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ULYSSES, BLOOMSDAY, AND COPYRIGHT

Robert Spoo

Robert Spoo, a Joyce scholar and former editor of the James Joyce Quarterly, was inspired by the complexities of both the novel and legal ambiguities surrounding Ulysses to become an intellectual property attorney. He reflects on the purpose of copyright, the status of Ulysses, and what its future is likely to hold.

Copyrights are blessedly porous things; they let spill into the public domain almost as much as they withhold from it. It may come as a surprise that many intellectual property lawyers are as emphatic about the limitations of copyright law as they are about the private entitlements it confers. These lawyers know that copyright law, in the United States anyway, is at bottom a pragmatic inducement to creation, a kind of statutory bait and switch aimed at tempting authors out of silence and inactivity and into expression. In exchange for expressing their ideas in tangible forms, authors are given a strictly temporary monopoly, at the end of which the work is taken from the copyright owner and handed over bodily to the public. Even during its statutory term of protection there are many things that a copyright cannot control: fair-use quotation, parody, loose paraphrase, copying of general plot elements and themes, character types, ideas, and literary styles. Many of the spontaneous emulations that take place every Bloomsday are classic examples of this other side of copyright.

Once a copyright has played its part in inducing creation and compensating the creator, and after a specified term of years, the work is turned over to the management of the public domain, where, in contrast to the limited perspectives and goals of a sole copyright owner, countless users are free to exercise their ingenuity in ferreting out the work's hidden potential in the form of adaptations, performances, and other transformative uses. That the work will be exposed to irreverent treatment is no argument against the ending of its copyright. One test of a masterpiece is its resilience despite subjection to parody, bawdry, and cultural vandalism. The mustache on the Mona Lisa always washes off.

The benefits of the public domain to society as a whole are significant and demonstrable: Think of Leonard Bernstein's modernization of *Romeo and*

Juliet in *West Side Story*; Jean Rhys's recasting of *Jane Eyre* in *Wide Sargasso Sea*; and all those classic Disney features that clothe traditional tales in rich colors and fetching animation. None of these works could have been produced for public consumption—without elaborate and possibly paralyzing negotiations—had their authors not been free to draw on works that had become a part of the shared cultural treasury. *Ulysses* itself, with its wealth of quotation, allusion, and literary imitation, would scarcely be the work it is had Joyce been required to negotiate licenses with the estates of Homer and Shakespeare and all the other authors woven into the tapestry of Bloomsday. The public domain means never having to say please.

Yet, because of the increasing length and scope of present-day copyrights, our relationship to *Ulysses* is quite different from Joyce's relationship to the works of his own literary heritage. Copyright plays a large, sometimes daunting role in our experience of *Ulysses*, and this role will continue well into the twenty-first century in many parts of the world. In the United Kingdom and the Republic of Ireland, for example, *Ulysses* will remain in copyright until the end of 2011. Nearly a century of legal protection can scarcely be justified on any theory consistent with copyright's core pragmatic purpose of adding a dash of economic incentive to the other attractions of authorship. Overlong copyright terms inspire misconceptions about the nature of intellectual property, causing copyright owners and the public alike to think of copyrights as family heirlooms or corporate entitlements. But grandmother's brooch was never intended to play the important social and cultural role for which a creative work like *Ulysses* is destined. Fame overtook Joyce's novel almost before it was published in book form, and every year that passes witnesses more intense popular interest in the work, almost as if its reputation for hermetic intellectualism only made the world more eager to unlock its essential human simplicity.

The Joyce copyrights have encouraged their share of creative suppressions. Recently, Cork University Press published a large, handsome anthology of twentieth-century Irish writing, the comprehensiveness of which would have been total had the Press not been required at the last minute to excise—literally—the section devoted to Joyce extracts. In place of the shorn pages the Press inserted a cardboard blank bearing the notice, "Pages 323–346 have been removed due to a dispute in relation to copyright." Around the same time, a young Irish composer was denied permis-

sion to use eighteen words from *Finnegans Wake* in a short choral piece he had written on commission for a Europe-wide radio broadcast. More even than losing the commission and the broadcast, the composer regretted that “my piece can’t ever exist because it can’t be performed.” Public-spirited as they are in theory, copyrights have their ruthless aspect as well.

However one feels about the proper role of copyright, and whatever the disagreement surrounding the status of *Ulysses*, it is important to bear in mind that in the not-too-distant future, *Ulysses* will ineluctably join the cultural commons (barring further legislative extensions of copyright). It is a pleasurable exercise to consider what the results might be. Surely we will see new and imaginative editions of *Ulysses*, both in print and in e-book formats; electronic multimedia presentations of the novel, perhaps with hotlinks to Joyce criticism and manuscript materials and interactive Dublin maps, music, and vintage photographs; Internet Bloomsday readings of the whole book, organized on an international basis; and countless cinematic and theatrical adaptations of the wanderings of the latter-day Odysseus and Telemachus. One or another of these adaptations might even speculate intrepidly on whether Molly really does give Leopold another chance, come the morning of June 17.

On that red-letter day for the public domain, *Ulysses* will finally take its place with *The Odyssey* and *The Divine Comedy* as raw mythmaking material for some future national epic. Indeed, it could be argued that a work does not really become a “classic” until it is unqualifiedly available for cultural exploitation. It would follow that overlong copyrights are an inhibition on the full organic development and destiny of classic works.

Undoubtedly, a public-domain *Ulysses* will spur countless acts of creativity and scholarship and add greatly to the cultural wealth of the United States and the world. Not insignificantly, it will make Bloomsday an even more joyous event than it already is. Both the day and the book that created it will then enter fully into the democracy of public uses. And one very long copyright will at last be at an end.