Wilkie Collins and Copyright

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The Woman in White
The Perils of Attempting to Discipline the Transatlantic, Transhistorical Narrative

Of the mistakes occasioned by the appearance of a picture bearing so strong a kindred resemblance to the one stolen, as to pass not only for a twin relative, but the very identical gem belonging to His Excellency Des-Chong-Fong, &c.

—William Collins, Memoirs of a Picture 3:270

“What an extraordinary people you are!” cried Martin. “Are Mr Chollop and the class he represents, an Institution here? . . . Are bloody duels, brutal combats, savage assaults, shooting down and stabbing in the streets, your Institutions? Why, I shall hear next that Dishonour and Fraud are among the Institutions of the great republic!”

The moment the words passed his lips, the Honourable Elijah Pogram looked round again.

“This morbid hatred of our Institutions,” he observed, “is quite a study for the psychological observer.”

—Dickens, Martin Chuzzlewit, chapter 34

Theory Surfacing
If existence were a case of, so to speak, history “all the way down,” purely historical analysis (even that more than pure branch focusing on local histories known as “history written from the bottom up”) might offer its practitioners some hope of its living up to its advanced billing. However, despite
our present-day’s stronger trends in literary criticism being set up to ignore the uncomfortable fact, there do indeed exist occasions, albeit slight, albeit fleeting, when theory necessarily will be breaking into the prison-house of history. Copyright piracy, that offshoot of book history, itself an offshoot of New Historicism, is one such theory-saturated phenomenon. At points where this particular issue and issues like it come into consideration, the generally acknowledged antagonism that the New Historicist and Deconstructive camps have for one another has to be transcended.

While the preceding points may seem obvious enough, their voicing is necessitated by the particular situation, the local historical context, in which literary criticism today finds itself. What we might loosely call “historicism”—in the sense of studies especially focused on particular and local contingent concerns, often in direct opposition to or defiance of that more generalized or generalizable hobgoblin “theory”—has undeniably come to hold sway in the critical analyses of nineteenth-century fictions produced in the last quarter century. In 1992 Paul Bové in his In the Wake of Theory was already acknowledging that the “move against theory” by the New Historicist critic Stephen Greenblatt “has been successful and . . . this makes Greenblatt ‘king of the hill’” (161n22). This situation has only intensified over the last two decades, particularly in the field of Victorianist criticism. However, there are signs that the tide has recently begun to turn and this shift can only be welcomed, for the system had been facing the unhappy prospect of helplessly having to watch its tentacles fan out into innumerable individual dendrites and disappear into the sterile alluvial plain of rampant niche marketing and ever-thickening thick descriptiveness. The Romanticist Thomas Pfau was, already in 2007, formulating something akin to this critique:

[A]n a priori commitment to historicism as a method sets inquiry on a course towards increasing specialization and professionalization such as will inexorably shrink the community for which one’s findings can have any relevance at all. . . . Modernity’s gradual journey from Cartesian skepticism via Lockean empiricism to nineteenth-century positivism thus intensifies the Nominalist creed that reality consists only of individual things. . . . The self-imposed restriction of recent models of inquiry to tightly localized and circumscribed chronotopes (biographically conceived time spans, the punctum of this or that local event, dates of publication, etc.) is . . . a familiar trait of nineteenth-century Historicism and has in equal measure enabled and constrained the project of Romantic Historicism for fully two decades now. (952–56)
Pfau is not alone in his worry about the danger inherent in historicism’s hegemony. More recently, the co-editor of the journal *Victorian Literature and Culture*, John Maynard, has written,

But the turn to history began to exhibit irrational exuberance, as these things will: everyone wanted a share, everyone rushed in . . . . As John Kucich has remarked, graduate students found the possession of one small subject an irresistible attraction in their actually steadily depressed area. As a journal editor, I see seven such articles, picking out one unexplored area of history, for every one doing any of the other major tasks we traditionally perform. Who needs theory? Graham and Derrida had their day; just do it. (73)

The winds, it would seem, are beginning to turn against New Historicism.

There were hints in the self-descriptions of the New Historicists’ process indicating that the situation had been improperly set up from the beginning. According to H. Aram Veeser, one of the five fundamental propositions undergirding New Historicist practice is the hypothesis that “no discourse, imaginative or archival, gives access to unchanging truths nor expresses inalterable human nature” (xi). This would, on the face of it, appear a fairly uncontroversial assumption, given the context. A literary critical school that privileges history is naturally going to be at its basis opposed to according significance to any and all types of transhistoricism, that is, for example, to claims that “humans have always been like this or that” or that discourse gives “access to unchanging truths.” To allow for the critical interest of notions like these would be to fatally undercut the point of historical inquiry.

There is, however, as there always must be, a bit more to this context. The agenda of distinguishing New Historicism from Deconstruction pervades Veeser’s commentary. For instance, we find him, immediately after his list of propositions, adopting a commonly used less-than-flattering epithet for the latter approach: “New Historicists combat empty formalism by pulling historical considerations to the center stage of literary analysis” (Veeser xi). Empty formalism, however, can have its uses. Though discourse, at the level of content, may or may not give access to unchanging truths—and I leave that possibility open, in deference particularly to the aspirations of those pursuing the “harder” sciences—its operations, at the level of what could well be described as “empty formalism,” can, I would contend, themselves be unchanging truths, truths that deserve critical attention (especially in the case of their being made the subject of significant intellectual interest by one’s author in question). Indeed, the workings of linguistic iterability
being ageless and universal, it is with good reason that Jacques Derrida is prompted to remark that “iterability . . . structures the mark of writing itself, no matter what particular type of writing is involved (whether pictorial, hieroglyphic, ideographic, phonetic, alphabetic, to cite the old categories)” (“Signature Event Context” 7). Deconstruction, or at the least the pursuit of empty formalism, is thus, in contrast to new, or old, historical contextualism, in a better position, I believe, to analyze a work directly thematizing—through its implicit interest in copyright piracy and explicit interest in the unsteady control of texts—the destabilizations made possible by the formal operations of language, that is, to analyze a work like Wilkie Collins’s _The Woman in White_.

Indeed, I believe that contemporary Victorianist criticism—constantly eschewing “theory” (both overtly and covertly) as it does—faces the prospect of coming to find itself to have written itself out of a position from which to be able to properly assess a narrative such as _The Woman in White_. If this one of Collins’s masterful plots is about anything, it is about the danger inherent in automatically assuming settling to be all there is, or to express the same outlook the other way, in presuming the breaking function of iterability to not exist. (It is that latter function that allows at a significant point in the story for Count Fosco to be able discreetly “to copy one and to intercept the other of two letters which [his] adored enemy had entrusted to a discarded maid”). The gallant efforts of the heroes in the latter half of the plot are wholly given over to the goal of overturning this false assumption. At a particularly significant moment, the nurses in the asylum unknowingly participate in precisely the particular philosophico-literary effacement that this study has set out to undo:

This was the Asylum. Here [Laura] first heard herself called by Anne Catherick’s name, and here, as a last remarkable circumstance in the story of the conspiracy, her own eyes informed her that she had Anne Catherick’s clothes on. The nurse, on the first night in the Asylum, had shown her the marks on each article of her underclothing as it was taken off, and had said, not at all irritably or unkindly, “Look at your own name on your own clothes, and don’t worry us all any more about being Lady Glyde. She’s dead and buried, and you’re alive and hearty. Do look at your clothes now! There it is, in good marking ink, and there you will find it on all your old things, which we have kept in the house—Anne Catherick, as plain as print!” And

1. Collins, _Woman in White_, ed. Sutherland, 603. All further references in this chapter, unless otherwise noted, will be to this edition and will be cited parenthetically.
there it was, when Miss Halcombe examined the linen her sister wore, on the night of their arrival at Limmeridge House. (436)

These nurses might well pass as modern day Victorianist critics. “Theory is dead and buried; historicism is alive and hearty,” they seem to be suggesting to the impressionable young novitiate. They assume the settling function to be the sum total of the effects pervading the linguistic realm. The New Historicists of the present day have less of an excuse but just as much of a motivation to commit the same error. The hegemony of history over theory, particularly common in this so economically difficult time for humanistic inquiry, can leave this novel’s more recessed folds not only at first glance simply unperceived but potentially at second glance re-obsurred post-recognition, re-occluded by the profession’s tendency towards enforced historicization. I will here be launching an attempt at beginning to rectify this non- or anti-recognition. In this chapter, and this study in general, rather than disclosing language’s inherent conflict to be a product of its time, that is, rather than endeavoring to put the genie (whether good or evil) back into the lamp, by finding the apparently transhistorical construct to have been in actuality a historically or culturally contingent issue all along, I will be exploring the theoretical fundamental conditions of possibility for language’s conflicted nature and attempting, hopefully judiciously, to shift what had seemed purely “historical” events back into the “theoretical” realm from which many of history’s conflicts often—seemingly almost, but not quite, “of themselves” —actually had to have been arising.

The Introductory Anecdote

We might begin with a bit of history, but a history that is adduced here more to display the theory peeking through than necessarily for itself; one could do worse than to follow along in the wake of Barbara Johnson’s efforts at discovering “how to use history and biography deconstructively, how to seek in them not answers, causes, explanations, or origins, but new ques-

2. To offer one example of this improper privileging of history over theory, I would point to the New Historiast critic Clare Pettitt’s argument in her Patent Inventions: Intellectual Property and the Victorian Novel that Eliot’s and Hardy’s interest in what are, to my mind, clearly the conflicting effects of iterability was actually the result of historically-contingent—respectively, gender-based and technological—factors as opposed to theoretical ones (204–302). Pettitt fails to ask why—the point where her inquiry should have begun rather than ended—she has been led to the conclusion that “The conflict between the social and individual ownership of invention and information is open to endless negotiation” (299).
tions and new ways in which the literary and nonliterary texts alike can be made to read and rework each other” (World 15). The American citizens of the mid-1800s were occasionally quite forward in their defiance of the, so to speak, “copyright morality” their recent adversaries the English appeared to be intent on imposing on them (in stark contrast to the present situation in which the United States is continually chastising China and Russia for international copyright violations). The transatlantic struggle between the two powers in their century-long “copyright war” was in a certain sense a continuation of the Americans’ earlier pursuit of independence. The copyright historian Catherine Seville notes,

Independence is one of the great themes of American history. The history of copyright in America reflects this. Having first to develop her own domestic copyright law, America had then also to consider international copyright. There was much resistance to giving copyright to “foreigners.” America’s interaction with Britain over the matter was understandably coloured by their previous history, and the charged relationship between the two nations meant that feeling on both sides was strong and passionate. (Internationalisation 146)

This worship of independence spilled over, by analogy, to the linguistic realm as well. The decontextualizing operations of the breaking function of language could not but have suggested to Americans their own political history. We see something of this connection in Adrian Johns’s point that “Since before the Revolution, reprinters had stressed the propriety of their enterprise, arguing that they were spreading enlightenment in the face of corrupt and monarchical monopolists” (Piracy 203). Why, the Americans might well have asked themselves, should English words not be broken “free” of their English “bindings” (with “s”s replaced by “z”s and extra “u”s left out) if that were possible? And, due to iterability, indeed it was. The English for their part simply saw the situation as a clear case of “injustice.” The dispute between the two powers was, thus, on a certain level, one over who was to set the terms of the discussion, who was to determine the character of the highground—not for the Americans so much moral as implicitly philosophical—being contested. Was at issue the question of gauging “fairness” in dealing with intellectual property rights or that of assessing “normality” in the workings of language?

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3. See Alford and Butterton commenting on China’s present-day relations with the United States. See also Reuters reporting in 2011 that “China, Russia top U.S. worst pirates list again.”

4. There were, of course, other ways of describing the situation. For example, Henry C. Carey
This struggle is seen in, to offer a raindrop snatched from a deluge, the contest that took place in the mid-century between the “morality” of the most respected of the British journals and the “brazenness” of its American pirates, a struggle that, when viewed from a theoretical, less heated, perspective, could be re-characterized as British blindness to the reality of the fixed constitution of things in contrast to American pragmatic acceptance of things as they are. Sensational vitriol being particularly mesmerizing, that latter perspective is not one that is very easily perceived from its disadvantageous position behind the screen of energetic English claims of “immorality,” “unfairness,” or “piracy,” but, I would argue, it is one that is nevertheless constantly in effect.

In a footnote to an article from 1848 published in Blackwood’s Edinburgh Magazine (familiarly called Maga), we read of this magazine’s American reprinters somewhat amusingly having the previous year advertised one of their “thefts” by having printed “as a puff of the reprint” a short extract from an article criticizing American piracy (“Blackwood and Copyright” 127n). Apparently, it had not been enough for the Americans simply to reprint without remuneration “How They Manage Matters in the Model Republic”—an article beginning with the condemnation that “in the absence of an international copyright law, Maga is extensively pirated in the United States, extensively read, and we fear very imperfectly digested” (“How They Manage Matters” 492). They—specifically Leonard Scott & Co. of New York—had felt the need to add insult to injury by attempting to generate interest in that reprint through a particularly pointed quotation from it. The 1847 advertisement for the reprint, after listing the issue’s table of contents, had cheekily proclaimed:

Extract from the article on the “Model Republic”:—“When these malignant pages arrive in New York, every inhabitant of that good city will abuse us heartily, except our publisher. But great will be the joy of that furacious individual, as he speculates in secret on the increased demand of

5. Scott would soon be forced to come to terms with the Blackwoods as their “official agent” in America. This arrangement and the circumstances leading up to it—including, quite sensationaly, the disclosure of a surprise American author who had properly registered the American copyright of his October 1847 Blackwood’s article “Maga in America” (Barnes 30–48)—were in fact being announced in the article “Blackwood and Copyright,” the article citing the American advertisement. Thus Blackwood’s, in referring to the advertisement, was tacitly emphasizing the extent of the Fosco-level hubris that had until recently been characterizing its soon-to-be chastened adversary.
his agonized public. Immediately he will put forth an advertisement, notifying the men of ‘Gotham’ that he has on board a fresh sample of British Insolence, and hinting that, although he knows they care nothing about such things, the forthcoming piracy of Maga will be on the most extensive scale.” ("Blackwood and Copyright" 127n)

There are two ways to view this situation: the “agonized” (“agonised” in the original 1847 British publication ["How They Manage Matters” 496], but “agonized” in the 1848 British citation of the American reprint [“Blackwood and Copyright” 127n]) Americans can be seen here to be buying into the English view that they are doing something wrong, as they come to defy what they know to be the “proper” (or properly English-dictated) honorable path or the not-at-all anxious revolutionary inhabitants of the Great Republic can be viewed to be simply championing and celebrating “freedom,” specifically the freedom both of one geographically-distant country to break away from the control of another and of the word to break away from its original context. As we saw in a previously-cited passage, Derrida recognizes a certain freedom to be associated with iterability: “[E]ven in the ideal case . . . there must already be a certain element of play, a certain remove, a certain degree of independence with regard to the origin, to production, or to intention in all of its ‘vital,’ ‘simple’ ‘actuality’ or ‘determinateness,’ etc.” (Limited 64; emphasis added). The Americans’ type of grand and cavalier defiance of an English code of propriety, exemplified here by the actions of these shameless breaking function–exploiting reprinter, sets the scene well for distinguishing the central opposition in Collins’s narrative, that between the exemplary honorability of the manifestly good characters Walter Hartright, Laura Fairlie, and Marian Halcombe and the unapologetic brashness of none other than Collins’s most grandiloquent and memorable villain, Count Isidor Ottavio Baldassare Fosco.

The Larger Historical Context

This situation of, so to speak, “self-celebratory” piracy in the early days of American advertising had not arisen overnight. There was a substantial historical framework standing behind it. The belatedness of the passage of an Anglo-American copyright agreement—an American legislative change made, shamefully, only in 1891—rendered U.S. publishers for most of

the nineteenth century free, legally, to republish English texts without paying the foreign authors for their work. The text of the Copyright Act of 1790, the specific piece of legislation originally codifying the intellectual property dispute between England and America and the act consolidating different state copyright statutes under a federal umbrella statute, is, not surprisingly, generally understood in political terms (as opposed to, as it will be here, theoretico-linguistic ones). It is considered to have been solely an attempt by the newly-independent Republic to defy the Mother Country. Section Five of the Act served actually to license “criminality”—although, the action being licensed, that term could be said to no longer apply, at least when viewed within a local context. That remarkable, multiply-negatively-structured Section held,

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7. While several American publishing houses regularly availed themselves of this freedom, not all jumped at the chance to loot English intellectual property. There had informally come into being a system of “trade-courtesy” among the more prominent American publishers. The fairly generous amounts paid by one or another house for “advance sheets” allowed it not only to sell its edition ahead of any “unofficial” reprinters but also to claim the work as its, hopefully sacrosanct, “property” amongst the larger houses. The recompense offered by this system, arguably, succeeded more in assuaging the American conscience than in filling the English bank account. See Patten 97–98 and Charvat 313. Trollope (309n1), Mott (History 386), and Barnes (15–19) offer several examples of the breakdown of this system, particularly due to the invention of the “mammoth” weekly broadsheets. Certainly, the payments granted English authors by the system were not considered quite enough in Collins’s opinion—and the opinions of many of his contemporaries—to successfully counter the loss in profits. Anthony Trollope would write in 1876 in his Autobiography, “I have just found out that £20 was paid to my publisher in England for the use of the early sheets of a novel for which I received £1600 in England. When asked why he accepted so little, he assured me that the firm with whom he dealt would give no more. . . . Many thousand copies must have been sold. But from these the author received not one shilling. I need hardly point out that the sum of £20 would not do more than compensate the publisher for his trouble in making the bargain” (313). In October 1867, just before his second trip to America, Dickens would write the following to one of his legitimate American publishers, James T. Fields of the firm Ticknor and Fields, “Nor have I ever been so ungenerous, as to disguise or suppress the fact that I have received handsome sums from the Harpers for advance sheets.” This seems a rather unconvinving acknowledgment, however, coming as it did immediately after his statement that “For twenty years I am perfectly certain that I have never made any other allusion to the republication of my books in America than the goodhumoured remark ‘that if there had been international copyright between England and the States, I should have been a man of very large fortune, instead of a man of moderate savings’” (Letters 11:443). In 1912 the more honorable strains of the American publishing profession were still feeling the sting of remorse. Caroline Ticknor, granddaughter of William Davis Ticknor, attempts in her memoir of her grandfather to distance his memory from the practice of piracy by noting that he invented the advance sheet system and by writing, “[F]air play; and not ‘fair game,’ was the motto embodied in the transactions of the founder of the ‘Old Corner Bookstore’” (3–4). Her Dedication also highlights this moral discourse: “To Houghton Mifflin Company successors to the literary heritage of Ticknor and Fields and to the just and honorable traditions of the earlier house which they to-day so steadfastly uphold this volume is respectfully dedicated” (unpaginated Dedication page).
[N]othing in this act shall be construed to extend to prohibit the importation or vending, reprinting, or publishing within the United States, of any map, chart, book or books, written, printed, or published by any person not a citizen of the United States, in foreign parts or places without the jurisdiction of the United States. (Rpt. in Patterson 198)

The multiple turnabouts make this a manifestly unrestrictive stricture, as well as a very odd, even “contrary,” type of “disciplining.” This was a strange clause for the newly independent States to have included in the Act. Since non-citizens could not at this time secure United States copyright, it was needlessly redundant to emphasize the fact that their works could be (more precisely, that nothing prohibited their being) reprinted in America without permission. Simon Nowell-Smith writes that this “quite unnecessary provision . . . was an encouragement to American publishers to reprint popular English books without the author’s consent and without remunerating him. In fact the law was designed to benefit United States citizens—authors, publishers, and printers—and to penalize the subjects of the kingdom from which the states had successfully revolted” (18–19). When American copyright law was amended in 1831, 1870, and 1878 the clause was retained (Kaplan and Brown 799). Solberg notes that the subsequent statutes not only “failed to contain any provision for the protection of alien authors” but, rather, each of the three revisions “in its turn included some provision which in substance was in agreement with section 5 of the first Copyright Act of 1790 to permit importing, reprinting, publishing and selling the foreign author’s work” (“Copyright Law Reform” 50–51).

