



Provided by the author(s) and University of Galway in accordance with publisher policies. Please cite the published version when available.

Title	Pagan angels and a moral law: Byron and Moore's blasphemous publications
Author(s)	Tonra, Justin
Publication Date	2017-12-01
Publication Information	Tonra, Justin. (2017). Pagan Angels and a Moral Law: Byron and Moore's Blasphemous Publications. <i>European Romantic Review</i> , 28(6), 789-811. doi: 10.1080/10509585.2017.1388797
Publisher	Taylor & Francis
Link to publisher's version	<a href="https://doi.org/10.1080/10509585.2017.1388797">https://doi.org/10.1080/10509585.2017.1388797</a>
Item record	<a href="http://hdl.handle.net/10379/7018">http://hdl.handle.net/10379/7018</a>
DOI	<a href="http://dx.doi.org/10.1080/10509585.2017.1388797">http://dx.doi.org/10.1080/10509585.2017.1388797</a>

Downloaded 2024-04-18T15:53:14Z

Some rights reserved. For more information, please see the item record link above.



## **Pagan angels and a moral law: Byron and Moore's blasphemous publications.**

Abstract: Lord Byron's *Cain* and Thomas Moore's *The Loves of the Angels* are linked by critical accusations of blasphemy which threatened their legal and commercial integrity. Comparing the critical and legal reception of the two works and the subsequent responses of the two authors reveals complex formal and informal systems of regulation that were activated in the case of blasphemous publications. Legal findings against *Cain* provoked Byron to insist on his authorial autonomy but also to acknowledge the growing power and influence of a mass reading public. Moore's substitution of Islam for Christianity at his poem's religious foundation represented a flexible mode of authorship where its broad social and cultural influences were reflected in his recognition of textual contingency. Together, the two cases highlight paradoxes in the legal control of intellectual property and blasphemy in the Romantic period, while the two authors' responses provide a means of examining their differing perspectives on authorship and revision.

**Keywords:** Thomas Moore; Lord Byron; blasphemy; copyright; revision; authorship.

On 9 January 1823, Thomas Moore opened a copy of the new issue of *John Bull* to find a denunciation of his latest work, *The Loves of the Angels*. The review, Moore concluded, 'grossly abuse[d]' his long narrative poem and made strong efforts '(which I rather fear may be but too successful in some quarters) to brand it with a character of impiety and blasphemy' (*Journal 2*: 614). Subsequent reviews confirmed the author's fears, many deprecating the apparently impious titular romance between angels and mortals. Fearing a critical tide set against the poem, Moore wrote to John Murray, publisher of the *Quarterly Review*, to plead for gentle treatment: 'I only hope & trust that there will be no giving in to the cry of "impiety" "blasphemy" &c.' (*Letters 2*: 511). Murray's influential periodical did not publish a review of the poem, but many other members of the critical establishment followed *John Bull*'s lead in condemning the poem's 'abominable mixture of the most sacred subjects with

mundane matters and earthly passions' (6). Initial sales of the poem were promising, with six thousand copies sold in a month (*Unpublished* 1: 259), but the gathering critical outcry convinced Moore and his publishers, Longmans, of the urgent need to take measures to protect its future prospects against controversy. Thus, midway through the sale of the fourth edition, Moore announced his 'idea of orientalising the "Angels"' (*Journal* 2: 617) by changing their religion from Christianity to Islam. From the fifth edition onwards, the angels duly appeared in their revised religious garb.

The poem differs in form and content from the amatory verse of Moore's early career: a more restrained, vaguely Miltonic disquisition on mortal and immortal love, inspired by the obscure apocrypha of the Book of Enoch. It follows the episodic structure of the author's earlier success in narrative poetry, *Lalla Rookh* (1817): within a framing verse narrative, this poem presents three discrete tales in which an angel relates his romantic encounter with an earthly woman. Despite the striking and unusual nature of its revision and evolution, the poem remains a neglected work in Moore's oeuvre. G. E. Bentley, Jr. has examined the influence of the Book of Enoch on the poem, while Philip W. Martin argued that the content of this poem and Byron's contemporaneous *Heaven and Earth* can be viewed as deliberate provocations of the conservative religious establishment of the time. Jeffery W. Vail has also drawn connections to Byron, examining *The Loves of the Angels* alongside *Heaven and Earth* and considering its veiled references to Byron's relationship with Augusta Leigh. The social and cultural forces which viewed the poem's conversion to Islam as adequate recompense for its perceived impiety are ripe for Romantic Orientalist and postcolonial readings that are beyond the compass of the current article.

This article compares Moore and Byron, analysing their respective engagements with critical, public, and legal perceptions of their religiously-themed work and the resulting constraints on their status and practice as authors. Accusations of blasphemy threatened the

legal and commercial integrity of works such as *Cain* (1821) and *The Loves of the Angels*, and the contrasting reactions of the two poets provide a lens through which to examine their differing perspectives on authorship and revision. The first part traces Moore's revisions to the fifth edition of *The Loves of the Angels*, analysing the degree to which the poet actively responded to thematic and stylistic criticisms voiced in review periodicals. This responsiveness was an authorial measure developed by Moore in response to critical hostility suffered early in his career, and explains, in part, his decision to revise the poem. The article explores an additional motivating factor in the shape of a legal system which refused copyright in works found to be obscene or blasphemous. Legal findings against *Cain* provoked a dual response from Byron, who insisted on his authorial autonomy and identity but acknowledged the growing power and influence of a mass reading public. The same findings were interpreted by Moore as a prompt to adopt a more flexible mode of authorship where its broad social and cultural formulation was reflected in a recognition of textual contingency. The final part of the article examines paradoxes in the interactions between legal regulations of intellectual property and obscenity, which shaped the two authors' responses in different ways.

## 1.1

The precise timescale of Moore's revisions for the fifth edition of *The Loves of the Angels* is unclear, but evidence suggests that the task was completed in roughly two months following 18 January 1823. On this date, Moore recorded in his journal that Longmans 'have apprised me that I must revise for a fifth edition' and that 'if they thought it would not be too late, I could make the "Angels" completely *eastern*, and thus get rid of that connection with the Scriptures, which they fear will, in the long run, be a drag on the popularity of the poem' (*Journal 2*: 617). The poet's diligence in completing this task is evident in the journal entry

for the following day: ‘Turned over my “D’Herbelot,” &c. for the project of turning the poor “Angels” into “Turks”’ (*Journal 2*: 617). In early February, Moore wrote to Owen Rees of the Longmans firm to promise a ‘continual supply of [revised] sheets’ (*Unpublished 1*: 262) which were being franked for postage by his friend John Wilson Croker. In a letter dated before 14 February, Moore sent some revised sheets to Croker accompanied by commentary on his progress:

My present inclosures contain the transmogrification of my angels into Mussulmans, which I rather think will amuse you, as showing what convenient things religions are sometimes, and how easily they slide into one another. — I have put in four additional lines, and altered as many words, and the whole thing might now have been written by a Mufti (*Unpublished 1*: 263).

Whether Moore’s *inclosures* represented his complete revisions for the poem is uncertain, but at this point, he underestimated the scale of revision present in the fifth edition.<sup>1</sup> That process was evidently completed by 23 March, as on that date, he wrote to Croker that ‘You have had a respite from my Longman packets lately, as my corrected Edition is finished’ (*Letters 2*: 515).

Moore’s correspondence with Croker casually suggests that the revisions made for the fifth edition were trivial, amounting to the substitution of one religion for another. However, his description of the extent of revision as ‘four additional lines, and ... as many words’ is inaccurate. The scale of revision was greater, and involved revisions to thirty-seven individual verses, as well as to *three* separate four-line groups. The first occurs at the beginning of the poem, where Moore added four new lines to the fifth edition to explicitly identify the Islamic faith of the three angels:

Spirits, who once, in brotherhood  
Of faith and bliss, near ALLA stood,  
And o’er whose cheeks full oft had blown  
That blessed wind, which wafts his throne— (5: 3)

This change is representative of one of Moore's strategies for orientalising the poem: an amendment in the text moves its religious associations from Christianity to Islam, while a paratextual revision appeals to a relevant authority to underline and support the legitimacy of the new context. In this instance, Moore appended a footnote to 'That blessed wind' to direct the reader to the 'Preliminary Discourse' of George Sale's translation of the *Qur'an*. Sale describes 'the sound of the bells hanging on the trees, which will be put in motion by the wind proceeding from the throne of GOD, so often as the blessed wish for music' (1: 132). Sale and D'Herbelot are regularly invoked in the notes to this poem and to *Lalla Rookh*, often providing oriental authority for imagery that seems characteristic of Moore.

In the 'Third Angel's Story,' Moore omitted four lines with specific Christian connotations in the fifth edition. The lines referred to a 'hymeneal chaplet' as a symbol of marriage which is prohibited in remarriage in the Catholic tradition.

Then first did woman's virgin brow  
That hymeneal chaplet wear,  
Which when it dies, no second vow  
Can bid a new one bloom out there— (1: 113)

This innocuous, apparently secular image represented the purity of the angel Zaraph and mortal Nama's love. However, Moore glossed these lines in the first edition, clarifying the precise religious significance of the image: 'In the Catholic church, when a widow is married, she is not, I believe, allowed to wear flowers on her head' (1: 147). An endnote anchored at the point of omission in the fifth edition attests to the incompatibility of the lines with his 'Mahometan Poem.' In the same note, Moore characterised the sentiment of the original lines as the only obstacle in his revision of the entire poem: '[it] has occasioned the only hesitation or difficulty, which I have experienced in converting the poem to Islamism' (1: 145).

