

# Veronica Kelly: The Melodrama of Defeat: Political Patterns in Some Colonial and Contemporary Australian Plays

**Author:** Veronica Kelly

**Title:** The Melodrama of Defeat: Political Patterns in Some Colonial and Contemporary Australian Plays

**Journal:** Southerly

**Imprint:** 1990, Volume 50, Number 2, Pages 131-143

This argument addresses some Australian contemporary, and one colonial, plays dealing with patterns of political impotence and defeat; where utopian, revolutionary or just liberal-progressive forces are defeated, dispersed or otherwise contained. Charles Harpur's *Stalwart the Bushranger*, written in various drafts from 1835 to 1867,<sup>1</sup> will be examined as a paradigmatic text, since its tragic form and melodramatic ideological ambience seem congruent with recent plays by Michael Gow and Stephen Sewell which deal with the self in society and the processes or possibilities of social change. All are linked by their obsession with, or various elisions of, the historical discourse of convictism — that thematic which Graeme Turner in *National Fictions* sees as providing “a central paradigm for the depiction of the self in Australian narrative”.<sup>2</sup> The production at the 1988 Adelaide Festival of Gow's *1841*,<sup>3</sup> with its attendant controversy, showed that the mythologies of the convict system are still problematic and potent, since both its subject and genre received significantly equal disapproval. Of the former, a critic wrote “a flop... full up of breast-beating caucasian guilt”, while its formal strategies earned the judgement “I've seen better plots in the cemetery”.<sup>4</sup>

Subject, however, cannot be usefully separated from genre since, as Hayden White argues, “we should recognise that *what constitutes the facts themselves* is the problem that the historian, like the artist, has tried to solve in the choice of metaphor by which he orders his world, past, present and future”. Metaphor and other literary tropes are thus “the process by which all discourse *constitutes* the objects which it pretends only to describe realistically and to analyse objectively”.<sup>5</sup> Contestation of the past of Australia is at issue here. Sartre, paraphrased by White, sees history as existential choice:

*We choose our past in the same way that we choose our future. The historical past, therefore, is, like our various personal pasts, at best a myth, justifying our gamble on a specific future, and at worst a lie, a retrospective rationalisation of what we have in fact become through our choices.*<sup>6</sup>

Thus, constructs of the past are complicit with and informed by generic choice; what can be argued as an existential option of self-creation cannot be separated from its tropes or codes of formal employment.

Harpur framed his Donohoe/Stalwart material along a sliding generic grid. The earliest version, *The Tragedy of Donohoe*, is a romantic brigand-melodrama, which thus already shifts moral focus from hero to villain; while the last version of 1867, *Stalwart the Bushranger*, moves into Romantic tragedy. In either version the radical instability of the Romantic subject is inherent in plot devices and characterization. Here Harpur is instinct with the general course of contemporary European drama since the Revolutionary phase of the late eighteenth century where, in for example German drama, the earlier “revolutionary enlightened optimism” of a Lessing gave way to an interiorized division:

*The enemy [in Goethe's Faust] is not, as in Lessing's plays, the despotic feudal overlord or the unenlightened, unreasonable, unnatural human being; the enemy is within: the hero is a split character because his world is split into ideal and reality.*<sup>7</sup>

Romanticism's impossible project is to reconcile subject and object, to collapse them into unity, and the “heroic impossibility of this task ... produces Romantic exaltation and despair.”<sup>8</sup> Belsey argues that “the crises of the 1790s (economic political and ideological simultaneously) are contemporary with an

interrogation of subjectivity in a mode of writing (fiction/poetry) which permits glimpses of that other discourse which constitutes—and disperses — the bourgeois subject.”<sup>9</sup> What that “other discourse” may be, how it can be named and how located in history, is the enigma which informs Harpur's drama, and that of Gow, Sewell and Nowra, and characteristically provides their powerful performance energies, so provocative and disturbing in their volatility.

