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Lydia A. Willoughby  
*The University of Montana*

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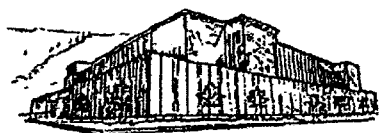
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HERMAN MELVILLE, HANNAH CRAFTS AND ACCESS TO AUTHORSHIP:  
THE GERMINATION OF INTERNATIONAL COPYRIGHT LAW IN  
ANTEBELLUM AMERICA

by

Lydia A. Willoughby

B.A. Bard College, Annandale-on-Hudson, NY 2003

presented in partial fulfillment of the requirements

for the degree of

Master of Arts

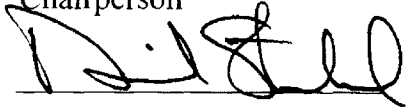
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Herman Melville, Hannah Crafts and Access to Authorship: The Germination of International Copyright Law in Antebellum America

Chairperson: Lynn Itagaki *LMI*

In this project, I focus on the second half of Melville's 1855 "The Paradise of Bachelors & the Tartarus of Maids" and Hannah Crafts' "The Bondwoman's Narrative," written sometime from 1852-1859, and published in 2002. I read copyright as a rhetorical cousin of antebellum property discourse—such as slavery and the imperialistic global spread of democracy in post-Jacksonian America. My reading of copyright law in antebellum America investigates the ways in which authors negotiate property in their texts. The 1850's are important because the nation is on the cusp of Civil War, allowing an excavation of international copyright law as deeply connected to other contemporary cultural and political movements including labor conditions in industrial factories, anti-slavery and abolitionist activism and Manifest Destiny.

Proponents of international copyright law, both artistically and politically, engage in a national and global discourse of property rights and ownership, producing texts with queer excesses and ellipses, exposing deeply anxious narrators. Furthermore, it is in moments of narrative tension that property discourse emerges, either from pirated texts woven into the narrative, or from issues within the text itself. These authors grapple with identity (theirs as 'author' and those of their characters) by delineating levels of access to authorship and exploiting the identity of the laborer.

Melville's authorship in the early 1850's exposes the narrator's intensely dark and sexual metaphors as a way of negotiating authorial labor. In this chapter, I find an author and a narrator tormented by creativity as a creative process that wrenches the literary product from the authorial body. In my second chapter, I investigate Hannah Crafts as a writer and reader of the 1850's, but find her legally ambiguous status as a fugitive slave limits her categorization as an author in antebellum America. Although copyright is set up to encourage literacy and promote a learned citizenship, pirated texts could reach larger reading publics at cheaper prices, facilitating new readings of these texts and fostering the imagination of civil rights movements.

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## **Introduction**

A native Literature is the means, and the only means, of our perfect independence.

--William Gilmore Simms, January 1844

In 1844, Charlestonian slave owner and literary editor William Gilmore Simms proclaimed that America's unprecedented national independence had but one native resource securing cultural sovereignty: its authors. Simms distinguishes *American* authors in order to project a cultural distinction between the New Republic and her imperial English-speaking readers and writers throughout Britain's vast global colonies. At stake is not only the success of America's cultural independence, but the triumph of American trade, for if Simms vision of a grand "native Literature" flourishes, Americans will determine the products of their own cultural consumption. In the mid-nineteenth century, the most readily consumed cultural products are magazines and newspapers, and at this time, no copyright law exists regulating the distribution, reproduction and circulation of publishing. Many involved in the publishing industry, as well as outside authors and editors, began to see an international copyright law as a way to regulate publishing and secure America's cultural "independence."

Copyright confers ownership of the expression of an idea to an author. In the late eighteenth century, constitutional framers James Madison and Charles Pinckney conceived of copyright law to encourage a learned and literate citizenry, to prevent monopolies that would centralize economic power in the publishing industry, to grant author's limited rights on their works, and to discourage piracy in a disorderly book trade. Yet, as Lyman Ray Patterson has argued, "the Constitution's copyright clause is so general that it is impossible to infer any one theory of copyright alone from the language" (Patterson, 195). Patterson goes on to suggest that because there are four distinct



theories of copyright established in the clause, from the beginning, American copyright law has presented four distinct and often competing legal interpretation of copyright. Because copyright law has had a contradictory genesis, its relevance to authorship changes as readers influence the literary marketplace.

In this project, I address how copyright law affects readership and authorship in antebellum America, exploring the 1850's as a changing decade on the cusp of a radically redefined America wherein all people have access to literacy. During this period, three times as many books were published in England than in America. The British Empire was nearing its peak of global expansion, and the majority of books and serial fiction in print during the mid-nineteenth century were written by British authors. This saturation of British influence in the publishing industry made it easy for American magazines and newspapers to liberally reprint British authors. In the late 1840's, American authors such as Washington Irving, James Fenimore Cooper and Nathaniel Hawthorne were highly successful, and thus vulnerable to British, as well as American, literary piracy.

When copyright law was originally drafted in the United States, it gave certain rights of usage and expression to authors, but took away these rights from the public, and implicitly prohibited institutionally illiterate slaves from securing these rights.<sup>1</sup> Harryette Mullen has coined "institutional illiteracy" to describe the prohibition of slave literacy in the antebellum South. For Mullen, illiteracy is not an absence of knowledge or information, especially when legal institutions proscribed slaves from reading or writing, "by focusing on a continuum of resistance to oppression available to the illiterate as well as the literate, [slave narratives] tend to stress orality as a presence over illiteracy as an absence" (Mullen 255). While Madison and Pinckney wanted to promote literacy,

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<sup>1</sup> I take the term "institutional illiteracy" from Harryette Mullen's essay, "Runaway Tongue: Resistant Orality in *Uncle Tom's Cabin*, *Our Nig*, *Incidents in the Life of a Slave Girl* and *Beloved*" (1992).

enslaved Africans were prohibited from reading and writing. Though copyright law is envisioned as a catalyst of learning, at the time of its conception, America's ever-increasing slave population is denied access to literacy.<sup>2</sup>

As the long tradition of African American literature shows us, the outlawed literacy in eighteenth- and nineteenth-century America does not entirely prevent those in bondage from learning to read and write, or even publish. What institutional illiteracy does do is define literacy as citizenship, and with copyright law as a right conferred to *authors*, citizenship is obviously a prerequisite for access to copyright law. Historically, black authors such as Phyllis Wheatley, have had to prove in court that they could in fact read and write. In the nineteenth century, slave narratives became a medium in which not only to make sense of the genocidal atrocities of the peculiar institution through human experience, but also an arena in which to articulate black literary skills. Harriet Jacobs needed Lydia Maria Child to prove her literacy. Frederick Douglass was first introduced to white audiences by William Lloyd Garrison.

Questions of authorial authenticity dominated the contemporary cultural discourse on slave narratives, as several slave narratives in circulation were revealed to have been written by white authors attempting to persuade the public on either side of the slavery debate.<sup>3</sup> Thus, while black authors sought only to publish, issues of plagiarism and authenticity swirled around the slave narrative genre. On top of the politics of authorship in the slave narrative format, the antebellum publishing world profits from rampant piracy.

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<sup>2</sup> In 1865, The Thirteenth Amendment establishes that: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction" (U.S. Const., amend. XIII sect. 1)

<sup>3</sup> One such slave narrative is Martha Griffith Browne's 1857 *Autobiography of a Female Slave*.

In the wake of lax copyright laws, how does literary piracy—like fugitive or stolen literacy itself—enable the reading and writing of black anti-slavery communities? How does the right of authorship affect white writers who address American labor exploitation in their texts? What is the nature of a property ownership that denies the public access to reading, writing and the expression of ideas in a nation founded on the ideal of democracy and freedom for all? How does gender determine the labor of writing? And what do all these factors do to the psyche and soul of a writer?

In this thesis, I address these questions by reading Herman Melville's 1855 short story, "The Paradise of Bachelors and the Tartarus of Maids," and Hannah Crafts' novel, "The Bondwoman's Narrative," written by an unknown fugitive slave sometime from 1852 to 1859, and published in 2002. I read copyright as a rhetorical cousin of antebellum property discourse, developing concurrently with slavery and the imperialistic goal of global democracy in post-Jacksonian America. The belief that America should reign over the whole of the North American continent, Manifest Destiny, was realized in 1849 with the acquisition of the Oregon Territory, causing pro-slavery forces to gaze southward. Though touted as a 'democratic' endeavor, Manifest Destiny involved violent contact with, and displacement of, American Indians. Pro-slavery advocates also supported Manifest Destiny, hoping to open new lands for slave-holders. During the 1850's, debates concerning property—from slavery and Manifest Destiny to literary property—were carried out in numerous magazines and newspapers.

With the majority of fiction reprinted in serialized form through magazines and newspapers, American readers often bound their own books. When the publishing industry sought to control the literary marketplace by instituting international copyright law, the public responded by buying cheaper print material. As Meredith McGill argues,

What was important was that a wide range of printed matter remain “open to all”—not only the products of the foreign press, but also magazine writing by American authors, which by custom circulated without copyright protection, as well as government publications, lectures and addresses, and the many genres of newspaper writing, such as court reports, prices current, political commentary, and fugitive poetry, which, by virtue of their appearance in a newspaper, were considered public property by law. (McGill 106)

This shift in the publishing industry is also facilitated by a shift in the production of paper from early-industrial rag cloth to pulpwood easily transported via rail in the 1850's, allowing more Americans to buy printed media. The accumulation of capital, bodily or material, and the continual expansion of frontiers, produces an American subject constantly looking outside of themselves for completion, enacted through Manifest Destiny.

For nineteenth-century advocates of international copyright law, and Melville in particular, creativity is discussed as a form of creation. Though “creativity” and “creation” are both rooted in the sense of “create” meaning to form something out of nothing, texts do have a source, an authorial subject. As Melville's relationship with his publishers (both American and British) becomes increasingly vitriolic, he addresses creativity as it is exploited and commodified. In 1855, with "The Paradise of Bachelors and the Tartarus of Maids," Melville's narrator approaches industrial mass production as a process that alienates the worker in a landscape both monstrous and abject. Instead of an expansive American self reveling in the spread of acquisitional democracy, Melville's laborers, who are solely focused on the production of capital, expose the poverty of humanity when creation is exploited.

For both Melville and Crafts, authorship had limited access. For Melville, he struggled with publishers on both sides of the Atlantic to secure not only readers, but also support from the literary marketplace. His struggles in the 1850's led him to stop

publishing prose altogether. Crafts never even published, and no scholarship has surfaced to suggest she even attempted to find an audience in print. As writers without an successful authorial presence in antebellum print culture, Melville and Crafts allow a reading of authorship as it signifies cultural power.

Barthes and Foucault discuss the structuralist and post-structuralist theories of authorship. For these post-modernist scholars, authorship is a function of culture that closes the text and erases the subjectivity of the author, equating text with author and property with publication. Barthes and Foucault are fundamental to the current theorization in the discourse on authorship. Barthes addresses an Author as an entity that closes a text from possible readings and erases the subjectivity of the writer. Foucault's "author-function" is informed by society and culture and the organization of property. For both these theorists, the author is separate from a particular biographical or historical person, facilitating a power over the text beyond the control of any one writer or reader. It is this power that is linked to the acquisition of international copyright law. In the culture of mid-nineteenth century imperialism, American authors sought to expand not only their access to intellectual property, but also their power over the text. Engaging identity as a field of conquest, nineteenth-century authors engage colonial anxieties in texts that figure authorship as a function of empire—expanding the authorial subject over otherized landscapes.

Anne McClintock's work in *Imperial Leather* (1995) directs my reading of the sexualized and racialized landscape present in "The Tartarus of Maids." McClintock's reading of imperial domination over the land through narration shows how Foucault's "author-function" can be employed by the colonizer on the page. By exposing sexual and

racial oppression through narration, the author participates in the violence and displacement of property acquisition.

Paul Gilroy's concept of the black Atlantic, in which the subject seeks a redemptive return to an imagined African homeland, is foundational to my methodological approach in reading Hannah Crafts' *The Bondwoman's Narrative*. Using Gilroy, and also referencing Hollis Robbins and Henry Louis Gates, Jr., I find *The Bondwoman's Narrative* as representative of the black Atlantic's exchange of ideas, artifacts and activists. When Crafts samples from already reprinted and pirated texts in *The Bondwoman's Narrative*, the novel becomes representative of the exchange of ideas circulating in print throughout the nineteenth century black Atlantic world.

My reading of copyright law in antebellum America investigates the ways in which authors negotiate property in their texts. I examine the 1850's because it is a time on the cusp of Civil War, allowing us to excavate how international copyright law is deeply connected to other contemporary cultural and political movements including labor conditions in industrial factories, anti-slavery, abolitionist, and expansionist activism. Looking at the mid-nineteenth century origins of copyright law in America, I find a literary and political activism that destabilizes authorship.

Proponents of international copyright law, both artistically and politically, engage in a national and global discourse of property rights and ownership, producing texts with queer excesses and ellipses, exposing deeply anxious narrators. Furthermore, it is in moments of narrative tension that property discourse emerges, either from pirated texts woven into the narrative, or from issues within the text itself. Tracing American expansionism alongside the literary marketplace and the explosion of print culture in the mid-nineteenth century, I read Melville and Crafts to show how colonial conquest

parallels copyright law. These authors grapple with identity (theirs as 'author' and those of their characters) by delineating levels of access to ownership and identifying the laborer as a racialized and gendered subject.

In my chapter on Melville's authorship in the early 1850's, I explore the narrator's intensely dark and sexual metaphors as a way of negotiating authorial labor. As an advocate of international copyright law, I read Melville's critique of the exploited author as directly engaged in copyright law activism. Melville's narrator addresses creativity as a process co-opted by the publishing industry for the author without international copyright law. To think of an author as a source of literary property demands the comparison to a mother and child. Melville's narrator takes this analogy and brings the reader deep into an industrial factory of "strange abdominal heat" (Melville 283), embedded in a landscape of cavernous vales and dark woods with a blood red river running through it. The narrator of "The Tartarus of Maids" is himself a man who sells seeds for a living, a profession analogous to authorship in the way it mimics the creative process. In this chapter, I find an author and a narrator tormented by creativity as a process that wrenches the literary product from the authorial body.

In my second chapter, I investigate Hannah Crafts as a writer and reader of the 1850's, but find her legally ambiguous status as a fugitive slave, and the anonymity of her unpublished text, limits her categorization as an author in antebellum America. Instead, the text comes alive as a novel with an author in 2002 when it is published with the aid of Henry Louis Gates, Jr.<sup>4</sup> I find *The Bondwoman's Narrative's* long absence from print suggestive that a publishing industry engaged in a public discourse concerning international copyright law may have discouraged a writer who obviously reworked

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<sup>4</sup>I will discuss the story of the book in fuller detail in Chapter 2. Gates found the manuscript in the catalog of the estate sale of librarian Dorothy Porter's possessions. He purchased the book with money from AOL-Time Warner, authenticated its historic significance and had it published in 2002.

known materials from publishing. However, I do find that the mere existence of the Hannah Crafts' text shows us how the lack of international copyright law fostered the practice of literacy by fugitives. Although copyright is set up to encourage literacy and promote a learned citizenship, pirated texts could reach larger reading publics at cheaper prices (as we shall see with *Bleak House* in Crafts' text), facilitating new readings of these texts and fostering new forms of language. Thus, the increase in readers most probably came from working class, immigrant and free black communities. With *The Bondwoman's Narrative* in particular, I argue that a lack of international copyright law enabled Hannah Crafts to write her manuscript.

In "The Tartarus of Maids," Melville's narrator argues for the rights of the author in the face of a growing publishing industry. Melville himself was an advocate of international copyright law and published the story in *Harper's*. Yet the narrator's description of the landscape as violent, sexualized and racialized, shows how exploitation is embedded in history of American property ownership. The identity-less maids work in an industrial factory, demonstrating how capitalist production and the commodification of material alienate workers. Thus, though I read Melville's narrator as metonymically addressing an author's advocacy for copyright law, he does so by presenting the abuse of workers under a capitalist system. As a form of ownership, copyright law grants authors rights over the surplus value of a text and participates in a capitalist marketplace. By reading "The Tartarus of Maids" alongside *The Bondwoman's Narrative*, the movement toward international copyright law in antebellum America is explored through a supportive author, Melville, and a fugitive slave, Hannah Crafts, who benefited from literary piracy, yet both texts circulate around the themes of labor exploitation and property as it erases subjectivity and confines authorship.



There has been some recent published research on international copyright law activism: most notably, Claudia Stokes and Michael Newbury. In regard to antebellum print culture, Meredith McGill and Aubert J. Clark have also published important texts that question static assumptions of authorship and expose a culture of reprinting. In her 2003 work, *American Literature and the Culture of Reprinting, 1834-1853*, McGill outlines a time in our literary history when what we would call "piracy" or "plagiarism" was not only legal, but quite commonplace. "Lenore," a poem by Edgar Allan Poe, was reprinted in several magazines without reference to its "author" (McGill, 143). Conversely, Poe claimed that "of the class of wilful [sic] plagiarists nine out of ten are authors of established reputation" (quoted in McGill, 210-211). McGill uses Poe to demonstrate the proprietary dislocation among author and text in antebellum culture.

