

Plagiarism versus “A Pleasant Reminiscence to Our Ear”:

Michael Balfe’s *The Siege of Rochelle* (1835) and the “Cultural Work” of Aesthetic Criticism

Naomi Matsumoto

ABSTRACT

Plagiarism is not only an aesthetic “sin”, offending against originality and the creative responsibilities of artists; it also has moral and cultural dimensions. In social and human terms it offends against both truth and trust, and it provides a weapon for rival factions and those for whom knowledge is power. Most importantly it reaches to the heart of the question about how a culture can have an artistic identity when the representative works must allude to common traditions while remaining unique. This paper explores those issues in relation to a much maligned opera in early nineteenth-century London – Balfe’s *The Siege of Rochelle* (1835). It places the charges of “borrowing” lodged against it within their historical context, and it exposes the cultural role that plagiarism can play in the search for artistic identity.

1. INTRODUCTION: THE AESTHETIC, SOCIAL AND MORAL “SINS” OF PLAGIARISM

In the musical field strong accusations of plagiarism are usually addressed to composers rather than performers, and usually in relation to borrowed melodies (motivic plagiarism) or forms (structural plagiarism), though other elements can play their part – for example, distinct instrumental colors, harmonic sequences, certain stylistic or technical identity-markers, and so on. The direct purloining of someone else’s composition is rare, though Count Walsegg-Stuppach’s transactions over Mozart’s *Requiem* spring to mind, as does the problematic case of the *Sonata Grande* by the Hungarian composer László Sáy which apparently consists of lines from Ives’ *Concord Sonata* cut up, placed upside down and rearranged. It is also interesting – given the prevailing view that work-identity was not a significant issue until the nineteenth century – that as early as 1731, Bononcini was denounced by the Academy of Ancient Music in England for blatantly passing off a madrigal by Lotti as his own,¹ though the specific term “plagiarism” seems not to have been used in England in relation to music until 1797.² We should also note that the extraordinary “borrowings” by Handel (some of which went

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¹ Lowell Lindgren, “The Three Great Noises ‘Fatal to the Interests of Bononcini’”, *The Musical Quarterly* lxi (1975), 560-83: 560.

² [Unsigned], “Defense of Arne”, *Monthly Music Magazine* xvi, vol. 3 (April 1797): 260, which denies that Thomas Arne’s “Phoebus sinketh in the west” is “a most flagrant plagiarism from Handel”.

well beyond petty larceny, or the “rhetorical embellishment of models”, or some supposed common practice), were condemned for their brazenness by some of his contemporaries.³

The primary aesthetic accusation implied by plagiarism is that the composition lacks originality or creativity. One possible defense here is that the composer has unknowingly and independently composed again music that previously exists. We might argue such a case, for example, in relation to the “Ode to Joy” theme used in Beethoven’s Ninth Symphony (1824), which is foreshadowed to a remarkable extent in a minor liturgical work by Mozart (the offertory setting *Misericordias Domini*, K. 222), written in 1775, and which Beethoven is very unlikely to have known. The dangers are greater in popular genres where, as we shall see shortly, the relative simplicity of the style makes coincidences between melodies a greater possibility.

In fact cases of plagiarism are rarely blatant and wholesale, and the task of this paper is to show that the complications surrounding such accusations have a murky history, and one that is sometimes driven as much by social and cultural forces as by aesthetic analysis. In order to demonstrate those complications we shall shortly come to the test case of an opera by the Irish composer Michael Balfe (1808-1870) written in 1835, *The Siege of Rochelle*, which stirred up an interesting series of claims and refutations in the contemporary press. We should not be surprised to see such an issue coming to prominence in the 1830s. Contemporary developments in approaches to the technical analysis of music had led to a greater concern with the integrity and coherence of works. Equally importantly attempts were underway to produce collected editions of established composers and that fuelled an interest in definitive versions of works.

A common defense against the aesthetic accusation of plagiarism is that the quotations contained in the work are meant as a homage, or irony, or parody, or as a playful reminiscence of the familiar.⁴ A change of context, it is claimed, alters the meaning and allows for further original creative manipulation of the material to take place. This kind of transformation occurs, for example, in Peter Maxwell Davies’s *Eight Songs for a Mad King* (1969) where distorted quotations from *Messiah* by Handel (King George III’s favourite composer), serve to illustrate the King’s mental condition. And “playful reminiscence” is one of the defenses offered in the case of Balfe’s music as we shall see.

