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ROBERT SPOO

SAMUEL ROTH: DISCOURTEOUS REPRINTER

Samuel Roth was a pirate who abided by the copyright law. Rarely accused of infringing anyone's copyright, he built his career on the resources of the American public domain.¹ US copyright law in 1925 was isolationist and protectionist; its technicalities were a constant worry to foreign-domiciled authors like James Joyce who could not always satisfy the rigid statutory conditions for copyright protection. Among those conditions was the requirement that English-language books be typeset, printed, and bound on American soil within a fixed number of months after publication abroad, on pain of loss of US copyright forever.² Confronted with these legal hurdles and shadowed by a reputation for indecency, Joyce made no attempt to secure US copyright for the book version of *Ulysses* or for the early published fragments of 'Work in Progress'. These works lay in the American public domain, where Roth found them. So the question 'Did he have permission?' may be answered, initially, in the affirmative: Roth's reprinting of Joyce's writings was permitted by US law. He was a lawful opportunist.

Yet we call him a 'pirate' and probably always will. We sense that he violated some unwritten law of good faith and fair dealing, though we are hard pressed to name the law. The nineteenth century had a name for it, however: the courtesy of the trade, or trade courtesy. Trade courtesy was a system evolved by American publishers for regulating competition among themselves for uncopyrighted works by popular transatlantic authors like Charles Dickens and Sir Walter Scott. In its simplest form, courtesy awarded informal rights to the first publisher who announced plans to reprint an unprotected foreign work — a kind of makeshift copyright grounded on tacit trade agreements and community-based norms. According to this communal fiction, competitors were required to resist the temptation to exploit a free literary resource once it was claimed by the first comer. Participating publishers often paid foreign authors an honorarium or royalty and sought their permission for reprinting future works — all in the name of self-interested honour. But courtesy was always threatened at the margins by upstarts or renegades in the trade who saw no reason to observe a code that could bring them no immediate, tangible benefits. Deviants from courtesy were called 'pirates' by the reputable houses.

So when we ask 'Did Roth have permission?' we are really asking whether he obtained Joyce's permission after the fashion of the courtesy publishers of the nineteenth century and those like Bennett Cerf who practised courtesy in the twentieth century. This essay seeks to put to rest the vexed question of whether Roth had courtesy permission to reprint Joyce's works. With respect to the fragments of 'Work in Progress' that he reproduced in his quarterly magazine *Two Worlds*, the short answer is yes and no. With regard to the installments of *Ulysses* that he ran in his *Two Worlds Monthly*, the answer is mostly no. Contrary to most accounts of Roth, however, I contend that he actually enjoyed a brief period of legitimacy when he could call himself Joyce's authorized reprinter of 'Work in Progress' in the United States. Had Roth been able to sustain that relationship, the history of modernism might read differently, and he would have been spared the indignity of the international protest and the lawsuit that Joyce launched against him in New York in 1927.³

Each of the first five issues of *Two Worlds* contained a different extract from Joyce's new work, drawn from Paris and London publications whose contents lay in the American public domain. Roth timed his appropriations expertly to ensure their lawfulness under US copyright law and to maximize their currency for his readers. For his September 1925 number, he lifted ten pages of Joyce's work from the July 1925 issue of T.S. Eliot's *Criterion*, retitling the extract 'A New Unnamed Work (First Installment)' (see FW 104–25). Roth's December 1925 number contained the 'Humphrey Chimpden Earwicker' fragment that had appeared in May 1925 in Robert McAlmon's *Contact Collection of Contemporary Writers* (see FW 30–4). His March 1926 number offered the 'Anna Livia Plurabelle' segment previously issued in October 1925 in *Le Navire d'Argent* (see FW 196–216). He ran Joyce's 'Shem the Penman' extract (see FW 169–95), from the Autumn-Winter 1925–6 number of *This Quarter*, in the June 1926 issue of *Two Worlds*, and Joyce's 'Mamalujo' segment (see FW 383–99), from a 1924 issue of the *Transatlantic Review*, in the September 1926 number.⁴ In each case, Roth waited long enough after the initial appearance of Joyce's fragment to be sure it had entered the American public domain. He alertly drew upon that aggressive, voracious commons to produce his quaintly eroticized confections of avant-garde writing.

