

## OUR INTERNATIONAL COPYRIGHT LAW.

It was impossible to write the first word of the above title without a certain sense of satisfaction. At last an international copyright law is ours; and though it is not one to be proud of, it is certainly gratifying to have outlived the shame of having none at all. It is matter for congratulation, too, that after all the "cranks" have had their say (as they must have regarding all reforms), from the denial of all copyright down to the royalty-stamp scheme, the measure passed is at least sane, if not generous, and meets the most urgent needs, if not all.

Nevertheless, when the editor of the FORUM asked for an article embodying my impressions of the law, the first impulse was against writing them. The bill, like all legislation, was the result of a series of compromises. It was supported by the joint committee of the authors' and publishers' leagues as the best bill attainable, and although the members of the committee retained their personal rights of criticism, it will be time enough for that when the working of the law demonstrates its faults. Its merits still have arrayed against them so much that is base and unscrupulous, that remedial criticism now, would be in danger of being used destructively.

On the other hand, it at first seemed superfluous to write about the advantages of such a measure, for this has already been done at length in many places, including an article in this review which the present writer was invited to contribute in March, 1888. There appeared, however, to be good reasons for going over the ground again while public attention is directed to it. There is much ignorance regarding the probable effects of the law, even among those most interested (the evening before this is written, one of our leading authors professed really to know nothing of the subject); and it is important that all readers should realize that the law, although defective and narrow, merits the support of all honest men.

Its moral effects will probably be its most important ones, but they are outside of the present writer's province. In writing about it at all, one sets up for more or less of a prophet, and will probably find all he had better attempt, if he plays that rôle only in relation to his own trade. Yet the author's interests are so inextricably blended with the publisher's, that it is not worth while to try to discuss them separately.

First, as to some obvious effects of the new law which are essential to the understanding of others not so apparent. The most obvious effect will be, of course, that foreign authors will be paid for such of their books as are copyrighted here. All payments will have to be added to the price of books, and this will relieve the American author from the competition of prices on foreign books that are low because they are not honest.

A less obvious effect is that, when the habit of paying is revived, foreign authors will be paid for many books that are not copyrighted, just as they were frequently paid for non-copyrighted books in the period from about 1860 to about 1876. Then the American publishing business was mainly in the hands of men who not only paid foreign authors, but who respected each other's compacts with such authors, and so made it possible, there being no rival editions to compete with, to pay liberally. Moreover, there was then in the trade honor enough, even among the thieves, to keep publishers from stealing from each other, and so any repentant thief who wanted to, could afford to pay honest royalty. The new law will inevitably drive out the worst element in the trade and put it on the old basis again, even in relation to books which may not be copyrighted.

There will be many of these, especially of the less popular class of books that presumably will not pay for the type-setting here which the law demands as a condition of copyright. Possibly even Bryce's "American Commonwealth" might not have been copyrighted under such a law. Then, as in that case, unexpected popularity in a non-copyrighted book will, of course, offer a temptation to the pirate. But with the possible prizes so few, relatively, the piratical industry will die out, and things will return to the condition of the period already referred to, when copyright was not in all cases essential to safety.

An indirect result of this will be much relief to the American author from mock-auction methods in publishing. Foreign authors will be able to determine who shall represent them here, and naturally will select reliable representatives. That as well as the other causes indicated, will drive out of publishing a class of people who have preyed upon the business weaknesses of American authors as well as upon the defenselessness of foreign ones.

Yet the most effective cause of forcing down the American author's royalties has not been the mere non-payment of those of the foreign author, but the wild competition of the cheap editions issued by reckless and inexperienced publishers. The chance to take books without paying for them, and especially to get out competing editions of books already proved successful by some established house, has led into the business a large number of the class of adventurers naturally attracted by such opportunities. The glut of all mechanical products caused by the protective tariff has made it easy for these people to get credit from paper-makers, printers, and binders (in fact, several publishers have been "set up" by over-protected establishments), and they have conducted their business with the recklessness to be expected—piling into the market edition after edition of each successful foreign book, each cheaper than its predecessor, until the publishers have destroyed themselves and each other. Probably there is not more than one of them who has not failed, and most of them have failed several times.

Not only has the market been overcrowded with superfluous and unreasonably cheap editions of good books, but with bad books. The publishers of the innumerable "series" have had to "rob the cradle and the grave," and many other places less eligible than either, for authors to keep their series going. To go at all, they must go regularly like a magazine, whether books worth publishing appear regularly or not; something must appear at the stated time, both to secure cheap postage and to keep up the habits of the clients—clients generally for the most ephemeral stuff, developed at the expense of all reading not ephemeral.

