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Punt, M

Published in:

A History of Intellectual Property in 50 Objects

DOI:

[10.1017/9781108325806.006](https://doi.org/10.1017/9781108325806.006)

Publication date:

2019

Link:

[Link to publication in PEARL](#)

Citation for published version (APA):

Punt, M. (2019). Hogarth Engraving: William Hogarth the Man Who Copyrighted Himself. In *A History of Intellectual Property in 50 Objects* (Vol. 0). Ashgate Publishing Ltd.
<https://doi.org/10.1017/9781108325806.006>

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A HISTORY OF INTELLECTUAL PROPERTY
IN 50 OBJECTS

Edited by **CLAUDY OP DEN KAMP** and **DAN HUNTER**



5 Hogarth Engraving

Michael Punt

WILLIAM HOGARTH (1697–1764) was, like Jonathan Swift (1667–1745) before him, an artist whose work represents a set of ideas that are both indicative of his period and transferable to the present. Their significance is such that we describe things as “Hogarthian” or “Swiftian,” and the periods in which they lived saw dramatic social, economic, and political change, in which the power of art to express and marshal political criticism has rarely been matched. The biting satires of Swift and Hogarth were advance warning of the political turmoil of the period, a tumult that would boil over across Europe and spill into the United States of America.

Before 1735, artists and engravers such as Hogarth did not enjoy legal protection for their works and were, thus, open to exploitation by print sellers who simply copied popular images if the original engravers held out for too high a price. Hogarth and his fellow artists lobbied parliament to revise copyright laws to protect their images, and this can be seen as merely an act of financial necessity. But the effect of these changes were more important politically than this reading would indicate: extending copyright protections to satirists like Hogarth meant that he could use them to develop vivid visual political analogies, whose potency become stronger through wide publication and even wider reuse.

Hogarth initially had ambitions to be taken seriously as a history painter, but found that the market for such works was led by an aristocracy whose taste was informed by a style from an earlier age. For him this was not just a rejection of his style and oeuvre, but also a social and political

iniquity. It meant that those with the means to propagate an English national style were besotted to the aesthetics and values of the Italian Renaissance. To challenge this, Hogarth devoted his painting and image-making to important moral statements. He made images that were powerful interventions in the disputes between artists and their critics about taste; debates that had been conducted to this point only by prominent and wealthy individuals, in a closed discourse. He opened out the debate by a familiar artistic tactic. He used the precise and particular observation of the everyday to speak of a general condition. His style was to construct analogies in a visual language of caricature and lampoon, and he was able to summon the aesthetic of the everyday to connect with the experience of the viewer in ways that inspired moral reflection, as well as political action. His paintings, and the subsequent engravings that he made of them, aspire neither to the nostalgic depiction of a lost civilization, nor to a frisson of the sensual license of the arts of the French Court. Instead, Hogarth presented arguments in vernacular images.

The directness of his language, the clarity of his intention, and the relevance of his work to the daily experience of his clientele made Hogarth a valuable target for exploitative print-sellers. At the beginning of Hogarth's working life, engravers' work had no protections. Thus, print-sellers of the day were able to operate an abusive publishing business model, commissioning copyists to make cheap copies of his work in ways that undercut Hogarth's credibility as an artist, diminished his aesthetic

project and, of course, diluted his share of the market. This was not personal, it was a widespread practice that yielded profits to the print-sellers, at the expense of the originating engravers and poorly paid copyists alike.

Hogarth was understandably aggrieved by this state of affairs, and his injury was made more acute by the fact that the status of artists and engravers was very different from novelists and authors, who had enjoyed copyright protection for more than two decades. Not only was this unjust in principle, it was financially crippling, and inconsistent with Hogarth's desire to create a new, English style of art. He threw his weight behind the cause of law reform to give artists similar parliamentary protection to that enjoyed by authors. In the end he was successful, and the Engravers' Copyright Act of 1734 extended to engravers of original work a number of the protections that had applied to novels for years.

To coincide with the beginning of the Act's operation, on 25 June 1735 Hogarth released a series of engravings of his cycle of paintings called *The Rake's Progress*. The new laws meant that he was able, for the first time, to bypass (what he regarded as) the extortion of the print-sellers. The response of the sellers was immediate, forceful, and devious: they published crude copies of the engravings in order to undermine the novelty of his work. But the copies lacked Hogarth's crisp observation of the particular, from which general moral messages could be understood. The counterfeit works were unsuccessful, and the engravings of *The Rake's Progress* returned a handsome profit to Hogarth, allowing him to operate with both political vigor and some financial security.

