

A Handkerchief or a Child?:

***Nicholas Nickleby* and the Problem of Copyright**

Fumie TAMAI

Introduction

In October 1834, the young Charles Dickens, who had just embarked on a new career as a professional author, wrote a letter to the editor of *The Monthly Magazine* in order to protest against the practice of plagiarism. His sketch “The Bloomsbury Christening,” which was first published in the same magazine in April 1834, was pirated for an unauthorized stage production by John Baldwin Buckstone, a playwright and comedian.

My Dear Editor

I celebrated a christening a few months ago in the *Monthly*, and I find that Mr. Buckstone has officiated as self-elected godfather, and carried off my child to the Adelphi, for the purpose, probably, of fulfilling one of his sponsorial duties, viz., of teaching it the vulgar tongue.

Now, as I claim an entire right to do “what I like with my own,” and as I contemplated a dramatic destination for my offspring, I must enter my protest against the kidnapping process.

It is very little consolation to me to know, when my handkerchief is gone, that I may see it flaunting with renovated beauty in Field-lane. (*Letters* 1: 42)

From the very early stages of his career, the problem of copyright was a great concern for Dickens, as his works were repeatedly adapted for the drama without his permission. A more serious problem than plagiarism and piracy was the dispute with his publishers, including Macrone and Bentley, over the copyright of his works. As he gradually grew in popularity, Dickens was galled by the feeling that his publishers were unjustly exploiting him, and he struggled to claim his copyright and gain a greater share of the

profits.

Dickens's early career was in tandem with the progress of literary copyright reform in early Victorian England, which eventually resulted in the passage of Copyright Act in 1842. This was by no means coincidental. The first half of the nineteenth century marked a time when markets for books were increasing because of the spread of literacy and the development of printing technology. As literature markets expanded, authors' statuses were enhanced, and authorship emerged as a "profession" (Seville 5, Patten 20). Authors began to fight to gain more control over their own works and earn even greater profits, and among these authors, the young Dickens made a drastic transition from a Parliamentary reporter to a novelist. As Kathryn Chittick's study of Dickens demonstrates, Dickens was still uncertain during the 1830s as to whether he would be able to make his living solely by his pen. Constantly pressed by pecuniary demands to help his insolvent father and support his growing family, he strove to establish his position as a professional author by experimenting with various forms of writing and publication. The copyright problem was inseparable from this process because authors could only be autonomous if they could claim ownership of their work.

The importance of the contemporary debate on copyright in the construction of Dickens's authorship has been discussed by several critics, including Alexander Welsh, Larisa T. Castillo, and Clare Pettitt.¹ All these studies, however, mainly focus on Dickens's works after *Martin Chuzzlewit*, and do not fully examine the impact of copyright reform upon his earlier works. As Pettitt has pointed out, it is highly likely that Dickens was well informed about the discussion of intellectual property when he was working as a Parliamentary reporter. After starting his career as a writer, he became close friends with Thomas Noon Talfourd, who repeatedly introduced Literary Copyright Bills between 1837 and 1842 (81). In his landmark study on the formative years of Dickens's career, *Charles Dickens and "Boz,"* Robert L. Patten examines how Dickens established his public persona as a professional author through the management of his copyrights and complex contracts with his publishers. Drawing upon these studies, this essay aims to reconsider the relationship between Dickens's early career and the copyright debate, paying particular attention to his third novel, *Nicholas Nickleby*, which was published as a monthly serial from November 1838 to October 1839.

Nicholas Nickleby is a crucial text for considering the development of Dickens as an author, as it contains certain elements that reflect his life. As David Parker points out, the eponymous young hero bears some similarities to his creator. Like Dickens, he is full of youthful energy and strives hard to find a means to earn his livelihood and gain financial

stability.² He even tries a literary career as a hack writer and achieves moderate success, although he abandons it rather abruptly. Not only the hero but also various minor characters are engaged in a job related to literature. In Portsmouth, Nicholas pays a visit to Mr. Curdle, “a great critic,” who “possess[es] quite the London taste in matters relating to literature and the drama” (310). Miss Knag’s brother is a keeper of a small circulation library and an author of books “in three volumes post octavo” (223). At a minor theater in London where the Crummies’ company makes the last appearance before emigrating to America, Nicholas encounters “a literary gentleman,” who “dramatise[s] a book” (632) without acknowledgement of the original author.

