Dickinson’s famous statement that “I smile when you suggest that I delay ‘to publish’—that being foreign to my thought, as Firmament to Fin—” embodies her culture’s discourse on creativity and uniqueness (letter to Higginson of 7 June 1862, *Letters* L265). The statement is typically taken at what seems its face value: just as the air-breathing world is fundamentally unattainable to a fish, so Dickinson could not imagine that she might ever want to publish her poetry. Publication, she was telling Higginson, was foreign to her thought—incomprehensible or seeming to belong to another realm of being. There is also a suggestion of humility: the fish cannot even dream of something as glorious as the firmament, with its connotations of deity and infinity. But as always with Dickinson, unpacking the analogy reveals some tensions. The opposition between “firmament” and “fin” suggests a realm reachable only in moments of inspiration contrasted with an earthly realm that is soiled by commerce. This figure invites a second turn, however, for the thoughtful reader who reflects on the common trope that published authors constitute a “firmament” and notes that these authors are the source of economic capital for publishers, the brighter stars being more valuable as commodities. Strengthening the turn is Dickinson’s strong interest in earthly and earthly depths and her uncertainty (if not skepticism) about things heavenly. By this reading, the humility implied in her association of herself with mere fish becomes pride, and her “smile” is one of superiority: she was playing a verbal game that Higginson would not grasp.
The Firmament/Fin analogy also contains another private joke and the possibility for one complex pun. Dickinson had already been publishing in her own fashion—circulating poems with letters—and by receiving her manuscripts Higginson was unknowingly furthering that end. The sentence’s syntactic ambiguity supports such a reading: the second “that” could refer to the phrase “delay ‘to publish’” rather than, as is ordinarily understood, simply to the phrase “to publish.” She knew well enough what she was doing and why; avoiding commercial publication protected her creativity itself, preserved her independence of thought, and protected the tangible products of her intellectual labor. Her use of the word “fin” may also have been intended to evoke the slang term “finnip,” which was used around this time in Great Britain to mean a five-pound note, or its American variant, “finnif,” which designated five dollars and which became by the twentieth century our slang word “fin” for a five-dollar bill (OED). This pun would twist the meaning yet again, emphasizing the distance between commerce and art.

As a regular reader of the Atlantic, Dickinson may have suspected that Higginson would not catch her multiple meanings, but perhaps she intended this letter as a test. Her opposition of firmament to fin could evoke for a superficial reader the romantic tenet that creativity reflected divine inspiration, while by associating herself with the earthly rather than the divine realm, she was overtly indicating that she lacked the heavenly spark of true greatness. However, by creating such a quirky sentence (in terms of both figure and syntax), she offered him the opportunity to demonstrate that he was more of a thought diver than his editorial writings might suggest. Whether in her eyes he passed this test we can’t know, but a telling fact is the preface he wrote decades later to accompany the first volume of her poetry, in which he invoked the traditional romantic relationship between originality and unique personality.

Dickinson herself, if she accepted that view, did so only in a qualified way. She was establishing a literary relationship with one of America’s most influential literary figures, had drawn in her first letter to him on the romantic metaphor of the work as a living organism, and was here emphasizing her commitment to originality—one of the chief sources of symbolic capital—rather than to the economically attractive accessibility with which Higginson was accustomed to dealing. But her language implies that she understood how the romantic construction of authorial originality limited the artist’s claim to both economic and cultural capital. The language also reflects, perhaps intentionally, the debate over moral versus property rights that was central to copyright law at this time: on the one hand, the author’s absolute moral right of ownership of her/his produc-
tions, and on the other hand the limited right of ownership of the produc-
tion viewed as a piece of property, especially if anyone else had a hand in
its production or distribution.

**COPYRIGHT LAW IN NINETEENTH-CENTURY AMERICA**

Ownership—of one’s name, reputation, visual image, and actual written
“hand”—was important to both Dickinson and Melville. Yet in the literary
realm, ownership has always been a vexed issue, with ownership depend-
ing on the circumstances of the individual case, on local conventions, and
on common law. Beginning in the seventeenth century, there developed
powerful but conflicting concepts and systems regarding literary property:
proprietary authorship, a state’s right to the intellectual labor of its citi-
zens and the middle-class appropriation of that type of labor, the value
(economic and cultural) of originality, and the mass production and dis-
tribution of print as a means to fortune. How Dickinson and Melville
constructed both the work of writing and the work of authorship was at
least indirectly influenced by copyright law, which most visibly instantiated
the polity’s stake in intellectual property and established the cash value of
the work of writing. That work involves putting words to paper but also
research (broadly defined) and simply being still and thinking. The work
can be physically demanding, causing or exacerbating eyestrain (hence
headaches), back pain, and other problems, as it did for both Melville and
Dickinson. The work of authorship requires engaging in publicity, negoti-
ating the best deal, shopping one’s goods, reading and marking proof, and
other activities that may strike a writer as unpleasantly sordid. Writing can
be done in the solitude of the study, although we know from composition
scholars that it almost never is and perhaps cannot be conducted without
at least a tacit recognition of the cultural context. The work of author-
ship—which need not be but usually is conducted by the writer—requires
engagement with other individuals and institutions. The work of writing is
my focus in chapter 4; I mention it here to indicate the limits of the pres-
ent chapter, which emphasizes the history and function of copyright law
in mid-nineteenth-century America in order to enrich our understanding
of how Melville and Dickinson constructed their work (both writing and
authorship), why both desired to publish but not necessarily by printing,
and how both reached toward market types other than the capitalist in
order to earn cultural and symbolic capital.