A different sort of defense needs to be employed in those cases that involve appropriations of a particular kind of musical style. Of course, such “borrowing” can be a normal part of belonging to a specific compositional school, and therefore the issue of “plagiarism v. creativity” arises in relation to how clearly and effectively the composer’s individual voice emerges from the common practice. This kind of issue is found amongst the criticisms of Balfe’s work, particularly in relation to continental

³ His librettist Charles Jennens accused him of “stealing”: see: Donald Burrows, *Handel* (Oxford: Oxford University Press, 1994), 46-8. For a subtle, if slightly dated, discussion of the issue see: Winton Dean, *Handel’s Dramatic Oratorios and Masques* (Oxford: Clarendon Press, 1959), 50-57.

⁴ The classic article here is: Howard Mayer Brown, “Emulation, Competition, and Homage: Imitation and Theories of Imitation in the Renaissance”, *Journal of the American Musicological Society* xxxv, no. 1 (Spring 1982), 1-48.

models of operatic style. Other reasons for the “borrowing” of styles include their use for coloristic effects, or for a particular genre-type, and as we shall see Balfe found himself accused of stylistic and melodic borrowing in his simple melodies cast in the style of ballade opera. The other use of style is not so much to pass off someone else’s methods as one’s own (which would be plagiarism), but rather to pass off one’s own accomplishments as some else’s (which is forgery). This use of style is common in painting where it has frequently been employed to fake the “discovery” of unknown works by famous artists – an approach made notorious by the Van Meegeren forgeries of works in the style of Vermeer and others in the 1920s and 30s. Its use in music is much rarer, though an equivalent case was the “discovery” of six new Haydn piano sonatas in 1993, authenticated by H.C. Robbins Landon, but apparently forged by a musicologist in Germany.⁵

In the case of popular music frequent pleas in mitigation are those claiming ignorance or forgetfulness concerning the source, or a belief that the original material was in the public domain, or that the music was anonymous and/or “traditional”. Part of the problem here is that there is frequently a confusing stylistic overlap between works “composed” by the ordinary (non-professional) *populus*, those composed *for* popular consumption (by professionals), and those composed *in order to parody* popular styles in more serious works. Given these difficulties of exact identification it is not surprising to find, for example, that when the American author Mark Twain travelled on the European continent in the 1880s, he mistook *Die Lorelei* for a “folksong”, though it had in fact been composed by Friedrich Silcher to a poem by Heine in 1838.⁶ In more recent times the song “Babe I’m gonna leave you”, recorded by the English rock band Led Zeppelin in 1969, was described as “traditional”, as it also had been by Joan Baez in her version on *Joan Baez in Concert Part I* (1962). The song was actually composed in the 1950s by a mathematics student at the University of California, Anne Bredon, and she eventually received substantial back-payment royalties. The subsequent acknowledgements of her authorship did not protect the defendants against the aesthetic claim that their “compositions” lacked originality or creativity, but they did offer some personal protection against the social and moral offences of plagiarism: that is, the belief that plagiarism is not only an aesthetic sin, but also an affront to human trust and truth. It is this kind of affront, more than the tangled issues of aesthetic criticism, that tends to lend intensity to critical reactions. Moreover, those issues of trust and truth feed into the deeper rivalries and values underpinning a particular social setting, and allow an accusation of plagiarism to do “cultural work” on behalf of the factions involved. We shall now explore those issues in relation to the case of the Balfe’s *The Siege of Rochelle*.

⁵ See: “Discovered Sonatas May be Faked Haydn”, *The New York Times* (New York), 28 December 1993.

⁶ Mark Twain, *A Tramp Abroad* (London: Penguin Books, 1997), 87-94.