Reprinting the work of foreign authors thus was from 1790 to 1891 actually encouraged by the U.S. government. American publishers were for a century invited to avail themselves of the various opportunities afforded by the alienation(s) inherent in the breaking function of iterability. This constitutes a near-farcical legislative situation, one destined to confound thinkers, anti-theory historians and philosophers included, who would be perceiving disciplinarial processes to be simply oppressive—or the cognate productively repressive—historical mechanisms rather than as, say, also possibly, as here, satirical invitations to freedom, invitations to enjoy the “play” made available by linguistic iterability. Thus, Michel Foucault’s panopticism as outlined in his *Discipline and Punish*—a type of self-disciplining by way of internalized, implicitly straightforward prohibitions\(^8\)—or D. A. Miller’s

\[^{8}\text{I agree with Michel de Certeau’s opinion that Foucauldian panopticism, as an approach, is itself rather too serious and “disciplinarial.” Arguing that Foucault’s analysis is itself indistinguishable from the many micro-techniques of disciplinary power that he is intent on discovering to be operative.}^\]
application to the novel form of Foucault’s outlook in his *The Novel and the Police* are both going to be unable to “read” this type of move. Those aspects these two thinkers categorize as “normality” and “deviance” clearly are significantly complicated, if not indeed imperceptibly undone and re-assembled in the opposite camps, when a relatively young country takes, as here, to semi-satirically enforcing “un-disciplined” behavior. Anselm Haverkamp may well have been claiming correctly, albeit a century or two belatedly, that *Deconstruction Is/In America*, as he maintained in the title of his 1996 edited volume. Few situations are as quintessentially “postmodern” as that of the Americans allowing to remain in effect for a hundred years a clause that might be described as, when viewed from the perspective of the British authors, a thoroughly “un-policing” policing statute.9

**Theoretical History and Biography**

I seriously doubt that many mainstream historians, perhaps any, would unbraid from the history of this struggle a narrative that views the pirating Americans as champions of the breaking function of the iterability of the mark. To be fair to the historians, it is often a case of there simply being too much history, too many settling-function-instituted perturbations and permutations perturbing and permutating, to allow for anything else—anything “other”—being adequately kept track of. Naturally, then, the more “sensational” readings are going to be given precedence. However, I believe that sometimes the patently unemotional generalizations characteristic of theory can be of help in making sense of especially variegated and complex historical narratives. That is, occasionally theory has something to teach the established histories. Of course, the act of gratuitously disturbing orthodoxies should, where feasible, be studiously avoided. As Paul de Man remarks when defending one of his deconstructive essays on Hegel,

There is no merit whatever in upsetting a canonical interpretation merely for the sake of destroying something that may have been built with consid-

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9. The perversity of the American statute is signaled in Meredith McGill’s contention that “were it not for the double negatives in which it is couched, this provision would read like a ringing endorsement of international literary piracy” (80).
erable care. . . . The commentator should persist as long as possible in the canonical reading and should begin to swerve away from it only when he encounters difficulties which the methodological and substantial assertions of the system are no longer able to master. Whether or not such a point has been reached should be left open as part of an ongoing critical investigation. But it would be naïve to believe that such an investigation could be avoided, even for the best of reasons. The necessity to revise the canon arises from resistances encountered in the text itself (extensively conceived) and not from preconceptions imported from elsewhere. (Aesthetic Ideology 186)

It is my contention in this study that the perspective provided by a close analysis of Collins's works of the 1850s and his four masterpieces of the 1860s necessitates just such a “revision of the canon” of Collins criticism and, for want of a better term, a “complexification” of the situation of American piracy—indeed, getting started already, one might well be required to write here “piracy.” The evidently pro-breaking function aspects of these narratives indicate that some part of Collins’s multifaceted psyche viewed this situation (and textually-alienating situations like it) in a more variegated light than that made available by the view of the situation as a simple battle between the “good guys” and the “bad.” After subjecting Fosco to his much-deserved punishment—settling’s last hurrah, so to speak—at the end of The Woman in White,\(^\text{10}\) Collins will soon enough be casting the breaking function no longer in the position of “bad” unwanted “side-effect” but rather—say, for instance, in No Name’s falsely conservative opening—in that of essential component of the workings of language. This acceptance of the breaking function will only intensify until finally it culminates in the The Moonstone’s concluding with Murthwaite’s inability to go on with the story, his inability to any longer “tell.” The Americans were putting into effect this legitimate theoretical possibility by acknowledging—and inviting to perceive it those English authors open-minded enough to do so—language’s inherently alienatable nature, especially upon its passage beyond national borders, a nature that copyright law had been attempting in the nineteenth century, not always successfully, to bring under control over larger and larger areas through, among other regulators, international copyright agreements. It is my fundamental contention here that the plots of The Woman in White, No Name, Armadale, and The Moonstone gain their force from the growing acknowledgment of the existence of the breaking func-

\(^{10}\) Hutter offers interesting reasons for considering this punishment to be suspect in his article “Fosco Lives!” in which case we could argue that Collins’s acceptance of breaking begins even earlier.
tion, and that it was the Americans who necessitated Collins’s most overt confrontation with this function.  

In this chapter I will be attempting to undo the “orthodox” interpretation—as that of a battle between immorality and justice—that the English authors (and some American authors) were attempting at the time to impose on the situation. While Collins’s comments on the American character after 1870 strongly suggest he felt an allegiance to this view, his fictions of the 1860s just as strongly direct one beyond this interpretation. The Americans’ actions could be viewed either as a salvo designed to defy and hurt the general English sensibility, a sensibility that the Americans nevertheless shared even as they directly defied it, or as an acknowledgment of the true theoretical basis of (textual) things, specifically of the very real, very unignorable effects of the breaking function. In other words, when looking at the situation one is faced with the dilemma of deciding between the view of America as parasite (in a world in which settling holds sway) or as necessary and significantly-positioned corrective (with breaking coming to balance settling).

The local and global effects of the American piracy of British works during the nineteenth-century copyright war between the two powers have only recently come to receive their full historical consideration.  

Here in this chapter, before turning to the analysis of Collins’s narrative itself, I will be attempting to tease out the theory from that history. Rather than being drawn into a discussion of this or that small-scale, esoteric (and therefore necessarily myopia-inducing) historical by-way, I will be looking at the historical narrative—specifically the mid-Victorian legal-cultural history and Collins’s biography—schematically, that is, from the point of view continually advanced by Collins’s subsequent major fictions, the theoretical one.

The nationalism-driven, large-scale piracy by the Americans elicited a countering nationalistic narrative on the parts not only of the British

11. I am attempting here to follow in the tradition of Welsh’s admirably-ambitious claim in From Copyright to Copperfield that Dickens’s interactions with American recalcitrance on the issue of copyright during his 1842 trip added new depth to his subsequent fictional character portraits. My argument differs only in my contention that the lesson that Collins learned from this recalcitrance was situated at a more “structural” or “empty-formalist” level than that learned by his friend and mentor.

12. Johns’s recent Piracy offers a good history of the situation. See also Barnes and McGill for discussions focusing on the early phase of the dispute as well as Seville’s Internationalisation. Baker et al. address the copyright dispute in the introduction to the four-volume edition of Collins’s letters (Collins, Public Face xxx–xxxi). See also Law’s chapter on the later Collins’s well-documented interest in this issue, “Collins on International Copyright,” in Mangham, Wilkie Collins 178–94.
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literary establishment but also of its legal culture. Although the author-as-disseminator model remained the dominant one in British copyright cases, certain judges were prompted to adopt an always-available perspective of the author-as-creator in their decisions. While the former standpoint focused strictly on the work itself and the rights to the profits derived from it, the latter viewed copyright as a defense of the “personality” of the British subject. It was difficult to defend convincingly the violation of the faceless British “product,” that product being bound up as it was with the to-ings and fro-ings of unfeeling transatlantic economies. Turning the discourse to that product’s producer and the producer’s family made the violation all the more personal. This bodily focalization of the rationale for copyright helped to set in clear relief the distinction between the “moral” British and the “immoral” Americans. Pursuing this author-as-creator path, the English legal culture gradually came to effect a conjunction between corporeality and textuality along the same lines as that conjunction evident in The Woman in White’s easily-moved-about girl-woman/easily-alienated published text conflation. Thus, more was at stake, I am arguing, in the re-assignment of the misrecognized Laura Fairlie to her proper place in society than might have at first seemed.

My main contention in this chapter will be that The Woman in White is a covert allegory, simultaneously published in both Britain and America, lobbying against the contemporary American practice of pirating British works. In the hands of the conflicted Collins—awkwardly situated as he

13. Justin Hughes writes of this dichotomy, “The main alternative to a labor justification [of property in copyright] is a ‘personality theory’ that describes property as an expression of the self. This theory . . . is relatively foreign to Anglo-Saxon jurisprudence. Instead, its origins lie in continental philosophy” (288–89). “Disseminator” more clearly signaling the concept of breaking than “laborer,” I find the dichotomy disseminator/creator to be more appropriate to this situation than that of laborer/personality. While it may seem I am bringing together two separate entities by equating an “author-as-creator” approach with a personality-based one, that is, in equating the possession of creativity with the simple possession of an individual personality, I do not do this without precedent. The Supreme Court has already made such an elision in its decision in Feist v. Rural Telephone (1991): “To qualify for copyright protection, a work must be original to the author. . . . Original, as the term is used in copyright, means only that the work was independently created by the author (as opposed to copied from other works), and that it possesses at least some minimal degree of creativity. . . . To be sure the requisite level of creativity is extremely low; even a slight amount will suffice. The vast majority of works make the grade quite easily, as they possess some creative spark, ’no matter how crude, humble or obvious’ it might be” (345). Here the standard for creation has been brought down to the level of an individual “creative spark,” a requirement at least as low as the possession of the markers of a unique personality.

14. While the narrative was in large part based on the Madame de Douhault case, I will in what follows not only be dealing mainly with Collins’s peculiar additions to the story, for example, the other woman—briefly mentioned in the case and then only posthumously as “le corps d’une autre personne” (Mejan 3:229)—becoming the titular focus of the story and honorability becoming a ma-
was between the perspective of his literary father Dickens (and real father as well) and that of the theoretically perspicacious Americans who were actuating that aspect that Justice Yates (and Collins’s own grandfather perhaps) had been arguing should not be denied—the representation of the remarkable exchange of the two women in the narrative brought about by the two villains came to mimic that act perpetrated by the illicit American reprinters, that of stealing the contents of the legitimate English version of the book. His villains’ derisive ridiculing of “copy-book morality” (*Woman in White* 235) thus takes on a new meaning when it and the narrative that contains it are viewed—a particular contextualization I am keen, at least provisionally, to effect—from the perspective of English moralizing about American copyright violations.

**Overt Moralizing**

The immediate issue that my admittedly rather elaborate formulation of a “covert allegory” raises is the question of why Collins would have wanted to avoid making explicit his criticism of American piracy in 1860, especially since he would have no compunction about doing so after Dickens’s death in 1870, publically and forcefully. The answer lies, I believe, in the cautionary example offered by the effect that Dickens’s pointed comments on the issue had had during his 1842 trip to America, an effect that we need to consider if we are to understand the context out of which this one of Collins’s narratives arises.

Looking at Collins’s comments on (literally) the narrative of *The Woman in White* we find evidence that he connected the issue of American reprinting with it. We see a private hint of a concern with illicit reduplication left us in Collins’s own hand, in the description of the publishing history of his novel given at the head of his manuscript (now held, somewhat ironically, in the United States, institutionalized in the Morgan Library in New York):

“[*The Woman in White*] was first published, in weekly parts, in ‘All the Year Round.’ . . . During the same period it was periodically published in New York, U.S. (by special arrangement with me) in ‘Harper’s Weekly’” (*Woman*...
The Woman in White

We find Collins in this manuscript comment obliquely giving voice to the worry that during this period his novel could have been published, quite legitimately as far as American law was concerned, in the States without “special arrangement” with him—as indeed it was. In 1880, Collins, looking back on this period of his career, has no trouble voicing in an article titled “Considerations on the Copyright Question Addressed to an American Friend,” quite clearly, his anger at the Americans:

It has been calculated, by persons who understand these matters better than I do, that for every reader in England I have ten readers in the United

hard done by by the advance sheet system (342; see also Kappel and Patten 32), a difficult proposition to concur with when the difference between actual English and American revenues is contrasted with the difference in the countries’ populations and literacy rates, both higher in America (see Kaestle et al. 18–25). Appeals such as this for retrospective analyses of the “actual” monetary situation threaten to distort and obscure the more pertinent issue here, that of the contemporary subjective impressions of infringement and exploitation in the minds of Victorian English authors subjected to both this system and to the ill-treatment of the American “pirates.” But, giving these critics the benefit of the doubt, if only possibly losing out in the matter of money, the British authors certainly lost out to the Americans in the matter of time. To counterbalance traveling time to America, the advance sheet system required that an earlier deadline, of twenty to thirty days, be set for weekly or monthly parts than would otherwise have been the case. This could only have worsened the sour impression left by the Americans on writers who had difficulty meeting these deadlines as was occasionally the case with Collins, due to the effects of a mysterious unabating illness and other misfortunes. See, for example, Dickens’s letter to Collins during the writing of No Name: “[W]hat follows . . . I hope may save you some mental uneasiness. For I was stricken ill when I was doing Bleak House, and I shall not easily forget what I suffered under the fear of not being able to come up to time. . . . [S]ay you are unequal to your work, and want me, and I will come to London straight and do your work. . . . I could do it, at a pinch, so like you as that no one should find out the difference. . . . [But] [y]ou won’t want me. You will be well (and thankless!) in no time. But here I am; and I hope the knowledge may comfort you” (14 October 1862, Letters 10:142). (It is said by many commentators that Collins did not need this help; see, for example, Peters 245. However, I find each opening paragraph or two of the eight scenes in No Name to be suspiciously Dickensian in style. On 24 January 1862 Dickens had written the following to Collins: “It seems to me that great care is needed not to tell the story too severely. In exact proportion as you play around it here and there, and mitigate the severity of your own sticking to it, you will enhance and intensify the power with which Magdalen holds on to her purpose” [Letters 10:20]. One has to wonder if Collins, in the throes of his illness, might not have agreed in his scene openings to take up—or allowed passively at some later compositional stage—Dickens’s severity-mitigating [in various senses] aid.) See also the Preface to the revised edition of 1871 of The Moonstone in which Collins comments on the effects of his mother’s death and an illness that nearly derailed the serial composition: “While this work was still in course of periodical publication in England, and in the United States, and when not more than a third of it was completed, the bitterest affliction of my life and the severest illness from which I have ever suffered, fell on me together. . . . Under the weight of this double calamity, I had my duty to the public still to bear in mind. My good readers in England and America, whom I had never yet disappointed, were expecting their regular weekly instalments of the new story” (29). The advance sheet system also disturbed a specific aspect of Dickens’s work, its topicality, as the requisite long lead time hampered timely journalistic commentary: “the perpetual sliding away of temporary subjects at which I could dash with great effect, is a great loss” (qtd. in Drew 147).
States. How many unauthorized editions of this one novel of mine—published without my deriving any profit from them—made their appearance in America? I can only tell you, as a basis for calculation, that one American publisher informed a friend of mine that he had “sold one hundred and twenty thousand copies of “The Woman in White.”” He never sent me sixpence. (618)

Collins also offered a more general condemnation of the Americans’ practice by opening that particular article with a parable, a “little anecdote,” that bears a striking methodological resemblance to The Woman in White: the anecdote is a fictional allegory of copyright infringement. The parable is set in the early days of North American settlement by the Dutch and recounts the “theft” by an Iroquois chief from a Dutch settler of a watch “made by [the Dutchman] and containing special improvements of his own invention” (Collins, “Considerations” 609). When requested to return the watch, the chief refuses, saying, “Possibly your watch is protected in Holland. . . . It is not protected in America. There is no watch-right treaty, sir, between my country and yours” (610).16 Collins ends the parable with the key to its decipherment: “[t]he prototypes of modern persons have existed in past ages. The Iroquois chief was the first American publisher. [The Dutchman] was the parent of the whole European family of modern authors” (610). Here we have Collins, by characterizing the American publishers as more-native-than-the-Native-Americans in their “lawlessness” and “savage” immorality, coyly taking to its logical extreme a pervasive rhetoric of American republicanism and sovereignty that was being used throughout the century to support the publishers’ contention of feeling like absolute “foreigners”—consistent with those taunts about “moral clap-traps” (Woman in White 236 and 604) aimed by Fosco at the two scandalized, excessively-forthright heroines—in the face of British understandings of honor and civility.

“Considerations” was not Collins’s only protest against American piracy. On 27 February 1874, during the last engagement of his winter reading tour in America, in the spirit of Dickens’s first American trip, he had upset some members of his Boston audience by bringing up this point of contention

16. Collins’s analogy here may well owe something to Richard Bentley, his publisher from 1850’s Antonina to 1854’s Hide and Seek. After George Bohn, the English reprinter of certain of Bentley’s American authors, agreed to settle with him in late 1851, Bentley’s celebratory indignation in print was such that his lawyer Devey had to warn him towards tempering it: “Bohn is a pirate—but he is not a felon! Your illustration, therefore, of a man robbing you of your watch, seems to me to lack a very rank ingredient in order to work it into an analogy” (Barnes 165).
in Anglo-American literary relations (Ashley 102). Additionally, in 1870 he had collaborated with the novelist and editor James Payn on an article entitled “A National Wrong,” allowing Payn to quote extensively from two of his piqued responses to potentially-pirating Dutch publishers. The second of Collins’s letters concluded with the following forceful pronouncement:

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. (Payn 109)

In the article, Payn himself referred to the age’s most significant market denying profits to British authors:

The idea of our “spry” cousins is, that they will not be the 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? . . . [If] the “spry” American senator [could apply] [America’s] 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. (107)

Admittedly, it seems hardly creditable that an author who felt this way later in his career could have been writing in 1860 a covert allegory on this heated topic. However, I believe that at that time the lesson of 1842 was still in effect, in a way it would not be after Dickens’s death in 1870. It was a lesson so stinging in its rebuke as to be hard to forget. On January 22, 1842, Dickens had arrived in America full of hope. In the years—and, in one case, even months—leading up to his trip, bills attempting to establish a recognition of British copyright had been presented several times by Henry Clay, Senator for Kentucky, and defeated or allowed to die without debate in Congress (in 1837 [twice], 17 1838, 1840, 1842) (Solberg, “Bibliography”)

17. As a means of attacking its enemy Clay and the report of his Select Committee of 16 February 1837, The United States Magazine and Democratic Review adopted in 1838 the sly practice of disingenuously calling for no action to be taken on the question of international property until authors had had restored to them a perpetual copyright in their works, an impossible ideal in the America of that
Dickens's trip had been, undoubtedly, among other things an attempt to help Clay along in his project. However, the author's efforts were, to say the least, not well received. Fred Kaplan writes,

Only a literary lion, Dickens walked into the political and economic den of [American] public pressure groups like an ignorant Daniel. . . . With no sense of the economic reality or of American irritability on such matters, Dickens had one overriding feeling: A great injustice was being done. . . . Of all living writers he stood to gain most by a copyright agreement. Though most of his English fellow-authors supported his lobbying, some, like Bulwer, as well as numbers of his American friends, thought his speeches unseemly and his position awkward. (127–28)

Part of the problem was that Dickens's concern for “justice” overrode any concern for local economic circumstances. David Saunders comments that “the early 1840s was a time of recession in the United States economy, a fact that made Dickens's campaign to have Americans recognize and pay for use of British copyright material singularly ill-timed, given that such recognition was alleged to threaten the American industry with much higher costs” (158). Though Dickens had imagined he would be able to positively influence the situation, his directly-stated criticisms resulted in the American public's turning largely against the cause. Given the particularly forceful nature of Dickens’s “lobbying” endeavors this is not surprising. To give a sense of these efforts, we might quote a long passage from one of his letters written from New York back home to England:

I spoke, as you know, of international copyright, at Boston; and I spoke of it again at Hartford. My friends were paralysed with wonder at such audacious daring. The notion that I, a man alone by himself, in America, should venture to suggest to the Americans that there was one point on which they time as the magazine well knew: “We hope . . . if a bill similar to that which was passed through the Senate in February of last year, is again introduced by its author, that it will be postponed until after a bill shall have passed restoring literary property to its proper level of equality with all other kinds of property, recognizing its equal inviolability and perpetuity. . . . Then, and not till then, will it be time to take up the subsequent question for consideration, to be decided on calm and statesmanlike views of public justice and public policy” (“Literary Property” 311; emphasis in original).

