



**CONSIDERATIONS**  
**ON THE**  
**COPYRIGHT QUESTION**  
*ADDRESSED TO AN AMERICAN FRIEND*

**By WILKIE COLLINS**

## WILKIE COLLINS AND INTERNATIONAL COPYRIGHT

Wilkie Collins was at the forefront of the struggle to reform International Copyright. In the nineteenth century it was accepted practice in America as well as Europe for publishers to reprint large editions of an overseas author's work without permission or payment. Collins was particularly vociferous in his opposition to piracy and quite bluntly called it 'literary theft'. His views are set out here in *Considerations on the Copyright Question Addressed to an American Friend*. Combatting piracy significantly influenced the way legitimate books were published in the USA and explains why many English titles, including some of those by Collins, were first issued in America.

Collins was also an enthusiastic founder-member and honorary vice-president of the Society of Authors. This organisation, still flourishing today, was set up following a meeting in September 1883 with its first objective to obtain copyright for English authors in the USA. This was only achieved in 1891, four years after the Berne Convention of 1887. The Chairman of the original committee of management was Walter Besant (who at Collins's request in 1889 completed his unfinished novel *Blind Love*). Besant presented the Society of Authors with a large collection of Collins's papers concerned with international copyright and it republished *Considerations on the Copyright Question* in its journal, *The Author* (1 June 1890), under the title 'Thou Shalt not Steal'.

The essay had originally been published during 1880 both in London as a 16-page pamphlet by Trübner & Co and in the June issue of the New York *International Review*. Collins almost invariably insisted that his work should be published without changes and the editor's cautious disclaimer is reproduced at the end of the text.

Andrew Gasson

## CONSIDERATIONS ON THE COPYRIGHT QUESTION.

### ADDRESSED TO AN AMERICAN FRIEND.

YOU were taking leave of me the other day, Colonel, when I received from the United States a copy of a pirated edition of one of my books. I threw it into the waste-paper basket, with an expression of opinion which a little startled you. As we shook hands at parting, you said, "When you are cool, my friend, I should like to be made acquainted with your sentiments on the copyright question." I am cool now — and here are my sentiments.

I shall ask permission to introduce my remarks in a manner which will be personally interesting to you, by relating a little anecdote connected with the early history of your own family.

#### I.

At the beginning of the seventeenth century, one of your ancestors, voyaging with the illustrious Hendrick Hudson, got leave of absence from the ship, and took a walk on Manhattan Island, in the days before the Dutch settlement. He was possessed, as I have heard you say, of great ability in the mechanical arts. Among the articles of personal property which he had about him was a handsome watch, made by himself, and containing special improvements of his own invention.

The good man sat down to rest and look about him, at a pleasant and pastoral spot, now occupied, it may be interesting to you to know, by a publishing-house in the city of New York. Having thoroughly enjoyed the cool breeze and the bright view, he took out his watch to see how the time was passing! At the same moment an Iroquois chief — whose name has, I regret to say, escaped my memory — passed that way, accompanied by a suitable train of followers. He observed the handsome watch; snatched it out of the stranger's hand, and then and there put it into the Indian substitute for a pocket, — the name of which, after repeated efforts, I find myself unable to spell.

Your ancestor, a man of exemplary presence of mind, counted the number of the chief's followers, perceived that resistance on his single part would be a wilful

casting away of his own valuable life, and wisely decided on trying the effect of calm remonstrance.

“Why do you take my watch away from me, sir?” he inquired.

The Indian answered with dignity, “Because I want it?”

“May I ask why you want it?”

The Indian checked off his reasons on his fingers. “First, because I am not able to make such a watch as yours. Secondly, because your watch is an article likely to be popular among the Indians. Thirdly, because the popularity of the watch will enable me to sell it with considerable advantage to myself. Is my white brother satisfied?”

Your ancestor answered that he was not satisfied. “The thing you have taken from me,” he said, “is the product of my own invention and my own handiwork. It is my watch.”