Because of this, the bookstores, except in favored spots, have suffered in number and quality. The book-buying habit

has fallen off; the pamphlet-buying habit has taken its place. The pamphlet soon finds its way to the waste basket, which, in many cases, it should never have risen above, and the permanent possessions of the household are less than they ought to be by one book. The average American citizen's source of intellectual pabulum is now the "news stand." It and the toy shop with piles of pamphlet "libraries" at one end have too generally succeeded the bookstore. The old habit of dropping into the bookstore and buying the latest good thing—latest in form or matter—is now indulged in by few people, and in relatively few places.

The reading public having been gorged to a degree fatal to them with the deleterious products described, what chance has there been to crowd in a reasonable share of the productions of American authors? Before the flood of cheap pamphlets destroyed the book-buying habit, publishers of standing were generally able to sell enough of any book on which they would put their imprint, to protect them from serious loss. Now they find it impossible to market more than about a third as many copies of a new copyright book as they could before, or to obtain more than about three quarters as much per copy for any given mechanical grade. Besides, in most instances the grade has been forced lower than the width of the book's special market would justify, while the narrow and uncertain market has discouraged—almost fatally discouraged—the undertaking of books by unknown aspirants, or of books by authors who appeal only to a select class. The new law is going to restore all these advantages. It will restrict books to editions for which there is a sound economic demand, thus relieving all authorship from illegitimate competition, and opening up the avenues to publicity now closed; and it will foster a return to standard literature in place of the ephemeral stuff of which the "libraries" have been principally made. This will encourage publishers to issue such literature in editions justified by a wider market, and will probably make the great classics of all literatures more accessible in better forms and cheaper than now. Such is the case in all countries where international copyright has relieved standard literature from the competition of such trash as can be stolen from other nations—frequently

matter of so little attractiveness that it would never have been published if royalty had to be paid on it.\*

But aside from the question of cheapness, the new law is going to make hosts of people pay a dollar or two for a book which will be good for generations, as cheerfully as they now pay the same price for an evening at the theatre, which leaves no tangible possession behind. The theatre-price has long been made practicable by virtual international copyright for dramatic productions. There never was more absurd demagoguery than the statement that the people who pay so freely for plays, must steal books or go without them. The cry for "cheap [stolen] literature for the people" is not only dishonest, but nonsensical. There are few people who cannot buy more books than they can read, and who did not buy them before they stopped buying books at all. But in the present state of affairs, rich people who have unlimited money for other things hesitate to pay an honest price for an honest book, because they have been corrupted into a habit of paying dishonest prices for dishonest books.

I have never been one of those who have advocated international copyright with the assurance that it will not increase prices at all. It will increase the prices of first editions of books by living authors, but not more than people can well afford to pay. But even of books by such authors, those that are found capable of reaching many readers will be issued later in forms which the many readers will pay for. A frequent question with a publisher is whether to seek a narrow public at a high price, or a wide public at a low price, and it is generally settled with reference to the particular book; some books—and some of the best—will not be widely read at any price. Nevertheless there are so many books on which it makes so little difference which way the question is decided, and the difference between a high price and a low one for a given book is generally so small, relative to the incomes of the reading class, that the tendency in countries where customs and markets are well established, is to average at

\* This subject was admirably treated at length in Mr. Brander Matthews's pamphlet on "Cheap Books and Good Books," which is reprinted with much other valuable matter in Mr. Putnam's compilation on "The Question of Copyright."

a price practicable for nearly everybody, and yet a form good enough for anybody. Such is specially the case in France and Germany, and it would be in England if the small territory and exceptional distribution of wealth did not make it practicable for a great central circulating library to choke off local libraries, to buy the whole of an expensive first edition, and to hire it out at high rates. Our prices and methods may be expected to come nearer to those of France and Germany, as in fact they were before the recent saturnalia of piracy (if the reader will tolerate so mixed a metaphor). Our prices on first editions were much lower than those of England, and the books were much less luxurious. On the other hand, owing partly to our greater wealth as compared with France and Germany, and partly to our not having as many bookbinders to the square mile of our territory, our first editions were generally issued in cloth cases, while theirs are in paper covers. And, by the way, the printing of our average editions was on the whole better than the French, though that of their fine editions is unsurpassed; the reasons for all of which it is not worth while to go into now.

It is to be expected, then, that under the new law our first editions will generally cost more than now, but will be enough better made to be worth the difference, and that our own authors will sell more of them, and at a larger royalty. But it is also to be expected that in the case of books that "the people want," these first editions will be succeeded by cheaper ones—just as cheap as the people will provide a wide market for. These will be in addition to the books already spoken of, whose first editions were issued long ago, but for which a wide demand is still possible; for them, publishers will be encouraged to cultivate this demand by cheap durable editions, when they have no longer to contend against the opposition of the poor material on which our people have been principally "educated" (outside of school) for half a generation. Averaging all sorts of books, the gain will be very great, for it is not so important to have the new book cheap, even if that did not involve underpaying the author, as it is to have cheap the book that has stood the test of time, or at least that of contemporary opinion.