Into the 1850's, international copyright law activists attempted to ban reprinting, re-labeling it "piracy." Successful authors in particular, such as Dickens, were among those to advocate for author's ownership of a text. Aubert J. Clark has chronicled the movement toward international copyright law as a movement of literary nationalism, wherein authorship and politics debate national identity on the cusp of Civil War. Clark points out regional differences not only in literary themes, but in the infrastructure of the printing industry. As publishing power moved North, Southern literati struggled for control in marketplaces more concerned with rice, cotton and people than book sales.

More recently, Claudia Stokes has articulated copyright activism as a major factor in our cultural interpretation of America's literary past. In Stokes' essay, "Copyrighting American History: International Copyright and the Periodization of the Nineteenth Century," she discusses the movement's presence in literary history. Specifically, Stokes finds that international copyright law advocates situated the writer as a laborer, and

produced literary history that established the author outside of aristocracy. “Literary history, that is, proved instrumental in bridging class divisions that had interfered with public support of copyright protections for so long” (Stokes, 297). Building on Newbury’s work, Stokes points out how for the reading public, the profession of writing was seen as effeminate, aristocratic and stuffy—in other words, British. For Stokes, American authors and literati in the publishing industry needed to break away from association with British influences.

To establish literary endeavors as not only American, but as a form of labor, authors in an industrializing culture often represented the writer as a laborer. In Melville’s “The Tartarus of Maids,” women workers, a metonym of the feminized author, labor ceaselessly and with no compensation. In Hannah Crafts’ *The Bondwoman’s Narrative*, the main character Hannah is a slave who escapes to freedom in the North where she is able to work for pay and live by her own terms. For Crafts in particular, the gender and labor exploitation are inescapably collocated.

### *Re/Production of Self*

In 1844 Karl Marx and Friedrich Engels address the alienation between laborer and labor’s product in a pamphlet referred to as the *Economic and Philosophic Manuscripts*. In their matrix, the author is a worker whose labor produces a troubled subjectivity:

...[L]abour produces—labour’s product—confronts it as *something alien*, as a *power independent* of the producer. The product of labour is labour which has been congealed in an object, which has become material: it is the *objectification* of labour. Labour’s realization is its objectification. In the conditions dealt with by political economy this realization of labour appears as *loss of reality* for the workers; objectification as *loss of the object* and *object-bondage*; appropriation as *estrangement*, as *alienation*. (Marx & Engels 765, *italics original*)

Marx and Engels explain a capitalism that takes from the worker a sense of humanity, as well as the products of labor. Labor's product is suffused with the ephemeral energy of the worker's efforts—which *congeal* in the product. Crucial also is that, for Marx and Engels, the product which has congealed with the external energies of the laboring body is “something alien.” This model of alienation suggests that owners rarely have complete control over their products. For copyright advocacy, this Marx and Engel's model suggests that the author will continue to be exploited by the publishing industry, even after acquiring the sovereignty of international copyright law.

In “Tartarus,” the maids repeatedly cut the rags that will become paper over and over again, yet the endless repetition of such an action exposes workers who are alienated from themselves as well as from the products of their labor. For Hannah Crafts, discussion of antebellum property ownership is difficult, since she herself was a fugitive slave. Throughout *The Bondwoman's Narrative*, Hannah argues for the “strange” combination of American democracy and its abhorrent institution of slavery. To read Crafts as an author necessitates an understanding of an author not only alienated from herself and the fruits of her labor, but also the embodiment of Marx and Engels' “object-bondage.”

### *International Copyright Law in American History*

Copyright law is important to American history because it connects a nationalist literature to an imperialist nation. Copyright law in a historical setting may also aid an understanding of intellectual property in a twenty-first century globalized marketplace. Within copyright law activism authors explore their labor exploitation, analogizing the much greater abuses of mass production and slavery. I draw on Lyman Ray Patterson's

and Aubert J. Clark's literary histories of copyright law because they provide thorough and accomplished narratives of American copyright.

In Lyman Ray Patterson's 1968 investigation on the history of copyright law, *Copyright in Historical Perspective*, he identifies four distinct stages of American copyright law, "each dominated by a different idea of the function of copyright" (Patterson 180). These stages are not absolutely separate from each other, but nonetheless can be thought of as dissimilar since each stage wrestles with a different concept. Patterson divides the stages thus: state copyright statutes, constitutional provision, the Federal Copyright Act of 1790, and the 1834 *Wheaton v. Peters* case. The state copyrights statutes are set up after the Revolutionary War, with individual states determining the degree to which their constitutions will protect author's rights. During the Constitutional Convention, framers advance copyright laws with the intention of promoting learning among the American citizenry. After this passes, the Federal Copyright Act of 1790 establishes the copyright law Americans use until the 1830's, which in turn seeks to provide order in the book trade as a government grant. In 1834, the *Wheaton v. Peters* decision makes it clear that copyright should prevent harmful monopolies among the publishing industry.

On August 18, 1787, James Madison and Charles Pinckney introduced copyright-related legislation into the Constitutional Convention. Madison entered "[t]o secure to literary authors their copyrights for a limited time. To establish a university. To encourage, by premiums and provisions, the advancement of useful knowledge and discoveries." Pinckney proposed a federal copyright law in order, "[t]o establish seminaries for the promotion of literature, and the arts and sciences... To grant patents for useful inventions. To secure to authors [sic] exclusive rights for a limited time" (quoted

in Patterson 192-193). The provision passed unanimously on September 5th. Congress now had could, “promote the progress of science and the useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries” (quoted in Patterson 193). At this time, copyright law was legally equivalent to patents and trademarks, and set up so that authors have a 'limited' control of 'writings' in order to 'promote' learning. Even in 1787, copyright legislation is accompanied by the idea of 'progress', a notion that is later adapted by those who would use copyright to spread democracy through literature as an integral part of Manifest Destiny in the mid-nineteenth century. Patterson does not address this connection, and in more recent article on international copyright law by Claudia Stokes, she addresses the movement as a way to narrate American history, yet she excludes a lengthy discussion of how that narrative disseminates antebellum property ownership.

As Patterson points out, learning is important to the constitutional framers and to Madison in particular. Madison envisioned a copyright law that promotes knowledge as a statutory privilege, an inherent right. The word 'copyright' in the movement toward international copyright law is a nineteenth century introduction. Madison and Pinckney never use the term, instead referring to the need of limited terms of ownership for authors and inventors. Patenting is mentioned by Madison, and Pinckney acknowledges the power of inventors, but copyright itself is absent (Patterson 194).

Perhaps the nineteenth century intervention of the word '*copyright*' is directly related to advances in print technology. After the 1820's, lithography allowed all texts, particularly images and maps, to be efficiently reproduced. In the 1830's, railways and canals stretched west to the Great Lakes and into the Ohio River Valley, and as pioneers

settled the Appalachians, publishers and journalists followed, bringing with them not just newspapers and magazines but the concept of mass-produced paper *copies*.

Patterson also notes that the “exclusive right” mentioned in the legislation does not necessarily imply a right bestowed upon authors. Instead, Patterson deduces that “exclusive right” implies a right given to printers, publishers and sellers in order to prevent piracy. (Patterson 194) In the 1840's and 1850's, this idea would give magazine publishers the power to dictate the compensation for authorial labor.

In his 1960 book, *The Movement Toward International Copyright Law in Nineteenth Century America*, Aubert J. Clark chronicles the notion of "literary property" and its advocate and detractors before the Civil War<sup>5</sup>. For Clark, as with most copyright historians, the movement reached a national public audience with Charles Dickens's tour of the United States in 1842. Dickens visited America as part of a book tour, which he used to campaign for an international copyright law with England. This idea was wildly unpopular with the public, with audiences often booing Dickens when he brought up the issue.<sup>6</sup>

Those who do pay attention to Dickens plea for copyright legislation are part of an urban literati based in New York City, most of them working in the publishing business as printers, writers or editors. The American Copyright Club is founded in 1843 in order to organize a movement and connect potential advocates.<sup>7</sup> The Club's only

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<sup>5</sup>Clark, Aubert J. *The Movement Toward International Copyright Law in Nineteenth Century America*. 1960.

<sup>6</sup>See Aubert J. Clark's *The Movement Toward International Copyright Law in Nineteenth Century America*. As Clark notes, "the issue of piracy and copyright threatened to mar every joyous occasion" (Clark 60) of Charles and Kate Dickens' American tour.

<sup>7</sup>The members include: President, William Cullen Bryant, Vice President, Guilian G. Verplanck (NY Congressman who secured copyright laws in 1831 & 1833), Corresponding Secretary, Cornelius Mathews, Recording Secretary, Evert Duyckinck (friend and publishing agent to Herman Melville) and Treasurer, Alexander W. Bradford. The Club's official membership capped at about 25 men, with 125 "associate members"--perhaps writers too nervous to take a decisive stand on the issue. The Executive Committee's five members include Charles Fenno Hoffman, Charles Briggs, Parke

public measure, and its only lasting intellectual property, is an address to the American people, a propaganda book in 1843. The tract is careful to sidestep the issue of property and ownership. After this publication the Club disperses.

In the South, copyright law activists also blended the divide between politics and publishing. South Carolina Senator, novelist and one-time newspaper man, William Gilmore Simms's article appeared in the *Southern Literary Messenger*. Incidentally, Edgar Allan Poe had been the editor seven years prior to Simms.<sup>8</sup> Simms seems situated as the perfect leader of a movement aimed at integrating legal sovereignty into the realm of cultural production. Embedded in his discourse, however, is a strange double standard, for though American authors need international protection, America's need is "more important" than that of other nations. In the realm of copyright law activism, the America-first rhetoric enters the politics of art, exposing a language that couches "perfect independence" (Simms 7) at the expense of "other" nations. Simms saw international copyright law as the protective catalyst of a distinct and autonomous national literature. In 1844, Simms addressed what he saw as a dire need for copyright law:

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Goodman, John Keese and Henry Jarvis Raymond. Raymond was editor of *Harper's*, one of the more infamous places pirated material showed up in the mid-19th century. Raymond also was a cofounder of the *New York Times* and assistant to Horace Greeley when on the *Tribune*. Wesley Harper was also a Club member. Harper and Raymond were known as the "archenemies of copyright," (Clark 71) and their presence at meetings was often a source of sabotage and disunity, rather than support or enthusiasm. Raymond and Harper would invariably disrupt the passage of particular measures.

<sup>8</sup>Indeed, Poe believed Simms to be the best American novelist since James Fenimore Cooper. In his lifetime, aside from politics, Simms wrote many popular serial novels, usually focusing on South Carolina low country folklore and regional adventures, as a playwright, he wrote about the Alamo and as poet, he was a Confederate sympathizer. In 1854, Simms wrote a reactionary "anti-Tom" (as in a pro-slavery response to Harriet Beecher Stowe's *Uncle Tom's Cabin*) novel called the *Sword and Distaff*, which was later reprinted under the title *Woodcraft*. From 1844 to 1846 he served in the House of Representatives. He was a powerful and respected Senator in a Washington dominated by fellow southerners Senator Davy Crockett and president Andrew Jackson. Melville commented that antebellum America "and all its affairs are governed by sturdy backwoodsmen..." who are "...not at all literary." (Melville *Corres.*, 198) Simms, however, spent his free time campaigning for international copyright law and dabbling in the publishing industry, whereas Jackson is famously rumored to have been virtually illiterate and Crockett wrangled bears, gators and women.

[T]he necessity of a national Literature, great as it is, to the people of every country, is of far more importance to the people of the United States, than it can by any possibility be to any other. (Simms 9)

International copyright law came to the forefront of national discourse alongside abolition and Manifest Destiny in antebellum America, and though it was seen as a way to fight rampant literary piracy on both sides of the pond, Simms responds to the anti-piracy rhetoric in favor of a nationalist agenda. Over thirty years after the War of 1812, Simms finds that the independence of America is situated in its intellectual production (Simms 8). Others saw America as suffering a British invasion. Clark quotes Ralph Waldo Emerson as stating that instead of a distinctly American literature, "[w]e have a government and a national spirit that is better than poems or histories" (Clark 66). As an example of the rhetoric of international copyright law activism, Emerson speaks not only of a human need for literature, but of that need in nationalist terms, for through the literary arts, the nation is "civilized" (Clark 7) and attains a "perfect independence" (Clark 7).

In antebellum America, perhaps the most vivid symbols of independence and freedom were chains and manacles that bound enslaved Africans. Rhetorically, Simms, like other activists, represented a nation without copyright law protection as leaving its "people in bondage" (Simms 7), only to "become intellectually enslaved" (Simms 9). Simms' 1844 statement on the so-called slavery of literary piracy exposes him as somewhat ignorant even for antebellum America. He was not just a Southern Senator, but a resident of Charleston, across whose harbor lies Sullivan's Island, the end point on the Middle Passage.

In the early nineteenth-century, Sullivan's Island would have been crowded with pest houses, temporary structures built to quarantine recent captive arrivals from Africa



until they either died from disease or survived only to auctioned; this process was called 'seasoning'.<sup>9</sup> Simms would have known first hand about the harsh realities of a "people in bondage."

### *Print Culture of the 1850's*

In the 1850s, American print culture changed dramatically. Changes in the materials of print—ink, paper and book binding technologies—combined with a shift toward centralized publishing (and away from reprinting), occurring simultaneously as an international copyright law was adopted in the late 1850s. Book historian and literary critic Meredith McGill addresses the culture of reprinting and its affect on American literature in the 1830s, 1840s and early 1850s: “Those who explicitly defended the culture of reprinting maintained that it operated as a hedge against the concentration of economic and political power” (McGill 5). For readers of print culture in Jacksonian America, the circulation of affordable reprinted foreign books and periodicals were proof of Democracy’s success. The literary marketplace in the early American republic sought to define itself in stark contrast to the “stultifying effects of British publishing monopolies” (McGill 5).

In his 1952 work, *The Literary Criticism of "Young America,"* John Stafford provides an in depth examination of the Young Americans. From 1835 to 1850, a political movement calling itself "Young America" fused politics and publishing.<sup>10</sup> Young America is part of Manifest Destiny, and after Oregon territory is obtained by

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<sup>9</sup>Sullivan's Island was the first piece of land nearly 30% of the captive African population entering North America saw. Caryl Phillips has called this stretch of the Sea Islands "the black Ellis Island" (Phillips 257) in his 2000 book *Atlantic Sound*, in which he retraced the path of the Middle Passage. Today, the Gullah/Gechee culture and language survives throughout the Sea Islands, attesting the continual influence of Africa on South Carolina and Georgia.

<sup>10</sup>Term "Young America" was coined by Cornelius Matthews, a man Aubert J. Clark best characterized as "one of those hapless souls who have the ability to make everyone they meet hate him" (Clark, 65).

James K. Polk in 1849, Young Americans and Democrats alike turned their attention southward in order to spread democracy across the globe.<sup>11</sup> Hannah Crafts' owner was intimately involved in Manifest Destiny projects, and lived with hypocrisy of a democracy that sought to expand slavery.<sup>12</sup>

Young Americans were advocates of *American* literature, in order to spread democracy and the spirit of America through global readership.<sup>13</sup> Adversaries were Whigs who believed those with most property should organize society, and favored an aristocratic English literature (Stafford 10). Young Americans wrote in most of the periodicals of the 1840's, but most prolifically and prominently in the *Democratic Review* (Stafford 5), exposing the kinship between literature and politics in antebellum America.<sup>14</sup>

Facing defeat throughout the 1840's, culminating in the demise of the Clay Bill, proponents of international copyright law launched a new campaign in the 1850's. In 1851, the American Medical Association presented a petition to the Senate, and in 1852, Washington Irving presented another. In 1853 Charles Sumner, himself aligned with the

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<sup>11</sup>The Democratic Campaign slogan in 1852 was "We Polked you in 1844, we'll Pierce you in 1852!" Like William Gilmore Simm's anti-Tom novel, this campaign slogan exposes a power established through penetrative phallic symbolism.

<sup>12</sup> Polk engages the nation in a war with Mexico, and in the 1850's, William Walker invades Nicaragua without consent from Congress. As I discuss in my second chapter, Hannah Crafts was probably a slave of John Hill Wheeler, a man who aided Walker's attempt. Henry Louis Gates, Jr., quotes the 1999 *Dictionary of American Biography*, which describes John Hill Wheeler as a "staunch advocate of slavery, and firm believer in America's manifest destiny to annex parts of Central American and the Caribbean" (Gates lx). Thus, *The Bondwoman's Narrative* provides an important alternative history to Wheeler's pro-slavery legacy.

