn, 4:66, and n. 1. This source is also cited and quoted in Foxon, Pope and the Early Eighteenth-Century Book Trade, 245.
137 Journals of the House of Lords, vol. 25, 81. This source is also cited in Feather, Publishing, Piracy and Politics, 76, n. 59.
ordered to be put into a committee the following Thursday.\textsuperscript{139} On that day, 5 May, it was postponed until the following Tuesday.\textsuperscript{140} Again on 10 May the bill was accordingly brought up, and ordered that it be put into a committee on “this Day Month,” unspecified.\textsuperscript{141}

The bill was lost; and though Pope was not pleased with the development, he offered a possible explanation for it in the postscript of a letter to his friend Ralph Allen dated 14 May 1737. In that letter, he also made quite clear the extent of his own involvement in the failed enterprise:

The Bill, about which some honest Men as well as I, took some pains, is thrown out…. I think I told you it was a Better Bill when it went into the H. of Commons, than when it came out. They had added Some Clauses that were prejudicial…to the True Intention of Encouraging Learning; and I was not Sorry the H. of Lords objected to them. But it Seem’d reasonable that if Particulars only were Objected to, they should be referr’d to a Committee, to Amend them, and not to reject the Whole for them…. It really was not mine; … and therefore I am not, in my own particular, the worse, for the Miscarriage of the Bill. and yet I am sorry for it. Tho, if the General Purport of it be again brought in, another Sessions, without those Clauses which were Added by the Commons to the Original Draught, I should be gladder, that it was now thrown out.\textsuperscript{142}

Pope’s next (and final) statement was the highly provocative note: “I’ve heard not a word from Ireland”: that is, about the return of the letters he had written to Swift.\textsuperscript{143} Even while one prospect for exercising copyright receded, Pope was concurrently pursuing another strategy for achieving the same end. In the interim, just four days after he wrote to Allen, his letters—whose publication he had delayed, waiting to see the fate of the pending bill—were put on sale in

\textsuperscript{139} Ibid., 99.
\textsuperscript{140} Ibid., 106.
\textsuperscript{141} Ibid., 111–2.
\textsuperscript{142} Correspondence of Alexander Pope, ed. Sherburn, 4:69; original emphasis. This is also cited and partially quoted (and de-emphasized) in Deazley, Origin of the Right to Copy, 107, and n. 91.
\textsuperscript{143} Correspondence of Alexander Pope, ed. Sherburn, 4:69, and n. 2.
London on 19 May 1737. Despite the failure of the bill, Pope had engaged quite profitably in literary politics, manipulating the circumstances under which his works were published so as to influence the legal copyright to which he would be entitled. He ultimately went on to have authorial rights confirmed for letter-writers in the case *Pope v. Curll* (1741).

Swift too was embroiled in copyright negotiations during the 1730s. He did not merely lobby—whether directly or indirectly—for a law that favored authors’ rights; he also devised some of the language that he hoped would become law. For instance, he seems personally to have drafted the abovementioned clause that copyright would revert to the author after an initial ten years, and this clause made it into the oft-postponed and ultimately dismissed 1737 copyright bill. Swift’s contribution to that unsuccessful bill was evidently elicited while its 1735 predecessor was still under consideration. On 29 April 1735, before the first booksellers’ bill was lost, William Pulteney sent Swift a copy of it with a request for comment:

> I have sent you the Copy of a Bill now depending in our House, for the encouragement of learning, as the Title bears, but I think it is rather of advantage to Booksellers than Authors; whither it will pass or not this Sessions I cannot say, but if it should not, I should be glad of your thoughts upon it, against another. It seems to me to be extremely imperfect at present. I hope you have many more Writings to oblige the world with, than those which have been so scandalously stolen from you, & when a Bill of this nature passes in England (as I hope it will next year) you may then secure the Property to any friend, or any Charitable use you think fit.

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144 Ibid., 65, n. 1.
145 Pollard, *Dublin’s Trade in Books*, 70–1. Pollard is also cited in Deazley, *Origin of the Right to Copy*, 107, n. 90. See also Hugh Ormsby-Lennon, “Swift and the Quakers (II),” *Swift Studies* 5 (1990), 53–89: 54. Foxon has noted that the bill protected authors, who were not “allowed to sell their rights for more than ten years at a time.” Foxon, *Pope and the Early Eighteenth-Century Book Trade*, 245.
146 The clause is reproduced and attributed to Swift in Royal Commission on Historical Manuscripts, *Report on the Manuscripts of Earl Bathurst*, 10–1. This fact is also noted in *Correspondence of Jonathan Swift*, ed. Woolley, 4:96, n. 3.
147 *Correspondence of Jonathan Swift*, ed. Woolley, 4:95, and 96, n. 3. This passage is also quoted and cited (though from Williams) in Deazley, *Origin of the Right to Copy*, 107, n. 90.
Swift’s ensuing contribution to the 1737 copyright bill seems to have been prompted by Pulteney’s request. Unfortunately for Swift, the later bill met with no more success than had its predecessor.

During this period, Swift was also involved in other sorts of copyright negotiations between London and Dublin. He was, for instance, corresponding with his London bookseller Benjamin Motte over the Dublin bookseller George Faulkner’s publication of a corrected edition of the *Travels*—a release that Swift had helped orchestrate, and to which he seems (albeit clandestinely) to have contributed. In urging Motte not to bring a suit against Faulkner, Swift had denied involvement in Faulkner’s edition, which he framed as an expression of the Irish struggle to exercise basic commercial rights amidst English oppression. He declared in a letter dated 1 November 1735 that “the many Oppressions…from England sowr[ed] [his] temper to the utmost,” and that there existed “no Law against importing into England any Books that have been printed here [in Ireland]. For, Books are not yet among prohibited Goods, unless they contain in them some thing agains[t] Law and Loyalty.”

On 25 May 1736, prompted by Faulkner’s complaints about Motte’s “ill Treatment,” Swift reiterated the plight of Irish booksellers in a letter to the London bookseller:

…the cruel Oppressions of this Kingdom by England are not to be borne. You send what Books you please hither, and the Booksellers here can send nothing to you that is written here. As this is absolute Oppression, if I were a Bookseller in this Town, I would use all the safe Means to reprint London Books, and run them to any Town in England that I could.

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148 *Correspondence of Jonathan Swift*, ed. Woolley, 4:210. In this regard, Swift was technically correct. The Importation Act would not become law until 1739, but, as noted above, the prohibition was implied in the Statute of Anne.

149 Ibid., 4:304, and 305, n. 1.

150 In that same letter, Swift reiterated the sentiment: “And, so I would encourage our Booksellers here to sell your Authors Books printed here, and send them to all the Towns in England, if I could do it with Safety, and Profit; because (I repeat) it is no Offence against God or the Laws of the Country I live in.” Ibid., 4:304–5.
Again, too, Swift cited the law: “…whoever neither offends the Laws of God, or the Country he liveth in, committeth no Sin.” Moreover, he argued, the fault lay not in Dublin but in London itself, where Motte and other booksellers “printed any Thing supposed to be [Swift’s], that [they] did not agree with each other to print them together, if [they] thought they [the works] would sell to any Advantage.” Finally, he emphasized his own powerlessness to stop Dublin booksellers from producing and selling whatever they pleased:

…I told you long ago that Mr. Faulkner came to me, and told me his intention to print every Thing that my Friends told him they thought to be mine, and that I was discontented at it; but when he urged, that some other Bookseller would do it, and that he would take the Advice of my Friends, and leave out what I pleased to order him, I said no more, but that I was sorry it should be done here.  