While Moore provided transparent testimony about his revision of the poem on this occasion, most of the changes in the fifth edition are silent. The most prevalent category

comprises minor revisions to words, phrases, or lines which remove or modify Christian vocabulary and imagery. Here, Moore's claim of altering four words once again underestimated the extent of revision. The word 'God' is changed nine times, providing further evidence of Moore's particular approach to orientalisng the poem. The most obvious change—'ALLA' for 'God'—occurs on only three occasions, with the additional syllable in the former precluding a find-and-replace method of revision. The most straightforward of these changes replaces 'Where God's sublimest secrets lie?—' (1: 29) with 'Where ALLA's grandest secrets lie?—' (5: 29). The other substitutions have a knock-on effect on the adjacent meter and sense, and are less easily assimilated. The first edition's 'Not only what God loves to show, / But all that He hath seal'd below' (1: 65) becomes, in the fifth, 'Not only all that, full reveal'd, / The' eternal ALLA loves to show, / But all that He hath wisely seal'd' (5: 66). The effect of this revision in the fifth edition is an increased redundancy in narrative terms and the substitution of a triplet (characteristically favoured by Moore) for an *abab* rhyme.<sup>2</sup> While the 'hymeneal chaplet' was the image that created narrative inconsistency in the orientalisng poem, Moore also made prosodic compromises to accommodate its revised context.

However, his compromises were fewer than they might have been. The casual pose Moore adopted in his comments to Croker is most accurately reflected in an inconsistent approach to expunging the poem's Christian content. The nine instances in which 'God' is excised are united by the use of the word as a proper noun in the first edition: 'stood on God's own ground' (1: 19) | 'trod celestial ground' (5: 19); 'By God's command' (1: 35) | 'On high behests' (5: 35); 'Which God made' (1: 43) | 'Which sprung there' (5: 43). On numerous occasions, the use of 'God' as a common noun (and the capitalisation of the word is not a reliable nominal disambiguator) in the first edition goes unrevised in the fifth: 'her God' (5: 24); 'Demon or God' (5: 59); 'their God' (5: 117). A consistently different treatment

of the proper and common noun forms would be acceptable and understandable, but Moore also left many uses of the proper noun unchanged in the fifth edition: ‘all God’s works’ (5: 42); ‘of God she sung’ (5: 110); ‘God’s most disturbing mystery’ (5: 36); ‘Merciful God!’ (5: 95). Perhaps regretting this inconsistent approach, Moore revised almost half of these in preparing the poem for his *Poetical Works* in 1840-41, including the latter two, which became ‘Creation’s strangest mystery’ (38) and ‘Merciful ALLA!’ (82).<sup>3</sup>

The inconsistent nature of the revisions may be explained by the particular attention Moore devoted to emphasising the Islamic theme at key establishing points of the poem. Just as the addition of four lines near the beginning of the poem places the angels unambiguously beside Alla, the second and third of the angels’ stories reaffirm the religious context at the outset. The third and fourth lines of ‘The Second Angel’s Story’ are revised from ‘He, whom all living things obey / Summon’d his chief angelic powers’ (1: 33) to ‘ALLA convok’d the bright array / Of his supreme angelic powers’ (5: 33). Similarly, the beginning of ‘The Third Angel’s Story’ sees four separate revisions in its opening two pages, removing the Christian connotations of ‘Almighty,’ ‘Eternal,’ and ‘God’: ‘As if particularly God’s own’ (1: 104) | ‘Of ALLA, as if most his own’ (5: 105) and ‘Often, when from the’ Almighty brow’ (1: 105) | ‘Oft, when from ALLA’s lifted brow’ (5: 107). In order to satisfy the critical outcry about the perceived impiety of the poem, Moore’s general strategy dedicated particular attention to the beginnings of the frame and internal narratives, while taking a less consistent approach to revision within the bodies of the texts.

The revisions in the fifth edition of *The Loves of the Angels* are not exclusively religious, however. Moore seized the opportunity provided by the spiritual adjustments to make further changes in response to particular stylistic criticisms raised in critical reviews of the poem. Some minor changes add little to a verse: ‘bright creature!’ (1: 65) | ‘fair creature!’ (5: 65), while others revise awkward diction in the original: ‘how I sung / Exulting out’ (1:

40) | ‘how I sung / Exultingly’ (5: 40). More substantial revisions address prosodic issues, including a change from feminine to masculine rhyme: ‘At length, as slowly I descended / To view more near a sight so splendid’ (1: 7) | ‘At length, as from that airy height / I gently lower’d my breathless flight’ (5: 7), and a further revision of awkward diction and syllabic excess to the customary tetrameter of the poem: ‘Were such, when glittering out all o’er, / As mortal eye-lids wink’d before’ (1: 30) | ‘Were such as, when effus’d all o’er, / The eyes of mortals wink’d before’ (5: 30).

Much of the labour required in orientalising the poem may be found in its footnotes and endnotes. These paratexts bear the weight of Moore’s scholarly tendencies, which are deployed in the task of replacing the Christian apparatus and commentary. Moore glossed some of his textual revisions, but just as often, he appended an Islamic or oriental footnote to a phrase that remained unchanged from the first edition. For example, the simile that describes stars ‘That watch, like winking sentinels’ (1: 39, 5: 39) in both editions has an accompanying footnote and endnote in the fifth edition explaining the relationship of the image to ‘the cosmogony of the antient Persians.’<sup>4</sup> On other occasions, paratexts are revised to fit the new Islamic context: the ‘Spirits of Knowledge’ glossed as ‘The Cherubim’ (1: 30) in the first edition are described as ‘The Kerubiin, as the Mussulmans call them’ (5: 30) in the fifth. In the expediency of Moore’s paratextual revisions, we see evidence of his claim about the ease with which religions ‘slide into one another,’ but also of his characteristic deployment of a polysemic and malleable diction.

## 1.2

The sequence of Moore’s revisions for the fifth edition is difficult to deduce because of the lack of precise detail about their progress in his letter and journals, and the absence of confirmed dates for some of the letters (including that to Croker quoted above).<sup>5</sup> Having

begun the revision process on 19 January, he apparently recorded some completed corrections in an early February journal entry: ‘Sent up two sheets of the corrected “Angels”’ (5 Feb, 2: 619) and ‘Sent up more sheets of the “Angels”’ (7-9 Feb, 2: 619). The destination of these sheets is not recorded, but the likely recipients are Croker or Longmans. The sentence following the latter report mentions Longmans, but is inconclusive on the question of the sheets’ destination: ‘Have heard nothing of the Longmans for a long time, and fear my faithful correspondent, Rees, must be very ill’ (2: 619). At any rate, this sequence does little to confirm the nature and extent of revisions completed by Moore by this date.

Determining the sequence of revision is desirable as it would help to reveal the precise degree to which Moore actively responded to criticisms in the reviews that he read during this period. For example, a journal entry dated 12-15 March records Moore receiving ‘several more reviews of the “Angels”’ (2: 619), including the ‘long-expected broadside from “Blackwood” ... which is a tolerably murderous discharge, and (I must say for it) very ably served’ (2: 619-20). The *Blackwood’s* review is negative, though contradictory at times in its varying declarations of admiration for and disgust at Moore. It combines outrage at the poet’s perceived impiety with criticisms of the characterisation of the Angels and the nature of their passions. The reviewer provided a catalogue of twenty-six quotations from the poem to illustrate ‘how the mind may acquire unconsciously a habit of speaking more irreverently of divine things’ (67). Notably, thirteen of these impious passages are revised for the fifth edition (and a further four for the *Poetical Works* in 1840). Moore may have independently identified these passages for revision, but an equally plausible scenario might have seen him noting the fervour of the *Blackwood’s* review and actively responding to its convenient catalogue in the course of his revisions. In which case, the *Blackwood’s* reviewer may be vindicated in their confident assertion that ‘should Mr Moore himself chance to look over our pages, we do not fear ... that he will wholly dissent from our judgment’ (68).

The conclusion of ‘The Third Angel’s Story’—and of the poem itself—provides a further instance of Moore’s active engagement with the critical establishment. The story concerns the angel Zaraph and his mortal love Nama, who are punished for their transgressive love by being condemned to remain on earth until the end of time. The closing line describes how the couple might be identified:

Should we e’er meet with aught so pure,  
So perfect here, we may be sure,  
There is but one such pair below,  
And, as we bless them on their way,  
Through the world’s wilderness, may say,  
“There ZARAPH and his NAMA go” (1: 122).

The *Monthly Review*, whose article on *The Loves of the Angels* Moore described on 1 February as ‘very twaddling’ (*Journal 2*: 618), takes specific issue with these lines. After quoting at length from the poem, the reviewer paused to describe the conclusion of the poem as ‘generally beautiful in expression and *melody*’ (90). The praise of Moore’s musical verse is swiftly qualified, however, as ‘so obviously capable of a ludicrous application’ (90). The reviewer criticised the exposition of the final line (‘*Ostendi digitis, et dicier, hic est!*’) and noted that ‘we shrink from quoting it, and earnestly recommend its alteration in another edition’ (90). Despite the twaddling nature of the review, Moore noted that it ‘will do the poem mischief, as it takes up the Puritan tone about it’ (*Journal 2*: 618), and dutifully revised the final four lines for the fifth edition:

’Tis Zaraph and his bride we see—  
And call young lovers round, to view  
The pilgrim pair, as they pursue  
Their pathway tow’rds eternity (5: 123).

