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# Deluxe Editions and the Copyright Monopoly

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JAMES JOYCE

*Ulysses*

Preface by Stephen James Joyce;  
introduction by Jacques Aubert;  
with etchings by Mimmo Paladino.  
London: The Folio Society, 1998.  
£32.95.

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Reviewed by  
ROBERT SPOO

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DO we really need another facsimile edition of *Ulysses*? Of course we do. As the century turns, Joyce scholars and readers continue to suffer, economically and intellectually, from the effects of monopoly. In the United States, Random House remains the sole supplier of the two readily available trade editions of *Ulysses*, retailing at \$17.00 and \$19.00 per paperbound copy. Buyers are confined to a choice between the 1986 Gabler edition and the reissued 1961 edition (based upon the 1960 Bodley Head text). Whether or not we regard these editions as successful embodiments of Joyce's achievement, most of us would agree that they represent a remarkably constricted field of choice. It is appalling that nearly

eighty years after Joyce's masterpiece first appeared, we cannot go to a local bookstore in the United States and have a paperback reprint of the 1922 text for seven or eight dollars. That would be the optimal, and indeed the "normal," situation.

But copyright is all about creating sub-optimal conditions for purchasers. Copyright law offers a monopoly to authors as a way of bribing them to create. (The self-motivated genius like Joyce is a remote contingency in the eyes of the law.) If authors could expect little or no economic return from their efforts—or, what is the same thing, if they had to watch helplessly as their works were copied and sold with impunity by unauthorized parties—they might well be discouraged from investing the time and expense (time being money) required to produce works in the first place. Copyright law responds to this incentives gap by giving authors the right to control the dissemination of their works, together with a legal remedy if that right is infringed. Since authors can thus exclude all others from their property right, they—or their publishers—are in a position to charge anti-competitive prices for their works. Right makes might.

And all of this is exactly as it should be, just so long as this copyright that is conferred by statute expires after a *limited* time and the work is allowed to enter the public domain, where it can be freely copied. The public—through the majoritarian agency of its legislature—bargains away its immediate right to an author's work (retaining, of course, its privilege to exercise fair use) in exchange for obtaining that work from the author in the first place. But after a limited time—after the copyright has served its calculatedly utilitarian purpose—the work reverts to the public.

Why, then, hasn't *Ulysses* reverted? Because copyrights have grown so long that they are outliving their authors and their authors' initial public. By increasing copyright terms to inordinate (some say unconstitutional) lengths, legislatures have altered the terms of the original copyright bargain: No longer are copyrights functioning merely as carrots to creation; they are serving to subsidize the heirs and corporate transferees of authors—entities that by definition cannot be "incentivized" to create the works whose revenues they enjoy (since those works have *already* been

created). The United States Congress recently increased copyright terms for both future and existing works by twenty years. A few years ago, in response to a European Union directive, Britain enacted comparable legislation, which included retroactive copyright term extension for works (such as Joyce's) that had recently entered the public domain.

And yet throughout this period of rights expansion, and quite unknown to most Joyceans, the 1922 edition of *Ulysses* has quietly resided in the public domain in America for most of its existence—Random House's claims to the contrary notwithstanding. I have argued in *The Yale Law Journal* and at somewhat greater length in *Joyce Studies Annual 1999* that the 1922 edition never enjoyed an enforceable copyright in the United States. As an unprotected work, it can be copied and printed without permission in this country. But Random House and the Joyce Estate have succeeded in scaring off public-domain competitors by asserting that the 1934 Random House edition continues to enjoy copyright protection here. Whether or not this is true—and I have elsewhere recorded my doubts about the

copyrightability of the text that Bennett Cerf chose to set—the American-manufactured 1934 edition has nothing to do, legally speaking, with the foreign-produced 1922 edition. Different provisions of the U.S. copyright code governed the two cases, with vastly different results. To adduce the 1934 text in an argument about the 1922 is a legal non sequitur—what lawyers call “bootstrapping.”