The concept of proprietary authorship originated with John Locke’s
theory of “possessive individualism” (Rose, “Author as Proprietor” 56–57).
According to this theory, property is a natural right, created by an individual’s labor out of “the raw materials of nature” (Rose, *Authors and Owners* 5). Locke described the concept this way in his *Two Treatises of Government*, published in 1690:

> Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body, and the *Work* of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his *Labour* with, and joined to it something that is his own, and thereby makes it his *Property*. (Quoted by Rose, *Authors and Owners* 5)

Producing a literary work seemed to some legal scholars analogous to getting a crop out of a field, and it also seemed that ownership of one’s self necessarily entailed ownership of whatever one produced—ideas no less than crops. Others, however, deemed the products of intellect and imagination significantly different in kind from tangible goods. A poem, after all, did not have to take a tangible material form in order to exist and did not involve removing something “out of the State that Nature hath provided, and left it in.” Creativity was understood as an organic expression of divine inspiration rather than as a linking of already existing components, as it had been explained in the eighteenth century with reference to association psychology (Rose, “Author as Proprietor” 61–62); in other words, the “Work of the writer’s Hands” need not be applied to something tangible taken from its natural state. This discourse led in the nineteenth century to “the romantic elaboration of such notions as originality, organic form, and the work of art as the expression of the unique personality of the artist” (“Author as Proprietor” 75–76). According to Rose, this was when there developed the concept of the literary “work” as separate from both the physical object—the book—and the ideas contained within the book. The work came to be understood as “something else entirely, something consisting of style and sentiment combined” (65).

Copyright law in America emphasized the state’s interest in wide distribution of intellectual products. The fundamental legal principle is stated in Article I, Section 8, Clauses 1 and 8 of the U.S. Constitution: “The Congress shall have the Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” As with most of the Constitution, the admirable brevity of the original language has left interpretation and application to subsequent generations. One of the
most important copyright cases was *Wheaton v. Peters*, heard by the United States Supreme Court in 1834. The majority ruled as follows: “(1) that an author’s common-law property in his text ceased upon publication; (2) that strict compliance with all statutory requirements was necessary for establishing title in a work; and (3) that there could be no common law of the US,” meaning that “the common law did not extend beyond state boundaries” (McGill, “Matter” 41). The key point of this ruling was that an author preserved the common-law right by keeping the work in manuscript form even if it was presented to audiences in the form of performances, but once the work was printed and distributed, the author had to share proprietorship with all components of the mechanism of production as well as with the buying public (42–43).

The process by which copyright was secured and announced served to emphasize the right of the state to act on behalf of the public’s interest in having access to a work. According to the Copyright Act of 1790 and the addition of 1802, the person desiring copyright was to deposit a copy of the title of the book with the local district court, to have a copy of the record of this deposit printed in at least one newspaper in the United States, to deliver a copy of the book to the office of the Secretary of State, and to place on the title page of the book the copyright information (McGill, “Matter” 44). The copyright notice printed in the book was an outward sign “that the correspondence between an author and his copyrighted text was fully mediated by the state” (45; emphasis added). The *Stowe v. Thomas* case of 1853 dramatically illustrates this mediation. The court ruled that Stowe did not have copyright protection against a German translation of *Uncle Tom’s Cabin* published in America. According to the court,

> [b]efore publication [the author] has the exclusive possession of his invention. His dominion is perfect. But when he has published his book and given his thoughts, sentiments, knowledge or discoveries to the world, he can have no longer an exclusive possession of them. Such an appropriation becomes impossible, and is inconsistent with the object of publication. The author’s conceptions have become the common property of his readers, who cannot be deprived of the use of them, or their right to communicate them to others clothed in their own language, by lecture or by treatise. (Quoted by McGill 50)

These and other copyright cases demonstrate that “the development of a market for literature in America depended on the suspension of private property rights in texts” (51). *Stowe v. Thomas* in particular also rep-
represents the literary work as “something consisting of style and sentiment combined.” The court recognized the work as consisting of “thoughts, sentiments, knowledge or discoveries” and “conceptions”; when the readers “clothe” these thoughts “in their own language,” they change the style, hence style must also be a component of the work. Because style is untranslatable and because a work’s uniqueness inheres in its style and concepts together, so the justices reasoned, a translation is always a new work in which the author of the original has no right of property. To try to limit “the world’s” use of the author’s conceptions would be fruitless; once a conception has entered the mind of a reader and has been “clothed” in the reader’s language, it necessarily belongs to the reader.