18. McGill remarks, “The American press . . . reads Dickens's assertions . . . as proof that he was both mercenary and plotting—that he came not voluntarily, to be celebrated by his readers, but as a national emissary on behalf of British trade. This theory gains considerable momentum as Dickens's trip wends south toward Washington, where the last of Henry Clay's international copyright bills is under consideration” (113).
were neither just to their own countrymen nor to us, actually struck the boldest dumb! . . . It is nothing that of all men living I am the greatest loser by it. It is nothing that I have a claim to speak and be heard. The wonder is that a breathing man can be found with temerity enough to suggest to the Americans the possibility of their having done wrong. I wish you could have seen the faces that I saw, down both sides of the table at Hartford, when I began to talk about Scott. I wish you could have heard how I gave it out. My blood so boiled as I thought of the monstrous injustice that I felt as if I were twelve feet high when I thrust it down their throats.

I had no sooner made that second speech than such an outcry began (for the purpose of deterring me from doing the like in this city) as an Englishman can form no notion of. Anonymous letters; verbal dissuasions; . . . assertions that I was no gentleman, but a mere mercenary scoundrel; coupled with the most monstrous mis-representations relative to my design and purpose in visiting the United States; came pouring in upon me every day. The dinner committee here (composed of the first gentlemen in America, remember that) were so dismayed, that they besought me not to pursue the subject, although they every one agreed with me. I answered that I would. That nothing should deter me. . . . That the shame was theirs, not mine; and that as I would not spare them when I got home, I would not be silenced here. Accordingly, when the night came, I asserted my right, with all the means I could command to give it dignity, in face, manner, or words; and I believe that if you could have seen and heard me, you would have loved me better for it than ever you did in your life. (Dickens, “Letter to Forster” 24 February 1842, Letters 3:82–84; emphasis in original)

Dickens’s description of his feeling of righteous indignation during his American speeches conforms well with the self-description that his character Pip provides in Great Expectations: “In the little world in which children have their existence whosoever brings them up, there is nothing so finely perceived and so finely felt, as injustice. . . . Within myself, I had sustained, from my babyhood, a perpetual conflict with injustice” (63).

Given this standoff between Dickensian moral righteousness and American brazenness, it is no surprise to find a critic remarking that “one may question whether Dickens’s intervention . . . did not, by all the journalistic opposition it aroused, contribute to delay the passage of an international copyright bill rather than to further it” (Houtchens 27). The assertions that Dickens was “a mere mercenary scoundrel” referred to in the letter above continued even after he had left the States, occasionally appearing in the most galling of contexts. For instance, the next year the American “mam-
moth” newspaper Brother Jonathan, in introducing the American sections of its piracy of Martin Chuzzlewit, prefaced the following comment:

if ever a man left our shores in the humor to write an ill-natured, illiberal book upon America, that man was Charles Dickens. His reception here was most brilliant. The fuss made about him was such as almost to lay those who were concerned in it, open to the charge of fulsome adulation. . . . Still, he did not come here to be feted and feasted, and toasted and lionized. He came on a pure business errand, by the success of which he expected to put money in his purse. . . . On the day after his arrival [in Washington] he discovered . . . that, whatever might be the general opinion in this country upon the abstract justice of an international copyright law, to talk or think of passing such an act was idle. Now, Mr. Dickens dearly loves the dollars, and here was the most promising scheme for scraping them together, ever presented to his imagination, crushed, utterly annihilated. All those glittering visions of heaps of the yellow boys . . . were entirely, remorselessly swept away. The blow was a cruel one, and, as it were, knocked him all of a heap. Of course he made up his mind on the instant that the Americans, both in the aggregate and individually, were naturally, constitutionally, and from inveterate habit, no better than they should be, and, if anything, a good deal worse. (“Martin Chuzzlewit” 379–80)

This type of provocation could have done nothing to change Dickens’s opinion of the Americans, an opinion that seems to have solidified by early May of his trip. The observations he offers in another letter—similar to those expressed satirically in the second epigraph from Chuzzlewit at the beginning of this chapter—indicate that he did not think much of the American character:

I’ll tell you what the two obstacles to the passing of an international copyright law with England, are: firstly, the national love of “doing” a man in any bargain or matter of business; secondly, the national vanity. Both these characteristics prevail to an extent which no stranger can possibly estimate. With regard to the first, I seriously believe that it is an essential part of the pleasure derived from the perusal of a popular English book, that the author gets nothing for it. It is so dar-nation ’cute19—so knowing

19. The placement of the hyphen in “dar-nation” here is meant, one imagines, at some level to suggest not only an American regional colloquialism but also an overweening American nationalism. This implicit reference to nationalism is not out of place because, as we saw with Nowell-Smith’s
in Jonathan to get his reading on those terms. . . . The raven hasn't more joy in eating a stolen piece of meat, than the American has in reading the English book which he gets for nothing. (Dickens, “Letter to Forster,” 3 May 1842, *Letters* 3:231–32)

Dickens undoubtedly also shared these sentiments with his friend Collins when the two grew close in the early-1850s. As a result, his younger colleague, I am arguing here, chose to make his own attempt at remedying the problem, this time under the surface of the discourse.  

The American context that Collins encountered when beginning to plan and compose *The Woman in White* in 1859 was a little more welcoming—despite the looming war—than the one Dickens had encountered in the early 1840s. There were renewed hopes (after an 1852–54 treaty effort had miscarried) in the late 1850s that the Americans might be persuaded to establish a copyright agreement. After a 15-year period of congressional legislative inactivity on the issue, two American bills were presented, both interpretation of the U.S. copyright clause, an anti-English republicanism was at the heart of the resistance to granting English authors American copyright. The Irish nationalist Mathew Carey, who fled Ireland to avoid imprisonment for republican activities, and his political-economist son Henry C. Carey both worked through their very successful Philadelphia publishing dynasty to defend the practice of reprinting English works. See particularly the latter Carey’s *Letters* of 1853 and Johns, *Piracy* 175–211, 309–26.

20. Dickens may have tried his own covert allegorizing with regard to this issue in Pecksniff’s appropriation of Martin’s design in the Liverpool grammar school episode in chapter 35 of *Martin Chuzzlewit* (1844) (coming one chapter after Pogram’s remarks about the English hatred of American institutions in the second epigraph to this chapter). Noting that in his “mission” Dickens “entirely, humiliatingly failed,” Gerhard Joseph goes on to argue that “the American piracy of Dickens’s novels . . . gets displaced in *Martin Chuzzlewit* onto a meditation on Pecksniff’s theft of Martin’s grammar-school plans. . . . [It] is surely true that the dispute about authorial rights to an intellectual property within a fiercely individualistic humanist/capitalist ethos is what is at issue for both Martin the apprentice and Dickens the author” (260, 268–69).

21. In 1852 the secretary of state Daniel Webster had drafted an Anglo-American international copyright treaty and his successor Edward Everett had authorized it on 17 February 1853, but it failed, due to a variety of factors, to receive ratification by the Senate (Barnes 241–62). Solberg remarks, “the matter was allowed to drop, the convention never being put into force” (“Copyright Law Reform” 59). Henry Carey’s *Letters* of 1853 may have had some effect in causing it to be tabled. Dickens agreed to hold a meeting on the matter of monetarily supporting the treaty at Tavistock House, writing to invite, among others, the publisher Richard Bentley on 18 May 1852: “Sir Edward Bulwer Lytton is in possession of some very curious papers having reference to the passing of an International Copyright law with America. He has communicated them to me, and we agree that they ought to be privately imparted to you and one or two others interested in like manner in the question . . . . Will you meet Sir Edward here on Saturday next, at 3 o’Clock in the afternoon?” (Letters 6:675). See Barnes describing the skepticism Dickens exhibited at this meeting about the feasibility of this eventually unsuccessful campaign (223–25). In general Dickens “felt that American legislators could never be brought to do anything other than serve their own self-interest” (Barnes 92).
Chapter 3

authored by Representative Edward Joy Morris, in relatively quick succession, on January 18, 1858 and February 15, 1860 (Solberg, “Bibliography” 788). In addition, in December 1858 Blackwood’s had published a report on the International Copyright Congress held that September in Brussels.22 This was the environment in which Collins contemplated beginning the composition of The Woman in White, a task he started on 15 August 1859 and completed on 26 July 1860 (Collins, Woman in White 647).

Thus, Collins entered an arena in which, though it was still clear that direct appeals published in a journal conducted by Charles Dickens would be ineffective, there was nevertheless some hope that a clever-enough author could offer a subtle push in the right direction. Authors such as Marryat, G. P. R. James, Ainsworth, Cooper, Irving, Bryant, Emerson, and Poe, both in England and America, had been overtly complaining about the widespread practice of the American piracy of British works for several years before Collins would come to compose The Woman in White. Direct appeals to the Americans having not worked, Collins, one imagines, decided to carry out his critiques of literary piracy—and to deploy his references to textual ideology in general—sub rosa. That approach may have been risky, in the sense that it would have allowed the message often to be missed, but it was nevertheless a way of avoiding once again stirring up ill-will of the sort that the speeches given by Dickens during his trip had generated. Dickens himself, though remaining a strident advocate for various other causes, subsequently gave up the direct approach in relation to this issue, reportedly avoiding mentioning it in public forums (Letters 11:634).

In short, I would argue that Collins’s novel, coming to be composed during this renewed phase of American legislative activity, should be seen as a surreptitious ideologico-literary salvo—and as potential redemption of his friend’s political misstep—in this war for the minds and moral wellbeing of his American readers.

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22. The article began with the obligatory complaint that “English authors and publishers are infinitely more interested in the question [of international copyright] than the authors and publishers of any other country. . . . [A]lmost every English book that appears . . . is caught up by the race of American Harpers (an obvious corruption of harpies), and circulated for a few cents throughout the length and breadth of the United States” and concluded with a recapitulation of the Congress’s resolutions, the first of which was aimed at establishing a globalized unity of approach: “The Congress is of opinion that the international recognition of property in literary and artistic works, ought to be adopted in the legislature of every civilised people; that it ought to be extended from country to country even in the absence of reciprocity; and that legislation in all countries where the principle is adopted, should be founded on an [sic] uniform basis” (“International Copyright Congress” 687, 698).
The Face and the Text in _Jeffereys v. Boosey_

Having established the local context for Collins’s covert allegorizing, we might now attempt to establish the larger legal context encouraging the collapse of look-alike texts with look-alike faces, a collapse on which Collins’s allegory relies. An early instance of this collapse appears in the English legal case of _Jeffereys v. Boosey_ (1854), described by the nineteenth-century copyright authority Eaton S. Drone as “the leading copyright case of this century, as Millar v. Taylor and Donaldson v. Becket were of the last” (223). This legal dispute is a consideration of the right of foreign authors to claim copyright in England. While it appears very much an Italian–English case—at issue is the piracy of the printing of an aria from Vincenzo Bellini’s opera _La Sonnambula_—it is not solely concerned with that context. The more important contemporary group being addressed by the decision is unquestionably the Americans, as is signaled by some of the Justices’ musings on the decision’s potential impact on the current transatlantic international copyright dispute. Barnes notes, “It was not entirely coincidental that most of the copyright cases involving foreigners [in England] during the first half of the nineteenth century had to do either with American authors or European musical composers. . . . There was no need to translate either, and as a result they were the natural targets of unauthorized republication” (165–66). Lord St. Leonards, the former Lord Chancellor, delivering his opinion (along with the other two Law Lords deciding the case, current Lord Chancellor

23. This was the appeal of the decision in _Boosey v. Jeffereys_ (1850). That decision had concluded that an American author had copyright in England if the book had been first published there, the author’s place of residence on publication day being immaterial. Thus, from 20 May 1851 (when the decision in _Boosey_ was handed down) onwards, it appeared American authors had solid rights covering all their works in both the American and British markets. In response to the _Boosey_ decision, Richard Bentley, “the largest publisher of American works in Britain” (Barnes 176), was prompted to write the following to his most valuable and valued author, James Fenimore Cooper: “At last we have had a decision of the Question—whether a foreigner can hold Copyright—by the Lord Chief Justice and five other judges sitting in a court of Error, deciding this point affirmatively. I am therefore now proceeding against those who have interfeared with the novels by you and published by me. . . . Not but that the pirates threaten to carry the matter to the court of last resort—The House of Lords—but we shall see whether they will like to spend more money” (3 June 1851; qtd. in Seville, _Internationalisation_ 179). Unfortunately for Bentley, they did like, and this state of affairs would be undone by the decision handed down in _Jeffereys_ in 1854. Barnes notes that the decision in _Jeffereys_, the House being the last recourse in appeals, put the nail in the coffin. It had a serious effect on American writers such as Cooper, Irving, Stowe, and Melville, for, their unprotected earlier works having become much less valuable and exclusive, “[p]ublishers of American books . . . were faced with having to renegotiate all their contracts with American authors” (173). The effect of the decision in _Jeffereys_ was that “Prices offered American authors for the British market plummeted” (Seville, _Internationalisation_ 188).

24. Collins will have Lydia Gwilt, Ozias Midwinter, and Allan Armadale attend the performance of a different opera by Bellini, _Norma_, in Naples late in _Armadale_ (555–56).
Cramworth and Ex-Chancellor Lord Brougham) feels of necessity called on to comment on that particular dispute:

I may remark, in passing, that, although nothing could be more improper than to consider the state of international law in deciding a question upon our own municipal law, (for here we must decide this question, not with reference to the relation in which we stand to the United States, or any other country with respect to copyright, but as it regards our own law in the abstract, without reference to any other country at all), yet I may observe, that the strained construction which would give to a foreigner the right which is now claimed, would have the effect of placing this country not on a level with the United States. For example, the United States do not allow a foreigner resident out of them to obtain a copyright there; but the American publisher imports his [the foreigner’s] books the moment they are published, and sells them without difficulty and without interruption. In the United States they attempted to bring in a Bill in order to reconcile the laws of the two countries, and to put authors upon the same footing in each country. That attempt did not succeed.25 . . . [Thus] we are not called upon to put any strained construction upon our own Act of Parliament [of 1844] in order to give to foreigners a right which their law denies to us. (Jeffereys 749)

St. Leonards’s reasoning would be instrumental in leading the presiding judges to decide that a foreigner could indeed hold English copyright but only if that work’s first publication had taken place in England or its Colonies and the author had been resident on publication day within those dominions.26 The British here, even more markedly than in the “Internationalisa-

25. Of that unsuccessful treaty agreement, in which he played a part (Seville, Internationalisation 182; Barnes 250), William Makepeace Thackeray would write, “I hear the most cheering accounts . . . of the International Copyright bill, which on my conscience will make me 5000 dollars a year richer” (Letter of 16 February 1853; qtd. in Seville, Internationalisation 182–83n114).

26. See Drone 227. The House of Lords’ decision in Routledge v. Low (1868) would clarify the requirement that to secure British copyright an American author’s residence had to be on publication day in the British Dominions “however temporary” that residence might turn out to be (Seville, Internationalisation 198). Thus, the English understanding of “residence” was not as stringent as the American. The American attitude was expressed in Carey v. Collier (1837). There the U.S. Circuit Court of New York had decided that Captain Marryat would not be granted American copyright protection for The Phantom Ship because the evidence, despite the filing of a declaration of intention to become a citizen, pointed to his actually being merely what the judge described as a “transient visitant” (59; see also Drone 233n2). Mark Twain would make use of this British provision, as would other American authors. Twain would be writing in 1887, “To-day the American author can go to Canada, spend three days there, and come home with an English and Canadian copyright which is as strong as if it had been built out of railroad iron” (qtd. in Matthews 47). Barnes writes that the

tional Copyright Acts” of 1838 and 1844, effectively are offering to meet the Americans half way in resolving the issue of the lack of an international copyright agreement. St. Leonards’s reference to the Americans was not a simple aside. They may well have been the intended audience for the judgment, if not precisely the case. Seville remarks, “The Jurist reported that the ‘commonly received explanation’ of Jeffereys v. Boosey was that it was decided with a view to the renewal of the abortive treaty negotiations [with America]. If so, the attempt failed” (Internationalisation 190).

In Jeffereys, William Erle, a Justice of the Court of Queen’s Bench, had been called on (along with nine other judges), as was the practice for especially significant cases, to offer an advisory opinion to the presiding Law Lords. In the course of delivering his opinion (that the work of an alien in residence, even manifestly transitory residence, does merit British copyright protection), Erle had put forward an analogy that located copyright securely within the realm of the control of personhood rather than, as had often before been the case, in the realm of the control of landed property (as has been outlined in the examples in the previous chapter). Arguing against those who would be considering literary property to be an “evanescent and fleeting” concept that entailed “a claim to ideas which cannot be identified,” Erle equated a literary composition’s individuality with that of the face of its author:

[T]he claim [in copyright] is not to ideas, but to the order of words, and . . . this order has a marked identity and a permanent endurance. . . .

_The order of each man’s words is as singular as his countenance_, and although if two authors composed originally with the same order of words, each would have a property therein, still the probability of such an occurrence is less than that there should be two countenances that could not be discriminated. (Jeffereys 703; emphasis added)

*immediate effect of* Routledge—*with regard to American works already published without the safety of authorial residence on publication day in Canada (i.e., the vast majority of them)—was “to throw open the floodgates to the republication of American works [in England]. Reprinters no longer feared court injunctions” (172). The question of American authors’ rights in England had been very much up in the air since the Court of the Exchequer in Chappell v. Purday (1845) had held it to be “doubtful whether a foreigner not resident [in Britain] can have an English copyright at all” (499). Seville points out that the decision in the case of Boosey v. Purday (1849) had prompted the English publisher Bentley to warn his American author Herman Melville that the justices of the Court of Exchequer “have decided that a foreigner has no copyright. This drivelng absurdity can scarcely be suffered to remain, I trust, but in the mean time this decision will expose publishers like myself, who am so largely engaged in this department of publishing to the risk of attack from any unprincipled persons who may choose to turn Pirate” (Bentley to Melville, 20 June 1849; qtd. in Seville, Internationalisation 176–77).
The specter of American piracy haunted Erle’s words here, particularly his formulation of a text that looked the same as another but that should not have come into existence except through an entirely separate process of composition. We are not far from the logic implicit in the narrative of The Woman in White allowing look-alike women, actually half-sisters, to pass for look-alike texts, the British original and the American reprint.

Theory continually obtrudes into the historical domain, but we can only see this if we are open to noticing theory’s effects. This scenario, implicitly touching on the precarious balancing of the repetition (breaking) and originality (settling) characteristic of linguistic iterability, will be conjured up by jurists and writers again and again down to our own age. In 1936 Judge Learned Hand notes that copyright attaches in different ways to different works, even if those works happen to look the same: “[I]f by some magic a man who had never known it were to compose anew Keats’s ‘Ode on a Grecian Urn,’ he would be an ‘author,’ and, if he copyrighted it, others might not copy that poem, though they might of course copy Keats’s” (Sheldon v. Metro-Goldwyn [54]). One might copy Keats’s poem of course because it would be out of copyright. In 1938, Jorge Luis Borges composes the story “Pierre Menard, Author of the Quixote” in which the title character does “not want to compose another Quixote—which is easy—but the Quixote itself” (39). Unlike Cervantes’s real-world rival Avellaneda de Tordesillas, Menard has not set out to write a false continuation. Nor has he set out to plagiarize the original but rather to recompose the book itself: “Needless to say, he never contemplated a mechanical transcription of the original; he did not propose to copy it. His admirable intention was to produce a few pages which would coincide—word for word and line for line—with those of Miguel de Cervantes” (39). Given that the particular words used—though only seemingly infinite in their possible permutations and combinations—are definitely infinitely reusable, there always exists the chance, however remote, that two compositions could turn out the same. This is the type of situation that Erle, by tying iterability to faces, was trying to bring under control.