Roth later claimed, dubiously, that he had received permission to publish the fragments of 'Work in Progress' from Ezra Pound in 1922.⁵ Although it is possible that Pound encouraged a general proposal to print future work by Joyce at that time, Joyce did not even begin to draft what came to be known as 'Work in Progress' until 1923, and did not publish an extract until 1924.⁶

Even if he had had the power, Pound in 1922 could not have given meaningful authorization to publish work that did not yet exist.

But Roth did enjoy a brief period of legitimacy during which he almost succeeded in building a relationship with Joyce. The *entente* began inauspiciously when Roth, shortly after reprinting the first unauthorized Joyce extract, wrote to Joyce in late September 1925 to express his admiration and to request a 'contribution, long or short,' for which he would be willing to pay.⁷ In early December, Sylvia Beach wrote to Roth to express puzzlement over why he had proceeded by first reproducing Joyce's work without his permission and then asking him for new material.⁸ On 2 January 1926, Roth responded by sending Beach a cheque for 100 dollars, drawn upon his New York bank and made payable to Joyce, for the two extracts from 'Work in Progress' that he had issued in the September and December numbers of *Two Worlds*, and reminded Beach that these segments had previously appeared in European publications (and so, he implied, were free for the taking in the United States). He would gladly pay more for 'the exclusive right to use material from the new work', and assured Beach that of all living writers he 'loved [Joyce] the most'. With transparent puffery, he boasted that *Two Worlds* was 'in greater demand than any other periodical in English', and urged Beach to help him establish his magazine as 'the organ of the best writing in your colony'.⁹ He was making a bid to rise above his status as a parasitic reprinter and to become the sole authorized publisher of 'Work in Progress'. The 100 dollar honorarium was an earnest of his intentions.

On 21 January, Beach thanked Roth for the 100 dollars in a letter that was palpably warmer than her previous one. She promised to send him the forthcoming issue of *This Quarter* with Joyce's 'Shem' extract (which Roth would reprint in June) and requested a copy of *Two Worlds* containing Joyce's work. Explaining that she was in charge of Joyce's business affairs, she formally inquired what Roth would pay Joyce 'for the exclusive right to bring out the next four parts of his new book'.¹⁰ Joyce was taking bids on his latest material, the 'Shaun the Post' chapters that would eventually become Book III of *Finnegans Wake*. Roth jumped at the chance. In early March, Joyce mentioned that he was trying to revise the Shaun material 'for Mr Roth' who had offered 300 dollars for it, and that Roth had also promised payment for the extracts from *Le Navire d'Argent* and *This Quarter* that he would shortly reprint in the March and June numbers of *Two Worlds*.¹¹ On 18 March, Roth made good his promise by sending Beach another cheque for 100 dollars to cover the March and June reprints, and urged her to let him know what she wished to

do about 'Joyce's future work'. He was 'now negotiating for the works of James Joyce in this country' and hoped soon to be able to propose 'an exceptionally good financial arrangement'.¹² This was a remarkable development. Roth was no longer offering reactive *post hoc* honoraria for Joyce's work but was courteously paying for current and future reprint material, and even angling to become his legitimate publisher in the United States. No longer condemned to being a pariah publisher dabbling in uncopyrighted scraps and tendering belated payments, he seemed on the verge of realizing his old dream of forging a bond with the Irish writer.