2. THE CHARGES AGAINST BALFE

After spending several years as singer and composer in Italy and France,⁷ Balfe arrived in London in 1835 and presented his *The Siege of Rochelle* at the Drury Lane Theatre on 29 October of that year.⁸ The initial reception was strongly positive; the audience welcomed “the complete success of this valuable addition to the stock of English operas”.⁹

However, the praise was short-lived. A few days later, on 1 November 1835, a newspaper review under the byline of “Theatrical Examiner” cast doubt upon the originality of Balfe’s music by making three separate claims of plagiarism: “the *buffo* song in the first scene of the first act appears to us to be almost a paraphrase of the Baron’s song in [Rossini’s] *Cinderella* (Claim A), mixed up with the duo “Un segreto [d’importanza]” (Claim B); and there is a march, the *motivo* of which is given to the trumpet, entirely borrowed from a march in [Auber’s] *Fra Diavolo* (Claim C)”.¹⁰

This was only the beginning of the criticism, and by 6 December 1835 a correspondent who signed himself “Observator” decided to undertake an investigation into the issues and publish the results in *The Examiner*. Interestingly enough he felt the need to begin his explorations with a survey of the different kinds of opera available in England at that time, as well as operatic singing. He tells us that “Italian and French exaggeration will be out of place on a British stage”, but “the German school affords a bright example”. He also noted that in England public taste in music “is by no means on a par with the rest of civilized Europe”, and that “our composers (perhaps compilers would be a better word) are compelled to supply nauseous and worthless trash to bribe the public to accept a certain proportion of good music”, and elsewhere he refers to the substitution of a “mawkish ballad” for a beautiful duet by Auber.

The scene is thus set: the very practice of adapting continental works for the English taste means that composers do not have a free “creative” hand; they must provide music in less distinguished or undifferentiated popular styles. Moreover, the best music comes from the Continent, and cannot be bettered by the native style; it can only be imitated (or borrowed). Clearly, if charges of plagiarism are going to arise in such circumstances, they rest upon the deeper cultural and social contexts of national identity and the functions of genres.

Some two weeks later, the “Observator” increased the attack with a full-blown accusation that Balfe had plagiarized Luigi Ricci’s *Chiara di Rosembergh* (1831). It should be noted that, at that time, Ricci’s *opera semi-seria*, which had been produced first at La Scala, in Milan in 1831, starring the

⁷ For the life and works of the composer, see: William Tyldersley, *Michael William Balfe: His Life and His English Operas* (Aldershot: Ashgate, 2003); and Basil Walsh, *Michael W. Balfe: a Unique Victorian Composer* (Dublin: Irish Academic Press, 2008).

⁸ For a record of performances and publications of the work, see: H. Philip Bolton, *Women Writers Dramatized: A Calendar of Performances from Narrative Works Published in English to 1900* (New York: Mansell, 2000), 168-9.

⁹ “Theatres: Drury Lane”, *The Morning Post* (London), 30 October 1835. All 19th-century newspaper references in this article are taken from the data-base, *19th-century British Library Newspapers*.

¹⁰ “Theatrical Examiner: Drury Lane”, *The Examiner* (London), 1 November, 1835.

celebrated soprano Giuditta Grisi, was virtually unknown to the British public, though it was probably known to Balfe, who had recently been in Milan. The critic tells us that “*The Siege of Rochelle* is a mere paraphrase of Ricci’s work” (Claim D),¹¹ because Balfe and Ricci share: (a) the plot; (b) the order of the music; (c) the meaning conveyed in roughly the same words; (d) the types of music (trio, duet etc) employed in corresponding scenes; and (e) the musical ideas from the overture to the finale. Thus, as a consequence of those resemblances, Balfe was said to lack “originality”. We should note, however, that even if the listed accusations had turned out to be true, they would not claim that Balfe’s opera was a direct copy of Ricci’s, but only that it was what the critic specifically called a “paraphrase”, consisting of stylistic and formal similarities.

T. Frederick Beale, Balfe’s publisher, immediately mounted a defense of the composer’s originality, stating that two composers could work on one and the same story but retain the inventiveness and individuality of each setting (as the cases of *Il barbiere di Siviglia* by Paisiello and Rossini; and the *Romeo and Juliet* operas by Zingarelli and Bellini).¹² However, the *Observer* did not back off. He stated that “Balfe would not have imagined the ‘Buffo song and chorus’, the ‘Buffo duet’ and the ‘Trio for three bass voices’ unless Ricci had done so before. Moreover, he went on, the “Vive le Roi” chorus – the public’s favourite item from Balfe’s opera – treated exactly the same “subject” as one of “6 glees” which Karl Maria von Weber had published previously in Berlin (Claim E).¹³

At this point, Balfe himself publicly denied the imputations,¹⁴ but then another critic, a certain “Detector”, joined the fray by claiming that one of the pieces from the opera entitled “When I beheld the anchor weighted” had “the same notes” as was found in “a song written by Bayly, and arranged by Bishop” (Claim F).¹⁵