The general tone and substance of the critical reviews and their anticipated effect on the reading public are a demonstrable factor in explaining the revisions to the fifth edition of

*The Loves of the Angels*. Moore was alert to the manner in which critical reviews of his early amatory verse had contributed to a persistent critical and public image which presented him as immoral and lascivious.<sup>6</sup> That these religiously-oriented public criticisms were the sole or primary motivation for revising the poem is less probable. This decision was more likely motivated by a number of factors which certainly included Moore's sensitivity to critical rebuke and its potential for reputational damage, but also an awareness of the legal status of blasphemy. Works perceived to be blasphemous were at risk of losing the protection of copyright, of being reprinted by unauthorised publishers, and of suffering harmful commercial consequences.<sup>7</sup> As Moore knew very well, one of Byron's works had been the subject of a legal challenge of this nature in 1822, and revising *The Loves of the Angels* may be seen as a measure taken to avoid similar sanction. While Moore agreed with his publishers that a revised fifth edition 'would materially serve me and my future works with the public' (*Journal 2*: 618), his combined revisionary measures—reactive to public criticism and proactively attempting to amend his work's dubious legal status—reveal a deeply pragmatic approach to revision, and to the legal intricacies of authorship.

## 2.1

A month before the publication of *The Loves of the Angels*, on 27 November 1822, Moore recorded Longmans' receipt of an anonymous letter at their offices warning them to 'Beware of the fate of Murray and of Cain!' (*Journal 2*: 593). The message referred to the publication a year previously of Lord Byron's verse drama, *Cain*: a rendering of the biblical story of Cain and Abel which prompted critical accusations of blasphemy and provided legal complications for its publisher, John Murray.<sup>8</sup> Longmans' anonymous correspondent astutely recognised a link between two works whose religious content threatened to undermine their legal status, and drew attention to a case whose precedent and consequences related directly to Moore's

decision to revise *The Loves of the Angels*.

Byron's verse drama was published on 19 December 1821 in a volume also containing *Sardanapalus* and *The Two Foscari*. The work bears an epigraph from the Book of Genesis on its title page, and the preface explicitly records Byron's relationship to scriptural writings. Here, the author remarked that on the rare occasions when he takes language from 'actual *Scripture*' (335), he made only minimal adjustments to fit the language to prosodic requirements. The work casts Cain in the role of the rebellious Byronic hero, refusing to praise God after having been cast out of Eden and receiving from Lucifer a vision of natural destruction and human mortality.

Almost inevitably, its content and connection to scripture earned it a hostile critical reception, with several prominent journals alluding to the work's blasphemous intent.<sup>9</sup> Henry Crabb Robinson thought the work 'calculated to spread infidelity ... [and] do nothing but harm' (1: 281), while Byron's friend John Cam Hobhouse commented that '[s]ome will call it blasphemous, and I think the whole world will finally agree in thinking it unworthy' (2: 172). Even Murray's own periodical, the *Quarterly Review*, joined the chorus of denunciation, with clergyman Reginald Heber writing an unsigned review of Byron's 'monstrous creed' (516). Heber cited the piracy of *Cain* as one of his motivations for writing the review: 'those speculations which [Byron] designed for the educated ranks alone, are thrown open to the gaze of the persons most likely to be influenced by them, and disseminated, with remorseless activity, among the young, the ignorant, and the poor' (478). In so doing, Heber referred to the widespread dissemination occasioned by the unauthorised reprinting of *Cain*, and to a legal case whose authorial ramifications would provide an object lesson for Moore and *The Loves of the Angels*.

On 12 February 1822, Lord Chancellor Eldon presided over the case of *Murray v. Benbow* in the Court of Chancery. Murray filed for an injunction against William Benbow,

who had printed an unauthorised edition of *Cain*. The distinctions between England's criminal and civil courts are important for understanding the complexities and consequences of this particular case: in criminal or common law, obscene or immoral publications were viewed as a threat to society at large, and the responsible subjects were charged with a criminal offence by the crown. In civil or equity courts, proceedings were brought by private individuals against one another, and judgments were made against a publication if it was found to be obscene or immoral. Published a year after this case, Richard Godson's *A Practical Treatise on the Law of Patents for Inventions and of Copyright* summarises the position thus: 'The courts of common law, and of equity, strive to protect the *morals* of the public. It is a principle on which this part of the law rests, that there cannot be copyright in any work, the tendency of which is *obscene* or *immoral*' (212). In presenting his judgment on *Murray v. Benbow*, Eldon outlined the jurisdiction of the civil court with respect to matters of literary property: '[n]ow if the object of the present publication be to vilify and bring into discredit that portion of the Scripture history on which it is founded, it is a publication for the piracy of which the party could not recover any damages at law' ("Law Report" 3). Thus, Eldon handed the burden of proof to Murray, challenging him to 'show me that you can maintain an action upon it' ("Law Report" 3) in a court of law. Until such a time, Eldon ruled that he could not grant an injunction because he 'entertain[ed] a reasonable doubt on the character of the book' ("Law Report" 3).

Eldon's judgment here is consistent with the precedent which he established in the landmark case of *Southey v. Sherwood* in 1817. On that occasion, he ruled that an injunction could not be granted against Sherwood, Neely, and Jones's unauthorised publication of Robert Southey's 'mischievous' (qtd. in Richardson ¶1) and anti-monarchical drama *Wat Tyler*, written in 1794.<sup>10</sup> The lack of legal protection for obscene or immoral publications had productive consequences for opportunistic and unauthorised reprinting: controversial

publications, which held an inherent subversive appeal, were effectively public domain and hence fair game for free publication. For publishers who held the now redundant copyright in such unprotected works, the consequences were proportionately grave: the market for the work was undermined by the lower prices at which the unauthorised publishers sold their editions,<sup>11</sup> and their ability to achieve a return on the investment represented by the copyright payment was greatly diminished. For publishers of commercially successful authors like Byron and Moore, the consequences were greater still. The fear of piracy was implicitly encoded in Longmans' suggestions that Moore revise *The Loves of the Angels* for the fifth edition, and echoed in their explicit concern that the poem's connection to scripture would damage its popular appeal.

The low threshold for judging a work's obscenity or immorality in the civil courts posed a particular challenge to publishers. As the case of *Murray v. Benbow* attests, all that was required for the judge to refuse an injunction was a reasonable doubt about the moral character of the work. Unlike the courts of law, which assess a work's threat to the general morals of society or a particular portion thereof, the civil law 'has never developed its own test or definition for obscenity' (Saunders 434). Thus, while we can read clearly between the lines to ascertain Eldon's views on whether *Cain*'s intent was 'to bring discredit upon Scripture history and doctrines' ("Law Report" 3), he ultimately stated that '[t]his question I have no right to determine' ("Law Report" 3). Arising from this distinction between the jurisdictions of the civil and criminal courts is a situation which apparently contradicted the stated aim of both courts: 'to protect the *morals* of the public' (Godson 212). By refusing to offer copyright protection to a work which is potentially injurious to public morality, the civil courts pave the way for that work's increased circulation in society at the hands of unauthorised publishers. Eldon explicitly recognised this paradox in his judgments on the *Wat Tyler* and *Cain* cases,<sup>12</sup> and unauthorised publishers began to exploit the court's low

threshold of evidence for immorality to argue that injunctions be denied or overturned.

On 9 August 1823, William Dugdale, a publisher who had previously been employed by Benbow (Beare ¶1) appeared at the Vice-Chancellor's court to argue for the dissolution of an *ex-parte* injunction that had been granted against him for his unauthorised edition of Cantos VI-VIII of *Don Juan*. The essence of Dugdale's plea was that the work's 'tendency was immoral in the highest sense of the word, most calculated to taint the minds of the public, licentious, in every way dangerous, and most destructive of the morals of the community at large' ("Law Report" 2). As evidence to support this claim, he cited the absence of the publisher's name from the title page of *Don Juan*, and Murray's publication of the work in three separate editions, the cheapest of which (selling at one shilling), was publicly advertised as a measure to counteract piracy. Not only did these actions point to an implicit acknowledgement of the work's immorality,<sup>13</sup> Dugdale argued, the poem brazenly presented its dubious content: 'the hero (*Don Juan*) was conducted through the most licentious scenes, and their immorality became still more calculated to injure the morals of the public, for their being written in such a warm poetic style' ("Law Report" 2). Representing Byron, Daniel Wakefield presented an argument, anticipating Reader-Response theory, that the work itself contained nothing immoral and that 'corrupt meaning could only be implied by those who were themselves corrupt' ("Law Report" 2). He cited the cases of both *Cain* and *Wat Tyler* as examples where establishing the *total* corruption of a work (as opposed to the presence of corrupt portions) was a necessary factor in making a judgment about the proposed injunction. With both sides of the case making arguments grounded in ambiguous aspects of the literary work, reasonable doubt about the character of *Don Juan* inevitably followed. On 11 August, Vice-Chancellor Sir John Leach dissolved the injunction against Dugdale, and, as in the case of *Cain*, decided that the judgment of a court of law was needed to affirm the injunction.<sup>14</sup>