Dickens’s involvement in the copyright debate, however, is reflected not only in these characters but also in a plot that interrogates the meaning of capital and property. As the excerpt from Dickens’s letter cited above shows, Dickens regards his work not only as material property, “a handkerchief,” but also as his “child” to whom he is bound by a deep emotional tie. To appropriate his work is therefore equal to the “kidnapping process,” against which he protests with vehemence. The analogy between the parent and the author at the same time betrays Dickens’s consciousness of his absolute authority over his “offspring.” In his words, he has “the right to do ‘what [he] like[s] to do with [his] own’ (*Letters* 1: 42).” The author, however, cannot have perfect control over his work, as his work is, after all, a commodity, which is sold in the marketplace. Thus, it is not the author alone, but various agents, such as printers, publishers, booksellers, and libraries that are involved in the process of its commodification. Copyright is meaningless unless the work is circulated widely among the public as a commodity, and in this respect, it is a “handkerchief,” not a “child.”

Examining the patent and the copyright debate in the 1830s and 1840s, Pettitt argues that there was “the conflict between a perceived ‘natural’ and ‘incontrovertible’ right of property on the part of inventors and writers in their own productions, and the economic imperative of the marketplace and the national economy, which demanded that such ‘unalienable’ property be made alienable and ceded to public use” (37–38). The young Dickens whose position in the literary marketplace had not yet been fully established might have felt more keenly than anybody else the difficulty in keeping a precarious balance between the conflicting needs to claim his “natural” right of property over his work and to make it known and read widely by the public. The following discussion demonstrates how *Nicholas Nickleby* represents this instability of authorship by examining the novel in the historical context of the debate on copyright.

1. The Debate on Copyright

Copyright reform was an issue that provoked a heated public and Parliamentary controversy in the 1830s. The first bill, which proposed to extend copyright from the period of life of the author, or a period of twenty-eight years, to a period of sixty years after the author's death, was introduced by Talfourd in May 1837. After this bill was introduced, versions of the bill were presented every year until they were finalized with the passage of the Copyright Act in 1842, which allowed the author either a copyright period of life plus seven years, or a period of forty-two years, whichever was longer.

In *Nicholas Nickleby*, there is one scene in which the subject of copyright is explicitly addressed. Nicholas, who is seeking a job after coming back to London from Yorkshire, has an interview for a secretary's position with Mr. Gregsby, an arrogant MP at Westminster. After talking about the duties he expects his prospective secretary to perform, Gregsby abruptly shifts the topic to the issue of copyright.

“For instance, if any preposterous bill were brought forward, for giving poor grubbing devils of authors a right to their own property, I should like to say, that I for one would never consent to opposing an insurmountable bar to the diffusion of literature among *the people*, — you understand? — that the creations of the pocket, being man's, might belong to one man, or one family; but that the creations of the brain, being God's, ought as a matter of course to belong to the people at large.”
(198)

Gregsby opposes the extension of copyright, arguing that it will impede the “the diffusion of literature,” and that “the creations of brain” are not property to which the author alone can claim an exclusive right, but are rather the common property of the people.

According to David Chandler, the installment containing this scene was published shortly after the second reading of the Bill, which was held on April 25, 1838, and it was the Radical MP Joseph Hume by whom Gregsby was largely inspired (“Dickens on Wordsworth” 64). Most of the Radicals, including Hume, were against the bill, and they collected and presented tens of thousands of signatures to protest that copyright was an additional “tax on knowledge,” which would let authors enjoy undesirable “monopoly” and thus put obstacle to wider public education (Seville 22 *passim*; Pettitt 60–61). Hume, for instance, said in the second reading that he “objected to the limitation of the intellectual enjoyment of the public at large, which the extension of the present privilege of

copyright was calculated to produce” (*Hansard* 42: 569). The Solicitor General Robert Rolfe supported Hume’s argument, and asked, “[W]hat tax could possibly be more injurious than a tax on that knowledge which they were all so desirous to diffuse?” (*Hansard* 42: 570). *The Times* also was against the bill and published an article by Scottish publishers Robert and William Chambers entitled “Brief Objections to Mr. Talfourd’s New Copyright Bill” on the day of the second reading. In it, they advocated laissez-faire in the literary marketplace on the ground that, “[t]he whole intellect of society is but a result of the free circulation of literature” (25 April 1838: 3). Two days after the second reading there was a letter to the editor from “A Lover of Cheap Books,” which said, “[T]his bill, which under a most plausible pretext, that of benefiting authors, strikes a deadly blow at the progress of knowledge, has passed a second reading. So much do our legislators care about literature!” (27 April 1838: 6).

