

‘A National Wrong’

By James Payn and Wilkie Collins

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from her cradle, and no yearning to escape from its dull round had ever visited her. What all her life had been, now suddenly contrasted itself in her mind with another sort of life, of which she had only read. How would it be with her now, had she always passed her days with honest simple folk, who lived mostly in the open air amid such sights and sounds as were now about her?

O well for the sailor lad
That he sings in his boat on the bay!

Some poet had written, and those words came back to her with a far other and deeper meaning than they had ever had before. ‘Would it not have been well for *her*, if, instead of the life she was now living—outwardly so gay and pleasant, but inwardly one net of fraud and lies—a life in whose atmosphere she never seemed to draw one natural breath—’ The car had already glided under the little tunnel, into warmth indeed, but total gloom, a type of the very existence which she was picturing; but ere she could continue her reflections, a hand was lightly laid on hers, and a voice which she well knew, and which thrilled every fibre of her frame with anger, and joy, and fear, whispered: ‘Gwendoline!’

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THERE is nothing so difficult as to interest one's fellow-creatures with a grievance not their own. Very rich invalids, who have relatives dependent or expectant, may indeed secure an audience to listen to their ‘symptoms,’ and sympathise with their complaints; but in a general way, a man with the gout can expect due consideration only from those who have the gout themselves. He may get a few conventional terms of pity; but his friends, upon the whole, are philosophic. ‘One must have something; he has got; he must grin and bear it.’ This is excusable enough when one absolutely benefits by the misfortunes of our friends. It was hardly to be expected, for instance, that the piteous appeal of the British paper-manufacturer against the French Treaty should draw tears from those who read it in a newspaper, that was cheapened by the very fact complained of; but when this is not the case, drops of compassion should surely tremble on the eyelids, ready to fall as soon as we have told our pitiful story. Yet, somehow—no matter how hard our case—they do not. If, on the other hand, the calamity, however slight, is common to our hearers, floods of tears attest the tenderness of the human heart. Let me try to move it in an instance, and, as it were, vicariously, before touching upon my own particular grievance.

Suppose, dear Materfamilias, you have cut out a dress for your child, with your own skilful, assiduous hands; devised the pattern yourself; seamed it, and gored it, and tuckered it, and even trimmed it with an edging of your own especial design. You will have no doubt, I suppose, about that being your private property. After so many hours’ cutting and contriving, and such diligent application of the foot and eye to the sewing-machine, it would be monstrous if the result of your labours were claimed by another. You would feel pretty considerably riled, if your American cousin—an otherwise admirable young woman in her way—should suddenly lay hands on it, and say: ‘That shall be for my Georgy; he will look well in it.’

Of course, you would fire up: the picture of your elaborate garment upon another woman's Georgy would excite you to frenzy. But what if your transatlantic kinswoman should quietly reply: ‘I guess you'll have to give it up; for the law permits me to take it!’

Yet that is what I have got to submit to, as you will presently learn. Nay, so far from having exaggerated my wrong in the above example, I should have given a more precise parallel had I put your Georgy himself in place of his garment. What would you say if your American cousin laid hands on *him*, and carried him off, simply because he took her fancy (as well he might, sweet darling!) better than any of her own children; and suppose you had no remedy, since the same infamous law permitted *that*? It would be terrible indeed. And yet this is exactly what happens to me. My Georgy is my book, more my own than your own is yours, madam (if I may be allowed to say so), begotten by myself alone, fitted for presentation to society by the most elaborate care, and liable to be filched away from me any day by an American publisher. Of course, there are honest men among this class; there are even some who give an English author a share in the profits they derive from the sale of his works; but they are under no compulsion so to do; and the profit is necessarily small, since any other publisher in the United States may instantly pirate the production from his neighbour, and (since he acknowledges no author's rights, pecuniary or otherwise) undersell him.

Of course it is the United States, and not England, who is responsible for this infamy. The idea of our ‘spry’ cousins is, that they will not be gainers by an honest reciprocity. They can import the works of our most popular writers for nothing, and how, say they, can they hope to get them cheaper? Doubtless, when the question is next mooted in their Representative Chambers, some scoundrel will rise upon the wind of declamation, and express his opinion that ‘Literature should be as free as the air we breathe.’ He will endeavour to demonstrate that this is only a legitimate branch of Free Trade, and sit down, doubtless amid applause, with his tongue in one cheek and his quill in the other. You might shew him that this iniquitous system depresses American literature itself: for how can a native author (with some half-dozen exceptions) expect to get dollars for his book, when the works of English authors can be published for nothing? They do not get them, and the consequence is, you may count the authors of America, though their newspaper writes are as the sands of the sea, upon the fingers of your two hands. But what cares our spry senator for *that*? It would not disturb his complacency if his country had no literature at all; and if he could apply its lack of International Copyright to every other article under heaven, and thereby rob the whole world of all they possess, as he now robs authors of their off-spring, he would do so—dick. The type of him scarcely exists in the British Parliament, but, unhappily, enough of his class have been hitherto found in that of the United States, to prevent the passing of a measure, the justice of which no honest man fails to see. Indeed, so long as America stubbornly shuts her eyes to it, her talk of Justice is but Cant, her clamour about the Rights of Civilisation, Bankum.

On the continent (where, however, the matter

Edited by Graham Law

With a discussion of and further documents relating to ‘The Belinfante Affair’

Cover Illustration: Page 107 of *Chambers's Journal* (12 February 1870), showing the opening of 'A National Wrong', an unsigned article by James Payn and Wilkie Collins. Reproduced from a photograph taken from the run of the periodical held at Waseda University Library, with the kind permission of the Director.

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‘A National Wrong’

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With a discussion of and further documents relating to

‘The Belinfante Affair’

Though the participation of Wilkie Collins might hint at a sensational tale of domestic conflict and crime, ‘The Belinfante Affair’ in fact turns on vexed questions of intellectual property and international law.¹

In the autumn of 1869, the London publishers Cassell, Petter and Galpin were approached by their Dutch colleagues Gebroeders Belinfante (Belinfante Brothers) of the Hague, who wished to purchase electrotype plates of the illustrations to *Man and Wife*, the latest novel by Wilkie Collins then running as a serial in *Cassell’s Magazine*. This was well before the first international copyright convention was signed at Berne in 1886, and there was no mutual agreement in place between the Dutch and British governments, though Holland had already signed treaties of this kind, notably with France in 1855. Like other Dutch literary magazines, the Belinfante monthly house journal *Geïllustreerd Stuivers Magazijn* thus relied heavily on works of fiction translated without payment to or authorization from their authors, whether British or German. As in so many other respects, Wilkie Collins was a follower of Dickens in the vigour with which he opposed the practice of what he saw as literary piracy. Informed of the Dutch approach by Casell, and annoyed particularly by the fact that Belinfante had offered to pay for the illustrations but not for the novel itself, Collins promptly decided to treat the occasion as an ‘opportunity of taking some public notice of the dishonesty of the publishers in Holland’ (letter to Cassell’s, 5 November 1869, TEXAS). He thus engaged in a provocative exchange of letters with the Dutch house which he intended from the outset to publish widely in the press. Since the original decision had been taken on Guy Fawkes Day, it is perhaps unsurprising that the outcome was a brief but dramatic display of literary fireworks.

Since it was planned from the outset as a publicity stunt, it is difficult to argue that the Belinfante Affair has ever been ‘hidden from history’. The correspondence between Belinfante Brothers and Wilkie Collins was duly published in the columns of more than one contemporary journal,² Collins’s half of it has since been reprinted on at least three occasions,³ and the affair as a whole has been described in some detail in a number of literary biographies and guides.⁴ Yet these accounts consistently get some of the significant details wrong, ignore a number of important printed documents relating to the affair, and tell the story as a triumphant vindication of Collins’s policy - a conclusion which I believe is open to some question.⁵ Flower mistranscribes the publishers’ name as

¹ The *OED* traces the first use of the term ‘intellectual property’ back to a U.S. courtroom in 1845.