In the meantime, Beal published Balfe’s music,¹⁶ which was reviewed in a rival magazine.¹⁷ Although the reviewer attempted some analysis of Balfe’s work there, he had no knowledge of Ricci’s opera and left the charge of plagiarism unrefuted. Finally, *The Morning Chronicle* launched a proper comparative examination of the two operas in question and affirmed that there was no sign of plagiarism from Balfe’s side.¹⁸ However, the difficulties were fully resolved only when Ricci’s opera saw its British premiere at Lyceum on 24 January 1837. The large audience crowding the theatre

¹¹ “Music: to the Editor of the Examiner”, *The Examiner* (London), 20 December, 1835.

¹² T. Frederick Beale, “To the Editor”, *The Morning Chronicle* (London), 23 December, 1835.

¹³ “Music (The Siege of Rochelle)”, *The Examiner* (London), 27 December, 1835. Another newspaper column later identified Weber’s music to be “’Tis not to win the wrath of fame”. However, it does not seem to be surviving. See: “Theatrical Examiner”, *The Examiner* (London), 7 February, 1836.

¹⁴ “The Siege of Rochelle”, *The Examiner* (London), 3 January 1836.

¹⁵ “To the Editor of the Examiner”, *The Examiner* (London), 17 January 1836.

¹⁶ M. W. Balfe, *The Siege of Rochelle: a Grand Opera* (London: Cramer, Addison, & Beal, n. d. [1836?]).

¹⁷ [Unsigned], “Review: *The Siege of Rochelle*”, *Supplement to the Musical Library* xxii (January 1836): 32-34.

¹⁸ “*The Siege of Rochelle* – Charge of Plagiarism against Mr Balfe”, *The Morning Chronicle* (London), 27 January 1836.

(which included Balfe himself) witnessed that Balfe's music was distinct from Ricci's and some newspapers even asserted that Balfe's work was in fact superior.¹⁹

3. BALFE'S PLACE ON THE SPECTRUM OF PLAGIARISM

As we saw in the introduction, accusations of plagiarism operate in relation to different technical and stylistic aspects of music and to different degrees. What this means is that there is a spectrum of plagiarism and almost any products by a composer or artist working in traditionally recognized styles can be placed at some point on that spectrum – if there are social, political, moral or personal motivations for doing so. At the “hard” end of the spectrum, involving the blatant transfer of exact passages or works, it is, in spite of the accusations in relation to works by Rossini and Auber (labeled Claims A to C above), fairly easy to clear Balfe's name. As we can see from Table 1, the two putative quotations from Rossini's *La Cenerentola* (Claims A and B) amount to both composers employing a very general “patter song” style, but in different keys, and with different intervallic structures. Similarly in the trumpet marches by Auber and Balfe (Claim C), both melodies are triadic but they are in different time signatures, and one melody falls while the other rises. Quite what the “Theatrical Examiner” critic was trying to achieve by claiming that Balfe's melodies were “almost a paraphrase” of passages from *La Cenerentola* is unclear, unless he simply meant that they inhabited similar “sound worlds” and traditions of text setting and expression. We shall return to this point in the conclusion.

In the case of the supposed Auber trumpet-march connection, which he claims was “entirely borrowed” by Balfe, he was just wrong. Apparently the “cultural work” being done by the accusations of plagiarism here is to support the status of the supposedly superior and knowledgeable critic, as against the less informed public. In any case, the critic's accusations probably only seemed plausible at all because Balfe at least had a firsthand knowledge of the Rossini opera since it was part of his repertoire during his career in Italy as a singer.²⁰

The accusation of plagiarism from Luigi Ricci's *Chiara di Rosembergh* (1831) – Claim D – advanced by “Observator” deserves a more thorough discussion. From point of view of the structure of the plot *The Siege* shows strong signs of borrowing. Both the libretti of *The Siege* (by Edward Fitzball) and *Chiara* (by Gaetano Rossi) are based upon Madame de Genlis' lengthy novel entitled *Le Siege de la Rochelle* (1806).²¹ Moreover, the *Siege* libretto does seem much indebted to *Chiara*, with the same named characters, the same incidents selected from the original novel, and almost all the scene

¹⁹ “Opera Buffa – Lyceum”, *The Morning Post* (London), and “Italian Opera Buffa”, *The Morning Chronicle* (London), 25 January 1837.