However, the situation, as formulated in Jeffereys, then posed the opposite threat, of perhaps having copyright infect the realm of facial gestures and singular authorial identity. This possibility was not welcomed by some of the other judges advising in the case. Lord Chief Baron Pollock, presumably intending mockery but actually laying out the future directions of copyright and its offshoot the “right of publicity,”27 attempted to counter Erle’s type of

The ground taken by the learned Counsel for the Defendant in Error, on this part of the case, has been that an author has the same property in his composition, being his own creation or work, as a man has in any physical object, produced by his personal labour. If such a property exists at Common Law, it must commence with the act of composition or creation itself, and must, it seems to me, be independent of its being reduced into writing. . . . [If so it] must apply to every other offspring of man’s imagination, wit, or labour . . . to whatever belongs to human life. . . . And it is difficult to say where, in principle, this is to stop; why [copyright] is to be confined to the larger and graver labours of the understanding? Why does it not apply to a well-told anecdote, or a witty reply, so as to forbid the repetition without the permission of the author? And, carried to its utmost extent, it would at length descend to lower and meaner subjects, and include the trick of a conjuror, or the grimace of a clown. (Jeffereys 729)

Here Pollock transformed Erle’s “each man’s countenance” into each clown’s grimace as a means of disclosing the apparent absurdity of the basic presumptions underlying such an analogy.

However, despite Pollock’s general objections to this type of thinking, Erle’s analogy would take hold. The legal scholar Jane C. Ginsburg considers Erle’s remarks a nascent moment “when courts began to recognize an individual personality basis for copyright” and connects this trend to the creation of a Right to Privacy in the United States at the end of the 1800s: “Samuel Warren and Louis Brandeis’s 1890 article, The Right to Privacy, argued that common law copyright, and its new corollary, privacy, found their source in rights of personality” (Ginsburg, “Creation” 1882–83). Erle’s opinion would join a series of copyright decisions culminating in Warren and Brandeis’s article founding what they would be calling the “right to be let alone” (205) on the common-law right to keep the unpublished manu-

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28. I believe this opinion, rather than being the origin of anything, to be actually one of those always possible periodic reemergences, as in *Feist* (1991), of the author-as-creator construct. See, for another example, Justice Aston in *Millar* in 1769 suggesting that the right to keep the manuscript back from publication stems from the author’s role as originator. He holds, “there is a material difference in favour of this sort of property, from that gained by occupancy; which before was common, and not yours; but was to be rendered so by some act of your own. For, *this is originally the author’s*; and, therefore, unless rendered common by his own act and full consent, it ought still to remain his” (221; emphasis added).
script back from publication, a right that had previously often been closely allied to copyright.  

Another opinion that could be said to exemplify what Ginsburg characterizes as the “copyright as personality approach” was a decision serving as a seminal precedent for Warren and Brandeis, Vice-Chancellor J. L. Knight-Bruce’s decision in the first hearing of the celebrated case of Prince Albert v. Strange in 1849 (Ginsburg, “Creation” 1882). In that case, the mere cataloguing of unauthorized printings made from engravings created by the Prince Consort and Queen had prompted Knight-Bruce to defend not only the royal palace but also the no less sacred institution of the general Victorian home:

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29. The Right to Privacy derives directly from eighteenth-century copyright decisions, specifically from K. Knight-Bruce’s misinterpretation of Yates’s arguments in Millar. It is somewhat appropriate, given Yates’s liberal attitude towards the ownership of published writing, that his own recorded thoughts on the author’s lack of control of his “sentiments”—in Yates’s time a synonym for “ideas”—should have been taken so far afield, co-opted to such an extent, as to have been interpreted to be referring to “feelings” by later judges and legal authorities wishing to found, in America, a Right to Privacy. For the most significant manipulations of Yates’s published sentiments on “sentiments,” see Knight-Bruce, V.C., in Prince Albert v. Strange (1849), 303; and Warren and Brandeis’s “The Right to Privacy” (198–200). Knight-Bruce (310) quotes Yates’s assertion that “it is certain every man has a right to keep his own sentiments, if he pleases” (Millar 242). This statement is re-cited by Warren and Brandeis (198n2) as significant, indeed crucial, precedential authority for the concept of a common law legal protection of the subject’s “feelings” and thus a grounding for the new right to privacy the two were in the process of formulating. But this characterization of Yates on “sentiments” as “feelings” would seem to stand in stark contrast to the spirit of Yates on “sentiments” as “ideas”: “when the sentiments are made common by the author’s own act, every use of those sentiments must be equally common” (Millar 234; emphasis added). Compare also Yates at 230, 231, 233, and 242, and, more generally, William Blackstone in the well-known Commentaries on the Laws of England (1765–69): “the identity of a literary composition consists entirely [sic] in the sentiment and the language; the same conceptions, clothed in the same words, must necessarily be the same composition” (2:405–6; emphasis added). It would seem that once Yates had himself let those “sentiments” fly they were no longer his to control in the way that his immediate context or argument might be supposed to have wished. See also Lord Chancellor Eldon failing in 1825 to uphold the distinction between sentiments and feelings by failing to consistently tie the former to ideas. At certain points, the distinction between sentiments and feelings is upheld: “[in Millar v. Taylor and Donaldson v. Becket] there was a great deal of argument concerning the question of what sort of property a man may have in his unpublished ideas or sentiments, or the language which he uses” (Abernethy v. Hutchinson [1825] 213). As Abernethy was a case dealing with the unauthorized publication of medical lectures on the principles and practice of surgery, it is highly unlikely that it was Abernethy’s feelings that were being referred to here. See also the same case at 217: “In Millar and Taylor there is a great deal said with respect to a person having a property in sentiments and language, though not deposited on paper.” However, at a certain point the distinction breaks down: “That legal question, in the shape in which it is now put, namely, with respect to an oral delivery of ideas and sentiments, has occasioned much abstruse learning” (215). My reason for focusing so closely on these usages/misusages of “sentiments” is to show how the reader-centered breaking function of iterability was able to infiltrate another system designed to exclude or control it, this time corrupting not the system of copyright but rather that of legal precedent.
I think . . . not only that the defendant here is unlawfully invading the plaintiff’s rights, but also that the invasion is of such a kind and affects such property as to entitle the plaintiff to the preventative remedy of an injunction; and if not the more, yet, certainly, not the less, because it is an intrusion,—an unbecoming and unseemly intrusion,—an intrusion not alone in breach of conventional rules, but offensive to that inbred propriety natural to every man,—if intrusion, indeed, fitly describes a sordid spying into the privacy of domestic life,—into the home (a word hitherto sacred among us), the home of a family whose life and conduct form an acknowledged title, though not their only unquestionable title, to the most marked respect in this country. (Prince Albert 312; qtd. in Warren and Brandeis 202n1)

Taken together, Erle’s and Knight-Bruce’s comments signaled the advent of a culture in the England of the 1850s in which reproducible and distributable artistic creations in general and word orderings in particular were coming to be considered on a par with identities, those presumably most private of entities, and, concomitantly, in which the theft of those word orderings was coming to be seen as tantamount to that modern crime that so worries us today, identity theft.30 Legal decisions such as these would establish the perspective from which the seemingly disconnected crimes of Collins’s vil-

30. One significant implication of Collins’s attempt at allegorizing the breaking function was that the relatively novel crime of identity theft would have to come, of necessity, to replace murder in the villain’s arsenal. This is precisely what occurs in Collins’s narrative. Reveling in the ingenuity of his successful plot, Fosco remarks, “I might have taken Lady Glyde’s life. . . . [I] took her identity, instead” (Woman in White 628). Thus, he marks himself out as an individual made more for our “identity theft”-obsessed times than for his own. The substitution of the identity for the life made here can be found to have its model in Dickens’s two major productions published just before Collins began composition. In Dickens’s Little Dorrit (1857), Monsieur Rigaud/Blandois—that other self-proclaimed “citizen of the world” (24 and 373)—having graduated from the simple art of murder to the more complex crime of identity theft, shifts from perhaps having taken his wife’s life when she refused to relinquish her rights (25) to making a market of his fellowship with, if manifestly not Jeremiah Flintwinch himself, then his twin brother (745). And of course the scene at the close of A Tale of Two Cities (1859)—the work immediately preceding, and for one installment overlapping with, The Woman in White in All the Year Round—in which Sydney Carton famously substitutes himself on the guillotine for his look-alike Charles Darnay is a far, far better example of identity theft than it is, technically speaking, of suicide or self-murder. Nevertheless, Fosco’s maneuver—imposed against Laura’s will and coming after his usurpation of the identity of our narrator—suggests that all our identities are vulnerable to usurpation and figurative “rewriting.” Thus Collins’s strategy is more reminiscent of the “postmodern” artists of the recent past, such as Nabokov, Borges, and Philip K. Dick, or, on the other hand, of those masters of pre-postmodern postmodernism Laurence Sterne and Miguel Cervantes than it is of Dickens. This change in the usual practice of the villain’s opting simply for murder is the result of the real world being made to come into line with the theoretical implications of the breaking function, of bodies coming to be textualized, a conjunction that takes place in both Erle’s opinion in Jeffereys and, as we saw in Chapter 1, in the significant Tombstone Scene in The Woman in White.
lain Fosco, namely, the textual theft committed against Marian Halcombe and the identity theft committed against Laura Fairlie, could come to be seen to be related. However, the *criminality*, from a theoretical perspective, of those “crimes” would have to remain an open question. It all depended on whether the person judging them was an excessively morally upright citizen of some particular place or a presumably jaded “citizen of the world” as Fosco styles himself (*Woman in White* 237) or, in other words, to reduce the situation to the metaphors most relevant to Collins’s life, on whether one was a sober English author-citizen or incredibly perceptive idealist heavily dosed on laudanum.

**Immorality vs. Linguistic Pragmatism**

As I have already remarked, there were competing ways of viewing the situation of copyright theft in the mid-nineteenth century: the English (or locally historical) and the “theoretical” perspective. There was, not surprisingly, little variance, at least when one considers solely their conscious, daylight comments, in how English authors, including Collins, regarded the state of affairs. The “successful” English author of the nineteenth century was simply and plainly appalled by the situation—and nothing else. While composing, he or she was continually plagued by the prospect of the American reprinters always waiting, so to speak, in the wings. This was a situation bound to elicit a bit of ill will on the part of the pirated authors. Dickens had, as we saw, made up his mind about the Americans as a result of his first-hand experience of them during his trip.

However, the young Collins had a mind of his own, or, more precisely, a subconscious of his own, and Dickens could not have predicted how far afield that subconscious would be taking his fellow writer. Catherine Peters notes that Collins’s opium use increased significantly from 1859 onwards (240). Not surprisingly, his works’ psychic bifurcation, mirroring that one always already plaguing his language, dates from about this same time. Collins remarks on his apprehension in composing the serial to follow *A Tale of Two Cities* in Dickens’s new journal *All the Year Round* writing in the Preface to the contemporary French translation *La Femme en Blanc*, “When I accepted the responsibility of speaking to one of the largest readerships England can offer, after the greatest novelist in our country had just enchanted it by his talent, I was naturally rather nervous as I wondered if I would show myself worthy of such a sign of confidence” (“Preface” 622). I will in this chapter be contending that the issue of American piracy must have weighed
heavily on the mind (both the waking and opium-influenced parts, or con-
scious and subconscious to use the standard terms) of the up-and-coming
author Collins as he approached the task of writing his inheritance-theft-
through-doppelganger-exchange story for Dickens’s journal—and, of course,
for that tale’s American reprinters, both authorized and unauthorized—and
that the pressure he was already under could only have increased as Collins’s
intellectual honesty led him to entertain the necessity of showing “disloy-
alty” to Dickens’s, and the general English populace’s, confirmed “settling”
views.

Dickens’s perspective was an understandable one. In a world (especially
one menaced by profiteering American publishers) where settling had come
so often—albeit always only temporarily and unstably—to eclipse breaking,
“piracy” (or “reprinting” as it was less sensationalistically known)—the terms
characterizing it emphasizing, and perhaps attempting to keep in place, its
secondary status—was naturally going to appear a parasitical “deviance” liv-
ing off the seemingly-incontestable normality of controllable texts. This was
what the majority of the English saw when they assessed literary relations
between England and America in the nineteenth century. But it was not, I
am arguing, what Collins, in his darker, more profound, moments perceived
or at least intuited.31 I do not mean to suggest that he for a moment took
seriously the Americans’ self-serving and conscience-assuaging rhetoric of it
going “against nature” for the law of copyright to extend beyond national
borders. No English writer of the nineteenth century could have been that
naïve. And Collins was certainly no idiot—or saint. Rather, the laudanum
addict Collins, seeing past the emotions permeating the issue—perhaps as
a result of the seductiveness of the villain he had created to represent it—
intuited American defiance and general self-interested recalcitrance to be
pointing in the direction of a fundamental and necessary intellectual lesson.

Indeed, in contrast to Dickens’s singular perspective, there was another
way of viewing the situation. The Americans’ practice could be understood,
rather than as simply “bad,” to be bringing along with it the exposure of a
fundamental, but continually disowned, truth about language. Indeed, from
a certain perspective, the Americans could be seen to be, à la Justice Yates
in Millar, simply manifesting more intellectual honesty than the tradition-

31. This was not the first time Dickens and Collins had differed in their responses to interna-
tional political issues. Nayder notes that in 1857 there were already significant “political differences
between the two writers,” particularly evident in their reactions to the 1857 Indian rebellion: “Col-
ils’s response . . . differed markedly from Dickens’s . . . and . . . the virulent racism that characterizes
Dickens’s remarks about Hindus . . . is notably absent from Collins’s writing . . . In ‘A Sermon for
Seyoys,’ published in Household Words in 1858, Collins . . . advocates the moral reform of Indians
rather than their extermination” (Unequal Partners 103–4).
bound English. The breaking function—allowing the receiver of a written communication to make what use he would of it (“[e]very purchaser of a book is the owner of it” [Millar 234])—was as legitimate a cause/effect (take your pick) as the settling process, and just as deserving of acknowledgment. Thus the American market—rather than simply being a zone filled with “immoral” reprinters—could be considered a clear and present manifestation of that particular function that the Enlightenment-influenced author’s intellectual culture would have been implicitly persuading him or her to deny. It is understandable then that the open-minded—or at least so schizophrenically-minded as to have rendered himself unobstructedly other-or breaking-minded—Collins, when looking at the broader picture, might well have found himself to be fundamentally conflicted when approaching this situation, since the Americans, who seemed from one point of view so patently “in the wrong,” could be viewed to be merely restoring the balance that European intellectual culture had improperly skewed toward one side.

In other words, while writing *The Woman in White*, near the cusp, that is, of the turn in his novel series, Collins must have felt this conflict acutely and, even while in his more sober moments consciously resenting the U.S. publishers for their profiting from his efforts, he must have at some laudanum-induced or -accessed level recognized that their “theft” was one that was coming to bring his Old World views more into line with what Yates had called “the fixed constitution of things” (Millar 234). This acknowledgment of expanded horizons was gestured at by the settled complacency of the character he created to champion that expansion, the well-traveled Count Fosco, an individual whose self-description shows him to unapologetically uphold very “liberal” views, particularly regarding the lack of a universal virtue that would be regulating the commission of certain socially-relativistic “crimes”:

I am a citizen of the world, and I have met, in my time, with so many different sorts of virtue, that I am puzzled, in my old age, to say which is the right sort and which is the wrong. Here, in England, there is one virtue. And there, in China, there is another virtue. And John Englishman says my virtue is the genuine virtue. And John Chinaman says my virtue is the genuine virtue. And I say Yes to one, or No to the other, and am just as much bewildered about it in the case of John with the top-boots as I am in the case of John with the pigtail. . . . Ah! I am a bad man, Lady Glyde, am I not? I say what other people only think; and when all the rest of the world is in a conspiracy to accept the mask for the true face, mine is the rash hand that tears off the plump pasteboard, and shows the bare bones beneath. (*Woman in White* 237–39)
In the continuation of this monologue, Fosco points out that society rewards deceit and punishes what is usually called virtue. The thieving dressmaker becomes a rich lady. The woman who sells herself in marriage for gold is applauded by her friends.

Fosco's worldiness also extends to the textual realm. The Count will later, in his written confession—the penultimate narrative in this story composed of a series of narratives—explicitly acknowledge the vulnerability to theft of all writing that has, to quote Derrida, “fall[en] from the body” (“La parole” 175) when he offers the scene of his carrying Anne Catherick’s clothes to the house where Laura Fairlie lies drugged by him—an allegorical representation of iterable English contents being shifted to American bindings—freely, on a sort of international trade model, to the public domain: “What a situation! I suggest it to the rising romance writers of England. I offer it, as totally new, to the worn-out dramatists of France” (Woman in White 626). He might well be repaying an intellectual debt here, for we are reminded of his description of the “innocent follies” of his early literary life when he “ruled the fashions of a second-rate Italian town, and wrote preposterous romances, on the French model, for a second-rate Italian newspaper” (260). While composing the confession, the Count is more aware than anyone that he is in fact potentially rendering himself vulnerable to the same theft he had perpetrated overtly in the initial theft of Marian’s diary, what we might call her “characters,” and to that later one he had perpetrated covertly in a type of replaying of the earlier crime in the switching of Laura’s character for Anne’s—of perhaps having his writing, his “characters,” stolen from him. (Recall his tacit allusion to the etymological tie between “character” and “type”: “Percival! Percival! . . . Has all your experience shown you nothing of my character yet? I am a man of the antique type!” [336]). The sophisticated visitor to England thus evinces on more than one occasion a “foreign” or “worldly” reconcilement to his writing’s (indeed to any and all writing’s) inherent tendency to become alienated from its primary producer. 32

32. The struggle between an English and a “worldly” sense of virtue can be found also in Collins’s first full-length novel to be simultaneously serialized transatlantically, the one written just before The Woman in White, The Dead Secret, which ran in both Household Words and Harper’s Weekly from January to June 1857 (Ashley 52). In that novel, we can perhaps see Collins making explicit his conscious feelings about the unwillingness of the Americans to recognize British copyright through his having one of his characters espouse what must have seemed at the time, to anyone but a British author trained as a lawyer, as Collins was, quite excessively fastidious copyright principles. When Rosamond Frankland, née T trevor ton, naively asserts her wish to pay her uncle Andrew’s duplicitous servant Shrowl five pounds for a copy—taken from the “Rare. Only six copies printed,” History and Antiquities of PORTHGENNA TOWER—of the plan of the T trevor ton family home, the key to solving the mystery of the location of the elusive Myrtle Room that contains the secret referred to in the book’s title, her husband Leonard has to shame her into a proper understanding of the intricacies
The “worldly” characterization of this perspective understates the radically “un-charitable” nature of the theoretical one that it is screening. The breaking function of iterability cannot, and does not, care whose feelings it hurts. It would have been difficult for Collins to justify the active promotion of this standpoint in a serial appearing in Dickens’s journal. He thus was willing at this point only to place it in the mouth of a clear villain, one who ends up being apparently punished in the end. Justice Yates may have failed at converting his colleagues to his world-view, and, as I will be arguing here, Collins may have drawn back at the conclusion of this particular novel from fully acknowledging the breaking function, but that function, once seriously entertained, was not something that it would be thereafter easy to ignore. The possibility of the breaking function’s more than merely transitory “eruption,” that is, of its taking over the whole scene, was one that Yates had already envisioned in his attempt in *Millar v. Taylor* to label as “normal” this particular perspective. His more conservative brother judges, on the other hand, had attempted to wrest control back to the settling side by characterizing such a perspective as deviant. The conflict in 1769’s *Millar* would be replayed in the nineteenth century—both parties’ outlooks proving that literary property was anything but secure—with American piracy standing in for Yates’s standpoint while English indignation stood in for the majority’s opinion in the case. In short, say what Dickens might about them, the Americans, like Yates, were at some level continually demonstrating that there was only a very tenuous (or at least severely mitigated) moral high ground for those defending an artificially-constricted view with regard to the workings of language.