And now, leaving the purely economic region, let us consider

some intellectual probabilities. Does the reader happen to realize that there is not an American cyclopedia, or hardly any other American work of reference, well revised up to date, or even up to the census of eleven years ago? New figures have been inserted in some old plates, but very few of the new generalizations which specialists should draw from the figures; and the fresh biographical and geographical and scientific matter is generally only what could be squeezed into plates by cutting out something else. When the wholesale piracy began, about the centennial of our national permissive attitude toward it, we were fairly provided with such books—full and up to date, and new ones were appearing with encouraging frequency. Since then, we have got along with those we had, with only the most unavoidable corrections. Nothing, or next to nothing, thorough and illuminating has been done.

Yet one of the foregoing expressions needs correction. We have not “got along on those we had,” but on foreign ones which have been reprinted right and left and sold at the prices of stolen goods. These books answer the average man’s purpose, or he does not realize that they do not, and he thinks that in them he is getting great bargains. But he remains ill-informed or misinformed when he consults them regarding his own country, and in him American editors and publishers lose the custom necessary to enable them to bring their own works broadly and thoroughly up to date, not to speak of undertaking new ones. This tremendous evil we may look upon the new law to remedy in time, perhaps very soon if those interested can feel assured of its stability.

But works of instruction, important as they are, are not as important as works of inspiration. “Give me the man who makes the songs of a nation, and I care not who makes its laws.” For “songs,” read all the literature of feeling and living—not only poetry, but fiction and biography, and even the dry pages of philosophy and science; for they are treating in these days questions that concern our deepest nature. In all these things, especially in fiction, we have been drawing more and more from foreign sources. Mark Twain has said (I quote him from Mr. Matthews’s article already referred to):



"Statistics of any public library will show that of every hundred books read by our people, about seventy are novels—and nine tenths of them foreign ones. They fill the imagination with an unhealthy fascination for foreign life, with its dukes and earls and kings, its fuss and feathers, its graceful immoralities, its sugar-coated injustice and oppressions; and this fascination breeds more or less dissatisfaction with our country and form of government, and contempt for our republican commonplaces and simplicities; it also breathes longings for something 'better'; which presently crop out in diseased shams and imitations of that ideal foreign life. Hence the dude."

And because the novels producing those precious results were stolen, they could be sold cheaper than the productions of our own writers, who had to be paid. So disastrous has been the result on our own literature that, as I phrased it once before, it was rapidly becoming a question whether we were to continue to have an American literature . . . whether, outside of the daily and periodical press, we were to derive our ways of thinking—our ideals of life and politics—from alien and unsympathetic sources. But this was not the whole question. With the market so gorged with trivial matter, it was rapidly becoming a question whether, with a few rare exceptions, we were going to have any serious books at all.

But now that the foreigner must be paid, we can get our native works as cheap as we can get his, and there is more chance of our encouraging a new race of Irvings and Hawthornes and Longfellows and Emersons to bring us back from Anglo-mania, and many other manias, to a sober working out of our own free ways, and to a new delight in our own free life.

HENRY HOLT.



## A RATIONAL SYSTEM OF PHYSICAL TRAINING.

THERE are three axioms to which physical education must conform: first, the best exercise is that which reaches the largest number and does most for the weakest men; second, the best exercise is that which makes the hardest work attractive; third, the best exercise is that which most successfully co-ordinates body, mind, and will. Developing giants, lowering records, winning races, and knocking out opponents are doubtless interesting things to do; but they are no part of that physical education which the college aims to give to its students.

Students who participate in those contests in which the maximum of muscular development and physical endurance is essential to success are martyrs to the cause of physical education. They acquire greater physical development than a student needs to carry on his college studies to the best advantage, and they form habits which oblige them to keep up, after graduation, more exercise than is consistent with engrossing professional pursuits. The influence and example of such severe training as a university crew undergoes are valuable in keeping up the athletic tone of an institution and in setting the pace for the average student to follow.\* But the greater physical benefit comes, not to the eight who row the great race, but to the thirty or forty who train with them, and who row only in class races or do not race at all. The college professor looks on the highly-trained athlete as Emerson looked on the monk:

“I like a church; I like a cowl;  
I love a prophet of the soul.  
And on my heart monastic aisles  
Fall like sweet strains or pensive smiles:  
Yet not for all his faith can see  
Would I that cowléd churchman be.”

Intercollegiate athletics cannot be made the basis of physical education, because they reach only a small fraction of the col-