In the commodity-oriented market of nineteenth-century America, the law gave relatively less weight to the concept of copyright as “an inalienable right vested in the very person of the author of an original work” and instead privileged wider dissemination of, hence greater public access to, a literary work (Saunders, “Approaches” 509–10). However, there was also a tradition in American law to emphasize the relationship between creativity and economic reward rather than strictly to protect publishers’ property rights embodied in printed works (Bettig 144). This tradition is seen in the copyright laws passed in twelve of the original thirteen states, for instance that of Connecticut from 1783: “[E]very author should be secured in receiving the profits that may arise from the sale of his works, and such security may encourage men of learning and genius to publish their writings; which may do honor to their country, and service to mankind” (quoted by Bettig 146). Similarly, the Massachusetts law proclaimed that “there is ‘no property more peculiarly a man’s own than that which is produced by the labour of his mind’” (147). In short, copyright law in America in the middle of the nineteenth century was still developing, with concepts such as intellectual property, publishers’ rights, the asymmetry between British and American law, and public and private interest contending.

Copyright and Capital

A perfect copyright law, if such can be imagined, would need to regulate not only mercantile exchange but the “aesthetic play” of art, in which the activity of involving oneself with art, being a consumer of art, so to speak, is “a labor (or game) of accumulating symbolic capital that refuses the crude calculations of market rationality . . . [I]ts very resistance to conversion into such terms must be seen as incorporated into the experience
itself, as the sign of its innate complexity” (Guillory, “Bourdieu’s Refusal” 385). By way of analogy, Guillory contrasts “the scene of museum going with that of the video game”: the latter is “explicitly directed toward the accumulation of profit in the mimetic form of a score,” whereas the goal of the former “cannot be reduced to such a quantifiable measure of its profitability,” and its resistance to such reduction is “the sign of its innate complexity” (385). To a limited extent, American copyright law did take into account such intangibles as prestige and reputation. The Connecticut and Massachusetts laws quoted earlier, for instance, imply a notion of intellectual property. The former refers to an author’s writings “which may do honor to their country, and service to mankind,” and this doing of honor and service will redound to the credit of the author in terms of reputation. The Massachusetts law refers to “property,” implying commodity, but because this type of property is “produced by the labour of [the author’s] mind” it need not be limited to the markets where commercially published works circulate.

Copyright law may even facilitate the transformation of types of capital. Symbolic capital is earned within a very limited field of production and on the basis of autonomous criteria; economic capital is earned within the broadest possible field on the basis of market share. In both fields, the right to copy is legally protected. For example, a poem may be esteemed by the producers of symbolic capital according to autonomous criteria; these criteria themselves are valued because the products of creation are understood to be esteemed under moral law, which otherwise would have no value within a strictly capitalist system. When enough such esteem (symbolic capital) has accrued, the work/author becomes recognized as part of the society’s culture, and when this happens—for instance, when the poem enters anthologies or course syllabi—economic capital is generated for the owner of the copyright. The fact that a work can be evaluated on the basis of criteria other than market share, criteria that may be agreed on by only a small number of producers of cultural capital, itself conveys the value of exclusivity.

As far as we know, Dickinson never negotiated for publication; she had no direct experience with the differences between American and British copyright law; by entirely avoiding print publishing (aside from the few poems she allowed and may have allowed to be printed), she retained ownership of her ideas as well as the physical documents that expressed them; her livelihood never relied on marketing her intellectual labor. On the other hand, the copyright issue was broadly interesting to writers and authors, and because Dickinson’s father and brother were attorneys, she may even have heard it discussed from their perspective. It is common
knowledge that she was opposed to participation in the capitalist market, but to stop there is to miss the sophistication of her opposition and the significance of the choices she made. In chapter 2 I noted that discussions of Dickinson’s attitude toward publication always comment on her most explicit statement in this regard, in the poem “Publication—is the Auction / of the Mind of Man” (Fr788). This “auction” was so distasteful to Dickinson (and feels so distasteful to today’s readers) because it seems to be violating the moral right of an individual to own herself—“every Man has a Property in his own Person. This no Body has any Right to but himself” in the words of Locke that I quoted earlier. Dickinson’s diction in this poem emphasizes that it is not just a commodity that is being sold, but the identity of the work’s creator as embodied in that person’s mind.

Sensitivity to copyright may also inform Dickinson’s letter to Higginson of 25 April 1862, about the “two Editors” who asked to be allowed to use her “mind” (Letters 404–5). Regarding this letter, I made the point in chapter 2 that her reaction, at least as she describes it to Higginson, reflects her abhorrence at the practice of identifying an author’s works with the author herself; she did not want to be put to use in some public fashion. The language of this letter gives an impression that what was being discussed that day between her and the editors was a physical product or commodity: the phrase “asked me for my Mind” is sufficiently different from both “asked me for my opinion” and “asked me for a poem” that it evokes the “use” value of her mind, a connotation further strengthened by the capitalization of “Mind.” To produce whatever commodity was being discussed required the writer’s labor; to disseminate the commodity required her subservience to a system that was grounded in a capitalist market and that at least in this case seems to have expected the author to donate her labor, invoking the notion of the publishing system’s obligation to serve “the world” but conveniently glossing over the fact that those editors could benefit financially—even more so if the artist provided the commodity gratis. She may have used the word “penurious” (“they said I was penurious”) further to evoke that tension between the author’s ownership, the public’s need for new ideas and inventions that could serve national progress, and the desire of intermediaries to profit from bringing the author to the public.