<sup>13</sup> Other Young Americans include Stephen A. Douglas, William A. Jones, John L. O'Sullivan and Parke Godwin. They were Democrats, but part of the Jacksonian branch of the party, often called "Old Hickories" (Stafford 2). The Young America movement started in the 1840's to divert attention from slavery. Franklin Pierce was a big supporter. The movement aimed to promote *democracy* on this continent, and then spread it globally, competing with European imperial powers. Pierce secretly planned to buy Cuba from Spain, and when the public was leaked, the affair was called the Ostend Manifesto, 1854. Many felt the Ostend affair was an attempt to spread slavery further South, either way, the document's language is clearly a mix of American Exceptionalism (and a need to spread Manifest Destiny southward), Lockean proprietorship and scientific racism.

<sup>14</sup> The *Democratic Review* was founded in 1837 by John L. O'Sullivan and Samuel D. Langtree to give voice to "liberal and radical intellectuals a voice," and they claimed that Andrew Jackson was their first subscriber (Stafford, 5).

advocates of international copyright law, entered another petition, whose signers included Herman Melville, William Cullen Bryant, George Palmer Putnam, James Fenimore Cooper, Francis L. Hawks (friend of Evert Duyckinck and church historian), Bayard Taylor and John Jay. Each petition died in committee, while activists against an international copyright law submit their own petitions to congress only to see those also die in committee.

### *The Germination*

In "Control of Literary *Re*/production in Herman Melville's 'Tartarus of Maids' (1855)," I investigate the metonymic representation of an author's negotiations with the publishing industry while advocating for international copyright law. Through the ruse of labor exploitation at a paper factory, Melville's narrator links the blank identity of female mill operatives to the categorically feminized profession of writing. I employ the term *re*/production to envision Melville's collapse of biological and textual creation.

In "Circulating Ideas and Activists: Hannah Crafts' *The Bondwoman's Narrative* and International Copyright Law," I analyze this recently published novel by a fugitive slave as a product of the rampant literary piracy and reprinting in antebellum America. The absence of international copyright law facilitates the ease of reprinting, allowing texts to reach new audiences who introduce new contexts. By charting a specific reference to Charles Dicken's *Bleak House*, I find Crafts connected to a larger imagined community of anti-slavery activists, while this instance of literary sampling also places the text within the matrix of black Atlantic print culture.

In this project, I ask how literature is tied to America's troubled history of property ownership. How do authors manage a personal advocacy for copyright while

dissenting from America's imperial labor exploitations? I find the movement toward international copyright law a quiet yet influential factor in nineteenth century American culture, and by incorporating authors such as Melville and Crafts who have anxious historical relationships to authorship, I read intellectual property as developing alongside America's imperialist negotiations of culture and nationality. During this time, the geography, population, and language of America expanded its borders, causing authors and publishers to call for redefinition of the frontiers of American literature. Though this expansion in American property occurs on the page, it is no less a negotiation of the control of capital, access to citizenship and the exploitation of labor.

**Control of Literary *Re*/production  
in Herman Melville's "Tartarus of Maids" (1855)**

Herman Melville's signature appears on an 1853 petition to Congress, sponsored by Massachusetts Senator Charles Sumner, advocating international copyright law with

Britain.<sup>15</sup> Two years prior, Melville had written to British publisher Richard Bentley, that "no International Copyright will ever be obtained" (Melville, *Corres.*, 197). Initially very successful as a published author, after the critical and financial failures of *Moby Dick, or the Whale* (1851) and *Pierre; or The Ambiguities* (1852), Melville started writing shorter fiction for magazines.<sup>16</sup> Melville's participation in this 1853 petition to Congress is indicative of his waning literary successes. Plagued by debt, in early June of 1851, Melville wrote his then-confidant, Nathaniel Hawthorne: "Dollars damn me; and the malicious Devil is forever grinning in upon me, holding the door ajar" (Melville, *Corres.*, 191). A month later, addressing his British publisher, Richard Bentley, Melville confesses that "this country [America] is at present engaged in furnishing material for future authors; not in encouraging its living ones" (Melville, *Corres.*, 198). When Melville signed the 1853 petition to Congress, he had little faith in its passing, having already expressed his financial desperation and a feeling of national abandonment as an author.

In this chapter, I explore the author's international copyright law attitudes as it relates to his own authorial labor and literary production in magazines in the early 1850's, this literary combination of labor and production, I call *re/production*. *Re/production* is an act of biological and textual creation, concurrently the birthing of child from mother and text from author, it combines the landscape of the body with an externally-projected subjectivity. *Re/production* is distinct from biological reproduction and repetitive mass production as it directs the combination of both. And like a reaping

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<sup>15</sup>See Aubert J. Clark's *The Movement for International Copyright Law in Nineteenth Century America* (1973).

<sup>16</sup>Melville eventually gave up publishing prose altogether after reviews of *The Confidence-Man: His Masquerade* in 1857.

combine, *re*/production also hints as the ceaseless replication of industrial modernity, wherein mass production alienates workers from themselves.

“The Paradise of Bachelors and the Tartarus of Maids” contrasts the orgiastic pleasures of male fraternity to the grueling labor of factory women in industrial modernity; I read the second half of this diptych to address authorial labor and *re*/production.<sup>17</sup> “The Tartarus of Maids” follows a seed salesman as he visits the paper mill that produces the envelopes he uses to distribute his seeds. Once inside the paper mill, the narrator encounters listless maids who endlessly labor and are denied social interactions. I will be using Roland Barthes, Michel Foucault, and Anne McClintock to explore origin and authorship in relation to literary property in Melville’s writings. Melville explores copyright law, while playing with figurative representations of labor in “Tartarus.”

Within Melville studies, his attitude towards international copyright law is often curiously neglected; though much as has been written about Melville's anguish over authorial labor<sup>18</sup>. There is also a large amount of sophisticated scholarship concerning Melville's politics on property and American imperialism, yet these works do not address intellectual property as an extension of the imperial self<sup>19</sup>. “Tartarus” remains a little-

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<sup>17</sup> I will only be using the second half, “Tartarus,” of Melville’s diptych short story, “The Paradise of Bachelors and the Tartarus of Maids,” as I am primarily concerned with the importance of gendered creativity in relation to copyright law. The first section, “The Paradise of Bachelors,” chronicles a tourist’s visit to the Knights Templar in London. The Templar is a male club whose members are bachelors in both ideological and personal commitment. Theirs is a life of heavy drinking, cigar smoke-heavy air, fine food and a continual array of orgiastic fraternity. As this section of the story basks in pleasure rather than literary or material production, I find it inefficient to mention this first half any more than briefly. It provides a necessary aesthetic balance to the work as a whole, and in contrast reveals much about cross-Atlantic national identities, but it does not engage in a rhetoric of literary production relevant to copyright law.

<sup>18</sup>See Michael Newbury, *Figuring Authorship in Antebellum America* (1997) for Melville and authorial labor. For Melville and international copyright law activism, see the few scant footnotes and indexical references to the subject in his *Correspondence* (1993).

<sup>19</sup>See Geoffrey Sanborn's groundbreaking *Sign of the Cannibal* (1998), and Michael Rogin's *Subversive Genealogy* (1983).

analyzed work in comparison to the wealth of criticism concerning Melville's novels, longer short stories, and poetry. When "Tartarus" is addressed, as it is in several articles from the 1990's, it is usually in a context that focuses exclusively on gender.<sup>20</sup>

One notable article is Wai-chee Dimock's *Residues of Justice* (1996). Dimock explores Melville's "Tartarus," as a negotiation between the part and the whole. Dimock reads the female workers in the paper factory as a "metonym for injustice, an injustice done to all workers" (Dimock, 84), and their oppressive productivity is a cruel mimicry of biological reproduction, "underscoring at every turn the simple equation between perverted womanhood and industrial victimhood" (Dimock 85). Yet Dimock hesitates read a contained history of oppression, significantly pointing out the ellipses in Melville's representation of the workers. For Dimock, historical context can limit a reading and close the text off from any other interpretations, causing the reader to ignore the unspoken and absent realities of nineteenth-century labor in Melville's 1855 short story. Using accounts by Charles Dickens and the Reverend William Scoresby from the 1840's, Dimock finds a history of opportunity for these female laborers. The close proximity of factory life in literary texts provides workers with ample chance for solidarity building and collective action, a reading Dimock embraces in order to open her reading.

### *International Copyright Law Activism in the 1850's*

The origin of American copyright law has its roots in the antebellum movement toward an international agreement that legally valued authorial labor in a global

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<sup>20</sup>See David Harley Serlin's "The Dialogue of Gender in Melville's *The Paradise of Bachelors and the Tartarus of Maids*" (1995) and Robyn Wiegman's "Melville's Geography of Gender" (1989).

marketplace.<sup>21</sup> In his 2001 book, *Copyrights and Copywrongs*, Siva Vaidhyanathan states that copyright “exists to encourage the investment of time and money in works that might not otherwise find adequate reward in a completely free market” (Vaidhyanathan 8). In the mid-nineteenth century, this free market made it easy for pirated works to be copied and sold cheaply across the Atlantic, as neither America nor Britain honored the other nation's existing copyright laws. The antebellum copyright movement sought to establish an accord that would protect the rights of American authors against cross-Atlantic literary piracy, and correspondingly, the movement advocated the authorial sovereignty of British authors against American pirates, or “bookaneers,” as well.<sup>22</sup> At the center of this political movement is the control of literary production, as print culture reached increasingly larger middle class audiences with money to spend on entertainment, and writers discover a medium with the promise of an entirely new American profession--authorship.

By 1850, bookaneers in America forced the market to provide cheaper books, encouraging authors to release single-volume novels, instead of the previously released serial installments which often appeared in book form months after being published in newspapers or magazines. Authors advocating for copyright law in the 1850's were also reacting to the explosion of print industry in the decade before, with new magazines like *Harper's* and *Putnam's* pressuring authors to conform to serialized fiction, requiring quicker writing and smaller percentages. *Harper's* in particular stands out, as Aubert J.

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<sup>21</sup> Siva Vaidhyanathan deftly describes the current copyright situation, stating that though it was set up in the eighteenth century “to encourage creativity, science and democracy” (Vaidhyanathan, 4) it now “protects the producers and taxes consumers” (Vaidhyanathan, 4). This shift in contemporary culture is due to the increasing globalization of the marketplace. This shift turns artists, writers, and musicians into culture producers whose products are part of a global marketplace of culture consumption.

<sup>22</sup> “Bookaneers” is a mid-nineteenth term for literary pirates. The first usage of the word I have found in print is from Dickens, who used it during his visit to America in 1842 to champion international copyright law.



Clark has noted in *The Movement Toward International Copyright Law in Nineteenth Century America* (1973), for being “one of the most notorious of the pirating magazines” (Clark 71). In London, publishers like Bohn and Routledge were not only selling serialized fiction, but also cheap series collections made up of uncopyrighted American works--most prominently the writings of Irving, Emerson and the early travel narratives of Melville.<sup>23</sup> American international copyright law activists were feeling considerable frustration with the lack of support on their side of the Atlantic, and some felt there would be no support at all in America unless the issue gained national approval by the English public first.<sup>24</sup>

As the movement staggered on into the 1850's, not only was print culture exploding, but all kinds of commodity industries could now be shipped to America's Western frontier past the Ohio River valley, Appalachia and the Alleghenies via canal systems and railroads. Along with the boom in print, the industrializing nation's factories also consumed large amounts of timber to keep the plants running.<sup>25</sup> Mass production was perhaps nowhere as intense at mid-century than in western Massachusetts, with towns like Lowell and Lynn boasting highly productive textile and shoe factories operated by girls between the ages of 13 and 25, who worked thirteen-hour days.<sup>26</sup>

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<sup>23</sup> The 1849 British court case *Boosey v. Purday* ruled against the rights of foreign authors to obtain copyright protection based on the lack of British residency or citizenship. Melville's success never matched the popularity and sales of his first three books, *Typee* (1846), *Omoo* (1847), and *Mardi* (1849).

<sup>24</sup> Presumably, Charles Dickens must have felt the same way about copyright law in America as he faced aggressively unenthusiastic American audiences, when he traveled to America in 1842 as an international copyright law instigator. In a July 20, 1851 letter to his British publisher, Richard Bentley, Herman Melville comments that American authors will "signal back" if British advocates "hoist your flag first" (Melville, *Corres.*, 198).

<sup>25</sup> By 1849, most all of the Berkshires had been clear cut to feed the iron forges in emergent factory towns throughout New England.

<sup>26</sup> Melville visited the mill at Lowell as a tourist in 1851.

In this climate, activists and authors faced public ambivalence on the issue of copyright and an exploitative publishing industry that capitalized on reprinting. In general, authors fought to redefine their work *as work*. Authorship was associated with the leisure of European aristocrats. To compensate for stereotypes of American writers as effeminate aristocrats who were culturally descended from Europeans, authors often employed the trope of manual labor to masculinize their image. At the extreme of these representation of the author performing masculinized manual labor, were Southern copyright law activists.<sup>27</sup>

Southern authors and activists, such as William Gilmore Simms, as I discuss in the introduction, went so far as to analogize an author without copyright protection as a "slave in bondage," an image evoking both hard labor and an abject blackness.<sup>28</sup> In chapter two, I will further engage the connections between slavery and literary property, exploring literacy as the determinate of authorship in Hannah Crafts', *The Bondswoman's Narrative*, written by an unknown fugitive slave woman sometime between 1852 and 1859.

Obviously, when class is at stake in American literature, race and gender also become fundamental to shaping perceived identity; in the criticism and research on the movement toward international copyright law, race and gender have rarely taken the forefront in discussing creativity as connected to authorial labor.<sup>29</sup> As functions of identity, class, race, and gender, are often used as markers of social status and cultural performance. Embedded in copyright law activism is a plea for an author's access to

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<sup>27</sup>This is perhaps because in antebellum America, the Southern plantation system produced a cult of gentility which was culturally closer to the landed gentry of England, Ireland and Scotland than the Yankee farmers and urban venture capitalists of New England.

<sup>28</sup> For Simms, like other activists, a nation without copyright law protection leaves its "people in bondage" (Simms 7), only to "become intellectually enslaved" (Simms, 9).

<sup>29</sup>For analysis of gender and race in modern intellectual property and the music industry, see Kembrew Mcleod's 2001 documentary, *Money for Nothing: Behind the Business of Pop Music*.

ownership of intellectual property, yet identity is an important factor in access to authorship. The publishing industry, like any antebellum economy, favors certain performances of identity. In this era, African American authors wrote slave narratives, white women wrote sentimental fiction and poetry in fashion magazines like *Godey's*, while white men had the privilege to write most everything else.

Copyright advocacy in the 1850's is then a debate between authors and publishers over literary property. Who owns the writing? The author who creates it, or the publisher with access to mass production and the power of distribution? J.H. Harper, a very successful publisher and notorious bookaneer, thought of literature as a raw commodity, “[c]onsider what a book is to a publisher. It is so much pork, cotton, and corn. If your book is the best poetry that has ever been written in the century, it will not pay you nor the publisher to print it” (quoted in Clark, 62). Harper expresses the idea that literature is analogous to 'pork', and that the publisher cannot pay the author for works that do not make money. Here, we see one of Melville's own American publishers discussing authorial labor as a free-floating commercial product.

Melville felt the publishing market's hunger for popular texts as a burden and demand he could not fulfill. Writing to Nathaniel Hawthorne on 1 June, 1851, Melville states that “What I feel most moved to write, that is banned, --it will not pay. Yet, altogether, write the *other* way I cannot. So the product is a final hash, and all my books are botches” (Melville, *Corres.* 191). “Writing the *other* way,” the marketable way, is something Melville cannot do; yet because he knows he must profit from his writing in order to make any money at all, the work is a product of self-censorship. By naming the product of this kind of self-restraining authorial labor “botches,” Melville exposes an estrangement between an author and his work; a “botch” is something that is damaged

and disordered, confounded by its origins. Antebellum authors reconcile the need for profit while still recognizing the end product of their labor as their own. Control over literary property in the 1850's is thus fundamentally a negotiation between human authors and publishers with print culture technology. For Melville in the 1850's, his failed relationships with both his American and British publishers motivated him to write for magazines, such as *Harper's* and *Putnam's*.

