ARCHAEOLOGISTS finished a remarkable dig last summer in East London. Among their finds were seven earthenware knobs, physical evidence of a near perfect 16th-century experiment into the link between commerce and culture.

When William Shakespeare was growing up in rural Stratford-upon-Avon, carpenters at that East London site were erecting the walls of what some consider the first theater built in Europe since antiquity. Other playhouses soon rose around the city. Those who paid could enter and see the play; those who didn’t, couldn’t.

By the time Shakespeare turned to writing, these “cultural paywalls” were abundant in London: workers holding moneyboxes (bearing the distinctive knobs found by the archaeologists) stood at the entrances of a growing number of outdoor playhouses, collecting a penny for admission.

At day’s end, actors and theater owners smashed open the earthenware moneyboxes and divided the daily take. From those proceeds dramatists were paid to write new plays. For the first time ever, it was possible to earn a living writing for the public.

Money changed everything. Almost overnight, a wave of brilliant dramatists emerged, including Christopher Marlowe, Thomas Kyd, Ben Jonson and Shakespeare. These talents and many comparable and lesser lights had found the opportunity, the conditions and the money to pursue their craft.

The stark findings of this experiment? As with much else, literary talent often remains undeveloped unless markets reward it.

At the height of the Enlightenment, the cultural paywall went virtual, when British authors gained the right to create legally protected markets for their works. In 1709, expressly to combat book piracy and “for the encouragement of learned men to compose and write useful books,” Britain enacted the world’s first copyright law. Eighty years
Would the Bard Have Survived the Web?

later, America’s founders expanded on this, giving Congress the authority to enact copyright laws “to promote the progress of science and useful arts.”

Copyright, now powerfully linking authors, the printing press (and later technologies) and the market, would prove to be one of history’s great public policy successes. Books would attract investment of authors’ labor and publishers’ capital on a colossal scale, and our libraries and bookstores would fill with works that educated and entertained a thriving nation. Our poets, playwrights, novelists, historians, biographers and musicians were all underwritten by copyright’s markets.

Yet today, these markets are unraveling. Piracy is a lucrative, innovative, global enterprise. Clusters of overseas servers can undermine much of the commercial basis for creative work around the world, offering users the speedy, secret transmission of stolen goods.

The Senate Judiciary Committee is holding a hearing on Wednesday on “targeting Web sites dedicated to stealing American intellectual property,” and the White House has pledged to propose a new law to address rampant piracy within the year. But writers and other creative workers should still be worried.

The rise of the Internet has led to a view among many users and Web companies that copyright is a relic, suited only to the needs of out-of-step corporate behemoths. Just consider the dedicated “file-sharers” — actually, traffickers in stolen music movies and, increasingly, books — who transmit and receive copyrighted material without the slightest guilt.

They are abetted by a handful of law professors and other experts who have made careers of fashioning counterintuitive arguments holding that copyright impedes creativity and progress. Their theory is that if we severely weaken copyright protections, innovation will truly flourish. It’s a seductive thought, but it ignores centuries of scientific and technological progress based on the principle that a creative person should have some assurance of being rewarded for his innovative work.

Certainly there’s a place for free creative work online, but that cannot be the end of it. A rich culture demands contributions from authors and artists who devote thousands of hours to a work and a lifetime to their craft. Since the Enlightenment, Western societies have been lulled into a belief that progress is inevitable. It never has been. It’s the result of abiding by rules that were carefully constructed and practices that were begun by people living in the long shadow of the Dark Ages. We tamper with those rules at our peril.

Last July, a small audience gathered at that London archaeological dig to hear two actors read from “A Midsummer Night’s Dream” at the place of its debut, where theater’s most valuable walls once stood. While the foundations of the Theater (as it was known) remained, the walls themselves did not. When Shakespeare’s company lost its lease, the members dismantled the Theater’s timber frame and moved the walls to a new site across the Thames, naming their new playhouse the Globe. Shakespeare’s paywall traveled with him.

The Globe would later burn down (a cannon fired during a performance of “Henry VIII” touched off the blaze) and was quickly rebuilt. Its final end came in the mid-17th century, at the outset of a bloody civil war, when authorities ordered the walls pulled down. The regime wasn’t motivated by ideals of open access or illusions of speeding progress. They simply wanted to silence the dramatists, who expressed a wide range of unsettling thoughts to paying audiences within.
The experiment was over. Dramatists' ties to commerce were severed, and the greatest explosion of playwriting talent the modern world has ever seen ended. Just like that.

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