² In the halfpenny London evening paper *The Echo* and in the three-halfpenny weekly miscellany *Chambers’s Journal*.

³ In Flower 24-30, Coleman 144-9, and *Letters of Wilkie Collins* 328-32.

⁴ See Robinson 232-5, Peters 324-5, and Gasson 16-17.

⁵ Only the American scholar William Rollin Coleman breaks ranks in describing Collins as behaving ‘self-righteously and sarcastically’ and his letters to Belinfante Brothers as ‘pompous and moralistic’ (20-21).

'Belinfaute', a fault perpetuated in Robinson, Coleman, and Peters. The slip is corrected in both Gasson and the *Letters of Wilkie Collins*, but these however repeat the claim that the correspondence was published in New York by Harper and Brothers, though this was not in fact the case. On the other hand, all of these authorities overlook key contributions to the debate over the Belinfante Affair. These include the editorial that accompanied the initial publication of the correspondence in the *Echo*, the London evening paper also published by Cassell's, and a letter in response from a Dutch subscriber. Yet the most important is the article 'A National Wrong' appearing in the weekly *Chambers's Journal* in February 1870, which reprints the correspondence together with a commentary on its significance. This, it emerges, was written by the editor of the *Journal*, Collins's friend and fellow-novelist James Payn, in close collaboration with the author himself. To redress these sins of omission and commission is the principle aim of the present pamphlet, which is based on new research connected with the publication of a forthcoming collected edition of Collins's letters.⁶ All three of the overlooked documents are reproduced in these pages either in facsimile or in transcript, with 'A National Wrong' given pride of place.

Before embarking on a reinterpretation of the Belinfante Affair in the light of these findings, however, it may be as well to provide a chronology of the main events:⁷

5 November 1869 Wilkie Collins (WC) writes to Cassell, Petter and Galpin (CPG) to thank them for informing him of the approach of Belinfante Brothers (BB), and suggests that he might use the opportunity to draw public attention to the inadequacies of international copyright protection. On the same day, BB write to WC asking to be allowed the use of the illustrations from *Cassell's Magazine* to accompany their translation of the novel.

9 November 1869 WC writes an ironical reply to BB's letter, dating it on the following date, and sends a copy of the exchange to CPG suggesting that they might publish it in their evening paper.

12 November 1869 WC receives a positive response from CPG and writes to thank them.

13 November 1869 BB receive WC's response to their letter and respond immediately.

18 November 1869 WC writes a sardonic response to BB's second letter, ending with a warning that the exchange will now be published in the press; he then sends copies of both letters to CPG.

21 November 1869 WC writes to CPG enclosing a brief note (dated the following day) to be used to introduce the Belinfante correspondence in the columns of the *Echo*.

24 November 1869 The BB correspondence is published in the *Echo*, occupying almost two columns on an inside page under the heading 'International Copyright'; on the front page of the same issue appears a lengthy editorial entitled 'Mr. Wilkie Collins on his Rights'.

26 November 1869 WC responds to a letter from James Payn (JP), who has seen the reports in the *Echo* and asks WC to contribute an article on the subject to *Chambers's Journal*. WC says that he is too busy, but he sketches the outline of an article that JP could write himself.

27 November 1869 WC sends copies of the BB correspondence, together with a separate brief introductory note, to Harper and Brothers (H&B) in New York asking them to publicise the affair. The correspondence is set up in type, again under the heading 'International Copyright', presumably with a view to publication in *Harper's Weekly*.

29 November 1869 J.H. Kruyt writes to the *Echo* from Rotterdam defending BB against some of the charges WC lays against them, and taking WC himself to task for a lack of courtesy; the letter is published in the issue of 2 December but WC does not respond.

⁶ Edited by William Baker, Andrew Gasson, Graham Law, and Paul Lewis, to be published in four volumes in May 2005 by Pickering and Chatto under the title *The Public Face of Wilkie Collins: An Edition of the Unpublished Letters*. For further details, go to <<http://www.pickeringchatto.com/wilkiecollins.htm>>.

⁷ WC's manuscript letters are found at TEXAS unless another source is stated; letters from the firm of Belinfante are found only in published form in *The Echo* of 24 November 1869.

30 November 1869 WC writes again to the *Echo* with the news that BB have agreed to share the profits of the publication of the novel with the author, and the letter is published the following day. WC also writes to JP to tell him of this outcome; he tells JP to forget the article if he has not already started it, or to incorporate the new information if he has. WC must also have written hastily to H&B with the news, causing them to defer publication of the original letters.

December 1870 At some point WC receives a further letter from BB, announcing that the policy of requesting permission to publish from and sharing profits with the author will be applied not only in the case of WC but in that of all British authors. Thereafter WC treats BB as his authorised Dutch publishers and sends them advance sheets of current novels.

1 January 1870 WC responds at length to a letter from S.S. Conant, editor of *Harper's Weekly*, who encloses a proof of the BB correspondence but is uncertain whether the author wishes him to proceed with publication. WC explains the current situation in detail, pointing out that the Belinfante affair raises issues of principle that are applicable to nations other than the Dutch, and clearly expects H&B to proceed with publication (MORGAN). However, the correspondence never appears in the New York weekly.

14 January 1870 WC returns to JP the revised proofs of the article for *Chambers's Journal*, entitled 'A National Wrong', having added a paragraph concerning the resolution of the affair (PARRISH). The article is published in the issue dated 12 February.

24 July 1871 WC writes to CPG to announce that he has received from BB the sum of 100 guilders (less than ten pounds) as his share of the profits of the Dutch publication of *Man and Wife*.

Judging by results alone, then, WC's approach seems to have been vindicated. Not only did Messrs Belinfante finally agree to pay for the specific right to publish *Man and Wife* in translation, but they seem also to have committed themselves in general never again to publish the works of British authors without authorization or remuneration. It is not clear how much other British writers benefitted from this commitment. I have not been able to trace a complete run of *Stuivers Magazijn*, which seems to have been issued until 1878, but a search on the catalogue of the Koninklijke Bibliotheek (the National Library of the Netherlands) produces only a single relevant authorised translation from the Dutch house – that of Mary Elizabeth Braddon's *Lucius Davoren* in 1874. Nevertheless, according to the appropriate volumes of *Brinkman's Alfabetische Lijst van Boeken*, a national bibliography published annually in Amsterdam, Belinfante continued to publish authorised editions of WC's latest novels at least up to '*I Say No*' in 1884. Though none of WC's subsequent letters to Belinfante appear to have survived, relations seem to have become distinctly amicable. During a trip to the Continent in the autumn of 1875, WC paid a visit to the Hague specifically 'to shake hands with my Dutch publishers' (letter to Nina Lehmann, 26 October 1875, TEXAS), and between 1875 and 1877 the Dutch house issued a special edition of the author's major works of the 1850s and 1860s, from *Antonina* to *The Moonstone*.

Yet the triumphalist account ignores a number of clear signs of dissent regarding Collins's campaign. Even *The Echo* itself, which sponsored the publicity stunt and which may safely be taken as a mouthpiece of Collins's London publisher, issued a mild disclaimer in the final paragraph of the accompanying front-page editorial:

We are afraid the remedy does not consist in an appeal, with Mr. Wilkie Collins, to an innate "sense of justice" or "the dignity of man." A general agreement between all civilised nations on the terms of a treaty of international copyright is the only effective protection that can be devised for the rights of authors.

Since Collins's vehement protest was directly principally and personally against the perceived dishonesty of the Dutch publishers, it was unsurprising that it produced little or

nothing in the way of a wider political response. There was never any hint that a mutual copyright treaty between London and the Hague was under consideration at this time. The editor of *The Echo* thus concluded with a hint that Collins's righteous anger was rather misdirected: 'Governments are not likely to move of their own accord, and unless men of letters in Europe and America combine to claim a coherent, just and logical system of international copyright, the question may long remain unsettled'.

