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978-1-107-02351-2 - Charles Dickens and "Boz": The Birth of the Industrial-Age Author

Robert L. Patten

Excerpt

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CHAPTER I

Christening Boz (1812–1834): the journalism sketches



Charles Dickens, Thomas Unwins sketch, 1831

Charles Dickens and "Boz"

Despite the proliferation of biographies of great writers, the basic conditions of authorship remain obscure for most periods of history . . . What was the nature of a literary career, and how was it pursued? How did writers deal with publishers, printers, booksellers, reviewers, and one another? Until those questions are answered, we will not have a full understanding of the transmission of texts.

– Robert Darnton, "What Is the History of Books?"

"Literary men," says Mr. Bulwer, "have not with us any fixed and settled position as men of letters . . . We are on a par . . . with quack doctors, street-preachers, strollers, ballad-singers, hawkers of last dying speeches, Punch-and-Judies, conjurors, tumblers, and other 'diverting vagabonds.'"

– Thomas Hood, "Copyright and Copywrong"

[T]his solitary mortal endowed with an active imagination, always roaming the great desert of men, has a nobler aim than that of the pure idler . . . He is looking for that indefinable something we may be allowed to call "modernity" . . . the transient, the fleeting, the contingent; it is one half of art, the other being the eternal and the immovable.

– Charles Baudelaire, "The Painter of Modern Life"

Dickens's career came to be seen, then and since, as a kind of epitome of nineteenth-century authorship.

– Patrick Leary and Andrew Nash, "Authorship"

I

On Friday, November 9, 1838, the London publisher Richard Bentley issued a three-volume illustrated novel entitled *Oliver Twist; or, The Parish Boy's Progress*. The title page prints the author's name as "Boz." John Forster, serving as Dickens's literary advisor and acting on his behalf while Dickens was in Wales and Liverpool, had forwarded to Bentley on the preceding Saturday night, November 3, Dickens's instructions about the title pages of each volume: "I forgot [in a previous letter written earlier that evening], by the bye, to leave instructions respecting the title page. Let it stand thus | Oliver Twist | in 3 vols | By Charles Dickens author | of the 'Pickwick Papers' &c. (not Boz) | Bentley."¹ Bentley had no time then to change the title pages, as the work had been advertised for some days as being published on the seventh, and was to be subscribed by the trade on the sixth. As it was, he had to push the date of issue back to Friday the ninth. But by the following Friday, Bentley, following Dickens's instructions as relayed by Forster, had cancelled the title pages of all three volumes of most of the remaining copies and reissued them with new

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title pages, naming the author “Charles Dickens.”² That day, November 16, 1838, is as good as any for approximating the birthday of modern authorship, the industrial-age authorship that allegedly died little more than a century later.

“Industrial-age authorship” terms a set of publishing and more general cultural conditions that coalesced during the first half of the nineteenth century in Britain, and shortly thereafter in other parts of Western Europe. It comprises an enormous range of manufacturing inventions that made printing cheaper and faster; improvements in transportation that enabled printed matter to be distributed from any print shop to outlets within a country and, by the 1850s, around the world; legal and governmental provisions that secured property in written materials to their originators and reduced the cost of purchasing such materials; increasing literacy and leisure time; industrial and cultural efforts to educate a workforce and shape it to the perceived needs of the state; the business of governing that depended upon writing as a principal activity (or barrier to activity); and various modes of publicity that stimulated the public’s desire for more from the most celebrated figures of the age. By the 1860s reading was a common occupation of “civilized” peoples. The producers of that body of books, magazines, reports, advertisements, pamphlets, ballad and music sheets, and printed ephemera stood to gain, and sometimes did gain, substantial fortunes as a result of a print commerce that traversed classes, frontiers, national borders, and in notable cases even religious and philosophical identities. It became possible to produce writers of worldwide renown and commercial viability.