**Collins, the Good Son and the Bad Grandson**

Collins’s submerged lobbying grew out of not only a desire simultaneously to learn from and abjure the negative example of Dickens’s trip but also a...
profound belief in the power of fiction. Manipulating tastes in reading was considered a real possibility in Collins’s early journalism. Just two years before The Woman in White, Collins was making it clear that he believed he could successfully manipulate his readers’ psyches in matters of literary taste. Having discovered a newly-literate audience, an “unknown public” of three million penny-journal readers, that according to him simply needed to have its literary taste elevated, he had ambitiously concluded that such manipulation on a mass scale was possible: “there [is] the great . . . difficulty . . . of accustoming untried readers to the delicacies and subtleties of literary art. An immense public has been discovered; the next thing to be done is, in a literary sense, to teach that public how to read” (Collins, “Unknown Public” 222). As is indicated by Collins’s narrative’s intense concern with maintaining the sometimes very fine distinction between Laura and Anne, between the Lady in White and the Woman, connoisseurship in literary tastes and literary artifacts was a subject that interested him a great deal, at least when he was being a good son and dutiful employee. The apparent unfairness of the situation of American piracy—as well as the vehemence of his employer’s unhappiness with respect to the issue—did not allow at this point for Collins’s conscious adoption of his usual worldly equanimity, a wordliness that would have reveled in the playful possibilities lying at the basis of a potentially irresolvable ambiguity or paradox. He was not able in this novel to maintain the same judiciousness that he would—as a world famous novelist in his own right—exhibit later in, for instance, Armadale when it came to remaining balanced with regard to the impossibility of settling on a single interpretation for Ozias Midwinter’s dream narrative.

Given the history of Collins’s familial involvement in the creation of paintings—his father William Collins having been a very popular artist of his day and member of the Royal Academy—a concern with forgery on Collins’s part should not be surprising. It is likely that the son inherited from the father a family “tradition”—albeit extending back only one generation—of opposing the attenuation of payments to the artist resulting from false wares being circulated on the market. Early in the 1856 novella A Rogue’s Life, a story appearing in both Household Words and Harper’s Weekly, we find a passage implying that piracy had been a prominent issue throughout Collins’s lifetime, for it possibly indirectly affected the payments his eminent painter father—perhaps referred to in the following passage’s allusion to the “famous artists of the English school”—received for his paintings. The Rogue’s championing of the wronged contemporary English artists turns into a discoursing upon the evils of the nobles’ lack of an ability to
discriminate between the good and the bad, the original and the forgery, when buying Old Masters:

The unfortunate artist had no court of appeal that he could turn to. . . . For one nobleman who was ready to buy one genuine modern picture at a small price, there were twenty noblemen ready to buy twenty more than doubtful old pictures at great prices. The consequence was, that some of the most famous artists of the English school, whose pictures are now bought at auction sales for fabulous sums, were then hardly able to make an income. They were a scrupulously patient and conscientious body of men, who would as soon have thought of breaking into a house, or equalising the distribution of wealth, on the highway, by the simple machinery of horse and pistol, as of making Old Masters to Order. They sat resignedly in their lonely studios, surrounded by unsold pictures which have since been covered again and again with gold and banknotes by eager buyers at auctions and show-rooms, whose money has gone into other than the painter’s pockets—who have never dreamed that the painter had the smallest moral right to a farthing of it. (Rogue’s Life 41–42)

Disclosing the vast number of forgeries circulating in the marketplace was one way to help the struggling contemporary artist, working in either paints or ink, to put food on his table. For Collins, it was a moral imperative to find a means of educating the connoisseur as to the difference between an original and a copy of an Old Master, consonant with sensitizing the reader with regard to which copy of the woman in white, or perhaps that should be The Woman in White, was the Fair(lie) copy and which the bad.33

On the other hand, Collins’s unusual openness to the breaking function can also be ascribed, in part, to what seems a family tradition, only one extending one generation further back. Collins’s grandfather William Collins wrote in 1805 a novel—providing the first epigraph to this chapter—drawing on his experiences in the picture-dealing trade entitled Memoirs of a Picture. In that story an original renaissance masterpiece by a painter named Guido is continually confused with one of its two illicit reproductions over the course of a series of changes in possession and its movement through several European countries. The grandson devoted

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33. Along these lines, it is appropriate that Collins should have had a major part of the narrative of The Woman in White be taken up with the reestablishment of the lost tie between Walter Hartright, called “the artist” (191), and the Fairlie copy, or that late manuscript revision before printing, the “fair copy.” Laura Fairlie thus becomes when viewed from this perspective the literary artist’s stolen manuscript.
The Woman in White

several early pages in his biography of his famous painter father, his first major published work, to a painstaking summary of the complicated plot of his grandfather’s novel. In his précis of his grandfather’s life, Collins mentioned William Collins’s two careers “as a man of letters and a dealer in pictures” and the “remarkable influence that his knowledge of art and artists had in determining his son in following the career in which he was afterwards destined to become eminent” (Memoirs of the Life 5). Like Charles Darwin, Collins may have ventured forth on his chosen career path—also, quite literally, as a “man of letters”—in an attempt simply to perfect his own paternal grandfather’s muddled thinking. At one point in the story we come across a passage expressing a surprisingly cavalier attitude toward authenticity, a passage that might not be expected in a novel written by a professional picture dealer. A very “worldly” perspective on the trace’s borderlessness is expressed by the aptly-named Sir Disney Doubtful, the belief that being happy in one’s ignorance about an entity’s originality, being happy in a fiction, might be better than having an expert come along and disabuse one:

You must know . . . that there are now, and ever have been, a number of ingenious artists, in various places upon the continent, whose sole employment is copying the works of the great masters of antiquity; and, by a singular species of legerdemain, well known to some of their brethren here, contriving to give them the fascinating mellowness which resembles the tint which can only be effectually given by time; and in this species of trick they are too often successful. Such has been the case with me, repeatedly; and I make no doubt but every one of our friends here has experienced in his turn the same deception, and has been as much pleased with it, till some stern obtruding judge has made us wise, at the expense of our delight. (William Collins, Memoirs 3:163–64; emphasis in original)

There are two very different ways of reading this situation: (1) as the valorization of settling in Doubtful’s exhibiting such a respect for originality as to lose all delight on having fabrications disclosed, or (2) as the acceptance of breaking in Doubtful’s wishing for a near-complete divorce from reality as a means of remaining happy in his ignorance. The transition between these two standpoints maps out the concerns of the fictions of the major phase of the career of William Collins’s grandson. It is as Willkie Collins (christened William Collins, like both his father and grandfather before him) matures as a writer that he begins expressing a more open-minded attitude toward the possibility of controlling traces, finally accepting, even as he may well
regret having acquired the knowledge, that they will always face the peril of potentially becoming alienated from their source.

**Poe’s Warning**

During his 1842 trip to the United States, Dickens had met twice with Edgar Allan Poe in March in Philadelphia (Poe, *Complete Works* 184). Whether or not they discussed The Inimitable’s desire to save the American moral character by pushing through the passage of an international copyright agreement is impossible to determine, though highly likely.\(^{34}\) It is noteworthy that Poe would be predicting in late 1845 in one of his “marginalia” the coming of a resultant backlash against American piracy:

> We get more reading for less money than if the international law existed; but the remoter disadvantages are of infinitely greater weight. . . . The last and by far the most important consideration of all . . . is that sense of insult and injury aroused in the whole active intellect of the world, the bitter and fatal resentment excited in the universal heart of literature—a resentment which will not and which cannot make nice distinctions between the temporary perpetrators of the wrong and that democracy in general which permits its perpetration. The autorial [sic] body is the most autocratic on the face of the earth. How, then, can those institutions even hope to be safe which systematically persist in trampling it under foot?\(^{35}\) (Poe, *Works* 3:580–81)

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34. They showed a fellow feeling on this issue. Poe, in the first number of his *Broadway Journal*, explained in early 1845 why he would predominantly be reviewing American books: “this liberal feeling will compel us to give our first attention and widest space to the authors of our own country, because they have the greatest odds to contend with, having a forestalled opinion against them in the minds of their own countrymen, and the best paid and most fertile authors in the world for competitors, whose works are imported scot free to our markets” (“Reviews” 2).

35. Similarly, Emerson would write in his journals in March of 1854: “The lesson of these days is the vulgarity of wealth. We know that wealth will vote for the same thing which the worst and meanest of the people vote for. Wealth will vote for rum, will vote for tyranny, will vote for slavery, will vote against the ballot, will vote against international copyright, will vote against schools, colleges, or any high direction of public money” (Emerson 150–51). In the anonymous *A Plea for Authors and the Rights of Literary Property* of 1838, a work possibly co-authored by Washington Irving (Rice 90), we read, “The national welfare of a people, in the time of our forefathers, was considered to have no surer basis than independence and moral honesty. Robbery has in no code of modern political science been made the basis of national aggrandizement” (“Literary Property,” *New York Review* 301). These American authors’ sentiments, while not the only, and indeed perhaps not the prevailing, ones in everyday American intellectual culture, adequately reflect, I believe, the daylight opinions of the young Collins.
Ominously, there was—according to Poe, arguably the king of the porten-
tous statement—no “safety” for those committing textual wrongs.

It is not surprising to find these sentiments expressed by an author who
elsewhere has one character comment to another, “[D]id there not cross
your mind some thought of the physical power of words? Is not every word
an impulse on the air?” (Poe, “Power of Words,” Poetry 825; emphasis in
original) and who composes stories of unruly guilty consciences undoing
individual characters, such as “The Tell-Tale Heart” (1843) and “The Black
Cat” (1843). Not surprisingly, “The Purloined Letter” of 1844 would also
fit this scenario of revenge being exacted for textual crimes. At its end we
have revealed to us the words that Dupin writes in the letter substituted for
the purloined one: “—Un dessein si funeste, / S’il n’est digne d’Atrée, est
digne de Thyeste” (Poe, Poetry 698). Barbara Johnson writes of this riposte,
“Atreus, whose wife was long ago seduced by Thyestes, is about to make
Thyestes eat (literally) the fruit of that illicit union, his son Plisthenes. The
avenger’s plot may not be worthy of him, says Atreus, but his brother Thy-
estes deserves it. What the addressee of the violence is going to get is simply
his own message backwards” (Johnson, “Frame” 466). Receiving “[one's]
own message backwards” is a good description of what Poe fears might hap-
pen to the Americans at the hands of the British authors whom they had
been wronging since 1790. Poe is worried that the British will counter this
American textual violence with some textual violence of their own, which
might not be worthy of them but which would be worthy of the Americans.

It is not surprising to find in 1860 an author of a best-selling English
novel of this period—and additionally an intimate friend of Dickens—
to be fulfilling Poe's fears. Emrys argues that “Collins’s most important
detection-relation antecedent for his multiple testaments is not . . . trials
and cases but Poe's stories” (25). Collins may well have taken more than
just lessons in narrative style from Poe's works. The narrator of “A Stolen
Letter” leaves behind in place of the incriminating letter one that reads
“Change for a five hundred pound note” (Mad Monkton 37). This is a liter-
ary foreshadowing of the somewhat longer “backwards message” he will
deliver to the Americans in the form of The Woman in White. As we saw
in the last chapter, Collins was not averse to using his fictions for the pur-
pose of ideological manipulation. In that novel he will once again deploy
tactics like those employed in Basil, this time with the particular political
goal of shaming the Americans into adopting an international copyright
agreement, albeit with his villainous creation Fosco ending up more seduc-
tive (even for his creator) than Collins had expected. One sort of “sharp
practice” often engendering another, the covert shaming of the Americans
is a move of which his friend and publisher Dickens, if not also the judges in *Jeffereys v. Boosey*, most certainly would not have disapproved.

**The Boat-House Scene**

There can be no better entrée into understanding what Collins is attempting to do in the narrative of *The Woman in White* than that provided by a close study of the boat-house discussion between the male and female residents of Blackwater Park. Taking place about one-third of the way through the narrative and containing “one of [Fosco’s] most sustained monologues in the text” (Tromp 85), this is, to my mind, a pivotal episode, for it stands out, in this otherwise non-stop narrative, for its temporizing and precise nature. No other scene of comparable length is so patently lacking in forward impetus with regard to the setting up or resolution of the plot. Thus the significance of the scene (given that this is a Collins novel) must rise in direct proportion to its apparent lack of necessity. As well, in the process of introducing the scene our narrator Marian Halcombe gives us an indication that Collins may be attempting to pass on some sort of coded message in it. Marian writes,

> At the old boat-house [Sir Percival] joined us again. I will put down the conversation that ensued, when we were all settled in our places, *exactly as it passed*. It is an important conversation, so far as I am concerned, for it has seriously disposed me to distrust the influence which Count Fosco has exercised over my thoughts and feelings, and to resist it, for the future, as resolutely as I can. (233; emphasis added)

Despite Marian’s attempted justification, the ensuing conversation hardly warrants, on the face of it, this concern with verbatim recording. The practical effect of her fastidiousness, however, is to have certain especially suggestive phrases entered into the literary Record (as well as into the larger context of the Anglo-American copyright dispute going on at the time). In addition, we readers will have the opportunity to be graced with the Count’s already-cited wisdom regarding the relativity of morality in an international context and the need for latitude in assigning blame with regard to moral issues.

It is not surprising that during the conversation the Count should ridicule Laura’s naive moral sentiments as being appropriate to a child’s handwriting primer. He remarks, “My dear lady . . . those are admirable sentiments; and I have seen them stated at the tops of copy-books” (235).
Indeed, the American publisher whom Fosco represents would presumably ridicule in a similarly belittling manner (and so does36) any attempt at ascribing a simple moral schema of good-versus-bad—Percival Glyde’s label for this schema is that of a “copy-book morality” (235)—onto the nineteenth-century Anglo-American “copy-book” system or—to use less childishly literal, more traditional terminology—the publishing trade. Here this potentially politically-charged phrase that ostensibly would be attempting to pass itself off as a simple reference to the school-age practice of repeatedly copying out a particular phrase in order to fill up blank pages and, aside from improving one’s handwriting, learning a moral lesson in the process (such as, to propose a not so random example, “Pirating this book is wrong. Pirating this book is wrong. . . .”) concisely encapsulates the allegory at the heart of *The Woman in White*. There is good reason for the latter half of the text’s reading less like a standard sensation novel and more like a morality play. It is a sign of Collins’s attempt at turning their practice against the American pirates, that is, at creating a situation in which they can be seen to be, so to speak, hoist with their own petard. It is not surprising that Hartright should condemn “the vile manner in which the personal resemblance between the woman in white and Lady Glyde had been turned to account” (*Woman in White* 439–40; emphasis added) as though he were commenting on some sort of specific usage of other people’s literary creations for personal monetary gain. Nor is it surprising that the critic Walter Kendrick should characterize Glyde’s deception in words that could work as well to describe a nineteenth-century American pirate publisher: “Sir Percival owes his power and position to a few lines of writing where there ought to be a space” (30). These signs all suggest that, ironically, this book, generally acknowledged as having given birth to the “immoral” genre of sensation fiction, is instead

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36. See for example the argument of Henry C. Carey: “Read *Bleak House*, and you will find that [Mr. Dickens] has been a most careful observer of men and things. . . . He is in the condition of a man who had entered a large garden and collected a variety of the most beautiful flowers growing therein, of which he had made a fine bouquet . . . [yet he] insist[s] that he is owner of the bouquet itself, although he has paid no wages to the man who raised the flowers” (*Letters* 20, 25). Carey would also reference England’s introduction of slavery into her colonies and her ill-treatment of the Irish as justifications for denying English authors American copyright. As absurd as these arguments and analogies must strike us now, Carey’s was at the time a significant standpoint: “the *status quo* had its defenders also; their argument was most ably presented by Henry C. Carey, economist and publisher, in his *Letters on International Copyright* (1853)” (Mott, *History* 1:393). Not every American was convinced, however. E. L. Godkin in 1868 in *The Nation* was writing, “a man of Mr. Carey’s powers is inexcusable in bringing such loose thinking as we have in the pamphlet before us to bear on a question which so deeply affects the national morality as well as the national culture” (148); and in 1879 an anonymous author comments, “Henry C. Carey . . . wrote several pamphlets *against* international copyright, which contained some of the best arguments in favor of that only practical remedy for the wrong and injustice done to authors, American and foreign” ([Stylus] 17).
actually concerned with instructing a young nation in how to have a moral conscience.

These “copy-book morals” that the sophisticated Fosco so urbanely deprecates as “comfortable moral maxims” (*Woman in White* 236) and that he so manifestly lacks will prove more astute than he had given them credit for when—in the scene at the opera in which he self-incriminatingly flees from a startled Professor Pesca—the otherwise accomplished equanimity that had allowed him to bring off the audacious plot of substituting one woman (or *Woman*) for another will be completely overthrown, thereby teaching him, as himself the case in point, the moral and literal lesson that crimes indeed *do* “cause their own detection” (235). Laura’s cipher-like vacuousness, which has been remarked by many critics—D. A. Miller included: “The same internment that renders Laura’s body docile, and her mind imbecile, . . . fits her to incarnate the norm of the submissive Victorian wife” (172)—may or may not mark her as the prototypical Victorian wife, but it certainly serves well as an analogue for that fundamental uncontrollable transferability (the breaking function), and therefore fundamental vulnerability to violation, that characterizes writing (or indeed any form of expression), thereby quite effectively highlighting her allegorical status as the stand-in for the inanimate book that is in danger of being pirated. That is, when the allegory has been demystified, Collins’s Angel in the House is disclosed to be, rather, the book in the closet.

**The Marian—Fosco Scene**

Returning to our framing discussion, I would point out that “empty formalism” while it may lead on the one hand to a radical interpretation of Anglo-American copyright history leads on the other to a fairly standard one—up to a point—of *The Woman in White*. In fact my analysis here will be following closely in the tradition—attention however this time being paid primarily to the American literary market—established by the breaking function–focused critic U. C. Knoepflmacher, a commentator intent on discovering Count Fosco to be introducing into the narrative a Victorian rebellious “‘counterworld’ that is asocial and amoral, unbound by the restraints of the socialized superego” (352). Knoepflmacher contends that “*The Woman in White*
*White* depicts a collision between a lawful order in which identities are fixed and an anarchic lawlessness in which those social identities can be erased and destroyed” (362). As such, his interpretation acknowledges an aspect of this narrative that must remain more or less opaque—or visible only in the guise of its opposite—to a perspective influenced by Michel Foucault’s concept of “discipline,” a concept growing out of, as outlined in his *Discipline and Punish*, the consummately settling-valorizing procedures deployed to combat the plague’s effects on bodies in seventeenth-century France:

The plague is met by order; its function is to sort out every possible confusion. . . . A whole literary fiction of the festival grew up around the plague: suspended laws, lifted prohibitions . . . individuals . . . abandoning their statutory identity. . . . But there was also a political dream of the plague, which was exactly its reverse: not the collective festival but strict divisions; not laws transgressed, but the penetration of regulation into even the smallest details of everyday life through the mediation of the complete hierarchy that assured the capillary functioning of power; not masks that were put on and taken off, but the assignment to each individual of his “true” name, his “true” place, his “true” body, his “true” disease. The plague as a form, at once real and imaginary, of disorder had as its medical and political correlative discipline. (197–98)

Knoepflmacher’s analysis thus finds evidence in the social sphere of the narrative, and literary culture at large, of what I am describing here as the eruption of the breaking function from its home in the theoretical realm into that of the social while the Foucauldian perspective, in focusing on procedures for ensuring that bodies are tenaciously tied to names, suggests an allegiance to (or at least serious focus on) settling. This tension will not be easily resolved. That the Foucault-inspired critic D. A. Miller should have chosen a narrative by Collins, the creator of some very determined identity most recent adherent to the line of breaking-function-oriented-but-Anglo-limited interpretations is Cannon Schmitt who, sensing a particular non-Englishness to be at work in the novel, endeavors in his article “Alien Nation: Gender, Genre, and English Nationality in Wilkie Collins’s *The Woman in White*” to make that alienness comment back upon a split English psyche. Schmitt finds a schizophrenic distanciation to be imposed by the novel on its English reader that the narrative then works to recuperate through the mechanics of a difference-respecting type of assimilation. Using Foucault’s understanding in the first volume of *The History of Sexuality* of the way in which repression and subversion are both eventually equally co-opted (not quite through a production of the same but rather of a manageable difference) by the System through a collapse into the more general “discourse of sexuality,” Schmitt finds the sensation novel’s mixing of Realist and Gothic conventions to be resulting in a momentary schizophrenia that is thereafter successfully contained within the singular psyche of an English national consciousness.
changing and exchanging characters, a tendency especially prevalent in this
particular one of his narratives, to be the exemplar of Foucauldian disci-
plining must already set off alarm bells. Knoepflmacher’s contention that
“Unlike Dickens . . . Collins never disguised his fascination with the amo-
rality of the counterworld” (360) makes much the same point. We will in
this section be investigating the radical difference in interpretation to which
these differing philosophical ideals lead and demonstrating once more the
danger inherent in considering solely the settling function at the expense
of its breaking counterpart as well as that inherent in positing solely the
existence of a “manageable” type of breaking as opposed to one that might
be managing us.

