

# Emergence of Art Market in Eighteenth Century Britain



William Hogarth (1697-1764)  
The Rake's Progress: 2. The Rake's Levée 1734  
Oil on canvas, 630 x 755 mm  
Courtesy Sir John Soane's Museum, London

**DAY 4:** Today is Friday, January 6th, and we are studying the emergence of the art market in eighteenth century Britain through the work of noted painter, illustrator and engraver, William Hogarth (1697-1764). Read about Hogarth's noted career and how he affected copyright law in England as a way to ensure his stake in the market for his own works, especially engravings and prints of his noted paintings, by preventing the work of would-be copyists from coming to market. In your response to the reading below – and the 'recommended' reading is highly recommended – be sure to include examples of how you understand the Hogarth Act, perhaps with reference to some of Hogarth's most noted works, such as the Beggars Opera. Also consider how Hogarth's actions brought about a discussion of fakes and forgeries and their affect on the art market. You may also consider this eighteenth century example in relationship to contemporary examples of copyright law as they affect the work of artists and intellectual property and their marketability and value today.

## Reading

Ronald Paulson, Hogarth: Vol.II, High Art and Low, 1732-1750

[ARTH 4696 FINLEY Patron and Public HOGARTH PAULSON.pdf](#)

### Recommended reading:

Robin Simon, Hogarth, France and British Art: the Rise of the Arts in 18th-century Britain

[ARTH 4696 FINLEY Hogarth France British Art SIMON.pdf](#)

## Individual Contributions

## Christina Chaplin

As a painter and engraver, William Hogarth made his living as an artist producing works highly valued by his audience. Commissioned in 1732 to paint A Scene from the "Indian Emperor", a children's play, he began a series of commissions from various royal and aristocratic sources. Being then rejected from portraying the royal wedding including a fat princess and deformed prince, he returned to his forte, the satiric series or image collected by the wealthy and admired/desired by the common folk as well.

With his work of intrigue he was able to draw upon a large span of audience and the popularity of his works continued to grow. Yet as an engraver, he only produced so many copies at subscription, charging a premium price. (We can ignore here that he would produce more series after the subscriptions were filled for a higher price to increase his own profits.) Many of the lower classes also wanted his works, because they were universally intriguing, but could not afford a guinea to buy one. So the printsellers of the times monopolized on this demand by hiring other lesser artists to copy the works and sell them at an extreme discount. Like teenage girls who cannot afford Chanel and go to Chinatown instead, these customers were of the opinion that an imitation was just as good as an original. Unfortunately, enough people were of this same opinion that sales of original artworks suffered.

Further, being that the copies were done by lesser artists, the imitations were often not of an excellent quality and could thus by comparison hurt the repute of the original artist. Hogarth was angered by this practice both because he was losing valuable income to printseller shops piggy backing on his own success, and because his ego was damaged by the low quality of the prints that people were buying because they believed them to be "just as good". He petitioned parliament for an act to protect the rights of artists, designers, painters, and engravers to their intellectual property. By law, this act would prevent forgeries or copies of the whole or parts of works done by artists.

The Hogarth Act was a formal decree from Parliament that took its impetus from the idea that an artist is able to "own" his work because it is an expression, and thus an extension, of the self. To Hogarth, it seemed as if the exclusive right to his work was a mandatory condition to be able to control how the work was seen and what kind of response it elicited from the audience (it's "meaning"). Seen in the many contexts laid out by printsellers, the meaning of Hogarth's work was potentially being shifted without his approval: a crime he thought noteworthy and disreputable.

A quarter century earlier, a literary copyright law had been passed, giving sole right of intellectual property to authors. Why should the same rules of ownership not apply to the visual arts as well? Hogarth explained that by selling copies, the printshops were effectively stifling the levels of creativity and artistic endeavor taking place in the city. Artists who could not make a living selling their own works could simply copy the works of another for a small sum, and were therefore not creating new and innovative arts. He argued that if a copyright law should be passed, then artists would not have to compete with their own forgeries, which would lower their prices and make the higher arts available to a wider audience. Also, given that the arts could then supply an artist with an honest living, more and more people would be inclined to try their hand at the arts, increasing the skill and range of English artists (a good incentive for a governmental body concerned with the reputation of its country, as artistic production is often used as a scale for societal sophistication).