Why is “authorship” an important component of the print culture industry? Our current understanding of what Robert Darnton has dubbed “the communications circuit” locates particular figures who interact in a linear and circular fashion (see Figure 1 on p. 4).³

While Darnton’s schematic diagram is conceptually useful, it is neither a description of the book trade at any historical period nor a pattern of the interactive influences among the various players.⁴ For instance, “Intellectual Influences,” “Economic and Social” conditions, and “Political and Legal Sanctions” were not just contexts for authors and publishers; they were often the impelling forces readjusting the influence and relationships among all the print participants. To comprehend the situation when Dickens, in the 1830s, tried to become an “author,” we must briefly and broadly sketch how these interactive elements in the communications circuit developed historically.

At various times since the widespread adoption in Western Europe and North America of printing from moveable type onto rag, plant, or later

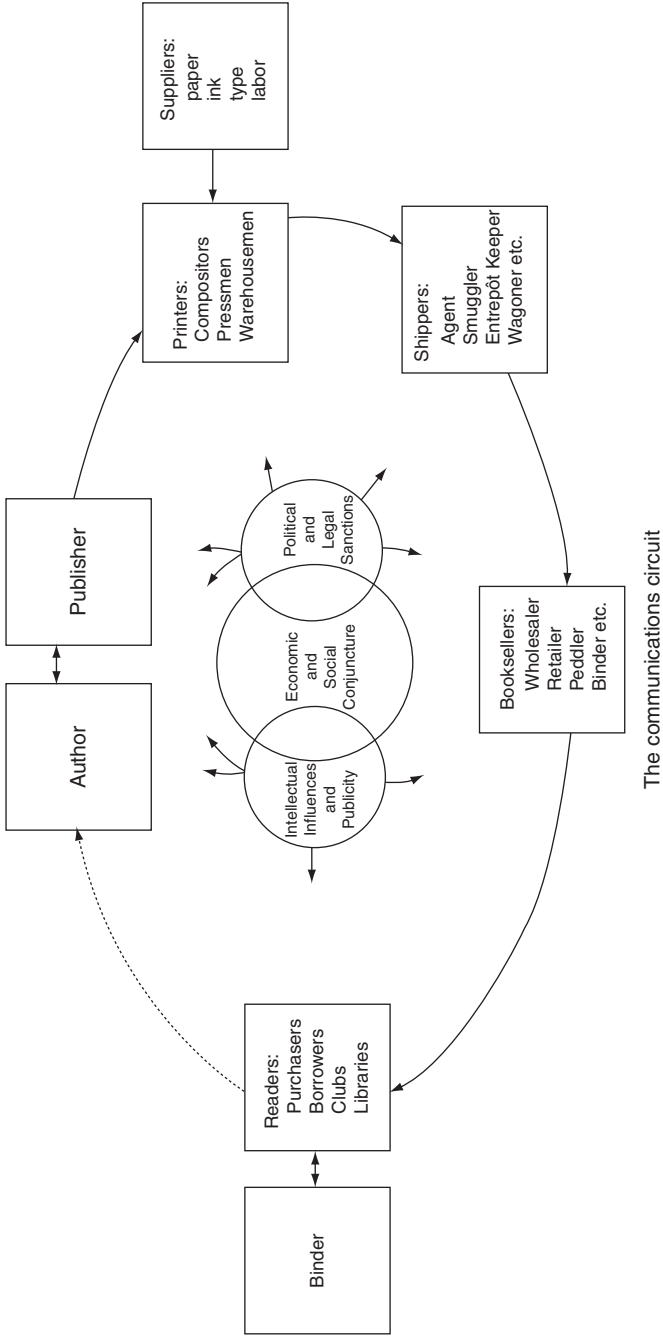


Figure 1 The communications circuit by Robert Darnton

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wood-pulp paper and gathering the sheets into folios of one kind (e.g., newspapers, circulars) or another (e.g., bound books and magazines), each of the principal agents in Darnton's model has been thought of, in law, the trade, and by the general public, as the initiator and controller of the process of publishing. But the author became paramount only late in the history of Western print culture.⁵ A basis for the whole communications circuit is some form of legal enablement, usually a right to print and sell copies. British copyright has been historically based on four principles: royal prerogative, propriety, property, and public benefit. The priorities and status of these principles have shifted over the centuries, and sometimes one interest has combined with another, while at other times they have collided. The earliest permissions to print copies of texts (e.g., royal proclamations and statutes, bibles) were granted by the throne, sometimes to recognize or seal political and religious alliances. These might establish very profitable monopolies – the right to produce almanacs was a cash cow for centuries. Early royal printing licenses were held at the monarch's pleasure and could be inherited, reassigned, or sold in reversion at the death of the current holder. By the eighteenth century such privileges in effect became a property of the licensee and his heirs, something that could be sold by one proprietor to others in shares or alternative arrangements. After the Civil War, while some older royal patents continued in force, few significant new ones were granted. Almanacs became a principal part of the English Stock of the Stationers' Company, yielding annual profits for the booksellers who shared in the reversion to the company of many print monopolies instigated by the Crown. Authors, however, had no particular standing in these matters.

Various commentators on copyright have stressed some principles more than others, and tracked the entangled relations among them when practiced by the trade, interpreted by the courts, amended by Acts of Parliament, influenced by intellectual, political, and commercial developments at home and abroad, and evaded by all sorts of blatant or ingenious subterfuges. By Dickens's time, as John Feather, one of the principal historians of British copyright, puts it, "British copyright law was thoroughly unsatisfactory. The law had always lagged behind practice, but now there was an accumulation of statute, precedent, trade practice and cultural assumptions which was becoming extremely difficult to use at all."⁶