²⁰ Walsh, *Balfe*, 22.

²¹ The first English translation is: Stéphanie Félicité Genlis, *The Siege of Rochelle*, trans. R. C. Dallas (London: B. Dulau & Co., 1818), 3 volumes.

divisions shared.²² The only scenes in the Fitzball work not found in Rossi's counterpart are the ones set in the Monastery and Hermitage,²³ and this is because the cast of the Italian version does not include the monk, Azino. In fact the closely paralleled organizations of the two libretti are not necessitated by the twists and turns of the original story, since another adaptation of the same novel – *Clara or the Nuns of Charity* by the Irish poet, Charlotte Nooth - is structured entirely differently.²⁴

As Balfe's defender Beale pointed out,²⁵ it is not unknown for the music of two different operas to be based more-or-less on the same libretto, and for that fact to be acknowledged. In such cases there is no attempt to deceive and there is little doubt about who has the primary intellectual responsibility for the plot and structure. We do not know for certain whether Edward Fitzball had access to Rossi's libretto when preparing the *Siege* text but it is more than suspect that Fitzball in his memoirs gives an obviously erroneous source as a model of the work – the text of *Linda de Chamouni*.²⁶ On the other hand, although Fitzball's writing style is clumsy to say the least, his text is certainly not a direct (or even an incompetent) translation of Rossi's text despite the suspicions raised by the Observer.

What is clear is that the Observer's accusatory points concerning Balfe's reliance on Ricci for the similarity of the plots, the order of the music, the meaning being conveyed in roughly the same words, and the types and textures of the music (trio, duet etc) being employed in corresponding scenes (points (a) – (d) mentioned above) derive directly from similarities between the two libretti. However, no critic would confuse a case of literary plagiarism for a musical one, even if, in Great Britain, the copyright law concerning musical compositions developed "hand in hand" with spoken drama, due to "the double nature of each as adapted to printing and to public performance", and "also because they shade into each other gradually through operas and songs in character".²⁷

In fact Balfe's musical content is totally distinct from Rossi's despite the Observer's allegation that Balfe's trio for "three bass voices" would have been beyond his conception without Ricci's model to work from. The two relevant passages can be seen below.

²² Edward Fitzball, *The Siege of Rochelle: an Original Opera in Two Acts* (London: W. & F. Ford, n.d. [1843?]), and Gaetano Chiara di Rosebergh: *melodrama in due atti* (Milan: Gaspare Truffi, 1831).

²³ Fitzball, *The Siege of Rochelle*, Act I, Scene 3, and II, 3.

²⁴ Charlotte Nooth, *Original Poems* (London: Longman, 1815), 93-156.

²⁵ See: n. 12 above.

²⁶ Fitzball writes: "I immediately adopted the story [of *Linda de Chamouni*], rechristening it under the name of *the Siege of Rochelle*" (Edward Fitzball, *Thirty Years of a Dramatic Author's Life* (London: T. C. Newby, 1859), II, 19). *Linda de Chamouni* mentioned is Adolphe-Philippe D'Ennery's drama, *La Grâce de Dieu* which inspired Donizetti's opera *Linda di Chamounix* (1842).

²⁷ Thomas Edward Scrutton, *The Law of Copyright*, 3rd ed. (London: W. Clowes and Sons, 1896), 91.

Michel (Tenor/Bartón)

My mas-ter! he no mas-ter is to me; no doubt, all my best I'll try; but

Rosenberg (Bass)

he is Sir a gen-tle-man, you'll him o-bey, Sir, as 'twere me, or of-fen-ded I shall be; nought must in-ter-vene;

Montalban (Bass)

nought must in-ter-vene;

13

Cou - rage, Cou - rage, Cou - rage and fi - de - li - ty; what on

Cou - rage, Cou - rage! Cou - rage and fi - de - li - ty!

Cou - rage, Cou - rage! Cou - rage and fi - de - li - ty!

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earth can they mean? what on earth can they mean? Cou - rage and fi - de - li - ty, Cou - rage and fi - de - li - ty.

Cou - rage and fi - de - li - ty, Cou - rage and fi - de - li - ty.

Cou - rage and fi - de - li - ty, Cou - rage and fi - de - li - ty.