The fact that Dugdale represented himself in court suggests a high degree of self-confidence in the legality of his actions and in his own argumentative abilities: the precarious nature of his profession demanded such levels of boldness and bravura. His success in overturning the *Don Juan* injunction came in the same year that he published an unauthorised edition of *The Loves of the Angels*: in doing so, Dugdale demonstrated an implicit confidence in his ability to argue for that work's blasphemous or immoral nature. 1823 was the second year of Dugdale's work as an independent publisher. In these early years, his literary publications were dominated by poets of the so-called Satanic School (Byron and Shelley, as well as Moore), standing alongside a range of obscene and pornographic titles in his catalogue.<sup>15</sup> The 1823 edition of *The Loves of the Angels* was not the only unauthorised version of the poem to appear: the following year saw the publication of an edition by William Chubb, an associate of Dugdale, and the latter reprinted the poem in a smaller format in 1826.<sup>16</sup> The appeal of the poem to this close-knit network of unauthorised and pornographic publishers was evident within days of the first authorised edition's appearance, as Benbow printed a portion of the poem under the title of 'The Witchery of Woman' in the 1 January 1823 issue of his soft-core *Rambler's Magazine* (45-6).<sup>17</sup> Dugdale's 1823 edition reproduced the Christian text of the first edition of *The Loves of the Angels*, as did his 1826 edition, and Chubb's. The likely practical reason for this related to the rapid responsiveness of unauthorised publishers: getting their reprints to market as soon as possible after the original work's appearance was a crucial commercial imperative.<sup>18</sup> Though the precise date of Dugdale's edition is unknown,<sup>19</sup> it is highly probable that it appeared early in 1823, before the publication of the revised fifth edition. But a more strategic reason for reprinting the text of the first edition was its established public and critical perception as a blasphemous work. For this specific reason, Dugdale's edition was likely to have been a source of alarm for Moore and Longmans.

## 2.2

What emerges from the situation represented by *Cain*—and that faced by Moore and Longmans with *The Loves of the Angels*—is a complex matrix of legal and commercial perspectives that bear very directly on questions of authorship and notions of authorial identity, autonomy, and stability. The publisher who possesses the copyright of a potentially obscene or immoral work is placed in a difficult double-bind, and the dilemma faced by Murray and contemplated by Longmans may be summarised thus: once a copyright is violated by the publication of an unauthorised reprint, its owner may seek an injunction in civil court. The granting of an injunction is the simplest and most positive outcome for the authorised publisher, but, as Dugdale’s testimony illustrates, creating a reasonable doubt about the moral character of the work is a relatively simple task, and is central to the unauthorised publisher’s initial decision to reprint a work in the first place. If the injunction is refused, not only does the copyright holder fail to stem the black market for the work, but the consequent doubt about the work’s morality increases the likelihood of criminal proceedings being brought against the work by the Attorney General, the Constitutional Association, or the Society for the Suppression of Vice.<sup>20</sup> Similarly, the route proposed by the magistrate in the cases that rejected injunctions for *Cain* and *Don Juan*—essentially clearing any doubt about the work’s moral character in criminal court—carried a far greater risk for defeat—imprisonment—than the punitive measures of civil court.<sup>21</sup> Refusing to seek an injunction against the printer of an unauthorised publication was also viewed as an implicit admission of guilt, and was likely to attract the attention of the self-proclaimed ‘moral guardians’ who initiated criminal cases against works of apparently dubious morality.<sup>22</sup>

The presence of many such organisations coupled with the introduction of a series of repressive legislative measures saw the Romantic period coincide with the British state’s ‘last

sustained attempt in the country's history to control the minds of citizens by controlling their access to print' (St Clair 309). Notwithstanding the irony that many of these measures brought about an unintended ecology of cheap and plentiful reprints, their force and threat can be traced in the relationships between authors and their legitimate publishers. In the correspondence of Byron and Moore with their publishers, we see both evaluating the risk of moral ambiguities in publications and querying such nebulous features as 'tendencies' and 'intentions.'<sup>23</sup> Writing of Murray's concerns about *Cain* and requests for revisions to the text a month before its publication, Byron complained: '[t]o me he talks of the *power*—of "Cain" ... but he *cants* about it's [sic] tendency also.—There never was such *cant*' (*BLJ* 9: 60). In this instance, Byron stated his principled objection to revision as injurious to the potentially powerful effects of spontaneous composition: 'There is no occasion for a *revise*—it is only losing time. ... I told you before that I can never *recast* anything.—I am like the Tiger—if I miss the first spring—I go growling back to my jungle again—but if I *do hit*—it is crushing' (*BLJ* 9: 45).<sup>24</sup> In each case, Byron objected to the constraints which Murray's concerns placed upon his essential status as an autonomous author. In legal terms too, Byron's status as an author who can assert his ownership of a copyright was destabilised by the potentially immoral character of his work. Under such conditions, only an arbitrary tribunal of public opinion (or, practically, the judgment of a criminal jury) could confirm his status as an author on the condition that his work was judged to be free from obscenity or immorality. In these circumstances, as Saunders observes, 'the legal personality of the author ... has no essential unity' (435).

The practical source of this disunity was the situation which held an author responsible and answerable to an external arbiter of their work's morality. In legal terms, this arbiter is *the public*, though in reality, organisations such as the critical reviewing establishment and the Society for the Suppression of Vice acted on behalf of the public (in

however circumscribed a form) when they encountered a work which they perceived to represent a threat to its morality.<sup>25</sup> The discourse of critical journals in this period about Byron, Moore, and their immoral confreres echoes the terms used by Dugdale and Wakefield in the case relating to the *Don Juan* injunction—intention and calculation to corrupt are identified and held among the most heinous and threatening poetic crimes. Francis Jeffrey’s identification of a deliberate intent to corrupt in *Epistles, Odes, and Other Poems* was the specific charge for which Moore sought satisfaction in challenging the reviewer to a duel in 1806.<sup>26</sup> In this sense, critical reviewers wielded a powerful tool in their ability to provoke a reasonable doubt about the morality of an author’s work, and the act of assessing an author’s intentions bore dramatic legal and commercial consequences. While in principle, copyright was afforded to authors without reference to any qualifying conditions for their work, the practice of refusing copyright for immoral or obscene publications placed authors in a deliberate and strategic relationship with works of this nature. As Moore and Byron demonstrate, authors responded to this *de facto* restriction on creative freedom in notably different ways.

### 3.1

Whether or not Byron made an explicit connection between public morality and the copyright status of his work, he identified the public as a threat to his creative and authorial integrity in the aftermath of the *Cain* trial: ‘they hate me—and I detest them—I mean your present Public—but they shall not interrupt the march of my mind—nor prevent me from telling the tyrants who are attempting to trample upon all thought—that their thrones will yet be rocked to their foundation’ (*BLJ* 9: 152). Moore closely observed the proceedings of the trial, corresponding with Byron about its fallout and the resultant consequences for writing about religious topics. While the first recorded reference to *The Loves of the Angels* appeared in a

Moore letter of June 1822,<sup>27</sup> his correspondence with Byron the following Spring indicated differences in his conception of the authorial responsibilities associated with religious writing. As much as he admired *Cain*, Moore shrank from its inclusion of atheistic elements: ‘Cain, to be sure, *has* made a sensation; and grand as it is, I regret, for many reasons, you ever wrote it. \* \* For myself, I would never give up the *poetry* of religion for all the widest results that *philosophy* will ever arrive at’ (*Letters* 2: 503). Moore did not identify Byron in ‘the blasphemies of Cain’ (*Letters* 2: 504) but perceived Shelley’s influence on his friend: a claim which the latter denied (qtd. in Moore, *LJB* 2: 585). Moore cautioned Byron on the force of such expressions in his work and articulated his views on the moral responsibilities of the poet: ‘all I wish is that you, who are such a powerful manufacturer of these thunderbolts, would not *choose* subjects that make it necessary to launch them’ (*Letters* 2: 504). In suggesting that Byron had failed ‘the young, the simple,—all those whose hearts one would like to keep unwithered’ (*Letters* 2: 504), Moore echoed the rhetoric of moral panic invoked to promote public morality as a cause requiring protection from immoral and obscene publications.

Here, Moore had absorbed the language and logic of moral prohibition that had been periodically aimed at his work ever since *Thomas Little*,<sup>28</sup> and Byron hinted as much in his exiled opinion that ‘[t]he truth is, my dear Moore, you live near the *stove* of society, where you are unavoidably influenced by its heat and its vapours. . . . I think it, as now constituted, *fatal* to all great original undertakings of every kind’ (*BLJ* 9: 119). Sensing Byron’s implications, Moore responded that ‘your friend Tom Moore—whatever else he may be,—is no Canter’ (*Letters* 2: 505). However accurate Byron’s claim might prove to be, Moore believed that *The Loves of the Angels*’ apocryphal source, despite its relationship to the Book of Genesis (6: 1-4), would insulate it from the accusations of blasphemy which had undermined *Cain*. The preface to the first edition provided an explicit rejoinder to any doubt

that the poem's motive was to discredit scripture: 'As objections may be made, by persons whose opinions I respect, to the selection of a subject of this nature from the Scripture, I think it right to remark, that, in point of fact, the subject is *not* scriptural' (viii). Additional prefatory material and an extensively referenced endnote identified the origin of the poem's central notion in Genesis.<sup>29</sup> However, in order to disavow the scriptural legitimacy of the passage which related the love of 'Angels, the sons of heaven' for mortal women, and to characterise the Book of Enoch as a discredited 'rhapsodical' fiction (125), Moore carefully demonstrated the origin of this phrase in an 'erroneous translation' (viii) of Genesis which ought to have been rendered 'the sons of nobles or great men' (125).