### *Melville's Authorial Labor in the 1850's*

Melville's "The Paradise of Bachelors and the Tartarus of Maids" appeared in *Harper's* in April 1855.<sup>30</sup> In September 1854, Melville received \$100 in payment for "The Paradise of Bachelors and the Tartarus of Maids," and the same rate for subsequent short stories published in the same year for *Harper's*. The \$100 payment was based on wordage, with \$5 being *Harper's* rate per page; as the story appeared in the magazine, it totaled nineteen and half pages. Melville received no royalties for his writings, and any advances given were part of the total sum of his pay. This was the highest rate paid to American authors by magazine publishers at the time, and the same rate often paid by *Putnam's*.<sup>31</sup> I point out these figures in order to show that for this story, as with other

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<sup>30</sup> *Harper's* magazine first appeared in 1850 and quickly became a staple for nineteenth century readers of serialized fiction. Within six months of initial printing, the magazine had reached a circulation of 50,000—and as already noted, is one of the more infamous of the bookneering magazines. The Harper brothers were actually charter members of the American Copyright Club in 1843, yet it appears they only joined in order to sabotage any of the club's attempts. The American Copyright Club was composed of New York literati and politicians, notably, Evert Duyckinck, who later became one of Melville's friends and one of his American publishers. In addition to Duyckinck and the Harpers, The American Copyright Club included William Cullen Bryant (*New York Evening Post* editor), Guilan G. Verplanck (New York senator), Cornelius Matthews, Alexander W. Bradford (NY lawyer), Charles Fenno Hoffman, Charles Briggs, Parke Goodman, John Keese and H.J. Raymond (co-founder of the *New York Times*). The group's only accomplishment was a petition presented to congress in 1843 (Clark, 70-71). Clark notes that during voting sessions, the Harper brothers would never argue against copyright itself but would always persuade the group against the particular issue at hand.

<sup>31</sup> The year before, Melville had pitched a story idea to *Harper's* entitled, "The Tortoise-Hunters," for which he was paid a \$300 advance and guaranteed half profits. He never finished the story for *Harper's*, but *Putnam's* published "The Encantadas"--which mentions Galapagos tortoises--in 1854. In

contemporary authors and their magazine works, Melville was paid only for the labor of writing.

In the 1850's, Melville sometimes published anonymously or under the pseudonym "Salvator R. Tarnmoor," indicating that he was an author who was testing multiple public personas. In many of these magazine stories of the 1850's, Melville explores issues of corporate control through bureaucracy and urban civilization, as in "Bartleby the Scrivener"(1853) and American imperialism through scientific exploration of Pacific Islands, as in "The Encantadas"(1854). "Tartarus" is a text that examines the control of literary property and authorship.

The narrator of "Tartarus" is similar to the narrator in "Bartleby the Scrivener," as both comment on the damage to the human soul under labor exploitation while concurrently calling attention to the banality of consumer culture. "Tartarus" is filled with lexical monotony--repetitive phrases and words that mean the same things, and "Bartleby" is also a short story of repetitive meaning. Bartleby's famous response, "I'd prefer not to," is in fact a phrase absent of desire. In "Tartarus," the women are denied marriage and socialization, effectively curtailing any chance they might have to express their own desires. Moreover, "Bartleby the Scrivener" ends with the lamentation, "Ah, Bartleby! Ah, humanity!" (Melville 46), which echoes the symmetrical closing refrain from "Tartarus," "Oh! Paradise of Bachelors! And oh! Tartarus of Maids!" (Melville 286). Standing at opposite ends of bureaucratic consumption, Bartleby's boss, the narrator, discovers that Bartleby used to be employed at the "Dead Letter Office at Washington" (Melville 46), where Bartleby "continually handl[ed] these dead letters, and

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December of 1853, *Harper's* offices suffered a fire that destroyed nearly 2,500 copies of Melville's books (bound and unbound). The plates survived, and I have seen no correspondence with *Harper's* to indicate they pressured him to ever return the \$300 or complete "The Tortoise-Hunters" manuscript. Interestingly, George Palmer Putnam is the cousin of Sophia Peabody Hawthorne, the wife of Nathaniel.

assort[ed] them for the flames” (Melville 46). While, however, the maids feed the machines which make the paper of dead letters. Both experience a soul-crushingly monotonous vocation.

It is the monotony of the work that attracts and horrifies Melville's narrators. In “Tartarus,” the narrator approaches paper as an ever-renewable resource, and in “Bartleby,” paper is the material of ceaseless bureaucratic oppression. As the narrator visits a paper factory in “Tartarus,” we encounter women endlessly churning out blank sheets of white paper, later to be used in every stage of bourgeois life:

All sorts of writings would be writ on those now vacant things-- sermons, lawyer's briefs, physicians' prescriptions, love-letters, marriage certificates, bills of divorce, registers of births, death-warrants, and so on, without end. (Melville 284)

The rhythm of the machines mimics the paper's eventual use--a monotonous parade of documents that have nothing to do with the medium of paper itself. Industrial mass production facilitates Victorian bureaucracy, and the “Tartarus” narrator comes face to face with the material product of Bartleby's humanity-crushing oppression. As opposed to 'dead letters', the narrator of “Tartarus” sells seeds neatly folded into envelopes which are then stamped with his business' insignia, resulting in a package that “assume[s] not a little the appearance of business-letters ready for the mail” (Melville 272). These seed packages, disguised as 'business-letters' are full of life itself, ready to germinate and sprout as soon as they reach adequate soil. Bartleby's letters never arrive, their destination being the home of the deceased. However, Bartleby's lack of humanity parallels the blank identity of the female laborers in “Tartarus.” For Melville as a copyright law activist the issue of labor exploitation is often collocated with a lack of identity; yet for Melville as an author, labor exploitation is among the many places wherein identity breaks down.

### *Re/Production of Author*

Authorship is a point of origin in thinking about copyright, as it assigns rights to the creator of a text. In a letter to Evert Duyckinck, Melville likens writing to *the* creative experience, labeling God the "Great Publisher of Mankind" (Melville, *Corres.* 149) who has predestined an author's writings.<sup>32</sup>

For twentieth century literary theorists like Roland Barthes and Michel Foucault, an author's creative similarity to divine creation poses a troubling relationship to power.

In the influential 1968 article, "The Death of the Author," Roland Barthes states that "writing is the destruction of every voice, of every point of origin," (Barthes 142) constituting authorship as a mode that erases the self from the text. As Barthes argues, "to give a text an Author is to impose a limit on that text, to furnish it with a final signified, to close the writing" (Barthes 147). Under this reading, Barthes celebrates the death of an Author who is infused with the mythic and godly power of origin and transcendent signifier, in order to give birth to the ideas absorbed by the reader.

In reaction, Michel Foucault later argued in the 1970 article, "What is an Author?" that authorship is chiefly an issue of power based on authority, that he identifies as the "author-function" (Foucault 1631). Questioning the status of the author after "a system of ownership and strict copyright rules were established" (Foucault 1628), he finds that authorship is changed in function and form by "the social order of property" (Foucault 1628). Under these conditions, authorship reverts back to a "bipolar field of sacred and profane" (Foucault 1628) that simultaneously "restores the danger of writing" and

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<sup>32</sup>Melville feels "predestinated" (Melville, *Corres.* 149) to write things "ordained" (Melville, *Corres.* 149) by God long before Creation. For him, writing is a spiritual act and he has little control over content. Complaining to Duyckinck that he can never "be at all frank with his readers" (Melville, *Corres.* 149), Melville decides to stop writing novels that end in financial catastrophe: "Hereafter I shall no more stab at a book (in print, I mean) than I would stab at a man" (Melville, *Corres.* 149).

"confer[s] the benefits of property" (Foucault 1628). Power is the functioning principal of authorship in relation to intellectual property. With the inclusion of copyright rules, Foucault's author coincidentally transgresses and officiates institutional power. Barthes finds that authorship limits a text, while Foucault finds copyright ownership—his system of "strict rules"—as no more limiting than authorship. For antebellum authors in particular,

For both theorists, attempting to indelibly link a specific author to a text, closes possibilities, "limiting," and constricting the text. Yet this is precisely what copyright law attempts to do-- limit a text to a specific author. For Foucault in particular, the benefits of property are "dangerous," because copyright takes the text out of the commons. For authors in the 1850's, what Foucault calls the "author-function"--a power ascribed to the perception of authority and ownership--is missing, allowing literary property to be controlled abroad by publishers and not authors.

### *Origin Unknown*

Authors become owners of intellectual property when they argue for the protection of their work based on an authority gained through the creative process. In this way, copyright law distills creativity into a generative moment, and invests the power of ownership over creative output by tracing authority back to an authorial body--a specific owner/identity. For example, for the short story "Tartarus," that owner/identity is Herman Melville. Gender enters this discourse by examining the authority-granting moment as creation itself, as a *re/productive* act. As *re/production* is the fulfillment of fecund possibility among extremes of masculine and feminine, gender and its manifold articulations and performances is intrinsic to creation, and by extension, creativity.



As we have charted in the movement toward international copyright law in the 1850's thus far, one's labor is perceived as an extension of one's self. Advocates of international copyright law may seek the authoritative self of the "author-function," because it asserts that an author is a wholly autonomous being. Antebellum copyright law activists want autonomy in the marketplace, but they also need the distribution and print technology of publishers. The contradiction suppresses authorial reliance on the bureaucratic structures of industrial capitalism.

### *Seeds & Maids*

The second half of Melville's 1855 short story, "The Paradise of Bachelors and the Tartarus of Maids," incorporates the maternal body, mass production and authorial labor into a single narrative. By collapsing such disparate forms of *re*/production—paper and its production—the narrator of "Tartarus" dissects the facets of authorial labor, showing us generative seeds and alienated maids.

The plot is fairly simple. A salesman travels to a New England paper mill that produces the envelopes used to package the seeds of his livelihood, and gets a tour of the facilities. The narrative in the story is characterized by description, with the narrator who guides the reader through all the intricacies of mass production and mechanical wonder. In much the same way, the narrator is an observer led by his own factory tour guide, producing an interesting parallelism between the passivity of the reader and the submissiveness of the narrator, both followers of someone else's journey. The narrator's profession, as the owner of a seed business, balances this dynamic, as his job is to distribute seeds, sending them all over the country. The narrator literally spreads his seed

across the nation, symbolizing creative moments as confined to the printed page<sup>33</sup>. Thus, seeds and stories are enveloped among the paper pages.

“Tartarus” is not the first time Melville uses the metaphor of seeds in soil to metaphorize germination and commingled genius. In 1850, before he met Nathaniel Hawthorne, Melville reviewed Hawthorne's work in an essay called "Hawthorne and his Mosses," describing Hawthorne's writing as having "dropped germinous seeds into my soul. He expands and deepens down, the more I contemplate him; and further and further, shoots his strong New England roots into the hot soil in my Southern soul" (Melville, *Apple-Tree*, 79). The narrator of "Hawthorne and his Mosses" is again passive, waiting for the seeds to "drop" into his "hot soil."<sup>34</sup> The North/South axis here serves to spatially define the narrator as lower than Hawthorne who is elevated enough to be able to move "down," while the sexual imagery of seeds that penetrate "hot soil" aligns Hawthorne's creative literary power with the fertility of "germinous seeds" which mature into "shoots" and then "roots" as the narrator spends more time "contemplating" the author. The near homonym of "soil" and "soul" organizes this metonymic union of generation and genius.<sup>35</sup>

The seed business in "Tartarus," like literary production in antebellum America, is increasingly affiliated with an "extensive and broadcast" (Melville, 272) American

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<sup>33</sup>"[T]he demand for paper at my place became so great, that the expenditure soon amounted to a most important item in the general account. It need hardly be hinted how paper comes into use with seedsmen, as envelopes. These are mostly made of yellowish paper, folded square; and when filled, are all but flat, and being stamped, and superscribed with the nature of the seeds contained, assume not a little the appearance of business-letters ready for the mail" (Melville, 272).

<sup>34</sup> The Free Soil Party lasted from 1840 until 1856; it opposed the spread of slavery into all United States territories, and advocated the abolition of slavery. Besides the sexual metaphor enabled by "dropping into soil," and thus moving down from above, this North/South axis also facilitates the contemplation of an America where "New England" abolitionist values take "root" in the plantations fields of "Southern soil."

<sup>35</sup> The essay also invokes a nationalist literary pride that pre-dates his copyright activism, as "it is for the nation's sake, and not for her author's sake, that I would have America be heedful of the increasing greatness among her writers" (Melville, *Apple-Tree*, 72). Incidentally, this essay is signed anonymously, "By a Virginian Spending July in Vermont."

marketplace, with goods that circulate from frontier to metropole, "through all the Eastern and Northern States, and even [falling] into the far soil of Missouri and the Carolinas" (Melville, 273). These circulating goods have a hidden expense, though, for as the narrator states, "the demand for paper at my place became so great, that the expenditure soon amounted to a most important item in the general account" (Melville, 272). The price of paper significantly hampers this traveler's business in much the same way bookaneers and magazine reprinting controlled the value of authorial labor, and the material of paper is the metonymic connection between these two realms of *re/production*. For Melville's narrator, he must travel to the paper mill in order to cut out the middle man and secure a fair price for his small business. For antebellum authors, bookaneers posed a threat because they also cut out the middle man, allowing consumers to sidestep the publishing industry.

One narrative element that demands attention is the narrator's profession. He sells seeds, and seeds are botanical beginnings--sources of life. As a purveyor of individually unique geneses, Melville's narrator enters the mill in creative opposition to the banal replication of mass production of paper. The paper he obtains will envelop generative possibility, harboring the seeds in womb-like security until placed in some "far soil" (Melville 272). The analogy to authorial *re/production* relies on paper as the material of print culture, and creativity as the germ of originality. The blank page is a womb-like receptacle, waiting to be filled by the markings of the author's artistic creations.

Cutting out the middleman, partly to save money and partly for adventure itself, our narrator travels to the paper mill and finds the factory stark and uninviting. To get to the paper mill, the narrator must traverse a gothic landscape encoded as the female body,

and reproductive sexual organs in particular, with a blood red stream, shaggy woods and deep hollows, to reach the paper mill located deep in the interior of this landscape. I read this landscape as blatantly vaginal, and considering the narrator's profession, this seedsman seems to be penetrating the valley toward a womb-like factory as the phallus journeys into the feminized body.

In the geographical description of "Tartarus," Melville's narrator invokes a landscape of monstrous femininity, horrifying and gothic, devilish and bloody, grieving and black, the mill sits embedded in the menstruating womb-like center of a land fecund with meaninglessness and continual *re/production*. The Devil's Dungeon paper mill is remote, "between the cloven walls of a haggard rock," (Melville 271) sitting atop "Woedolor Mountain," itself overlooking the "Devil's Dungeon," a hollow opening up as the "turbid brick-colored stream," the "Blood River" falls off the gorge of the "Black Notch," having coursed its way through a canyon described as a "Dantean gateway," the "Mad Maid's Bellows-pipe" (Melville 271).<sup>36</sup> 'Woe' and 'dolor' both mean lament and grief; the lexical repetition of meanings cancel each other out, turning the actual suffering of the workers into a joke. With flamboyant humor, this landscape penetrated by the purveyor of unique creative moments, is dotted with playfully redundant titles. The landscape is opaque, rugged, and winding; the narrator's horse buckles with fear, and in the bitter cold of late January the narrator recognizes the mill at first not by sight, but the "whirring, humming sound" (Melville 274) of metallic processes. The lack of knowledge perhaps also directs the desire to penetrate the landscape, allowing the narrator to know through bodily contact. The maids labor ceaselessly in the production of paper, itself a commodity endlessly consumed, and a material of uninterrupted bureaucracy.

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<sup>36</sup> The lexical repetition of "Woedolor" mimics the symmetry of the narrator's rhythmic lament ending *Bartleby*, "Ah! Bartleby! Ah! Humanity!" and "Oh! The Paradise of Bachelors! And Oh! The Tartarus of Maids!" In each refrain, the rhythm is characterized by two stresses of equal weight.

In "Tartarus," Melville explicitly addresses the conquest of women's labor power in industrial modernity, as the story revolves around women working at a paper mill. Though Melville refers to a domestic New England landscape rather than a foreign or imagined Africa or Orient more commonly associated with European colonial conquest, his intensely gothic description of the Devil's Dungeon factory racializes the feminine landscape, referencing a "Black Notch" in a dark and gothic realm.<sup>37</sup>

As the narrator approaches the paper mill, the landscape surrounding it is bodily described. In the introduction to her work *Imperial Leather: Race, Gender and Sexuality in the Colonial Conquest*, Anne McClintock analyzes H. Rider Haggard's map of *She* (1887) to a lost city as the imperial conquest of a feminized African landscape. McClintock's work is important to my reading because she addresses an instance of a personified landscape in literature as part of an imperialist imperative. In describing Allan Quartermaine's traverse through a twin mountain pass, down a charging river and finally into the lost city's vale, "Haggard's map thereby hints at a hidden order underlying industrial modernity: the conquest of the sexual and labor power of colonized women" (McClintock 3).

Melville's landscape explicitly refers to sexual conquest. The maids themselves are unmarried, their exploitation compounded by the prohibition of marriage and sex, but the landscape of the Devil's Dungeon paper mill is sexualized. The paper mill's architecture stands out, "not far from the bottom" (Melville, 272) of the hollow, "like some great whited sepulchre" (Melville, 272) it straddles the valley "inaccessibly rising... for some two thousand feet" (Melville, 272). The architecture's "whited sepulchre" is also racialized, as the verbified "whited," actively penetrates the landscape of the "Black

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<sup>37</sup> Gothicism fears the unknown, often represented as the dark and uncanny. In *Playing in the Dark*, (1992), Toni Morrison uses the American gothic to identify an absent reservoir of Africanist influences through American history, literature, and culture.