Talfourd and his camp, on the other hand, defended their position by maintaining that society should justly reward authors for their efforts to create works for the benefit of the people. In advocating authors’ right to intellectual property, what they emphasized was the authors’ labor in their struggle for creation.³ For them, literary works, which Gregsbury referred to as “the creations of the brain,” were not very different from any other material commodities, “the creations of the pocket,” in that both were the results of a man’s labor. Talfourd said that authors were “the silent toilers” (*Hansard* 42: 556), and those who “by intellectual power, labouriously and virtuously exerted, contribute to the delight and instruction of mankind (*Hansard* 42: 555). Benjamin Disraeli, another supporter of copyright reform, also stressed this aspect of literary works as the fruit of labor, which requir[es] “great learning, great industry, great labour, and great capital in their preparation” (*Hansard* 42: 575). The difference between authors’ mental labor and other types of labor, however, lies in the fact that their mental exertion was enormous, to the extent that it could impair their health and risk their lives. Their works were the products gained at the risk of sacrificing their lives, and in this respect, they were almost like their inalienable other selves. In the middle of his speech, Talfourd evoked the tragic image of an author in “heroic struggle,” who patiently toiled at his “mighty task” until “his faculties give way, the pen falls from his hand on the unmarked paper, and the silent tears of half-conscious imbecility fall upon it (*Hansard* 42: 560). Copyright supporters also emphasized the genius of authors and the originality of their works. A literary work was very special, a product that the authors alone could create, and therefore, they had the right to claim its unalienable proprietorship.

Against the charge of “monopoly,” Talfourd and his camp argued there was no

concern that authors would monopolize their works, because it was for their own benefit that they should propagate their works as widely as possible. Disraeli maintained that monopoly was unlikely to happen as “a man in the possession of property would wish to make the best possible use of it, so as to reap from it the greatest possible advantage” (576). He continued that in the case of an author there was even less danger of monopoly because the author had “a double stimulus to give publicity to his works,” that is, “not only the stimulus of interest, but the stimulus of fame and glory to be acquired” (577). Authors’ works are commodities that have to be sold in the marketplace for profit, and works as commodities gain further value with their wider circulation and readership.

Dickens first met Talfourd through John Forster in the summer of 1837 after Talfourd’s introduction of the Copyright Bill into Parliament on June 6 (*Letters* 1: 290n). Around this time, Dickens started to have fierce disputes with Macrone over the copyright of *Sketches by Boz* and with Richard Bentley over the editorial policy of *Bentley’s Miscellany* as well as the agreement for books. These disputes made Dickens increasingly sensitive about the intricacies of the copyright problems, and he gradually became aware of the fact that he, as an author, had virtually no control over the works of his own as long as the relationship between the publisher and the author remained unequal.⁴ Under these circumstances, Dickens became a fervent supporter of Talfourd’s campaign for copyright reform. He dedicated *Pickwick Papers* with an acknowledgement “of the lasting benefits [he would] confer upon the authors of this and succeeding generations, by securing to them and their descendants a permanent interest in the copyright of their works” (*Letters* 1: 313). The dispute with Bentley continued after Dickens commenced the installment of *Nicholas Nickleby* until it was finally settled with his resignation of the editorship of *Bentley’s Miscellany* in January of 1839 and the final agreement for books, which was signed on July 2, 1840.

Nicholas Nickleby does not directly address the problem of copyright, but the analysis of the novel situated in the historical context reveals that it contains criticism of the capitalist exploitation that characterizes the literary world and the business world as a whole. At the same time, however, the novel highlights the difficulty of balancing the need for the protection of copyright with that for the propagation of literature, and thus undermines the position that Dickens publicly supported.

2. Authors in *Nicholas Nickleby*

In *Nicholas Nickleby*, there are some characters who pursue a career as an author, and

Nicholas is one of them. He encounters Mr. Crummles, a theater troupe's manager, who hires Nicholas as an actor and playwright when he travels towards Portsmouth. When hiring Nicholas, Crummles openly acknowledges that the former's job has nothing to do with "invention" but simply consists of translating a French book into English and "put [ting his] name on the title-page" (296). Nicholas does exactly what his employer asks of him with striking nonchalance about professionalism. The act of his hack writing is depicted as a process lacking in the pains of creative writing that characterize the portrayal of authors in the debate of copyright. We are told that when Nicholas "at length . . . applied himself to his task," he was "by no means displeased to find that it was so much easier than he had at first supposed" (302). His work can be defined as alienated labor in that it does not require any special talent but can be accomplished by anybody with some understanding of French. The alienated nature of his work is symbolically epitomized in the name "Mr. Johnson," a nondescript name which Nicholas has chosen as a means to disguise his identity. Despite his nonchalance, Nicholas is highly successful, both as an author and an actor, and makes "a decided hit" (317) with his first piece of work, which brings him a certain amount of income and "considerable fame and honour" (317). It is ironic that the character created by the author who had a bitter complaint about the practice of plagiarism makes his living by the very act of plagiarism, but his hack-writer business enables Nicholas to support himself and his protégé Smike for the time being.