After Parliament approved the law and set a date for its activation, Hogarth postponed the release of his latest series of prints, *The Rake's Progress*. Unfortunately, the shopkeepers were eager to produce one last round of copies before the law went into action. Copies were then made by hearsay and remembrances of his paintings on display at his home. It seems as if this occasion struck a chord with Hogarth because afterwards he decided to produce and release copies of his own, for a fragment of the cost, through an approved printshop. He hoped to thwart the efforts of the criminal parties, but it also seems as if he realized the high demand for his work among populations who could not afford originals.

A common analogy can be seen here with the rise and fall of the internet site Napster a few years ago. Though copyrights have been in place for all intellectual properties for many years, there is still a demand in the public for cheap imitations where we deem the originals too expensive. In the music industry, the internet has allowed for many sites to emerge which stream music live, or which allow the user to download as he pleases from a bounty of choices. Napster was allowing such downloading, the transfer of music MP3 files from one user to another in free market. Unfortunately, this kind of site was taking revenue away from music artists whose album sales were decreasing and thus discouraging the production of new music. Many artists and recording companies felt that incomes were being snatched away from them by this process. In an industry where one feels as if they will be cheated of their rightful profits, it is difficult to lure new artists and have innovation or renown. In this case, as in the Hogarth Act, the government intervened and deemed the actions of the site illegal. Yet in today's society, this kind of piracy is still prevalent. If the copies are good enough, we often do not care if they are not originals or legally procured. So in this specific industry, "touring" has become a larger part of revenue streams as CD sales dwindle in many areas. Touring, the live performance of such music, is harder if not impossible to successfully imitate.

## Dalanda Jalloh

The Hogarth Act seems to be a law that protects the rights of a creator from others who aim to claim the ideas of the original creator, as their own. Hogarth was a man who "made his money through the sale of engravings rather than original paintings" and used his art to make a living. Because he had suffered from pirated copies of some of his work, specifically, '*A Harlot's Progress*' (a set of paintings and engravings done by Hogarth) ,before they had even been published, he sought out a mechanism to prevent this mistreatment again. This was ruining his livelihood and taking away from the glory he rightly deserved for such originality.

Hogarth was an avant garde of his time, with his creative genius leading him to create new, contemporary, art. His rendition of a famous opera called *The Beggar's Opera*, involved making figures resemble the people on the stage. It was as if these figures were actually speaking in the paintings. These original paintings were copied and in the process, there were slight discrepancies between the original Hogarth works and the 'copied versions'. Such discrepancies brought into question who actually created the works. Some even argued that the third painting in the collection of *The Beggar's Opera* were so different that they could not have been his own.

Before the production of '*A Harlot's Progress*' such "original engravings--~~invented images and stories~~--did not exist at anything approaching this level". Hogarth introduced the idea of considering the value and importance of man's original work. Through his own negative experience he brought about new ideas about originality and copyright. Due to his great knack for 'narrative invention' and creativity, he needed to find a way to reserve his creative genius for himself. Other artists were not to reap the benefits of his mind while he suffered at their opportunistic hands. It is intriguing that it was only until Hogarth brought about the issue of copyright that it was considered.

A link to some of Hogarth's Engravings currently for sale:

<http://hogarthengravings.com/>

## Charles Saunders

One of the most important aspects in incentivizing the production of creative work is ensuring that the artist receives full compensation for the fruits of his labor. In short, there is no reason to spend time, money and effort in producing something that is valued to society (be it an invention, a work of art, or a brand name) if the producer can't be assured of just compensation. [Copyright laws](#) solve this problem by prohibiting something from reaching public domain until the creator is allowed to profit from his achievement for a specified period of time. It appears that this was a large issue in 18th century Britain. According to the account on the experiences of [William Hogarth](#), piracy was rampant, with etchings, engravings, and prints being so cheap that mass reproduction of an artist's original work was cheap and profitable. Printsellers had a virtual monopoly on the art market, with no other channels existing that connected the artist and the consumer. Printsellers then were able to mass produce reproductions of the original work at no greater benefit to the artist. Other pirates exacerbated the problem, with cheaper knock-off prints flooding the market and hurting the profit margins of artists.