The Indian touched his substitute for a pocket. “Pardon me,” he replied, “it is mine now.”

Your ancestor began to lose his temper; he reiterated his assertion: “I say my watch is my lawful property?”

The noble savage reasoned with him. “Possibly your watch is protected in Holland,” he said. “It is not protected in America. There is no watch-right treaty, sir, between my country and yours.”

“And, on that account, you are not ashamed to steal my watch?”

“On that account, I am not ashamed to steal your watch. Good morning.”

The prototypes of modern persons have existed in past ages. The Indian chief was the first American publisher. Your ancestor was the parent of the whole European family of modern authors.

## II.

You and I, Colonel, are resolved to look this copyright question fairly in the face. Suppose we look at it from the historical point of view, to begin with.

The Dutch emigrants settled on Manhattan Island about two hundred and fifty years ago. They might have “pirated” the island, on the ground that it was not protected by treaty. But they were too honest to commit an act of theft: they asked the Indians to mention their price. The Indians mentioned twenty-four dollars. The noble Dutchmen paid, — and a very good price, too, for a bit of uncultivated ground, with permission to remove your “wigwam” to the neighboring continent.

In due course of time arose the Dutch city of New Amsterdam. Civilization made its appearance on Manhattan Island; and with Civilization came Law. Acting as the agent of Justice, Law protected property. In those days of moral improvement, if an Indian stole a Dutchman’s watch he committed an offence, and he was punished accordingly, — for, observe, a watch was now property.

Later dates brought their changes with them. The English forced themselves into the Dutchmen’s places. New Amsterdam became New York. As time went on, a foolish English king and an obstinate English government were deservedly beaten in a trial of strength with the descendants of the first English settlers. The Republic of the United States started on its great career. With peace came the arts of peace. The American author rose benignly on the national horizon. And what did the American Government do?

The American Government, having all other property duly protected, bethought itself of the claims of literature; and, looking towards old Europe, saw that the work of a man’s brains, produced in the form of a book, had been at last recognized as that man’s property by the law. Congress followed this civilized example, and recognized and protected the published work of an American citizen as being that citizen’s property.

Having thus provided for the literary interests of its own people within its own geographical limits, Congress definitively turned its back on all further copyright proceedings in the Old World. After a certain lapse of time, the three greatest nations in the continent of Europe - France, Germany, and Italy - agreed with England that an act of justice to literature still remained to be done. Treaties of international copyright were accordingly exchanged between these States; and an author’s right of property in his work was now recognized in other countries than his own.

With this honorable example set before it by other Governments, what has the Government of the United States done? Nothing! To this day it refuses to the literary property of other people the protection which it gives to the literary

property of its own people. To this day, the President and Congress of America remain content to contemplate the habitual perpetration, by American citizens, of the act of theft.

### III.

Having now done with our historical survey, in plainer words, having now got at our facts, we may conveniently confront the grand question: Why does the Government of the United States refuse to foreign writers the copyright in their works which it concedes to the works of its own citizens? Are there any; insuperable difficulties in the way?

Colonel, when honest men perceive that an act of justice ought to be done and determine really to do it, there are never any insuperable difficulties in the way. On the plain merits of the case — mark that, if you please; you will soon see why there are no more difficulties in the way of international copyright between England and America than between England and France; England and Germany, England and Italy. The cases run on parallel lines, the necessity of foreign translation, in the European case, being an accidental circumstance, which adds to the expense of publishing the book, and nothing more. My work is republished in America in English, and republished in France in French. Whatever difference there may be in the language of the republication, the fact of the republication remains the same fact in both instances.

I am very careful to put this plainly. There must be some clear ground to stand on, before I can attempt to clear away the extraordinary accumulation of delusions under which the unfortunate subject of copyright has been smothered in recent years. If you see any difficulty in accepting my statement of the case thus far, let us revert to first principles, and ask ourselves, What is the object to be attained by the thing called International Copyright?