While Dickens didn't know the detailed history of British copyright, that history impacted everything he did as a writer. Royal Letters Patent in the Henrician and Tudor period granted privileges to the book trade so

that "essential" texts (e.g., religious, school, and law books, important scholarly treatises) could remain available. During Queen Mary's reign, in May 1557, the old guild of text writers and scribes was reconstituted as the Stationers' Company. This organization of book producers, so named because for centuries they had established places of business, "stations," around the precincts of St. Paul's Cathedral, received from the Queen a virtual monopoly over printing throughout the reign. (Certain other bodies, such as the universities of Oxford and Cambridge, obtained special privileges outside this arrangement.) Elizabeth I confirmed this monopoly. But the book trade recognized that such royal patents protected only a small (though profitable) minority of titles being published. So in 1559 Elizabeth issued a set of Injunctions that delegated to the Stationers' Company authority to see that all titles were properly licensed and permitted to be printed because they did not offend against the state or its agents. As an article in the *Westminster Review* in January 1836 explained, "The monopoly granted by the Crown to the Stationers' Company, was made the instrument of exercising an absolute authority over the press through the extraordinary jurisdiction of the Star-Chamber, from the incorporation of the company in 1556 [*sic*, for 1557], to the year 1640 [*sic*, for 1641] when the Star-Chamber was abolished."⁷ This summary simplifies and overstates the connection between Star Chamber and the Stationers' Company, but on occasions it or the Privy Council called upon the master and wardens of the Company to enforce state policies. The Stationers' Company was by its Charter "to make search whenever it shall please them in any place."⁸ In effect, then, this book trade guild might perform the function of censor (legally vested in the Privy Council, Star Chamber, Bishops of the Established Church, and other state functionaries). It also in time became the registrar of property (the right to print and the printed product) and regulator of the trade (being empowered to list all presses and to nominate successors or leave the position vacant and thus reduce the number of presses, the competition, and the dispersal of printing shops beyond centralized authority's purview).

Initially printers and those who hired them (in a sense, publishers) dominated the Company. But within decades the owners of the right to print a copy, generally London booksellers who bought that right from whoever produced the text – author, previous owner, patent holder, theatrical company, etc. – gained the upper hand. Until the middle of the seventeenth century, booksellers continued to strengthen their control over the trade; authors had very little influence and almost no legal status.

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Any member of the Stationers' Company who entered a title in the Company's register was effectively the owner of the right to copy that book – presumably for all time. And while just exactly what constituted a new book – e.g., an anthology of extracts, a condensation – might be disputed, the Company had the means of settling most disagreements.