Notch,” geographically completing European and Euro-American imperial projects that colonized foreign lands and their racially othered inhabitants.<sup>38</sup>

The absence of visual information is paralleled in the system of the factory and its operatives, as the young women's lack of marital status leaves them socially invisible in antebellum culture. Once inside the paper mill, the narrator encounters workers who are pale and wilting women denied marriage, children and social interactions. The juxtaposition of these maids--who embody a fertility denied--to the abjectified fecundity of the landscape, is but one way in which these operatives represent a failure of fertile feminine potential that is defined by a process of external generation outside of the female body.<sup>39</sup> Instead of reproducing life inside their bodies, these female workers attend the continual *re*/production of paper outside of themselves by feeding the *re*/productive machine. The machine these maids work also serves as a contrast to their lack of feminine potential, as the machine is remarkably productive and the women workers must remain virginal. These female workers live and work in a homosocial environment and are prohibited from marrying while they live at the Devil's Dungeon paper mill. The intensity of the paper production grafts the reproductive process outside of biology, placing it in the machine and not in a human body.

The externalized creative process, expelled from the biological functioning of females, alters authorial identity and the nature of authorial labor. By comparing authorial labor to maternal reproduction, Melville invites a biological comparison, yet in ‘Tartarus,’ the women reproduce nothing and nurture only mechanic production. In the place of maternal reproduction, material *re*/production in the factory exaggerates the

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<sup>38</sup> In Edward Said's 1978 work, *Orientalism*, he defines othering as a process Western societies use to validate the conquering of foreign cultures, such as the Orient.

<sup>39</sup>In the 1840's and 1850's, factory workers were referred to as "operatives," as they operated machinery. Now, the word is often used in British English to refer to secret agents and spies, working covertly.

rupture between author and literary property in an antebellum print culture where publishers control the means and terms of distribution.

*"All Blankly Folding Blank Paper"*

In "Tartarus," the complex minutiae of intellectual property and the factors which validate it are materially discussed through the metaphors of blank paper and its monotonous production. The reader's initial encounter with the factory scene's narration lacks detail, as void of textual demarcations as the factory's unmarked paper. Inside the factory, the narrator approaches the workers: "[a]t rows of blank-looking counters sat rows of blank-looking girls, with blank, white folders in their blank hands, all blankly folding blank paper" (Melville 277). This "blank" description works on many levels, there are the "girls," their "hands," and the "paper." There are the "blank-looking girls," who have been likened by Michael Newbury to the widely popular female authors of sentimental fiction in antebellum period; their presence could also metaphorize the female writers of so-called "fiction factories": publisher-owned offices that employed writers and printed books all under one roof.<sup>40</sup>

Secondly, their "blank hands" direct attention to activity, but also to the human body. In contrast to their "blank hands," they hold "white folders," implicitly collapsing blankness and whiteness onto those same hands. The physical proximity of the hands and folded paper in the description collocates blankness and whiteness. Also, the metaphor of paper conflates a white page with a blank page. This erases any possibility of a class-based, racialized or sexualized identity, as their whiteness is "blank," and individuality is denied as their "hands" work in unison, "all blankly folding" together.

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<sup>40</sup> Michael Newbury discusses Melville and fiction factories in his 1997 book, *Figuring Authorship in Antebellum America* (Newbury, 29).

The "blankness" of their hands effectively conflates gender, race and class to the point at which none can be discernible. The language even directs attention away from itself, as the noun, "blankness," replaces the adjective, "blank," vaguely describing a state of being rather identifying or describing the women's hands or the paper they hold.

In stark contrast to the intensity of bodily description projected on the landscape, these female workers--the ones being exploited--are not textually connected to the violence and othering of empire and industry. The female workers are not agents of empire, but blank helpmates, assistants whose labor is just as exploited by industry as the landscape empty of native species and indigenous peoples. Though an author abused by the publishing industry, Melville participates in a national Literature, but without legal representation officiated by an international copyright, he is merely an assistant or helpmate to the flow of capital in the literary marketplace.

Lastly, in this initial scene, is the "blank paper." Here, Melville's narrator leads our gaze to the women folding it, but as the story continues, his abject fascination with its textual purity grows, and we follow the "blank paper's" presence throughout life. After leaving the girls who are folding blank paper, the narrator enters the "rag room" (Melville, 279), where here the dehumanized (hence their representation as blank) girls sit "like so many mares haltered to the rack" (Melville, 279) as they continually rip pieces of cloth against sharp "glittering scythes" (Melville, 279). As with the description of the landscape leading to the Devil's Dungeon paper mill, the girls sit in rows before the mechanical violence of a sexualized industrial modernity. The scythes are "vertically thrust up" and "long" (Melville, 279), while the scythes' lack of a "snath... made it look exactly like a sword" (Melville, 279). The likening of the scythes to "swords"—a martial weapon of conquest—is as violent as it is phallic. As the maids drag these whitewashed



rags across the scythes, the air grows dense with cloth particulate, clouding as spores or pollen throughout the room.

The operatives are near these phallic symbols of power, intimately managing the scythes but not dictating their own movements, they are "haltered."

An all female factory space is employed here to represent the author as a *re/productive* mother, creating the material of print culture--paper--as the author of longer works produces abject matter to be rejected potentially by a magazine marketplace. And through that process, creative output becomes the expelling of that which is unconsciously desired. The writer enters the realm of *authorship* and authorial *labor* (as the mother endures labor before birth) when she establishes the work as an object separate from the self.

As the narrator continues through the factory, he must enter where the pulp is heated in great vats. The vats are poured into a "common channel" (Melville 281) which is in turn fed into the machine. The room that houses the machine is hot with thick, humid air, like a green house. It is "stifling with a strange, blood-like, abdominal heat" (Melville 281); this is a womb, but a strange one, where strangeness comes from its uncanny similarity to bodily fluids. The room is abject because it is internally embedded in the center of the factory yet outside a human body. In the space most interior, the abdomen, instead of reproductive life, paper develops into oddly "germinous particles" (Melville 281), as would semen in a fertile womb. These seminal products are analogous to the unique creative moments the seedsman wishes to envelop in the final paper product. Unlike the seedsman who freely circulates his seeds into far soil, the women workers must stay and assist the machinery of industry. For an antebellum author

without international copyright law in a literary marketplace dominated by publishers, the seedsman possesses far more freedom than the haltered maids.

The majority of product the Devil's Dungeon factory churns out is a cheap material called foolscap. When the factory does produce "finer work" the supervising attendant named Cupid calls it "cream-laid and royal sheets" (Melville, 283), again referencing the fluidity, and bodily fluids, of *re/production*.<sup>41</sup> The reference to "royal," also hints at the anxiety of authorship being culturally descended from European influences. When the foolscap does finally exit the machine, its rhythm echoes the repeated "blankness" of the women who feed it.

It was very curious. Looking at that blank paper continually dropping, dropping, dropping, my mind ran on in wonderings of those strange uses to which those thousand sheets eventually would be put. ...Then, recurring back to them as they here lay all blank, I could not but bethink me of that celebrated comparison of John Locke, who, in demonstration of his theory that man had no innate ideas, compared the human mind at birth to a sheet of blank paper, something destined to be scribbled on, but what sort of characters no soul might tell. (Melville 284)

From the repetitive meaning of "Woedolor Mountain" to the "blankness" of the operatives, "Tartarus" is, if nothing else, rhythmically consistent. Here, the "dropping, dropping, dropping" calls to "mind" Locke's *tabula rasa*. The *tabula rasa* is Locke's challenge to original ideas. For Enlightenment philosophers, human cognition is intensely debated. Locke proposes that instead of God or Nature imbuing in humans the capabilities of language and thought, humans instead gain such knowledge through experience, and are born with minds like blank pages. In this passage, the paper is birthed from the maternal machine, blank as the infant mind at birth in Locke's *tabula rasa*. For an international copyright law advocate, the example of Locke's *tabula rasa*

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<sup>41</sup> Even the tour guide's name, Cupid, references the coupling of labor with production, ironically signifying an absent endearment.

demonstrates how authorship has a power based on knowledge and experience--what Foucault has identified as the author-function.

In "Tartarus," bodily products emanate from the narrator's wrestling with a mechanical *re/production* that exceeds the human body. The interstices of human authors and print culture technology are present in this text throughout the bodies of the women operatives. The scythes that the girls attend represent the repeated ritual of scission, with the author being cut off from the fruits of her labor, as the women literally and figuratively cut themselves off from the products of their labor. The only spaces of creation are horrifying and "strange," mechanical yet "blood-like," and in juxtaposition to this intensity of *re/production*, the operatives sit like "mares" with "blank" identity-less stares. *Re/production* in industrial modernity displaces forms of identity onto the landscape, leaving the female workers without an observable subjectivity. Melville addresses the rhythm of the female operatives' alienation in a specifically *re/productive* environment, suggesting the collocation of creativity and authorial exploitation in an antebellum literary marketplace dominated by the publishing industry.

#### **Circulating Ideas and Activists:**

#### **Hannah Crafts' *The Bondwoman's Narrative* & International Copyright Law in the 1850's**

It must be strange to live in a world of civilisation and, elegance, and refinement, and yet know nothing about either, yet that is the way with multitudes and with none more than the slaves. The Constitution that asserts the right of freedom and equality to all mankind is a sealed book to them, and so is the Bible, that tells how Christ died for all; the bond as well as the free. (Crafts, 206-207)

In *The Bondwoman's Narrative*, by Hannah Crafts, *A Fugitive Having Recently Escaped from North Carolina*, written sometime from 1852 to 1859 and published in 2002, the main character, like the author herself, is a slave who learns to read and write and then escapes to freedom in the North.<sup>42</sup> In the quote above, the narrator Hannah finds the contradiction between intent and practice in American democracy "strange." She does not directly address the prohibition of literacy in slave states, but she does call attention to multiple texts, in so doing offering proof of her right to citizenship, "freedom and equality." The narrator reads the "Constitution" and the "Bible" as texts that grant certain rights and deny those rights to a "multitude" of others. The injustice of the peculiar institution--a "strange" democracy--is the main issue in *BN*, and as Hannah endures slavery, her journey is constantly marked by her distance from, and lack of identity within, such a system.<sup>43</sup>

If Melville's "The Tartarus of Maids" uses "seeds" to represent the particulate of artistic creation as a bodily process that begins with authorial labor, then Hannah Crafts' *BN* uses "strangeness" to signal the stolen literacy and fugitive writings of antebellum African Americans in a nation of both "bondage" and "refinement." Hannah describes her life of "work work work" (Crafts, 206), a life that has only "a mere glimpse of something beyond it" (Crafts, 206) as "strange." Elsewhere, Hannah reflects on "the strange ideas of right and justice that seem to have usurped a place in public opinion" (Crafts, 78-79). "Strange" is Hannah's way of signaling the gross inconsistency of slavery in a democratic society. Indeed, her use of "strange" is akin to the euphemistic

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<sup>42</sup> From here on, I will be referring to this text as *BN*.

<sup>43</sup> Throughout the chapter, I refer to "Hannah" (who has no given last name) as the narrator of the text, and "Crafts" as the author of the text. This is consistent with other literary critics' work on Hannah Crafts, see *In Search of Hannah Crafts: Critical Essays on The Bondwoman's Narrative* (2004), most notably Priscilla Wald's "Hannah crafts."

“peculiar” in “peculiar institution,” a phrase used famously by John C. Calhoun to justify slavery in a nation where all men are created equal.

Crafts' text proves the voracity of an antebellum fugitive slave reader's stolen literacy. *BN* is textual evidence that a lack of international copyright law should be considered as among the many Nineteenth century cultural factors that enabled literature.<sup>44</sup> This productive lack directly contrasts copyright advocates' arguments that copyright would foster a distinctly American literature. *BN* is a mix of genres, referencing widely from contemporary print culture--a print culture necessarily dominated by British authors as American publishers could cheaply reprint instead of paying for original work.

One of *BN*'s strongest literary references is Charles Dickens' *Bleak House* (1852), which appeared in *Frederick Douglass' Newspaper*, and we can only presume the fugitive Crafts read Dickens as a condemnation of an exploitative class system, perhaps allegorizing slavery. The various incarnations of Frederick Douglass' newspapers were the primary texts of antebellum free black and anti-slavery print culture. Douglass, like many other mainstream magazine and newspaper editors, incorporated reprinted and pirated serials by British authors.<sup>45</sup> Crafts' other numerous literary samplings and borrowings (including Scott, Walpole, Shakespeare, Byron, and Charlotte Brontë) suggest that at a time when literature was increasingly becoming property, she, herself the property of her master, may have felt discouraged from coming forward with a work that was so blatantly a reworking of other author's texts. Reading the politics of

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<sup>44</sup> In addition to a growing free black population in the North, abolitionist sympathy and public education movements, I find literary piracy and reprinting (as an example of black and gray markets) significant influences on the flow and access to literature in antebellum America.

<sup>45</sup> Douglass' started his press in Rochester, New York in the late 1840's. William Charvat has identified the "Publishing Axis" as New York City, Philadelphia and Boston. By 1840, only 8% of American fiction is published outside of the publishing axis. Douglass was very much on the fringe of mainstream antebellum print culture, constituting a powerful alternative and representing a radical anti-slavery readership, connecting the free black community through print.

intellectual property in *BN* demonstrates the endemic similarities between and among various historical forms of American property ownership. I read Crafts' text as a positive product of the lack of international copyright law, an instance in which open access to literature creates political possibilities in art.

In particular, Paul Gilroy's model of the black Atlantic does much to explicate the artistic possibilities in antebellum culture. In *The Black Atlantic: Modernity and Double Consciousness* (1992), Paul Gilroy discusses modernity as a nexus of material, economic, and cultural exchange among the Americas, Europe, and Africa. The black Atlantic is a counterculture of modernity wherein the history of Western civilization is linked to capitalist trade and African diaspora, symbolically linked through the chronotope of the ship. Paul Gilroy points out how we must recollect the Middle Passage as a route that makes sense of a cultural memory organized by the manifold traumas of slavery, resistance, and collaboration, with ships as the conduit of cultural production and exchange:

Ships immediately focus attention on the Middle Passage, on the various projects for redemptive return to an African homeland, on the circulation of ideas and activists as well as the movement of key cultural and political artifacts: tracts, books, gramophone records and choirs. (Gilroy 53)

In Gilroy's black Atlantic, texts circulate among and between national and racial boundaries. The black Atlantic demonstrates how the call of response of Dickens and Crafts is possible. Frederick Douglass' experiences in New Bedford demonstrate a life affected by the matrix of modernity Gilroy identifies as black Atlantic.<sup>46</sup> Texts flow freely across the Atlantic, moving "ideas" alongside "activists," showing how the expression of ideas fosters political action in the black Atlantic, and implicating a lack of international copyright law as the catalyst of transatlantic anti-slavery activism.

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<sup>46</sup>"There is also the shining example of Frederick Douglass, whose autobiographies reveal that he learnt of freedom in the North from Irish sailors while working as a ship's caulker in Baltimore" (Gilroy, 60).

Gilroy highlights the process by which the lack of international copyright law functions to transport "tracts" and "books" across the black Atlantic, while concurrently the hybridity of literary properties within these "tracts" and "books" produce narrators that identify simultaneously from all over the Atlantic. For Crafts, the presence of British literary references--that were published in serialized form--indicates an absence of control over transatlantic literary property. Within the matrix of the black Atlantic, Gilroy borrows from W.E.B. Du Bois and posits "double consciousness" as a unique subjective consequence of modernity, engendering a hybridity "which follows from being both inside and outside of the West" (Gilroy, 66). Crafts is 'inside' the Western tradition because she references Dickens and other canonical authors, but 'outside' because she does not publish her manuscript during her lifetime and legally remains a fugitive until 1865.<sup>47</sup>

Without international copyright law, Douglass, as well as mainstream magazines like *Harper's*, *Putnam's*, and *New World*, could dislocate texts from their original nationalist context abroad, and reprint them for American readerships, relocating foreign texts in antebellum culture. Bookaneers and pirate publishers did more than reap the financial benefits of Britain's authorial labor, they often edited or rewrote sections of texts to appeal to American readers, all while providing cheaper versions of the British texts. While Charles Dickens publicly critiqued this culture of reprinting (McGill 3) as criminal, it was in fact legal, and productive of innumerable materials of print culture. This plethora of circulating print material made literature widely accessible to Americans as they pushed the frontiers of the nation farther away from the Eastern publishing axis.

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<sup>47</sup>The Thirteenth Amendment granted freedom to slaves in both the North and South, and all lands controlled by the United States, in 1865.

Coupled with a growing population of free black readers, a first wave of suffrage feminism, or the emergence of a public school system, a print culture free of international copyright law could foster political activity. Abolitionist readers connected through the pages of William Lloyd Garrison's *The Liberator*, laborers (often girls working their first jobs and immigrants) at mills and factories in places like Lynn and Lowell printed local pamphlets and magazines, and in 1848 Lucretia Mott and Elizabeth Cady Stanton advertised their Seneca Falls Convention first in a local newspaper, the *Seneca County Courier*. Given this context of antebellum print culture activism, an America in which slavery was legal, to use Hannah's word, was indeed "strange."