This letter shows Dickinson on the side of private right; she expressed no interest in serving “the world” with the products of her mind, if that service was mediated through “editors,” nor did the social obligation implicit in the word “penurious” carry any weight with her. Part of her negative reaction to those “editors” may also have resulted from her recognition that if indeed they not only transmitted but transformed what
she had written, they would have a claim on it. In other words, the mini-
ture narrative contained within this letter reflects the entire publishing sys-
tem and the copyright laws that supported it. Other letters and poems as
well suggest that she understood the fundamental tension of the copyright
debate in America and that her strategy of publishing by manuscript was
intended to preserve her ownership while generating symbolic capital.

Dickinson’s commitment to private right was supported by the circu-
lation of some of her poems (White 10). For instance, it is possible that
her cousin Fanny Norcross presented Dickinson’s poems to the Concord
“Saturday Club” as early as 1878, and Higginson is known to have read
Dickinson’s poems to crowded meetings of the New England Women’s
Club; significantly, the notes of one such meeting refer to these as “‘port-
folio poems’—such as could only be privately enjoyed in this way” (White
11, 14–15). This kind of circulation resulted in an “extended audience for
Dickinson’s manuscripts,” both poems and letters; although the manu-
scripts might ultimately reach readers who were unknown to Dickinson,
the distribution would be governed by “clear social codes,” and attention
would be paid to preserving “the sense of a private, individual context”
(White 12, 14).

These various settings in which Dickinson’s physical manuscripts cir-
culated and in which her works were actually performed constitute an
excellent example of an antimimetic market. The market is governed by
conventions and expectations that comprise autonomous criteria, espe-
cially the values of “intimacy, uniqueness, domesticity, and antiquarian-
ism” characteristic of manuscript transmission (White 14). The fact that
some of Dickinson’s correspondents were also involved in publishing, such
as Bowles, Higginson, and later Helen Hunt Jackson, signals the fluidity
and permeability of these markets in America at this time, as does the com-
mon practice of sharing manuscripts with people who might be unknown
to the author.

No existing evidence allows us to ascertain Dickinson’s attitude toward
such extended distribution. Surely she knew that her sister-in-law “pub-
licized” some poems in her “salons,” for instance. There is no record of
her having opposed such distribution, and it is even reasonable to infer
that she expected and was pleased to know that her “mind” was being
appreciated by the agents of symbolic capital in Amherst. Did she ever fear
that this procedure would lead to the theft of her work? It would seem
unlikely. She could rely on the social structures governing the exchange
of portfolio poetry; the social classes (middle and upper) who practiced
this exchange would respect a writer’s implicit desire to remain unpub-
lished. Habegger speculates that her first known publication, a prose Val-
entine in the February 1850 issue of the *Indicator*, Amherst College’s literary magazine, “earned a paternal reprimand” and taught her that “all future writing would have to be conducted more discreetly” (236–37). He also attributes to her “the conservative view that feminine self-respect was not compatible with public life” and writes that “she reportedly asked Helen Hunt Jackson how she could bear to ‘print a piece of your soul,’” a question that certainly accords with her notion that one’s words literally embody one’s self (354). Habegger reads Dickinson as “tortured” by “the profound contradictions in [her] history and character” and suggests that as a writer she would experience “a deeper isolation, a more ferocious and even masochistic self-abasement, a terror of coming apart” (392). Perhaps. Certainly she experienced conflicts. Habegger notes two instances when she reacted in a strong and negative way to the revelation of her authorship of a particular poem; interestingly, however, both instances involve her sister-in-law, so perhaps other issues than publication and identity were involved (508, 559).

In the absence of evidence to the contrary, and given the strong circumstantial evidence in favor, it seems reasonable to regard Dickinson as intending to avoid entanglement in the copyright net by limiting her works to manuscript distribution. Copyright law was clear that an author’s right to her own manuscript was absolute as long as the manuscript had never been printed. Reading poems aloud in a salon or at the meeting of a literary club did not endanger that right. Once a work entered the public arena by being published, however, the author’s rights were severely curtailed, as dramatized by the case of *Stowe v. Thomas*. It has frequently been asserted that Dickinson’s class and economic status allowed her not to publish; a more accurate statement would be that her status allowed her to distribute her work while retaining full control.

Melville’s case is instructively different—because his work was owned by several different producers of economic capital, he easily could have felt that his mind was being auctioned, a hypothesis supported by his vigorous attacks on the economic system in letters and in *Pierre*. His personal and secondhand experience with the operation of copyright and more generally with the power of publishers could certainly have led him to such a conclusion. An apparently minor detail in the publication of *Typee* is telling in this regard. In the weeks immediately preceding the American publication of *Typee*, when there was some confusion about whether that book would come out in Wiley and Putnam’s Library of Choice Reading (the publisher had not informed Melville of the change to the Library of American Books, which was edited by Evert Duyckinck), Melville was “[p]anicked at the possible loss of American copyright for *Typee*, and very
likely mindful of the horror story of Dana’s loss of copyright to *Two Years before the Mast*” (Parker, *Herman Melville* 1:404–5). Melville was panicked, of course, because American copyright law required first publication in America, but he feared that Murray’s London edition would come out first. According to Parker, “everyone in Melville’s Boston circle knew the story of how, in 1839 and 1840, the Harpers had haggled with the genteel elder Richard Henry Dana and William Cullen Bryant over the manuscript of young Dana’s *Two Years before the Mast* until they got the book outright for $250 and made a fortune from it, fair and square” (Parker, *Herman Melville* 2:76). Parker writes that Lemuel Shaw, Melville’s future father-in-law, while advising the young man to take up writing as a way of making a name for himself that could be used to further other job prospects, “probably knew” that the Harper brothers “had all but stolen the copyright” from Dana (1:309). *Two Years before the Mast* had come out in the Harpers’ Family Library Series in 1840. It sold quite well, Dana estimating later in life that the publisher had earned $50,000 on the title (Metzdorf 321).