KNOEPFLMACHER’S position serves as an excellent foil against which to
judge the impressive novelty of D. A. Miller’s gender-history- and Foucaul-
dian-settling-influenced construal of that narrative. Miller acknowledges his
debt to Foucault early on in his book:

What has been standing at the back of my argument up to now, and what
I hope will allow me to carry it some steps further, is the general history of
the rise of disciplinary power, such as provided by Michel Foucault in Sur-
veiller et punir. . . . Traditional power founded its authority in the spectacle
of its force, and those on whom this power was exercised could, conversely,
remain in the shade. By contrast, disciplinary power tends to remain invis-
ible, while imposing on those whom it subjects “a principle of compulsory
visibility” ([Discipline and Punish] 187). . . . The aim of such regulation is
to enforce not so much a norm as the normality of normativeness itself.
Rather than in rendering all its subjects uniformly “normal,” discipline is
interested in putting in place a perceptual grid in which a division between
the normal and the deviant inherently imposes itself. (16–18)

This disciplinary power is, in Miller’s hands, very much one operating in a
straightforward, settling-valorizing manner. Earlier Miller has described his
variety of discipline as one leading to “a regime of the norm, in which nor-
malizing perceptions, prescriptions, and sanctions are diffused in discourses
and practices throughout the social fabric” (viii). Millerian discipline, in
content as well as form, would seem to be proving itself to be as old as the
hills here.

In a surprising interpretive move, Miller, in stark contrast to Knoepf-
lmacher, finds the Count, as opposed to the narrative’s more “upright”
characters, to be an agent working in behalf of this “regime of the norm.” He understands him to be a character whose only-apparently-trangressive actions turn out actually to be quite in line with—when viewed from the context of Victorian discourses about sexuality, as well as Foucauldian ones about a prevalence of “hierarchical surveillance, normalization, and the development of a subjectivity supportive of both” (D. A. Miller 18)—contemporary social mores and other disciplinary processes. According to Miller, the Count is a conservative agent working to effect society’s wish for a normative heterosexuality to come to discipline the novel’s readers’ illicit homosexual desires. Adopting Karl Ulrichs’s formulation casting (and caging) the male homosexual as a person exhibiting symptoms of the woman inside or “the woman-in-the-man,” he argues—through a virtuoso reading of Walter Hartright’s panic at being touched on the shoulder at night by Anne Catherick on the road near Hampstead Heath (D. A. Miller 152–56)—that the narrative’s dual projects of recapturing a particular woman escaped from an asylum and of bringing under control the assumedly male reader’s recurrent nervousness, that femininity inside to which the novel insistently will nevertheless be bringing him to consciousness, are linked in the novel’s generalized desire to keep “the woman” bound. Appropriately, Miller has qualified Ulrichs’s ambivalently valedictory woman-in-the-man formulation beforehand. Not only does it participate in a misogynistic cultural strategy of incarcerating females; it also participates in the homophobic caging or self-closeting of the male homosexual: “Meant to win a certain intermediate space for homosexuals, Ulrichs’s formulation in fact ultimately colludes with the prison or closet drama—of keeping the ‘woman’ well put away—that it would relegate to the unenlightened past” (155). This rescinding of the release-order suggested by Miller’s teleological phrasing here, his laying stress on the “ultimate” loss of the legible “intermediate” space for homosexuals, foreshadows, it would seem, his subsequent carceral interpretation of the progression of the entire narrative of *The Woman in White*. It is not only Walter Hartright who would seem to need to make recourse to a “violent counteraction,” a panicked self-enforced recloseting, when the feminine nervousness inside threatens to break free (as he does when he “tightens his fingers round ‘the handle of [his] stick’” in order to “reaffirm” his ostensible-but-threatened gender identification [152]). The novel as a whole would, according to Miller, also seem to need to proscribe in its latter half what it had in its reckless earlier sections practiced.

If either of Knoepflmacher’s or Miller’s starkly opposed stances regarding the Count’s role in the narrative—as lawless versus lawful entity—is to maintain its validity, it must convincingly correlate with the
startling turnabout encountered in the scene of Fosco’s most shocking transgression/disciplinary exploit in the narrative, his usurpation of the role of narrator of the story when he takes Marian Halcombe’s diary from her after she has fallen into a delirium at the close of an eavesdropping adventure. This changeover—both an actualization of the breaking function of iterability at the same time that it is an instance of unexpected surveillance, or as one critic puts it, “a remarkable moment of reversal in which our readerly intimacy with Marian is violated, our act of reading adulterated by profane eyes” (Brooks 169)—delivers a considerable readerly shock and neurasthenic lesson. The fact that I would, following Knoepflmacher, propose viewing this scene to be actuating all the uncanniness inherent in the disquieting potential held out by the breaking function of the iterability of the word—through its mimicking of the especially prevalent nineteenth-century Anglo-American experience of having writing deviate toward “improper” readers—is as unsurprising as the fact that Miller’s settling-influenced precepts should lead him to see precisely the opposite to be occurring. Placing textual considerations ahead of gender-based ones, I believe that we American readers of Collins’s allegory of piracy are being situated in the position of the textual thief Fosco—tellingly, a somewhat differently nuanced, in both structure and content, situation than the characterization Miller gives to the scene: “the Count’s postscript only puts him in the position we [readers in general] already occupy” (164). Miller’s particular understanding of the situation—with Fosco seen as a settling-valorizing reader rather than a breaking-valorizing textual thief—is necessitated by his argument’s emphasis on the internalization of discipline through “containment,” specifically of a nascent homosexuality by heterosexuality. In launching this argument, Miller makes the scene of Fosco’s reading of Marian’s diary the fulcrum of his analysis:

It is not only, then, that Marian has been “raped.” . . . We are “taken” too, taken by surprise, which is itself an overtaking. We are taken, moreover, from behind: from a place where, in the wings of the ostensible drama, the novelist disposes of a whole plot machinery whose existence . . . we never suspected. . . . To being the object of violation here, however, there is an equally disturbing alternative: to identify with Fosco, with the novelist’s agency of violation. For the Count’s postscript only puts him in the position we already occupy. Having just finished reading Marian’s diary ourselves, we are thus implicated in the sadism of his act, which even as it violates our readerly intimacy with Marian reveals that “intimacy” to be itself a violation. The ambivalent structure of readerly identification here thus
condenses—as simultaneous but opposite renderings of the same powerful shock—homosexual panic and heterosexual violence. 39 (164)

For Miller, the Count, in surprising the reader here, is putting him through a degree of panic by once more bringing out his feminine nervousness and at the same time re-educating that excessively nervous reader by training him in “heterosexual violence.” Here, it would seem, we have played out in front of us, on more than one register, that “penetration of regulation” described at one point by Foucault (Discipline 198). In other words, the male reader is being disciplined by Collins’s narrative in the common Victorian homophobic strategy of closeting the woman-in-the-man at the same time that he is being taught to want to be inside the woman. 40

39. The manifest difficulties of shifting from the situation in which Fosco “takes” the reader to the situation of the reader “taking” Marian is a sign of the effort involved in Miller’s turn against the tide of the narrative.

40. Miller’s interpretation goes on to contend that the Marian–Fosco scene is itself serving to transform the genre of Collins’s narrative. The scene’s radical alteration of perspective, the usurpation of narratorial control that it recounts and the consequent viewing of the situation from the other side that it effects, reproduces for him the path of Ulrichs’s ultimately collusive formulation, the change in narrators offering a local rendering of the larger shift of the novel’s plot from the genre of Victorian sensation fiction to that of domestic fiction, from the genre of homosexual panic to the genre of heterosexual violence. The established paradigms of homosexual panic and the woman-in-the-man reach their logical conclusions, and collusions, at the point where this narrative comes to close off that intermediate space in which homosexual panic had once found haven, finally, allowing the narrative to successfully do what it had only been threatening to in the Walter–Anne scene, that is, when it finally successfully “jumps out of its skin” the more effectively to be able to turn back on itself and slap on the normative cuffs. Thus, according to Miller, we have homosexual panic countered and contained by the traditional story of heterosexuality. Indeed, that it is in this case a violent heterosexuality is all the more understandable as this “rape,” to use Miller’s term for Fosco’s act, elaborates an earlier-introduced, and quite unpersuasive, discussion of reading-as-usual being a figurative “raping” of the text, with the exception somehow in the case of sensation fiction, in which case the act of reading becomes necessarily a figurative being-raped (D. A. Miller 162–63). As marking the transfer, then, of readerly identification from the figuratively raped Marian Halcombe to the figuratively raping Count Fosco, the scene, as interpreted by Miller, is doubly marking—as a conforming to genre specifications both with regard to reader-manipulation as well as with regard to content (tumultuous sexuality being replaced by strict heterosexuality)—the transition from sensation fiction to “normal,” or more properly normalized, fiction. Punning on the narrative’s apparent “straightening” out, Miller writes, “Foremost on the novel’s agenda in its second half is the dissolution of sensation in the achievement of decided meaning. What the narrative must most importantly get straight is, from this perspective, as much certain sexual and gender deviances as the obscure tangles of plot in which they thrive. In short, the novel needs to realize the normative requirements of the heterosexual menage whose happy picture concludes it. This conclusion, of course, marks the most banal moment in the text, when the sensation novel becomes least distinguishable from any other kind of Victorian fiction” (165). I would argue, however, that we do not have in this particular scene a generic (or genericizing) change in its reversion to the norm, but rather a continuation of the earlier “breaking genre” with which we had begun, a taking of the earlier warnings announced by the narrative to their dreaded conclusions or horizons. In Fosco’s indiscretion we have a radicalization, as opposed to normalization, of the
There are two significant collapsings occurring in Miller’s rather breezy pronouncement, “To being the object of violation here, however, there is an equally disturbing alternative: to identify with Fosco, with the novelistic agency of violation” (164). First, Miller’s loose employment of the term “novel”—potentially meaning either text or book—in the description of Fosco as “the novelistic agency of violation,” unfortunately hides more than it illuminates. While it is true that both Marian and Fosco take turns serving as first-person narrators of the story and that they describe the same scenes from differing vantage points, that is, adopting Gerard Gennette’s narratological terms, that they occupy the same “extradiegetic-homodiegetic” standpoint of “a narrator in the first degree who tells his [or her] own story” in a multiply-zero-level-focalized epistolary-style narrative (Genette, Narrative Discourse 248 and 190), it is a mistake to find them to be situated at precisely the same level. Their positions vary with regard to the issue of what I would describe as their “worldliness” or “archness” in relation to the concept of linguistic “discipline,” in other words, to their attitudes towards the workings of iterability. Marian’s is a sincere and very English or England-bound settling approach to discipline, one that acknowledges that “crimes cause their own detection.” Fosco’s, on the other hand, is a worldly or breaking one in which “foolish criminals . . . are discovered, and wise criminals [and presumably also texts] . . . escape” (Woman in White 236). He could be described as a “resident alien” with regard not just to England—“In the summer of eight hundred and fifty, I arrived in England, charged with a delicate political mission from abroad” (614)—but also to English values and straightforward disciplining. Consequently, he possesses, unlike Marian, the startling capability of ascending from what I might call, figuratively, the “level of the narrative” to the “level of the book.” Second, we should note a subtle collapse to be occurring when Miller refers to our “identify[ing] with Fosco, with the novelistic agency of [implicitly sexual] violation.” We need not too quickly follow him here in allowing the sensationalism of his final clause to overpower and efface the significant ramifications of his previous one, that is, to cancel the identification taking place apart from the Count’s being seen as “the novelistic agency of [Marian’s text’s, and therefore body’s] violation.” The already-mentioned ambiguity inherent in the word “novel” is allowing Miller at this moment also to effect this collapse. “Novelistic” here is clearly intended to mean narrative-level as opposed to book-level. Thus, the term “extra-novelistic” might more accurately have been used narrative’s “sensations.” Only after this scene is complete—admittedly, a slight, but crucial, distinction—as I will argue later in this chapter, do we have the narrative altering to a common, conservative “settling genre” production.
to describe Fosco’s—as opposed to Marian’s simply “novelistic”—immediate position. Here Miller has improperly collapsed the beyond-England-diegetic and England-diegetic domains, having put the former turn by the reader, the turning to Fosco’s perspective of “extra-novelistic violation,” on the same level as the reader’s turn to Marian’s perspective of “novelistic violation.”

Having broken ourselves out of the cage of “the novel,” we might consider, pausing for a moment to emphasize the breaking aspects of this scene more than its straightforward disciplining, what it means simply to “identify with Fosco,” as textual thief rather than sexual violater or mere reader. Despite Miller’s significant investment of rhetorical and critical energy in establishing Marian’s body as the gravitational center of the interactions taking place in this scene, this effort is not enough to completely obscure the scene’s explosive, expansive, and indeed expatriate, elements. At its end, we learn that we have Fosco’s own “strict sense of propriety” (Woman in White 344) to thank for his having restored Marian’s diary (the form at least, the content having already been viewed and reviewed) to her desk so that she might have the chance of passing it along through a process of verbal transcription, at the conclusion of a veritable assembly-line of book production, to Walter Hartright, our general editor, so that we might now be reading it. This scene replays the overall narrative’s structure, an initial unsuccessful flirtation with the powers of breaking that ends up in a turn back to settling, Marian’s diary’s replacement in her desk standing as a prefiguring of Laura Fairlie’s reestablishment in her identity at the conclusion. To put it simply, I contend that it is a literal rather than sexual (or, if you like, a theoretical rather than historical) criminality that interpellates the Fosco-identifying reader of this scene. Indeed, the outward and upward movement of the reader identifying with Fosco, that shocking extra-novelistic distention that carries her into the circumscriptive region of the beyond-narrative, would seem seriously to put in question Miller’s carceral and containing characterization of the scene.41 For, contrary to his depiction, nothing’s boring inwards here. Rather, I would hold, the narrative is exhuming or exiling itself outwards, as it erupts into the book level. In Collins’s allegory of the U.S.

41. It is strange for Miller’s rhetoric of containment to have fixed upon Fosco as its hero. For it would seem the narrative had specifically marked him out as manifestly defying all would-be restrictions. “[H]e is immensely fat,” Marian writes in her diary, apprising us of perhaps his most memorable characteristic (Woman in White 220). Continuing her description, once again she remarks his “excessive grossness in size” (220). This physical “excess”—rendering the Count a character in a sense both within and without his body (he may be wearing a fat suit as part of a disguise)—will be matched by his excesses in the diegetic domain.
piracy of English works, Fosco mimics America’s undisciplined discipline, or disciplining in non-discipline, through the deployment of a “shadow” or “worldly” disciplining that merely looks like straightforward Foucauldian disciplining. To read this state of affairs as an example of simple settling-val-orizing disciplining is to improperly cancel out one half of iterability’s workings as well as to foreclose on the possibility for the existence of other, less straightforward forms of discipline that might be arising from the uncanny effects of the breaking function. To see more clearly the distinction that I am proposing we need to look at the precise point at which Collins’s thinking parts from that of Miller’s model Foucault.

**Parody as an Oversight for the System of Oversight**

Once again, it should be emphasized that Foucault’s theory of discipline is developed strictly in relation to the control of material entities, specifically bodies, as opposed to iterable traces. He finds the type of radically one-sided and deeply internalized disciplining he labels Panopticism to be the end product of two distinct social mechanisms, the mechanisms for dealing with plague and with lepers:

> Underlying disciplinary projects the image of the plague stands for all forms of confusion and disorder; just as the image of the leper, cut off from all human contact, underlies projects of exclusion. . . . All the mechanisms of power which, even today, are disposed around the abnormal individual, to brand him and to alter him, are composed of those two forms from which they distinctly derive. Bentham’s *Panopticon* is the architectural figure of this composition. (Foucault, *Discipline* 199–200)

It should go without saying that bodies are not the same things as words. Yet, as I have been arguing, the two entities are continually conflated by outlooks that would be finding material-world settling to be the sum total of the effects characterizing iterable traces.

The direct result of the attempted imposition of a body-centered philosophy onto textual elements is the shunting off to the side—as “negativities”—the breaking aspects of iterability. The critic is forever thereafter obliged to expend time and energy on the project of actively ignoring these, for, unfortunately, the breaking function will keep returning. Foucault assumes a standard, single form of discipline to be at work. But with language there exist *two* forms, one growing out of a desire to control the characteristics
of the settling view characterizing its material and meaning-determining aspects (Marian’s perspective) and another growing out of a desire to control those of the breaking view characterizing its immaterial and decontextualizing aspects (Fosco’s perspective). All of the negativities ignored by the settling world-view can be encompassed within the non-normative, even in some ways anti-normative, concept of “parody.” That concept, a direct offshoot of breaking, allows here for the coming into being of a situation where disciplining, while still operating as “disciplining,” comes, from outside, to instruct an inner normality in deviance, all the while allowing the critic (or historian) arriving later to read it “seriously” as does Miller when he perceives the situation to be one of an inner “deviance” being taught by a surrounding normality to closet itself. It is a mark of Miller’s considerable versatility that his rhetoric should have been able to successfully render the former an instance of the latter.

Derrida sorts out a similar self-blinder when he considers the work of the English language philosopher J. L. Austin. Austin’s attempt at solidly founding his distinction between constative and performative speech acts is, according to Derrida, an attempt wholly given over to actually ignoring language’s fundamentally uncontrollable negativities:

[Austin] says that “we need to develop a general theory,” but at that moment he doesn’t construct it. Now, what’s remarkable is that the general theory concerns precisely all the phenomena of failure, all the phenomena of negativity, of what we call the nonserious, the anomaly, the parasite, etc. What seems to me unfortunate in this incompleteness is that the fact of taking account of a negativity—let’s summarize all of these [phenomena] under the heading of negativity—coextensive with all of discourse would have led him to define this negativity not as an accidental fact in the sense traditional philosophy most often takes the negative, like an accident, but as a structural element of the law of speech acts. While developing this general theory, he wouldn’t have been able to push all the parasites aside. Under the heading of the parasite we find precisely the phenomenon of citation which seems to be indissolubly linked to the structure of every mark. This means that I don’t think a mark can be constituted without its being able to be cited. Therefore, the entire graphematic structure is connected to citationality, to the possibility of being repeated. (Derrida and Ricoeur 154)

Miller, like Austin, does not adequately address the breaking-function negativities being passed over, as a matter of structural constitution, by his outlook. Thus, it is necessary for the consistency of his argument (despite
Miller’s attestation to the contrary) that his ideal reader never be allowed to actually assume Fosco’s position, that is, his position as break-out artist with respect to Collins’s fully realized representation of the readerly linguistic moment. Indeed, Miller’s interpretation, in attempting to make Marian into Fosco and vice versa, that is, to merge the two, is more disciplining than the actual scene.

Miller acknowledges that he is taking Foucault’s thinking, through a self-described “intellectual gamble,” into a region that the French philosopher studiously avoided: “[P]erhaps the most notable reticence in Foucault’s work concerns precisely the reading of literary texts and literary institutions, which though often and suggestively cited in passing, are never given a role to play within the disciplinary processes under consideration” (D. A. Miller viii1). I do not believe that Miller’s gamble pays off. For it requires him to collapse bodies with iterable traces. Bodies not being subject in the same way as traces to the vagaries of iterability (before the days of cloning and 3D printing at least), the latter are inevitably going to escape any restricted economies of disciplining or surveillance that might have been effective for the former. The materiality of bodies is a hindrance to the ready passage from place to place characterizing traces. Thus, the “disciplining” that might work on them will not apply to iterable traces, or, to be precise, will apply in a similar manner only to the settling side of those traces. (Naturally then, a philosophy of straightforward disciplining [here I intend a reference more to Miller’s would-be panoptical New Historicism applied to texts than to Foucault’s historical/sociological panopticism applied to bodies] will have an interest in seeing solely the settling aspect of iterability). As a result of the incommensurability between texts and bodies, the laws of discipline, of social control, of political economy—specifically the logic of the economics of equivalent exchange and wealth from scarcity—will not apply in the

42. This is a distinction that Collins, with his puppet-like characters continually subject to breaking, does not always respect, as we will see in the next section’s discussion of Laura Fairlie’s vacuity.

