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A New Odyssey

Robert Spoo

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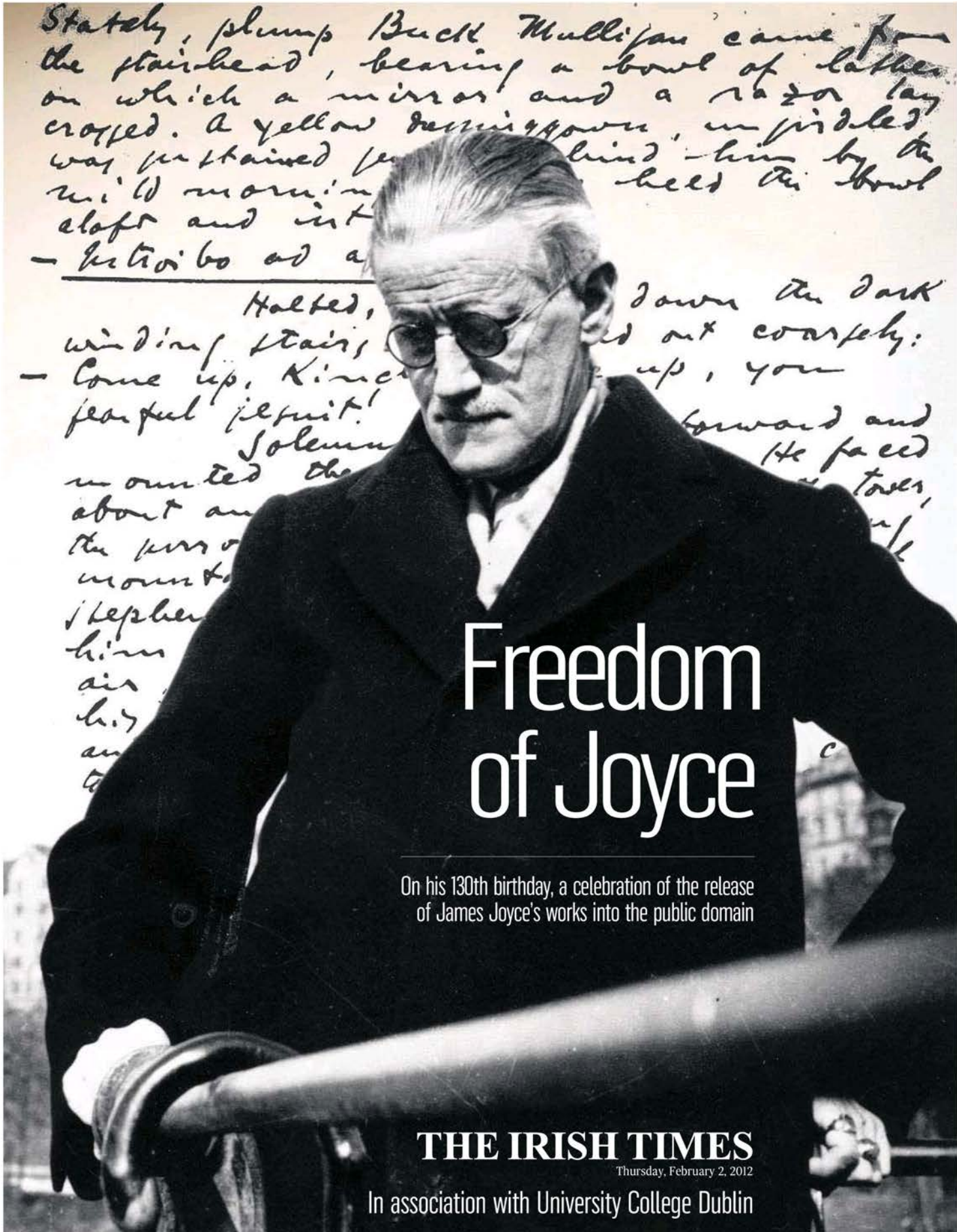