The “Stalwart” plays precisely exemplify this dispersal of an historical subjectivity through the device of symmetrical character patterning. The central character is granted his centrality basically by an insistent strategy of containment whereby he is flanked by visions and versions of his own predicament. Dreadnought is Stalwart's own courage and energy harnessed against him in the service of the symbolic order; the Doorkeeper is the native pragmatist who attempts to survive oppression through comic acceptance (Gow's *Lynch of 1841* is of this type); Mary, the helpless offspring of convicts, dies imprisoned in despair in the play's most obvious pattern of naturalistic over-determination; and the freeborn Linda loses her hope, trust and reason simultaneously. Above all there is the brother-figure Abel, who dies at Stalwart's hands because his courageous but obstinately absolute self-imaging projects Stalwart as the culpable Other and so denies the fraternal bonds between them.<sup>10</sup> Abel's pastoral innocence is emphasized, but rendered ambiguous by the similarity of his actions with those of his society's oppressors: he and nameless convict overseers are the only characters to actually strike Stalwart. But Abel is empowered by social codes to project his own violence onto the outlaw where it may be righteously castigated and rejected. It is mythically inevitable, given the Cain and Abel lapsarian paradigm which Harpur uses, that Stalwart must kill his most radically oppositional self-image since it poses a threat to the self which cannot be tolerated. The basic experience of convict selfhood is thus diffused over a range of gender and class situations; there is no stable centre permitted in this historic moment. The characters, for their part, experience their radical instability as alienating and irreconcilable, hence sharp confrontation scenes and strong formal attempts at tragic closure are the generic response which endeavours to stabilize the centrifugal energies of the fable and formalize its moral patterning. At the play's end there is nobody left but Stalwart to pronounce the verdict of “Guilty” upon himself: all other subject positions within the play having been emptied or suspended via death, or rendered provisional by comedy or satire.

In his *National Fictions* Turner writes of the necessity for the study of colonial writing in that attention is thus directed to the mythic discursive maps established at the origins of white settlement: “maps of meaning” which are then available to be subsequently appropriated or renovated by various interests.<sup>11</sup> Harpur's plays interrogate the convict experience from within, and seek its own myths of origin via Edenic and lapsarian discourses.<sup>12</sup> It is debatable, however, whether *Stalwart* fully supports Turner's finding that “our narratives halt just before the feeling of absurdity, without fully accepting it; they are arrested at a pre-existential moment, admitting the withdrawal of meaning and value but without inventing a replacement for which they may accept responsibility”.<sup>13</sup> *Stalwart* does not wish to reject meaning and value, since it partakes of what Peter Brooks sees as Melodrama's “post-sacred” virtues of “recognition and clarification” and an “active, lucid, confrontation of evil.”<sup>14</sup> But the play seeks to locate moral values in various forms of bourgeois individualism — including the typically satanic self-assertions of the hero — which are rendered as standing over and above the concrete experience of social injustice. The tragic dimension, then, via this Romantic formula, lies in the crushing of the questing heroic anti-social individual, since his dreams of justice and drive for individuation can find no coordinates within his social moment. The play articulates the literal impossibility, in the convict situation, of the social efficacy or indeed survival of acts of love, hope or mercy, even of such acts usually consigned to a privileged feminized private sphere held to be uncontaminated by public events. In *Stalwart the Bushranger* the personal is definitely political; the very dreams and nightmares of the characters, whether pastoral or outlaw, are permeated with their society's contradictions. This semi-Expressionist dramaturgy delivers a picture of colonial society as blocked, dystopic, unamenable to individual exertions and ideals. Simultaneously though, individualistic striving for self-creation is allowed full run, even in defeat, producing simultaneously the heady effects of “Romantic exaltation and despair”.

Harpur thus displays the generic predicament of his time (and ours): since the “other discourse which constitutes — and disperses — the bourgeois subject” of which Belsey speaks had not then in Western drama found a convincing name. A currently acceptable ascription of this discourse first occurred, it is generally

agreed, in the plays of Harpur's German contemporary Georg Buchner, and is identified as emergent working-class consciousness. Buchner and Harpur share many similarities of historic situation. Each worked in isolation from a particularly oppressive and static social formation: the one in the wake of the defeats, and in Germany non-appearance, of the 1830 revolutions; the other in the convict military state of New South Wales. Neither was to find immediate theatrical or published outlets for their dramas. *Danton's Death* ((1835, exactly contemporary with *The Tragedy of Donohoe*) and *Woyzeck* (1837) were unpublished until 1879 and unperformed until 1902 (*Danton*) and 1913 (*Woyzeck*). *Stalwart* was unpublished in final form until 1987, unperformed until 1988, and still awaits professional production. Both writers display what can be seen as historically-conditioned and characteristic ambivalences, both about their own marginalized position as artists and towards the politically submerged groups for whom they aspired to speak. Buchner, the proto-Marxian who first analysed the relations between class and economic oppression (in his *Hessian Courier* of 1834), wrote ambivalent tragedies which partially displace the causes of oppression onto existential levels, a trait which still co-exists problematically with his satirical streak and trenchant social analyses. Both writers seek to articulate emergent proletarian experience from the dominant bourgeois subject-positions available to them: positions which will inevitably try to incorporate and totalize the alterity of another class-perspective.