Although Swift was ostensibly defending Faulkner to Motte, he was essentially making the same argument as his London bookseller: that Irish booksellers were uncontrolled and uncontrollable.

Even as he expressed his soured temper at English oppressions, Swift no doubt saw a potential opportunity in the London bookseller’s accusation. If Irish printers were as eager to republish as Motte had suggested, then Swift could use that circumstance to secure the release of editions that he might not otherwise have been able to issue. Swift had, in fact, done just that: he had clandestinely cooperated with Faulkner to have corrections made to the Travels that, for practical as well as legal reasons, would have been difficult to channel through the mainstream London trade. Then, because Irish reprints had attained such notoriety—a circumstance heightened by the release of Faulkner’s 1735 edition—Swift cited their pervasiveness in denying personal culpability. The Dublin bookseller, Swift insisted, had done “what [Swift] much disliked, and yet what was not in [his] Power to hinder.”

151 Ibid., 4:304.
plea—as perhaps Swift had intended—ultimately brought a suit against Faulkner and won an injunction to halt the sale of the *Travels* and other parts of the *Works*. Swift had nevertheless gotten into print an enduring corrected edition. Swift exploited Dublin reprinting practices, and the reputation that the Dublin book trade acquired as a result of those practices, to get his own work reprinted and exported, seemingly without having involved himself in the enterprise. In a sense, Motte had enabled Swift to do this. By lamenting that unprincipled printing practices were endemic to Ireland, the London bookseller perpetuated the belief that any work could escape into print at any time. He was expressing what Swift soon rendered a self-fulfilling prophecy.

Several years earlier (perhaps in anticipation of the subsequent release of Faulkner’s *Travels* edition?), Swift had made clear to Motte that the Irish trade defied attempts at regulation. When he wrote to the London bookseller on 4 November 1732 regarding the latest *Miscellany* (1732), with which the Irish dean was evidently not altogether satisfied, he thus characterized the curious position in which authors whose works were published in Ireland found themselves:

> I believe I have told you, that no Printer or Bookseller hath any sort of property here. I have writ some things that would make people angry[.] I always sent them by unknown hands, the Printer might guess, but he could not accuse me[,] he ran the whole risk, and well deserved the property, if he could carry it to London and print it there, but I am sure I could have no property at all.154

Later, in his reply to Pulteney’s request, dated 12 May 1735—that fateful day on which consideration of the booksellers’ bill and examination of Edmund Curll were to take place—Swift reiterated that distinct feature of the Irish book trade: “Here the printers and booksellers

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153 See, for instance, his letter to Pope in January 1732/3, and Pope’s reply on 16 February, in Ibid., 3:580–1, 593–6.
154 Ibid., 3:556; square brackets are Woolley’s. This passage is also quoted and cited (though from Williams, and with some alterations in spelling and punctuation) in Ehrenpreis, *Swift*, 3:748, and n. 1.
have no property in their copies.”\( ^{155} \) In these passages, Swift did not suggest that he believed authors necessarily merited property protections; rather, he seems to have acknowledged that different publishing sites brought different sorts of publishing opportunities: he was asserting a position of proprietary relativism.

Swift’s work on the 1737 bill, juxtaposed with the dean’s dealings with Motte, highlights an apparent contradiction of purpose. In contributing to the bill, Swift was working to strengthen existing copyrights. At the same time, however, he was also plainly declaring that he thought Irish imports into Britain ought to have been permitted. Studying how he could have held both views at once illuminates what copyright meant to this crucial contemporary actor—and how he went about negotiating it. Swift undoubtedly possessed a keen understanding of the differences in publishing prospects that London and Dublin each afforded, and he was not afraid to play one book trade against the other to accomplish his own aims, whether those involved getting controversial texts into print or maximizing the recognition and compensation that he received.

Swift was not alone in arguing for seemingly contradictory proprietary arrangements. Like Swift, Pope apparently undermined the force of London-based copyrights by pursuing publishing opportunities in Ireland. For instance, in the events leading up to *Pope v. Curll* (1741), cited above and discussed at greater length in the second chapter, Pope had made it appear as if his letters had escaped into print in Dublin at the hands of an unscrupulous printer: he perpetuated the (largely erroneous) notion that Dublin was a site of piratical printing practices, wherein further enabling such practices.

Pope’s suit against Curll was also not his first evocation of Dublin piracies. When the *Dunciad* was initially published in London on 18 May 1728, its title page bore a Dublin imprint.

\( ^{155} \) *Correspondence of Jonathan Swift*, ed. Woolley, 4:108.
And yet the work had not been produced in Dublin. Foxon has suggested that the false imprint was “probably an attempt to throw responsibility for the work on Swift,” and if it was, Pope at any rate seems to have used Dublin—in Sutherland’s words—as “a device to give the impression that the Dodd editions [those purported to have been printed in Dublin and reprinted in London for A. Dodd] were unauthorized.” As ostensibly unauthorized productions, they would not have been attributed to Pope—or at least not provably so. A Dublin imprint signaled an unauthorized edition. The Scriblerians exploited this standard as it suited their objectives.

Pope took other actions as well to guard his anonymity once the *Dunciad* was published. He had, for instance, engaged the printer James Bettenham to enter the title in the Stationers’ Register, even though Bettenham seems not have had any claim upon the work. Even while Pope was suggesting that the work was a possible piracy (by associating its publication with Dublin), he was also actively working to prevent it from being pirated by having it registered. He further protected his anonymity by assigning the work to the earls of Burlington, of Oxford, and Bathurst, an action that complicated later assignations of ownership.

The context within which the *Dunciad* first emerged—as an object of Irish piracy—was to figure in its later life. Once Pope had introduced the false imprint, the sources of copyright ownership became increasingly obscured. For instance, he evidently transferred or intended to transfer the copyright of the *Dunciad Variorum* (1729) to the bookseller Lawton Gilliver. Knowing Pope’s intent, Gilliver entered the work into the Stationers’ Register on 12 April 1729, claiming that he had purchased the copyright on 31 March; but like Bettenham before him,

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158 A registered work at least implied copyright, and Pope could—for a time—protect his work while preventing his own name from being associated with it. Ibid.
159 Ibid., 348.
Gilliver did not have a claim upon the work at the time of the registration.\textsuperscript{160} Ironically, because of Pope’s failure to transfer the copyright directly to Gilliver, when Gilliver produced the work he was technically pirating it himself. Then, when others—actual pirates—reproduced the work and listed it as having been printed for an A. Dob, Gilliver brought a suit against them in Chancery on 6 May.\textsuperscript{161} He was ultimately unsuccessful because the author’s assignees had failed to make Gilliver’s copyright ownership official.\textsuperscript{162} Gilliver then had to wait until 21 November to re-enter the work, whose copyright had finally been transferred to him; Pope had delayed the transfer because he did not wish “to make Gilliver’s title secure until he was satisfied that the danger of reprisals was reasonably remote.”\textsuperscript{163}

The process of establishing ownership of the \textit{Dunciad} was tortuous, just as Pope had intended: he had approximated piracy with the initial publication, and this begot more piracy, both real and apparent. In the process of guarding against (while appearing to perpetrate) piracy, the poet had cast doubt upon the authenticity of any given version of the \textit{Dunciad} so he could use the ambiguity about its ownership to deflect blame for offensive passages. He had thwarted