Hogarth experienced considerable personal loss from these factors, leading him to become one of the most vocal proponents for the installation of copyright laws for works of art. Because he worked in a wide variety of mediums and appealed to both the high and low audiences (his works ranged from royal portraits to paintings of condemned prisoners), Hogarth had access to a potentially giant market but experienced very little proportional financial remuneration due to the rampant piracy and printseller's monopolies. He first tried to mitigate this loss through openly advertised subscription services for [Midnight Modern Conversation](#), an etching depicting a drinking house that was popular to its subject matter and the timing of the concurrent unpopular [Excise Bill](#). The subscriptions did not eliminate instances of piracy, but represented an important first step in connecting the producer, Hogarth, directly to his target audience and eliminating the printseller middlemen completely. In this way Hogarth could capture all profit from the primary market and subscription purchases without having a substantial portion of his margins subtracted by the printsellers. Piracy was not lessened, however, and there appeared an infinite variety of copied etchings on everything "[from snuffboxes to fan mounts](#)."

Eventually Hogarth, fed up with the rampant piracy from his work *Harlot's Progress*, led the crusade for the [Engraver's Act](#), nicknamed the "Hogarth Act," to appear before Parliament. This act sought to protect the artist's copyright for a period of fourteen years, guarding against the evils of copying, the evils of the printseller intermediary, and the artist's right to his property. An additional goal was to increase the quality of art in 18th century Britain, as the greater ensured return on produced art was hoped to create a stronger incentive for prospective artists to enter the market, and thus raise the overall quality of British art. This effect would have positive social benefit, as the public would have a greater variety of high-quality art to choose from, it would have positive economic benefit, as a greater supply of artists would increase competition among them, leading to higher quality art as artists competed against each other, and prices would ultimately fall. It would also have positive political benefit, as increased quality of art in Britain would increase the British cultural capital relative to other influential nations on the European continent. Needless to say, the act soon passed, with the final variation extending a copyright to fourteen years and charging a fine per instance of a copied product that was discovered. This act had lasting repercussions throughout the art market and helped legitimize art as a product that carried inherent economic value and was the private property of its creator.

## Lipei Yu

## H Hunt Bradley III

## Daniel Chazen

The readings for today showed me an artist, William Hogarth, who was not willing to sit back and allow his work, especially engravings, to be pirated. Almost 300 years ago, he realized something that I think is still true for many consumers – namely that “a copy is as good as the original” (Paulson, 36). However, with the reproduction of artwork by printing and engraving having come into existence by the eighteenth century, it was going to present a problem for Hogarth in terms of making money from his work as England only had a law dealing with the copying of books, but not for artwork. He realized that his method of “engraving-etching” could not limit the amount of impressions (Paulson, 6).

After he had completed his well-known paintings based on the 1728 play *The Beggar's Opera*, he went on to create some of his most important works, including *Harlot's Progress*, *A Midnight Modern Conversation*, and *A Rake's Progress* (Simon 2007). But piracies of all kinds started to appear as early as 11 days after he completed *A Midnight Modern Conversation*. If that was not bad enough, pirated copies of some of his other works were available before they were published (Simon, 2007). Copies of his work were selling for a fraction of the original's price (Paulson, 36). (There is also a possibility that one of the well-known paintings from the *Beggar's Opera* was not his as described by Simon).

He obviously was not happy about the piracy and even delayed the original publication of *A Rake's Progress* until a law could be passed to protect his work. So in 1733, he created a subscription on terms and petitioned Parliament – which came to be known as the *Engraver's Act*, also known as Hogarth's Act. He understood that he had the right to legal ownership and financial profit in his work, but he needed legal protection. And given, for example, the piracy of his work, I understand why he was motivated to pursue the Act, especially given that “he made most of his money through the sale of engravings rather than original paintings” (Simon, 2007).

Interestingly, Hogarth never engraved *The Beggar's Opera*, by which which he probably could have made a lot of money given the popularity of the play. Maybe he was concerned about offending people with the satire of the Italian Opera, or maybe he was afraid of piracy. I can't figure it out. Anyone have thoughts on this?