The nineteenth-century German experience and its dramatic literature offer interesting parallels to the Australian colonial ones, with the period to mid-century being significant to both. The inter-revolutionary period to 1848 saw what has been described as the victory of the middle class in France and even in repressed Germany, with the victors forming “a thoroughly conservative and illiberal capitalist class adopting the administrative forms and methods of the old aristocracy”; but even so, “as soon as the emancipation of the middle class is accomplished, the struggle for the working class and its rights already begins.”<sup>15</sup> Buchner's *Woyzeck* in particular shows this revolutionary paradigm shift from bourgeois to proletariat tragic hero. It can be argued that Australia's early colonial development is in some ways analogous to Germany in the same period. In both, industrialization, urbanization and the possibility of a radical working-class were delayed; until the 1870s unification in Germany and until some time after the 1850s gold rushes in our own case. The princely semi-feudal domination and the colonial convict states could be said to provide analogous social formations in which, while the emergent discursive force of a new social order is sensed in bourgeois drama, it cannot yet find secure articulation by, or location in, a numerous and confident class. The radical colonial dramatist is thus placed in a discursive bind; the “political unconscious”<sup>16</sup> of history — an impossible totally liberated yet socially-adapted bourgeois self — is desired with an urgency which is inevitably frustrated. Meanwhile the new historical consciousness of the proletariat is still unable to name *itself* and take control of the discourses — whether bourgeois-liberal or Marxist — through which it is constituted. Melodramas of defeat and containment, which are at the same time electric with the force of undischarged Utopian desire, are the cultural products.

Recent Australian playwrights have rehearsed contemporary versions of Harpur's dilemma, demonstrating that our performance culture is still enmeshed in the colonial and Romantic moments and that myths of origin still provide discursive maps upon which contestations of the meaning of the present are played out. Elsewhere I have looked at what I consider to be the most complex and resonant contemporary convict-drama, Louis Nowra's *The Golden Age* (1985), which attempts to shift sideways out of the deterministic bind by opting for the genre of tragicomedy. Although the play strives for a kind of closure on the formal level, its impossibility or perpetual deferral is also dramatized. The historical fissuring of the Australian selves by the convict and post-colonial experiences appears to be such that this solution is only gestured towards: its attraction acknowledged but its achievement problematized. The play points towards a new discursive shift of hitherto polarised terms: “to embrace ‘exile’ and rename it ‘home’.”<sup>17</sup> Yet *The Golden Age* is not alone in its fascination with discourses of convictism — whether read as innate abjection, the exile of the colonized, or as endemic criminality. David Williamson has treated it overtly in his *Sons of Cain* (1985) and covertly in many other plays; Sewell makes it his central theme; and, interestingly, it has emerged recently in the theatre of a writer who has been hitherto praised, often tendentiously and prescriptively, for his supposed myths of reconciliation and harmony.<sup>18</sup> Michael Gow's *1841* focusses the debate and provides an interesting test case of the current nationalistic contestations of the convict discourse, and of their tropic encoding.

Gow's *1841* has many thematic and generic points of overlap with Harpur's colonial tragedy; and their thematic concern was accordingly castigated and marginalized in both instances. Both plays themselves internalize this rejection in that convictism becomes an almost literally unnameable trauma. In *1841* Aurora refers to the convicts by the more politically-empowering name of “the prisoners” (p.2), and by having one of them — Lynch — released on deck in a scene which quotes (ironically presumably) the liberation of the prisoners scene from *Fidelio*. While both Sullivan and his alter ego Williams share a convict past, it is usually exnominated in the characters' own discourses on their history. Even in Harpur's play the unnameable word is uttered only once, italicized, at the most pressured point of Stalwart's narrative of his past to Linda (I, iii) where he relates the crisis point of this definitive breaking with the social order:

*I found myself  
 ... a tyrant's bondsman; — one,  
 Who for some reason I could never learn,  
 Both feared and hated me; and who, with all  
 The petty fretfulness of power so placed,  
 Was wont to solace the meanness of his hate,  
 And mask the while even from his abject self,  
 The utter and conscious cowardice of his soul,  
 By hourly hurling the opprobrious term  
 Of Convict in my teeth! I sought redress —  
 In vain! — the Law was an oppressor too!  
 I murmured — and was scourged! (II, iii, 59–69)<sup>19</sup>*

Naming, remembering, and discourses of “past, present and future” are all sites of anxiety in *Stalwart* and in *1841*. When Abel<sup>o</sup> rejects Stalwart after the latter's attempt on Linda, the bushranger sees himself as “Scorned, trampled on, brow-beaten, *flogged* with words” (III, iv, 143);<sup>20</sup> a verbal reproach provokes a crisis of resentment equal to an actual scourging. The bushranger's predicament is thus tragic on an historical no less than a personal scale; as shown by his inability to forget, firstly, his shame and grievances, and subsequently his murder of Abel which haunts him in Senecan visions. In its contemporary context, Harpur's own inability to forget the sufferings of his parents' class and of the currency-born provoked silencing and marginalization in a society which was determined to render the “term of *Convict*” unspeakable. Edward Geoghegan's *The Currency Lass* (1844) is a telling example of a colonial play which was, unlike Harpur's, successfully staged. In this delightful burletta the comic crux is the stage-struck new chum's aversion to his nephew's marrying a “native girl”, whom he assumes to be Aboriginal. The comic anxiety about the competition for control of discourses of “nativeness” displaces, into a then-acceptable racist site, the more scandalous and unnameable anxiety of the play: that the free white native-born have more than probable convict origins. Hence it appears that even to pronounce the name, let alone dramatize the predicament of, a convict bolter, was in Harpur's theatre and also his society a highly political intervention.

The dystopian thematic of *1841* accordingly revolves around strategic forgetting, and its Utopian Romantic one around an unconcluded collective narrative to which various of the play's questing characters contribute. Forgetting the past, particularly its traumatic injustices, seems constitutive of Australian survival. Mrs Gray refuses to remember the brutalization of the voyage and her own distress; Williams doesn't care to remember convict mateship once he is a self-made man; Lynch doesn't want to remember meeting Aurora on the transport ship the *Eden* (pp.26, 31, 37). As Mrs Gray makes clear, expulsion from the precarious construct of bourgeois selfhood is the political price of remembering; when throwing Aurora out of her new “Grecian villa” (p.23) she threatens Mercy with a similar expulsion “if [her] memory is so clear” (p.28). Yet while the characters refuse to speak their own stories or remember (“You can't spend your life remembering what you did the day before”, Lynch says [p.37]), their Utopian fantasies emerge in the collective narrative which enables them to both transcend present privations and to imagine a future of effective collective action (pp.41–43). The past is taboo, and representations of the present censored, as Aurora discovers when she tries to use the stage of the Royal Victoria to subvert the outrageously repressive ideology of the play “Storm of Evil” into a cry for justice. This internal play is of intertextual interest in focussing *1841*'s own generic ambitions. Its conclusion, as summarized by Conrad Knowles, is “All the prisoners are flogged, the tutor is drawn and quartered and the father dies of shame. It's a melodrama” (p.17). Gow neatly summarises

and signals by satire the plot features of Lenz's *The Tutor* of 1774 and sundry *Sturm and Drang* and early nineteenth-century German dramas of bourgeois collapse and acquiescence in their own blocked social order.<sup>21</sup> It is no surprise to find intertextuality in Gow's plays, but it is German and French Romantic motifs which seems to supply the main referential field of *1841*. Europe, not England, is to be seen as Australia's mirror-double; a theme which this writer has developed from his first play *The Kid* (1983). In fact Ann Nugent saw the play's "tacitly anti-British interpretation of Australian colonial history", by shifting away from the colonialistic privileging of England as origin and model, as partly responsible for its adverse reception.<sup>22</sup>