But it was not to be. Roth had neither the temperament nor the funds to sustain his flirtation with legitimacy. In July 1926, Beach offered the Shaun chapters to *The Dial*, noting that a 'certain review' — no doubt *Two Worlds* — had made an offer but that the price was too low and the magazine was not a 'suitable place' for Joyce's work.¹³ By July, Beach and Joyce had probably seen copies of *Two Worlds* and noticed the jejune ribaldry and rib-nudging erotica. Moreover, Ernest Hemingway told Joyce that he had met Roth in New York and heard him boast that he was only using Joyce's 'name and pieces as a draw' to attract thousands of subscribers who in any case, Roth purportedly claimed, were tiring of Joyce's verbal experiments.¹⁴ Joyce agreed to give the Shaun chapters to *The Dial* for 600 dollars but later withdrew the manuscript when the editor asked for changes.¹⁵ He did not try to revive the offer to Roth, however, and the latter no doubt sensed the snub. He turned pirate with a vengeance, and in the September 1926 number of *Two Worlds* reprinted Joyce's 'Mamalujo' fragment from the *Transatlantic Review*, apparently without permission or payment.¹⁶ More boldly and with great fanfare, he launched a new magazine in July 1926 called *Two Worlds Monthly*. Like *Two Worlds*, it was 'Devoted to the Increase of the Gaiety of Nations'. The centrepiece of gaiety was to be James Joyce's *Ulysses*.

For Roth, *Ulysses* had always been the great desideratum. In his first letter to Joyce in 1921, he had inquired when the work would be published as a book,¹⁷ and the letterhead for his quarterly *Two Worlds*, during the abortive 1922 campaign and again in 1925, all but asserted that he had inherited from *The Little Review*, by a kind of privilege of destiny, the right to complete the serialization of *Ulysses* in America. It was plainly Roth's intention as early as 1922 to use *Two Worlds* as a vehicle for reprinting *Ulysses*; in June and July of that year he actively sought permission from Joyce. On 6 June, Beach passed on to Harriet Shaw Weaver a letter from Roth proposing to publish *Ulysses* in a single issue of *Two Worlds*. Joyce was not interested. He requested that Beach,

his French publisher, ask Weaver, his British publisher, to convey to Roth the brief message that he was 'unable to accept [the] proposition'.¹⁸ Two days later, Weaver wrote to Roth on the letterhead of The Egoist Press that Joyce was 'unable to fall in with [his] suggestion' and that in any case it would be impossible to print the whole book in one issue of a magazine.¹⁹

Roth was not to be put off so easily. He wrote again to Weaver, pressing the offer of 250 dollars or whatever sum she thought appropriate for the right to print *Ulysses* in one issue of *Two Worlds*, the money to be paid thirty days after the number appeared (Roth's preferred practice of paying out of future profits). Weaver wondered aloud whether Roth planned to use type 'the size of a needle's head', and doubted that 'financial results' could flow from a limited-run magazine selling for one dollar and fifty cents a copy.²⁰ John Quinn, whom she had asked for information about Roth, reported that he had consulted Alfred Knopf and others and had been told that Roth was a 'nut poet', full of 'crazy ideas'. He must be 'either a fool or a wild man', Quinn felt, to think that he could publish *Ulysses* unexpurgated in the United States and not be arrested and prosecuted for obscenity. Roth should be renamed 'Samuel Froth,' he quipped, 'the pseudo-peanut publisher—in his own mind'. Quinn added that he would be surprised if Roth had 'money enough in his pocket to pay for two weeks' board'.²¹ The lawyer's derision shows that even at this early date Roth was viewed as an eccentric outsider in the world of New York publishing, a would-be poet full of ungrounded ambitions, a tall talker, and a 'luftmensch, or chancy risk taker looking for a way into solvency and respect', as Jay A. Gertzman has aptly described him.²² On the strength of Quinn's report, Weaver again wrote to Roth in September 1922 'definitely declining on Mr Joyce's behalf' the proposal to reprint *Ulysses* in *Two Worlds*.²³

Joyce had unequivocally refused permission to reprint *Ulysses*, but this did not stop Roth. He waited until the inaugural number of *Two Worlds Monthly* in July 1926 to fulfil his ambition, despite the fact that Joyce had never withdrawn his refusal. When challenged, he later claimed that Ezra Pound, as Joyce's 'agent', had given him permission in the early 1920s to run *Ulysses* in a magazine. This claim generated controversy at the time and still fascinates scholars, though under the law of agency (to the extent that the law enters into questions of the public domain) Roth's position was untenable. The explicit refusal of Joyce, the known principal, would have terminated any apparent authority of Pound, the alleged agent, to grant permission.²⁴ But the facts and the law have been muddied, and a clarification of Pound's role is in order.