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Stately, plump Buck Mulligan came from the stairhead, bearing a bowl of lather on which a mirror and a razor lay crossed. A yellow dressing-gown, unpinned, was unstained by him. Behind him a wild morning clapt and int - Actio bo ad a

Halted, down the dark winding stairs, he looked out coarsely: - Come up, Kinch, you fearful Jesuit! He faced forward and He faced about and the person mounted the tower, Shepherd him air his an to

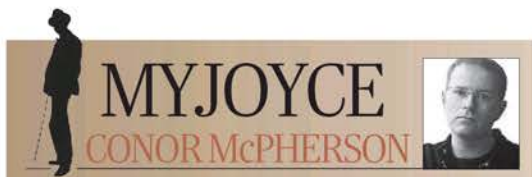
Freedom of Joyce

On his 130th birthday, a celebration of the release of James Joyce's works into the public domain

THE IRISH TIMES

Thursday, February 2, 2012

In association with University College Dublin



MY FIRST BRUSH with the James Joyce estate was back in the 1990s when Judy Friel, then literary manager at the Abbey, suggested I write something for the Peacock Theatre. I had always wanted to adapt two stories from *Dubliners*, (*Grace and Ivy Day in the Committee Room*) into a pair of one-act plays to be performed in a single evening. Judy thought this could be great so she went to the Joyce estate to seek the go-ahead. A few weeks later I was forwarded a letter from Stephen Joyce explaining that his grandfather had been rejected by the Irish people in general – and the Abbey Theatre in particular (WB Yeats had turned down his play, *Exiles*, in 1915) – so he felt it was inappropriate that we now sought to profit from his name. Although I had been born 56 years after that Abbey rejection, given the forcefulness of his letter the matter was promptly dropped.

My next brush came in 2003 when the BBC asked me to write a play celebrating the centenary of Bloomsday. I wrote a drama which imagined what Mr Bloom and Mr Dedalus might be like were they of our time and had met in 2004 rather than 1904. Like *Ulysses*, my play spanned a whole day and took its episodic structure from the book. The creative team at the BBC were pleased with the work. However, it was blocked by their legal department, who knew from experience it was pointless even seeking permission to broadcast it.

My next encounter was in 2006 when I was asked to write the introduction to a new edition of *Exiles* to coincide with a rare production of the play at London's National Theatre. I gladly wrote a detailed essay but was dismayed to hear it would have to be sent to Stephen Joyce for approval. Given my past experiences I wasn't hopeful, but to my surprise the piece received his imprimatur (albeit with a few grumbles).

That edition now sits on my shelf where I glance at it with great pride – because James Joyce is my literary north star, and every three years or so I find myself on another serious James Joyce jag. The memory of a detail from a story in *Dubliners* might hook me, or I might be drawn to the closing pages of *Finnegans Wake* which never fail to stir something so deep and sad and beautiful. And before I know it I am back inside Ellman's magisterial biography, back inside *Ulysses*, marvelling at how the work seems to change and grow and speak to me anew at every age. Where once the Calypso was my favourite episode, it then became Cyclops, now it's Ithaca.

And the irony is that I'm kind of sad now the strict copyright is ended because, for better or worse, it forced everyone into having a personal, unmediated relationship with his work. If new adaptations, dramatisations, interpretations or sequels lead readers back to the work, well, then that can only be a good thing. But I don't think I'll be attempting any.

“Stately, plump Buck Mulligan came from the stairhead, bearing a bowl of lather on which a mirror and a razor lay crossed”
 First sentence of 'Ulysses', which begins in the Martello Tower in Sandycove

A new ODYSSEY



Now that his works can flow into the stream of everyday culture unthreatened by the menace of copyright, we are finally on our way to discovering who Joyce really is, writes **Robert Spoo**

JAMES JOYCE'S Ulysses famously ends with a resonant “yes”, the climax of Molly Bloom's nocturnal soliloquy. Years ago, scholars noticed that the title “Ulysses” itself contains the word yes, subtly scrambled; and at least one anagrammatically minded critic pointed out that the novel's first word, “Stately”, also harbors an inverted yes. Joyce's bleak comic novel of sexual betrayal and disappointed human bridges could thus be said to be shot through with encoded, if not cosmic, affirmation.