The elder Dana wrote to William Cullen Bryant, who had provided advice during the early stages of negotiation, “I can hardly go out on the street without being attacked for disposing of the entire copy-right at all—and especially for such a mere song. The booksellers say it must be a handsome affair to the Harpers, & one house told an acquaintance of mine, that he would have given $1000 for it, & made a good profit on the purchase:—it is looked upon as a stock book” (quoted by Metzdorf 320–21). From the beginning Dana apparently planned to acquire the copyright after it lapsed in 1868, which he did, publishing a revised “author’s edition” (322).

Dana’s profit between 1840 and 1868, aside from some presentation copies and the small payments from the Harpers and Moxon (the first London publisher), was strictly prestige. However, that symbolic capital was significant, partly because what had happened to him with respect to the copyright was widely known; his case fitted the stereotype of the artist being taken advantage of by greedy, troglodytic merchants, allowing him to be thought of as uninterested in economic capital.¹ There is no record that Melville commented on what had happened to Dana, but the two met on 9 July 1847 and remained friends for decades (Parker, *Herman Melville* 1:541–42). Parker states that Melville actually “decided to take up authorship—perhaps for the nonce only, mindful of the author of *Two Years before the Mast*” (*Herman Melville* 1:355). Melville did read “some or all” of that book soon after it was published, and it may have contributed to his decision to return to sea as a whaler (*Herman Melville* 1:181); he later wrote to Dana that the reading experience created in him “strange, congenial feelings” and “a sort of Siamese link of affectionate
sympathy” (letter of 1 May 1850, Correspondence 160). This letter suggests, however, contrary to Parker’s suggestion about “authorship,” that Melville took Dana as a model of the role of writer at least as much as that of author, well before the two met, and that this writerly connection had reinforced the younger man’s romantic view of writing.

The correspondence relating to publication of Melville’s fourth novel, Redburn, reflects his continuing commitment to that view and his failure to grasp the inverse relationship between artistic prestige and economic success. The Harper brothers agreed on 2 July 1849 to publish that book. Meanwhile, on 20 June, the London publisher Richard Bentley wrote and offered Melville 100 pounds—less than what the author sought—his stated reasons being that he had lost money on Mardi and that on 5 June 1849, in the British court case Boosey v. Purday, it was ruled that foreigners would no longer be able to gain copyright in England (Horth 595—headnote to letter from Bentley of 20 June). Bentley wrote to Melville that “[t]his driveling absurdity [Boosey v. Purday] can scarcely be suffered to remain . . . 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” (Correspondence 596). Bentley went on to refer to the decision as “stupid” and to offer the following suggestion: “Why do not you a people, with the grand literature the United States now has, why not at once with dignity come into the International copyright Act. Surely your literary men have power to accomplish this, and now is the time to do it & shame, our miserable, paltry, shabby lawgivers, & settle the matter beyond question” (Correspondence 596–97).

Melville’s reply suggests that he missed Bentley’s point:

Notwithstanding that recent decision of your courts of law [Boosey v. Purday], I can hardly imagine that it will occasion any serious infringement of any rights you have in any American book. And ere long, doubtless, we shall have something of an international law—and much desired by all American writers—which shall settle this matter upon the basis of justice. The only marvel is, that it does not now exist. (Letter of 20 July 1849; Correspondence 134)

Horth points out that Melville and other notable writers of the time, including Cooper, Bryant, and Irving, “signed a petition calling for an international copyright agreement that was belatedly submitted to the Senate in 1852” (133), but nothing came of this petition. This is not surprising; the politics surrounding the Anglo-American copyright issue seem
to have had more to do with historical accident and individual personalities than with the principles (Barnes). Did Melville actually believe that an “international law” was on the near horizon? Did he believe that Bentley’s “rights” would not be put at risk by Boosey v. Purday, and did he understand that Bentley’s comments referred less to such rights and more to Bentley’s economic situation? As shown by his refusal two years later to have his “mug” advertised, the answers to these questions are perhaps “yes” and certainly “yes” and “no.” Although Melville signed the petition, he does not seem to have taken much interest in the international copyright issue. If we take him at his word, he didn’t grasp the economic point Bentley was making, that a publisher who “turned Pirate” cared nothing about another publisher’s “rights.”