Roth was never precise about the circumstances of Pound's purported authorization. In essence, his claim was that Pound, who had acted as Joyce's agent in arranging for episodes of *Ulysses* to appear in *The Little Review*, had turned over to Roth 'all the rights to whatever he had brought to the LITTLE REVIEW' sometime after the obscenity conviction of the editors, Margaret Anderson and Jane Heap, in February 1921. According to Roth, Pound had instructed him to go to the office of *The Little Review* and 'rifl[e] its contents', though out of respect for the editors he never did so.²⁵ Pound had been 'endowed by Mr. Joyce', Roth stated under oath, 'with the right to make any disposition that he pleased of [the *Ulysses*] manuscript', and the poet-agent had chosen Roth to succeed to *The Little Review's* rights and responsibilities.²⁶ An immediate difficulty with this claim is that Anderson and Heap had discontinued the serialization of *Ulysses* after the first few pages of the 'Oxen of the Sun' episode and did not receive typescripts of Joyce's later episodes. Roth would not have been able to retrieve an entire manuscript of *Ulysses* even if he had had the audacity to storm the office of *The Little Review*.

Yet it is clear that Pound communicated some kind of approval, as he himself acknowledged in a 1928 letter to the Paris *Chicago Tribune*:

The Little Review was barred from the United States mails and finger prints of its editors taken by the New York police because they had published the opening chapters of Mr Joyce's *Ulysses*. Shortly after this a certain Mr Roth suggested a means of publishing the unpublished remainder of the book. As I consider the law under which *Ulysses* was suppressed, an outrage, the people who tolerate such a law little better than apes, I approved the suggestion. That is to say, I wrote as nearly as I can remember that I approved any legal means of nullifying the effect of article 211 of the United States penal code.²⁷

Several things emerge from Pound's account. His exchange with Roth occurred by mail 'shortly after' the *Little Review* editors had become embroiled in the criminal proceeding, and he approved Roth's suggestion of a 'means' of publishing the 'unpublished remainder' of *Ulysses*. This correspondence — which has not been located — could scarcely have taken place in mid-1922 when Roth was directly seeking Joyce's permission to print *Ulysses*. By then, the work had been published in its entirety by Shakespeare and Company in Paris. Pound was proud of Joyce's sales and would not have undermined them by secretly authorizing a competing version.²⁸

It is far more likely that Pound expressed some kind of approval in 1921 shortly after *The Little Review* discontinued the serialization of *Ulysses*, when it seemed that American readers would not gain access to the balance of the work by other means. The troubles of Anderson and Heap made Pound yearn for 'some publication for experimental work, not yet ripe enough for Dial [...] perhaps the country should be able to provide a new "organ" for this'.²⁹ Roth had been corresponding with Pound in the spring of 1921 about a different literary project, and it is probable that, with his passionate interest in *Ulysses*, he gallantly offered to complete the serialization in an expensive, privately printed, subscription-only magazine of the kind he tried unsuccessfully to launch a year later.³⁰ Such a magazine, restricted to adults who could afford it, fits Pound's description of a 'legal means of nullifying the effect of article 211 of the United States penal code', and it would have coincided with the view of Pound and Quinn in 1921 that only private publication of *Ulysses* could escape the law's strictures.³¹ Committed as he was to the romance and ethics of dissemination, Pound would have warmed to such a proposal as an expedient means of circumventing the prohibitions of official America.³²