The tacit "anti-British" cast of *1841* is not then merely its still-controversial investigation of the convict heritage, but its use of European and specifically high-bourgeois dramatic models from last century as its generic and ideological grid. This dramatic literature appeals also to Louis Nowra, who is drawn to writers like Kleist, whose *Prince of Homburg* he has translated for the Australian stage (1982) and who has professed himself highly sceptical of the Brechtian project. Perhaps in the case of *1841* the tacit juxtaposition of colonial Australian and a repressive semi-feudal Biedermeier Germany has too many uncomfortable modern implications; namely that the failure of the nineteenth-century bourgeois revolution to fully take root in a society at the appropriate moment leads to massive and sometimes monstrous forms of false consciousness and alienation in the twentieth century. Is Australia still paying the price for its neo-colonial status and semi-feudal origins? Obviously the Bicentennial discourses of success and consensus seek to obliterate these questions, just as the rise of "respectability" sought to stifle them in Harpur's time. In an article in the *Age Monthly Review* Martin Thomas criticises *1841* as unhistorical, evincing "nostalgia for revolution", absent both in the play and in our then present Bicentennial moment. The play is thus he believes totally complicit with Bicentennial discourses, statically reflecting rather than critically analysing them.<sup>23</sup> Although in agreement with his identification of the play's thematics, I am unable to accord with this apocalyptic denunciation, since it overlooks the tropic constitution of "history" in discourse, bearing in mind that the "past" is what we now decide to remember of it for present purposes, not an unproblematic non-textualized monolith.

Gow's project is not analytic but mythic, and it is through myth that he indicates an historical consciousness of absence: what Thomas calls "nostalgia for Revolution". Haydon White, using Frye's taxonomies of narrative, argues the mythic potency and inevitability of "utopian speculations of both the apocalyptic and the demonic sort":

*myths are oriented with respect to the ideal of perfect freedom, or redemption, on the one side, and the possibility of complete oppression, or damnation, on the other. Since men are indentured to live their lives somewhere between perfect order and total disorder, between freedom and necessity, life and death, pleasure and pain, the two extreme situations in which these conditions might be imagined to have triumphed are a source of constant speculation in all cultures.*<sup>24</sup>

Many historians, he argues, tend to reify the present, denying flux and change, and relegating all significant change to an "historical" past, thus justifying the status quo and allowing themselves to be the servants of what Nietzsche called the "present trivia",<sup>25</sup> be it Bicentennialism or whatever. *1841*, keen to debunk this particular appropriation of current history, seeks a dystopic myth of origin in the convict moment, but finds there no Utopian discourse, apart from the collective narrative, to effectively counter the blocked, self-perpetuating alienation and oppression of the System. This gap in what Gow's calling the "past", where his characters, unlike *Stalwart's*, refuse to *name* their own degradation, functions in the play as a displaced moment of reaction, or "nostalgia for revolution" when, as in the German 1830s and 1840s, there is a retreat into partial despair and apocalyptic imaginings. This "past" absence points firmly to significant absences within a reading of the post-deregulation present; Australian public events in 1975, 1983 and 1988 providing a series of crises which focus the alienation of the bourgeois dramatist and inform both his dystopian and his critical mythologies.

It is hardly surprising then to find in *1841*, despite Gow's comedy, echoes of the apocalyptic pessimism of Georg Buchner. Gow's *1841* characters, like Buchner's, are in a blocked historical situation with little room for manouvre; their choices are no choices, as Mercy's specifically female predicament shows.

Sullivan, the genial and charismatic but fatalistic leader of men, fails like Buchner's Danton—or like the “Greek Tragedy” construction of the Whitlam character in the 1983 mini-series *The Dismissal* — to rise to the occasion when his friends must be saved from oppression, letting himself be destroyed in quasi-complicity with his persecutors. Sullivan's death, dismembered and wrapped in a bloody canvas, is probably intended to recall David's image of Marat. In the character of Lynch, the disoriented innocent abused by his keepers to the limit of his physical resilience — his only asset — and hanged, framed for the crime he didn't commit, *1841* gives us an antipodean Woyzeck. In the characters of Williams the crooked boss and Doyle his no less criminal henchman, however, Gow departs from his Romantic heritage to the realm of contemporary accusation. Doyle, in particular, who arranges convenient industrial accidents, organizes prostitution and intimidation, and oversees systematic business corruption, is a figure familiar from recent public disclosures of organized crime in Australia. This character, inflated to satanically Romantic proportions, can be found in the plays of Stephen Sewell, particularly in his *Dreams in an Empty City*, the Adelaide Festival's previous flop *celebre* of 1986.