If Moore hoped to satisfy any legal doubts about the poem's relationship to scripture with this disclaimer, he had some—but by no means unqualified—success. Some of the major reviews commented on Moore's deliberate reference to the poem's noncanonical inspiration,<sup>30</sup> perceiving the author 'cautiously and sufficiently guard[ing] himself, *in this point*, from the imputation of irreverent meddling with the sacred text' (*Monthly Review* 83). However, this point *alone* was not sufficient to absolve Moore of accusations of irreverence and immorality from reviewers who took particular exception to the poem's union of fictional and divine elements. One of these, in *John Bull*, concluded with a condemnation of the variance between Moore's 'sickening blasphemy [and] the professions of propriety contained in his preface' (14). Here is a further example of the double-binds surrounding morally dubious publications, and of the shifting and contradictory criteria for their identification. Having attempted to satisfy Eldon's legal qualm about discrediting scripture, Moore found that allusions to a nonscriptural source were equally subject to accusations of blasphemy, precisely *because* of their fictional employment of scriptural scenes and characters. But another notable curiosity is how many reviews specifically absolve Moore of blasphemous *intent*, as if dramatising a legal dialectic with the rhetoric of both defence and prosecution.<sup>31</sup>

One might imagine such examples being cited in a legal defence of the work against an accusation of blasphemy, but as we have seen in the cases of Byron, reasonable doubt about the moral character of a work was created with ease, and the nebulous concept of authorial intention was not a firm ground for decisive moral judgments.

In Moore's journals and correspondence in this period, no evidence points towards Longmans coercing the poet to make revisions to *The Loves of the Angels*. He was seemingly cooperative and willing to take action against an apparent threat to his work, and perceived no affront to his authorial freedom and integrity in the suggestion, as Byron did. Nonetheless, one can imagine a fraught atmosphere behind the scenes at Longmans, or contingency plans being drawn for the event of legal action.<sup>32</sup> The Longmans firm was advised by the same attorney who was employed by Murray during the *Cain* trial: Sharon Turner, a recognised authority on copyright in this period (Loyn ¶4). In the case of Byron, Turner advised Murray to cite likely refusals of injunctions to exhort the poet to 'write less objectionably,' speculating that the resultant commercial imperative would 'affect his mind & purify his pen' (qtd. in Dyer 123-24). In the role of advising his clients about publications which were likely to attract legal proceedings, Turner had a documented encounter with Moore in 1823, advising Longmans that *Fables for the Holy Alliance* 'tend[ed] to bring monarchy into contempt' (*Journal* 2: 629). Moore met with his publisher and Turner on 18 April, just weeks after finishing revisions for *The Loves of the Angels*, and rejected Longmans' appeal to make alterations to *Fables*.<sup>33</sup> In addition, he dismissed Turner's promise of indictment by the Constitutional Association, remarking that 'I was perfectly ready to meet the consequences myself in every way; though of there being any such consequences from the publication I had not the slightest apprehension' (*Journal* 2: 629). Moore's refusal to revise the work led Longmans to seek a second opinion from Whig attorney Thomas Denman, who was confident that *Fables* represented no legal threat, 'though he could not guarantee against the

folly of people in prosecuting' (*Journal 2*: 631). No evidence can be found to indicate that Turner advised Longmans to seek revisions to *The Loves of the Angels* when its critical controversy surfaced a few months earlier, but given his active advisory role to Murray and his heightened aversion to legal risk, the possibility is quite plausible. If Moore's bullishness in refusing to revise *Fables* seems out of character when compared to his acquiescence in revising *The Loves of the Angels*, at least two factors can explain the stance. First, *Fables* was published under one of Moore's satirical pseudonyms, Thomas Brown, the Younger. Though the identity of the legal person behind this satirist was well known, the pseudonym offered a degree of mitigation against indictment. Second, Moore was much more comfortable satirising George IV and his European regal counterparts than having his work categorised in the same atheistic company of Byron, Shelley, and their Satanic School.<sup>34</sup>

In the preface to the fifth edition of *The Loves of the Angels*, Moore struck a repentant tone: 'in deference to some opinions which have reached me, a considerable change has been made in the character of this Poem' (v). By thus advertising his unwillingness to offend the religious sentiments of his readers, did Moore attempt to engage a possible legal defence? In summarising the laws relating to copyright and immorality, Godson notes a potential loophole in the event of repentance, stemming from Eldon's remarks in the case of *Southey v. Sherwood*: 'But there seems to be an exception to the general rule, that equity will not interfere to protect a book of *bad* tendency, when the author *repents* of his work, and wishes to suppress it' (214). Does the imposition of Islamic 'machinery and allusions' amount to adequate repentance and a wish to suppress the work? Here, we are in the ambiguous territory of not only legal language and interpretation, but also of bibliographical taxonomy. Moore's apparent repentance was instantiated in a new edition of the same *work*. Along with its text, the subtitle was changed from 'A Poem' to 'An Eastern Romance,' but this was unambiguously another edition of a work previously perceived to cause offence. Presenting a

work with a new title in a first edition may have represented a more active and plausible gesture of repentance and suppression of *The Loves of the Angels*, but it would have created additional problems, not least in whether it would qualify for a separate copyright. While Moore's revisions were unlikely to be considered a suppression of the work, might they be viewed as a sufficient act of repentance for the granting of an injunction? This logic was apparently not the primary motivation: had Moore and Longmans viewed revision as adequate repentance, they might have sought an injunction against Dugdale, but no evidence suggests that they did. In any event, the absence of a precedent for the loophole to which Eldon alludes would have made such an appeal a risky case for the plaintiffs. Eldon firmly disagreed that Southey had repented about *Wat Tyler* (Richardson ¶8) and appeared to base his remarks on a scenario in which repentance occurs prior to publication, while the work is still in manuscript.<sup>35</sup> If Moore's revision was intended as a show of repentance to forestall further unauthorised reprinting, it did not succeed, as Chubb's and Dugdale's later editions testify. Having based his edition's text on the pre-revision Christian version of Moore's poem, Dugdale's defence in the event of a legal challenge would presumably be based in bibliographical taxonomy as well: he had reprinted a blasphemous, publicly-injurious version of the poem, not the sanitised, orientalist version.

### 3.2

By the end of March, the fifth edition—thoroughly orientalist—was ready for the market. The first edition was apparently a genuine expression of Moore's piety and his understanding of spirituality as necessarily including the carnal.<sup>36</sup> His revisions marked a retreat from these initial motivations, cognisant that they would likely damage his reputation and marketability. The revised preface was conciliatory, with Moore writing '[f]or the satisfaction of future readers' (vi) and professing that he is 'always most unwilling to offend' (v). This

unwillingness to offend is central to understanding Moore's readiness to revise his work to satisfy the demands and desires of his audience and critics, to avoid legal censure, and to preserve his and his work's commercial potential.<sup>37</sup> His response was a reaction to the complex formal and informal systems of regulation that manifested in reply to both Moore and Byron's religious publications. These systems hinged on the interaction between the formal structures of state and law and the more capricious responses of the public and critics. Their increasing influence on authors reflected the development of a 'more perilously competitive' literary culture which arose in the second decade of the eighteenth century, where the 'relatively secure systems of recognition gave way to a dependency on unknown readers, whose numerical power and anonymity were felt to be threatening' (Newlyn 8). Both poets reaped the considerable rewards of popular success with their works of the previous decade, but the impending reversal of fortune signified a greater challenge to Moore, whose livelihood relied on the success of his work, than to the independently wealthy Byron. Moore owed a debt of £1000 to Longmans at the time of *The Loves of the Angels*' publication, so the commercial success of the poem was vital.<sup>38</sup> His appeal to Murray for gentle treatment in the *Quarterly* can be seen as 'the letter of a man desperately concerned for his reputation, which was fairly indistinguishable from his livelihood' (Kelly 377). Writing to Byron in July of '[t]his cursed Public' which had given *Rhymes on the Road* a tepid reception, Moore wondered aloud at his moneyed friend's motivations: '[h]ow you, who are not *obliged*, can go on writing for it, has long, you know, been my astonishment' (*Unpublished* 1: 273).