It was not until a year later, in July 1922, that Roth wrote to Pound in more detail about his plans for his quarterly, *Two Worlds*. I believe that scholars have erred in concluding that this correspondence concerned *Ulysses*.³³ The only letter that has come to light is one by Pound, dated 4 July 1922, in which he suggested, as a contributing editor of *Two Worlds*, that Roth might coordinate with 'a new Quarterly coming out in England this autumn' (he was referring to T.S. Eliot's *Criterion*) to 'arrange simultaneous publication' of worthy authors.³⁴ As for potential content, Pound mentioned his own translations of Paul Morand's works and urged Roth to consider devoting separate issues to the art of Wyndham Lewis, Francis Picabia, Charles Demuth, and others. Pound's suggestion of art numbers was partly a way to stir up *The Little Review*, now a quarterly, which he had been prodding to reproduce the work of Lewis and other artists for some time. Shortly after he wrote to Roth, he confided to Lewis that *The Little Review* editors might be 'a little agitated at a note I wrote last week [...] telling the two Worlds to take over all unpub. L.R. stuff and prepare a [Wyndham Lewis] number. An idea which ought to galvanize the L.R'.³⁵ Pound was playing Roth against Anderson and Heap, hoping that a competition of egos might hasten the appearance of the artists he admired. At the same time, he was grooming *Two Worlds* to be the transatlantic twin of Eliot's *Criterion* — another chance for legitimacy that escaped the luftmensch Roth, who had set his cap for *Ulysses* in any case.

To sum up, it seems that shortly after the conviction of Anderson and Heap in 1921, Pound expressed approval of a suggestion by Roth to issue the unpublished future episodes of *Ulysses* in a privately printed subscription magazine, as a way of foiling the censors. But Roth missed this opportunity to conclude *The Little Review's* serialization of the unpublished *Ulysses*. When he got around to the concrete planning of *Two Worlds* in the spring of 1922, he sought permission from Joyce to reprint the whole of *Ulysses*, a work that by then had been published in France and was furtively entering the United States. It would have made little sense for Roth to seek Pound's authorization then, when he was already corresponding with Weaver who spoke directly for Joyce. Pound probably confined his advice in 1922 to strategies for gaining exposure for new material by artists and writers, and for generating competition and collaboration among *Two Worlds*, *The Criterion*, and *The Little Review*, as the surviving correspondence suggests. He saw *Two Worlds* as a goad and potential substitute for the slow-moving *Little Review*, but there is no evidence that he urged a new serialization of the recently published *Ulysses*.

Four years later, in the face of public accusations of piracy, Roth found it convenient to conflate these events, collapsing Pound's very different suggestions of 1921 and 1922 for *The Little Review* backlog into a single act of authorizing a reprint of *Ulysses*. But 1922 was not 1921, and both were very different from 1926. In the end, however, the scholarly debate over Pound's alleged permission is moot, for two reasons. First, Joyce had expressly refused to authorize Roth's plans for *Ulysses* in 1922, and did not change his mind. Second, Roth never needed permission anyway: by April 1922 the Paris edition of *Ulysses* lay squarely in the American public domain.

The wonder is that Roth sought permission at all. The courtesy tradition, which publishers like Cerf and B.W. Huebsch took very seriously, did not regularly command Roth's allegiance. He generally took a pragmatic, demand-side view of US copyright law, alert to opportunities for dissemination and keen to exploit the formalities that thrust so many works into the public domain. Testifying at a pre-trial examination administered by Joyce's attorneys in 1927, Roth stated that he had chosen to reprint *Ulysses* because it 'is not copyrighted in this country and the property of anyone wishing to use it for whatever purposes they wanted'. 'I merely took over all matter which came into my hands,' he added, as if the tides of the public domain had simply washed *Ulysses* to his doorstep. Joyce's novel 'was to be had by the mere matter of choice'.³⁶ Like publishers in the previous century, he defended his practices by pointing to the laws that had created the

SAMUEL ROTH: DISCOURTEOUS REPRINTER

American public domain. '[I]f that is piracy there is not a publisher living or dead who has not sinned more than [I] did', he once wrote.³⁷ In 1927, he responded to one of the European signers of Joyce's international protest by arguing that 'art is more ancient than copyright laws, and the most beautiful things in the world were created long before copyright laws were thought [*sic*] necessary'. Turning the tables on those who condemned American laws as unjust, he asked his correspondent to consider 'that your own copyright laws are not divine, that in at least one instance[,] my publishing of ULYSSES, they do not apply'.³⁸ *Ars longa, lex brevis*.