Under James I the royal prerogative to license patents was extended not so often to classes of books as to individuals for particular titles, something that his predecessors had done as well. This was an early recognition that the originator of the book licensed for copying might have some claim to participate in publishing and its economic rewards, but there was no statute granting authors per se any legal standing in the print process. There were particular issues deriving from plays. Might copyright be granted to an edition that cleaned up a corrupt text printed with or without entry in the Stationers' Register, possibly from prompt texts or parts copied out for actors?⁹ This issue touched on licensing requirements, but also in some cases on propriety, broadly conceived. A foul copy might reflect badly on the nominal author's reputation. John Heminge and Henry Condell published the 1623 Folio of Shakespeare's works to replace with a proper text the "diverse stolne, and surreptitious copies, maimed, and deformed by the frauds and stealthes of iniurious imposters."¹⁰ By the beginning of the seventeenth century, some authors were practically, if not statutorily, recognized as having some rights in what they wrote, and once that writing was transferred to a member of the Stationers' Company, the Company would police the copyright, protecting the member's property (the right to copy) against any illicit publication ("pirated edition"), and when necessary the reputation of the author.¹¹

Up to the Civil War, penalties for issuing unacceptable books tended to be assessed against the publisher, copyright holder, and/or the printer, not the author. Having stationary premises, bulky machinery, apprentices, and stock, printer/publishers were easy to find and fine. A 1637 Star Chamber decree ordered that the author's name be provided as well as the publisher's, and in 1642 the Commons also considered requiring the publication of the author's name; but nothing much came of that order once war commenced. At its conclusion, all legislation of the interregnum lost its force, and the print trade found itself without clear authority. A 1662 Act compelled registration in the Stationers' books, but the Company's role in licensing publications was somewhat overshadowed by the surveillance of the newly created government office of Surveyor of the Press, which lasted only a short time, from 1663 to 1688. Again,

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largely what was at issue during these unsettled postwar years were the property rights of copyright owners (largely booksellers who were principals in the Stationers' Company) and the propriety and prerogative rights of the Crown and state. Authors subsisted as minor players in the communications circuit, except insofar as they produced works that might command attention and sales. (Milton, for his defense of the Commonwealth and regicide, almost was executed; his controversial writings kept booksellers interested in buying up his manuscripts, even though no one expected that a long poem glossing the first chapters of the Book of Genesis would generate income for centuries.)

By the end of the seventeenth century, two forces impelled change. The first was widespread opposition to the monopoly powers of the Stationers' Company, coming from many quarters. Even though there was general agreement that somebody had to prohibit certain kinds of publications, there was no general consensus that the Stationers' Company should be that somebody. In effect, the Company lost its monopolistic control over the print business by the 1690s, and thus booksellers had to figure out how to operate in a more unregulated market. They petitioned for, and eventually got, a new statute under Queen Anne that ostensibly reinforced their property rights. The second force derived from Lockean and post-Lockean theories of natural rights. An individual, John Locke reasoned, had a right to the products it made. It seemed clear that if a body could be punished for the products of its brain (in the case of heresy, for instance, when martyrs were burned at the stake), a body should also be rewarded for beneficial ideas. Several concepts useful to print culture play into this theory of natural law: the idea of an individual, useful in establishing contracts between a seller and a buyer; the idea of an originator with whom the right to copy (or, for the sake of propriety, to prevent print copying) first lodged, necessary to identify the chain of ownership from its start; the idea that an intellectual product was property that could be sold and bought; and, though it took another hundred years for this concept to gain primacy, the idea that such intellectual products might be important to the state and its subjects, who therefore had an interest in seeing that such products were encouraged, protected, and eventually released into the public domain (where they might be reproduced more cheaply than by the monopolists hitherto claiming exclusive right to copy).¹²

While it was not Locke's arguments that were the only or perhaps most important influence on MPs, in February of 1695 the Commons rejected a Bill renewing previous legislation essentially controlling the print industry through the Stationers' Company. Whereas until then the right to copy a

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text had been sutured to policing the content of publications, after February 1695 everything changed: no restrictions on numbers of printers, journeymen, or apprentices; no restrictions on the importation of books; no obligation to enter a title in the Stationers' Register; no guarantee that the courts would uphold the property rights of booksellers who had invested in copyrights; no pre-publication censorship. As John Feather summarizes the situation post-1695, "[m]uch of the superstructure of protection which the Stationers' Company had so carefully erected and so assiduously defended was swept away."¹³