J.H. Kruyt, a Dutch subscriber to *The Echo* writing from Rotterdam on 29 November, was rather more forthright in his criticisms of the English author's position. These were principally two. Firstly, that that it was unjust to suggest (as Collins undoubtedly had with his references to English handkerchiefs and Dutch pickpockets) that Holland was solely or even principally responsible for the absence of protection for British authors there:

A few years ago, France invited Holland to conclude such a treaty, and though we had nothing to gain but only to lose by it, as the printing of French books, here, . . . might be very profitable, while a Dutch book was rarely if ever produced in France; yet from a sense of fairness we most readily acceded to their wishes. Why did not England do the same? The larger state making overtures to the smaller one is not so preposterous in this case, as England (just the same as France) has everything to gain by it;

The fact that, when the International Copyright Union was created under the Berne Convention of 1886, Holland was the only major Western European power *not* to sign, might suggest that Kruyt overstates the 'sense of fairness' of the Dutch government. On the other hand, there can be no doubt that the international copyright treaties of the nineteenth century worked very much to the advantage of the more powerful players in the global marketplace.⁸ Secondly, Kruyt argued that Collins's own appeal to a code of honour was an anachronism under the modern system of commerce, under which the chivalrous publisher would undoubtedly lose out in competition with the unscrupulous. Thus the principle of paying the English authors would be practical only if legislation were to make it 'compulsory *for all*, for then the cost in producing translated books, *though* it increase their selling price, will not so materially influence the sale.' Indeed, it is easy to argue that the capitulation of Belinfante Brothers was due not so much to their conversion to the author's honour code, but rather from enlightened self-interest. For as little as 100 guilders, they gained access via the author not only to stereotype plates of the original illustrations but also to advance proofs of the novel itself, both of which gave them a decisive advantage over their competitors in the small Dutch marketplace.

Ironically, though, the loudest protest against WC's press campaign can be heard in the resounding silence of his American publishers. As the editorial in *The Echo* had hinted, the English author's real struggle for rights was not with the little kingdom across the Channel but with the massive republic on the other side of the Atlantic. Whatever was the case with the Belinfante Brothers, there is no doubt that Harper and Brothers of New York paid English authors for advance sheets of their work not from a sense of moral scrupulousness but out of commercial self-interest. Even before his 1841 tour of the United States, Dickens had considered the New York firm as chief among the rogue houses, though he rather furtively began to accept payments from them from 1852 (Wilkins). Virtually from the beginning of his own career as a writer, WC had received remuneration from Harper's, and thus viewed them as the honourable exception; he was

⁸ See Moretti on the hegemonic power of Paris and London in the international fiction market of the nineteenth century.

certainly entertained with great liberality by the New York firm during his reading tour of America in 1873-4.⁹ But he was profoundly mistaken in the autumn of 1869 if he thought that they would serve as his allies in the battle for international copyright protection, for the house of Harper remained among its most inveterate American opponents.

The Harpers had long been seen as 'the redoubtable champions of literary piracy', in James J. Barnes's phrase (80). Back in 1837-40, Henry Clay's bill laid before Congress to introduce reciprocal copyright protection failed repeatedly to be brought to the vote because of successful lobbying by the publishers, with Harper & Brothers at the head, and 'cheap books' as the rallying cry (Bader). In 1853, Harper had again been one of the ring-leaders in the rearguard action against the international copyright treaty already signed in Washington by both British and American ministers, but which eventually failed to achieve ratification in the Senate (Barnes, 241-62). The New York house again resolutely opposed a series of new legislative moves following Dickens's second visit to the United States, arguing in 1872 that 'any measure of international copyright was objectionable because it would add to the price of books, and thus interfere with the education of the people' (Bowker, 348-53). By 1878 Harper and Brothers had changed tack, and now put forward their own proposals for legislation. These, however, enshrined the principle that American publishers must retain 'the privilege of printing and publishing the books of British authors', so that these would not be protected in the United States unless, within a limited period after initial publication, 'such work shall also be manufactured and published therein' (Bowker, 354). It is worthy of note that the Dutch government introduced a rather similar 'manufacturing clause' in its new copyright act of 1881, which introduced limited protection for all foreign authors, but which of course prevented its signing the Berne convention. And it is of crucial importance that when the United States did eventually enact international copyright legislation (the Chace Act of 1891), it was also founded on the principle of domestic manufacture.

S.S. Conant, then still the editor of *Harper's Weekly*, expressed the thinking underlying the 1878 Harper proposals at length in 'International Copyright: An American View', an article published in *Macmillan's Magazine* in June the following year. His arguments were singled out for special attention in Matthew Arnold's well-known article on 'Copyright' which appeared in the *Fortnightly Review* in the spring of 1880. There, Arnold takes issue with a number of Conant's assertions and is especially scornful of his claim that, in the absence of international copyright legislation, American publishers have nevertheless consistently acted 'with the most scrupulous regard for the rights of foreign authors'. At the same time, Arnold states that he is 'at one with Mr. Conant' as regards 'the real gist of his contention', which is that the root of the conflict lies in what Arnold calls 'the highly eccentric, artificial, and unsatisfactory system' of the British book-trade. Though he still hopes that 'they will give us copyright', he is even more firmly convinced that the Americans 'ought not to submit to our absurd system of dear books; I am sure they will not, and, as a lover of civilisation, I should be sorry, though I am an author, if they did.' Wilkie Collins himself had of course long been one of the most strident opponents of the monopoly of the major circulating libraries, and the way they forced the British reading public to borrow expensive books selected by the likes of Charles Mudie

⁹ There was in fact to be a major falling out between Wilkie Collins and the New York firm that lasted from around 1878 to 1884; the dispute was sparked by the increasing importation into the United States of authorized Canadian editions of Collins's novels, beginning with *Man and Wife* in 1870.

rather than buy cheap books of their own choosing. What Collins never seems to have quite gasped – and he was by no means alone in this – was that the ‘Mudie monopoly’ (letter to George Smith, 23 October 1871, BERG) caused quite as much socio-cultural damage in Britain’s wide-ranging empire, both formal and informal, as it did within the confines of United Kingdom. There can thus be little doubt that the non-appearance of the Belinfante correspondence in *Harper’s Weekly* was not merely a result of bad-timing or misunderstanding. The letters were already set up in proof and WC’s letter to S.S. Conant of 1 January 1870 constituted a polite but firm invitation to the New York firm to go ahead with publication.¹⁰ Unfortunately the American editor’s reply seems not to have survived, but he can hardly have read without irony the English author’s self-justification: ‘it appears to *me*, to be *something* to have obtained a recognition of the principle of international copyright, in a country which has hitherto set that principle at defiance.’

Since it was published only in the second week of February 1870, the article in *Chambers’s Journal* clearly offered an opportunity to address at least some of the issues raised by these voices of dissent. The final paragraph of ‘A National Wrong’ does indeed pick up on the point made by the editor of *The Echo*, concerning the pressing need for action at government level to address the underlying causes of the conflict between Wilkie Collins and the Belinfante Brothers. On the other hand, the article overlooks both points made in J.H. Kruyt’s rejoinder, while continuing to ignore the reasonable American concerns that a simple reciprocal copyright agreement would result in the imposition in the United States of the reactionary practices of the British book-trade. This omission is all the more striking, because, with the specific dispute with the Dutch publishers now resolved, in its opening paragraphs especially, the article shifts the focus of its attack from across the channel to over the Atlantic.