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\item Even though Gilliver had registered the work, he had not had a right to do so; the registration may well have been “a despairing piece of bluff.” Ibid., 350.
\item The suit was against a printer and three booksellers. Ibid., 349. The printer, James Watson, was from Edinburgh; the booksellers, Thomas Astley, John Clarke, and John Stagg, were from London.
\item When Gilliver initiated the piracy suit, he won an injunction to stay the allegedly pirated publication; but since Gilliver did not actually own the copyright, and since “by the statute, the author, or assignee of the author, are only intitled to the sole right of printing the book, and no other,” the injunction was thereafter dissolved. Charles Viner, \textit{A General Abridgement of Law and Equity, Alphabetically Digested under Proper Titles; With Notes and References to the Whole}, 2\textsuperscript{nd} ed., vol. 4 (London: printed for G. G. J. and J. Robinson, et al., 1791), 279. This source is also noted and cited (with an acknowledgment to Sherburn) in Sutherland, \textit{“Dunciad of 1729,”} 352–3, and 353, n. 1. In Viner the case is referred to as \textit{Gilliver v. Snaggs}, and Sutherland takes the latter to refer to John Stagg. Ibid., 353, n. 1.
\item Sutherland, \textit{“Dunciad of 1729,”} 350. There were other deceptions, as well. For instance, the name of the publisher Anne Dodd had been listed on the title page of the 1729 quarto without her knowledge or consent. Ibid., 351.
\end{itemize}
attempts to ascertain definitively who had written the work, and therefore who could claim protection against unauthorized versions: in various ways all the editions appeared unauthorized. This sequence of deceptions began with one lie: that the edition had originated in Dublin. That lie had the ring of truth, since Dublin was infamous for its trade in reprinted editions.

Both Swift and Pope promoted the idea that Irish booksellers were not bound by the sort of professional code of conduct that constrained English booksellers, and they used that belief to their advantage. Swift exploited Dublin reprinting practices to get his own work reprinted and exported, seemingly without having involved himself in the enterprise. Pope similarly spread the rumor that some of his letters had escaped into print through the wiles of Irish printers, and perhaps too through the recklessness of Irish post officials. And yet when Swift and Pope facilitated the production of clandestine Dublin editions of their works, they actively undermined the force of the copyrights that their London booksellers held. Why would they have fought for rights in one place while actively weakening those very rights in another? Why would they have contributed to the perception that any book could be pirated at any time, when—whether by helping draft a bill or by going to court—they were concurrently working to enhance copyright protections and thus put an end to piracy?

As has already been hinted, the Scriblerians were foremost concerned with securing rights for authors. If publishing in Ireland enabled them to facilitate the eventual release of authorized editions of their works—regardless of where those editions ultimately appeared—then they would avail themselves of opportunities to publish in Ireland. By using the Dublin book trade instrumentally, they in turn could demand rights of reply (as Pope certainly did) in London, where copyright protections were in force. In the aftermath of Motte’s suit with Faulkner, the London bookseller acquired the copyright to Faulkner’s edition of the Travels. That outcome was
certainly favorable to Swift, who got a corrected edition published and benefited from having his London bookseller own the copyright to it. In Swift’s 1732 letter to Motte (cited above), the Irish dean similarly described the process by which he succeeded in having printed in Ireland controversial texts, which Faulkner was himself able subsequently to register in London. By making recourse to both trades, Swift defied the standard that an author could either determine how his works were published or benefit from their copyright. Swift did both. But he needed two book trades, which operated according to two distinct sets of rules, to succeed. The Scriblerians exploited Dublin’s reputation as a piracy capital to pursue their own ends: getting their works published as they wished and where they wished, ensuring that those works were distributed as widely as possible, and extracting additional copyright protections.

The Scriblerians were not the only ones to harness Dublin’s notoriety in pursuit of personal gain. When the author Alexander Hamilton inquired about the Irish sales of his *Elements of the Practice of Midwifery* (1775), his bookseller John Murray replied that there was “no chance of disposing of [Hamilton’s] edition in that Kingdom” because of pervasive reprinting practices. In fact, Murray had evoked the Irish trade’s notoriety to avoid explaining his own (probably circumstantial) reasons for not selling the book there. Some authors also followed Swift in using Irish reprinting to get corrected editions of their works published. David Hume, who even on his deathbed continued to correct his works, considered the prospect of publishing a corrected edition of his *History of England* in Dublin in 1771; and Lord Lyttelton

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164 *Supra, Correspondence of Jonathan Swift*, ed. David Woolley, 3:556.
actually authorized Faulkner to reprint a corrected version of his *History of the Life of King Henry the Second* in 1768–72.\(^\text{167}\)

The history of Ireland’s book trade output was, in some respects, one of controversial productions. Some of the earliest Irish printing—dating to Mary’s reign—consisted of the clandestine production of Protestant texts. Adumbrating what would become a veritable tradition of devising false Irish imprints, these were made to look as though they had come from Waterford but seem in fact to have been produced in Dublin; in either case, they could not have come from London.\(^\text{168}\) In the late seventeenth century, William King, then Swift’s predecessor as dean at St. Patrick’s (during the period February 1688/9–January 1690/1\(^\text{169}\)), attacked Catholics in print during the 1680s and Protestants during the 1690s. He thus instigated uses of Dublin presses by religious controversialists and launched a series of pamphlet wars.\(^\text{170}\) The Irish book trade could believably be invoked to explain a great variety of perceived ills: the production of controversial works, the failure of certain works in the marketplace, and the emergence of (sometimes inexplicably corrected) reprinted editions.

Even non-Irish pirates were quick to (mis)identify Irish reprinters to deflect blame away from themselves. The strategy was not ill-conceived, given that Irish booksellers had a reputation for publishing materials that were variously controversial, illicit, and pirated. That reputation proved so enduring that two centuries into the existence of Irish printing, pirates from Scotland, America, and France successfully used false Dublin imprints to disguise their own illicit exports.

\(^{167}\) Pollard, *Dublin’s Trade in Books*, 103.

\(^{168}\) Sessions, *First Printers in Waterford*, 2–3. These clandestine publications seem to have been produced by Hugh Singleton, who—if this supposition is correct—must have traveled to Dublin in the mid-1550s. Singleton did not, upon the accession of Elizabeth, retreat from controversy; he was the printer of John Stubbe’s *Discoverie of a Gaping Gulf* (1579), discussed in the first chapter.

\(^{169}\) S. J. Connolly, “King, William (1650–1729),” in *ODNB*.

(a strategy not unlike Pope’s attempt to hide his ties to the first edition of the *Dunciad*). It was perfectly believable that an illegally-produced text could have come from Ireland; in fact, Dublin would have seemed a likely point of origin. Accordingly, John O’Keeffe’s *Castle of Andalusia*, evidently a product of the press of the Glasgow printer Robert Duncan, was made to appear as if it had been sold by Dublin booksellers in 1790. Similarly, a fourth edition of Oliver Goldsmith’s *The Vicar of Wakefield*, ostensibly printed in Dublin in 1767, had actually come from Boston. (And a 1766 edition said to have been printed in London had actually originated in Cork.\(^{171}\) An edition of Jean-Pierre-Louis Luchet’s *Le Vicomte de Barjac*, noted to have been printed in Dublin in 1784, seems instead to have been a Paris original.\(^{172}\)

The Scriblerians were not alone in promoting Dublin’s notoriety, but their aim was unique. They sought to secure the release not of works that could not ever have been printed in London, but rather of works that they hoped *would* ultimately be printed in London. They endeavored to render their texts—published and emended according to their own specifications—copyrightable. They used Ireland not as an escape from but rather as an entry into London publishing, by having Dublin “piracies” prompt London editions. For these London editions, in turn, the Scriblerians were better positioned to draw recognition and compensation, i.e., the benefits that accompanied copyrighted works.