It took another fifteen years to reconstitute the regulation of printed materials. The Act of 8 Anne c. 19, receiving royal assent on April 4, 1710, seemed to restore to the owners of copyright, if not to the Stationers' Company, some of their prior standing. Before this Act, according to the 1836 *Westminster Review* article, "it was usual to purchase from authors the perpetual copyright of their books, and assign the same from hand to hand for valuable consideration, and to make the same the subject of family settlements for the provision of wives and children."¹⁴ But over the sixty-four years after the passage of 8 Anne, battles carried on in the courts contesting the meaning of statutes that had been drafted in the most ambiguous way (partly in order to pass the Bill, partly because it was assumed that trade practice would clarify meanings) snarled print culture and copyrights in red tape and conflicting legal opinions. The 1710 Bill started out as legislation protecting the rights of authors (for the first time) and encouraging publication of books useful and good. The final draft assumed that authors might have some rights and the public a stake: it was misleadingly and purposefully entitled the "Act for the Encouragement of Learning" to gain votes. But the Act of Anne made explicit only that owners of copyright in preexisting books would continue to hold exclusive right to copy them for twenty-one years, while new books duly registered would be protected for fourteen years, renewable upon re-registration for a second term of the same length. Thus books first published before or during 1710 would become freely available to any printer or bookseller/stationer after 1731 in the first instance and 1738 in the second. What was nowhere explicitly addressed was whether any version of perpetual copyright, either granted by royal patent or as a common-law right, was modified by the term limits imposed on owners' exclusive rights to copy.

That conflict between perpetual copyright and statutory copyright was fought out in the courts. But copy owners manipulated their property in other ways as well. The most powerful ones organized in "congers," associations of "trading booksellers" usually comprising six to eight

persons (or firms), which attempted to impose their will on everything from ownership of copy (one could only sell to others in the conger) to marketing (naming the price and the shops where their books could be sold). By 1710 payment to authors for their works was a general practice, but the sums paid were small: Samuel Simmons gave Milton £20 for *Paradise Lost* and Jacob Tonson paid John Dryden the same sum for his version of *Troilus and Cressida*.¹⁵ As the eighteenth century progressed, some authors, notably Alexander Pope, were assiduous in exerting their personal authority to dictate the terms of publication or non-publication of their works; and by the time of Dr. Johnson it is said that professional men of letters could live entirely on the sale of their writings. But this claim needs to be nuanced by three qualifications. First, there was still an extensive company of Grub Street hacks barely able to subsist by grinding out nonce materials; as Oliver Goldsmith complained, "It is the interest of the [bookseller] to allow as little for writing, and of the [author without patrons] to write as much as possible . . . In these circumstances, the author bids adieu to fame, writes for bread, and for that only."¹⁶ Second, writers continued to appeal, until well past mid-century, for patronage – at first from individuals, and then in collaboration with their publisher by raising a subscription for the work prior to its initiation or publication, a practice begun after the Civil War. Third, authors forged complex agreements through which they might, without necessarily benefiting from legal authority, establish to their apparent advantage relationships with producers of print copy. Samuel Richardson printed and sold his own writings; Pope surreptitiously entered into the book trade himself and frequently granted his publishers – for a high fee – only the right to copy a limited number of books for a limited time.¹⁷ He also colluded with Edmund Curll to issue a "pirated" edition of his own letters, then sued Curll for violating Pope's copyright. The decision established in case law the author's right to grant or withhold permission to publish materials, leading to the finding, still applicable in many countries, that copyright in unpublished materials belongs to the author and heirs in perpetuity, and is only converted into a statutory and limited right when the materials are first printed and published. That Pope was so successful asserting authorial rights in the absence of substantial support from natural, statutory, or case law also has to do with celebrity. In his day some authors mastered publicity, and were entertained lavishly by their booksellers at dinners and other festivities widely reported in the press, while satirical verses castigating the reputations of competing authors and editors further raised writers' visibility even as it sometimes destroyed