The origins of Byron and Moore's differing responses to blasphemous writing and its threat to copyright and authorial autonomy can be traced to the beginning of the eighteenth century, and to separate legal cases which granted writers ownership of copyright and held them criminally responsible for their work's blasphemous or obscene content. The first was the Statute of Anne (1710) which enshrined the writer's work as a commodity to be owned,

reproduced, and sold: in ascribing rights and value to a writer's compositions, it marks a crucial foundational moment in the development of Romantic authorship and its ideas of individual genius.<sup>39</sup> If the Statute of Anne paved the way for the unfettered authorial autonomy which Byron invokes, *Dominus Rex v. Curl* [sic] (1727) represented a qualification of this freedom and a new legal connection of authorship and public. The case, heard in criminal court, indicted Edmund Curll for obscenity on the basis of his pornographic publication, a translation of Jean Barrin's *Venus in the Cloister: or, the Nun in her Smock* (1724). The significance of this judgment was its adjudication of a matter of morality under criminal rather than canon law: as Saunders observes, for the publication 'to be a crime and not a sin, there had to be a public offence, not merely a private immoral act' (437). Thus, the crime of obscene publication was established, making the legality of an author's work contingent on it not possessing a threat to public morality. However, the judgment was not a deliberate check on the new freedom of authors, or a 'repression of [their] subjectivity' (Saunders 437). Rather, its focus was on regulating print and its increasing dominance as a medium for public discourse. The Statute of Anne can be viewed in similar terms: it was not intended as an explicit instrument for the promotion of authorial autonomy, but as another regulatory intervention in a print trade dominated by the Stationers' Company's monopoly. Both authorial copyright and obscene publication emerge from intersecting developments in law, commerce, and technology, but Romanticism absorbs the former as a correlate of its ideological self-representation, which is ultimately undermined by the latter.<sup>40</sup> The resulting legal responsibility of authors to the public is implicitly acknowledged in Moore's revisions to *The Loves of the Angels*, marking his mode of authorship as more compliant than Byron's. If Byron's promotion of authorial autonomy was stated as a matter of principle in the case of *Cain*, his understanding of authorship was also pragmatic in deed: the solution to the problem which his indictable writing posed was to sever his ties with Murray and to begin publishing

with John Hunt. As well as a symbolic move from a conservative establishment publisher to one with close associations with radicalism, Byron's decision has two significant outcomes: it represented an embrace of the cheap printing and prices favoured by unauthorised publishers, and enabled him to work with a publisher who was less risk-averse, and less likely to demand prophylactic revisions to his writing.<sup>41</sup> This decision also qualifies Byron's claim to 'detest' the public: by embracing the medium of cheap print in which the majority of his readers encountered his work, Byron located the source of his ire not in a broadly conceived public, but in the chastening and constraining effects that the abstractions of *public morality* and *public interest* could exercise over his authorship. While Moore, ever unwilling to offend, was loath to abandon the relative comfort and security of an established publisher like Longmans, Byron's calculated descent into the radical publishing world of Hunt neatly matched his dangerous and anti-authoritarian persona.

Literary criticism and literary history have acknowledged the interpretive value of the kind of social contract which Moore's revisions represent. From Michel Foucault and Roland Barthes' positioning of the author within a broader field of meaning-generating agents, Reader-Response theorists have promoted the importance of individual readerly encounters, and advocates of Social-Text theory emphasised the need for socialising and historicising the processes of textual transmission and interpretation. These perspectives also help to delineate the contradictions that emerge when a blasphemous publication activates systems of regulation which destabilise the boundaries of authorship, public, and copyright.

Ideas of multiple authorship and social construction of texts are ill-served by copyright law, which has gradually strengthened a proprietary model of authorship in the three centuries since the Statute of Anne. Martha Woodmansee (28) and Lior Zemer (2) identify an increased legal insistence on this model in proportion to growths in collective and collaborative creative production which are perceived to threaten the autonomy of the

individual creator. However, Zemer argues against this trend and for a social constructivist view of copyright that sees authors and copyrighted works as social constructs, and understands authors' claims for copyright as limited 'by their reliance on the contribution of the public to the realisation of authorial abilities and actual copyrighted materials' (8). The apparent radicalism of this proposal is a consequence of views of authorship and copyright that insist on individual creative agency and autonomy, but a logical line can also be drawn to the proposal from the judgment on Curll. Furthermore, placing Moore's revisions in the light of Zemer's proposal highlights additional paradoxes of copyright law. Leaving aside the contradiction noted by Eldon that an obscene publication is more widely available to the public *because* of its obscenity, the commercial threat to the potentially blasphemous first edition of *The Loves of the Angels* is the loss of its copyright status. Moore's legal compliance in the fifth edition depended, in part, on his active response to public critique described above. But instead of recognising the reciprocal creative process involving author and public, copyright law granted Moore's revised poem a more stable and certain status as a *private* intellectual property. A social constructivist model of copyright would place this explicitly socialised text within the public domain, but under the presiding understanding of copyright, the public was less a creative collaborator than a regulatory censor. From this perspective comes the rhetoric of constraint articulated in Byron's description of the public as an obstacle to 'the march of my mind.'

The first periodical to review Moore's poem, *John Bull*, explicitly noted 'the proximity of the MAHOMETAN doctrine to that adopted by the lively bard' (5). The review, whose force struck Moore 'too hard' (*Journal 2*: 614), may well have planted the specific idea for how to approach the poem's revision, but in seeking to revive his commercial appeal, Moore instinctively turned to the Oriental mode of his previous success in long narrative poetry, *Lalla Rookh*.<sup>42</sup> This decision represents a pragmatism that is everywhere evident in

the process of revising *The Loves of the Angels*, with Moore actively responding to the prohibitions of the courts, the critics, and the public. Byron, by contrast, resisted the opportunity to beat a textual retreat from the outcry occasioned by his blasphemous publication. While this resistance placed him at odds with Moore's methods, his defection to Hunt and cheap printing was an implicit recognition of the importance and influence of his public readership whose control he elsewhere rejected. Thus, both authors managed to engineer a route around the moral and legal oppositions to blasphemous publication by adopting perspectives from opposite ends of the revisionary spectrum. Moore, the assiduous reader and scholar, assumed a provisional relationship with his sources and his writings, acknowledging their necessary amenity to reconstruction. Byron insisted on preserving the spontaneous and autonomous nature of his writing, but in adjusting his authorial persona, he hewed to the Yeatsian revisionary dictum, 'It is myself that I remake' (2: [ii]). Both cases present examples of the specific effects of legal and moral discourse on blasphemous publication, and in so doing, illustrate differing ways in which the abstraction of the public and its morality influenced authorial unity and identity in this period.

Word count: 11,522

## References

- Beare, Geraldine. "Dugdale, William (1799/1800–1868)." *Oxford Dictionary of National Biography*. Oxford: OUP, 2015. Web. 31 Mar. 2016.
- Bentley, G. E., Jr. "A Jewel in an Ethiop's Ear: The Book of Enoch as Inspiration for William Blake, John Flaxman, Thomas Moore, and Richard Westall." *Blake in His Time*. Ed. Robert N. Essick and Donald Pearce. Bloomington; London: Indiana UP, 1978. 213-240. Print.
- Byron, George Gordon. *Byron's Letters and Journals*. 12 vols. Ed. Leslie A. Marchand. London: John Murray, 1973-82. Print.
- . *Complete Poetical Works*. 7 vols. Ed. Jerome McGann. Oxford: OUP, 1980-93. Print.
- . *Cain; A Mystery*. London: W. Benbow, 1822. Print.
- . *Don Juan. Cantos VI., VII., VIII.* London: W. Dugdale, 1823. Print.
- . *Heaven and Earth. The Liberal: Verse and Prose from the South*. 1 Jan. 1823. 165-206. Print.
- . *Sardanapalus, A Tragedy. The Two Foscari, A Tragedy. Cain, A Mystery*. London: John Murray, 1821. Print.
- Cole, Richard Cargill. *Irish Booksellers and English Writers 1740-1800*. London: Mansell, 1986. Print.
- Du Prat, Abbé. *Venus in the Cloister: or, the Nun in her Smock*. London: [Edmund Curll], 1725. Print.
- Dyer, Gary. "Publishers and Lawyers." *Wordsworth Circle* 44.2/3 (2013): 121–126. Print.
- Foucault, Michel. "What is an Author?" *Aesthetics, Method, and Epistemology*. Ed. James Faubion. Trans. Robert Hurley, et al. London: Penguin, 2000. 205-22. Print.
- Godson, Richard. *A Practical Treatise on the Law of Patents for Inventions and of Copyright*. London: Joseph Butterworth and Son, 1823. Print.

- Hesse, Carla. "Enlightenment Epistemology and the Laws of Authorship in Revolutionary France, 1777-1793." *Representations* 30 (1990): 109–137. *JSTOR*. Web. 28 May 2016.
- Hobhouse, John Cam. *Recollections of a Long Life*. Ed. Lady Dorchester. 2 vols. London: Murray, 1909-11. Print.
- Jeffrey, Francis. Rev. of *Epistles, Odes, and Other Poems* by Thomas Moore. *Edinburgh Review* 8 (1806): 456-65. Print.
- Johns, Adrian. *Piracy: The Intellectual Property Wars from Gutenberg to Gates*. Chicago, Ill; London: University of Chicago Press, 2009. Print.
- Kelly, Ronan. *Bard of Erin: The Life of Thomas Moore*. Dublin: Penguin Ireland, 2008. Print.
- Klancher, Jon P. *The Making of English Reading Audiences, 1790-1832*. Madison, Wis; London: University of Wisconsin Press, 1987. Print.
- Kolkey, Jason. "Mischievous Effects: Byron and Illegitimate Publication." *Byron Journal* 42.1 (2014): 21. Print.
- . "Venal Interchanges: Shelley's Queen Mab and Literary Property." *European Romantic Review* 25.5 (2014): 533–550. *Taylor and Francis*. Web. 28 May 2016.
- "Law Report [Lord Byron v. Dugdale]." *Times* 13 Feb. 1822. 2. *Times Digital Archive*. Web. 10 Feb. 2016.
- "Law Report [Murray v. Benbow]." *Times* 9 Aug. 1823. 3. *Times Digital Archive*. Web. 10 Feb. 2016.
- Loyn, H. R. "Turner, Sharon (1768–1847)." *Oxford Dictionary of National Biography*. Oxford: OUP, 2015. Web. 31 Mar. 2016.
- Manning, Peter J. *Reading Romantics: Texts and Contexts*. New York ; Oxford: Oxford University Press, 1990. Print.
- Marchand, Leslie Alexis. *Byron. A Biography*. 3 vols. London: John Murray, 1957. Print.