The surviving letters of Collins to Payn leave no doubt that the article is their joint responsibility. It is Payn who makes the initial proposal and who drafts the commentary on the correspondence; but it is Collins who sketches the line the article should take and who revises the draft before publication. The two must have met first in the early 1850s, when both contributed regularly to *Household Words* and belonged to the circle of ‘Dickens’s Young Men’, in Peter Edwards’s phrase. However, the first of Collins’s fifteen surviving letters to Payn dates only from 25 October 1867 (TEXAS). Spanning a period of well over twenty years, that correspondence attests throughout to an amicably professional literary relationship, with Collins taking the role of senior partner and regularly offering advice – on how to find an honest American publisher or a reliable theatre proprietor. At the same time, the letters evoke a warm and distinctly male friendship, based on a shared love of a Bohemian ambiance – and a shared subjection to gout brought on by all the informal dining and heavy drinking. The following extract gives something of the flavour of the exchanges when both men were in their 50s:

I was indeed sorry to miss seeing you when you kindly called here. Gout, calomel, and colchicum *do* succeed (when I am hard at work) in putting my tail down afterwards – and my way of acknowledging that humiliating circumstance is, going to sleep! If you ever come my way again take the servant by the throat (if it is the young man) and round the waist if it is the plump parlour-maid or the small girl – and, for God’s sake, step up and wake me.

(Wilkie Collins to James Payn, 22 June 1882, TEXAS)

¹⁰ The galley proofs are still found at the Pierpoint Morgan Library (MA 1950).

Like those of Collins, most of Payn's novels are sensational in tendency, though they do reveal a fondness for comic narratorial banter which is also typical of Payn's journalism. In 'A Jubilee Ode' to celebrate the fiftieth anniversary of the founding of the *Illustrated London News*, to which Payn long contributed a weekly column entitled 'Our Notebook', Andrew Lang was to sing: 'On far-off fields long may she cast | The fertile chaff of Payn!' (14 May 1892, 1). In 'A National Wrong' the combination of Collins's sometimes heavy sarcasm in the original letters and Payn's bantering, flirtatious tone in the commentary can prove an uncomfortable combination that seems likely to alienate those not already converted to the cause. In particular, the article seems to highlight disparaging attitudes towards women, foreigners, and even social inferiors, already apparent in the original letters to Belinfante. These signs of prejudice are not only likely to prove troubling to the sensibilities of readers early in the twenty-first century, but must also have deflected the moral force of Wilkie Collins's outrage at the injustices suffered by authors.

In his bitterly ironical reaction to the Dutch publishers' mistaking him for one of Britain's many women sensational novelists, Collins seems to assume that, like the English Parliament, the emerging sphere of professional authorship is and should remain a man's world. This is reinforced by Payn's decision to open his argument with an appeal for sympathy to the dress-making *materfamilias*, which assigns his female readers unequivocally to the domestic sphere. Collins's outline for the article had also put forward a parallel example directed towards male readers – 'Same thing might happen to a man – growing a rare Tulip entirely by his own pains and ingenuity. The Dutchman likes Tulips. Suppose Tulips were not protected by law?' – but this hint was not taken up. National stereotypes, and their underpinning in the growing commercial and military tensions of the Age of Empire, are most readily apparent in Payn's facetious adoption of the extended nautical simile of the encounter between the Dutch pirate ship and the British naval frigate, with Commander Collins at the helm. But the historical stereotype of the Dutch as mean and canny traders is never far beneath the surface of Collins's letters,¹¹ while in Payn's opening paragraphs the caricature of 'our "spry" cousins' relies even more blatantly on cartoon representations of the 'Yankee'. Most interestingly, these national caricatures slide imperceptibly into a smug assertion of the social superiority of English gentlemen, who remains above the sordid concerns of Dutch and American tradesmen. Here the key symbolic role is played by the Leipzig publisher Baron von Tauchnitz, with his 'Collection of British Authors' in English for a continental audience, which began in 1841 and had already reached 1100 volumes when *Man and Wife* was added to it in 1870. Though Tauchnitz had joined the nobility only in recent years,¹² for Collins as for other Victorian novelists including Dickens,¹³ he had long served as the standard of the chivalry among publishers. This standard Collins uses as a stick to beat the mercenary Dutch:

My friend, Baron von Tauchnitz of Leipzig, reprints my books for continental circulation. He is not obliged by law to pay me a farthing for doing so, but he invariably does pay me

¹¹ In its editorial, *The Echo* had cited the famous coded dispatch of 1826 from the Foreign Secretary George Canning to the British Ambassador to the Netherlands, Sir Charles Bagot, in 1826: 'In matters of commerce the fault of the Dutch | Is giving too little and asking too much; | With equal protection the French are content | So we'll lay on Dutch bottoms just twenty percent.'

¹² The title 'Freiherr' seems to have been conferred in 1861 by the Duke of Saxe-Coburg, who was perhaps acting in response to a request from his brother, Prince Albert, the Prince Consort (Todd and Bowden, vii).

¹³ Already in 1849, Dickens had described the Leipzig publisher as one 'from whom I have invariably received the most honorable treatment' (*Letters of Charles Dickens*, 5:525); in 1853 he was to send his son Charley to study in Leipzig under Tauchnitz's supervision (*Letters of Charles Dickens*, 7:817ff).

nevertheless. His own sense of honour is law enough, in this particular, for Baron von Tauchnitz. Is their own sense of honour not law enough also, in this particular, for Messrs Belinfante Brothers?

This claim itself, however, was pure myth. As Simon Nowell-Smith has demonstrated (41-63), for perhaps the first two years of the existence of the Collection, Tauchnitz published without authorization from or payment to the writers in question; and, with regard to Prussia from mid-1846 when a copyright convention was ratified between Britain and that state, and thereafter regarding an increasing number of areas of Europe as new reciprocal treaties were gradually concluded with Britain, including France in 1852, Tauchnitz was obliged by international law to negotiate the right to market the novels of his British Authors in those areas.¹⁴ The British Copyright Act of 1851 specifically gave him the license to do so, and, indeed, novels in the 'Collection of British Authors' series had long born the legend 'Copyright Edition' prominently on their title-pages. Collins and Payn thus only needed to look at the copies of their own novels in the Tauchnitz imprint to see that this claim was dubious at best.¹⁵

Finally, we should note that the version of Collins's second letter printed in 'A National Wrong' silently omits the second half of the final paragraph as it appears in the hand-written copy of WC's original manuscript, found at TEXAS, and as published in the *Echo* on 24 November:

And I send the correspondence between us to an English newspaper of wide circulation, by way of openly recording this protest, and openly exposing the principles on which Dutch publishers trade. In this way my views on the subject of fair-dealing with foreign authors, may possibly reach the ears of those other persons of larcenous literary habits who are ready, as you kindly inform me, to steal my story, without that preliminary notice of their intention, which you yourselves were personally compelled to give me by the honorable conduct, in this affair, of my English publishers.

Since there is no documentary evidence, it is permissible to speculate on the motives behind this omission. Was it simply that Payn and Collins preferred not to advertise the fact that the Belinfante Affair had already had an airing in the London press? Or did they fear that the excised passage might itself be read as a rather ungentlemanly kind of threat – a demand for money with menaces? Or were they perhaps conscious that, by the high ideals espoused in the article, the publication of what the Dutch publishers themselves had written, without prior notification and without their consent, might itself be held to be an act of piracy? It is impossible to be certain, but it seems highly unlikely that the omission was simply due to a shortage of space.

The Belinfante Affair remains a fascinating case – not least because a number of the issues of intellectual property and international law that it raises remain with us today – but their relevance only becomes apparent when we attempt to reinsert the correspondence between Wilkie Collins and his Dutch publishers into the material and political context in which it was first composed.

¹⁴ Tauchnitz did, however, take full advantage of the absence of copyright protection for British authors in the United States in order to market his Collection aggressively there (Todd & Bowden, 49-51). There, of course, the slim Tauchnitz paperbacks were often in competition with American editions for which the authors had received payment and given authorization.