Melville, however, was not being willfully obtuse with his adherence to the romantic model, because this model continued to shape commentary on the copyright issue, especially commentary coming from the institutions that granted symbolic capital. For example, a long, favorable Blackwood’s review of Redburn noted that praising an American book was an act of “graceful courtesy,” might “encourage Americans to the cultivation of literature” (because the opinions reflected in Blackwood’s were valued in the United States), and might encourage America to pass an international copyright law. On the third point, the reviewer wrote, “For surely it is little creditable to a great country to see her men of genius and talent, her Irvings and Prescotts, and we will also say her Coopers and Melvilles, publishing their works in a foreign capital, as the sole means of obtaining that fair remuneration which, although it should never be the sole object, is yet the legitimate and honourable reward of the labourer in literature’s paths” (quoted in Parker, Herman Melville 1:668–69). Like Bentley with his contrast between American “literary men” and the “shabby lawgivers” of Great Britain, the Blackwood’s reviewer notes that a person of “genius and talent” should never be solely interested in “fair remuneration.” Describing such remuneration as “the legitimate and honourable reward” for literary labor makes economic capital almost seem an afterthought, consistent with the romantic model.

Nothing Melville wrote or is reported to have said suggests that he was functionally aware of how transatlantic piracy had aided the growth of American publishers (most notably his primary publisher, the house of Harper) or of how attractive it could be to London publishers to be able to avoid paying an author for his or her work. Developing such an awareness, which was basic to the authorial habitus in America at this time, required becoming involved with the gritty details of publication and spending a great deal of time with publishers. (His early ventures into
authorship, prior to going to sea, were strictly belletristic—letters to the editor, polemics having to do with societies to which he belonged, and so forth—and probably had little influence on his later conception of both authorship and the writer’s work.) Melville did hobnob with the Duyckincks and other literary figures and was involved in the publication details of *Typee* and *Omoo*. But his patience for such involvement was limited, and he may in a sense have succeeded too quickly with those first books, not spending enough time in a kind of apprenticeship situation.

It may be the case, as John Evelev argues, that Melville’s participation in the Young America literary movement in New York City in the later 1840s, with its salon culture, enabled him to write into *Mardi*, especially, a vision of the author as an autonomous professional, and into *Moby-Dick* “an epic about American professional-class cultural politics, a veritable lexicon of the distinctions to be made between other available models of cultural politics and the skills needed to construct one’s self as a cultural professional” (67–72, 144). Certainly his membership in the Duyckinck circle allowed him to think of himself as an artist, not as a hired hand. It would seem likely, however, that if Evelev’s thesis were correct, Melville would have understood and been able to accept that his early success in the economic marketplace—stereotyped as a popular writer whose reach was limited to travel and autobiography—disqualified him for success in the symbolic marketplace. His famous lament to Hawthorne, “dollars damn me” (*Correspondence* 191, letter of 1 [?] June 1851), encapsulates this dilemma: not only could he not make money writing what he wanted, but having once made money he was tarred by the capitalistic brush. On the other hand, as Evelev emphasizes, the American professional class was still emergent at this time, so Melville’s awareness of himself as a “cultural professional” may also have been only germinal.

**Ownership, Labor, and Private Publication**

Melville’s enthusiasm for manuscript publishing (the “sea book,” the endless letter to Hawthorne) reflects a desire to gain prestige within a market which is not subject to governmental regulation in the form of copyright, is organized around autonomous criteria, and involves primarily original creation rather than the drudgery of preparing manuscripts to meet the needs of print publication. All three of these characteristics of the antimimetic market foster freedom of the producer. Given Melville’s negative portrayal of assembly-line production in his story “The Tartarus of Maids,” in which the female laborers are essentially feeding with
their lives the paper-producing factory, his use of the language of book production and publication in his letters—essentially writerly rather than authorial creations—suggests that he understood this private market to be structured around the same methods used to produce commodities for the capitalist market. This market was certainly not organized to foster “art for art’s sake,” but the possibility of preparing a manuscript simply by recording the flow of one’s thoughts or by attending only to the expectations of a single reader intrigued Melville because his manuscript would be evaluated only by that one reader even though produced, like mass-market commodities, with paid labor. It would be art for the sake of intimate connection.

The letters to Bentley, Dana, and Hawthorne reflect Melville’s conflicted attitude regarding literary economics. On the one hand, he desired to be evaluated on the basis of autonomous criteria (the opinions of single readers) rather than of heteronomous criteria (the fickle tastes of one or more book-buying publics). On the other hand, he imagined this system functioning like a capitalistic market. Even while speculating that he might prepare manuscripts that would never be published as books, he relied on images related to book production (the paper factory, the use of a copyist’s labor to prepare a readable manuscript).

These contradictions reflect the transitional state in Melville’s time of the concepts of authorship, copyright, the ownership of intellectual property, and labor itself as a basis of value. The stream of an individual’s thoughts would seem to have no cultural value and would be wholly owned by that individual, yet if this stream were produced by the same system that produced books, would not the public have some claim to it as well? Would not the same be true of a “sea book” existing only in manuscript that nevertheless had been produced with someone else’s labor for the purpose of earning symbolic capital? Yet the public would never pay what the work was worth, and if the audience was limited to a single reader, Melville would realize little symbolic capital. Perhaps he was aware of these contradictions and of what they reflected about his own habitus. Such awareness would help account for the physical violence he directed at his manuscripts as Renker describes it: “The pasteboard mask that can’t be struck through, the text that can’t be stabbed through, and the copies that he must himself punctuate are dramas of composition in which paper acts as a material site of blockage, frustrating the author’s desire to penetrate and so to transcend material conditions” (67). His “striking through’ is a materially loaded gesture for Melville, in terms of his violent frustration with the pages over which he labored and with the laboring women in his household” (68).
Melville’s willingness to rely on someone else’s labor may also have derived from his sense of class. When finishing the book that became *Moby-Dick*, he wrote to Evert Duyckinck on 13 December 1850:

> Can you send me about fifty fast-writing youths, with an easy style & not averse to polishing their labors? If you can, I wish you would, because since I have been here I have planned about that number of future works & cant [sic] find enough time to think about them separately. (*Correspondence* 174)

He would use these youths for what is arguably the most laborious component of the work of writing—actually putting words on paper and then “polishing” those words. If he didn’t imagine paying the youths, he would be exploiting them as he did the women of his household. If payment was part of his mental image, then he saw himself as similar to the inventor who patents a new product or process and then sets up a manufacturing facility that relies on the labor of others. In keeping with the American way, Melville would enhance his class status (regaining the position his family had before his father went bankrupt) by becoming a manufacturer. Delbanco offers this thought on Melville’s landing in Boston from his sailing travels in October 1844:

> But even if he only glanced up from Boston Harbor toward Beacon Hill, where the Shaws’ four-story brick house with its pillared brownstone entrance stood on Mount Vernon Street, he must have felt a twinge of envy, or at least resigned awareness of his own family’s fall. As a child he had walked on that street with his eminent grandfather, whom passersby greeted with bows and salutes; now, for lack of alternatives, he was headed west to a rented house in Lansingburgh ruled by his mother. (63)

New York City may indeed have had a democratizing influence on Melville, as Delbanco suggests (119), but it probably never overcame his youthful sense of his own family’s fall or made him more tolerant of mass audiences.

In the best of worlds, Melville would have elaborated on what he meant by “an easy style & not averse to polishing their labors.” Did he imagine that he would dictate to these youths, or would he sketch out his ideas for them and have them fill in the details, which he would then critique in order for the appropriate level of polish to be maintained? Either possibility would have the effect of literally placing another “hand” (another’s script) between him and his readers, and the second in par-
ticular would complicate the issue of ownership, because the same legal principle that held in *Stowe v. Thomas* might also be applied to individuals who gave shape to someone else’s ideas—the youths might end up with at least partial ownership of whatever they produced, unless this possibility were contractually blocked. Even Duyckinck might have a share, as the provider of the laborers. This letter strongly suggests that Melville is imagining these works being produced for both an antimimetic market and a capitalistic market. The latter requires polish; this has always been one way a writer establishes credibility with the producers of economic capital—a manuscript must be clean and readable in order easily to be converted into print. (In fact, Higginson emphasized this requirement in his “Letter to a Young Contributor.”) On the other hand, polish would not be expected if the work was circulating among the same producers of symbolic capital who read and distributed portfolio poetry. For them the relevant criteria would be spontaneity and inspiration, which would be well captured by the fifty fast-writing youths: readers could experience Melville’s creative flashes with true immediacy, almost as if they were listening to him talk, because the flow of his ideas would not be slowed by writing (or muddied by his poor handwriting).

Melville’s decision, near the end of his life, to print *John Marr* and *Timoleon* but to do so privately can be interpreted as a resolution of these contradictions of class, prestige, and ownership. Howard P. Vincent regards *Timoleon* as “the distillation of the matured thought and poetic art of Melville, who by 1891 had fairly overcome the technical tangles which had troubled him in the writing of much of his previous poetry” (473). Vincent further suggests that while some of the poems in the volume date from the decade when he was working on *Clarel* (roughly 1866–1876), others were written after Melville retired in 1885 from his customs inspector position (473). The fact that the manuscript’s corrections are in the hand of Melville’s wife, “undoubtedly made at Melville’s dictation” (Vincent 500), strongly suggests that as always he was reaching for an audience beyond family members; he had always done this by publishing. Now, at last, by turning to private, limited-run publishing, he achieved the ideal that he had first noted in his letters to Dana and Hawthorne. These privately printed volumes would engage individual readers on an intimate level while also carrying the authority of print.

**Dickinson’s expressed willingness** to be penurious rather than useful, her perhaps irreverent characterization of publication as akin to being placed in the celestial firmament, and her implied preference for swim-
ming among deep and murky thoughts rather than standing in the broad daylight of public view help explain why she was opposed to print publication but not why she adopted the practice of publication by manuscript. Were she simply a reflector of her era’s values and practices, she probably would have kept her poetry to herself or shared it only with close friends. Rather, like Melville, she apparently felt called to contribute to her culture’s discourse on some of the same topics that engaged him, and she understood that to do so she needed readers whose opinion mattered in the larger cultural enterprise. Her extensive communication with Higginson thus functioned as a type of negotiation conducted with full awareness that tastemakers like him influenced reputation and status.