Roth had an almost mystical belief that art and literature were gifts freely given so that the present generation might better understand itself. It was more than empty defensiveness when he wrote to Sherwood Anderson, another protest signer, that 'ULYSSES was given, without request for payment, by Mr Joyce to America for serial publication in THE LITTLE REVIEW'.³⁹ Roth claimed, not wholly disingenuously, that he did not publish magazines in order to earn profits but rather 'to give artistic expression to the ideas and emotions of my time'.⁴⁰ He was proud to have 'added some color to the moral landscape of my generation',⁴¹ and he felt that he had been chosen to assist the *Zeitgeist* by seeing its most vivid records into print. His belief in aesthetic gifting linked him to Joyce as an instrument of generational understanding, yet when it came to the ideology of literary property he parted ways with Joyce and aligned himself with Tolstoy, who, he said, 'mocked all copyrights and demanded to know if it is right to patent the creative word as if it were a mousetrap'.⁴²

Pound, too, believed in cultural gifting, the spread of literature as a means to international understanding. This is partly why he refused to sign the international protest and could never bring himself to condemn Roth completely. Roth was 'really much better than his surroundings',⁴³ wrote Pound, who felt he could 'appreciate the difficulties (Mr Roth's) more than they deserve'.⁴⁴ Roth was, after all, 'giving his public a number of interesting items that they would not otherwise get'.⁴⁵ But Samuel Roth the disseminator will probably always be known as Samuel Roth the pirate, even though he went to prison for publishing Joyce, D.H. Lawrence, and other authors who were paradoxically condemned by US obscenity laws even as US copyright laws made it easier to disseminate them without permission. In the end, it is Roth's lack of professional courtesy, not any legal infraction, that has written his epitaph. Should we continue to call him a 'pirate,' or is there a fairer, more accurate way to name his sin against Joyce?

NOTES:

1. There is scant record of Roth's involvement in copyright litigation. A rare exception was a 1951 lawsuit brought by the publisher Alfred Knopf over Roth's publication of a translation of a book by André Gide. See Leo Hamalian, 'Nobody Knows My Names: Samuel Roth and the Underside of Modern Letters', *Journal of Modern Literature* 3 (April 1974), 914.
2. Act of Mar. 4, 1909, ch. 320, §§ 15, 21, 35 Stat. 1075, 1078-80, as amended by Act of Dec. 18, 1919, ch. 11, § 21, 41 Stat. 368, 369.
3. I discuss at length the system of trade courtesy and Roth's reprinting of Joyce and other authors in *Without Copyrights: Piracy, Publishing, and the Public Domain* (New York: Oxford University Press, 2013). This essay is a revised version of a portion of chapter four of that book.
4. John J. Slocum and Herbert Cahoon, *A Bibliography of James Joyce* (1953; Westport, Connecticut: Greenwood Press, 1971), pp.99-100.
5. Samuel Roth, *Stone Walls Do Not: The Chronicle of a Captivity* (New York: William Faro, 1930), pp.107-8.
6. *JJIII* 794-6.
7. This letter has not been located, but it is discussed in letters of Joyce to Eric Pinker, c. October 1925, *Letters I* 237-8, and to Harriet Shaw Weaver, 5 November 1925, *Letters III* 131, and in a letter of Sylvia Beach to Roth, 3 December 1925, Samuel Roth Papers, Columbia University (hereafter, SRP).
8. Beach to Roth, 3 December 1925 (SRP).
9. Roth to Beach, 2 January 1926 (typed copy), files of Chadbourne and Parke LLP (hereafter, C&P). A negative photostat of Roth's 100 dollar cheque is found in the Slocum and Cahoon Material, James Joyce Collection, Beinecke Library, Yale University (Box 28, Folder 548).
10. Beach to Roth, 21 January 1926 (typed copy) (C&P).
11. Joyce to Weaver, 5 March 1926, *Letters III* 139.
12. Roth to Beach, 18 March 1926 (typed copy) (C&P). Jay A. Gertzman and Adelaide Kugel, despite some inaccuracies regarding Roth's payments for Joyce's extracts, correctly question the view fostered by Joyce and his supporters that Roth never paid for what he printed except under compulsion. See Jay A. Gertzman, 'Not Quite Honest: Samuel Roth's "Unauthorized" *Ulysses* and the 1927 International Protest', *Joyce Studies Annual 2009*, edited by Philip Sicker and Moshe Gold (New York: Fordham University Press, 2009), pp.52-3; and Adelaide Kugel, ' "Wroth Wracked Joyce": Samuel Roth and the "Not Quite Unauthorized" Edition of *Ulysses* ', *Joyce Studies Annual 1992*, edited by Thomas F. Staley (Austin: University of Texas Press, 1992), pp.244-7. For his part, Roth exaggerated when he claimed to have sent 'checks to Mr. Joyce promptly on the publication of each article' (*Stone Walls Do Not*, pp.112).