¹⁵ Payn's first novel to appear in the Tauchnitz series was *Found Dead* in 1869 (vols 1033-4), while Collins's most recent appearance was with *The Moonstone* the previous year (vols 972-4).

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TEXAS = Harry Ransom Humanities Research Center, University of Texas at Austin.

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PARRISH = Morris L. Parrish Collection, Princeton University.

BERG = Henry W. and Albert A. Berg Collection, New York Public Library.

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The Echo.

No. 300.

LONDON, WEDNESDAY, NOVEMBER 24, 1869.

ONE HALFPENNY.

MR. WILSON'S SPEECH IN THE HOUSE.

Mr. W. Wilson, the Member for the Borough of... (text continues with a detailed account of the speech, mentioning various political and social issues of the time, such as the state of the country, the condition of the poor, and the role of the government.)

... (text continues with further details of the speech, including references to other members of the House and the broader political context of the late 19th century.)

... (text continues with further details of the speech, including references to other members of the House and the broader political context of the late 19th century.)

... (text continues with further details of the speech, including references to other members of the House and the broader political context of the late 19th century.)

... (text continues with further details of the speech, including references to other members of the House and the broader political context of the late 19th century.)

JURIAL QUINERY.

THE TRIERS OF THE TRIERS. The first trial of the trial was the trial of the trial...

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AMERICAN POLITICAL ECONOMY.

AMERICAN POLITICAL ECONOMY. The first trial of the trial was the trial of the trial...

AMERICAN POLITICAL ECONOMY. The first trial of the trial was the trial of the trial...

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INTERNATIONAL COPYRIGHT,

TO THE EDITOR OF THE ECHO.

SIR,—A few days since you did me the honour to publish a correspondence of mine, on copyright, with Messrs. Belinfante Brothers, of the Hague. You also drew attention to that correspondence in a leading article, for which I beg to thank you, as for a service rendered to literature.

I have now to announce a conclusion to this matter which was not anticipated either by you or by me. My English publishers received a letter yesterday from the Hague, in which Messrs. Belinfante Brothers concede the point which I endeavoured (good humouredly) to press upon them in my first letter. Of their own free will (bound by no law whatever) they consent to recognise my moral claim on them, as the author, by giving me a share in the profits produced by the book—in which profit is realised by the Dutch translation of

"Man and Wife." Let us never more despair of our dear Dutchmen, Sir, in any future human emergency; and let us take Belinfante Brothers to our hearts as brothers in international copyright with ourselves! While I maintain every word I have written as to all publishers who take books from authors without paying for them, I am glad, publicly to declare that what I wrote no longer applies to Belinfante Brothers. They publish "Man and Wife" in Holland with my full consent, and with my best wishes for the success of the speculation.—I remain, Sir, your obedient servant,
WILKIE COLLINS.

November 30.

Plate 3.

The Echo (1 December 1869) 3b.

MR. WILKIE COLLINS AND THE
INTERNATIONAL COPYRIGHT.

TO THE EDITOR OF THE ECHO.

SIR,—In the private meeting here of Speaking English gentlemen last evening, viz., without the participation of the editors, I was asked through their intermediary to consider the point which was suggested in a way which was not quite English in its nature, which I have always and everywhere maintained in your country, should not have been made whether the bulk of the revenues of the production was not as much at least as with us. Mr. Collins will remember the time when the international literary convention which had been signed, when France and Germany were admitted to the circle of nations, and without the participation of the unrepresented nations, and I shall not here to remind him how many American books have been translated into English, without the original proprietors deriving any benefit from it. I am confident of international copyright laws have been made between several nations, and thereby a day has been put off that most shameful violation of literary property. A few years ago France carried out had had to conclude such a treaty, and though we had nothing to gain, but only to lose by it, as the practice of French books, have in fact been known to France by themselves, might be very profitable, as a Dutch book was really, if not published in France, but from a sense of shame and more really added to their own. Why did not England do the same? The large State making treaties in the matter is not as prepared in this case, as England (just the same as France) has everything to gain by it; and even if England, however in some cases, but in fact, may be, cannot be expected to be so, unless in order to an arrangement by which they may be paid nothing.

"I do," Mr. Collins will say, "as long as the cause of fairness you stand of does not induce you to respect my property where the law does not, I will continue you with a publisher." Leaving the exception, I must say that I had expected more of you, that the writer in many books, and consequently, has been much in connection with publishers, more knowledge about a publisher's business. Mr. Collins might have said that these nations, which have not such work competition as in any other line of business, therefore so long as the French Government neglects to make arrangements with the Dutch, in order to protect the literary property of its authors, which the latter is quite willing to have to, as is proved by the French treaty, I should think, individual English could not act otherwise than they do. Messrs. B. are publishers; if in their market translated, they will not sell as in England, they must try to supply that article, so they must give up their trade. Competition brings every article, even books, to a certain market price, which leaves only a fair profit as a compensation for the labour, the capital, and the risk of the producer. If a publisher, under the present circumstances, gave part of his profit to an author, the result of it will be, either that the capital will be lost, or he must be a fair remuneration of his trouble, which will compel him to leave that line of business, or he will no more be able to compete with other less scrupulous publishers, for Dutchmen (I know them) are really, at least in this respect, like Englishmen (I know them, too). Among such as this class they will not ask what is honest, but get their way, and the public who does not know or does not care about the question, will purchase their publications, because they are cheapest, as they necessarily must be. So Dutch publishers will see by that they will have to sell, I am not, and never will, consent to do so. Mr. Collins will give his consent for the publishers of his novel to see *Man and Wife*, if only did, a work was paid him, being finished, was not be satisfied to the profit of this man having such a market success in this trade, but he was Messrs. B. but that as long as the British Government does not choose to take steps to bring about a non-national treaty, they must do as others do, or leave the field.

The greatest majority of Dutch publishers will be glad of a treaty, which will oblige them to pay a fair price for the work of the brain, if it be only reciprocal. They will see that the increase of cost in producing translated books, should it become their selling price, will not be an excessive influence on the sale.

Perhaps authors who publish books anything by a reproduction in another language. Dutch publishers do take this in consideration, as otherwise they would not publish translations. I can never do, The English have seen ago we could import French books in the original language; up to the present moment we are not so with German and English, as French translations are done so many years without being sold. They do think the sale of these in Holland, in Cologne, and in all countries where we trade with England, etc., would be a profitable business, yet this is of very rare occurrence here, or ever was, and solely because we were a publisher, and that if a publisher were it, it is in most cases a failure, because the whole book trade consists such an enterprise. Nevertheless, we'll have such a book in some shape, won't report it, won't offer it to the public; the first will not recommend it, may readily condemn it, and so the trade is almost made impossible by these means.—I am, &c.,
W. H. KERR.

Examiner, Nov. 29.

Plate 4.

The Echo (2 December 1869) 3c.

A NATIONAL WRONG.

Unsigned article

by James Payn and Wilkie Collins

Chambers's Magazine, 4th Series

47:320 (12 February 1870) 107-110

THERE is nothing so difficult as to interest one's fellow-creatures with a grievance not their own. Very rich invalids, who have relatives dependent or expectant, may indeed secure an audience to listen to their 'symptoms,' and sympathise with their complaints; but in a general way, a man with the gout can expect due commiseration only from those who have the gout themselves. He may get a few conventional terms of pity; but his friends, upon the whole, are philosophic. 'One must have something: *he* has gout: he must grin and bear it.' This is excusable enough when one absolutely benefits by the misfortunes of our friends. It was hardly to be expected, for instance, that the piteous appeal of the British paper-manufacturer against the French Treaty should draw tears from those who read it in a newspaper, that was cheapened by the very fact complained of;¹ but when this is not the case, drops of compassion should surely tremble on the eyelids, ready to fall as soon as we have told our pitiful story. Yet, somehow – no matter how hard our case – they do not. If, on the other hand, the calamity, however slight, is common to our hearers, floods of tears attest the tenderness of the human heart. Let me try to move it in an instance, and, as it were, vicariously, before touching upon my own particular grievance.