Pope could not properly have gone to the younger Jacob Tonson, who had published his Shakespeare edition (1725), and asked to have his personal correspondence issued. To the

\(^{171}\) According to the *ESTC*. Dix has noted that there were three pirated editions published in the same year, the last of which was published in London; he has further posited that “[p]robably the *London pirate* worked in partnership with his Dublin and Cork colleagues.” Dix, “Irish Pirated Editions,” 69; original emphasis.

reading public (and to Tonson, a leading bookseller) the poet would have seemed intolerably vain. And so he set himself up as the victim of information transmission gone awry. He then demanded what would only have seemed his due: a right of reply, issued in London, by the bookseller Thomas Cooper. Nor could Swift get from Motte an assurance that his anonymous *Travels* would be released with every potentially libelous phrase intact. Motte would not risk life or limb to emend the *Travels* according to the specifications that Ford had provided. Swift accordingly collaborated with Faulkner to have a secretly-authorized Dublin edition issued, the copyright to which Motte later had judicially affirmed for himself. London was where the source of copyright—and correspondingly, of compensation—resided; and it was on London that the Scriblerians had remained focused when they engaged the services of Dublin printers.

Their Dublin printers, in turn, were viewed with increasing disdain during the eighteenth century. Until Pollard published *Dublin’s Trade in Books, 1550–1800* (1989), the city’s reputation as having had a nearly-exclusively piratical book trade had proven enduring. While in his dissertation James Phillips (1952) was careful to point out the flaws in the notion that all Dublin reprinted editions were piracies, he nevertheless characterized the relationship between the Dublin and London trades as strained because of a history of smuggling: “The real grievance of the London booksellers came principally from the economic punch emanating from the results of the active smuggling trade between the Dublin and English provincial booksellers. This illegal

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173 Ransom, for instance, identified five key faults in the Statute of Anne, one of which was its failure “to prevent the growing evil of piracies” in Ireland. Harry Ransom, *The First Copyright Statute: An Essay on An Act for the Encouragement of Learning, 1710* (Austin, Tex.: University of Texas Press, 1956), 105. Plant similarly wrote that a matter of great vexation to the general publisher “was the lack of any protection whatever for English books in Ireland. The Dublin booksellers managed somehow to issue their editions of copyright works shortly after their publication in England, and there was no legal redress.” Plant, *English Book Trade*, 120.

trading injured the legal owner of the copyright of the book so smuggled and the grievance was justified.” complaints by carte’s correspondents and other contemporaries suggested that exportation was becoming increasingly insidious. motte too expressed exasperation with the practice; and subscription records indicate that he had at least some just cause: faulkner’s edition had elicited interest on both sides of the irish sea.

commerce and copyright

when london booksellers argued that irish reprinters were undercutting their sales, they were simultaneously making one assertion about learning—that copyright enforcement incentivized authors to produce learned works—and another about commerce—that their copyrighted editions ought to have enjoyed commercial advantages over irish-produced reprints. while they argued explicitly for the importance of having their copyrights enforced within britain, their efforts suggested that they aspired to dominate the irish domestic market, as well. they therefore lobbied both to enhance the extent of their copyright protections and to hinder the commercial prospects for their counterparts in dublin.

any advantage in the sale of books that ireland had as a result of its lack of copyright was offset by the trade limitations imposed upon irish vendors. as jeremy black (2001) has written, “the irish and colonial economies were regulated and restricted in order to make them assist, not rival, that of britain.”

starting in the mid-seventeenth century, ireland contended with a series

175 Ibid., 122. although dix had earlier argued for the importance of appreciating the “remarkable energy” and “pushing business qualities the dublin publishers possessed,” he too characterized their works as overwhelmingly unauthorized/piratical. dix, “irish pirated editions,” 67.
176 There are lists of irish and english subscribers in o’kelley papers, sr/bay 21, vol. 1, ria.
177 jeremy black, eighteenth-century britain 1688–1783 (new york: palgrave, 2001), 70. t. c. barnard has written that “when powerful sectional interests captured the westminster parliament, ireland, owing to its dependence, furnished an easy sacrifice.” idem, “british settlement,” 318, and n. 32. beckles has written that from the mid-seventeenth century,
of trade restrictions that served, among (many) other purposes, to commodify Irish-made books. These affected Irish commerce generally, and Irish literary commerce as well.

Although Ireland was greatly affected by trade restrictions, it had little control over the forms they took. When during the Commonwealth the Rump sought to block Dutch trade, it passed the Navigation Act (1651), which held that goods could not be imported into England or Ireland except in English ships, or in vessels belonging to the place of origin of the goods. After the Restoration, Ireland was likewise included in the Act for the Encouraging and Increasing of Shipping and Navigation (1660), whose provisions were similar to those in the 1651 act. It held, *inter alia*, that no goods could be imported into or exported from lands belonging to the king except in English, Irish, or Welsh vessels, or in vessels belonging to the place of origin of the goods; and that no goods could be imported except on vessels whose masters and three-quarters of whose mariners were English. The point of this and other similar laws was, according to Hilary Beckles (1998),

> to protect and expand vital customs revenues on…colonial produce. The collection of these revenues provided a critical justification for colonial activity.

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It also held, *inter alia*, that goods could not be shipped but from their place of origin; that salted fish and oil had to be imported in English vessels; and that (from 1 February 1653) salted fish had to be exported in English vessels. October 1651: An Act for Increase of Shipping, and Encouragement of the Navigation of this Nation, *Acts and Ordinances of the Interregnum, 1642–1660*, ed. C. H. Firth and R. S. Rait (1911), 559–562. *BHO*, www.british-history.ac.uk. For a discussion of this act, see, for instance, J. E. Farnell, “The Navigation Act of 1651, the First Dutch War, and the London Merchant Community,” *The Economic History Review* 16, no. 3 (1964), 439–54.

12 Car. II, c. 18. Scotland (and in particular, its corn, salt, fish, and ships) was excluded from the provisions affecting foreign entities. Ibid.
They enabled the state to project nationalist grandeur and command a political advantage at a time of competitive imperialist expansion.\textsuperscript{180}

As a consequence, Ireland could not engage in free trade. Another 1660 act prohibited the exportation of sheep or wool from England and Ireland;\textsuperscript{181} and a third prohibited the cultivation of tobacco in England or Ireland as a way to encourage American plantations.\textsuperscript{182}

Within a few years, Ireland began to have its commerce increasingly curtailed. The Act for the Encouragement of Trade (1663)—ironically titled as far as Ireland was concerned—held that no goods could be exported to plantations except through England, and in English-built shipping; among Irish exports, only salt, servants, horses, and victuals were exempt from this rule. Likewise, a great variety of plantation goods could not be imported anywhere without first passing through England (where duties were to be charged).\textsuperscript{183} An act passed in 1670/1 explicitly stated that Ireland was to be excluded as a point of origin for exports and as a destination for imports; it too was subject to the rule that all vessels traveling to or from English plantations had to pass through England.\textsuperscript{184} Another act from 1695/6 reiterated the requirement that all vessels pass through England, and it established mechanisms for enforcement; it also recorded the fact that several ships had been unduly discharged in Scotland and Ireland and specified a penalty for future such transgressions.\textsuperscript{185}