The theatre of Stephen Sewell both enlarges and problematizes this argument about originary trauma in ways which require a fuller investigation. That his dramatizations of the roots of contemporary Australian abjection have connections with the projects of Harpur, Gow and Nowra, is seen in his vividly Romantic myth-making and its frequent formal encoding via ecstatic and almost expressionistic melodrama. Technicolour nightmares and colossally-expanding bourgeois individualities abound in his theatre, as in Harpur's; and while they use a more fragmented and foregrounded theatrical style, the debt to romantic traditions of tragic self-assertion is clear. Doubles and split characters — reified and rejected selves of the protagonist who yet claim their fratricidal revenge — are as insistent in Sewell's plays as they are in high-Romantic European and European-derived melodrama, of which *Stalwart* forms an early colonial example. Dramatic emplotments of the progressive alienation of the protagonist, his Senecan guilt-hallucinations and his encirclement by advancing forces of retribution, are common to Harpur's play and to the mid-80s Sewell plays *The Blind Giant is Dancing* (1983) and *Dreams in an Empty City* (1986). His previous *Welcome the Bright World* (1982) makes explicit the German historical analogy argued above in connection with Gow's aesthetic choices in *1841*: the terrorist-inspired fear of an apocalyptic neo-Nazi collapse of late 1970s German democracy is used to interrogate post-Whitlam and post-Vietnam anxieties within an Australian society itself undergoing accelerated multinational imperialism. The unnameable Convict becomes in Sewell the Senecan tyrant criminal-businessman (Wilson/Weisland), and criminality transfers from an assumed colonial lower-class aberration to the informing principle itself of capitalism. Sewell pushes his own discourse of convictism to extremes such that it can be seen as a tacit master-narrative which contains and informs his construct of contemporary life. At the same time, his fractured and fragmented crisis-dramaturgy perfectly exemplifies the split bourgeois subject of Romanticism. So, more revealingly, does the inability of his characters of all classes to precisely name or speak for working-class experience and desire, which remains a site of rejection, of incomprehensibility, or of panic about its very existence; a textual gap or absence like Gow's failed revolution around which the play's real anxiety. Sewell's drama exemplifies the dilemma, as Harpur's did before him, of addressing or speaking for what they identify as muted working-class experience from the discursive positions available to the Western bourgeois.

Hence some recent Australian theatre shares a marked discursive and generic heritage with our earliest colonial tragedy, and discourses of convictism remain central, if renovated and contested. However, convictism should not be read as a master discourse functioning as a transcendental signifier which can fix or centre the polyphony of current national self-construction; nor as an historic myth of Origin which explains and contains imaging of our history.<sup>26</sup> Convictism is not a version of the Unconscious, privileged as primal base and origin, but a chosen discourse produced in current contexts, focalising anxieties which are dispersed over a wide political, social and aesthetic grid. Recent Australian theatre, with its interrogation of myths of convictism, reminds us that two hundred years can be a short time in theatre history, and that the most questioning and radical of our dramatists find their modes of expression still caught up in the backwash of the 1790s European paradigm shifts with which this country is contemporary. It seems that the “other discourse” of the split Australian bourgeois subject cannot even in our moment find a secure name; although, from the evidence of *The Golden Age* and general cultural trends, the strongest current contender for the position vacated by the unrevolutionary working class is probably Aboriginality. Meanwhile, the impossibility of white Australian dramatists ever occupying a convincingly unitary and credibly “historical”

speaking position continues to generate both creative energy and renovation of our theatre. We are, from the evidence of recent drama, still negotiating for our present purposes versions of the Romantic moment of exaltation and despair.

Important: © Copyright in this work is vested in the author or publication in which it appears. [Copyright in the encoding of the work rests with the University of Sydney Library's Scholarly Electronic Text and Image Service]. AustLit holds a perpetual licence to distribute the text to users, by kind permission of the copyright holder. This work may be used, with this footer included, for noncommercial purposes within a subscribed institution or for personal research purposes for individual subscribers, according to the [AustLit Copyright Policy](#) and relevant Licence Agreements. No copies of this work may be distributed electronically or in any other manner outside of the subscribed institution, or by the individual subscriber, in whole or in part, without express written permission from the copyright holder.