*BN's* narrator, Hannah, uses the word "strange" to speak of America's slave-owning version of democracy. Hannah "could not help reflecting on the strange ideas of right and justice that seemed to have usurped a place in public opinion, since the mere accident of birth ... was made a reason for punishing and imprisoning them" (Crafts 79). By "strange," Hannah indicts a warping of "right and justice." Legally, in the antebellum South Crafts' text should not exist.<sup>48</sup> At the time, slaves were strictly prohibited from reading and writing, and many involved in the publishing industry at the time wished to curb public access to the numerous books Crafts' narrator so freely references--from *Rob Roy* to *Jane Eyre*. With the proliferation of magazines and newspapers in the 1840's and into the 1850's, books became too expensive for many readers. Meredith McGill discusses how the antebellum magazine trade reprinted British works freely, often shaping the British work for American readers (McGill 90-91). International copyright law activists wanted to preserve an American nationalist identity through print, compensating authors on the both sides of the Atlantic, while stopping the transatlantic

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<sup>48</sup>Tennessee was the only slave-holding state that did not prohibit slaves from reading or writing.



literary fusion. *BN* does not directly address international copyright law, but the range of its literary references is possible because of a lack of international copyright law in 1850's America.

*BN* combines the genres of slave narrative with gothic and sentimental fiction. Set loosely (though somewhat debated by scholars) in the 1840's and 1850's, *BN* follows young Hannah as she is bounced from plantation to plantation, master to mistress, and eventually to freedom in the North. Along the way, Hannah learns to read, has two escape attempts, is entwined in congressional gossip and is haunted by ghosts. Slave narratives generically follow linear progression from captivity to freedom, often employing an escape from South to North and a transformative moment of consciousness usually occurs when literacy is gained. Slave narratives as a genre are dominated by male authors--Frederick Douglass, Olaudah Equiano, and William Wells Brown--and are most likely autobiographical. Gothicism is a genre typified by death, madness and aristocratic degeneration, but the gothic also incorporates themes from melodrama. Sentimental fiction is overwhelming written by white female authors, women who use writing to convey religious themes that frequently follow a motherless daughter through financial ruin and eventual redemption culminating in marriage. For Crafts, as for other antebellum African American women writers, such as Harriet Jacobs or Harriet Wilson, these generic modes could be constraining. *BN* not only combines these genres, but plays with the readers' expectations of genre itself.<sup>49</sup>

The story begins with Hannah, the central character, learning to read and write from Aunt Hetty and Uncle Siah, a white couple who live in an idyllic cottage. Hannah

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<sup>49</sup>See *In Search of Hannah Crafts: Critical Essays on the Bondwoman's Narrative* (2004), particularly Robert S. Levine's "Trappe(d): Race and Genealogical Haunting in *The Bondwoman's Narrative*" and Zoe Trodd's "'Don't speak dearest, it will make you worse'": *The Bondwoman's Narrative*, the Afro-American Literary Tradition and the Trope of the Lying Book."

is an “almost white” (Crafts 6) domestic slave who works in the haunted Lindendale plantation in Virginia. The plot of *BN* is convoluted and its narration meanders into many unrelated subplots as it moves from chapter to chapter.<sup>50</sup> Hannah's master receives a mistress who will become his wife; she is accompanied by her guardian, Mr. Trappe. Mr. Trappe exposes Hannah's mistress as the daughter of a slave woman "whose countenance was nearly white" (Crafts 47). Hannah and her mistress become the property of Mr. Trappe, and then Hannah's mistress dies immediately. Hannah is sold to the Wheelers of North Carolina.<sup>51</sup> Hannah replaces Mrs. Wheeler's hairdresser, Jane, who had "ran off" (Crafts, 153).<sup>52</sup> Hannah accompanies her new mistress to Washington D.C., where her master "occupies a high official position in the Federal City" (Crafts 154). Hannah escapes and miraculously runs into Aunt Hetty. Hetty tells Hannah that Mr. Trappe has been killed by "one of his victims" (Crafts 239). The book's ending is improbably optimistic, with Hannah living as a schoolteacher in New Jersey, married to a

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<sup>50</sup>Celeste-Marie Bernier and Judie Newman argue that the convoluted plot the *BN* mimics the serial fiction of antebellum print culture in "*The Bondwoman's Narrative: Text, Paratext, Intertext and Hypertext*" (2005). Berner and Newman go so far as to propose that *BN* is probably already in print in a Nineteenth century newspaper or magazine, and archivists, librarians, professors, scholars and antiquarians has simply not yet noticed it. I would argue that Crafts' serialized style is only a style, and one adopted because the fugitive Crafts was reading magazines and newspaper, and not books which were expensive.

<sup>51</sup>Though no conclusive evidence has yet to absolutely confirm the identity of "Hannah Crafts," we do know that the woman whose pen name was "Hannah Crafts" was a slave of John Hill Wheeler, a North Carolina politician with a home in Washington D.C. as well. He was a state legislator from 1852 to 1853, and the following year, he served as the U.S. minister to Nicaragua, where he stayed until 1857. He aided American filibusterer William Walker in conquering Nicaragua without consent from Washington D.C. His brother raised a militia that helped to suppress the Nat Turner rebellion in 1831. In his introduction to *BN*, Gates quotes the 1999 *Dictionary of American Biography*, which describes John Hill Wheeler as a "staunch advocate of slavery, and firm believer in America's manifest destiny to annex parts of Central American and the Caribbean" (Gates, lx).

<sup>52</sup>John Hill Wheeler sued abolitionist Passmore Williamson in 1855 for aiding his slave Jane Johnson to freedom. The libel suit became a widely publicized scandal for Wheeler. It is unclear whether "Hannah Crafts" is Jane Johnson, but she would have definitely known her.

Methodist preacher, blissfully reunited with her mother and many other slaves from Lindendale in an all-black fugitive community.<sup>53</sup>

*BN* is unique for nineteenth-century African American literature—not quite slave narrative, not solidly discernible as autobiography, the text also combines sentimental fiction with Gothicism. Its genre and structure are closest in form to a novel. The story of how *BN* came to print is just as intriguing as the novel itself. Distinguished scholar of African American history and literature, Henry Louis Gates, Jr., noticed the manuscript as among the items for sale from the estate of the librarian Dorothy Porter Wesley of Howard University.<sup>54</sup> Gates first took note of the Crafts text in 2001, in the Swann Galleries catalog, which annually host an auction of "Printed & Manuscript African-Americana" in New York City. Gates was drawn to the text because it was in Wesley's personal library, a woman he describes as "one of the most famous black librarians and bibliophiles of the twentieth century," (Gates xxiv) and the catalog suggested that it was written by a "negro," meaning that "*someone*--either the authenticator for the Swann Galleries ... or Dorothy Porter Wesley herself--believed Hannah Crafts to have been black" (Gates xxiv, *italics original*).

As apparent in this quote, Wesley, like Gates, seems excited by Crafts' manuscript because it serves as textual proof that African American women were reading and writing even if they weren't publishing in the antebellum period. Although other black women had published before Crafts, such as Mary Seacole and Phillis Wheatley, Crafts' work is

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<sup>53</sup>As late as the 1890's former slaves and their family members would place desperate missing person classified advertisements in newspapers. The likelihood of reunion was rare as years and geography elapsed between displaced families.

<sup>54</sup>Gates bought the 300-page manuscript for \$10,000, saying that "dozens of potential PhD theses in African American literature are buried in this catalogue" (Gates xxiii).

unedited, demonstrating at least one fugitive slave's level of literacy.<sup>55</sup> Literacy is a tool for nineteenth-century anti-slavery activists, because with print, large communities of activists can share information and because literacy proves that the descendants of slaves are as intellectually capable as white Americans. A popular pro-slavery argument contested that blacks were incapable of literacy (even though African Americans were legally prohibited from doing so), as espoused by the Massachusetts court that initially charged poet Phillis Wheatley.<sup>56</sup> Literacy remained a prerequisite for voting in some parts of the country far into the twentieth century, culminating in the Voter Rights Act in 1965. Harryette Mullen asserts that in his autobiography, Frederick Douglass proposes a "paradigmatic equation of literacy, freedom, and manhood" (Mullen, 254). Yet publishing remains difficult throughout the antebellum period for black women authors outside the slave narrative genre, especially so for the fugitive.<sup>57</sup>

Hannah Crafts' *BN*, published in 2002, attests to the fact that publishing remains elusive for fugitive slave women throughout the antebellum period. It is not surprising that Hannah did not publish or print her manuscript. Only one fugitive slave woman, Harriet Jacobs' famous *Incidents in the Life of a Slave Girl* (1861), published in the nineteenth-century, and Harriet Wilson's *Our Nig* (1859) is the first printed novel by a black woman in America.<sup>58</sup> In her essay "Runaway Tongue," Harryette Mullen posits

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<sup>55</sup> *The Wonderful Adventures of Mrs. Seacole in Many Lands* (1857), is an account of her work as a nurse in the Crimean War. Mary Jane Seacole was a free born Jamaican Creole. Slavery was abolished in Jamaica in 1838. Phillis Wheatley published *Poems of Various Subjects, Religious and Moral* in 1773 in London because American publishers in Boston refused to support her. Born in Senegal, Wheatley was sold into slavery at age 7 and mastered not only the English language but she also learned Greek and Latin. In 1772 Wheatley had to prove her literacy in a Boston court, as some refused to believe she could have written the poems, and a legal document attesting her literacy was published along with her poems in 1773.

<sup>56</sup> One notable slave narrative from the WPA collection is by Jenny Proctor, in which she recalls as a child stealing a spelling book and passing it around to other slaves.

<sup>57</sup> The Fugitive Slave Act of 1850 required all states, even those that outlawed slavery, to return fugitives to their masters. The passage of this act forced the system of slavery to be recognized on a federal scale, making every citizen of the nation complicit in human bondage.

<sup>58</sup> *Our Nig* (1859) was virtually forgotten by anthologists until Gates re-discovered the text in 1982.

that alongside the official history of slavery recorded through the written word, a subversive oral tradition is recited through the dialog and speech of slave characters in literature. Looking at *Uncle Tom's Cabin*, *Our Nig*, *Incidents in the Life of a Slave Girl* and *Beloved*, Mullen suggests an orality used by slave women that resisted the colonization of language under slavery.

As Harriet Jacob's text *Incidents in the Life of a Slave Girl* (1861) and numerous dictated narratives of ex-slaves also suggest, slaves countered institutionalized illiteracy with a resistant orality. Not everyone found opportunities to steal literacy or successfully escape slavery as a fugitive, but oral transmission passed on the verbal skills of runaway tongues: the sass, spunk and infuriating impudence of slaves who individually and collectively refused to know their place. (Mullen 254)

"Their place" is a space without the legal citizenship granted through access to literacy. Mullen points out that the orality of those unable to "steal literacy" is recorded in the few texts written by black women from the antebellum period. Mullen asserts that fugitive authors recorded the experiences of others who did not have literacy. According to Mullen, black women writers fused the genres of the slave narrative and sentimental fiction together, engendering texts that "concentrate not only on reconciling the contradictions of disparate literary conventions, but also on grafting literacy onto orality" (Mullen 255). This hybrid genre is characterized by "directness in expression" (Mullen 255) when relating sexual or physical violence. In the sentimental genre, moments of rape or abuse are often left out of the narrative or "rendered 'unspeakable'" (Mullen 255).<sup>59</sup>

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Harriet Wilson's novel was printed (as opposed to being published). Wilson paid a printer, Rand, on Abolition Row in Boston. *Our Nig* received little public acknowledgment, and as Eric Gardner has suggested, "abolitionists knew about the book but they may have consciously chosen not to publicize it" (Gardner 227). So that while Wilson waffled between 'good anti-slavery friends' and those 'professed abolitionists', she lost her white abolitionist readership. However Wilson happened upon Rand and his printing house on Cornhill Street, she was not connected to an anti-slavery black press, perhaps because of her racially-isolated upbringing in rural New Hampshire.

<sup>59</sup>In one example of the sentimental genre, Susanna Rowson's "Charlotte Temple" (1794), the main character's mere flirtations and letter-writing may "point out the impropriety of [her] conduct" and "urge

In *BN*, Hannah begins her narrative with the theme of stolen literacy. Slave children are allowed "some hours of each day allotted to play" (Crafts 7), and the young Hannah used this time to "steal away" (Crafts 7) from other children in order to look at "the pages of some old book or newspaper that chance had thrown in [my] way" (Crafts 7). Hannah's colloquialism, "steal away" refers to stealing time or solitude, yet in that stolen time alone she is also quite literally stealing literacy. Furthermore, the reference to stealing also places agency and self-determination in Hannah's hands, while establishing her fugitive status.

Hannah's teachers live in a fairy tale-like cottage, magically appearing one day perhaps as a witch or fairy godmother might, selling potions, "salves and ointments" (Crafts 7). When Hannah meets her teacher she is sitting with her stolen book, and an old white woman approaches her, who she had seen before "at my master's house whither she came to sell salves and ointments, and hearing it remarked that she was the wife of a sand-digger and very poor" (Crafts 7). This woman offers to teach Hannah to read and write:

I was thinking of our Saviour's words to Peter where he commands the latter to 'feed his lambs.' I will dispense to you knowledge as I possess. Come to me each day. I will teach you to read in the hope and trust that you will thereby be made better in this world and that to come. (Crafts 7)

Aunt Hetty's argument is predicated on Biblical references, and on the eventual ability to read the Bible. Knowledge here is a quantifiable and possessive entity, something Aunt Hetty can "dispense" and "possess," but it is also something that can be given freely with "hope and trust." The woman lives with her husband in a little cottage at the base of a

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[her] on to ruin" (Rowson, 44), yet in Jacob's *Incidents in the Life of a Slave Girl*, the language is not so reserved. Instead of a public reputation being "ruined," Jacobs suggests the absolute ruination of systematic rape and infanticide, stating that if the mother is white and the father is black, "the infant is smothered, or sent where it is never seen by any who know its history. But if the white parent is the *father*, instead of the mother, the offspring are unblushingly reared for the market" (Jacobs, 45).

nearby hill. This couple reappears at the close of the novel's happy ending, and in each instance, Aunt Hetty guides Hannah as a fairy godmother would. These magical occurrences not only speed up the narrative, but also suggest that Hannah is guided by a higher power. And as guided by a high power, Hannah is justified in learning to read and write and also in gaining freedom. Hannah calls this elderly couple Aunt Hetty and Uncle Siah. They are from "the North where the people were all free, and where the colored race had so many and such true friends" (Crafts 9). Hannah's idyllic reading lessons in the enchanted cottage with the couple do not continue for very long though, as one day her master's evil overseer bursts into the cottage "without warning" (Crafts 12) and forever disrupts her reading lessons with the aged couple. As her eventual reunion with Aunt Hetty and Uncle Siah in the North suggests at the end of the novel, Hannah's time with this couple is a better world outside of the constrictions of slavery, wherein her ultimate freedom is paired with an ascendant move northward.

Aunt Hetty's philosophy is an act of encouragement, wanting literacy to "better this world." As discussed in the introduction, James Madison and Charles Pinckney wanted American copyright law to 'better' a people. Hetty speaks of 'dispensing knowledge' as if it is an accumulated commodity, and indeed in antebellum America, the 'possession' of literacy is a precious one for Southern black women. Mullen asserts that within an oral tradition, black women have been able to control their own voices--"unless literally beaten, muzzled, starved or otherwise suppressed to the point of speechlessness" (Mullen 272)--while literary production remained outside of black women's control in the antebellum nineteenth century. Given this context of violence used to muffle literacy and orality, Crafts' fugitive literary skills reveal a survivor.

The main character Hannah begins her tale by calling attention to the power and “responsibility” of writing; “[i]t may be that I assume too much responsibility in attempting to write these pages” (Crafts 5). The narrator is humble, conceding that she may have attempted “too much” by writing. Since *BN* was not published until 2002, Hannah addresses an imagined public, “[t]he world will probably say so [that she attempted too much by writing], and I am aware of my deficiencies. I am neither clever, nor learned, nor talented” (Crafts 5). By admitting the validity of any criticism, Hannah is able to control, craft, and regulate the terms of her narrative.