The point of all this is that we need, and by rights should have, in the United States, a choice of cheap editions of the 1922 *Ulysses*, under such imprints as Signet, Bantam, Dover, Penguin, and so forth. I am told that Yale University Press plans to publish a lightly edited version of the 1922 text sometime in 2000, but I have no solid confirmation of this. The occasionally unreliable amazon.com lists several alternative versions of *Ulysses*—including Danis Rose’s “Reader’s Edition” and the Oxford Classics reprint of the 1922 text, edited by Jeri Johnson—but with what success these titles (some of them “phantom” listings) may be ordered in this country I cannot say. As for what some have thought to be our last, best hope, I suppose it is reasonably clear by now that John Kidd and W.W. Norton have let us down rather spectacularly.

Monopolies distort markets by skewing or stifling competition. According to traditional analysis, they open the way for above-cost pricing, decreased supply, and diminished quality. In the publishing world, the copyright monopoly sometimes generates another phenomenon as well: the costly limited or deluxe edition. Such special editions, typically produced by non-trade publishers with the blessing of copyright owners, pose little threat to the copyright monopoly, because they target a niche-group of “collectors” and affluent buyers and so do not “substitute” for trade editions. (The genius of the Paris first edition of *Ulysses*, as Lawrence Rainey has shown in *Institutions of Modernism: Literary Elites and Public Culture* [Yale, 1998], was that its elevated price and limited supply rendered it simultaneously a trade edition and a deluxe edition and therefore converted the ordinary purchaser into a collector-investor. Joyce and Sylvia Beach maximized monopoly returns in Europe by making *Ulysses* a rare book from the start.)

Special editions, as responses to the copyright monopoly, can be of two types: authorized and unauthorized. If the copyright is valid, an unauthorized special edition constitutes an infringement. If the copyright is merely asserted, the unauthorized publisher is not an infringer, but she may have to establish that fact in litigation. Refreshingly, in 1998, Roger Lathbury of the Orchises Press of Alexandria, Virginia, published a handsome limited-edition facsimile of number 784 of the 1922 Paris first edition of *Ulysses*, reproduced by means of offset printing and marketed at \$75.00. Confident that the 1922 text was in the public domain in the United States, Lathbury issued the volume without seeking permission from the Estate or Random House. I am told that he has received no complaints or threats from these parties. Their silence may be a tacit concession of the public-domain status of the 1922 text in America (as I would like to believe), or it may merely reflect indifference to a pricey volume that cannot appreciably affect the trade-edition monopoly. (I understand that the First Edition Library of Shelton, Connecticut, has been marketing a 1922 facsimile for \$37.50, but I have not seen a copy myself and know nothing of the details of publication.)

The volume under review here—a facsimile reproduction of the 1926 Paris

second edition of *Ulysses*, released in 1998 by The Folio Society in London—is an authorized special edition, “published by arrangement with the Trustees of the Estate of James Joyce” ([iv]). It is a beautiful volume, printed on Caxton Wove at The Bath Press, Bath, with eighteen etchings lithographed in black and gold inks by Park Lane Press, Wiltshire, and bound at the Bath Press in full blue cloth, blocked and printed with a striking illustration of Joyce as (I think) St. Sebastian. (With his head bent in martyred weariness, Joyce receives what appear to be three arrows in his upper torso; perhaps the image evokes the lapidation of St. Stephen Protomartyr as well.) Marketed at £32.95, this volume is an affordable collector’s item, though it threatens no competition to the trade editions.

Why reproduce the 1926 Shakespeare and Company second edition (sometimes referred to misleadingly as the “eighth printing”)? Entirely reset and incorporating Joyce’s corrections from various printings of the first edition, this text, issued in May 1926, might be thought to possess an authority that the rushed first edition could scarcely claim. Scholars will not find the Folio Society “facsimile” useful for bibliographic purposes, however, because “badly broken characters” are “corrected” and “blemishes deleted” ([iv]). (The Orchises Press facsimile of the first edition does not correct broken type; the Oxford Classics reprint does.) This somewhat idealized second edition offers itself, then, as a reader’s text, not a scholar’s aid. Fair enough. But in this regard, the Folio Society project is not so very remote from Danis Rose’s controversial “Reader’s Edition.” Both projects attempt to provide an improved reading text by means of eclectic and taste-driven (as opposed to reasoned and bibliographically compelled) removal of “blemishes.”