The intervening years saw the enactment of statutes prohibiting the importation of a range of Irish goods. A 1680 act confirmed the illegality of importing Irish cattle and added a

\textsuperscript{180} Beckles, “Caribbean and Britain,” 236.
\textsuperscript{181} 12 Car. II, c. 32.
\textsuperscript{182} 12 Car. II, c. 34.
\textsuperscript{183} These included sugar, tobacco, cotton, and ginger. 15 Car. II, c. 7.
\textsuperscript{184} 22 & 23 Car. II, c. 26. This was an amendment to the 1660 and 1663 acts. This act was continued for an additional seven years in 1698/9. 11 Gul. III, c. 13.
\textsuperscript{185} 7 & 8 Gul. III, c. 22.
roster of assorted other prohibited Irish imports.\textsuperscript{186} Intermittent but significant agitation about the competition from Irish woolens during the 1690s precipitated a 1698 act prohibiting the exportation of Irish woolen manufactures.\textsuperscript{187} It was reenacted the following year,\textsuperscript{188} confirmed in 1716,\textsuperscript{189} and supplemented in 1717.\textsuperscript{190}

In a scant few cases, prohibitions on Irish trade were relaxed.\textsuperscript{191} Often, however, additional permissions in one area were accompanied by extended prohibitions in another. A 1716 act, for instance, continued the permission for Ireland to export linen to plantations, but it also confirmed the prohibition of exporting wool out of Ireland and redirected half of the forfeitures and penalties to the crown.\textsuperscript{192} Similarly, a 1731 act made it legal to import into Ireland any plantation goods not otherwise prohibited, with a number of exceptions.\textsuperscript{193} The following year, that act was limited by another that prohibited the importation of hops into Ireland from anywhere besides Great Britain.\textsuperscript{194}

What permissions were conferred often met a particular (British) need. A 1741 act, for instance, provided that in times of scarcity and death it would be lawful to import victuals from

\textsuperscript{186} The act that it confirmed was 18 & 19 Car. II, c. 2. Other prohibited imports included mutton and lamb as well as butter and cheese. 32 Car. II, c. 2.
\textsuperscript{188} Exceptions were made for wool-fells (woolskin) and other specific items. 11 Gul. III, c. 13.
\textsuperscript{189} 3 Geo. I, c. 21.
\textsuperscript{190} Harsh penalties for illegal exporters of wool were laid out. Any individuals so accused who refused to appear or plead were to have judgments entered against them; and if they failed to pay the sums recovered against them within three months, they were to be transported as felons for seven years. Were they to return to Britain or Ireland during that time, they were to be executed. 4 Geo. I, c. 11.
\textsuperscript{191} See, for instance, the 1695/6 act that permitted the importation into England from Ireland of hemp, flax, thread, yarn, and linen, free from duty. 7 & 8 Gul. III, c. 39. The act was clarified in 1701. 1 Anne, st. 2, c. 8. A 1704 act also lessened the severity of Ireland’s export restrictions. 3 & 4 Anne, c. 8.
\textsuperscript{192} 3 Geo. I, c. 21.
\textsuperscript{193} These included sugars, tobacco, cotton, wool, indigo, and ginger. 4 Geo. II, c. 15.
\textsuperscript{194} 5 Geo. II, c. 9.
Ireland into Scotland, as long as the proper procedures were followed and necessary permissions obtained.\textsuperscript{195} Similarly, some of the terms of the 1651 Navigation Act could be overlooked during wartime, according to a 1744 statute.\textsuperscript{196} With the understanding that allowing the importation of wool from Ireland would be advantageous to the woolen manufactures in certain parts of England, the ports of Lancaster, Great Yarmouth, and Exeter were opened for that purpose.\textsuperscript{197} Likewise, an act to allow, on a temporary basis, the importation from Ireland of salted beef, pork, and butter—permission for which had been found “useful and beneficial”—was continually renewed starting in 1757.\textsuperscript{198} The free importation of cattle from Ireland was also permitted in 1758 for a limited time, as a “great Advantage to both Kingdoms.”\textsuperscript{199} These various acts highlight just how little control Irish merchants had over the conditions in which they practiced their trades. The policy toward commerce with Ireland tended to be limiting and, in the absence of mitigating circumstances (such as famine or war) inflexible.

This was the case for Irish cattle; and so too it was for Irish-made books. As noted above, the Importation Act (1739) expressly prohibited any books first printed in Britain and reprinted elsewhere from being imported into Britain.\textsuperscript{200} The penalties were severe enough to function as deterrents. (The London booksellers were also sufficiently vigilant to function as veritable enforcers.) The 1739 statute dictated that offenders were to forfeit not only the books themselves, which were to be made waste paper, but also the sum of five pounds as well as double the value

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\item \textsuperscript{195} 14 Geo. II, c. 7.
\item \textsuperscript{196} 17 Geo. II, c. 36.
\item \textsuperscript{197} 25 Geo. II, c. 14; 25 Geo. II, c. 19.
\item \textsuperscript{198} See 31 Geo. II, c. 28; 32 Geo. II, c. 1; 33 Geo. II, c. 5; 1 Geo. III, c. 4; 2 Geo. III, c. 6; 5 Geo. III, c. 1; 6 Geo. III, c. 1; 7 Geo. III, c. 1.
\item \textsuperscript{199} 32 Geo. II, c. 11.
\item \textsuperscript{200} The act did not, however, extend to any book not printed or reprinted in Britain within twenty years in advance of the attempted importation.
\end{itemize}
of every book intended for importation into Britain. Given the slim profit margin after production and transport costs as well as duties—not to mention the relatively high chances of being discovered—the penalties would have rendered trafficking in illegal imports an unappealing prospect.

This was all the more true because, as Pollard has shown, the English Customs Officers’ Bible made no distinction between Irish-made reprints and works original to Ireland. The exportation of (any sort of) Irish-produced books was a risky business: any edition could be treated as contraband. Thus the trade in Irish books—original or not—did not promise to yield a great fortune. Even if books did manage to reach their destination, Ireland was treated as a foreign part, and its goods were charged accordingly upon arrival in Britain.

**The Scriblerians, Ireland, and Public Goods**

Overall, the effect of circumscribed trade—for books as well as other goods—was to isolate Ireland. Irish consumers did not always have ready or affordable opportunities to acquire goods from without; and domestic vendors lacked channels for expanding their export markets. What options there were for imports and exports could be—and sometimes were—granted and revoked according to the exigencies of the moment. The more self-sufficient that Irish merchants and buyers alike could become, the better were their prospects for providing and accessing necessities. In light of Britain’s treatment of Ireland, Swift encouraged such Irish self-sufficiency, penning, for instance, the *Proposal for the Universal Use of Irish Manufacture, in Clothes and Furniture of Houses, &c.* (1720), the subtitle of which suggested that Ireland would have done well to treat Britain as an unwelcome importer, by “utterly rejecting and renouncing every thing wearable that c[ame] from England.” Ireland had been forced, by various trade

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201 12 Geo. II, c. 36.
202 Pollard, *Dublin’s Trade in Books*, 138, and n. 98.
restrictions, out of numerous commercial enterprises; its only recourse, Swift suggested, was to become increasingly self-reliant. For the entirety of the eighteenth century, Ireland would be considered and dealt with as foreign.\textsuperscript{203} The fact that customs officers often failed to distinguish between Irish reprints, which were illegal to import, and Irish original editions, which were legal to import, suggests that the origin rather than the nature of a text could be its primary identifying characteristic.