- Martin, Philip W. "The Angels of Byron and Moore: Close Encounters of Another Kind."  
*Romanticism and Millenarianism*. Ed. Tim Fulford. New York, NY: Palgrave, 2002.  
 153-65. Print.
- McCalman, Iain. *Radical Underworld: Prophets, Revolutionaries, and Pornographers in London, 1795-1840*. Oxford: Clarendon Press, 1988. Print.
- Merivale, J. H. *Reports of Cases Argued and Determined in the High Court of Chancery: Commencing in Michaelmas Term, 1815 [to the End of the Sittings After Michaelmas Term, 1817]*. 3 vols. London: A Strahan, 1818. Print.
- Moore, Thomas. *Epistles, Odes, and Other Poems*. London: James Carpenter, 1806. Print.
- . *Fables for the Holy Alliance, Rhymes on the Road, &c &c*. London: Longman, Hurst, Rees, Orme, and Brown, 1823. Print.
- . *Lalla Rookh, An Oriental Romance*. London: Longman, Hurst, Rees, Orme, and Brown, 1817. Print.
- . *Letters and Journals of Lord Byron, With Notices of His Life*. 2 vols. London: John Murray, 1830. Print.
- . *The Journal of Thomas Moore*. Ed. Wilfred S. Dowden. 6 vols. Newark: U Delaware P, 1983-91. Print.
- . *The Letters of Thomas Moore*. Ed. Wilfred S. Dowden. 2 vols. Oxford: Clarendon Press, 1964. Print.
- . *The Loves of the Angels, A Poem*. London: Longman, Hurst, Rees, Orme, and Brown, 1823 [1822]. London: Dugdale, 1823. London: W. Chubb, 1824. London: Dugdale, 1826. Print.
- . *The Loves of the Angels, An Eastern Romance*. 5th ed. Longman, Hurst, Rees, Orme, and Brown, 1823. Print.
- . *The Poetical Works of the Late Thomas Little, Esq*. London: J. and T. Carpenter, 1801.

- Print.
- . *The Poetical Works of Thomas Moore*. 10 vols. London: Longman, Orme, Brown, Green, & Longmans, 1840-41. Print.
- . *The Unpublished Letters of Thomas Moore*. Ed. Jeffery W. Vail. 2 vols. London: Pickering & Chatto, 2013. Print.
- Mortenson, Robert. "The Copyright of Byron's 'Cain.'" *PBSA* 63.1 (1969): 5-13. Print.
- Newlyn, Lucy. *Reading, Writing, and Romanticism: The Anxiety of Reception*. Oxford: OUP, 2000. Print.
- Pearsall, Robert Brainard. "Chronological Annotations to 250 Letters of Thomas Moore." *PBSA* 63.2 (1969): 105-17. Print.
- Phillips, Jeremy. "Copyright in Obscene Works: Some British and American Problems." *Anglo-American Law Review* 6 (1977): 138-71. Print.
- Rev. of *The Loves of the Angels*, by Thomas Moore and *Heaven and Earth*, by Lord Byron. *Edinburgh Review* 38 (1823): 27-48. Print.
- Rev. of *The Loves of the Angels*, by Thomas Moore. *Blackwood's Edinburgh Magazine* 13 (1823): 63-71. Print.
- Rev. of *The Loves of the Angels*, by Thomas Moore. *Eclectic Review* 19 (1823): 210-17. Print.
- Rev. of *The Loves of the Angels*, by Thomas Moore. *Imperial Magazine* 5 (1823): 182-86. Print.
- Rev. of *The Loves of the Angels*, by Thomas Moore. *John Bull* 5, 12 Jan. 1823: 5-6, 13-14. Print.
- Rev. of *The Loves of the Angels*, by Thomas Moore. *Literary Gazette* 310, 311 (1822): 815-17, 9-11. Print.
- Rev. of *The Loves of the Angels*, by Thomas Moore. *Monthly Review* s2, 100 (1823): 79-95.

- Print.
- Rev. of *Marino Faliero, Sardanapalus, The Two Foscari, and Cain*, by Lord Byron.  
*Quarterly Review* 27 (1822): 476-524. Print.
- Rambler's Magazine: or, Man of Fashion's Companion* 1 Jan. 1823. Print.
- Richardson, Megan. "Authors and Their 'Mischievous' Books: The Salutary Experience of Southey v Sherwood." *Authorship* 4.1 (2015): n. pag. Web. 4 Mar. 2016.
- Robinson, Henry Crabb. *Henry Crabb Robinson on Books and their Writers*. Ed. Edith J. Morley. 3 vols. London: J. M. Dent & Sons, 1938. Print.
- Rose, Mark. *Authors and Owners: The Invention of Copyright*. Cambridge, Mass: Harvard University Press, 1993. Print.
- Rutherford, Andrew, ed. *Lord Byron: The Critical Heritage*. London; New York: Routledge, 1970. Print.
- Saunders, David. "Copyright, Obscenity and Literary History." *ELH* 57.2 (1990): 431–444. *JSTOR*. Web. 12 Feb. 2016.
- Shelley, Percy Bysshe. *Queen Mab: A Philosophical Poem*. London: P. B. Shelley, 1813. London: Clark, 1821. Print.
- Southey, Robert. *Wat Tyler. A Dramatic Poem*. London: Sherwood, Neeley [sic], and Jones, 1817. Print.
- St Clair, William. *The Reading Nation in the Romantic Period*. Cambridge: Cambridge UP, 2004. Print.
- Temple, Kathryn. "Printing Like a Post-Colonialist: The Irish Piracy of Sir Charles Grandison." *Novel: A Forum on Fiction* 33.2 (2000): 157–174. Print.
- Todd, William B. *A Directory of Printers and Others in Allied Trades, London and Vicinity 1800-1840*. London: Printing Historical Society, 1972. Print.
- Tonra, Justin. "Masks of Refinement: Pseudonym, Paratext, and Authorship in the Early

- Poetry of Thomas Moore." *European Romantic Review* 25.5 (2014): 551–573. Print.
- Vail, Jeffery W. *The Literary Relationship of Lord Byron & Thomas Moore*. Baltimore: Johns Hopkins University Press, 2001. Print.
- . "'My Bright Twin Sisters of the Sky': Manfred, Moore's Loves of the Angels, and the Shadow of Augusta Leigh." *Byron Journal* 26.1 (1998): 29–38. Print.
- "Vice-Chancellor's Court [Lord Byron v. Dugdale]." *Times* 11 Aug. 1823. 2. *Times Digital Archive*. Web. 10 Feb. 2016.
- Woodmansee, Martha. "On the Author Effect: Recovering Collectivity." *The Construction of Authorship: Textual Appropriation in Law and Literature*. Ed. Peter Jaszi and Martha Woodmansee. Durham; London: Duke University Press, 1994. 15–28. Print.
- Yeats, William Butler. *The Collected Works in Verse & Prose of William Butler Yeats*. 8 vols. Stratford-on-Avon: Shakespeare's Head Press, 1908. Print.
- Zall, Paul M. "Lord Eldon's Censorship." *PMLA* 68.3 (1953): 436–443. *JSTOR*. Web. 4 Mar. 2016.
- Zemer, Lior. *The Idea of Authorship in Copyright*. Aldershot, England; Burlington, VT: Ashgate, 2007. Print.

---

<sup>1</sup> Moore's account of his revision in the preface to the fifth edition is more accurate, but still miscalculates the scale: 'in the omission of four lines in one place, the introduction of four more in another, and the alteration, here and there, of about a dozen words, consists the whole of what has been necessary to accommodate the Poem to this change' (5: vi).

<sup>2</sup> The next line in both editions is 'In darkness, for man not to know—'

<sup>3</sup> Additional religious revisions include the change of 'heaven' (1: 16) to 'paradise' (5: 16) and 'Lucifer' (1:24) to 'Eblis' (5: 24). Elsewhere, the poet used footnotes to clarify revisions, including an epithet for Mahomet (5: 71) and a potentially ambiguous reference to 'purgatory' which explains the Islamic equivalent, Al Araf (5: 64).

<sup>4</sup> The footnote continues, 'there were four stars set as sentinels in the four quarters of the heavens, to watch over the other fixed stars, and superintend the planets in their course' (5: 39).

<sup>5</sup> Dowden's dating of Moore's correspondence is unreliable, and Pearsall has provided corrections to 250 of the letters in the two-volume edition.

<sup>6</sup> See Tonra for a discussion of the influences of critical reviews on modes of authorship in Moore's early poetry.

<sup>7</sup> See Dyer, Kolkey, Mortenson, Phillips, Richardson, Saunders, and Zall.

<sup>8</sup> See Mortenson for a focused account of the legal actions relating to *Cain*.

<sup>9</sup> '[U]nquestionably one of the most pernicious productions that ever proceeded from the pen of a man of genius' (*Gentleman's Magazine*, qtd. in Rutherford 219); 'a wicked and blasphemous performance, destitute of any merit sufficient to overshadow essential defects of the most abominable nature' (*Blackwood's Magazine*, qtd. in Rutherford 219); 'a heinous offence against society ... an offence of the deepest dye' (*Eclectic Review*, qtd. in Rutherford 219).