What I found also very interesting is how Hogarth went about getting his Act passed. He kind of campaigned like a modern day politician and basically brought about a discussion of fakes and forgeries and their affect on the art market. He created a pamphlet describing the issue as the “oppressed artist against the monopolistic printsellers” (Paulson, 38). He also said that the only way the arts could be improved in England is if artists got their just profits with “good” engravings, not “shabby copies” (Paulson 38). He basically used the oppressed artist (which I'm not sure he was) and the issue of quality to get his Act passed; and it worked as the petition passed in 1734. His Act is what likely laid the foundation for modern copyright laws that protect artists and their work from piracy. Without copyright protection, it would be very hard for any artist to make a living or for the value of their work to be maintained. I would even say that Hogarth's work in getting the *Engraver's Act* passed is more important today than it was in the eighteenth century. Modern day machines are better at duplicating original and licensed print reproductions of artwork – sometimes to the point that forgeries are difficult to detect by even the experts.

## Kwame Nana-Atoo

## June Shin

The Engravers' Copyright Act is often referred to as the Hogarth's Act for William Hogarth's active involvement in its campaign. With the *Progress of a Rake*, he had first devised the subscription system to "...prevent the Publick being imposed upon by base Copies, before he can reap the reasonable Advantage of his own Performance..." However, the print sellers' exploitation of Hogarth's works continued, and their selling their copies at low prices damaged his sale of the originals, which, along with the low quality of these copies, led him to become the promoter of the enactment of Hogarth's Act. It was fundamentally an extension of the regulations of the Literary Act of 1709 to prints. It granted the copyright period of 14 years at first (Later, it was increased to 28 years at Hogarth's widow's appeal). I think that the petition to the Parliament was especially powerful because he brought up the matter of the overall quality of England's art as a whole. It argued that protecting the rights of the artists would lead them to produce more innovative works of higher quality and benefit not only them but also the buyers as well as print sellers. Hogarth deliberately postponed the publication of his long-awaited *Rake's Progress* print series to benefit from the Act, which took some time to be in effect. Once in effect, the Act reduced the number of instances of piracy, although it did not eliminate it. Hogarth had available smaller copies at a cheaper price for those who could not afford the original and allowed copies of his prints but only once authorized by him.

What I found interesting is Hogarth's definition of property being inclusive of the artist's control of the meaning of his work. He feared that the print sellers' evil doings were making it impossible for him to control the context, and thus the meaning, of his art. This notion seems to have faded over time. The works of modern and contemporary artists are deliberately ambiguous in meaning (even form). Controlling the meaning of their work does not concern these artists, as many celebrate ambiguity and flexibility of meaning as their works' essence. Thus, today's and the 18<sup>th</sup> century's definitions of property seem to be different.

Hogarth also brought about a discussion about fake and forgeries, as he denounced the forgers as well as the forgeries they produced as inferior to his own authentic work. The problem of authenticity in art is still present today. Modern and contemporary artists often appropriate objects or even other artists' works into theirs as their own. A notable example is Andy Warhol, who took the image of Campbell's soup can to use in his art. Most people would agree, however, that Warhol's works are his. But how much appropriation is too much appropriation? Consider Sherrie Levine, who is known for her reproductions of other artists' works of art. In one of her shows, she re-photographed Walker Evans' Depression Era photographs, re-named them, and claimed them as her own. Although Levine's intention in appropriating other people's works is one deeper than that of the forgers of Hogarth's works, both raise the question of artistic originality, authenticity and authorship. Thankfully for many artists and appalling for others, art copyright laws exist today to protect artists' copyright. It seems that what Hogarth's Act stipulated back in the 18th century persisted over time, as today's copyright law, just like Hogarth's Act, grants the artist ownership of his works and the exclusive right to their reproduction for certain amount of time.

• Sherrie Levine, *Untitled (After Walker Evans)*, 1980.



Walker Evans, *Alabama Cotton Tenant Farmer Wife*, 1936.

## McKenzie Sullivan

The artist William Hogarth (1697-1764), was at the heart of London's eighteenth-century public life, and had intense opinions about it, which were expressed not only in his images but also in his legal lobbying.

According to the account on the experiences Hogarth's life, he very commercial in his approach to the sale of his prints, advertising them in the London papers and always looking for ways to maximize his returns. An essential part of securing these returns was the introduction of a copyright bill, which Hogarth devised in association with other young artists in 1735. At the time, piracy was rampant. Mass reproduction of an artist's original etchings, engravings and prints were cheap and profitable. Print sellers dominated the art market, as there were few other outlets for artists to sell their work. Print sellers began to mass-produce reproductions of the original work. Hogarth experienced personal loss from these factors, which led him to become one of the most vocal proponents for the inauguration of copyright laws for artworks.