Though she secretly learns to read and write, Hannah also possesses “a quiet way of observing things” (Crafts 27), permitting her to use social information--superstition and gossip--to the benefit both of herself and of her first mistress. When Hannah describes Mr. Wheeler, she uses gossip to expose the volatility of his politics; “[r]eports said that he had actually quarreled with the President [Franklin Pierce], and challenged a senator to fight a duel, besides laying a cowhide on a certain occasion over the broad shoulders of a member of Congress” (Crafts 164). Hannah relays this covert information as known fact, yet she does not identify as source for this knowledge. In contrast to her accounts of life at Lindendale, where she always traces the information back to a particular servant or slave, such as Mrs. Bry or Lizzy (Crafts 19, 199), here she relies on hearsay. While a slave of the Wheelers, Hannah is privy to important information. Commenting on a conversation between Mr. and Mrs. Wheeler, Hannah remarks that she knows of “the affairs of the nation generally, and the chances for office in particular [for Mr. Wheeler], where a vacancy has occurred and where another is likely to occur” (Crafts 164). Hannah knows things about politics in Washington even before they “occur.”



In addition to this narrative acknowledgment of antebellum politics, Crafts incorporates many literary references to contemporary serial fiction and novels. Woven throughout the book are textual references and passages from the literary landscape of the 1850's: Dickens, Charlotte Brontë, Shakespeare, Sir Walter Scott, and Byron. Indeed, the prevalence of English authors hint at both the library available to a domestic slave in an antebellum Southern plantation home, and also the high number of cheap pirated English texts that circulated in print in America, South and North, during the 1850's. As Hollis Robbins has pointed out, one of the most striking examples of textual lifting in *BN* comes from the opening passage of Dickens' *Bleak House*.<sup>60</sup>

I look at Robbins' in order to show *BN's* national flexibility, a hybridity indicative of the similarly amalgamated national literatures between England and America before international copyright law.<sup>61</sup> Because so many more books were published in England than in America, the literature of the English-speaking world in the mid-nineteenth century was saturated with British authors. As McGill has pointed out, American bookaneers would customize British authors' texts for American readers, producing a hybridity of transatlantic nationalities in antebellum print culture. Robbins' argues that the melding of genre and literary references in *BN* beg the reader to reconsider the novel, asking if the text is "a British text or a Black one?" (Robbins 82).<sup>62</sup> This conflation of

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<sup>60</sup> See, Robbins, Hollis. "Blackening Bleak House: Hannah Crafts's *The Bondwoman's Narrative*." Gates, Henry Louis, Jr. and Robbins, Hollis, eds. *In Search of Hannah Crafts: Critical Essays on The Bondwoman's Narrative*. pp. 71-86. New York: Basic Civitas Books, 2004.

<sup>61</sup>The Dickens reference was originally found by Hollis Robbins, yet the article, "Blackening *Bleak House* Hannah Crafts's *The Bondwoman's Narrative*" (2004) is silent on the issue of international copyright law, while its absence from intellectual property legislation contributed to the many instances of *Bleak House's* reprintings in America.

<sup>62</sup> Dickens visited the United States once before the Civil War, in 1842 on a tour that culminated in his travelogue, *American Notes*. His goals were strictly monetary, for besides the eventual profits from his travelling literature, he appealed directly to American public to adopt international copyright laws. With the culture of reprinting in America, Dickens was losing potential income rapidly. Everywhere he went, audiences gathered in high numbers to see the celebrated author, but he was often booed or abandoned at the podium when he rambled on about cracking down on reprinting. Dickens obviously understood

national and racial identity is echoed in the concerns of Paul Gilroy who suggests a tension between being black and being British.<sup>63</sup>

Responding to the "assumption that cultures always flow into patterns congruent with the borders of essentially homogenous nation-states" (Gilroy, 53), Gilroy asserts that national and racial identities have never been fixed or "homogenous." Indeed, during modernity, in the period often theorized as formative of racial categories, Gilroy finds that "'race' was used very much in the way that the word 'culture' is used today" (Gilroy, 55). Understanding transatlantic cultural production as fluidly moving between and among racial and national identities effectively redefines the mode of cultural production, especially for antebellum authorship. As an example of the kind of text possible in the black Atlantic, the *BN*, "becomes the means towards both individual self-fashioning and communal liberation" (Gilroy, 75).

For the *BN*, in particular, literacy, orality and manipulated literary property (as with Crafts' rendering of Dickens) come together in a text that exceeds both of the stagnant borders of race and nation state, such as being British and black. Robbins reads the text as an "amalgamation of the era's greatest hits" (Robbins, 82), and clearly, Crafts samples freely and skillfully from her contemporary literary culture, but I would add that so do many mid-nineteenth century authors and literary pirates in America and England. Robbins answers to the question of whether the reader should consider Crafts black or British, by find *BN* both. Robbins asserts that Crafts does not copy Dickens, but performs "literary alchemy" (Robbins 82).

The lack of international copyright law, together with intense piracy on both sides of the Atlantic, produce numerous texts that constitute a mixing of national literatures.

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his authorial value in literary marketplace, as saw his serialized texts as controllable commodities with specific conditions of use and circulation.

<sup>63</sup>See Gilroy's *There Ain't No Black in the Union Jack* (1991).

What makes Crafts' text so compelling is its place in history for 21st century readers, as the text is presented as a historical document written by a fugitive slave that remains unedited by an antebellum publishing industry. What makes it so unique, is its continual negotiations with literary property and ownership within the story and for its author--an unknown fugitive slave woman writing with little access to claiming the rights international copyright law activists hoped to secure for authors in the 1850's. Literary property is negotiated in several places within the text of the *BN*, yet Crafts' nod to Dickens is perhaps most blatant.

I quote the following two passages in question in order to demonstrate the intensity of their similarities and Crafts' distinctly American reinterpretation. Though Crafts' contemporary literary allusions are common for any nineteenth century author, I nonetheless find her sampling from Dickens to be a significant reinterpretation because it refigures the story in the landscape of slavery. Dickens opens his serialized novel with fog. Crafts uses Dickens to comment on the injustice of American slavery. Here, I quote at length the openings of *Bleak House* and *BN*:

Fog everywhere. Fog up the river, where it flows among green aits and meadows; fog down the river, where it rolls defiled among the tiers of shipping, and the waterside pollutions of a great (and dirty) city. Fog on the Essex marshes, fog on the Kentish heights. Fog creeping into the cabooses of collier-brigs; fog lying out on the yards, and hovering in the rigging of great ships; fog drooping on the gunwales of barges and small boats. Fog in the eyes and throats of ancient Greenwich pensioners ... Most of the shops lighted two hours before their time... (Dickens quoted in the appendix of Gates 358)

Gloom everywhere. Gloom up the Potomac; where it rolls among meadows no longer green, and by splendid country seats. Gloom down the Potomac where it washes the sides of huge war-ships. Gloom on the marshes, the fields, and heights. Gloom settling steadily down over the sumptuous habitations of the rich, and creeping through the cellars of the poor. Gloom arresting the steps of grave and reverend Senators; for with fog, and drizzle, and a sleety driving mist the night has come at least two hours before its time... (Crafts 162)

Crafts uses gloom to describe Washington D.C. In *Bleak House* and in *BN*, the passage is a flowing procession of incomplete sentences. *Bleak House* is the tale of those affected by a seemingly irreconcilable legal battle, a case immobile in the bureaucracy of Chancery court. *Bleak House* concerns an inheritance eaten away by exponentially increasing legal fees. Where *BN*'s narrator emphasizes the oppression of America's slaves, *Bleak House*'s narrator juxtaposes the living conditions of London's poor to those of the aristocracy. As Robbins notes, Dickens' analogous criticism of oppression found audiences in many of the magazines and anti-slavery newspapers that exploded in American print culture in the late 1840's and into the 1850's (Robbins, 74).<sup>64</sup>

Both of these passages envelopes the reader with a suffocating and penetrating oppression. Ether pervades our vision and sense of time and place, but while Dickens opens *Bleak House* by indicting poverty and oppression, Crafts signifies the "poor" as slaves. Though Crafts follows the gloom into the "cellars of the poor," she first meanders alongside the Potomac River, past "fields" and the "sumptuous habitations of rice." In the 1850's, rice was a Southern cash crop second only to cotton, and like cotton, was cultivated on large plantations worked by slaves. Grown in coastal regions, rice plantations transform dry land into an artificial wetland, creating "marshes" and "fields" ankle-deep with water. Working in such soggy conditions would indeed have been a gloomy task.

Replacing "gloom" for "fog," Crafts explicitly marks the sadness and hopelessness of slavery instead of the grit of urban pollution. Instead of a "fog" that

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<sup>64</sup>"In Douglass' paper, as well as in the pages of other abolitionist periodicals such as *The National Era*, characters and themes from *Bleak House* functioned as a rich source of comic and ironic allusions for the community of antislavery readers, columnists, and letter-writers. Douglass' decision to serialize the novel was controversial (many readers thought the space and ink could be used more productively), but readers responded to the story's humor and satire" (Robbins, 74-75).

clings to a landscape, Crafts envisions a "gloom" that sticks to a rural landscape marked by exploitation. The gloom/fog rift also points to the way in which slavery's effect can even be seen as an agricultural product in America, while in Britain, the rural landscape is still "green aits and meadows," as the fog only seems "defiled" and "dirty" once it reaches the urban city, a geographical container of the working class in nineteenth-century Britain.<sup>65</sup>

The appearance of *Bleak House* in Frederick Douglass' newspaper shows a degree of cultural exchange between Britain and African America. The trope of call and response in African American literature and art is when artists add to or reinterpret an earlier piece; call and response is prominent in improvisational jazz, hip hop, and storytelling. I read Crafts' appropriation of the text as a response to *Bleak House*'s call, extending the network and matrix of call and response to white British culture's call to African American literature's response. This model of call and response is conducive to Gilroy's understanding of the black Atlantic, opening a reading of cultural exchange and circulation dependent on the flow and sharing of information and cultural products. Reading *BN* as a response to Dickens' call demonstrates the transatlantic circulation of

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<sup>65</sup>Crafts' incorporation of 'gloom' exposes a flexible racial and national identity, while her narrative shows a thoughtful response to Dickens' white British culture. Following this passage, the reader goes into the boudoir of Hannah's mistress, where Crafts uses Mrs. Wheeler's inability to accept the flexibility of racial identity has disastrous results. Hannah and her mistress encounter a woman flaunting the virtues of a beauty product that leaves the skin flawless. Hannah is sent to purchase the product, and does so. Later, after Mrs. Wheeler has applied an ample amount, she also uses her "smelling-bottle" (Crafts, 170), presumably filled with ammonia. As Mrs. Wheeler rides in the carriage to meet her husband at a state dinner, the fumes from the smelling-bottle react with the beautifying powder, and when she arrives her "face is black as Tophet" (Crafts 171).

What I find most interesting in this passage is that after Mrs. Wheeler regains her composure, Hannah conveniently remembers hearing of a similar chemical reaction she "saw in the newspapers" (Crafts 172), thus making it clear to her owners that she can read. But when Mrs. Wheeler upbraids Hannah for not remembering sooner, perhaps even purposefully feigning innocence, Hannah responds by saying that "how should I know that those mentioned in the papers were identical" (Crafts 172). Hannah's feigns ignorance, but one where she acknowledges a level of literacy that would still prevent her from accurately reading or understanding what was in the newspaper story. Crafts' textual acknowledgment of newspapers as a ready source of information reinforces again the *BN*'s incorporation of reprinted and pirated materials from magazines and print media in antebellum America.

pirated print culture to be textually productive, what Gilroy might call an artistic expression produced by the black Atlantic (Gilroy, 75).

Rather than literary property being owned by one publishing house or one specific author, Crafts' response to Dickens' call opens up an alternative mode of literary property, one which is dependent on borrowing and reinterpretation. The *BN* is written without copyright law, and as such, Crafts' sets up literary possibilities for call and response, transforming literary property into a function of literacy that is indicative of an antebellum free black culture steeped in anti-slavery activism.

Perhaps no one else did as much to ensure the circulation of ideas and anti-slavery activism in print culture for antebellum black readers as Frederick Douglass. Douglass was born into slavery in 1818 in Maryland, and escaped bondage in 1838 dressed as a sailor.<sup>66</sup> He briefly lived in New Bedford, Connecticut, mingling with actual sailors during the peak of the whaling industry's success.

Frederick Douglass connected the public to his lifelong human rights activism through the print culture of newspapers. From the Underground Railroad depot of Rochester, New York, Douglass founded and published his newspapers for over sixteen years. Douglass' first newspaper, the *North Star*, was published in 1847.<sup>67</sup> By 1851 the paper changed its name to *Frederick Douglass' Newspaper*, a change indicative of his growing influence as an anti-slavery advocate and celebrated author. Douglass's papers

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<sup>66</sup>W. Jeffrey Bolster, in *Black Jacks: African American Seamen in the Age of Sail*, suggests that Douglass "succeeded that September day in 1838 because free black seamen were then so common as to draw few second looks" (Bolster, 2). This is further evidence of the actuality of Gilroy's black Atlantic, and reveals the similar genius of other fugitive slaves, including the already mentioned Ellen Craft, Crafts' "Ellen" and Harriet Jacobs' "Linda Brent."

<sup>67</sup> The motto of the *North Star* is: "Right is of no sex--Truth is of no color--God is the Father of us all, and we are all Brethren."

serve as the material products connecting an imagined community of African Americans who were engaged in the anti-slavery movement.<sup>68</sup>

Though redemptive return and may be intangible, the proliferation of shared texts demonstrates how print culture linked individuals together to form communities that transcended geographic borders. In Benedict Anderson's 1983 text, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Anderson observes that print culture is a,

[N]ew way of linking fraternity, power and time meaningfully together. Nothing perhaps more precipitated this search, nor made it more fruitful, than print-capitalism, which made it possible for rapidly growing numbers of people to think about themselves, and to relate themselves to others, in profoundly new ways. (Anderson 36)

Though directly addressing the issue of nationalism, Anderson could just as well be speaking about the readers of Douglass' newspapers—readers presumably of the same race and anti-slavery politics brought together by the page and its pirated serials. For Anderson, literacy and print culture satellite nationalism; when the state and the public share a common language, this facilitates literacy and when the public has easy access to the printed word, capitalism orders the flow of printed language. In this context, Hannah Crafts' work is a direct product of the 'new ways' in which people envisioned themselves after reading newspapers such as *Frederick Douglass' Newspaper*. Douglass established his anti-slavery newspapers for a black readership, in contrast to Garrison's *Liberator*, an abolitionist paper with a white readership.<sup>69</sup>

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<sup>68</sup>Benedict Anderson theorizes imagined communities in his 1983 book, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*.

<sup>69</sup> William Lloyd Garrison started printing *The Liberator* in 1831 in Boston.

I believe that Douglass himself probably read Dickens in *Harper's*.<sup>70</sup> *Harper's Magazine* reprinted *Bleak House* in twenty serialized parts from March 1852 to September 1853, Frederick Douglass included Dickens' legal tale in his Rochester, New York-based newspaper from April 1852 to December 1853. The month long pause between Douglass's reprinting, and the additional two months of serialization (nine in *Frederick Douglass's Newspaper*, and seven in *Harper's*), suggests that the lack of international copyright protection between England and America was beneficial to a black reading public. Without international copyright law, magazine and newspaper editors could freely reprint textual materials from abroad without the fear of legal or financial consequences. Reprinting is vital for readers because foreign texts were made accessible at a cheap price. The reprinting and piracy of *Bleak House* in both *Harper's* and *Frederick Douglass's Newspaper* shows the wide circulation and fluidity of a print commodity in the modernizing, nineteenth-century literary marketplace.

The *BN* is intriguing as a historical contemporary of the antebellum marketplace as it negotiates literary property by borrowing and reinterpreting numerous texts. As a slave, Hannah herself is property, yet the call and response demonstrated through literary references expose Gilroy's circulation of ideas and activists, specifically an activism predicated on literacy. Yet in the antebellum South, literacy is outlawed for slaves, effectively taking literary knowledge and practice out of the commons, and thus

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<sup>70</sup>Editor of his newspapers, Douglass oversaw the reprinting of many serialized novels, including *Bleak House*. Douglass felt passionately about Dickens' book, writing that "We wish we could induce everyone to read *Bleak House*. Charles Dickens has ever been the faithful friend of the poor...and in the portraiture that he, ever and anon, weaves into his books of fiction, we see the touch of a master hand. His delineations are true to the life; and his being able to give them evinces his being intimately acquainted with the dense ignorance, squallid misery, and pressing wants of 'the London poor'... 'Tis true that 'the story is long', but time upon its perusal is not ill bestowed" (quoted in Robbins, *FDN*, 3 June 1853). *Bleak House* was an entrance into the rhetoric of abolition, and an educational tool that challenged his readers to engage in literacy.



transforming literacy into a commodity. Because the *BN* has no white editor or any other editor besides Crafts herself, it is an antebellum text unlike any

Though white abolitionists often had the intention of aiding a slave or editing her or his narrative, they nonetheless altered a fugitive's story in order to appeal to white audiences. The link between a white editor and the black storyteller is one of cultural appropriation and manipulation, thus Gates summation that Crafts' text is 'untouched' is referential to a history of hijacked stories.<sup>71</sup> Gates points out the 'sophistication' of the presumably white 'hands' of the publishing industry, hinting by omission to Crafts' lack of sophistication:

To find an unedited manuscript, written in an ex-slave's own hand, would give scholars an unprecedented opportunity to analyze the degree of literacy that at least one slave possessed before the sophisticated editorial hand of a printer or an abolitionist amanuensis performed the *midwifery* of copyediting. (Gates xxv, *emphasis added*)

What Gates says here is exciting for scholars because it allows an academic excavation of the public black intellectual tradition, of which Gates is a part. In the act of literacy—writing—Gates sees Crafts as the foremother to the scholars of black studies who will be scrutinizing her text. Indeed, it is in that act of writing, “written in an ex-slave’s own hand,” that Crafts' authorship transforms into the act of creation, and maternal generation. She produces a text, and by placing the density of the *BN*'s value in its “unedited” status, of unblemished and unmarked by the “midwifery of copyediting,” Gates sets up an implicit role for Crafts. For if the “editorial hand of a printer or abolitionist” is that of a “midwife,” a mere assistant/amanuensis to the reproductive act, then when Crafts' “ex-slave hand” scratches quill to paper she assumes a maternal role, embodying an ancestral foremother, thereby confining the source of African American letters to a single

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<sup>71</sup>The most famous example of a fugitive slave writer and a white editor is of course Harriet Jacobs and Lydia Maria Child. Child wrote an introductory letter published alongside Jacobs' text persuading the reader that Jacobs was indeed a good person and had in fact written her story.

individual in a finite chronic space. Gates seems to suggest that Crafts' text is fruit of an immaculate conception, connecting her to the virginal narratives of domestic and sentimental fiction, as well as of female's slave narratives.