In this way, the Engravers' Copyright Act 1734 was a necessary precursor to the development of English art. The successes that followed *The Rake's Progress*—and the confidence engendered by his new legal rights—allowed Hogarth to produce a treatise that challenged the regressive orthodoxies of taste of his time. This treatise, entitled *The Analysis of Beauty*, was published in 1753. In six important principles it set out where beauty was to be found and

how it was organized. It was widely read, and sparked considerable controversy, even animosity. Its key assertion was that the most elegant and beautiful is in the world and, in that world, there is the recurrent motif of the serpentine line. Wherever one troubled to look, the line was there. To confirm this, he presented two large engravings along with a frontispiece that included a serpentine line: Plate I, depicting a dance, and Plate II, a sculptor's yard. Both plates follow the same arrangement of a centerpiece surrounded by small numbered illustrations in boxes. The serpentine line is instrumental in the central composition of the two plates, and it flows through both scenes, as well as appearing in several of the numbered boxes. Details in the images and boxes are referred to by Hogarth in the text as though they are diagrams; but, independently, the plates also articulate the philosophical and political argument of the text using specific social and historical references. The densely coded iconography of these engravings has been the subject of much scholarship and interpretation, and Ronald Paulson's authoritative reading of the engravings gives some indication of the complexity of the philosophical commentary and critique within and between the images. The capacity of these engravings to carry such an argument is a measure both of the intellectual importance of the image in the 18th century and of Hogarth's command of its visual rhetoric.

The Analysis of Beauty is a complex set of ideas that occupied Hogarth for many years. Its most potent and recurring motif, the serpentine line, appears nearly a decade earlier in the 1745 self-portrait, *The Painter and His Pug*. This image, as the underpainting reveals, was begun in the middle of the 1730s as a relatively formal self-portrait of Hogarth as a well-dressed 18th-century gentleman. But progressively, it seems, a more artisanal depiction developed, that of the artist as a person of sensitivity and candor. The formal clothing gives way to a cap, and the intangible aspects of the character are offered not by fashion but by a witty commentary offered through the pose of his favorite dog, called Trump. In 1749 Hogarth made a print after the painting in which the

artist's appearance is captured in an oval painting behind his dog, who takes the foreground to both contemplate and guard the line of beauty resting lightly on the artist's palette. The image, entitled *Gulielmus Hogarth*, represents the work of an artist at the top of his game, and it's little surprise that he later used the engraving as the frontispiece to a published album of his collected works. In the four years between the painting and the engraving, the artist seems to have become more relaxed (and younger), in direct proportion to the dog's more troubled demeanor, as he appears to bear the burden of his master's inner world. The engraving marks, as many have noticed, bespeak a growing self-confidence in the artist who had successfully fashioned a career that was independent of the established routes of patronage. This independence—made possible by the new copyright laws—allowed him to articulate views contrary to the orthodoxies of the aristocracy. Hogarth's mature work was a call to the people to seek beauty in the everyday and not be led by the whims and fashions of connoisseurs.

Hogarth's self-reflection and pugnacious political style did not temper with age, nor did his tactic of using the image in the cause of political confrontation. In 1763, he reworked *Gulielmus Hogarth* and called it *The Bruiser*. In this version, the artist was replaced by a drunken bear in ragged clerical dress, intended to represent Charles Churchill. This act of self-erasure was a bitter volley in the political battles that Hogarth waged against John Wilkes who had, among other things, critiqued the populist emphasis of *The Analysis of Beauty*. Hogarth had earlier depicted Wilkes as an unprincipled criminal, and Churchill had defended him, with a personal attack on the artist citing his vanity and flawed character. In *The Bruiser* the line of beauty has been burnished and replaced by a crude vignette, in which Hogarth, reduced to a comic miniature, whips the bear. There is much discussion about the significance of Hogarth using this old plate—whether for example it amplifies the insult because it suggests Churchill does not warrant a new one, or whether it is symptomatic of the aging artist losing his confidence and

his rhetorical skills to sheer temper. Whatever the reason, the most striking figure in this engraving is Trump, the beloved pug who, now apparently more distracted by his own thoughts, urinates on Churchill's manuscript. Trump, the established avatar of the artist, manages to both insult and ignore his enemy's epistle at the same time.

Whatever the state of mind Hogarth was in when he modified his triumphal self-portrait and turned it into *The Bruiser*, the complete appropriation of the artist by his analogy in the form of Trump reveals a belief in the endurance of an image as the property of its creator. Art may, or may not, be subject to the patronage of a foppish elite or the whims and fancies of a fickle market; but, as Hogarth argues in *The Analysis of Beauty*, when beauty is drawn from the world of the everyday it becomes invested with a quality that, if protected, will always belong to its author. In the case of Hogarth the pursuit of intellectual property rights was not solely an issue of reward and ownership. With the new rights of the Engraving Copyright Act of 1734 he was able to own an image sufficiently to develop vivid visual analogies whose potency could be leveraged through reuse. And, as we see with the case of *Gulielmus Hogarth* and *The Bruiser*, through copyright he was able completely to own his image, vision, and sensibility.

It is not too much to say then that the new copyright laws of the 18th century are responsible for a range of Hogarth's remarkable innovations. They were responsible for the creation of *The Analysis of Beauty*, and they gave Hogarth the financial security to use art and aesthetics as instrument of political resistance. In this way copyright did give us the term "Hogarthian." The word has become synonymous with the corrupt politics and exploitative society of Britain in the last half of the 18th century, and its use as an adjective to describe unacceptable social inequality everywhere, in part because of the changes that occurred to copyright in the mid-18th century. ♦

Further Reading

Lionel Bently and Martin Kretschmer (eds.)
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