43. I would cite in this context a remark—intimating in its excessively qualified structure the complex relationship between books and bodies—made by J. L. Knight-Bruce in his decision in Prince Albert (1849) when discussing the protection of literary property from “invasion”: “this class of property, by nature not corporeal at all, or not exclusively corporeal, require[s] to be defended against incorporeal attacks, and not at all or not exclusively against bodily assaults” (312). Knight-Bruce touches on the fact that books and bodies require that different laws and disciplinary structures be applied to them. Therefore, to apply a discourse founded on bodily concepts and control to the situation of books or language, which are certainly not “bodies”—or at least not exclusively so—is eventually going to end up being distortive.
same way to books as they will to bodies. That particular form of economic logic that was labeled by Georges Bataille a “restricted economy” is constitutionally incapable of completely accounting for the movement of the trace. Iterable traces—on their immaterial side—are also subject to what Bataille labeled a “general economy”:

Sovereignty differs in no way from a limitless dissipation of “wealth,” of substance; if we limited this dissipation, there would be a reserve for other moments, which would limit—abolish—the sovereignty of an immediate moment. . . . The question of this general economy is situated on the plain of the political economy, but the science designated by this name is only a restricted economy (restricted to market values). This is a question of the problem essential to the science treating the use of wealth. The general economy makes evident in the first place that a surplus of energy is produced that, by definition, cannot be used. Excess energy can only be lost without the slightest goal, in consequence without any meaning. It is this useless, senseless loss that is sovereignty. (284n5)

Leaving aside Bataille’s liberational hyperbole, here we glimpse the other economic (and perhaps disciplinary) model that would be pertaining with regard to iterability. That other model accounts for some of the more disturbing (to systems founded on a restricted economy model) aspects of iterability. It is no accident that Bataille’s rhetoric suggests the rhetoric of the French or American Revolution. It was the particularly “liberational” nature of the breaking function that was allowing the Americans in the mid-1800s to associate the “sovereignty”—or general economy of excessive and non-recuperable expenditure, to paraphrase Bataille—of iterable words with their own.

Thus, Miller’s interpretation of an instance in Collins’s text of a radical breaking out as one of a radical settling in is the result of his philosophical model’s predisposition in favor of settling when that predisposition is faced with the Americans’ parody of disciplining. America is able in the mid-nineteenth century to effect a “parodistic” disciplining, making an actual “something” out of the many bitter “nothings” contained in its copyright clause—in one case, as we saw, transforming English criticisms into American advertising matter—thereby fashioning out of the breaking function something that appears very much akin to straightforward, active discipline. The acts of breaking ourselves out of the prison-house established by Miller’s outlook and of viewing the supplanting in the scene from a sufficiently detached perspective—a nineteenth-century transatlantic
one—allow us to perceive it as not so much an inwardly collapsing, conservational, carceral compulsion as an outwardly averting event or escape. That is, we find ourselves presented with not so much an author-centered, psychological redisciplining as an externally focused, readership-centered, usurpation—one founded on the conceptualization of the book’s readership as composed of “bad” American readers lifting the book from the hands of the “good” English ones.\(^{44}\) Fosco’s illicit reading (and hence the identification with him by the reader) is a fundamental shift at the level of perspective. Miller’s focus on the apparently conservative re-education of the reader misses that radical perspectival alteration experienced by him or her as a result of the to this point fundamentally carceral world of the narrative being transformed into the fundamentally anti-carceral one of the book. We have here a radical break out of the carceral modality (as indeed we should have also out of the carceral critical mentality, since the narrative-turning-to-book here is leaving behind Miller’s hermetic body- and prison-metaphors—or at least their constrictive charge) as now it would seem that the criminals were running the institutions.

This is a more complicated situation than those simplistic [English]-rebel-vs.-[English]-society-type interpretations (but nevertheless one that can look exactly like them) of the type put forward by the long line of critics following Knoepflmacher. The “empty formalism” perspective has shown us, shockingly, an entire society and social structure brazenly defying what we had thought was a generalized normality coming to be only occasionally harassed by deviance. This enforced and unexpected recontextualization is certainly shocking. The existence of an American culture that is at the time effectively parodying disciplinarity, a sort of otherness within otherness (that does not collapse back into the self) casts the scene in terms of a normality (Marian) that is being assaulted by a more populous deviance (Fosco), in contrast to Miller’s less-powerful deviance (homosexuality) being “closeted” by—or closeting itself in response to—a surrounding normality (heterosexuality). This situation causes us readers to realize that we have been all along, in Wilkie Collins’s eyes, deviants. The author has not been on our side. We are indeed “brought into line” by Collins’s narrative but

\(^{44}\) Gaylin argues that “By surprising us with the information that we are not the only readers of this private document, Collins draws . . . [an] analogy between Fosco’s intrusive behavior and our sanctioned eavesdropping on Marian’s private words and thoughts; he makes us recognize the potentially transgressive nature of all reading” (129). I would of course revise this contention to read “. . . the potentially transgressive nature of the reading by the nineteenth-century American readers of their pirated editions.” Later on in his project Collins will, of course, shift his focus of investigation to the (self-)transgressive nature of all writing.
not into line with normality but, rather, into line with deviance, with the
deviance of the nineteenth-century United States’s attitude towards foreign
intellectual property ownership. The shock that most definitely assaults the
reader here is that which inheres in conclusively disclosing for herself, in
Jean Baudrillard’s term, “the satellization of the real,” as the reader’s belief
in her essential goodness is turned into a satellite at the same time that
England is turned into a satellite nation. In other words, Miller’s at first
glance seemingly outré interpretative standpoint turns out to be, in the
final analysis, too conventional and conservative to properly come to terms
with the power dynamics set in motion by what one might characterize as
a struggle between particular national codes, that is, by the anomalous situ-
ation of the larger rogue state.

Foucault’s hierarchical mechanism is too rigidly established to admit the
entrance into the system of the “play” represented by parody. Foucault writes,
“The enclosed, segmented space, observed at every point . . . in which power
is exercised without division, according to a continuous hierarchical fig-
ure . . . all this constitutes a compact model of the disciplinary mechanism”
(Discipline 197). This is a very humorless, or at least whimsy-less, philo-
sophy. An example of the non-seriousness that evades Foucaudian discipline
would be the copy that mimics the iterable shape of the shadow-imaged
prisoner of the Panopticon, that is, the cardboard cut-out of the prisoner’s
body that fools the surveillance while the prisoner escapes. The disciplinary
mechanism as it is understood by Foucault in Discipline and Punish makes
no provision for false or deviant—take your pick—“disciplining” of the
type represented by the Americans’ proviso that nothing in their Copyright
Act should be taken to prohibit the piracy of British books. It had been the
bizarre effects of that former function that had allowed for the surprising
situation of the Americans encouraging (or “disciplining”) their citizenry in
the practice of pirating English books. This is a world wholly beyond the
ken of Foucauldian philosophy. Foucault’s implicitly, so to speak, Matrix-
embedded philosophical outlook is too “disciplined” to envision the pos-
sibility for the Americans to be recontextualizing on the other side of the
Atlantic (as in the case of the Blackwood’s advertisement and Fosco’s intru-
sion into the diary) and redeploying criticisms of their practice as advertise-
ments for it.

In contrast to the philosophers and literary critics, the novelists were
more sensitive to the power and potential held out by parody or secret

45. Simulations 149. Another description of this process might be the “Red Pill moment” in the
film The Matrix. See the discussion of the opening of No Name below for another example.
agency. Joseph Conrad remarked on the danger posed for a disciplinary system by the existence of parody in his *The Secret Agent.* In that story, the Assistant Commissioner, the most philosophically disposed disciplinary character, notes that it is the sham anarchist who presents true problems for the disciplinarial organizations operating in a standard (Foucauldian) manner that come into contact with them. The situation of the secret agent or *agent provocateur* working for a disciplinarial organization who infiltrates anarchist groups in order to lead them to overreach is one that marks a blindspot for any solely uni-directional system of disciplining, for, as the Assistant Commissioner reminds us, “the existence of these [government] spies amongst the revolutionary groups . . . does away with all certitude.” He remarks similarly later, “We can put our finger on every anarchist here. . . . All that’s wanted now is to do away with the *agent provocateur* to make everything safe” (Conrad, *Secret Agent* 145 and 209). The *agent provocateur*—not the straightforward criminal—is the genuine threat to the system of disciplining. The obverse of this situation of the secret agent would be the society seemingly fulfilling a disciplinarial role—as societies in the modern age (i.e., without provision for carnival) *ex officio* must—but actually turning out to be unexpectedly deviant as a whole. This might seem a situation solely characterizing petty dictatorships, but a little over a century ago it was precisely the situation of the United States.

46. Similarly, in Vladimir Nabokov’s novel *Pale Fire* the narrator Kinbote tells us that the supporters of the ousted King of Zembla, Charles II, disguised themselves as the fleeing king in order to lead the authorities astray: “He never would have reached the western coast had not a fad spread among his secret supporters, romantic, heroic daredevils, of impersonating the fleeing king. They rigged themselves out to look like him in red sweaters and red caps, and popped up here and there, completely bewildering the revolutionary police” (99). Further on we read that “[t]he illusion of the King’s presence in the wilds of Zembla was kept up by royalist plotters who decoyed entire regiments into searching the mountains and woods of our rugged peninsula” (149). The ruse is so successful that the Zemblan authorities at one point mistake the king himself for an imposter and take away his “disguise” (144).

47. William St. Clair writes of the point at which America passes, so to speak, “through the looking-glass,” that is, shifts over from the realm of parodic disciplining to that of standard (Foucauldian) disciplining: “In 1891, after nearly a century of Anglo-American dispute, the United States, having by this time built up a strong local publishing as well as printing industry, and having become a net exporter of the potential intellectual property implicit in printed texts, joined the international copyright treaties. Since that time . . . intellectual property has become one of the main instruments through which the United States dominates the modern world” (393; see also 488).

48. Echoing Martin Chuzzlewit from our epigraph, the nihilistic Professor in Joseph Conrad’s *The Secret Agent* comments about America, “They have more character over there, and their character is essentially anarchistic. Fertile ground for us, the States—very good ground. The great Republic has the root of the destructive matter in her. The collective temperament is lawless. Excellent. They may shoot us down, but—” (96).
The Powerlessness of Woman as Text/Text as Woman

Of course to justify the covert allegory argument, one would need to prove that Laura Fairlie and Anne Catherick (perhaps that should be “Laura Fairlie” and “Anne Catherick”) are more iterable texts than material entities, more books than bodies. And indeed I do believe we see this “textualization,” or flattening, of character occurring in Collins’s narrative: Laura’s doppelganger being a character composed of as little substance as could be understood to be characterizing Laura, we have a contest between competing “blank-page” vacuities taking place in this novel, and I use that term purposefully. Thus, I would argue, the plot’s center-piece, the substitution of Anne Catherick, the Woman in White, for Laura Fairlie, effectively enacts the central move in the drama of literary piracy. We learn near the end of the book that Laura and Anne are actually half-sisters, Anne being the offspring of an affair between the now-deceased Mr. Philip Fairlie and the maid of a friend. Fairlie’s having published two copies of himself—in the Shakespearean sense of printing copies of oneself\(^\text{49}\)—one legitimate and one not, has led to the possibility of his estate being shifted away from its proper course. In the end it will be Walter Hartright who takes on the task of reassembling and re-establishing—literally, in the narratives he gathers—the single, proper line of descent. And it is a curiously filial, rather than sexual, interest—“The sad sight of the change in her from her former self, made the one interest of my love an interest of tenderness and compassion, which her father or her brother might have felt, and which I felt, God knows, in my inmost heart” (464)—that he, our moral exemplar, displays in his quest for the re-establishment of Laura’s claim to her proper identity and her proprietary rights over the family lands. In the end, Hartright will be the one who has successfully controlled the possibility of the loss of property and coin opened up by Mr. Fairlie’s hither-thither “dissemination” (that sexual/textual pun in this case being appropriate).\(^\text{50}\)

Hartright’s disclosure of Percival Glyde’s crime, in the most obvious “copy-book” instance in the narrative, highlights the connection between women and books on which Collins’s allegory implicitly relies. As a result of his forgery of the registering of his parents’ marriage, Glyde is described

\(^{49}\) See, for example, Sonnet 11, ending with the memorable peroration “Thou shouldst print more, not let that copy die.”

\(^{50}\) In this sense, the drama between Walter Hartright and Anne Catherick on Hampstead Heath has always already taken place, for their meeting and Walter’s vacillating as to whether or not to let her go (the act that symbolically re-enacts Phillip Fairlie’s sin of having let himself go) is simply a replaying of the moment of Anne’s conception.
by Hartright, in a characterization resonating with Fosco’s earlier crime, as having “usurped” a “whole social existence” (521). One might recall here Hartright’s earlier distress at Laura’s having been rendered, as a result of the almost total triumph of Fosco’s machinations, “socially, morally, legally—dead” (421). The success of Glyde’s crime, his addition of his parents’ names within a fortuitously-positioned blank space in the register at Old Welmingham, is overthrown by the existence, unknown to him, of another copy in lawyer Wansborough’s strong-room in Knowlesbury, that other register still containing a blank space where there indeed should legitimately be one. The other copy renders “illegitimate” the one on which Glyde has come to (to borrow a phrase Hartright uses to describe the effects of incarceration on Laura) “set [his] profaning marks” (443). The existence of the other copy reveals his crime, in effect, to be that of having substituted one book for another, an illegitimate for a phantasmal (yet thanks to iterability, always potential and therefore theoretically always already extant) legitimate copy. The parallel in the crimes is further heightened by Glyde’s ultimate “incarceration,” so to speak, within the vestry. It is structurally appropriate that the false baronet, having been one of the two principal agents responsible for the incarceration of women in madhouses, should himself die as a result of having been locked—incarcerated as a result of the “hampering” of an old lock on the outer door—within an asylum of his own, in the dilapidated vestry housing the “marked” copy as the room around him begins to burn. Women and books in this narrative continually seem to be finding themselves locked up. Through this re-presentation to us of Fosco’s crime of substituting women in Glyde’s crime of substituting books, the narrative suggests not only that books can stand in for women but also, conversely, that women can stand in for books—a quite significant allegorical transformation in a story recounting, as I have been arguing, the redirection through the substitution of those women of legacies, as one is then prompted to consider whether the narrative might not also be representing at a symbolic level the redirection of literary profits.

This woman/text conjunction is also seen earlier in the narrative, in the diary-stealing scene. An unascribed Note introducing Fosco’s “Postscript by a Sincere Friend” tells the reader,

[At this place the entry in the Diary ceases to be legible. The two or three lines which follow, contain fragments of words only, mingled with blots and scratches of the pen. The last marks on the paper bear some resemblance to the first two letters (L and A) of the name of Lady Glyde.}
On the next page of the Diary, another entry appears. It is in a man’s handwriting, large, bold, and firmly regular; and the date is ‘June the 21st.’ It contains these lines:] (342–43)

The note’s textual reference to Lady Glyde hints at a connection, in the phrase “some resemblance,” between this “bold” act by Fosco and his later one of stealing Lady Glyde’s body. His remarks in the postscript reinforce that connection. In his praising of Marian’s delineation of character and detective abilities, he comes close to perpetrated the same conflation that had been effected by Collins’s having titled his book *The Woman in White* in the first place, the conflation of woman with text:

The illness of our excellent Miss Halcombe has afforded me the opportunity of enjoying an unexpected intellectual pleasure.

I refer to the perusal (which I have just completed) of this interesting Diary. . . .

Admirable woman!

I allude to Miss Halcombe.

Stupendous effort!

I refer to the Diary. (343)

The excessive interest in clarifying referents here suggests more than just the introduction into the narrative of a Humbert Humbert–like fancy prose style; it also suggests the possibility for a momentary confusion between the references to the woman and the references to the book. This confusion is one that Collins will exploit, understandably, on more than one occasion in his allegory of piracy.

Marian having fainted, her text is completely at Fosco’s mercy. So is her body. Since the villainous Count clearly does not hesitate in violating the one, it is within the realm of possibility that he violates the other also. This situation has suggested to some critics that Marian is raped by the Count. Miller places the word within qualifying quotation marks yet continues in a tone that would seem to disavow the need for qualification: “Marian has been ‘raped,’ as both the Count’s amorous flourish (“Admirable woman!” . . .) and her subsequent powerless rage against him are meant to suggest” (D. A. Miller 164). I do not wish to be taken to be suggesting that it is necessary to conclusively prove, with respect to this fictional literary creation, the case one way or the other with regard to the “actuality” or not of Marian’s physical rape. The mere suggestion of bodily violation, in connection with this instance of manifest textual violation, is enough to fulfill
Collins’s purpose here. This is simply another instance of his favored sexual/textual mixing. Unlike the case in Basil, here that mixing is not screening a subliminal influence working on behalf of copyright extension but is rather furthering Collins’s implicit agenda of allegorizing the act of copyright violation through having this Victorian woman’s physical powerlessness represent the powerlessness of the trace to resist the breaking function of iterability. Collins would seem to want to use this veiled sexual violence that comes in the form of a manifest textual violation to once again bind the woman and the text together so as to render his covert lobbying in behalf of international copyright even more morally virtuous than it already was.

This textual violation does not, however, immediately announce itself as identity theft. That transformation requires us to turn outwards, toward the contextual surroundings. Indeed, Fosco’s two acknowledged crimes in The Woman in White would at first glance seem markedly unrelated. The crime he commits against Marian—for the sake of argument I will characterize it simply as textual theft—is never overtly represented as being similar to the crime he commits against Laura, identity theft. Only through a metaphorical leap—albeit a fairly understandable one—could one come to equate the theft of the diary of one woman with the theft of the identity of another. However, the context in which these thefts occur is not neutral with regard to the issue of connecting texts with women’s bodies. The book containing these scenes happens to be titled after the cognomen of a woman, the Woman in White. Thus, before the reader has even picked it up, Collins is asking her to make exactly that metaphorical leap of connecting women with texts toward which Fosco’s crimes will later be prompting her. Viewed from this perspective, Fosco’s two crimes—the theft of a woman’s identity and of a woman’s text—become one. This conjunction of woman and book, I am arguing, when it is situated within an even larger context, that of mid-Victorian, transatlantic book piracy—as The Woman in White itself could not have helped being—comes to render Fosco the allegorical stand-in for nothing less than that most hated of Collinsian real-world villains, that state-of-the-art exploiter of the breaking function of iterability, the immoral mid-Victorian American publisher.51

51. At the end of the story “A Rogue’s Life” (1856), Collins has Doctor Dulcifer, the counterfeiter and last “employer” of the Rogue, having escaped the Bow Street runners, flee to America and there adopt a profession that Collins must have loathed; remaining consistent with prior practice, the unregenerate Dulcifer ends up engaging in a different form of theft in the New World, “editing a newspaper in America” (188). Old File, his accomplice in the English coining operation, serves as his publisher. Many nineteenth-century American newspaper editors having been unrepentant “reprinters” of English texts (Mott, History 2:128–30), it is not surprising that Dulcifer should have been cast by Collins in the iniquitous situation of having turned his already tainted hand to, in essence, if not
IT MUST be admitted that Collins, both for good and ill, is no Dickens. That is, he is a writer who, though having been praised for the unequaled plotting exhibited throughout his major phase, was nevertheless throughout the whole of his career also criticized, to my mind legitimately, for the flatness and puppet-like nature of his characters. An anonymous reviewer in the Saturday Review, commenting on 16 June 1866 on Armadale, notes this failing:

There is a sort of unearthly and deadly look about the heroes and heroines of [Collins’s] narrative, and though it is necessary for the purpose of the plot that they should keep moving, we feel that every one of their motions is due, not to a natural process, but to the sheer force and energy of the author’s will. They dodge each other up and down the stage after the manner of puppets at a puppet-show, and after watching their twistings and turnings from first to last we come away full of admiration of the strings and the unseen fingers that are directing everything from behind the curtain. . . . Contrast the [Becky Sharp], Miss Gwilt is a waxwork figure displayed from time to time in every conceivable sort of garish light.52 (Rpt. in Page 151–52)

This shallowness of characterization may or may not serve as a valid reason for valuing Collins’s works less highly than those of some of his contemporaries, but what it certainly does is suggest a means of assigning priority between his two favorite screenings. That is, were his characters more “well-rounded” one might be tempted to think twice before finding the sexuality or gender-relations in his tales to be mere window-dressing as I have been doing here. Indeed, I believe the sociologically-focused critic’s attempts to draw out the cultural implications of Collins’s theoretically-oriented, schematic fictions to be fundamentally amiss, unless, that is, that critic is considering Collins’s implicit denigration of women via his having equated the effects of their many oppressions in Victorian society with the flatness and mobility of texts.