To place Dickinson in this context complements recent work on the women writers who desired both to make money and to make a social or political difference. Why would women attempt to write marketable verse and prose (both fiction and nonfiction) rather than striving for the more elite status of Poet as described by Emerson? One key reason was the presumption that neither by nature nor by nurture were they well suited for deeper thinking, and the antimimetic market—where the status of Poet would be conferred—was controlled by the same men who ran the rest of the culture industry. Additionally, while the representative antebellum female writer was affluent, some needed to earn a living. Although authors themselves were not supposed to esteem “commercial aims,” and although the Gentleman Publisher was supposed to have other aims as well, more money could be made by commercial publishing, and more by publishing prose than verse. Finally, there was always the chance of earning symbolic capital within the mimetic market, as long as they conformed to elements of the dominant culture. Harriet Beecher Stowe was successful in this endeavor with *Uncle Tom’s Cabin*, and Helen Hunt Jackson with *Ramona*, for example. The women studied by Coultrap-McQuin were all seriously professional about their literary careers; at least in the middle of the century “enjoyed a considerable degree of autonomy”; and, “like their male counterparts, wanted to say something worthwhile to their culture that would elevate their work above the commercial, material realm” (195–97). But because they participated in the business of print publication, they were judged by heteronomous criteria, and as with Melville, their economic success limited their ability to earn symbolic capital.

Helen Hunt Jackson is of particular interest in this context, because of her long friendship with Dickinson, her literary apprenticeship under Higginson, the fact that her publisher (Roberts Brothers) also published the first volumes of Dickinson’s poetry after her death, and Jackson’s careful attention to the market value of her writing. Coultrap-McQuin takes Jack-
son as an example of a writer who worked hard under Higginson’s guidance “to perfect the most respected literary techniques of her time” (152). She paid close attention to her market value and told Fields that she wrote “for love” but printed “for money” (quoted by Coultrap-McQuin 155); she wanted her market value to be determined by literary quality and not by popularity (156). Her practice of anonymity and pseudonymity suited her adherence to the ideal of True Womanhood—it kept her from feeling as if she belonged to the public—and also may have increased her market value by piquing public curiosity (159–60). Jackson’s career shows that a writer could be somewhat successful in the mimetic market while still achieving commercial success; for example, Ramona, her fictional dramatization of Native American life, was well received by both reviewers and the book-buying public. However, she was also at times regarded as a creation of Higginson, lacking sufficient originality and power significantly to challenge either the literary or the cultural status quo; neither in substance nor in style was Ramona the sort of book that would send shock waves through the literary or political establishments.

Dickinson’s economic and class position allowed her to avoid the type of negotiation between art and success to which Jackson was forced. Had her goal been to write prose fiction, however, she might have experienced a very different curve; the same speculation applies to Melville, had he begun as a poet. At the end of chapter 32 of Moby-Dick, in which Ishmael attempts to put forth a system for classifying whales, this unfortunate exclaims, “Oh, Time, Strength, Cash, and Patience!” (145). All four of these qualities can be associated with the actual economics of writing book-length prose works; this is surely one of several points in the novel in which Melville ventriloquizes his own frustrations through his narrator. Poems can be written in stolen moments on scraps of paper, and most people will find it easier to keep a poem draft in memory, working on it that way even while engaged in some other task, than to keep a chapter or scene of a novel. I don’t mean to make light of the work of writing poems, but it seems likely that writing novels is more physically demanding, requires more time, and certainly requires more money both for writing materials and to buy the needed time. Given these economic realities, Melville could scarcely have avoided the commercial marketplace and the accompanying necessity to hand over to the government, standing in for the polity, a piece of himself in the form of copyright agreements.

McGill describes the “discourse of authorship” during much of the nineteenth century as developing “at odds with” mass production (“The
Matter of the Text” 25), but the tension was significant only within the
mimetic market because of that market’s ability to convert economic into
cultural capital and vice versa. Strictly as a mercantile product, a book was
like other items within the capitalist market: its value was wholly deter-
mined by the amount of available market share it could command. Simi-
larly, any artist only interested in evaluation on the basis of autonomous
criteria should in principle feel no tension with the demands of a public
marketplace. As Bourdieu emphasizes, however, in practice artists who
adopt this position will attempt to legitimate their work in part by derid-
ing that marketplace (think of Dickinson’s term “admiring Bog”) and the
other artists, those perceived as hacks, who allow it to dictate their work.
The “cultural weight” of a book (or any other printed piece) was deter-
mined within the mimetic market and depended on whether it contrib-
uted to the impression of America’s cultural maturity and independence
from Great Britain or to other elements of American ideology.

The overall literary market, however, exhibited several tensions:
between the desire of American writers to earn a living and the desire of
American publishers to maximize profits by keeping expenses low (includ-
ing royalty payments to native authors), between the belief that an indi-
vidual owned the products of his or her intellectual labor and the legal
principle of governmental regulation for the good of the polity, between
the notion of the artist as superior and therefore justified in breaking new
ground for the public to follow and the public’s preference for what it
already knows, between the work of writing and the work of authorship,
and between the culture’s overt valorizing of manual labor and its covert
erasing of that labor in favor of intellectual labor. Melville and Dickinson
understood that authorial work could be deemed useful by the polity and
that American copyright law recognized and protected the polity’s inter-
est. On the other hand, they felt that originality had an intrinsic value
independent of any use to which it might be put, that effectively to criti-
cize their culture they had to remain independent of demands from a mass
market, and that such independence required creative alternatives to the
work of authorship as generally practiced.