Dickens, however, does not depict the business of the Crummles' theater troupe without criticism. Timothy Gilmore argues that the troupe serves as an antipode to the exploitative business of Squeers's school and forms "a sustainable community of common interests in which no one individual or group is exploited for the benefit of another" (93), but a close examination of the depiction of the troupe reveals that it is by no means such an idyllic community of the pre-capitalist economic mode. The management of the theater business is based on the callous calculation of loss and profit, and the members of the troupe are constantly impelled by economic motives. Dickens is preoccupied with money, and gives detailed accounts of various monetary dynamics throughout the novel, such as circumstances surrounding inheritance, wages, and salaries (Bowen 155), and the depiction of the Crummles' business is no exception. Mr. Crummles, for instance, counts the number of the people in the large family who occupy box seats and says, "[I]t's cheap at a guinea; they gain by taking a box" (303). Mr. Curdle, a critic in Portsmouth, stingily calculates the value of the boxes on Miss Snellicci's bespeak night and ends up paying her three half-crowns. Nickleby is enticed to join the troupe with the prospect of making "a pound a week" (284) and actually earns "no less a sum than thirty shillings" (317) for the

success of his debut performance, and “no less a sum than twenty pounds” (374) during his prolonged stay in Portsmouth. Although on the surface the troupe seems to give us “a model of an organic family that acts as a cohesive unit” (Gilmore 92), at the core it is not very much different from other capitalistic businesses. The seemingly harmonious relationship between the manager and his family on one side and his employees on the other conceals the harsh reality of the exploitation between a capitalist employer and his workers. Before Miss Snellicci’s bespeak night, “the disinterested manager and his wife . . . discuss[ed] the probable gains of the forthcoming bespeak, of which they were to have two-thirds of the profits by solemn treaty of agreement” (307). This ironical comment discloses the true nature of their relationship based on the cash-nexus.

Since Nicholas’s career as a hack writer is inseparably connected with this exploitative theater business, it is not surprising that he abandons it abruptly for the reason that the job is not genteel enough for him and his family. In the later part of the novel, the reader finds that his attitude toward authorship has completely changed. After he secures his middle-class status by getting a position at the Cheeryble brothers’ firm, Nicholas encounters the Crummles’ theater troupe again in London, where they are giving their last performance before leaving for America. At the farewell dinner, Nicholas meets “a literary gentleman . . . who had dramatized in his time two hundred and forty-seven novels as fast as they had come out” (632). This literary gentleman is modeled on a well-known hack writer named W. T. Moncrieff, who wrote over two hundred stage adaptations in his lifetime, one of which was the adaptation of the unfinished *Nickleby* performed at Strand Theatre on May 20, 1839 (Patten, *Charles Dickens and “Boz”* 204, *Letters* 1: 304n). He might have been what Nicholas would have become if he had not quitted the Crummles’ troupe, but in the conversation with the gentleman, Nicholas’s voice assumes a tone that sounds more like Dickens’s rather than his own.

First of all, the gentleman asks Nicholas what the definition of “fame” is, and says, “When I dramatise a book, sir . . . *that’s* fame. For its author” (632).⁵ Hearing this, Nicholas makes a sharp retort against him, connecting the act of plagiarism with that of robbery committed by legendary highwaymen such as “Richard Turpin, Tom King, and Jerry Abershow” (632). Their conversation then moves to a discussion about whether Shakespeare is a genius or merely an “adapter.” Nicholas acknowledges that “Shakespeare dramatised stories which had previously appeared in print” (633), but maintains that he is fundamentally different from a hack writer who simply plagiarizes the work of great authors:

“[W]hereas he brought within the magic circle of his genius, traditions peculiarly adapted for his purpose, and turned familiar things into constellations which should enlighten the world for ages, you drag within the magic circle of your dullness, subjects not at all adapted to the purposes of the stage, and debase as he exalted. For instance, you take the uncompleted books of living authors, fresh from their hands, wet from the press, cut, hack, and carve them to the powers and capacities of your actors, and the capability of your theatres, finish unfinished works, hastily and crudely vamp up ideas not yet worked out by their original projector, but which have doubtless cost him many thoughtful days and sleepless nights; by a comparison of incidents and dialogue, down to the very last word he may have written a fortnight before, do your utmost to anticipate his plot — all this without his permission, and against his will. . . . Now, show me the distinction between such pilfering as this, and picking a man’s pocket in the street: unless, indeed, it be, that the legislature has a regard for pocket-handkerchiefs, and leaves men’s brains (except when they are knocked out by violence) to take care of themselves. (633–34)

One may detect an echo from the ongoing debate on copyright reform that is presented in this passage. Nicholas, or rather, Dickens, is exasperated by the hack writer’s infringement on the author’s right to property by making use of his works without his permission — an act which is equal to pickpocketing. The analogy between plagiarism and pickpocketing reminds us of the letter Dickens wrote to the editor of *The Monthly Magazine*, which is quoted at the beginning of this essay. The ease with which the hack writer complete his works compared to the toil and pain endured by the author is infuriating for Nicholas (or for Dickens). While writing *Nicholas Nickleby*, Dickens often complained about the mental exertion he felt in writing in order to fulfill his publishers’ exploitative contracts. He wrote to John Forster, “I have still the slavery and drudgery of another work on the same journeyman-terms . . . I, with such a popularity as I have acquired, am struggling in old toils, and wasting my energies in the very height and freshness of my fame, and the best part of my life, to fill the pocket of others” (*Letters* 1: 493). Although the targets of criticism are different, in both the novel and the letter, Dickens expresses his irritation at the situation in which the author is unjustly exploited by others and has little or no control over the fruits of his own labor.

While indicting the practice of plagiarism, Nicholas’s words also imply that the author’s work must not be monopolized by the author, but should rather be circulated widely among the public and become “constellations which should enlighten the world for

ages” (633) so that it might in turn become the source of inspiration for somebody’s new work in the future. To make his point, Nicholas says that Shakespeare himself “derived some of his plots from old tales and legends in general circulation” (633), and emphasizes that even a genius like Shakespeare could not have created the work without a rich accumulation of literature of previous generations. The work is the “unalienable” property of the author, and his right of property should be protected from shameless hack writers. It should, however, at the same time “be made alienable and ceded for public use” (Pettitt 38) to provide fertile ground for literature. The difficulty of keeping a precarious balance between these conflicting needs is stressed by Miss Knag’s brother Mortimer Knag, a minor character who appears only once in the novel. He is an author and keeper of a circulating library but does not seem to be successful in either trade. The reason for his failure as an author is that he completely detaches himself from the marketplace, and instead indulges in reading and writing without caring about business. In the words of his sister, “[h]e’s so wrapped up in high life, that the least allusion to business or worldly matters . . . quite distracts him” (223). She also says:

“He is a wonderfully accomplished man — most extraordinarily accomplished — reads . . . every novel that comes out; I mean every novel that . . . has any fashion in it, of course. The fact is, that he did find so much in the books he read, applicable to his own misfortunes, and did find himself in every respect so much like the heroes — because of course he is conscious of his own superiority, as we all are, and very naturally — that he took to scorning everything, and became a genius; and I am quite sure that he is, at this very present moment, writing another book.” (223)

In contrast to the Shakespearean model of creation in which the old ideas of the previous works are utilized in order to create a new one, Knag’s reading does not seem to lead him anywhere. He is so immersed in the world of the novel that he is unable to separate the fiction from his own experience, and his work becomes almost like an inalienable part of himself. To epitomize the stagnation of ideas, his circulating library is called a “warehouse” (221), in which books are stored but not circulated.

As is shown above, the authors in *Nicholas Nickleby* fall into either of the two categories; while some authors are hack writers who exploit other authors by stealing the fruits of their labor; others are unsuccessful authors who fail to circulate their work in the marketplace. Whereas the former regards the author’s work as just a commodity and steals and circulates it in the marketplace to make money, the latter regards it as an inseparable

arable part of himself and cannot cede it to the public. Through the portrayal of these two types of authors, Dickens criticizes not only the current situation of the literary marketplace where the practice of plagiarism and piracy is rampant but also the absurdity of the author who tries to monopolize his own work, and thus depicts the dilemma between the need for the protection of copyright and that of the propagation of literature.