In Hogarth's early work he was keen to idealize the social variety and exuberance that he saw as the best signs of British liberty; and he fought hard against the establishment of the Royal Academy of Art which would represent a state take-over of the existing public academies run by the artists themselves. Though he eventually secured a court position and painted official pictures of royal events, Hogarth remained always confident in the expression of his middle-class self. This is evident in his painting of Captain Thomas Coram (1740) who was a self-made sailor, entrepreneur and philanthropist who Hogarth depicted endearingly uncomfortable in the aristocratic settings of the painting thus poking fun at the upper class.

Hogarth was also passionately concerned with improvement of the poor. His works brought public attention to the plight of the poor in London. Two of Hogarth's most famous works, "Beer Street" and "Gin Lane", depict the satire of London life seen in Beer Street (wealthy young men drunken and pawing prostitutes), which is made to seem positively healthy and desirable in the light of the scourge of gin. These were years of turmoil in London, with large-scale immigration, mass poverty, high rates of violent crime, and, like many others of his day, Hogarth wondered how this underclass could become domesticated and made to serve the righteous interests of the nation.

The legal basis to Hogarth's success was the Copyright Act of 1735. Hogarth's mission was to defend the rights and property of British artists. He had decided to petition Parliament for an Act that would give designers and engravers the same statutory copyright that authors had won in 1709. Hogarth proposed a Bill that would give them an exclusive right to their work for fourteen years from the time of publication. This would not only mean that they retained the financial rewards now scammed by the print sellers, but it would also establish a different meaning of ownership of works of art; the engraver could legally 'own' the property produced by his labor. This meant that fine prints could retain their integrity and no longer be cheapened by poor copies.

Hogarth put forward his argument in an open letter to a Member of Parliament. He blamed print sellers, who capitalized on the labor of the poor engravers, working day and night at miserable prices. Hogarth was not thinking merely of himself but of the problems facing all engravers; the poorer workers who had no shop or studio to show their prints and had to be reliant on the unjust print sellers.

Hogarth's open letter made a case for the importance of copyright as a general good, not just an individual benefit. He argued that good-quality prints would raise the artists' reputations, and higher standards of reproduction. Hogarth also argued that copyright would improve the status of British art in general as more people would enter the engraving trade knowing they could profit from their art. This would create a large surge of artwork flooding into the market, providing a greater amount of work for the public to purchase and choose from. A booming art market would even benefit print sellers.

Although 'Hogarth's Act' did prove to have certain weaknesses, he not only stopped piracies but also improved British engraving. The final variation of the Act extended a copyright to fourteen years and charged a fine for every copied product that was discovered. The act had lasting repercussions throughout the art market and helped legitimize art as a product that was of economic value and was the private property of its creator.

### Links to Hogarth's Work:

"Captain Thomas Coram" (1740) <<http://join2day.com/abc/H/hogarth/hogarth47.JPG>>

"Beer Street" and "Gin Lane" (both 1751) <[http://www.michaelfinney.co.uk/uploads/images/catalogue/1415\\_BeerStreet%26GinLane000001\\_1000.jpg](http://www.michaelfinney.co.uk/uploads/images/catalogue/1415_BeerStreet%26GinLane000001_1000.jpg)>

## Elena Cestero

Renowned painter and engraver William Hogarth's actions led to the Engraver's or Hogarth's Act which was based on British literary copyright law and outlawed copies of works of art for fourteen years (this was later doubled to twenty-eight years) and established laws concerning, "the evil of copying, the evils of the printseller, and the artist's right to his property."

Hogarth was very effective in marketing and promoting his work through advertising subscriptions in newspapers. He began doing this, "in order to preserve property therein and prevent the print sellers," from profiting so largely from unauthorized copies. The result was the creation of a market without a middleman. This moved the market away from patronage towards the self-promotion and control by the artist. While this strategy was successful in Hogarth's promotion of his work, it did not prevent piracy, and copies of his work appeared frequently as prints and on other products including snuffboxes and mugs. Hogarth's work was highly copied and reproduced which caused the value of his work to decrease as he was forced to sell at lower prices to compete with the forgeries. This decline in value and loss of control by the artist tends to be the general effect of fakes and forgeries on the market.