Figure 1a: Balfe, Trio “Who art thou?” (*The Siege of Rochelle*, II, 1) excerpt²⁸

Michelotto (Bass)

Eb - ben, eb - ben si ser - vi - rà. Ma... eb - ben, eb -

Montalbano (Bass)

Qui non c'em-tra il ma

Rosembergh (Bass)

Co-me a co-man - di mie - i ser - vi - re a suo - i tu de - i. Qui non c'em-tra il ma

10

ben eb-ben si ser - vi - rà. Ar - di - re e fe - del - tà. Che dia - vo - lo... sa - rà? Che dia - vo - lo... sa - rà?

Ar - di - re e fe - del - tà. Ar - di - re e fe - del - tà.

Ar - di - re e fe - del - tà. Ar - di - re e fe - del - tà.

1b: Ricci, Terzetto per tre bassi “Vedi quell’ uom?” (*Chiara di Rosembergh*, I, 8) excerpt²⁹

There is of course the overlap of the kinds of vocal forces employed but, beyond that, no similarity whatsoever.

²⁸ Balfe, *The Siege of Rochelle: A Grand Opera*, 194-5.

²⁹ Luigi Ricci, *Chiara di Rosembergh: melodramma in due atti posto in musica* (Milan: Ricordi, n. d. [1831?]), 66-7.

4. SOCIAL CONTEXTS EXPRESSED THROUGH AESTHETIC SCRUPLES

The quarrel surrounding Balfe's case was particularly fierce, but accusations of plagiarism were by no means rare in the realm of dramatic music in Britain at that time. Almost all the musico-theatrical works presented for the first time in London between 1820 and 1840 were scrutinized in order to establish whether new works were based on plagiarism – during the 1820s, there are 23 reviews of new operatic music examined for this purpose; 46 cases during the 1830s; and 75 during the 1840s. The reasons for this alarming rise in the “statistics of plagiarism” are not, of course, solely connected to a crisis of artistic creativity. Following the very different successes of Beethoven and Rossini in the European musical world in the first decades of the nineteenth century, the minds of connoisseurs had become particularly focused *either* on the aesthetic qualities of musical integration, originality and exploration, *or* on the ingenuities of melodic charm, storytelling and performance display.³⁰ Clearly there was an element of originality in the stylistic panache and appropriateness of the musical language of the best operas, but that originality was not expected to consist in overt new types of musical architecture or revolutionary procedure. The appeal to “normative” forms was stronger in opera, and therefore those norms could be used falsely to castigate a composer for reasons that arose from motivations far removed from aesthetic ones. In other words, the charge of plagiarism was frequently used in the service of cultural issues such as the tribalisms associated with national identity, religion, or gender. Moreover, the weapons at the disposal of those wishing to make such accusations – the rise of musical analysis, developments in publishing and copyright law, the growth of nationalism, the relationship between church and state, *etc.* – were increasing all the time, and the exact point on the “plagiarism spectrum” a composer might find himself (or herself!) placed would frequently depend on social, rather than aesthetic, factors.

We can see how this might work in relation to the growth in the English copyright laws for example. The legal concept of copyright was first introduced to Britain in 1710 when the Statute of Anne was enacted to protect authors of books who were given the sole printing rights for 14 years,³¹ and the period between 1734 and 1888 saw a series of additions and emendations collectively called the Copyright Acts. Prior to Balfe's case, the Dramatic Copyright Act in 1833 conferred the right to exclusive performance of an unperformed work solely on the author or his/her assignee. And this Act extended the author's publishing rights for 28 years or, should s/he live longer, throughout the person's lifetime.³² The point is this: the public recognition of intellectual ownership was gaining in legal and financial importance, in addition to its aesthetic interest; in social terms the status of a “man

³⁰ For a discussion of this issue, see also: Lydia Goehr, *The Imaginary Museum of Musical Works: an Essay in the Philosophy of Music* (Oxford: Oxford University Press, 1992), 220-3.

³¹ Edward Cutler, T. Eustace Smith, and Frederic E. Weantherly, *The Law of Musical and Dramatic Copyright* (London: Cassell & Co., 1890), 3.

³² *Ibid.*, 5.

of property” was therefore beginning to subsume those who could demonstrate a legal claim to intellectual works and artistic assets.