3. Exploitative vs. Benevolent Capitalism

The literary marketplace is embedded within the larger marketplace of economy, and Dickens's criticism of the literary world is inseparably entwined with his criticism of the business world as a whole. As previously mentioned, Dickens's interest in copyright reform stems from his vexation at having been unjustly exploited by hack writers and publishers. In *Nicholas Nickleby*, his denouncement of plagiarism and the infringement on the author's right is developed into a critique of capitalist exploitation.

Ralph Nickleby and Arthur Gride are the two major villains in the business world. As John Bowen points out, while the former is the contemporary capitalist who gains money through the manipulation of the capital market, the latter is more like a traditional miser, who has a fetish love for money and for whom hoarding becomes the aim of business (159). Ralph exploits people even as far back as his early childhood when he "commenced usurer on a limited scale at school; putting out at good interest a small capital of slate-pencil and marbles, and gradually extending his operations until they aspired to the copper coinage of this realm, in which he speculated to considerable advantage" (3). His interest in making money by exploiting others and circulating capital in the marketplace corresponds to that of the hack writer in the literary marketplace who makes a profit by stealing others' work and circulating it among the public. Gride, the miser, on the other hand, is analogous to the unsuccessful author who fails to circulate his work in the marketplace as it has become an inseparable part of himself. Interestingly, Gride, who indulges in perverse pleasure when he examines his account book, is likened to an author who feels an intense attachment to his work and fails to make it alienable or cede it to the public readership:

"Well-a-day!" he chuckled, as sinking on his knees before a strong chest screwed down to the floor, he thrust in his arm nearly up to the shoulder, and slowly drew forth this greasy volume, "Well-a-day now, this is all my library, but it's one of the most entertaining books that were ever written! It's a delightful book, and all true

and real — that’s the best of it — true as the Bank of England, and real as its gold and silver. Written by Arthur Gride. He, he, he! None of your storybook writers will ever make as good a book as this, I warrant me. It’s composed for private circulation, for my own particular reading, and nobody else’s. He, he, he!” (701)

At the opposite end of the spectrum from these two villains’ exploitative capitalism is the benevolent capitalism of the Cheeryble brothers, whose money circulates freely for the well-being of others. Although the details of their economic activities are not provided except for the fact that they run a trading house that has some connections with Germany, it is certain that their business is thriving not because of its exploitation of others, but through industriousness and the cooperation of its workers. Unlike the inhuman relationship between Ralph and Norman Nogg, the relationship between the Cheerybles and their workers, including Nicholas and Tim Linkinwater, is based on mutual respect, trust, and affection. If Ralph and Gride correspond to the hack writer and the unsuccessful author respectively, the Cheerybles are analogous to the ideal author like Shakespeare who can transform old works into a new one and propagate them widely in society, as is portrayed by Nicholas in his conversation with the “literary gentleman” cited in the previous section. The Cheerybles are not just circulating capital in the marketplace but are transforming it into the means to help others. In their hands, money is purged of the taint of capitalism and changed into generous donations and gifts. For instance, the Cheerybles donate twenty pounds to the family of the worker who was killed in an accident in the East Indian Dock, and they also provide Nicholas with a cottage and furniture, as well as a decent salary.

As if to emphasize the aloofness from the debased market and the purity of their capital, the Cheerybles’ counting house is located in a secluded corner in the heart of the busy city. The narrator writes, “It is so quiet, that you can almost hear the ticking of your own watch when you stop to cool in its refreshing atmosphere” (469). This emphasis on the brothers’ relative distance and insulation from the marketplace are dovetailed with the strategy employed by the authors in the early Victorian era, who sought to define their occupation as the “non-alienated” work of the middle-class professions and distinguish it from the alienated labor of the working classes (Poovey 100–08). They are part of the market, but at the same time, they stand apart from it, and therefore, are able to escape from the degradation of exploitative capitalism. The first names of the Cheerybles, Charles and Ned, are reminiscent of their creator, Charles Dickens, and Linkinwater’s punctual and methodical way of conducting business reminds the reader of the author’s

own punctuality, which has often been mentioned by his children and close friends. While capital itself is alienable, their business is not necessarily alienable, bearing an indelible trace of their character. The narrator says, “There was scarcely an object in the place, animate and inanimate, which did not partake in some degree of the scrupulous method and punctuality of Mr. Timothy Linkinwater” (469). Furthermore, when Linkinwater boasts of the meticulous accuracy and neatness of the firm’s account book, he says, “[T]here never were such books — never were such books! No, nor never will be such books — as the books of Cheeryble Brothers” (472). Although this refers to the account book, it is tempting to read it as Dickens’s confident self-laudation about his own “book,” and if so, it is an appropriate ending to the novel that Nicholas, the author’s *alter ego*, becomes one of the rightful successors of the firm.