How valid is the 1926 edition’s claim to textual superiority? I am skeptical. For a text that was supposed to repair the first edition’s defects, the second edition introduced a goodly number of its own errors. The following list is a small sampling of 1926-generated errors that I identified with the help of Hans Walter Gabler’s Historical Collation List in the third volume of *Ulysses: A Critical and Synoptic Text* (Garland, 1984) and John Kidd’s “An Inquiry into ‘Ulysses: The Corrected Text,’” *The Papers of the Bibliographical Society of America*, Vol. 82 (December 1988). Original 1926 errors (1926) are followed by the Folio Society text’s treatment of those errors (FS). Number 784 of the Paris first edition (1922) supplies points of comparison. (Note: Kidd concludes that some portions of the 1926 edition were set from later printings of the first edition.)

• 1926: “And yet it was in some way it not is memory fabled it.” FS: “And yet it was in some way if not as memory fabled it” (24). (FS accords with 1922, although the “f” in 1922’s “if not” appears to be partly broken [24].)

• 1926: “Tonight deftly amid wild drink and tall.” FS: same (25). (1922: “Tonight deftly amid wild drink and talk” [25].)

• 1926: “maestro color di che sanno.” FS: same (37). (1922: “maestro di color che sanno” [37].)

• 1926: “wind of wild air of seeds or brightness.” FS: same (44). (1922 has the same reading, apparently as a result of a broken “f”; the more familiar reading runs, “wind of wild air of seeds of brightness” [1961, 1986].)

• 1926: “Buy the way next when is it?” FS: same (49). (1922: “By the way next when is it?” [50].)

• 1926: “No, I did’nt.” FS: “No, I

didnt” (50). (FS accords with 1922 [50].)

• 1926: “buded out the dinge.” FS: same (111). (1922: “bulged out the dinge” [111].)

• 1926: “The nose of two shrill voices.” FS: same (124). (1922: “The noise of two shrill voices” [124].)

• 1926: “RASING THE WING.” FS: “RAISING THE WIND” (141). (FS accords with 1922 [141].)

• 1926: “the inner alders man.” FS: same (148). (1922: “the inner alderman” [148].)

• 1926: “Scoth hunks.” FS: “Scotch hunks” (153). (FS accords with 1922 [153].)

• 1926: “Buck Mulligan read his tablet.” FS: same (208). (1922: “Buck Mulligan read his tablet” [208].)

It should be apparent from this sampling that the Folio Society text is very inconsistent—one might even say capricious—in its correcting of “blemishes.” “Scoth hunks,” for example, is altered to “Scotch hunks,” and “RASING THE WING” becomes “RAISING THE WIND”—changes warranted by the first and later editions. But such blemishes as “Buck Mulligan” and “nose of two shrill voices,” which might easily have been emended to

If  
you were  
a true Joycean,  
you would remember  
everything you have  
ever read  
as if it were  
just a  
moment  
ago.

conform to the first edition and others, are allowed to stand. One of the 1926 edition’s most dubious contributions to the bibliographic record—the omission of the symbolically pregnant dot at the end of “Ithaca”—is also followed in the Folio Society text (693).

The only discussion of editorial rationale that I can find in the Folio Society text is the brief phrase, “with badly broken characters corrected and blemishes deleted” ([iv]). No individual is credited with adjudicating errors and selecting emendations. Neither Stephen James Joyce’s preface nor Jacques Aubert’s introduction makes reference to the editorial work, although Mr. Joyce also uses the word “blemishes” to describe the textual errors that accumulated during “the book’s complex, troubled history” (viii).

