

Piracy

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THERE were almost no maritime pirates in the nineteenth century.¹ But there were plenty of pirate figures, not only striking poses on the melodramatic stage and on theater cards and souvenirs, but cheekily standing accused in the press and sometimes in chancery courts as literary thieves. My argument here and elsewhere is that nineteenth-century piracy expressed a winking attitude toward many widespread forms of unauthorized reuse—reprinting, plagiarism, stage adaptation, anthologizing, epitomizing, illustrating, translating, to name only a few—and thus conditioned the emergence of vast, robust, innovative, and dynamic pan-media and transnational networks of aesthetic communications. Without the unauthorized repetition reliant on absent, vague, or disputed copyright laws and the pirate culture that thrived in this environment, nineteenth-century arts and letters would look very different. Piracy, as in the “destigmatizing [of] literary repetition,”² thus provides a view of Victorian artistic culture that is more inclusive, more historically accurate, and more just. Taking the copiers, derivers, rearrangers, adapters, samplers, and impersonators seriously supports a biological model of adaptation whereby variation is equally if not more interesting than originality.³

The expansive proliferation of platforms and markets provided myriad occasions for repetition, repackaging, and reimagining: a single novel might circulate in weekly and monthly parts, in triple-deckers for the circulating libraries, in cheaper single volumes for home reading, in illustrated editions for the Christmas market, in abbreviated versions for children, in colonial editions for Canadians and South Asians and expatriates everywhere, in translations, in anthologies, in chapbooks, in American magazines, in penny newspapers, in the Chartist press; a single play might circulate in London and provincial performances, in

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burlesques, in revivals, in newspaper review summaries, in acting editions, in publication series such as *Dicks' Standard Plays*, in toy theaters; a single image might circulate as a painting sold to a collector, as an artist's personal copy, as a copy rendered by the artist in a reduced size or different medium, as a replica produced partly by studio assistants or students, as a theatrical tableau, as an engraving, as a photograph, as a *carte de visite*.⁴ In this context, piracy resists regulation, designates a capacious view of fair use, and thus demonstrates both commercial opportunism and creative opportunity.

Piracy's pleasures help explain why the history of copyright during this period traces a tortured march toward multilateral international agreements and a patchwork of whack-a-mole efforts to identify a reasonable scope of fair use.⁵ In these repeated efforts to bring unlimited moral rights and limited-use regimes in line with each other and in the express outrage in Europe and among American writers over the United States' refusal to join international copyright treaties, the assumption persisted that there was an inevitable progressive good in celebrating the idea of an original author as a deserving genius. Piracy's persistence defied this assumption. The freedom to reuse antecedents invigorated new markets, enfranchised unexpected authors, and revealed an originating work's latent meanings.

Global circulation animated new markets reliant on unauthorized repetitions. The literary flourishing in the Ottoman Empire during the Arabic *nahda*, for example, was nourished by translation practices whereby European texts were reimagined in different genres and to local purposes, usually without crediting the original source: Tānius 'Abdūh's voracious retelling of French novels by memory; Mustafā Luftī al-Manfalūti's ingenious recasting of a French play to express Egyptian subjectivity.⁶ The Chinese writer Lin Shu similarly repurposed British, French, and American texts, often using narrative structures familiar to Chinese readers and audiences, thus capitalizing on the absence of institutions designed to differentiate between stealing and intertextuality during the late Qing period.⁷

As an enslaved person, Hannah Crafts was arguably an unexpected novelist. In *The Bondswoman's Narrative*, written in the 1850s, she ingeniously reuses without permission or acknowledgment pieces of published novels by Charles Dickens, Charlotte Brontë, and Walter Scott, sampling antecedents in the invention of a different kind of story. Moreover, her access to these novels also relied on piracy: many of the books lining the shelves of her enslaver's library were pirated American

editions of British titles; many of the foreign works serialized in American periodicals available to her circulated without the copyright holder's permission.