Suppose, dear Materfamilias, you have cut out a dress for your child, with your own skilful, assiduous hands; devised the pattern yourself; seamed it, and gored it, and tuckered it, and even trimmed it with

an edging of your own especial design. You, will have no doubt, I suppose, about that being your private property. After so many hours' 'cutting and contriving,' and such diligent application of foot and eye to the sewing-machine, it would be monstrous if the result of your labours were claimed by another. You would feel pretty considerably riled, if your American cousin – an otherwise admirable young woman in her way – should suddenly lay hands on it, and say: 'That shall be for *my* Georgy; he will look well in it.'

Of course, you would fire up: the picture of your elaborate garment upon another woman's Georgy would excite you to frenzy. But what if your transatlantic kinswoman should quietly reply: 'I guess you'll have to give it up; for the law permits me to take it.'

Yet that is what *I* have got to submit to, as you will presently learn. Nay, so far from having exaggerated my wrong in the above example, I should have given a more precise parallel had I put your Georgy himself in place of his garment. What would you say if your American cousin laid hands on *him*, and carried him off, simply because he took her fancy (as well he might, sweet darling!) better than any of her own children; and suppose you had no remedy, since the same infamous law permitted *that*? It would be terrible indeed. And yet this is exactly what happens to me. My Georgy is my book, more my own than your son is yours, madam (if I may be allowed to say so), begotten by myself alone, fitted for presentation to society by the most elaborate care, and liable to be filched away from me any day by an American publisher. Of course, there are honest men among this class; there are even some who give an English author a share in the profits they derive from the sale of his works; but they are under no compulsion so to do; and the profit is necessarily

small, since any other publisher in the United States may instantly pirate the production from his neighbour, and (since *he* acknowledges no author's rights, pecuniary or otherwise) undersell him.²

Of course it is the United States, and not England, who is responsible for this infamy. The idea of our 'spry' cousins is, that they will not be gainers by an honest reciprocity. They can import the works of our most popular writers for nothing, and how, say they, can they hope to get them cheaper? Doubtless, when the question is next mooted in their Representative Chambers, some scoundrel will rise upon the wind of declamation, and express his opinion that 'Literature should be as free as the air we breathe.' He will endeavour to demonstrate that this is only a legitimate branch of Free Trade, and sit down, doubtless amid applause, with his tongue in one cheek and his quid in the other. You might shew him that this iniquitous system depresses American literature itself: for how can a native author (with some half-dozen exceptions) expect to get dollars for his book, when the works of English authors can be published for nothing? They do not get them, and the consequence is, you may count the authors of America, though their newspaper writers are as the sands of the sea, upon the fingers of your two hands. But what cares our spry senator for *that*? It would not disturb his complacency if his country had no literature at all: and if he could apply its lack of International Copyright to every other article under heaven, and thereby rob the whole world of all they possess, as he now robs authors of their offspring, he would do so – slick. The type of him scarcely exists in the British Parliament, but, unhappily, enough of his class have been hitherto found in that of the United States, to prevent the passing of a measure, the justice of which no honest

man fails to see. Indeed, so long as America stubbornly shuts her eyes to it, her talk of Justice is but Cant, her clamour about the Rights of Civilisation, Bunkum.

On the continent (where, however, the matter is of infinitely less importance than in America), the claims of authors have been generally conceded; and the one or two countries where no International Copyright Law still exists are perhaps exceptions, only because it was not thought worth while to press the subject on their attention. Holland, it seems, is one of them, and as interesting a case of attempted piracy as ever we read – wherein the Black Flag met with a gallant resistance too, and had to be pulled down at last – has recently occurred there. The combat took place between the *Belinfante Brothers* of the Hague, and the *Man and Wife* of London, master and owner, Mr Wilkie Collins, and is best told in the latter's own graphic words. It must be premised, then, that Belinfante Brothers were in want of the illustrations of Mr Collins's story of *Man and Wife*, for their own magazine, it being forbidden to Dutchmen to steal wood-blocks or copper-plates, but not books; and upon their applying to his publishers for the same, they were referred to Mr Collins, 'as having reserved to himself the right of authorisation of this tale for continental languages.'

They take care to remind him that they can rob him with impunity of the child of his own brains: 'no convention,' say they, 'forbids us, as Dutch publishers, to reproduce in our own language the stranger's works,' in our penny periodical. 'If you will be acquainted, however, with that publication, we offer you, with the greatest pleasure, a copy of our *Stuivers Magazyn*,³ and when you eventually dispose of our services in our country, we always will be glad to be in the opportunity of returning your amability.'

The admirable joke of offering a penny magazine in Dutch to an English author as a compensation for stealing – or ‘what the wise do call’ *adapting* – his book, is eclipsed by the still more humorous circumstance that Belinfante Brothers – deceived probably by the termination of his Christian name – are under the impression that Mr Wilkie Collins is a female. With ‘Madame,’ they commence their communication, and it is Madame whom they assure of their ‘most distinguished consideration’ at its close.⁴

Here is Madame’s reply.

‘GENTLEMEN – I beg to acknowledge the receipt of your letter informing me that you are desirous of translating into the Dutch language, and of publishing in a Dutch magazine a novel of my writing, which is about to appear in England in *Cassell’s Magazine*.

‘Before I enter on this question, I must venture to set you right on a trifling matter of detail, as to which you are completely mistaken.

‘Your letter is addressed to me as “*Madame Wilkie Collins*.” I avow it with sincere regret, but the interests of truth are sacred. The trumpet of Fame, gentlemen, has played the wrong tune in your ears. I am not the charming person whom you suppose me to be. I wear trousers; I have a vote for Parliament; I possess a beard; in two dreadful words, I am – a Man.

‘This little error set right, let us return to business.

‘I observe with profound surprise and regret that your request for permission to publish my book in Holland, in your magazine, is not accompanied by the slightest hint of any intention on your part of paying for that privilege. All that you offer me is a copy of the magazine. What am I to do with a copy of the magazine? I don’t understand Dutch. All I can do is to

look at your magazine, and mourn over my own neglected education.

‘Permit me to suggest that you might acknowledge the receipt of the right to translate *Man and Wife* in a much better way than by giving me the magazine. It is quite a new idea: you might give me some money.

‘Why not, gentlemen, if you publish my book? Do your translators write for nothing? Do your printers work for nothing? Do your paper-makers give you paper for nothing? Do you yourselves publish for the honour and glory of Literature, without making a single farthing by it? If all this happens to be the case, don’t read another word of my letter. It is written under a totally erroneous impression, by a man who is incapable of understanding the Dutch nation.

‘But if you all of you do make something by the publication of my book, then I have the honour of reminding you that I am the man who sets you all going, and that the first and foremost person to be paid in this matter is the person who puts the employment into your hands, and the remuneration into your pockets. I take up the pen – and, behold, profitable industry animates your dormant establishment! And what do I get? oh, fie! fie! a copy of the magazine!

‘You may – and probably will – tell me that the profits are miserably small. Gentlemen, make your minds easy. My boundless love of justice knows no limit, either upwards or downwards. However small the profits are, let us be as cheerful as we can under the circumstances; and, in the name of justice, let us share what there is. I once extracted twenty-five pounds from some colonial publishers who had pirated a book of mine, and I have never made any money by literature which was so precious to me as that.⁵ Call the profits, if you like, a shilling a week,

and give me the indescribable satisfaction of seeing, for thirty or forty weeks to come, this entry in my banker's book: By Messrs Belinfante Brothers' Sense of Justice – sixpence.

Does this eagerness of mine to share the profits shock you? Are you amazed to find that the honour of being translated into Dutch is not enough to satisfy me? Gentlemen, I can't see the honour. The injustice done to me gets in the way and closes the prospect.