Something interesting, too, was happening to the notions of genius and originality in the arts in the early nineteenth century. The Romantic “cult of genius” engendered what we might call an “aesthetics of the authentic voice”, and thus acts of plagiarism, which confused the issue of exactly who might have primary intellectual responsibility for a work, became a sin against the very project of art itself. Contemporary developments in approaches to the technical analysis of music (through the work of Reicha, Momigny, E. T. A. Hoffman, and others)³³ were called into play to define those “original voices” and their modes of utterance, and those methods led to a greater concern with the integrity and coherence of works. Also, a further aspect of this attempt to preserve the “authentic voice” of a composer was related to the various schemes that were underway to publish collected editions of established composers (Cipriani Potter’s edition of Mozart’s piano works was in progress in England in the 1830s, for example).³⁴ Naturally enough, those activities kindled an interest in definitive oeuvres and versions of works, and the reliability of sources and information. Acts of plagiarism and forgery played havoc with what society saw as the sacred task of definition in relation to the unique voices of the esteemed artists in their midst.

A different arena in which concerns about plagiarism played an important cultural role in England involved attempts to establish a national identity and style of music. In relation to nationalism, Balfe’s case was affected in two ways: the first was a question of the distinctiveness and status of the genre of English opera; the second concerned his right (as an Italian-Irishman) to act as an “authentic” and respected representative of English style and character.

The problem for Balfe (and others) was that if music were to demonstrate a clear link with the traditions of England, then it could not compete with the sophistication of Continental works. On the other hand, and if it did not follow those native traditions, it would not be seen as quintessentially English and (more importantly for the managers of operatic houses) it would not attract wider and different audiences from those that frequented Italian operatic productions in England. Foreign operatic imports (such as Italian opera headed by Rossini and his school, the French by Meyerbeer, and the German by Weber) dominated the repertoire of London theatres between the 1820s and 40s. As for English operas, Balfe’s main immediate predecessors were Henry Bishop and Michael Rophino Lacy. The former specialized in what were essentially strings of songs and ensembles with spoken dialogues (most of his works were derived from ballad opera traditions, though not labelled as such), the latter traded in pastiche arrangements of operas by Rossini, Auber, Fetís, Meyerbeer, and others.

³³ See: Ian Bent, ed., *Music Analysis in the Nineteenth Century* (Cambridge: Cambridge University Press, 1994), 2 vols.

³⁴ Cipriani Potter (ed.), *Chefs d’Oeuvre de Mozart, A New & Correct Edition of the Pianoforte Works with & without Accompaniments* (London: Coventry and Hollier, 1836-7). This was the first edition of Mozart’s pianoforte works to appear with an editor’s name attached.

The situation worried the English, and as early as 1826 a columnist posed the question “are the English not a musical people?”³⁵ this being some time before the famous description, “the Land without music” became current.³⁶ Lacking “respectable” models within their nation, English operas were indebted heavily to Continental imports.

Into this complex situation came Balfe’s *The Siege of Rochelle* and it changed matters by providing cohesive music alongside the drama, and by attracting the aristocracy to English Opera.³⁷ Balfe’s admirers included “aristocrats and underbred, artists and artisans, amateurs and connoisseurs, rich and poor, simple and wise – a true compound of the good and the brilliant, the solid and the taking”.³⁸ Almost inevitably, to do this he had to draw something from Continental models (just as Purcell had done one hundred and fifty years earlier) – models that were not, in fact “foreign” to Balfe since, as we have seen, he spent much of his early career on the Continent. Even so, the music of *The Siege* was neither virtuosic nor complicated, although his knowledge of the techniques of Italianate vocal music lent a more enhanced lyricism to his music. There is no “cantabile-cabaletta”, the prevailing aria form, offering a vehicle for the singer’s virtuosity. Even the main “Aria” for the heroine Chiara, “’Twas in that garden”, is just a strophic melody. This mix of the continental orchestral and dramatic style (which often resembled the surface “colour” of works by Rossini and Auber) and the populist English song style, often attracted suspicions of plagiarism from both directions, though direct “borrowing” was never demonstrated.