The status of Irish-produced books during the eighteenth century suggests a view of texts that conflicts with our modern perspective: texts produced in Ireland were, as far as British law was concerned, merely goods; they were not conduits to enlightenment. Such a vision of texts was bound to influence perceptions of intellectual property. And Ireland, with its heavy regulations of trade and light restrictions on copyright, offers a singular glimpse into what copyright meant not just from an intellectual perspective, but also from a commercial one. For contemporaries, these perspectives would have been bound up with one another. Copyright comprehended learning as well as property, and property as well as commerce. The Importation Act (1739) even juxtaposed the intellectual and economic benefits of book ownership by having a repeal of the rule against unreasonable book pricing precede a prohibition of importing Irish reprints.\textsuperscript{204}

Eighteenth-century copyright debates evoked a range of concerns: whether a text encouraged learning, who ought to have profited from it, and who ought to have been able to access it; who possessed exclusive publishing rights, and for how long; where a work should be produced and transmitted, and how it should be taxed. Understanding the literary, legal, and commercial contexts within which the Scriblerians and others operated sheds light not just on

\textsuperscript{203} Ibid., 139.
\textsuperscript{204} 12 Geo. II, c. 36.
contemporary copyright, but also on the world to which their writings were a response and a
collection.

As Swift was helping define the legal terms of eighteenth-century copyright, he was also
continuously negotiating the status of his texts as variously informational,
proprietary, and transactional entities. The perspective that Swift brought to the composition and
transmission of texts was deeply informed by his experience as an outsider: he fought fiercely for
proprietary rights—and the compensation that attended them—in London, and then he betrayed
his English booksellers to secure reprinted, and invariably corrected, Irish editions of his works.
Pope too was adept at such negotiations. They therein occasioned London editions that were
corrected—and copyrighted.

Just as the Scriblerians could adopt or discard the styles of others with (what must have
been for their subjects) infuriating ease, so too could they vary their interactions with texts
depending on their publishing sites. In London, texts were property; they were often symbols of
status and wealth; and they could neither be produced freely nor always accessed readily. In
Dublin, texts could be treated as mere things; they were reproduced freely in cheap, “wieldable”
editions and conceived as a means of making Ireland more self-sufficient: they were a good, and
a public good at that. They were also, for many (custom-house officers and London booksellers,
among others), interchangeable with one another, as were their notorious producers. And so,
when the Scriblerians published in London, they insisted on favorable copyright arrangements
(often, as Lawton Gilliver learned from experience, to the detriment of their booksellers’ own
prospects) and large payments. In Dublin, they typically sought the mere release of particular
(sometimes corrected) editions.
They did not just publish in London for the profits or Dublin for the ease, however. Having ably negotiated the two vastly different publishing environments, they then used the fact of their Dublin editions—those prohibited goods—to secure that loftier aim available only in London: copyright, and with it, handsome compensation. They argued about learning, fought for its ostensible encouragement, and—ironically—attained that end by using their Irish-made merchandise as a bargaining chip. They also wielded their influence to solidify their vision of author-focused copyright within the law, both through their involvement in legislative negotiations and through their intrepid recourse to lawsuits. The authors of the succeeding generations owe, at least in part, their ever-growing payments to the Scriblerians’ resourcefulness and daring. The Scriblerians saw—in defamation laws, in an intelligence-gathering post, in unconventional publishing conventions, and even in misguided learning—opportunities to be recognized and rewarded for their writing. They could have seized none of these opportunities if they did not have recourse to that failsafe source of all believably exploitative literary productions: Ireland.

Postscript

After 1783 restrictions on Irish trade to America dissolved, and Irish-made book exports to America soared. Then, in the wake of the Copyright Act of 1801, much of the Irish book trade was displaced, wholesale, to America. There, Irish bookseller-émigrés ventured into a perhaps eerily familiar publishing environment, in which growth potential was the natural consequence of geographical and commercial isolation.
CONCLUSION

THE SCRIBLERIANS AND OUR WORLD

Less than half a century before Swift’s readers were confronting the metaphysical cobweb problems associated with the Tale’s unreliable narrator, John Milton’s readers were encountering an early product of free-market authorship. It had been Milton who, in Lindenbaum’s (1991) words, “began his career within the aristocratic patronage system and worked his way free of it.” But Milton did not prosper as a patron-less man. The £10 he received for Paradise Lost in 1667—the year of Swift’s birth—was no substitute for an income. In exchange for that sum, Milton had given much: to the printer Samuel Symons, “all that Book, Copy, or Manuscript of a Poem entitled Paradise lost…now lately licensed to be printed.” Milton had broken out of the patronage system, but he remained in a liminal authorial space: he could be called a modern author, but he was not quite paid like one.

That unobtrusive contractual phrase, “now lately licensed to be printed,” indicated that Paradise Lost had required permission to be published, and that such permission had been

2 Milton was to receive five pounds upon entering into the agreement, and an additional five pounds for the first and each subsequent impression thereof. The contract is fully quoted in The Literary Gazette; and Journal of Belles Lettres, Arts, Sciences, &c. for the Year 1825 (London: printed by Whiting & Branston, published for the proprietors at the Literary Gazette Office, and sold by A. Black, et al., 1825), 540. For more on Milton’s receipt of “copy money,” see Christopher D. Hunter, “Copyright Or Copywrong? How the Law of Creativity is Being Used to Stifle New Forms of Speech,” International Journal of Communication 11, no. 1–2 (Jan.–Dec. 2001), 35–71: 42. £10 in 1670 would have had the spending worth of about £831 in today’s money. “Currency Converter,” in “Old Money to New,” http://nationalarchives.gov.uk/currency.
3 This phrase is also highlighted in Paul Goldstein, Copyright’s Highway: From Gutenberg to the Celestial Jukebox, rev. ed. (Stanford, Cal.: Stanford University Press, 2003), 33.
granted—albeit reluctantly—prior to the production of the work. According to the Licensing Act, then in force, all books had to be approved prior to their entry in the Stationers’ Register. The act thus provided a mechanism for the state to censor texts before they entered widespread circulation.

Though the act had not always prevented offensive texts from entering into circulation, when it lapsed for good in 1695, there was no mechanism in place for carrying out pre-print censorship. Given the recent political upheaval, the government had reason to fear the public distribution of texts that incited rebellion as well as the private circulation of those that plotted it. The Revolution of 1688 had been a transformative event, yielding not just a new monarch, the joint sovereigns William III and Mary II, but also a new kind of monarchy: one that challenged the theory of a divine hereditary succession right. Jacobite intrigues and wars punctuated the reigns of William and his successors. The threats of rebellion and invasion were fixtures of the early eighteenth-century era in which the Scriblerians were writing and communicating.

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4 The episcopal licenser Thomas Tomkins had evidently hesitated over possible treason in the lines, “—As, when the Sun new risen / Looks thro the Horizontal misty Air / Shorn of his Beams, or from behind the Moon / In dim Eclipse disastrous Twilight sheds / On half the Nations, and with fear of change / Perplexes Monarchs.” In Nicholas von Maltzahn, “The First Reception of Paradise Lost (1667),” The Review of English Studies, new series, vol. 47, no. 188 (Nov. 1996), 479–99: 482.

5 The act held, inter alia, that books had to be licensed and then entered into the Stationers’ Register; that copies of works had to be retained with licensers; that printers had to set their own names to the works they produced; and that they had to provide authors’ names if so required by licensers. 14 Car. II, c. 33.