Examples of the issues of copying affecting Hogarth's works include his "Beggars' Opera" of which there are several versions of paintings some of which may not even be Hogarth's, and the delayed release of "A Rake's Progress" in order to wait for the passage of the Engraver's Act to save it from the same fate as "Beggars' Opera" and many of his other works. The variety of art that Hogarth created was interesting. He seemed to be aiming at a much broader audience than we have previously seen as his work included both "high and low" subjects ranging from royals to murderers. His styles of art and marketing were influential throughout Europe.

Hogarth's appeal to Parliament emphasized genuine versus imitation art and art as an extension of the artist. He also insisted that the effects of copyright laws would lead to "improvement of the arts" by increasing the number of artists and high quality works. Parliament agreed and approved the act. This act provided the base from which we derive contemporary copyright law and has helped provide artists for centuries with the tools to better control, protect, and defend their work, the form of its marketing, and value. Recent examples of artists invoking copyright law abound in the art, music, and film industries such as photographer [David LaChapelle's recent lawsuit against singer Rihanna](#) that accused her of plagiarizing some of his images in a music video.

## Kelly Zona

Hogarth was one of the most well received artists of his time in eighteenth century England and because of this was plagued by a following of copy artists who damaged his ability to profit from his own work. Eventually, the Engraver's Act, (which because of his extensive efforts would become known as the Hogarth Act), created one of the first copyright laws to protect artists rights, and began to shape the basis for the modern art market.

Hogarth was in a unique position, he was not only a painter, but also an engraver, distributor, and advertiser of his own works. He was therefore able to cut out the middlemen of engravers and print-sellers (Paulson, 36). However, this put the extra burden on him to reproduce mass quantities of his works and sell them himself. He continually lost profits to cheap copies of his engravings sold at much lower prices. Initial attempts to circumvent plagiarism involved selling his engravings in sets of "limited editions" to patrons with subscriptions (Paulson, 36). However, he was constrained from further profiting off of his own works when he reached the limit of engravings he had set fourth. Paradoxically, his strategy to remain profitable in the art market limited his right to his own property.

One of the issues Hogarth grappled with was the "analogy between the emulation of upper-class behavior and the copying of art: both are based on the assumption that the copy is as good as the original" (Paulson, 36). He brought this issue to light through satire in perhaps his best known work, *The Beggar's Opera* of 1728 (Simon, 257). Hogarth afterward produced a series of paintings depicting his "opera," thought the legitimacy of one of the paintings is questionable. Many of its details are not consistent with the other paintings, such as personal characteristics of the subjects, stylistic inconsistencies, and the handling of the paint itself (Simon, 259). One speculation is that this painting was commissioned to an anonymous artist by the owner of the New Theater in Lincoln's Inn Fields, which had produced *The Beggar's Opera* (Simon, 268). Either way, Hogarth wanted to protect his own interests and his copyright law was in the works.

Hogarth began to form his own act on the basis on the Literary Copyright Act of 1709, which gave copyrights to owners for twenty-one years, and copiers would have to pay fines if caught (Paulson, 37). He cited this act in an initial pamphlet, and included his thoughts on the need for "Improvement of the Arts" in England, which prescribed giving power back to the artists through copyright law, allowing them to profit without fear of copiers, and to give them leverage with print-sellers (Paulson, 37). Hogarth's proposed solution was to pass a law "against one artists copying the designs of another. By "copying" is meant a shape-for-shape, distance-for-distance, part-for-part reproduction" (Paulson, 37). Soon after this pamphlet, Hogarth, along with a few others, petitioned Parliament. The committee approved and ordered that, "leave be given to bring in a Bill for the Encouragement of the Arts of designing, engraving, and etching, historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers, during the Time therein to be mentioned" (Paulson, 40). The act ensured artists rights to their works for fourteen years, and was to go into effect on June 25<sup>th</sup> 1735 At that time Hogarth decided to delay the publication of his latest work for fear of copying. However, a print-seller sent copy artists to Hogarth's residence under the guise of interested patrons, and copies of the work were available for sale before the newly formed Engraver's Act went into effect (Paulson, 42). In a genius move to compete with the knock offs, Hogarth permitted his originals to be copied by an approved engraver and sold those copies at a competitive price (Paulson, 43). Thus the new market strategy was to sell original works at a higher price with subscription, and at a lower price "with the usual allowance" to print dealers (Paulson, 44). The passing of Hogarth's Act as well as Hogarth's ingenious strategies of advertising, allowed for the replacement of personal patronage and helped to bring about the emergence of the modern art market in Britain.