In answering this question I will put it personally, for the greater facility of illustration. The object of International Copyright is to give me by law (on conditions with which it is reasonably possible for me to comply) the same right of control over my property in my book in a foreign country which the law gives me in my own country. In Europe, this is exactly what we have done. When I publish my book in London, I enter it at Stationers' Hall, and register it as my property, —and my book is mine in Great Britain. When I publish my book in Paris, I register it by the performance of similar formalities, — and again my book is mine in France. In both cases, my publisher (English or French) is chosen at my own free will. His position towards me is the position of a person who takes the business of publishing and registering off my hands, in consideration of a bargain

previously made between us, the essence of which bargain is that the book is my property, and that my written permission is necessary before he can obtain his right to publish the book, and his exclusive claim (for a greater or less period of time) to the privilege of selling it for me. Why cannot I do the same thing in the United States; and why cannot my American brother-writer do the same thing in Great Britain?

#### IV.

Here the Colonel lays down my letter for awhile, and looks bewildered.

“The copyright difficulty, as stated by Mr. Wilkie Collins,” he says, “appears to be no difficulty at all. What am I to think of the multitudinous objections, from the American point of view, raised in leading articles, pamphlets, speeches, and so forth.” My good friend, a word in your ear. The American objections (I say it with due respect for the objectors) are, one and all, American delusions! The main object of this letter is, if possible, to blow some of those delusions away. I promise not to be long about it, and to keep my temper,— though I have lost some thousands of pounds by American pirates.

Let us begin with the delusion that the American people have something to do with the question of International Copyright.

An American citizen sees a reprinted English book in a shop-window, or has it pitched into his lap by a boy in a railway train, or hears from a friend that it is well worth reading. He buys the book and reads it; and, as I can gratefully testify from my own personal experience, he feels, in the great majority of cases, a sincere respect for literature and a hearty gratitude to the writer who has instructed or interested him, — which is one among the many honorable distinctions of the national character. When he has done all this, what in Heaven’s name has author, publisher, orator, or leading-article-writer any further right to expect from him? When I have paid for my place at the theatre, and added my little tribute of applause in honor of the play and actors, have I not done my duty as one of the audience? Am I expected to insist on knowing whether the author’s rights have been honestly recognized by the manager, and the player’s salaries regularly paid without deduction once a week? It is simply ridiculous to mention the American people in connection with the copyright question. The entire responsibility of honorably settling that question, in any country, rests with the legislature. In the United States, the President and Congress are the guardians and representatives of American honor. It is they, and not the people, who are to blame for the stain which book-stealing has set on the American name.

Let me introduce to you another delusion, which has amused us in England. We are gravely informed that the United States is the paradise of cheap literature, and that international copyright would raise the price of American books to the inordinately high level of the English market. Our Circulating-Library system is cited as a proof of the truth of this assertion. There can be no two opinions on the absurdity of that system; but, such as it is, let us at least have it fairly understood. When a novel, for example, is published at the preposterous price of a guinea and a half, nobody pays that price. At a deduction of one third at least, an individual speculator buys the book and lends it to the public. Give this man, as an annual subscription, the nominal price originally asked for the book (a guinea and a half), and he will lend you at least three novels a week, for a whole year. If this is not cheap reading, what is? But you will say, The public may want to buy some of the best of these novels. Very well. Within a year from the date of its first issue, the book is re-published at five or six shillings (a dollar and a half), and is again republished at two shillings (fifty cents). Setting this case of stolen literary property out of the question, are these not current American prices? But why should the purchaser be made to wait till the book can be sold at a reasonable price? I admit the absurdity of making the purchaser of a book wait until the borrower has done with it. But is that absurdity likely, under any conceivable circumstances, to be copied in America? In England, the circulating library is one of our old institutions which dies slowly. In America, it is no institution at all. Is it within the limits of probability that one of your citizens should prefer lending a novel to a few hundred subscribers, when he can sell it to purchasers by the thousand? That citizen is not to be found out of a madhouse. The one thing needful, so far as works of fiction are concerned, is to show you that our popular price for a novel is the American popular price. Look at the catalogue of "Harper's Library of American Fiction," and you will find that the prices range from two to three shillings (fifty to seventy-five cents).