6 The sovereigns in their coronation oath had moreover vowed to govern “according to the statutes in Parliament agreed on.” Quoted in Geoffrey Holmes, The Making of a Great Power: Late Stuart and Early Georgian Britain, 1660–1722 (New York: Longman, 1993), 214–5. The Bill of Rights in 1689 ensured that the succession would pass to Mary’s Protestant sister Anne. 1 Will. III & Mary II, sess. 2, c. 2. The succession was to pass to Mary’s heirs, and for default of issue, to Anne and her heirs, and for default of issue, to William’s heirs. The Act of Settlement in 1701 established the Hanoverian succession. 12 & 13 Will. III, c. 2.
During this period, booksellers and printers were also issuing more texts than ever before.\(^7\) The population was growing, and Anglophone literacy rates were on the rise.\(^8\) The lapse of licensing, together with the growth of the publishing industry and the expansion of the literary marketplace, brought unprecedented prospects for transmitting all kinds of information. This confluence of circumstances also presented new opportunities for dissidents to circulate sedition and mobilize rebels. Censorship was at once more essential and less practicable than it had ever been before.

As a result, censorship mechanisms became increasingly diffuse and correspondingly unpredictable. As this dissertation has argued, censorship manifested itself in defamation prosecutions, letter interception, publishing interventions, literary abridgments, and commercial restrictions. By the early eighteenth century, there were multiple methods by which the British state or even ordinary Britons could prevent or hinder the distribution of texts that might have incited violence.

In instances of post-publication libel prosecutions, which became more common after 1695,\(^9\) convictions determined legal guidelines rather than the other way around. As the first chapter argued, standards for writing legally could consequently be unpredictable. (Prosecution even for the same words could, in two different cases, yield two different outcomes.) Moreover,

\(^7\) This was partially a consequence of the lapse of licensing, though also a result of the continued growth of the publishing industry. As Holmes has pointed out, the lapse of licensing encouraged “the mushroom growth by the early years of the eighteenth century of nearly a score of privately-owned London newspapers, and also of the earliest provincial ones.” Holmes, *Making of a Great Power*, 245.


alleged defamers could be—and were—prosecuted according to the terms of statutes dating as far back as the first act of *scandalum magnatum* in the year 1275. They could be bound by any one among a series of sometimes-conflicting and still-unfolding precedents. Because the threat of defamation prosecution was both constant and indeterminate, those who wished to retain their ears, hands, fortunes, and lives had to write with care, or at least with subtlety.

Even writers who did not style themselves authors faced potential punishment for anything they committed to paper. As the second chapter argued, the potential for personal communications to be intercepted by intelligence-gathering officials at the custom-house and post office led many correspondents to practice self-censorship for fear that the contents of their letters would bring them harm. Whether post officials hoped to uncover Jacobite plots or merely gossip, whether they were interested in a letter’s frank or its contents, and whether they had warrants or not, they commonly availed themselves of opportunities to read private correspondence. The Interregnum act establishing the post office had made clear its usefulness as an intelligence-gathering organ, and it continued to be used as such—both officially and unofficially—through the Scriblerians’ age.

Because letter interception—whether legal or not—was so pervasive, and because prosecutions for defamation were common enough to be feared, many writers and correspondents took it upon themselves to self-censor. Officials had inadvertently enlisted prospective targets to undertake their own scrutiny—or, in the Scriblerians’ case, to appear as if that was what they were doing. These authors wrote just obliquely enough to avoid prosecution, but not to such a degree that they evaded comprehension. Adding innuendo upon innuendo, making abundant use of dashes and initials, and writing allegorically, ironically, and often
anonymously, they widened the distance between the objects of their criticism and their criticism itself. In so doing, the Scriblerians transferred to their readers some of the burden—and some of the risk—of engaging in defamation. Having mastered the art of crafting identifiable but not provable defamation, the Scriblerians practiced an ingenious form of self-censorship.

In their lifetimes, the Scriblerians saw the register of censors expand, from erstwhile licensers to postmasters, custom-house officials, authors, and even ordinary correspondents. As the third chapter argued, censorship responsibilities were even taken on by booksellers and printers, who sometimes bowdlerized texts without authorial consent as a way to avoid prosecution themselves. While the Scriblerians had friends in high places and considerable legal knowledge, their printers could claim no such benefits. Though printers assumed more risk than authors—both legally and financially—they also had a greater number of opportunities to exercise control over how (and whether) works were published and attributed. They had the means to censor for protection, and they could also alter or misattribute texts for personal gain.

Censorship had developed into more than a mode of discouraging disloyalty. It had become (though not for the first time) a mentality. The belief that meaning was unfixed infused contemporary communications. When licensing lapsed, censorship did not; it further splintered.

That the proliferation of censorship apparatuses overlapped with the development of modern copyright was no coincidence. This dissertation has endeavored to show that censorship was a necessary (but not sufficient) condition of modern copyright. Censorship had existed in the absence of copyright, but it would not have been possible for copyright to develop as it did in the absence of censorship. The supposition of a relationship between copyright and censorship is not

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unique to this discussion. Rose (1993) has argued that copyright and censorship, once both arms of the same publishing regulatory apparatus, diverged after the enactment of the Statute of Anne (1710). He has written that the act “marked the divorce of copyright from censorship and the reestablishment of copyright under the rubric of property rather than regulation.” The perspective of this discussion, though it too links copyright to censorship, nevertheless diverges from Rose’s. Rather than marking modern copyright as a departure from censorship practices, it has posited that copyright resulted from those practices.

The long and broad history of censorship elucidates the origins of modern copyright. It includes the lapse of licensing in 1695 and the establishment of the post office in 1657. Even the Navigation Act of 1651 may be seen as a censorship mechanism, since it limited the free transmission of texts, among other goods. The 1605 common-law libel case *De Libellis Famosis* and its successors provided precedents for prosecuting libelers and ultimately for encouraging writers to practice self-censorship. The list goes on. Even some centuries-old censorship mechanisms continued to influence modes of communication in the eighteenth century. John Stubbe’s ill-conceived 1579 objection to the proposed match between Elizabeth and the French duke of Anjou, for instance, resulted in a punishment spectacle so thoroughly chronicled that Swift knew of it. Perhaps he even recalled it when he opted to use irony to satirize George I in the *Travels*, further protecting himself by publishing under the pseudonym of Lemuel Gulliver. Even then, Swift made sure that his authorship was an open secret: he sought legal protection, but not at the expense of recognition.

The Scriblerians saw in every variety of censorship, from libel prosecution to letter interception, an opportunity to get readers to associate them with their texts, a feat they

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accomplished in large part by highlighting their status as potential defamers. When the
Scriblerians evoked punishable authorship, they were ultimately staking proprietary claims in
their texts. With authorial recognition came ownership, and with ownership payment. What
made modern copyright modern was the supposition that the right of sale necessarily originated
with the author.12 And for that right of sale, the Scriblerians were well paid. For the Travels,
Swift earned twenty times what Milton had a half-century before for Paradise Lost. For his
Homeric translations, Pope earned more per volume than even that, plus 750 copies of the work
itself. The Scriblerians would not have claimed to be modern authors (that word for them had
unappealing resonances), but they were among the first to be paid as such.