The issues of copyright in Hogarth's time are still dealt with today, though it extends to other arts such as music, photography, film, and fashion. The copyright issues brought up with Napster in early 2000 is a particularly important example in the development of modern copyright law and of the arts market. Similar to the issues Hogarth dealt with, Napster was intended to bypass the exorbitant profit of middlemen (record companies and distributors). However, Napster primarily benefited the audience, as songs were distributed and downloaded for free. Copyright infringement suits were bought against the company, and although the court found Napster capable of non copyright infringing uses, and in some cases, a useful marketing tool, it was shut down in 2000 [1]. In its aftermath, Napster was replaced by promotional downloads and pay services, both protective of artists rights but with much less marketing power.

While the modern day creative arts market has developed more complex and experimental modes of interaction between artists and their audiences, the basic copyright issues and the marketing techniques that Hogarth developed are continuing to evolve and shape the market today.

Bibliography:

Paulson, Ronald. Hogarth: High Art and Low.

Simon, Robin. Hogarth, France, and British Art: The Rise of the Arts in 18th-Century Britain.

[1] <http://cyber.law.harvard.edu/node/369>

## Jacqueline Park

### Tadd Phillips

In the eighteenth century, unauthorized copies of William Hogarth's engravings were cutting severely into his profits. The copies sold for less than the originals, so many people bought them instead. For example, the original engravings of "A Harlot's Progress" cost a guinea (about twenty shillings), while copies sold for fifteen shillings. The originals of "A Midnight Modern Conversation" cost five shillings and the copies cost only one. For "A Rake's Progress," the gap was even larger; the originals were two guineas, or about 40 shillings, and the copies were 8 shillings. Hogarth and his colleagues felt that the prevalence of fakes and forgeries had a detrimental effect not only on their own profits, but on the advancement of art in England. They argued that their proposed act would remedy these ills, and that "when every one is secure of the Fruits of his own Labour, the Number of Artists will be every Day increasing."

The Hogarth Act protected the rights of the authors of engravings to sell their work for a period of fourteen years. Those who sold unauthorized copies were fined. According to Paulson's text, the act was quite successful in stopping piracy; he claims that "the only [pirated prints made afterward] that can be cited with certainty are Dublin copies." However, Paulson also claims that although the act helped stop piracy of the engravings of artists other than Hogarth, they did not benefit as much as him. Because their work was less popular, they could not sell directly to subscribers as Hogarth did, so they were still subject to the control of printsellers.

Copyright concerns are perhaps more relevant today than ever. With the Internet, people can easily exchange pirated copies of books, music, movies, and games. In some ways, the situation is worse than the one Hogarth and his contemporaries faced. While they were confronted with low-cost, low-quality competition from thieves, artists today watch helplessly as people are able to obtain high-quality copies of their work for free. In many cases, there is almost no difference between the original and the copies. Thus far, the legislative process has not kept up with technology, and many distributors of pirated content remain safe from prosecution by hosting their web sites in foreign countries. A new bill, the [Stop Online Piracy Act](#), aims to block access to such websites. The fate of the bill remains to be seen. It is interesting that artists today still struggle with the same problems that artists faced 300 years ago.

### Khrystyne Wilson

In modern times copyright laws are taken for granted as something so obvious and menial it can often be ignored, for example the contemporary problem of pirating music and films. The pirating warnings shown in movie theater previews is something often mocked. I am quite confident that if asked, almost one hundred percent of the students at Cornell, or any other university would say that have at one point downloaded a copy of a movie, or song for free. Although this idea of illegal copying may seem like an issue only brought about by current technological inventions, we can see that the artist William Hogarth struggled against the same problems contemporary music and film stars do.

In Eighteenth Century Britain, Hogarth was an artist who produced artwork based on commissions requested by royals and aristocrats, as well as art depicting contemporary themes, such as the highly publicized murders by Sarah Malcolm, and the taxation of alcohol in the Gin Act of 1736. Through his precision and talent in multiple art forms, such as etchings, engravings and paintings, and the subject matter he depicted, Hogarth found himself with a large following. Due to these highly publicized pieces, Hogarth began to charge subscribers a decent amount of money for his original paintings, which many of his poorer fans, could not afford to pay.