52. See also M. W. Townsend writing in an obituary of Collins in the Spectator on 28 September 1889, “With the possible exception of Count Fosco, about whom we are doubtful, Mr. Collins having not only failed, but consciously failed to find him a governing motive, he has never created a character; but he has sketched-in an enormous number, a dozen or two of whom the spectator will never forget. . . . Compare Alfred Jingle with Captain Wragge, in No Name, who is very much the same kind of swindler, and the difference between genius and cleverness becomes at once apparent” (rpt. in Page 264).
Indeed, Collins’s characteristic strategy of screening textuality behind sexuality has to be seen through if his allegory of piracy is to be properly perceived. It is remarkable how close feminist and gender criticism, two approaches that would seem dedicated to not demystifying that screening, nevertheless come to doing so nevertheless (albeit sometimes unconsciously). Once the melding of the violation of the individual identity with the violation of the text has occurred, there are two clear ways in which instances of it can be interpreted: the critic can find, as was true in our earlier consideration in the Introduction of the Tombstone Scene, bodies and identities coming to be textualized or texts coming to be embodied, and perhaps even gendered. That latter viewpoint is, understandably, the one adopted by many feminist critics of the 1980s and early 90s. The arguments about female powerlessness in *The Woman in White* that are so common in that era are intent on disclosing that instances of the vulnerability of Collins’s textualized femininity abound in *The Woman in White*.

Feminist critics, acknowledging Collins’s careful balancing act between female and textual vulnerability, are forced, however, by this text to eventually shift toward the materiality of the literary endeavor. Thus, they can be found in their more recent interpretations to be nearly writing their way past their own particular *raison d’être* and entering the domain of materialist textual criticism proper as the more prominent analyses of the purported textualized femininity in this novel uncover a Collins more interested than the critics might wish in a feminized textuality (with the stress placed on the latter term). In 1979, Gilbert and Gubar in their famous study *The Madwoman in the Attic* focus on Anne Catherick and comment that her “white dress, which gives Wilkie Collins’s *The Woman in White* its title, suggests the pathos of the Victorian child-woman who clings to infancy because adulthood has never become a viable possibility. . . . Anne’s white dress tells a realistic story of female powerlessness” (619–20). The vulnerable text/vulnerable child-woman connection is of course fairly well submerged here. However, traces of it can be seen in the connection between the child-like woman in white and the iterable text’s “powerlessness.” The connection is even more manifest in later readings. In 1990, Perkins and Donaghy contend that “Laura [Fairlie] . . . functions from her first appearance in the story merely as a heroine to be loved, a blank to be filled by male desire” (393). In 1993, approaching Collins’s novel from a similar perspective, Diane Elam notes that “[i]n Collins’s text . . . the body of the woman in white is *figured as a blank page*, as virginal space, to be inscribed by the pen of the authorial and authorizing male, after the contours of a by-now-familiar critical and sexual analogy” (50; emphasis added). Familiar indeed. Here textual criticism and
feminism have come nearly to acknowledge the struggle for priority with regard to this particular text that they had been in (often unknowingly) since 1979. This connection that the critics are continually making is symptomatic of the fact that in the man-handled woman in white—her status as cultural commonplace serving more Collins's purposes than the actual abused Victorian woman's—the male Victorian author found an excellent metaphorical stand-in or screen for the man-handled text.

In other words, it requires only a slight shift in emphasis, moving from the textualizing of the feminine to the feminizing of the textual, to turn a proto-feminist Collins into if not quite an anti-feminist one then into a self-absorbed author more interested in textuality than real-world personhoods. And I believe this shift to be warranted as, given the concerns of the allegory at the basis of *The Woman in White*, the textuality is more important than the feminism, indeed, to a great enough extent that it is not a misrepresentation to find the latter to be a mere screen for the former. Despite the arguments made by several critics, I am unpersuaded by the view that considers the author of this book to have been a feminist author. Leaving aside the various critics intent on drawing out the parallels between the story and the advent of the Matrimonial Causes Act of 1857 and its corollaries, the Married Women's Property Acts of 1870 and 1882, I would mention as exemplary the claims by Barickman, MacDonald, and Stark that of the four novelists they consider Collins is “the most directly concerned with issues of women's rights and the most openly irreverent toward Victorian sexual conventions” (111) and by Lyn Pykett that “Collins uses Marian's proto-feminist pronouncements . . . as a way of questioning and challenging current gender roles” (*Wilkie Collins* 126). While he would certainly take up feminist causes during the “mission fiction” phase characterizing the latter half of his career, in such works as *The New Magdalen* (1873), *The Law and the Lady* (1875), *The Fallen Leaves* (1879), *Heart and Science* (1883), and *The Evil Genius: A Domestic Story* (1886), Collins here was merely making use of (as opposed to making hay with) the Victorian woman’s plight to represent that entity that was much more important to him at this time, the vulnerable text. In this novel, Collins, far from bemoaning woman's subjection, exploits the affinities between the situations of mid-Victorian woman and manuscript. That is, while seemingly grieving over the sad fate of womankind, he actually mourns for his text, rendering himself, effectively, indistinguishable from the worst sort of anti-feminist. Thus, it should come as no surprise that instances of the powerlessness of the text—which Derrida describes thus: “the force of the rupture is . . . important: . . . a written syntagma can always be detached
from the chain in which it is inserted or given . . . [and] inscri[ed] . . . or grafi[ed] . . . onto other chains” (“Signature Event Context” 9)—should have been, Collins having represented them as instances of female powerlessness, recoverable through analyses of the “misogynistic” dynamics at work in The Woman in White.

By “the powerlessness of the text” and “the force of rupture,” I mean, of course, to suggest the breaking function, that fundamental lack of grounding always already rendering the text vulnerable to the process of American copyright violation. Viewed from this perspective, Marian Halcombe’s rhetoric of an invariably unhappy destiny for a female joining adult society thus becomes in effect an unhappiness with regard to the publication process: “Men! They are the enemies of our innocence and our peace—they drag us away from our parents’ love and our sisters’ friendship—they take us body and soul to themselves, and fasten our helpless lives to theirs as they chain up a dog to his kennel” (183). This ability for a woman to be “dragged” away from home and “fastened” elsewhere—like a piece of writing that is “cut” from one context and “pasted” into (or merely onto, depending) another—is the breaking function of linguistic iterability embodied. As soon as the text is created, it has entered a region of potential subverters from whom one will thereafter be trying to protect it, despite one’s having known from the beginning that it would eventually be sent out some day to face them, that it was being “raised,” in a sense, precisely for that purpose. This situation has more than a few affinities with that of the bringing up of the average Victorian girl.

Anticipating the interests of future psychologically-focused readers, Collins’s text pre-established a trap that was sure, at least for a while, to ensnare those readings and the critiques that followed in their wake. Collins intuited that this particular “cover” would serve, almost as well as the overt sexuality in Basil had, to effectively camouflage his copyright allegory. However, not having foreseen that body-centric (Freudian, feminist, gender, postcolonial) interpretations would dominate the literary critical domain in the West for a significant portion of the twentieth century, his camouflage may have been more effective than he might have wished. The degree to which Collins uses the sexual to hide the textual renders the understanding offered by those approaches of his major fictions always already confidently self-affirmed. During his 1860s phase, Collins might well, if he had been able to foresee Twentieth-Century methodologies, have said the same thing that Vladimir Nabokov declares in the Introduction to Bend Sinister: “all my books should be stamped Freudians Keep Out” (xviii). Casting Laura and Anne both as child-like women ensured for decades to come—due to the unforeseeable advent of the particular styles of literary criticism growing out
of Freudian psychoanalysis—that the critics would view the two substitute versions of the Woman in White as, if not necessarily oppressed women, at least culturally-embedded subjectivities before viewing them as violated texts.

Putting the “You” Back in Honor

As we have seen, the discourse of independence underwrote the refusal by the Americans to honor British copyrights. Collins, by having Hartright insist at one point on a “common honour” (539), was attempting to undercut that rhetoric. Recall Thomas Carlyle putting forward in a letter to Dickens the argument that England and America are not two nations, but one; indivisible by parliament, congress, or any kind of human law or diplomacy, being already united by Heaven’s Act of Parliament, and the everlasting law of Nature and Fact. . . . In an ancient book, reverenced I should hope on both sides of the Ocean, it was thousands of years ago written down in the most decisive and explicit manner, “Thou shalt not steal.” That thou belongeth to a different “Nation,” and canst steal without being certainly hanged for it, gives thee no permission to steal! So it is written down, for Nations and for Men, in the Law-Book of the Maker of this Universe. . . . How much more [for] two Nations, which, as I said, are but one Nation; knit in a thousand ways by Nature and Practical Intercourse; indivisible brother elements of the same great SAXONDOM. 53

53. See also Charles Reade’s book of 1860 arguing against American literary and dramatic thefts, which in its title, The Eighth Commandment, emphasizes this same common root. Recall also the reference to an Anglo-American Divine Christian Retribution signaled in Marian’s use of capitalization in her recounting of the speech delivered by a dream-Hartright in Central America: “The night, when I met the lost Woman on the highway, was the night which set my life apart to be the instrument of a Design that is yet unseen. Here, lost in the wilderness, or there, welcomed back in the land of my birth, I am still walking on the dark road which leads me, and you, and the sister of your love and mine, to the unknown Retribution and inevitable End” (278). See Collins’s distinction in the Foreword to Armadale (1866) between “the Clap-trap morality of the present day” and “the Christian morality which is for all time” (5). Many Americans, however, saw themselves as clearly distinct from the English. For example, one anonymous reviewer for the, at that point in its history, rabidly anti-international-copyright Democratic Review not surprisingly emphasizes, repeatedly, the distance between the United States and Great Britain: “[The British author] has no reason to complain, if in another country, the antipodes perhaps of his own, and a totally distinct political organization, his work is reproduced, for the benefit of a new population, without any injury to any of the rights or interests of his secured by law at home. . . . [T]o this foreign nation it is a question of expediency whether or not to grant him, to any greater or less extent, a privilege of copyright; and . . . actually in the case of the present demand upon our government on behalf of English authors, the preponderance of the expediency—an expediency coincident with the moral right of the matter—is against its concession” (“Note” 615; emphasis added).
Similarly, from Collins’s perspective, our American cousins were not all that different. They were half-siblings who at the current moment simply lacked the will to be honorable in the same way as the British. Turning away, for the moment, from the theoretico-linguistic lesson being offered by Fosco of the need to acknowledge breaking, Collins in the latter third of this book, simply wished to bridge the gap in the two differing understandings of honor/honour prevailing on the differing sides of the Atlantic. Walter Hartright, that returned Central American explorer, serves as that bridge. Not only are we readers taught by this narrative to contest counterfeit writing (on tombstones, on marriage registers) and to equate woman with word in a way that is important to Collins’s underlying allegory, but we are also at the same time taught by the last volume’s constant discoursings on honor to contest false writing and to pay attention to moral actualities thus completing the narrative’s fundamental allegorical lesson. We are taught to assume a virtue if we have it not as we come to realize that sometimes writing can be mis-representing truth (as in the blank space in the marriage register having been falsely filled) and that to have taken one woman in white to be as “valid” as another was to have abetted a villainous injustice.

True to his name, Hartright throughout the story acts the perfect English gentleman—not to mention perceptual savant, as seen in his unerring and unquestioned capabilities of discriminating at a glance between the doppelgangers Laura Fairlie and Anne Catherick—thus also serving as the perfect agent of moral instruction for those readers across the ocean so much in need of it. After Glyde’s death, Walter considers what he would have done had Glyde lived. Having been in a position to blackmail him with the threat of the disclosure of Glyde’s secret and of his usurpation of a legacy that was not legally his, Walter decides that properly he could have done only one thing: “In common honesty and common honour I must have gone at once to the stranger whose birthright had been usurped—I must have renounced the victory” (539). It should be noted that “common honesty and common

54. Noah Webster, in consultation with Benjamin Franklin, had decided to change the spelling of “honour” in his Dictionary so as to more effectively mark American independence. In 1789 in his Dissertations on the English Language he famously declares, “As an independent nation our honor [sic] requires us to have a system of our own, in language as well as government” (qtd. in Mencken 48). Franklin was also a significant influence on, and at one point employer of, Mathew Carey, the father of Henry (see Johns, Piracy 175).

55. Walter Kendrick calls the recognition scene “an immediate vision which transcends the lies of language—just the sort of direct felt sympathy which was the ultimate goal of mid-Victorian realism” (32). Rachel Ablow contests this reading, commenting, “although The Woman in White invites this interpretation, ultimately it destabilizes the notion of ‘direct felt sympathy’ to the same extent that it undermines the reliability of documentary evidence” (159).
honor” in Hartright’s quotation are meant to signify not just an English honor but at the least an Anglo-American and ultimately universal honor, as Collins’s disseminal hopes for this book are that it might imbue each of its readers with that same sense of common honesty and honor repeatedly exemplified in Hartright’s good actions and almost too-upstanding-to-be-believed moral rhetoric. This interest of Collins’s may have been derived from Balzac, who in his letter to authors on the subject of literary property of 1834 had written, “peoples are in need not just of good institutions, but also of morals. ‘We must have morals!’ is Rousseau’s great battle-cry” (63).

A drama of grand moral dimensions is being played out in the scene in question here, since one could imagine, the rightful heir being thoroughly absent and even unknown in the immediate context, that someone in Hartright’s position, with a Laura to resurrect, might be tempted to blind himself to the bad karma that might inhere in choosing the path to suppress the correct heir’s rights. (And what is the frame story of The Moonstone if not an exploration of this same bad karma—specifically as it is manifested in the Indian “Brotherhood’s” exacting a [seemingly] Indian rather than English form of vengeance according to the dictates of a [seemingly] Indian rather than English form of honor?) Yet Hartright chooses the strictly honorable path, implying that the Americans should do the same, despite any possible adverse effects that might eventuate with respect to their base monetary or fundamentally non-justifying national (and, in the case of their Anglo-influenced conceptions of “honor,” unjustifiably nationalistic—they are after all at this time reading more English than American novels56) interests.

This rhetoric of English honorability deployed in the latter half of the narrative is, from the standpoint of the task of lobbying against piracy, at least as important as Hartright’s and the Italian Brotherhood’s eventual concluding exactions of reparations and/or blood from the villains of the story. These two aspects of the narrative end up working conjointly. The sub-plot of the moral instruction of the reader is rendered more forceful at the conclusion by the unhampered mobility, especially across international

56. Charles Reade comments in 1860, “in America, where genius and labour are swindled by the competition of stolen genius, five great writers out of six retire from that unfair competition to salaries and ephemeral comments on passing events” (Eighth Commandment 336). The anonymous author of the pamphlet American Publishers and English Authors writes in 1879, “At present, our authors, having to compete with books stolen from English authors, cannot find a market for their works. Their manuscripts are ‘declined with thanks,’ because the American publisher employs his capital more profitably in printing foreign books which cost him nothing. What is the result? The young American poet and novelist . . . is compelled to do hack work in order to live, while American publishers become millionaires from the unpaid books of English authors” ([Stylus] 7).
borders, of that shrouded secret society “The Brotherhood.” In contradistinction to Fosco’s insistence on the nation-specific nature of virtue which we had cited earlier—“Here, in England, there is one virtue. And there, in China, there is another virtue . . .” (237)—the ubiquitous nature of the providential vengeance wreaked by the Brotherhood’s agents is designed to suggest that there does indeed exist a uniformity of virtue, a commonality of morals, everywhere, expressing itself in the form of that virtue that Hartright has been continually invoking. We learn from Pesca that a member’s “serving other interests” will potentially result in death “by [the] hand of a stranger who may be sent from the other end of the world to strike the blow” (590). This novel dreams that the category of bad readers that has, before the narrative’s beginning and throughout its course, been allowed to come into being through a lack of policing, will be reassimilated by some (admittedly paranoid and panoptic, the man with the scarred cheek having been eavesdropping amazingly coincidentally in the right place at the right time) inter-national, indeed supranational, Brotherhood.

That organization thus in the end brings into being what initially had been the narrative’s foundational desire: a positing in its opening gambit that there could be established a domesticity everywhere, through Professor Pesca’s sheer energetic willfulness if nothing else. The narrative had covertly attempted to found this universal “domesticity” when our secret operative of the association, at the “starting-point of the strange family story,” had answered the door—no “accident,” despite Walter’s off-hand pronouncement to the contrary—when Walter had rung at his mother’s and sister’s cottage home: “I had hardly rung the bell, before the house-door was opened violently; my worthy Italian friend, Professor Pesca, appeared in the servant’s place” (Woman in White 7; emphasis added). This appearing in the servant’s, the domestic’s, place is not the only assumption of a domestic role attempted by Pesca: “The ruling idea of his life appeared to be, that he was bound to show his gratitude to the country which had afforded him an asylum and a means of subsistence, by doing his utmost to turn himself into an Englishman” (7). It seems that Pesca is intent on, one way or another, becoming “domesticated.” The Brotherhood will at the end of the narrative successfully

57. “Agents” will certainly be the operative word in the works of those authors writing in Collins’s wake and living in just as internationally intriguing times: Conan Doyle, Buchan, Fleming, Le Carré, among others.

58. We might recall at this point the pun being set in operation—in contrast to that enacted in a title such as Dealings with the Firm of Dombey and Son, Wholesale, Retail, and for Exportation—by Collins’s subtitling The Evil Genius (1886) “A Domestic Story,” which we saw in the Preface to be a tale especially concerned with America’s iniquitous stance on international copyright.
complete this task broached at the beginning by its member Pesca, only on a much larger, in fact universal, scale. Serving to allegorically represent a domesticity everywhere (and a domesticatability of everything), the Society’s implacable non-restrictability will be the deus ex machina resorted to finally (if you cannot bring the Americans to the legal system, bring the legal system—or, at least, common legal sense—to the Americans) by this narrative intent on establishing one system of honor across the entirety of the Anglo-American literary domain.

This universality of the honoring of copyright is just what *The Woman in White* as narrative—not content with simply diverting the world but believing the point is to change it also—is trying to bring about, even, or rather especially, as it in its book form haplessly falls “victim” to the American pirates. One could thus offer for it a description much like that one characterizing the diamond in that later Collins novel, a “native production” that can be seen to be “carrying its curse with it” (*Moonstone* 112 and 35). The narrative’s ultimate moral can be nothing else than that there is, counteracting Fosco’s repeated assertions to the contrary (*Woman in White* 237, 604), an ultimate sense of universal justice. It is no accident that by the end of *The Woman in White* the reader sees quite clearly which, or whose, type of virtue is the wrong. For the common goal of the two separate parts of the book (the first two sensational volumes standing in contrast to the moralistic last) had been to teach her through the various incursions they had made, respectively, into her nervous and moral systems that there was more than one way to establish a commonality of virtue, if not through the reinforcement, via disconcerting, sensational shocks, of the threat of the possibility of coincidentally meeting up with some agent of retribution coming around any and all corners, or turnings of the page, then perhaps through a morality tale in which the reader was made to read of himself continually self-satisfactorily—“Stupendous effort! I refer to the Diary” (343)—committing his textual crime—and continually eventually paying for it.

59. In this sense we might say that the effective “realism” that the sensation novel is so often found by contemporary reviewers to be lacking is more than made up for, at least in this case, by a grandly propagandistic, fundamentally political, practical effectivity or “effectual realism.”