The question of Balfe’s suitability to be a national representative is a complex one. In this regard, an early statement by the critic “Observator” (in *The Examiner*, 13 December 1935), opined “that since Dr Arne, [*the Siege*] is the best opera composed by an Englishman”. It is interesting that some critics sidestepped the question of national origin in this way, or by assuming that Ireland was, after the Act of Union, simply a part of Great Britain. For example, an anonymous essayist in *The New Monthly Magazine and Literary Journal* said of the composers Michael Balfe and John Barnett that “Both are musicians who promise to shed honour on their country, wherein it is most poor in renown.”³⁹ As already indicated, Balfe was an Irish-Italian, and that meant he was problematic both in terms of statehood and religion. The Irish question became more fraught in England during the 1790s when Irish leaders (such as Wolf Tone) looked to the model of the French Revolution in order to gain independence from England, and actually petitioned the French for help in that endeavour. In the Act of Union in 1801, the Irish parliament was actually dissolved and elected Irish Members of Parliament

³⁵ “Drury Lane Theatre”, *The Morning Post* (London), 1 March 1826.

³⁶ For the origins and the background of the term, see: Jürgen Schaarwächter, “Chasing a Myth and a Legend: ‘the British Musical Renaissance’ in a ‘Land without Music’”, *The Musical Times* cxlix, no. 1904 (Autumn, 2008): 53-60, 56-58.

³⁷ Walsh, *Balfe*, 172.

³⁸ *The Musical World* (3 February 1849), 69.

³⁹ [Unsigned], “English composers – English Opera”, *the New Monthly Magazine and Literary Journal* pt 3rd (1835): 478-484, 482.

were forbidden from sitting in the English parliament. Some recognition of the Catholic religion took place, but it was to take another hundred years for an independent Ireland to be established. During this period (and after) people of Irish origin were treated with great suspicion, and we have evidence of this in the case of Balfe himself. An English critic and correspondent to an American magazine wrote:

Amongst our composers, Mr Balfe has been the most lucky. This gentleman, with a vast deal of modest Irish assurance, is a plagiarist of the first water; and what little talent as a composer he possesses, is materially assisted by a most unscrupulous finding of the ideas of others, before those ideas are fairly lost by their original owners.⁴⁰

This scurrilous characterization seems to attribute Balfe's "plagiarizing" method not only to his alleged paucity of talent, but also to some assumed flaws in the Irish national character. The implication is that the supposed inclination of the Irish towards superficial charm, a tendency to embellish the truth, an emphasis on display rather than substance, and so on should make us suspect plagiarism in their successful works, because such attributes militate against sincerity, authenticity and verifiable, singular achievements. Balfe himself was aware of being branded in this way, and almost certainly saw the danger of cultural stereotyping in encouraging others to place him at the negative end of the "plagiarism spectrum" – not for aesthetic reasons, but for social and historical ones. Balfe hints at these prejudices because he recalls that when he first arrived in London he was at first "called a foreigner or an Irish Italian".⁴¹

In spite of these difficulties, the democratization of opera brought about by Balfe's works was successful in cultural terms precisely because his familiar styles evinced "a pleasant reminiscence to our ear",⁴² as one critic put it, even though those same features (to an antagonistic mind) might seem to contain symptoms of plagiaristic activity. Only, therefore, by balancing the need for familiarity against the danger of attracting the charge of plagiarism could the cultural work of Balfe's music be done. And only by such a path could new and exciting compositional effects be embedded in traditions known to the intended audience. Plagiarism, then, should not be seen as a "verdict" in relation to Balfe's music, but rather it should perhaps become an adaptive heuristic principle by which we come to understand something of its success, of Balfe's special kind of originality, and of the operation of the charge of plagiarism as a social tool. And further in the defense of Balfe's talent, we should

⁴⁰ [Unsigned], "The English Lyrical Drama", *The Musical Review and Record of Musical Science, Literature, and Intelligence* vol. I, no. 17 (29 September, 1838): 209-211, 209.

⁴¹ "Public Dinner to Mr Balfe", *Freeman's Journal and Daily Commercial Advertiser* (Dublin), 27 December 1838, which reports Balfe's speech at a public dinner held to commemorate his triumphant return to the native country after 15 years.

⁴² [Unsigned], "English composers – English Opera", *The New Monthly Magazine and Literary Journal* pt 3rd (1835): 478-484, 483.

perhaps remember the words of the French writer Chateaubriand: “an original writer is not one who imitates nobody, but one whom nobody can imitate”.⁴³

⁴³ [“L'écrivain original n'est pas celui qui n'imité personne, mais celui que personne ne peut imiter”], François-René Chateaubriand (vicomte de), *Génie du Christianisme* (Paris: Garnier Frères, 1871), vol. I, Part 2, 181.

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