'If, therefore, you want my permission to publish *Man and Wife*, you have it on this condition – that you and I share between us the profits of the publication.

'But here a little bird whispers in my ear: "*Madame* Wilkie Collins, there is no treaty of international copyright between England and Holland. You are quite helpless, my poor dear! Messrs Belinfante Brothers can take your book, whether you like it or not, and are not bound by law to pay you a single farthing for it."

'Am I to adopt *this* view of the question between us? What! you cannot deny that I ought, as a matter of decent fair-dealing, to have a share in any profits realised by the publication of my own book – and yet you decline to give me what is morally my right, because a law doesn't happen to have been made which forces you to do it! Perish the thought! My boundless love of justice has been already alluded to. It absolutely declines to admit that a firm of respectable Dutch publishers is capable of being influenced in its commercial transactions by other than strictly honourable considerations. Here is the dignity of man involved in a trumpety question of money. Gentlemen, if we respect the question of money, let us, for Heaven's sake, pay at least a similar tribute to the dignity of man.

'Besides, I have experience to justify me in taking my present view of the matter. My friend, Baron von Tauchnitz of Leipzig, reprints my books for continental circulation. He is not obliged by law to pay me a farthing for doing so, but he invariably does pay me nevertheless. His own sense of honour is law enough, in this particular, for Baron von Tauchnitz. Is their own sense of honour not law enough also, in this particular, for Messrs Belinfante Brothers?⁶

'The answer to that serious question, gentlemen, rests entirely with yourselves. Be so kind as to let me have it at your earliest convenience, and believe me faithfully yours,

(Signed) WILKIE COLLINS.'

This broadside seems to have had very considerable effect upon the Dutchmen. They did not know the weight of metal which their adversary carried, and were surprised at the skill with which his guns were worked. They thought perhaps that they had addressed themselves to some simple authoress to whom the glory of being translated into Dutch would be intoxicating. They now made their first acquaintance with the airy bitterness of Count Fosco, and they evidently did not know quite what to make of him. In an evil moment they resolved upon replying in the same style. It is a mistake for a Dutch-built vessel to endeavour to fight a nimble craft, which answers to her helm with rapidity, on her own terms. And yet, humorous as is Mr Collins's letter, there is something even still more amusing in the unconscious drollery of Messrs Belinfante Brothers' reply. After apologising for their mistake of sex, and rather cleverly remarking thereupon that they may now dispense with gallantry, and become merely practical, they proceed as follows:

‘Permit us to say that this letter of yours reposes on a grave error as to the subject of our request. No treaty of international copyright existing between England and Holland – as you acknowledge yourself – how could there be any question of asking your authorisation to translate your novel in the Dutch language? The magazine we publish, and of which we offered you a copy (of course, not as a remuneration, but out of mere politeness), is full of translations from the best English, German, and French authors, whom we never thought to ask permission for what we consider our undoubted right, and who never suggested the idea of claiming a part of the profits of our publication. To be sure, we receive nothing gratis; we have to pay our translator, and our printer, and our paper-maker, but is *this* a reason to make those charges still heavier, and to diminish the already small profits by *affording an allowance to every foreign author whose work is reproduced in our magazine?*’⁷

It is doubtful whether, outside the walls of the Old Bailey, effrontery has, in expression, ever gone so far as this, although in fact every American or foreign publisher who takes advantage of the incomplete state of the law with respect to Literature, exhibits an equal callousness to honesty and honour. In this case, however, it brought its own punishment. The *Belinfante Brothers* would have been an iron-clad indeed – and she *had* several tough skins, and a complete sheathing of anti-conscientious teak – if she had not felt the sting of this answering broadside.

‘GENTLEMEN – The grave error that I have committed is the error of assuming you to be more just and more enlightened men than you are.

‘Your answer to my letter tells me what I was previously unwilling to believe – that you have persisted so long in publishing books by authors of all nations, without paying for them, that any protest against that proceeding on my part, which appeals to your sense of a moral distinction between right and wrong, appeals to something that no longer exists.

‘What am I to say to men who acknowledge that they and the people whom they employ all derive profit from publishing my book, and who, owning this, not only repudiate the bare idea of being under any pecuniary obligations towards me as the writer of the book, but shamelessly assert their own act of spoliation to be a right – because no law happens to exist which prohibits that act as a wrong? There is nothing to be said to persons who are willing to occupy such a position as this. What is to prevent men who trade on such principles as these from picking my pocket if they see their way to making a profit out of my handkerchief?

‘There is absolutely nothing to prevent their picking my pocket, and what is more, indignantly informing me that it is their right, unless by some lucky chance English handkerchiefs are better cared for than English literature, and are protected in Holland by law.

‘Suppose international copyright to be one of these days established between England and Holland, what would become of you and your right then? You would have no alternative left but to curse the cruel fate which made you Dutchmen, and retire from business.

‘Returning before I close these lines to your answer to my letter, I have to add that I have not in the least mistaken the nature of your application to me on the subject of the illustrations. It is the most

indecent application I ever heard of in my life. You ask me to help you to pay honestly for obtaining the illustrations to my story, telling me in the same breath that you claim a right to take the story itself without paying for it. And this to me as the author of the story! Do you expect me to notice such an application as that? It would be accepting an insult to notice it.

‘For the rest – whether you do or do not take my book from me – I persist, in the interest of public morality, in asserting my right to regard as my own property the produce of my own brains and my own labour, any accidental neglect in formally protecting the same in any country notwithstanding. I declare any publisher who takes my book from me with a view to selling it, in any form, for his own benefit – without my permission, and without giving me a share in his profits – to be guilty of theft, and to be morally, if not legally, an outlaw and a pest among honest men. – Your obedient servant,

(Signed) WILKIE COLLINS.’

The result of this second broadside was remarkable. The pirates lowered their flag, paid a visit to the ship of the British commander, shook hands with him on his own quarter-deck, and said: ‘An entirely new idea strikes us, sir. We begin to think you are right.’ To drop metaphor, the Dutch publishers shewed themselves (on receipt of Mr Collins’s second letter) to be possessed of two rare capacities – the capacity for seeing both sides of a question, and the capacity for honestly owning it, when they were convinced. Of their own free will, they offered Mr Collins the share in the profit produced by his book for which he had stipulated. And, more than this, they declared their intention of honourably pursuing the same course, for the future, in the case of other English authors whose works they might

translate.⁸ Here, then, is the principle of international copyright admitted by foreign publishers, at the instance of an English writer, addressing them in the interests of English literature. It remains for the national legislature, on either side, to do the rest.

We have transferred the narrative of this combat to our columns in detail, because of the great importance of the cause at issue. It is remarkable in itself, on account of the reputation of the captain on the English side, who stood to his guns so well and manfully; but it is of much greater interest, inasmuch as the battle which he fought is the battle of every English author, present and to come, until a great act of justice shall be done them, a flagrant injury redressed. We have now a ministry in power who pique themselves upon performing such good deeds.⁹ Let us hope they will bestir themselves to do away with what all who read as well as write should feel to be a shameful omission in the law between countries calling themselves civilised – that they will hasten to redress, what may be truly termed a National Wrong.¹⁰

Notes

¹ Referring to the Anglo-French commercial treaty of 1860 (commonly known as the ‘Cobden-Chevalier Treaty’ after its chief negotiators, Richard Cobden and Michel Chevalier), which generally encouraged the liberalisation of trade between the two nations, and specifically created reciprocal tariff reductions on a number of goods, including paper for printing.

² The specific reference here is obviously to Harper and Brothers of New York, who had acted as WC’s authorised American publishers since the appearance of *Antonina* in 1850. Back then the New York firm only seem to have paid £15 for the privilege, though after the spectacular success of *The Woman in White*, in 1862 they were to offer £500 for the advance sheets of *No Name*. Among the many unauthorised American editions of Collins’s works were those serialised in the Boston weekly *Littell’s Living Age* or those issued in volume form in the Seaside Library from George Munro of New York. Collins had introduced James Payn to Harpers earlier in 1869 (see the letter to him of 29 March at Texas). As a result Payn’s novel *Bred in the Bone* was serialised in *Harper’s Weekly* from 30 July 1870, the first of a series to be carried by the New York house in both serial and volume form.