---

<sup>10</sup> Eldon continued: ‘If this is not an innocent publication . . . I apprehend that this Court will not grant an injunction’ (qtd. in Richardson ¶4).

<sup>11</sup> The term *pirate* is frequently used to refer to unauthorised publishers and printers, but in cases such as Murray’s failure to secure an injunction against Benbow, this pejorative term is not appropriate because Benbow has not broken the law. *Pirate* and *piracy* are also incorrectly used in emphatic legal rhetoric in cases where no infringement of copyright laws has taken place: unauthorised reprinting of British texts in Ireland, France, and the United States in the eighteenth and nineteenth centuries exhibit many such examples. See Johns (*passim*, particularly 145-78), Cole (*passim*, particularly 1-39), and St Clair (293-338).

<sup>12</sup> ‘It may appear strange that I should thus allow the multiplication of copies, if the object of the poem be mischievous, which I do not say whether it is, or not; I cannot help that’ (“Law Report” 3). ‘It is very true that, in some cases, [the denial of an injunction] may operate so as to multiply copies of mischievous publications by the refusal of the Court to interfere by restraining them’ (qtd. in Richardson ¶5).

<sup>13</sup> A similar disavowal saw Shelley tear the printing information out of his privately printed 1813 edition of *Queen Mab* (Kolkey “Venal” 539).

<sup>14</sup> ‘[A]s this work now in question was challenged to be of such a character as that it would not receive the protection of a court of law, that a trial at law should be directed to obtain the verdict of a jury’ (“Vice-Chancellor’s” 2).

<sup>15</sup> St Clair (326) reproduces an advertisement from the cover of a Dugdale edition of *The Prisoner of Chillon* which illustrates the dual focus of Dugdale’s publications. Interestingly, works with no obvious immoral content, such as the *Irish Melodies* and *Hebrew Melodies* are included, suggesting that Dugdale’s defence of these publications might be based on demonstrating the immorality of their *authors*. Some doubt remains about the precise date of the *Prisoner* edition: St Clair dates it to 1822, but I can find no extant copy of such an imprint. Copies of an 1824 *Prisoner* survive, and this date makes more sense, given that the advertisement lists the 1823 edition of *The Loves of the Angels* for sale at 2s. 6d. However, I acknowledge that the greater ephemerality of unauthorised publications can result in difficulties in interpreting partial publication records.

<sup>16</sup> Again, incomplete or inaccurate records for unauthorised publishers must qualify the veracity of the evidence. A William Chubb with associations with Dugdale is listed in Todd (38, 61), but not at an address in Fetter Lane which appears on the *Loves of the Angels* imprint. St Clair refers to a possible Dugdale edition of 1824 costing 1s. 6d. (620), but I have been unable to find an extant copy.

<sup>17</sup> The lists of unauthorised publishers during this period regularly feature classical and literary titles alongside works of pornography and radicalism. See St Clair (676-70). Commercial imperatives must be foremost when considering this apparent conflict, but a certain democratic and radical impulse is evident in claims such as Benbow’s: ‘When I published English Bards and Scotch Reviewers, few except gentlemen had read the work, but in cheap form it was soon in the hand of every mechanic in the kingdom who has a tasted for reading’ (St Clair 676). For a sustained analysis of this issue, see McCalman (particularly 204-31).

<sup>18</sup> Indeed, a famous eighteenth-century case saw an unauthorised reprint of Samuel Richardson’s *Sir Charles Grandison* on sale in Dublin *before* the authorised London edition had finished printing. See Temple.

<sup>19</sup> The edition bears an 1823 publication date, but advertisements on other Dugdale publications have not provided evidence to identify the specific month of publication.

<sup>20</sup> George Clark, who published an unauthorised edition of Shelley’s *Queen Mab* in 1821, was not indicted in a civil court case but was sentenced to four months in prison after prosecution in a criminal case brought by the Society for the Suppression of Vice (Saunders 434-45; Kolkey “Venal” 538-43; Zall 439).

<sup>21</sup> Uncertainty exists about the fate of the *Cain* copyright after Eldon’s decision to refuse an injunction. Samuel Smiles originated the notion that Murray successfully took the case before a criminal court and secured the injunction (qtd. in Mortenson 10), one also stated in Marchand (III: 969), McGann, ed. (6: 649), and Zall (439). However, Mortenson (10-13) finds no evidence to confirm this outcome.

<sup>22</sup> Mortenson gives a similar account of the situation as it faced Murray (7).

<sup>23</sup> Moore’s appeal to Murray for clemency in the *Quarterly* protests: ‘This is all I deprecate—the charge is unjust, *certainly* with regard to the *intention*, and, as far as I can judge, with respect to the *execution*, also’ (*Letters* 2: 511).

<sup>24</sup> Here, Byron objected to revising his work before its publication, but on other occasions he revised regularly and at length during the process of a work’s publication. The example of *The Giaour*, that “snake of a poem” is salutary in this regard. See *Complete Poetical Works* (3: 406-14) for an account of its publication and revision history.

<sup>25</sup> See Klancher (47-75) for an account of the developing relationship between critical periodicals and the reading public in the Romantic period.

<sup>26</sup> ‘It seems to be [Moore’s] aim to impose corruption upon his readers, by concealing it under a mask of refinement’ (457). See Kelly (138-51) for an account of the aborted duel between Moore and Jeffrey, and Tonra (560-62) for analysis of the review’s effects on the reputation of Moore’s early poetry.

<sup>27</sup> ‘[A] Poem . . . which I have begun (or rather begun to finish) lately’ (*Unpublished* 1: 239).

---

<sup>28</sup> In his 1806 review of *Epistles, Odes, and Other Poems*, Francis Jeffrey accused Moore in similar terms to those the poet used to admonish Byron: “There is nothing ... more indefensible than a cold-blooded attempt to corrupt the purity of an innocent heart” (456).

<sup>29</sup> This is another illustration of Moore’s comment about ‘how easily [religions] slide into one another,’ since common elements of Genesis appears in the scriptures of Islam, Christianity, and Judaism.

<sup>30</sup> ‘Here we have a poem *avowedly* originating in an exploded *mis*-interpretation of the Holy Scripture, on a subject of the most sacred nature’ (*John Bull* 5).

<sup>31</sup> ‘We repeat, that this shocking impiety is manifestly unintentional’ (*Blackwood’s* 65); ‘unintentional character of irreverence’ (*Monthly Review* 88); ‘[w]e have no hesitation in acquitting Mr. Moore of the charge of intentional impiety’ (*Eclectic Magazine* 212); ‘we entirely exempt the work from any charge of *direct* immorality or profaneness’ (*Imperial Magazine* 182); ‘so far from a premeditated design to inflame the sense, his aim has constantly been to point a moral’ (*Literary Gazette* 815).

<sup>32</sup> Dyer writes that ‘[o]ne element missing from most accounts of restrictions on expression, of conflicts over literary property, or of the relations between these two forces, is the strategizing in which authors, publishers, lawyers, and government officials engaged, out of the public eye’ (126).

<sup>33</sup> ‘The Longmans expected I should make alterations, but told them that was impossible’ (*Journal* 2: 629).

<sup>34</sup> Moore’s boldness and confidence in satire can be traced to his anger at the Prince of Wales’s reversal of his support for Catholic emancipation after assuming the Regency in 1812: see Kelly (209-16). More practically, Moore would have been conscious of the legal success of satirists such as William Hone in this period.

<sup>35</sup> ‘There is, however, a difference between the case of an actual publication by the author, which all the world may pirate, and that of a man, who, having composed a work, of which he afterwards repents, wishes to withhold it from the public. I will not say that a principle might not be found which would apply to a case such as that; but then it is necessary to take all the circumstances of the case into consideration’ (qtd. in Merivale 2: 438).

<sup>36</sup> ‘I am pious myself—warmly so ... and would not give up one of my frequent outbursts of adoration & gratitude towards the Deity for all that those every-day religionists ever felt or imagined in their whole lives’ (*Unpublished* 1: 263).

<sup>37</sup> A similar sentiment is identified in the *Edinburgh Review*’s article on *The Loves of the Angels*, which attributes to his style ‘the charm which arises from the continual desire to please’ (30).

<sup>38</sup> See *Unpublished* (1: 256, 259) and *Journal* (2: 639) for further details of this debt and its clearance through sales of the poem. For details of Longmans’ broader assistance in the clearance of debts related to Moore’s Admiralty post in Bermuda, see Kelly (328-31, 363-67).

<sup>39</sup> See Rose for an extensive development of this idea.

<sup>40</sup> Carla Hesse’s description of the drive to ‘dethrone the absolute author’ (130) in post-revolutionary France and recast the previously private role of authorship as that of a public servant gives added nuance to understanding the repressive environment for print in England during the Romantic period.

<sup>41</sup> See Manning (231) for further discussion of Byron’s abandonment of “elegant editions ... for cheap printings.”

<sup>42</sup> By 1823, Longmans had published eleven editions (14,000 copies) of *Lalla Rookh*. St Clair (619) gives this number as 15,000, recording the print run for the second edition at 1,500. However, the Longmans Impression Books at the University of Reading (No. 6, Entry H9,103) records 500 copies in the second edition (which is actually described as a second impression of the first edition).