SAMUEL ROTH: DISCOURTEOUS REPRINTER

13. Beach to Marianne Moore (editor of *The Dial*), 12 July 1926, in *The Letters of Sylvia Beach*, edited by Keri Walsh (New York: Columbia University Press, 2010), p.110.
14. Joyce to Weaver, 18 March 1926, *Letters I* 240.
15. Joyce to Weaver, 24 September 1926, *Letters I* 245.
16. Roth claimed that he paid Joyce a total of 250 dollars for reprinting five extracts from 'Work in Progress' ('"Ulysses" Serial Pirating Is Denied', *New York Evening Post*, 1 November 1926), and his claim is repeated by Kugel (p.244). Gertzman states that Joyce accepted '\$200 for five excerpts' (p.36). I have found no documentary evidence, however, that Roth paid for the fifth extract. Beach insisted that he gave 'two hundred dollars and a promise of more which never came' (letter distributed to periodicals, 18 November 1926, Sylvia Beach Papers, Princeton University—hereafter, SBP). Joyce himself stated under oath that he had received a total of 200 dollars from Roth for the extracts in *Two Worlds* (Plaintiff's Direct Interrogatories on Commission, 8 March 1928, at 2, *Joyce v. Roth*, New York County Clerk archives—hereafter, NYCC).
17. Roth to Joyce, 12 February 1921, James Joyce Collection, Poetry Collection of the University Libraries, University at Buffalo, The State University of New York.
18. Beach to Weaver, 6 June 1922 (transcription by Adelaide Kugel) (SRP).
19. Weaver to Roth, 8 June 1922 (SRP).
20. Weaver to Beach, 22 July 1922 (transcription by Kugel) (SRP).
21. Quinn to Weaver, 27 July 1922 (photocopy) (SRP).
22. Gertzman, 'Not Quite Honest', p.37.
23. Weaver to Quinn, 15 September 1922, John Quinn Memorial Collection, New York Public Library.
24. '[An agent's a]pparent authority, not otherwise terminated, terminates when the third person [here Roth] has notice . . . of a manifestation by the principal [here Joyce] that he no longer consents [to any authorization by the agent]', *Restatement (First) of Agency* § 125(b) (1933).
25. Roth to Dr. H.K. Croessmann, 5 May 1927, Harley K. Croessmann Collection, Southern Illinois University Carbondale (hereafter, HKC).
26. Pretrial Examination of Defendant, 7 June 1927, papers on appeal, 31, *Joyce v. Roth*, New York County Lawyers Association archives (hereafter, NYCLA). Roth's claim about Pound's authorization appeared in numerous places, including an article by Robert W. Potter, 'T. S. Eliot Reopens Roth "Piracy" Row,' *New York Evening Post*, 11 August 1927, 26.
27. Pound, letter to the editor, *Chicago Tribune* (Paris), 26 May 1928, 4, reprinted in Pound, *Poetry and Prose: Contributions to Periodicals*, edited by Lea Baechler, A. Walton Litz, and James Longenbach, Vol. 5 (New York: Garland, 1991),