This seemingly happy-ending of the novel, however, ironically highlights the paradox of the debate on copyright, which is ultimately the debate on the degree of the author’s control over his work and the economic imperative for freedom. If the Cheerybles are the embodiment of the ideal model of benevolent authorship which leads the story to the denouement similar to that of a Shakespearean comedy, they, at the same time, represent the drive for repressive uniformity and the unattainable desire for perfect control of the world. In Paul Jarvie’s words, they embody “the obsession with order” and the “mania for control,” as is exhibited in their management of “the marriage arrangements at the end of the novel, their insistence on making decisions for all those in their sphere, and their subtle but constant moves to ensure social control throughout their sphere” (Jarvie 38). They succeed in bringing happiness to the people around him, but the peace and the stability of the world purged of all the evils of capitalism are attained at the sacrifice of the vitality of the villains and other morally imperfect characters. Although Nicholas invests the money acquired in the right of his wife in the firm of the Cheerybles, the first action he makes after becoming a prosperous merchant is to repurchase his deceased father’s old house and restore it to the order of the past time. The ending of the novel thus indicates that the outcome of the Cheerybles’ “mania for control” is to create a self-enclosed stagnant world where “they [are] surrounded by happiness of their own creation” (829).

Going back to the letter to the editor of *The Monthly Magazine* quoted at the beginning of this essay, Dickens personates his work as his child and claims his “entire right to do ‘what [he] like[s] to do with [his] own’ ” offspring (*Letters* 1: 42). The desire for control over his child exhibited here resonates with that of the Cheerybles for control over his surrogate sons, but Dickens should probably have realized that, as the brothers’

excessive control ends up with the stagnant economy, his excessive control over his “offspring” might be harmful to the literary marketplace, since *Nicholas Nickleby* itself was the product of the free circulation of literature. As Patten points out, the novel “fuses New Comedy, Aristophanic death and rebirth, melodrama, and pantomime; it incorporates and rewrites plots and characters of his literary inheritance and earlier works. And in turn it was quickly and frequently imitated” (*Charles Dickens and “Boz”* 204). Paul Schlicke has shown that more than two hundred fifty dramatic productions have been identified (xiii), and Peter Ackroyd argues that Dickens did not necessarily object in principle to dramatization of his novels, but just did not like the poorer ones (292). The theater was the very source of his inspiration, and much of the energy and vitality of his works stemmed from his experience of public theaters both as an audience and an author, and in his later life, as an actor. While being indignant at the rampant plagiarism and piracy, Dickens should have known well that it was impossible to control the destination of his “offspring,” and that his “offspring” himself was born and nurtured in a dynamic marketplace of literature.

Conclusion

This essay examines *Nicholas Nickleby* in relation to the debate on copyright reform and argues that, while criticizing the exploitation of hack writers and publishers as well as the exploitative nature of capitalism in general, Dickens expresses skepticism about the excessive control of the author over his work, and unwittingly undermines the position that he officially supported. The supporters of copyright advocated their position by arguing that copyright was as “natural” as the right on real property (Castillo 443–44). For the young Dickens who was prone to being more sympathetic to liberalism and free trade, there should have been an intrinsically contradictory element in this aristocratic logic. A couple of years after the completion of *Nicholas Nickleby*, Forster regarded Dickens as “extremely radical” (Forster 1: 147), and some years later, he became a hearty supporter of free trade radicalism and launched an attack against the monopoly by the landed aristocracy.⁶ The ending of *Nicholas Nickleby* thus conveys ambivalence in Dickens’s position regarding how to balance the need to advocate both free circulation of literature and the author’s prerogative over his work.

Notes

- 1 Welsh points out the demonstrable impact of Dickens's journey to America upon the construction of his authorship. He argues that the experience of meeting fierce resistance over the issue of copyright in America provides him with an opening for inward reflection, which thereafter had a crucial significance in his creative development. Castillo is critical of Welsh's reading of *Martin Chuzzlewit*, which fails to recognize the inextricable connection between copyright and inheritance, and offers a reading in which he demonstrates how the novel unwittingly repudiates the conception of original authorship that upheld copyright law. Clare Pettitt's comprehensive study of intellectual property and the Victorian novel shows how Dickens participated in a debate over the value and ownership of labor of a creative writer in the 1850s.
- 2 In Parker's word, Nicholas embodies what we might call "the go-getter" in Dickens (xxviii).
- 3 Pettitt writes, "At the crux of the argument around both the copyright and the patent laws was the problematic relationship between the labourer and his labour" (64).
- 4 As for detailed account of these disputes with his publishers in Dickens's early career, see Patten 28-87, and Forster 1: 68-79.
- 5 This comment on fame is apparently a satire of the Romantic culture of "posternity," which values the judgement of future generations more highly than immediate success. In Richard Salmon's words, "an author's enduring value, or true fame, transcends the immediate context of his/her reception, even to the point at which 'fame' and 'reputation . . . are deemed mutually exclusive (Salmon 6).
- 6 Chandler examines Dickens's view on radical politics as is exemplified in the hostile portrait of Hume as Grewsbury, and concludes that "Dickens's perspective was more Radical than Whig" (209). As for Dickens's radicalism in the 1840s, see, Michael Shelden, "Dickens, 'The Chimes,' and the Anti-Corn Law League."