Thomas Peckett Prest's *Oliver Twiss* (1839) by "Bos" reimagines Dickens's anti-Semitic characterization of the homicidal puppet master Fagin ("the Jew") in the gentle, meditative, and generous Solomon ("the Israelite"). In this sense, Prest corrects the racism that Dickens's Jewish readers found troubling and even anticipates Dickens's own 1865 corrective in *Our Mutual Friend*'s Riah, as if influencing the inimitable himself.

The recognition of nineteenth-century pirate culture's power to continually contend with the assumptions of romantic authorship thus entails several affordances. It reinforces the old-fashioned theoretical position that repetition is always with a difference, a difference that is transformative even if transgressive in certain national contexts,⁸ indeed a difference that is generative in ways similar to Lawrence Lessig's idea of "remix culture."⁹ It recognizes the dazzling procedures of nineteenth-century seriality, as Clare Pettitt has theorized it, the idea that each participant in a series "obeys a different rule and yet belongs to the same system."¹⁰ It moves adaptation studies away from discriminatory hierarchies that degrade descendant forms as corruptions, and toward fruitful and inclusive questions of mutation and environmental adaptation—to specific communities, in specific contexts, for specific audiences and readers, and at the hands of newly enfranchised authors.¹¹ And it extends to other genres what Andrew Miller has argued is specific to realism, the "imaginative prodigality" of the counterfactual lives characters do not in fact live, thus spotlighting works that originating authors did not fully write themselves.¹²

NOTES

1. With the notable exception of Chinese pirates in the South China Sea, who were defeated in 1810, and the Barbary pirates who ceased to threaten shipping by 1816. Neither captured the European nineteenth-century imagination as much as seventeenth-century buccaneers. David Cordingly, *Under the Black Flag* (New York: Random House, 2006), 75–78, xviii.
2. Robert Macfarlane, *Original Copy: Plagiarism and Originality in Nineteenth-Century Literature* (Oxford: Oxford University Press, 2007), 41–47.

3. Gary R. Bartolotti and Linda Hutcheon, "On the Origin of Adaptations: Rethinking Fidelity Discourse and 'Success'—Biologically," *New Literary History* 38, no. 3 (2007): 443, 447.
4. Elena Cooper, *Art and Modern Copyright: The Contested Image* (Cambridge: Cambridge University Press, 2018), 119–20.
5. Catherine Seville, *The Internationalisation of Copyright Law: Books, Buccaneers and the Black Flag in the Nineteenth Century* (Cambridge: Cambridge University Press, 2007).
6. Nicole Khayat, "What's in a Name? Perceptions of Authorship and Copyright During the Arabic *Nahda*," *Nineteenth-Century Contexts* 41, no. 4 (2019): 424; Matti Moosa, *The Origins of Modern Arabic Fiction* (Washington, DC: Three Continents Press, 1983), 221.
7. Emily Sun, *On the Horizon of World Literature: Forms of Modernity in Romantic England and Republican China* (New York: Fordham University Press, 2021), 17; Diana Yu, "The Translator Who Knew No English—Lin Shu," *Renditions* 5 (1975): 30.
8. Daniel Hack, *Reaping Something New: African American Transformations of Victorian Literature* (Princeton: Princeton University Press, 2017) 3, 2; James Snead, "Repetition as a Figure of Black Culture," in *Black Literature and Literary Theory*, edited by Henry Louis Gates, 59 (London: Routledge, 1984).
9. Jessica DeSpain, *Nineteenth-Century Transatlantic Reprinting and the Embodied Book* (New York: Routledge, 2014), 3.
10. Clare Pettitt, *Serial Forms: The Unfinished Project of Modernity, 1815–1848*. (Oxford Scholarship Online, 2020).
11. See Bartolotti and Hutcheon, "On the Origin of Adaptations," 450.
12. Andrew Miller, "Lives Unled in Realist Fiction," *Representations* 98, no. 1 (2007): 119.