- p.30 (emphasis in original). In other correspondence, Pound stressed his recollection that his correspondence with Roth occurred 'after' or 'just after' *The Little Review* trial (Pound to John M. Price, 8 January 1926, in Barry S. Alpert, 'Ezra Pound, John Price, and *The Exile*', *Paideuma* 2 (1973), 429-31; Pound to Price, 25 April 1927, John M. Price Manuscripts, Lilly Library, Indiana University (hereafter, JMP).
28. Pound wrote to his father around March 1922, 'Observer review brought in orders for 136 copies of *Ulysses*, last Tuesday, 136 in one day at 15 bones the copy. So that for Mr Sumner and his rum-hounds'. See *Ezra Pound to His Parents: Letters 1895-1929*, edited by Mary de Rachewiltz, A. David Moody, and Joanna Moody (Oxford: Oxford University Press, 2010), p.495.
 29. Pound to Quinn, 31 October 1920, in *Selected Letters of Ezra Pound to John Quinn, 1915-1924*, edited by Timothy Materer (Durham: Duke University Press, 1991), p.200.
 30. Waverley Lewis Root, a former sub-editor of *Two Worlds Monthly*, claimed that Roth 'stole' the idea for his *Two Worlds* magazines while visiting England in 1921. See 'King of the Jews', *transition*, no. 9 (December 1927), 182-3.
 31. After Anderson and Heap were charged with obscenity, Quinn believed that it would be better to refrain from publishing *Ulysses* in installments and to issue it as a complete, preferably private, edition; Pound agreed, though he continued to see the virtues of a serialization. See Pound to Quinn, 31 October 1920, in *Selected Letters of Ezra Pound to John Quinn*, pp.198-201.
 32. In an unpublished and undated typescript entitled 'The Joyce Incident', Roth stated that at the time he was negotiating to publish an anthology of American poetry with Pound as collaborator, the latter 'suggested that perhaps I was the very one to carry on, as editor, from where Jane Heap and Margaret Anderson had left off' (SRP). This would place Pound's suggestion in the spring or early summer of 1921.
 33. Kugel states that Pound in July 1922 'supported Roth's proposal to feature a serialization of *Ulysses* in the new journal', but she offers no documentary evidence other than Roth's own assertions (p.243). Gertzman notes the slim support for her claim (p.36, p.43).
 34. Pound to Roth, 4 July 1922 (SRP). Pound's carbon copy of the letter is in the William Bird-Ezra Pound Papers, Beinecke Library, Yale University. Pound's 4 July letter refers to one written to Roth the previous day in which he also made suggestions for *Two Worlds*. Kugel was convinced that the 3 July letter, which has never been found, contained Pound's permission to serialize the recently published *Ulysses* (p.243). The surviving evidentiary context suggests otherwise.
 35. Pound to Lewis, 14 July 1922, in *The Letters of Ezra Pound and Wyndham Lewis*, edited by Timothy Materer (New York: New Directions, 1985), p.133.

SAMUEL ROTH: DISCOURTEOUS REPRINTER

36. Pretrial Examination of Defendant, 7 June 1927, at 28–9 (NYCLA).
37. Roth, 'Count Me Among the Missing' (unpublished memoir), p.241 (SRP).
38. Roth's letter, dated 20 April 1927, was originally addressed to Julien Benda, one of the signers of the international protest. He mailed a copy of this letter, with the salutation crossed out, to Dr H.K. Croessmann on 5 May 1927 (HKC).
39. Roth to Anderson, c. April 1927 (SBP). For a similar remark, see Roth, *Stone Walls Do Not*, pp.111–12.
40. Pretrial Examination of Defendant, 12 January 1928, at 37, *Joyce v. Roth* (NYCC).
41. Roth, *Stone Walls Do Not*, p.23.
42. Roth to the editor of *The Nation*, 17 March 1927 (photocopy) (SRP).
43. Pound to John M. Price, 14 March 1927 (JMP).
44. Pound to Price, 11 December 1925, in Alpert, 'Ezra Pound, John Price, and *The Exile*', 428.
45. Pound to Joyce, 25 December 1926, in Pound, *Selected Letters 1907-1941*, edited by D.D. Paige (New York: New Directions, 1950), p.206.