Works Cited

- Ackroyd, Peter. *Dickens*. London: Minerva, 1991. Print.
- Bowen, John. "Performing Business, Training Ghosts: Transcoding *Nickleby*." *ELH* 63 (1996): 153-75. *JSTOR*. 27 Aug. 2015. Web.
- Castillo, Larisa T. "Natural Authority in Charles Dickens's *Martin Chuzzlewit* and the Copyright Act of 1842." *Nineteenth-Century Literature* 62 (2008): 435-64. *JSTOR*. 8 Sep. 2015. Web.
- Chandler, David. "Dickens's Mr Grewsbury, Joseph Hume and Radical Politics." *The Dickensian* 99 (2003): 201-10. Print.
- . "Dickens on Wordsworth: *Nicholas Nickleby* and the Copyright Question." *English Language Notes* 41 (2003): 63-69. Print.
- Chambers, William and Robert. "Brief Objections to Mr. Talfourd's New Copyright Bill." *The Times* 25. Apr. 1838: 3. *The Times Digital Archive*. 8 Sep. 2015. Web.
- Chittick, Kathryn. *Dickens and the 1830*. Cambridge: Cambridge UP, 1990. Print.
- Dickens, Charles. *Nicholas Nickleby*. Oxford: Oxford UP, 1998. Print.
- . *The Letters of Charles Dickens*. Vol. 1. Ed. Madeline House and Graham Storey. Oxford: Oxford UP, 1965. Print.
- Forster John. *The Life of Charles Dickens*. 2 vols. London: J. M. Dent, 1966. Print.
- Gilmore, Timothy. "Not Too Cheery: Dickens's Critique of Capital in *Nicholas Nickleby*."

- Dickens's Studies Annual* 44 (2013): 85–109. Print.
- Hansard's Parliamentary Debates*. Vol. 42. 1838. 555–98. *Primary Sources on Copyright (1450–1900)*. Ed. Arts and Humanity Research Council. 31 Jan. 2016. Web.
- Jarvie, Paul A. *Ready to Trample on All Human Law: Financial Capitalism in the Fiction of Charles Dickens*. New York: Routledge, 2005. Print.
- Parker, David. Introduction. *Nicholas Nickleby*. London: J. M. Dent, 1994. Print.
- Patten, Robert L. *Charles Dickens and His Publishers*. Oxford: Oxford UP, 1978. Print.
- . *Charles Dickens and "Boz": The Birth of the Industrial-Age Author*. Cambridge: Cambridge UP, 2012. Print.
- Pettitt, Clare. *Patent Inventions: Intellectual Property and the Victorian Novel*. Oxford: Oxford UP, 2004. Print.
- Poovey, Mary. *Uneven Development: The Ideological Work of Gender in Mid-Victorian England*. London: Virago P, 1989. Print.
- Schlicke, Paul. Introduction. *Nickolas Nickleby*. Oxford: Oxford UP, 1998. Print.
- Salmon, Richard. *The Formation of the Victorian Literary Authorship*. Cambridge: Cambridge UP, 2013. Print.
- "Serjeant Talfourd's Copyright Bill." *The Times* 27. Apr. 1838: 6. *The Times Digital Archive*. 8 Sep. 2015. Web.
- Shelden, Michael. "Dickens, 'The Chimes,' and the Anti-Corn Law League." *Victorian Studies* 25 (1982): 329–53. Print.
- Seville, Catherine. *Literary Copyright Reform in Early Victorian England: The Framing of the 1842 Copyright Act*. Cambridge: Cambridge UP, 1999. Print.
- Welsh, Alexander. *From Copyright to Copperfield: The Identity of Dickens*. Cambridge, MA: Harvard UP, 1987. Print.