For Gates, Hannah becomes the mother she so longingly pined for throughout her text. In the nineteenth-century, most slaves were involuntarily orphaned, separated on the auction block from their mothers. The appearance of the *BN* in print in 2002 is then akin to Hannah's spiritual reunion with her mother at the end of her own book for Gates, as the text joins other African American texts in print, it can be included in anthologies and syllabuses. Gates mentions "midwifery," alluding to the purity of Crafts' maternal literariness, as she had no assistant and birthed the text alone. Gates calling on Crafts as a foremother affirms her position as a literary place of home for scholars within the black public intellectual tradition, repeating Gilroy's redemptive return to an African homeland.

For the landscape of African American literature, this places Hannah Crafts as a historical figure whose artistic route directs Gilroy's redemptive return to an African homeland. Within the text of the *BN*, Hannah indeed embarks on a project toward "redemptive return." Hannah is born into slavery in Virginia, and though she never returns to an "African homeland," she eventually finds home in living in a community of free blacks--a community impossible in the antebellum South and rare in the antebellum North, but obviously commonplace in Africa. Here, she reunites with her mother, and Hannah associates home in Africa with freedom, desiring a maternal reunion that represents a return to an all-African community. Here, Hannah's "almost white" skin will no longer be defined by its relationship to whiteness.

In slavery, bondage is determined by the status of one's mother—what Crafts calls the "accident of birth." Children born of white mothers, even if racially mixed, are

born free, but children born of black mothers, even if racially mixed, are born slaves. In this system, white male slave owners financially benefit from rape, and children are routinely separated from their mothers. In African American literature, Africa is experienced through memory as a motherland, and longing for maternal reunion indicates not only the absence of family kinship, but a lack of connection to a racialized identity.<sup>72</sup> Hannah's own mother is created through dream and memory, and Hannah, the girl who is "almost white," is unable to live as a free black woman in the North until she reunites with her birth mother, signaling a symbolic subjective return. While in jail, Hannah dreams of her mother:

I enjoyed a blessed dream of my mother, whom I had never seen. My angel mother; I loved then, I still love to fancy that she was near me at the time; that a spirit herself she influenced me spiritually, and that her blessed and holy presence was made the medium of my consolation.  
(Crafts 82)

"Mother" is a "dream" and an "angel," whose otherworldly presence alleviates the traumas of physical absence. Orphaned from her mother, Hannah professes to continue her unconditional love, emphatically pronouncing the hopelessness of such a daydream as being with her mother. For Hannah, her mother is nothing less than "holy"; Hannah can only experience union with her mother on a "spiritual" level, exposing separation as beyond the physical and outside of language. The holiness of Hannah's mother consecrates the maternal power of an African heritage.

Hannah's own maternal reunion is spiritual, exceeding language. At the end of the *BN*, Hannah is finally idyllically reunited with her mother. Her mother is able to identify Hannah using maternal intuition and non-verbal clues, "[s]he never forgot me nor certain marks on my body, by which I might be identified in after years" (Crafts 244).

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<sup>72</sup>See "Mama's Baby, Papa's Maybe: An American Grammar Book" (1987) by Hortense J. Spillers. Spillers argues that the African is maternal and the European is paternal, and that slavery places Power only on the paternal male, "the female stands *in the flesh*, both mother and mother-dispossessed" (Spillers 480).

When Hannah's reverie comes full circle, the "redemptive" reunion with her mother is again a spiritual moment, experienced as "a hush on my spirit in these days, a deep repose a blest and holy quietude" (Crafts 244). As Hannah continues, she is "resting for the first time on my mother's bosom" (Crafts 245), and the two become one silhouette. This reunion is physical, and Hannah is able to connect with the remembered maternal body, through her "mother's bosom," figuratively returning to her homeland and reuniting with the embodiment of nurturing through the breast.

When Hannah reunites with her mother, she also reveals to the reader that she lives in an all-black community in the North. Here, in a blended family of kin and kindred brought together by shared traumas and the history of slavery, her identity is not defined by otherness. In contrast to her status as a mulatta house servant distanced from field hands, or as a slave among whites, here Hannah is surrounded by people who share memories, rather than being alienated by differences. Paul Gilroy's "redemptive return to an African homeland" is a continual project of the black Atlantic; it is a reenactment of memory and imagining; it is a longing for a pre-colonized identity, one in which the self knows no racialized other.

The traumas of the Middle Passage and slavery separate the displaced from Africa, with diaspora and colonization standing in for the divide between the mother and child. In the context of the lack of international copyright law in the 1850's, the abyss of maternal separation produces new texts, independent of their authors, to be circulated around the black Atlantic, ones that express new "ideas" to new "activists" from shared "tracts" and "books." These new books of the black Atlantic express creativity gestated within the womb of earlier texts, showing a pattern of maternal authors producing their

children/texts with reading and the exchange of the printed word as the germinating influence.

Existing because of and alongside slavery, Gilroy's concept of the black Atlantic posits texts as instruments of activism, circulating books written with stolen literacy and pirated ideas. The lack of international copyright law in the 1850's engendered in readers with new ideas that connected them to imagined political communities previously unavailable without an affordable print culture. By reprinting and pirating, human rights movements, such the anti-slavery movement in the antebellum America could circulate texts cheaply and easily. These borrowed texts were then read and interpreted in new ways, producing new possibilities for language and storytelling. For generations of African Americans who had learned to read by stealing literacy, it followed that serialized fiction could also be stolen, and reprinted. Gilroy's concept of the black Atlantic shows that Douglass, and other African American publishers, pirated texts in order to spread literacy, educate their readers, and inspire anti-slavery activism<sup>73</sup>. This contrasts the white publishing industry in the nineteenth-century, who pirated texts solely for financial gain.

A continuum of institutional illiteracy, blatant literary piracy and an imagined community of anti-slavery activists connected through reading exposes the black Atlantic as it works in print. Crafts shows us that not only were people reading books in a new way, they were writing about them in a language new to them. The absence of limiting international copyright laws in the 1850's allowed texts to be reprinted cheaply and pirated freely, producing new outlets for new readers and writers in a growing anti-

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<sup>73</sup>Hollis Robbins quotes Frederick Douglass' editorial accompanying the reprinting of *Bleak House*. "[w]e wish we could induce everyone to read *Bleak House*. Charles Dickens as ever been the faithful friend of the poor--God bless him for that!--and in the portraitures that he, ever and anon, weaves into his books of fiction, we see the touch of a master hand. ...[he is] intimately acquainted with 'the London poor' ...Tis true that 'the story is long', but time spent upon its perusal is not ill bestowed" (Robbins 73).

slavery movement in the antebellum North. International copyright law, and the ways in which the antebellum black press ignored it, is a significant historical factor contributing to the creation of *BN*. Hannah Crafts' wide range of literary responses shows the dearth of antebellum pirating, and as her unique re-writing of *Bleak House* shows, Crafts incorporated these numerous lawless reprintings to write the first novel by a fugitive slave, using literacy gained through stolen literature.

## **Conclusion**

Melville's "Tartarus" and Crafts' *BN* present two cases of limited access to authorship during the 1850's when the literary marketplace is controlled by the publishing industry. Advocates of international copyright law, including Melville himself, sought to gain sovereignty and financial stability for American authors. However, as I discuss in the Introduction, the language of William Gilmore Simms in 1844 exposes that often the rhetoric of international copyright law incorporates an American Exceptionalism which only applies to white America. When Simms argues that an America without international copyright law is "intellectually enslaved" (Simms 9), he is not referring to Crafts' "multitude" in bondage who are kept institutionally illiterate, and practice reading and writing only at the risk of violence. Furthermore, for the *BN* to even exist suggests that piracy, reprinting and a lack of international copyright law in antebellum America, (contrary to Simms model of "enslaving" America), were among the many facilitators of political activism.

In "Tartarus," Melville's female operatives exist without the possibility of political activism. The alienated female workers represent the disenfranchised author left powerless without influence in an antebellum literary marketplace that values international copyright law. Melville uses female laborers to argue that writing--the act of authorial labor--is a form of work and thus should be compensated. "Tartarus" exposes a narrator aware of exploitation and the human consequences of industrial modernity. *Re/production*--creation outside of the human body and functioning in industrial modernity--expresses authorial labor as the publishing industry displaces author from literary property.

In *BN*, the black Atlantic provides a model that makes sense of literary property outside of the exploitative system of international copyright law, as controlled by the

literary marketplace and the publishing industry. Refiguring call and response as a flow of knowledge and an open access to literature, Crafts samples from her contemporaries, most notably Dickens, rendering a distinctly American interpretation of Atlantic literature while invoking the presence of a literate antebellum African American readership. Using the black Atlantic, the *BN* manifests an activism within free black antebellum readerships that supports literacy by relying on the circulation of ideas and activists. These ideas are exchanged and circulated through magazines and newspapers, such as *Frederick Douglass' Newspaper*, that reprint, pirate and reinterpret printed materials from across the antebellum Atlantic world.

Understanding the beginnings of international copyright law in antebellum America provides a much needed relevancy to 21st century concerns about copyright law in a global marketplace. Copyright is about who has access to authorship, and who has access to consuming literature as a read and written medium. Controlling the technologies of print, distribution and circulation allowed antebellum authors to exploit authorial labor, while institutional illiteracy in the antebellum South denied black Americans access to authorship. Copyright effectively transforms creative material into an intellectual property, taking literature out of the commons.

The history of literacy and access to authorship in antebellum America serves as a reminder and a warning that copyright law discourages open access to information. In an antebellum print culture dependent on reprinting, legalized piracy and a lack of international copyright law, political possibilities flourish and literacy circulates through out newspapers and magazines, cheaply connecting communities.



## Bibliography

- Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1983.
- Barthes, Roland. *Image Text Music*. New York: Hill and Wang, 1977.
- Bernier, Celeste-Marie and Newman, Judie. "The Bondwoman's Narrative: Text, Paratext, Intertext and Hypertext." *Journal of American Studies* 39.2 (August 2005) 14765.
- Bolster, W. Jeffrey. *Black Jacks: African American Seamen in the Age of Sail*. Cambridge, MA: Harvard U. Press, 1997.
- Charvat, William. *Literary Publishing in America, 1970-1850; With a New Afterword by Michael Winship*. Amherst: U Massachusetts P, 1993.
- Clark, Aubert J. *The Movement for International Copyright in Nineteenth Century America*. Washington, D.C.: Catholic U of America P, 1960.
- Crafts, Hannah. *The Bondwoman's Narrative*. New York: Warner Books, Inc., 2002.
- Dimock, Wai-chee. *Residues of Justice: Literature, Law, Philosophy*. Berkeley: U California Press, 1996.
- Foucault, Michel. "What is an Author?" Leitch, Vincent B., ed. *The Norton Anthology of Theory and Criticism*. pp. 1622-1636. New York: W.W. Norton & Company, 2001.
- Gardner, Eric. "'This Attempt of Their Sister': Harriet Wilson's *Our Nig* from Printer to Readers." *The New England Quarterly* 66.2 (June 1993): 226-46.
- Gates, Henry Louis, Jr. "Introduction." *The Bondwoman's Narrative*. New York: Warner Books, Inc., 2002.
- Gilroy, Paul. "The Black Atlantic as a Counterculture of Modernity." Braziel, Jana Evans & Mannur, Anita, eds. *Theorizing Diaspora: a Reader*. pp. 49-80. Malden, MA: Blackwell Publishing, Ltd., 2003.
- . *"There Ain't No Black in the Union Jack": The Cultural Politics of Race and Nation*. Chicago: U Chicago P, 1991.
- Marx, Karl and Engels, Friedrich. "Economic and Philosophic Manuscripts of 1844." Leitch, Vincent B., ed. *The Norton Anthology of Theory and Criticism*. pp. 759-769. New York: W.W. Norton & Company, 2001.
- McClintock, Anne. *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest*. New York: Routledge, 1995.

- McGill, Meredith. *American Literature and the Culture of Reprinting, 1834-1853*. Philadelphia: U Penn P, 2003.
- McLeod, Kembrew. *Money for Nothing: Behind the Bu\$ine\$\$ of Pop Music*. Media Education Foundation, 2001.
- Melville, Herman. *The Apple-Tree Table, and Other Sketches. With an Introductory Note by Henry Chapin*. New York: Greenwood Press, 1969.
- . "To Evert Duyckinck" 14 December 1849. *Correspondence*. Ed. Lynn Horth. Evanston, IL: Northwestern UP, Chicago: Newbury Library, 1993. 148-150.
- . "To Nathaniel Hawthorne" [1 June?] 1851. *Correspondence*. Ed. Lynn Horth. Evanston, IL: Northwestern UP, Chicago: Newbury Library, 1993. 188-194.
- . "To Richard Bentley" 20 July 1851. *Correspondence*. Ed. Lynn Horth. Evanston, IL: Northwestern UP, Chicago: Newbury Library, 1993. 197-199.
- . *Billy Budd; and Other Stories*. New York: Penguin Books, 1995.
- Mullen, Harryette. "Runaway Tongue: Resistant Orality in *Uncle Tom's Cabin, Incidents in the Life of a Slave Girl, Our Nig, and Beloved*." *Incidents in the Life of a Slave Girl*. New York: W.W. Norton & Company, 2001.
- Newbury, Michael. *Figuring Authorship in Antebellum America*. Stanford, Calif.: Stanford University Press, 1997.
- Patterson, Lyman Ray. *Copyright in Historical Perspective*. Nashville: Vanderbilt UP, 1968.
- Phillips, Caryl. *Atlantic Sound*. New York: Knopf, 2000.
- Robbins, Hollis. "Blackening Bleak House: Hannah Crafts's *The Bondwoman's Narrative*." Gates, Henry Louis, Jr. & Robbins, Hollis, eds. *In Search of Hannah Crafts: Critical Essays on The Bondwoman's Narrative*. pp. 71-86. New York: Basic Civitas Books, 2004.
- Rogin, Michael. *Subversive Genealogy: The Politics and Art of Herman Melville*. New York: Knopf, 1983.
- Sanborn, Geoffrey. *Sign of the Cannibal: Melville and the Making of a Postcolonial Reader*. Durham: Duke UP, 1998.
- Serlin, David Harley. "The Dialogue of Gender in Melville's *The Paradise of Bachelors and the Tartarus of Maids*." *Modern Language Studies* 25.2 (Spring 1995). 80-87.
- Simms, William Gilmore. "International Copyright Law." *Southern Literary Messenger*. January 1844.

- Spillers, Hortense. "Mama's Baby, Papa's Maybe: An American Grammar Book." *Diacritics: A Review of Contemporary Criticism* 17 (1987). 65-81.
- Stafford, John. *The Literary Criticism of "Young America," A Study in the Relationship of Politics and Literature, 1837-1950*. Berkeley: U California P, 1952.
- Stokes, Claudia. "Copyrighting American History: International Copyright and the Periodization of the Nineteenth Century." *American Literature* 77.2 (June 2005) 291-317.
- Vaidyanathan, Siva. *Copyrights & Copywrongs: The Rise of Intellectual Property and How it Threatens Creativity*. New York: NYU Press, 2001.
- Wald, Priscilla. "Hannah crafts." Gates, Henry Louis, Jr. & Robbins, Hollis eds. *In Search of Hannah Crafts: Critical Essays on The Bondswoman's Narrative*. pp. 213-230. New York: Basic Civitas Books, 2004.
- Wiegman, Robyn. "Melville's Geography of Gender." *American Literary History* 1.4 (Winter 1989): 735-53.