During the Pittsburgh Dickens Fellowship’s April meeting, one of our fellows (who shall remain nameless in order to shield her copyright infringement guilt) proudly announced that she had over 350 files downloaded to her computer from Napster’s immense files. She also related her disappointment over the mass exodus of those who share her taste in music as those conscious of Big Brother leap from the platform of the Internet based cyber-pirate ship. Most of us at the table recounted our own failures and successes at musical piracy through the cyber causeways, unaware that our beloved author would not have approved of our careless attitude toward the fiscal, intellectual and artistic theft of the works on our hard drives.

We justified our thefts with the following arguments. After all, Metallica, Dr. Dre and like artists are notoriously wealthy and live decadent lifestyles that poor stiffs like us could never afford. Who are they to complain about a few dollars after raking in all the profits and royalties pouring into their bank accounts on a regular basis? Surely, Roy Orbison has been living off his success long enough. And isn’t being a celebrity enough payment anyway? Just look at the attention they get from the press and from their adoring fans. And just what does it take to be an “artist” these days anyway? Shouldn’t art be done for art’s sake, not for the sake of the few dollars Lars Ulrich will miss by my sharing a file a two? Besides that, I could borrow the CD from someone else and make my own copy. And just how are the artists supposed to become
famous and make more money unless we consumers share their music with others? Isn’t that really free advertising? So just what are those money-grubbing superstars complaining about?

By now, I’m sure you’re all wondering what Napster, Metallica and Dr. Dre have to do with Charles Dickens. I stumbled upon the connection between the modern debate over copyright and Charles Dickens’ own struggles over remuneration for intellectual products when I began researching today’s talk. I grew more interested when I discovered that rap artist Chuck D. has supports Napster’s piracy. Imagine my surprise as I began reading about “our” Chuck D.’s attempts to secure international copyright during his first visit to the United States, a portion of which took place not very far from here. Charles Dickens’ arguments for copyright protection sound awfully like those presented by Metallica to the US Senate last year, and the same arguments we used last April are the very ones that Napster and its legion of supporters use. Our fellows’ arguments, likewise, are the very same arguments used by the Boston and New York press to attack their previously beloved Boz. Charles Dickens merely wanted fair and equal protection under the law, while his attackers (and for a time backers) in the US press wanted to maintain the status quo, as do we Napster nabsters. What Dickens did not foresee when he began his campaign for international copyright was that even US citizens, like Edgar Allen Poe, rarely had the opportunity to publish more than articles or poems in the US. More importantly, I think, Dickens understood too late what we Americans, then and now, deemed appropriate superstar behavior, while Edgar Allen Poe recognized and struggled with our high regard for imported goods and the power of the American press.

Let me briefly explain the particulars on copyright law during Boz’s ill-fated sound bytes. By the time that Dickens made his pleas for copyright to his American hosts, American publishers were legally protected and well accustomed to what Matthew Cornelius called the
“republication” of British texts. (Cornelius one of the leaders of the “Young America” circle, which was made up of American writers who called for international copyright to encourage the advancement of American literature.) The US Congress passed its first public act on copyright expressly sanctioning the “importation, vending, reprinting and publishing in the states of any book written or published abroad by any person not being a citizen” while granting copyright only to those “authors ‘being citizens of these United States, or residents therein’” (Nowell-Smith 18-19). Simon Nowell-Smith, from whom I take my legal references, believes that the US copyright laws were designed to punish the formerly tyrannical homeland while continuing to benefit intellectually from its greatest thinkers (19). With such a law in place, any US publisher of books, magazines, journals and keepsakes would commit financial suicide if he did not “republication” foreign works, which were in high demand. This being the case, why would any publisher pay an American author if he could milk the foreign literary cash cow without even, as Jerome Meckier puts it, a “by-your-leave?”

In England by 1835, either a citizen or an “alien ami,” a “foreign friend,” could maintain copyright or sell it to a publisher whether the author was physically in Britain or not. As Nowell-Smith explains, “any American novelist [could] obtain British copyright by ensuring that his novel was published in Britain one day before it appeared in America: he need not cross the Atlantic to achieve” his publication goals (35). What made this practice more desirable was the American view that if a foreign body (at the time, especially the British, the masters of literature) puts its seal of approval on something (e.g. Mercedes-Benz, Longenes, Hermes, Shakespeare) then it must be the best (and as Americans, we deserve the best!). An American author could barely get past the clerks of his native publishers without having the British seal of approval first (Washington Irving provides proof of that), so it was quite natural and to be expected that Poe
would make repeated efforts to butter up the Brits and then ask them for help getting published in Britain as a launch pad for his American career. The two long conversations between Dickens and Poe may have been, in the main, about literature in general, but it is more likely, based on the two authors’ mutual desire for international copyright law, that Poe felt he had an “in” with Dickens and his publishers.

When Dickens first entered the US, he was unprepared for the celebrity treatment that most of our modern day superstars endure, the many-eyed Argus of scandal-hungry public scrutiny. Worse luck, as many scholars point out, Dickens’ trip coincided with the high point of scandal sheets and tabloid journalism in our country’s history, though I believe that our modern appetite for scandal far surpasses that of the mid-nineteenth century. The celebrity treatment that Dickens encountered, fostered and encouraged by the very press that would later chastise his appeals for copyright, sounds remarkably similar to the conduct of the paparazzi and tabloid journalists of today. Dickens relates his chillingly modern reception in a letter to John Forster:

> I can do nothing that I want to do, go nowhere where I want to go, and see nothing that I want to see. If I turn into the street, I am followed by a multitude. If I stay at home, the house becomes, with callers, like a fair. If I visit a public institution, with only one friend, the directors come down incontinently, waylay me in the yard, and address me in a long speech. [Beginning with “Oh, Mr. Dickens, I just love your work,” I imagine.] I go to a party . . . I dine out . . . I go to church for quiet . . . I take a seat in a railroad car . . . letters on letters arrive . . . I have no rest or peace, and am in a perpetual worry. (241)
Of course, his movements, appearance and behavior were described in detail in the newspapers on the following day as each journalist stalked Boz. When I read these descriptions, I kept picturing Boz in the best dressed section in *People*.

Although Dickens complained about his star treatment, he nevertheless decided to use it to his advantage. I’m not willing to enter into the debate about whether Dickens’ planned to mount his international copyright battle at the earliest date of his desire to see America. It seems to me that the inimitable was merely taking advantage of his popularity, like Rosie O’Donnell, Richard Gere and Charlton Heston do today, to use his fame as a platform for what seemed to be a good idea at the time. His first mistake was trusting the American press and public to be swayed by common sense; instead, he made the grave error of misjudging the American system of celebrity, which is based upon a rags to riches democratic American dream of overnight success and whose favored sons and daughters must never, on any account, refer to the riches he or she has gained other than in a positive light.

Celebrity in the US can be attained in many ways, but the marketing must be just right and continually rebuffed and revamped to convey the right spin. Whether one is an author, a philanthropist, an industrialist, nouveau riche or of old money, a lottery winner, or Brittany Spears, one must appear to use one’s money wisely or extravagantly (we *love* that) without complaining about celebrity status. Personal tragedies, of course, increase public sympathy and add to the rags to riches mythos—the American dream realized—but complaining about celebrity or insisting on one’s pecuniary rights is a disastrous turnoff to the American fan. Dickens serves as a prime example of such bad judgment. An exemplar of the rags to riches success story himself, Dickens, played upon the very republican sentiment that was best designed (intentionally or not) to make him a beloved superstar of his American audience.
References