³ Thus for *Stuivers Magazijn* – since the same form occurs in the version of the letter published in *The Echo*, the slip was presumably that of Collins or his amanuensis in the original copying of the letter from the Hague.

⁴ According to the version printed in the *Echo* on 24 November 1869, the complete text of the first letter Collins received from Belinfante Brothers read as follows:

The Hague, Nov. 5th, 1869.

MADAME, – The publishers of your new novel, “Man and Wife,” at London, informed us you reserved to yourself the right of authorization of this tale for Continental languages. Messrs. Cassell are, therefore, not in a position to cede to us the use of the *clichés*, and proposed us to arrange with the author.

We take the liberty to address ourselves to you, madame, and have the honour to demand you to accord that permission on our behalf.

We hope that demand will meet a favourable reception, principally because no convention forbids to the Dutch publishers to reproduce in their language the stranger’s works, and we only want your kind intervention, on regard of the *clichés* of your “Man and Wife,” we will print in our Penny Magazine.

If you will be acquainted with that publication, we offer you with the greatest pleasure a copy of our *Stuivers Magazijn*, and when you eventually will dispose of our services in our country, we always will be glad to be in the opportunity of returning your amability.

We assure you, Madame, of our most distinguished consideration, and have the honour to be, Madame, your very obedient servants,

(Signed) BELINFANTE BROTHERS

Madame Wilkie Collins.

It is noticeable that both the *Echo* and *Chambers’s Journal* are happy to take advantage of the comic effect of the less than perfect command of English exhibited by the Dutch publishers; the only significant differences here appear to be the silent correction of both a tense error (‘when you . . . will dispose’) and a spelling error (‘always’) in the latter paper.

⁵ Neither Wilkie Collins’s published writings nor private correspondence appear to shed light on the specific case of piracy mentioned here, but Collins’s publishing contracts reveal that, by this time, he was well aware of the need to protect his copyrights in, especially, the Australian and Canadian colonies.

⁶ Christian Bernhard Tauchnitz (1816-95), by this time Freiherr (Baron) von Tauchnitz, Leipzig publisher famous for his ‘Collection of British Authors’ issued in English for a continental audience, which began in 1841 and passed three thousand volumes before the end of the nineteenth century (see Todd and Bowden). From 1856, when the short stories in *After Dark* appeared as volume 367, virtually all of Collins’s fictional works appeared in such ‘Continental Editions’, with the author giving his permission and receiving remuneration in each case.

⁷ The paragraph printed here accords with the version appearing in the *Echo* on 24 November 1869, except for the added emphases, the correction of the phrase ‘and our translations’ to ‘our translator’, and the omission of the final sentence: ‘And if so, how should it be possible to ascertain in what measure each of them contributes to the success of the whole?’ In the columns of the *Echo*, the opening of the letter read as follows:

The Hague, November 13th, 1869.

To Wilkie Collins, Esq.

SIR, – Thanks to your information about the mistake we have made in supposing you to belong to the fair sex, we may dispense with the laws of gallantry and be merely practical in our answer to your honoured of the 10th.

There the concluding paragraphs of the letter read:

Quite different is the case with the Tauchnitz Edition you allude to. Tauchnitz *reprints* your books – your *English* – for the great public that understands and reads English; while we *translate* one of you novels for the benefit of a *Dutch* periodical for the small circle of readers who understand this language, not at all cultivated in other countries, not even by men of the genius and extensive knowledge of a Wilkie Collins!

We regret to differ so widely from you in this view of the matter. But if we cannot agree with you on the money question, not so on the question of dignity. If notwithstanding our polite demand to obtain your permission of making use the *clichés* of your novel, you persist in your opinion as to the impropriety of our dealings, our dignity will prevent us from availing ourselves against your will of our well-established right. However, this will not have the effect of leaving your book untranslated; other Dutch publishers, less scrupulous, will set to work, without ever giving you notice.

Whatever may be your answer, which we expect as soon as possible, we beg you, Sir, to believe us truly and faithfully yours,

(Signed) BELINFANTE BROTHERS

⁸ Belinfante Brothers seem to have written two letters of concession following those published in the *Echo*, neither of which has been published or otherwise preserved. The first is reported most fully in the letter by Wilkie Collins published in the *Echo* on 1 December 1869:

November 30.

TO THE EDITOR OF THE ECHO

Sir, – A few days since, you did me the honour to publish a correspondence of mine, on copyright, with Messrs. Belinfante Brothers, of the Hague. You also drew attention to that correspondence in a leading article, for which I beg to thank you, as for a service rendered to literature.

I have now to announce a conclusion to this matter which was not anticipated either by you, or by me. My English publishers received a letter yesterday from the Hague, in which Messrs. Belinfante concede the point which I endeavoured (good-humouredly) to press upon them in my first letter. Of their own free will (bound by no law whatever) they consent to recognise my moral claim on them, as the author, by giving me a share in the profits produced by my book – if profit is realised by the Dutch translation of “Man and Wife”. Let us never more despair of our dear Dutchmen, Sir, in any future human emergency; and let us take Belinfante Brothers to our hearts as brothers in international copyright with ourselves! While I maintain every word I have written as to all publishers who take books from authors without paying for them, I am glad, publicly, to declare that what I wrote, no longer applies to Belinfante Brothers. They publish “Man and Wife” in Holland with my full consent, and with my best wishes for the success of the speculation. – I remain, Sir, your obedient servant,

WILKIE COLLINS

The second Belinfante letter is most clearly recorded in Collins’s letter to the editor of *Harper’s Weekly*, a

lengthy document of which the relevant passage reads:

Since I wrote to you, I have heard again from Holland - and I am enabled to make the necessary statement more complete than it might otherwise have been.

Messrs Belinfante, not only agree, of their own free will, to give me a share in any profits realised by the Dutch translation of my novel - but they also declare to me their intention of treating any other English writers whose works they translate, with the same just regard to their moral right which they have shown in my case. Add to this, that a second (piratical) Dutch translation of “Man and Wife” has been started in Holland - and that I am now helping my ex-enemies (in the capacity of their partner) to distance competition by sending them advance-sheets - and you have the curious termination to their affair complete!

The pecuniary results of the transaction will no doubt be trifling enough – depending as they do on the circulation of my book in such a small and thinly-populated country as Holland. But it appears to *me*, to be *something* to have obtained a recognition of the principle of international copyright, in a country which has hitherto set that principle at defiance.

(To S.S. Conant, 1 January 1870, MORGAN)

⁹ Following the enlargement of the electorate under the 1867 Reform Act, the Liberal Party was in power from 1868 to 1874, with Gladstone as Prime Minister for the first time. Before the end of 1869 a number of reformist measures had already been passed, including the dis-establishment of the Church of Ireland and Cardwell’s Army Reform Bill, though international copyright legislation was not to become a top priority.

¹⁰ Though the Dutch government introduced new legislation in September 1912 which finally allowed it to enter the International Copyright Union under the revised Berne Convention, the United States was to remain outside until long after the Second World War. Thus, in 1912 the American copyright specialist Richard Rogers Bowker, who WC seems to have met in London in 1887, in the Foreword to his otherwise triumphant account of the progress of international law in this field, could declare sadly: ‘Until this policy [of manufacturing restrictions], which still remains a blot on the ‘scutcheon, is abandoned, as the friends of copyright hope may ultimately be the case, the United States of America cannot enter on even terms the family of nations and become part of the United States of the world.’ By then, of course, the circulating-library system had long since gone the way of all flesh, and the British book-trade represented little in the way of a threat to domestic industry.

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