Turning to literature in general, let us consult Messrs. Harper again. I am away from home while I write, and I have no means of quoting from a more recent catalogue than the "Summer List for 1878." However, the prices of less than two years ago in New York cannot be obsolete prices yet. Here are a few specimens only: "The Atlantic Islands. Illustrated. 8vo, cloth. \$3.00?" (Twelve shillings.) "Annual Record of Science and Industry for 1877. Large 12mo, cloth. \$2." (Eight shillings.) "The Student's French Grammar. 12mo, cloth. \$1.40." (Say five shillings and sixpence.) "Art Education, Applied to Industry. Illustrated. 8vo, cloth gilt. \$4-00." (Sixteen shillings.) "Harper's Travellers' Handbook, for Europe and the East. \$3.00 per volume." (Twelve shillings.) I am quite ready to believe that every one of these books is well worth the price asked for it. But don't tell me that American books are always cheap books. And let it at least be admitted that



English publishers are not the only publishers who charge a remunerative price for a valuable work, which has proved a costly work to produce, and which is not always likely to command a large circulation. To sum it up, literature which addresses all classes of the population is as cheap in England as it is in America: literature which addresses special classes only will, on that very account, always be published at special prices (with or without international copyright) on both sides of the Atlantic.

## V.

I must not try your patience too severely, Colonel. Let me leave unnoticed some of the minor misunderstandings which obscure the American view of the copyright case, and let me occupy the closing lines of this letter with a really mischievous delusion, entertained by one class of American citizens only. Prepare yourself for a surprise. The American publisher has actually persuaded himself that his individual trade-interests form an integral part of the question of international copyright!

Just consider what this extraordinary delusion really amounts to. "We don't deny," the American publishers say, "that you English authors have a moral right of property in your books, which we are quite ready to make a legal right on condition that we are to dictate the use which you make in America of your own property. If we confer on you international copyright, we see with horror a future day when English publishers and English printers may start in business under our very noses; and we will give you your due only with the one little drawback that we forbid you to employ your countrymen to publish your books in our country, Our respect for justice is matched only by our respect for our purses. Hurrah for honorable dealings with the British author, so long as there is no fear of a decrease in the balance at our banker's! Down with the British author and away with the national honor, if there is the slightest danger of the almighty dollar finding its way into other pockets than ours!"

Am I exaggerating? Let two of the chief American publishers speak for themselves.

Hear Messrs. Harper & Brothers first. After reciting the general conditions on which they propose to grant us copyright in the United States, they proceed as follows: "And provided further, that within six months after registration of title the work shall have been manufactured and published in this country, and by a subject or citizen of the country in which such registration has been made." Mr. W. H. Appleton, writing to the London "Times" (in a curiously aggressive tone), expresses himself even more plainly. "Our people," he says — evidently meaning

our printers and publishers “would rejoice to open this vast opportunity to your intellectual laborers. . . . But they hold themselves perfectly competent to manufacture the books that shall embody your authors’ thoughts, in accordance with their own needs, habits, and tastes; and in this they will not be interfered with.” (Extracted from Messrs. Harper & Brothers’ pamphlet. New York, March 17, 1879.)

To argue the question with men who are of this way of thinking would be merely to waste your time and mine, If we are ever to have international copyright between the two countries, we must have the same unreserved recognition of moral right, the same ungrudging submission to the law of honor, which has produced the treaties exchanged between the European Powers: In this respect, England has set the example to the United States. And, let me add, England has no fear of competition. I have put the question myself to eminent London publishers. They have no idea of intruding their trade-interests into a great question of national justice. They are ready to welcome wholesome competition in an open market. If they set up branch establishments in New York, the American publishers shall be free to follow their example in London. What does Mr. Marston (of the well-known London firm of Sampson Low, Marston, & Co.) say on this subject, in his letter to the “Times” published May 12, 1879?