Mr. Joyce’s preface usefully sketches the “trials and tribulations of *Ulysses*” (vii), from the book’s early suppression by censors to recent squabbles among Joyce critics and editors. Predictably, he charges that the “ubiquitous, at times perverse, Joyce industry” has spread the canard that *Ulysses* is a “complex, difficult book” (viii), although a few paragraphs later he states with serene inconsistency that “*Ulysses* is by no means an easy or straightforward book; it is a challenging book” (ix). (I think he is right the second time.) Generously, he concedes that “there are Joyceans and Joyceans!” (viii). (I fear that I fall into the category of “Joyceans.”)

Mr. Joyce also repeats the curse he hurled years ago at the Gabler edition and its critics: “A plague on all their houses” (ix). I think he mars his preface by venting his spleen for two paragraphs on Danis Rose’s “Reader’s Edition” of *Ulysses*, which he labels a “mutilation” (ix). (Those are Joyce-family fighting words. Recall that James Joyce denounced Samuel

Roth’s expurgated version of *Ulysses* as “mutilated.”) Mr. Joyce wonders if another “International Protest” is in the offing, but I suspect he exaggerates the significance of the Rose edition and its harms. If his implication is that this authorized Folio Society text is any sort of improvement upon the efforts of the skirmishing scholars, I submit that he has another “house” to add to his imprecation.

Jacques Aubert’s introduction is lucid and accessible, exactly right for the audience that this volume seems to target. As might be expected, Aubert gives special prominence to Joyce’s aesthetic development and to *Dubliners* and *A Portrait* as backgrounds of *Ulysses*. He pays some attention to Joyce’s ambitious symbolism in the latter work, but not so much as to alienate the non-specialist reader.

Mr. Joyce is right to praise Mimmo Paladino’s etchings (viii). They are rich though unelaborate images, quite evocative in their use of gold-leaf backgrounds and strong silhouetting. There are eighteen different etchings—one for every episode, each playfully keyed to one of the debit entries in Bloom’s budget for June 16, 1904—but none could be called “illustrative” or programmatic. They form a worthy addition to the work of Paladino’s predecessors, Henri Matisse and Robert Motherwell. (Will Goodwin, in an excellent article in *Joyce Studies Annual 1999*, adds a fourth, hitherto unknown, *Ulysses* illustrator—Lewis Daniel—whose drawings were considered for the 1935 Limited Editions Club *Ulysses* but ultimately rejected in favor of Matisse’s work.)

The Folio Society *Ulysses* is a fine contribution to bookmaking and a relatively affordable *objet d’art*. Its physical charms aside, however, it takes its place as just one more well-intentioned but flawed “reader’s edition” in the post-Gabler era—an era in which copyright claims, genuine and specious, continue to suppress market competition and to limit alternative editorial projects. Why has no one pointed to copyright as the real culprit in the Gabler-Kidd controversy? In the absence of monopoly power, no single “definitive” edition can ever pose a serious threat to readerly freedom of choice, for the public domain possesses ample remedies for any edition that is perceived to be inadequate. Chuck Rossman pointed out long ago, of course, that establishing a new *Ulysses* copyright was an important element in the Estate’s negotiations with Hans Gabler and his editorial team. But we missed the bigger picture back then. The anger that some felt toward the 1986 edition should have been directed to the monopoly conditions that permitted no ready or satisfactory alternative to the 1986 edition.

The Folio Society offering is not a viable edition of *Ulysses* from a scholar’s standpoint, nor is it in any strict sense a “facsimile” of the 1926 second edition. Nevertheless, it is welcome. With the paralyzing myth of textual definitiveness relegated to the previous century of Joyce studies, we can begin to imagine a more robust plurality of texts making up our conception of *Ulysses*. The only material obstacles to this vision are the duration of copyrights and the resistance of copyright owners. But the law protects the interests of the public domain no less than those of private property. I am not suggesting that the Estate and Random House cannot point to legitimate (if rather “thin”) copyrights in the 1961 and 1986 texts. But we must make distinctions. I urge scholars and publishers to learn more about the public-domain status of the 1922 *Ulysses* in America and to act with courage upon what they learn. ●

—New Haven, Connecticut