Even when faced with the intellectual censorship that the process of compilation imposed
upon original sources, the Scriblerians saw an opportunity to define the criteria for acceptable
textual appropriation. When compilers reconstituted knowledge in compendia, the Scriblerians
argued, they not only denied the agency of acknowledged authorities but also discouraged
readers from actually reading—that is, from encountering information in its original context
rather than consulting excerpts and meta-excerpts. In the process, the Scriblerians claimed,
compilers wrongly appropriated works and ideas that they had merely arranged and not invented.
This line of argument itself constituted a strategy for extending copyright—since, as discussed in
the fourth chapter, the legal and literary battles over copyright durations were both centered on
learning. The Scriblerians could not engage with English and Scottish booksellers over copyright
duration in court, but they could—and did—take up the discourse those booksellers had adopted,
and then repurposed it to serve their own ends.

12 According to the OED, copyright is “[t]he exclusive right given by law for a certain term of
years to an author, composer, designer, etc. (or his assignee), to print, publish, and sell copies of
his original work.”
By emphasizing the extent to which booksellers, printers, and even editors could impose new meanings on texts, the Scriblerians perpetuated the notion that no text was safe from corruption. They also took active steps to ensure that perception remained true. As argued in the fifth chapter, the Dublin reprinting trade provided opportunities for the Scriblerians to prompt the release of ostensibly unauthorized editions, the propagation of which they could then cite in arguing for stronger copyright protections in London. (In the case of Faulkner’s production of Swift’s *Travels*, Motte was even able effectively to win the copyright to the corrected edition.) For these enterprising authors, potential copyright—via censorship—inhered virtually everywhere. They disclaimed authorial agency as a strategy for exercising it.

The Scriblerians were extraordinary not just because they were subject to many different kinds of censorship; so were many of their contemporaries and predecessors. They were also remarkable because they evidently managed to see copyright—or at least its potential—in every circumstance that threatened to restrict their communications. Whether the Scriblerians were arguing against misguided learning or censorship, they insisted upon the importance of clear and lucid communication, without ever exemplifying it. Just as they argued against scholarly apparatuses by writing with an abundance of those apparatuses, so too did they argue against censorship by engaging in apparent self-censorship. Because and not in spite of their obfuscation, however, they helped their readers identify them as authors.

They had the advantage of being uniquely well-positioned to exploit contemporary censorship apparatuses for gain. Because the Scriblerians styled themselves outsiders—as indeed they were to an extent—they could claim not to be bound by the same rules of behavior to which those who were more comfortably situated adhered. Swift bemoaned his exile to Ireland, but he readily exploited his access to the Dublin book trade. When he argued to Motte that in publishing
the *Works*, Faulkner had done what he (Swift) “much disliked, and yet what was not in [his] Power to hinder,” he noted the “many Oppressions” that Ireland suffered from England, writing that these “sowr[ed] [his] temper to the utmost.”[^13] Ireland, that “Injured Lady,” was owed restitution, and he would seize it on Ireland’s behalf—and for his personal benefit, as well.

As they manipulated contemporary censorship mechanisms, the Scriblerians concurrently lobbied to increase the benefits legally accorded literary proprietors. Both Swift and Pope agitated for the enactment of a copyright bill that would extend authors’ rights; and they likewise endeavored to prevent the passage of a bill that would have extended booksellers’ rights at authors’ expense. At the same time, the Scriblerians were engaged in lawsuits to fortify copyright protections and to prevent the unauthorized reproduction of their works. Their efforts to enhance authorial copyright were comprehensive, venturing into the polemical, commercial, and legal spheres.

If Milton had helped establish the terms within which authors of Swift’s generation could exercise copyright, he was rewarded by having his own masterwork heavily emended by none other than Richard Bentley. Having evidently presumed that *Paradise Lost* had undergone the very sort of alteration that he was imposing, Bentley sought, in Levine’s (1991) words, “to retrieve a hidden composition and explain how it had come to be deformed.” His notes and excisions “were meant chiefly to correct editor, printer, *and* author.”[^14] No one could argue that

Bentley was not learned; but his conjectural emendations exemplified some of the misguided learning practices that the Scriblerians satirized. These emendations also had the effect of infusing Milton’s world with some small part of Bentley’s—and Swift’s—own Augustan milieu. In the Areopagitica (1644), Milton had declared: “The State shall be my Governours but not my Criticks.” In the case with Bentley, a critic—not the state—was his censor. Milton’s Paradise had, for the moment, been lost.

If Bentley was vilified for his ill-advised emendations, he nevertheless also helped enable the Sciblerians’ arguments about learning—and ultimately about copyright—which they formulated, not always fairly, in opposition to the “moderns.” The Scriblerians saw in certain kinds of emendation—just as they saw in libel prosecutions, letter interceptions, and commercial restrictions—hindrances to information transmission. They argued against such censorship in its various incarnations, but they did not defy it. Instead, they immersed themselves in it.

Censorship begot censorship, and for the Scriblerians, it promised to bring about much more.

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In the course of researching and writing this dissertation, I often found myself wondering what the Scriblerians would have thought about search engines and other electronic aids to information retrieval. If reference works had threatened memory training, what would the Internet do? If indexes had reduced knowledge too severely, then how would it survive online databases? What would the Scriblerians have made of algorithms that rank searches by popularity?

15 While it is likely that Bentley was emending in earnest, Levine has hinted that it is “just possible that he really meant his preface and commentary satirically, tongue in cheek, like a very Scriblerian.” Levine, Battle of the Books, 262.

Using such an algorithm, for instance, Google suggests—and automatically searches for—three popular questions resulting from the phrase, *Is Jonathan Swift:* “Is Jonathan Swift a misanthrope?” “Is Jonathan Swift related to Taylor Swift?” “Is Jonathan Swift married?” Given the Scriblerian insistence on the importance of wide and deep learning, such a reduction of Swift’s life, works, and satirical enterprise seems to amount to index-learning of the highest (or lowest) order.

In electronic aids the Scriblerians may well have seen what many scholars today fear: grave threats to the cultivation of memory; the supersession of substance (information) with procedure (how to find information); and the kind of democratic presentation of information that privileges popularity over truth. The Internet, after all, is a realm rife with unreliable narrators, many of whom borrow and repurpose texts with such frequency that it can be nearly impossible to find the source of an idea.

If in the Scriblerians’ age copyright was scarce, it is now omnipresent. Copyright inheres in all tangible forms—on birthday cakes and in sand, perhaps even in sky-writing. It is everywhere, and it is lasting. In the United States, any work created on or after 1 January 1978 is automatically protected for the term of the author’s life plus an additional 70 years; for works made for hire, and for anonymous and pseudonymous works, the duration of copyright is the shorter of 95 years from publication or 120 years from creation. Similarly, in the UK, the Copyright, Designs and Patents Act (1988) holds that for literary, dramatic, musical, and artistic works, copyright extends for a term of “70 years from the end of the calendar year in which the

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17 According to the U.S. Copyright Office, a work “is under copyright protection the moment it is created and fixed in a tangible form that it is perceptible either directly or with the aid of a machine or device.” “Copyright in General,” www.copyright.gov.
last remaining author of the work dies,” or, for works with unknown authors, 70 years from the
end of the calendar year in which the work was created or made publicly available.19

For all its strength, current copyright may not be especially effective, however. Copyright
violations are easy to undertake, and the abundance of copyrighted material can make it difficult
to enforce or even identify original versions of works. One cannot help but think that the
Scriblerians would have been pleased at the prospect of copyright becoming so pervasive as to
lose its meaning. And that they would then have endeavored to give it new meaning and new
life—by transforming every practice that undermined it into an opportunity to exercise
ownership.

19 The United Kingdom Copyright service, “Fact sheet P-01: UK Copyright Law,”
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