As a publisher, I trust I shall be absolved from the charge of advocating trade-interests, when I express my strong conviction that the only convention between the two countries which can possibly bear the test of time must be one based upon the original and inherent rights of property. Let registration in Washington and

London, within a month or two months of first publication in either country, convey respectively to English and American authors the same right in each other’s country as in their own, and one’s sense of justice will be satisfied. . . . Such restrictions as those proposed by American publishers exist in no other conventions; they arise out of a most unfounded and unnecessary fear of competition by English publishers.

There is the opinion of one representative member of the trade. I could produce similar opinions from other members, but I must not needlessly lengthen my letter. Hear, instead, an American citizen, who agrees with Mr. Marston and with me. Let Mr. George Haven Putnam speak, — delivering an address on International Copyright, in New York, on the 29th of January, 1879:—

I believe that in the course of time the general laws of trade would and ought so to regulate the arrangements for supplying the American public with books that, if there

were no restriction as to the nationality of the publisher or as to the importation of printed volumes, the author would select the publishing agent, English or American, who could serve him to best advantage, and that that agent would be found to be the man who would prepare for the largest possible circle of American readers the editions best suited to their wants. . . . If English publishers settling here could excel our American houses in this understanding anti in these facilities, they ought to be at liberty to do so, and would be for the interest of the public that no hindrances should be placed in their way.

## VI.

I have now, I hope, satisfied you that I do not stand quite alone in my way of thinking. If you make inquiries, you will find that other American citizens, besides Mr. Putnam, can see the case plainly, as it stands on its own merits.

Thus far I have been careful to base our claim to international copyright on no lower ground than that of justice. Would you like, before I conclude, to form some idea of the money we lose by the freedom of robbery which is one of the freedoms of the American republic?

Take the illustrious instance of Charles Dickens. The price agreed on with his English publishers for the work interrupted by his death — "Edwin Drood" — was seven thousand five hundred pounds; with a provision for an addition to this sum if the work exceeded a certain circulation. Even Dickens's enormous popularity in England is beaten by his popularity in the United States. He has more readers in your country than in mine, and, as a necessary consequence (with international copyright), his work would be worth more in America than in England. What did he get in America for the "advance-sheets," with the pirates to be considered in making the bargain? Less than a seventh part of what his English publishers agreed to give him, before a line of his novel was written, — one thousand pounds.

But the case of Charles Dickens is the case of a writer who stands apart, and without a rival in popularity. Take my case, if you like, as representing the position of writers of a less degree of popularity. I fail to remember the exact price which Messrs. Harper paid me for the advance-sheets of "The Woman in White." It was certainly not a thousand pounds; perhaps half a thousand, or perhaps not so much. At any rate (with the pirates in the background, waiting to steal), the great firm in New York dealt with me liberally. It has been calculated, by persons who understand these matters better than I do, that for every one reader in England I have ten readers in the United States. How many unauthorized editions of this one novel of mine — published without my deriving any profit from them — made their appearance in America? I can only tell you, as a basis for

calculation, that one American publisher informed a friend of mine that he had “sold one hundred and twenty thousand copies of ‘The Woman in White.’ “ He never sent me sixpence.

Good-by for the present, Colonel. I must go back to my regular work, and make money for American robbers, under the sanction of Congress.

WILKIE COLLINS.

NOTE.—The editors agree with Mr. Collins in thinking that a treaty securing International Copyright is in every way just and proper; but they must disclaim all responsibility for the language adopted by him in his argument. In a letter to the publishers of this Review Mr. Collins says: “ It [this article] has my name attached to it because I wish to take on myself the entire responsibility of the tone in which this little protest is written. If the article is published, I must ask as a condition that it shall be published without alterations of any kind, excepting palpable errors or slips of the pen, exactly as it is written. The article is printed in exact accordance with this request.