By charging a guinea each for one of his original works of art, Hogarth limited his potential buyers to only those who could afford these prices, thereby leaving out his poorer audience. Because of this, many merchants realized the potential payoff they could receive by selling copies of his work, made by amateur artists, at a fraction of his original cost.

Back in the late 1700's, artists were less equip to handle this type of forgery, thus there was little way to determine whether a piece of art was a very good copy, or the original, and why pay ten times as much for an original, when no one could tell the difference? This, coupled with the fact that merchants were also selling copies that were very poorly made, thus debilitating Hogarth's fame in the art world, caused him to petition Parliament to create a law by which the artists were protected from this problem of copying.

Hogarth mirrored his proposal for a copyright law after one that was already in place for authors. Parliament passed the law stating that no copies were allowed to be made of an author's original piece for 14 years after the artwork was made, and anyone found to be making copies would be punished by law.

This, in theory seemed like a good plan, except for the fact that copiers could, after 14 years, begin to sell copies again. Also, this law posed a problem for Hogarth. As the law was announced to begin in a few weeks, Hogarth decided to save publishing his newest pieces until after the law was in place. This did not stop some crafty copiers, who would sneak into his studio and try to memorize his works, in order to paint copies of them to sell before the pieces even came out. Needless to say, these copies were not exact replicas.

It is interesting, and somewhat upsetting to see that the same issues that plagued artists in the 1700's are still relevant today. We still have not come up with a way to stomp out piracy of art, as it continually takes a new form with new inventions. Although copyright laws now, for the most part, protect artists creating tangible artwork, such as paintings, musicians, and film actors are struggling to find a way to end piracy of their work.

## Nicholas Kristov

Getting full and deserving credit for work is of major concern to artists of all mediums. Art is a difficult profession to make a living and the credit and reward (payment for pieces) should go, at least in part, to the original artist. The Hogarth act aimed to bring an artist version of the literary copyright act of 1708 to the physical art world. In a pamphlet used to introduce the Hogarth act, the purpose of protecting works was stated, " for when

everyone is secure of the Fruits of his own Labour, the Number of Artists will be every Day increasing." One aspect of the law is to help the artists gain credit and recognition for their work, however the other benefits society. If artists and creators feel that they will receive full credit for their work, they will produce more for the general public, not just for a few trusted buyers. Hogarth had major issues with copies, often within two weeks of production of a piece there were unauthorized copies and reproductions. This drove him to develop a subscription process, cutting out the middleman distributor and assuring people who bought into the subscription that the work done was both credible and original. Part of the problem is that many of the works that Hogarth did were etchings. "Southwark Fair" (below) shows incredible attention to detail. However, etching prints are themselves copies of the original piece, and so unauthorized printing, or creating a copied etching plate can easily done. .

The Engraver's Act gives artists rights against unauthorized copies for a period of 14 years from the date of printing and a fine for every copy discovered. This ensures that copies are penalized and artists' original pieces are given full credit. This solves the problem however does not give artists specific rights after the protection period is over, either due to expiration or death. The issue for many artists is not only that there will be fake pieces floating out there, but that the next time the artist chooses to sell their work, the market will bring a worse price due to concerns of legitimacy and potential forgeries. The enactment of the Engraver's Act actually creates the Art Market as we know it. Without much worry that the Art many buy is a fake, collectors can accurately asses the price of pieces.

To this day there are still problems with copyright law and intellectual property. Fake art is constantly discovered, and letters of authenticity are all that can prove to a buyer that the piece is legitimate and original. The most obvious example in the current market is music and the ease of people to copy work almost immediately. This pushes artists to release their work in new and inventive ways, rewarding loyal fans for actually giving them credit. However one interesting contrast to this is the movie and music industry which seems to have a stranglehold on copyrights even after the death of the artist or director/producers. While in some ways it gives the works' producers the rights to credit for their work, at a certain point it makes sense to limit the copyright period and make the art available for the general public.

One question I have regarding copyright law is the use of sampling others' work to create new work. As I understand, work can be marketed as the artist's own, even if it incorporates other work, as long as there is a material change. Often in contemporary art, other's work is changed to make a statement, however no credit is given to the other artists. Should there be some credit for the original work if it gives inspiration?

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Please use this space to respond to your classmates' work and to engage in lively discussions on the day's topic. Keep your comments concise and conversational by responding to others, rebutting or supporting their ideas. Use the comment box below for these observations.