Not so the estate of James Joyce. Although “yes” can also be squeezed from the phrase “Joyce Estate”, the estate in recent decades has been more associated with everlasting nays than with affirmations. Its power to say no has derived simply and solely from its control of the copyrights in Joyce's works. Without this power, it would be little more than a disapproving bystander. For many scholars and others seeking permission to use or quote from Joyce's writings, “no” has come to seem the mantra of the keepers of the Joyce copyrights.




It has not always been so. Important early explications of *Ulysses*, such as Stuart Gilbert's *James Joyce's Ulysses* (1930) and Frank Budgen's *James Joyce and the Making of Ulysses* (1934), quoted amply from the then-scandalous

novel with Joyce's blessing. These and other critical studies legitimised Joyce's masterpiece every bit as much as did the judicial lifting of the obscenity ban in the United States and the gradual acceptance of the novel in other countries. After Joyce's death in 1941, his literary executor and the Society of Authors, acting for the estate, welcomed the work of scholars. With their approval, Richard Ellmann's groundbreaking biography of Joyce appeared (1959), as did important posthumous writings by Joyce: three volumes of letters (1957, 1966); a long fragment of the early autobiographical novel *Stephen Hero* (1944); the critical writings (1959); and the erotic prose sketches contained in *Giacomo Joyce* (1968).

But the mood changed in the 1980s after Joyce's grandson, Stephen, pledged to assert himself more vigorously in estate matters. He announced to a startled audience at a Venice symposium that he had destroyed letters and postcards written by Samuel Beckett and Joyce's daughter, Lucia. A few years later, he made it clear that any “scheme” to publish the still unpublished letters of Joyce (more than 1,700) would require the “explicit consent” of the estate.

The family letters aroused in Mr Joyce a passionate chivalry. He has never forgiven Richard Ellmann for publishing, in 1975, a handful of exuberantly erotic letters written by Joyce to his partner, Nora Barnacle, in 1909. These documents have allowed scholars to glimpse the process by which Joyce created the complex sexual imaginations of his fictional characters. But for Stephen Joyce, Ellmann had unleashed an unseemly voyeurism, an invitation to gaze on his Edwardian grandparents disporting themselves in forbidden ecstasy.

By the mid-1990s, copyright in the estate's hands had come to seem more a sword than a shield. The estate appeared to deny permissions almost upon principle. In 2000, *The Irish Times* reported that the estate had flatly denied the request of a 23-year-old Irish composer, David Fennessy, to use 18 words from *Finnegans Wake* in a short choral piece commissioned by Lyric FM for a Europe-wide broadcast. Fennessy was crushed: “Now the whole thing is gone: it's not so much losing the commission fee, which I sorely needed, or the European broadcast. My

<p>1906</p> <p>Moves with family to Rome to work in bank. While there conceives ideas for story <i>The Dead</i> and novel <i>Ulysses</i></p> 	<p>1907</p> <p>Returns to Trieste on March 7th. First book, (poems, <i>Chamber Music</i>) published on May 6th. Daughter, Lucia (below), born on July 26th</p> 	<p>1909</p> <p>Makes two return visits to Dublin</p>	<p>1910</p> <p>Returns to Ireland in attempt to get <i>Dubliners</i> published in Dublin. Attempt fails in bitter dispute and Joyce leaves Ireland for good</p>	<p>1914</p> <p>Dubliners published, after great difficulties, by Grant Richards, London. Begins writing of <i>Ulysses</i></p>	<p>1915</p> <p>June: Joyce and family move to Zurich, Switzerland, to escape the first World War</p>	<p>1917</p> <p>A Portrait first published in New York. Harriet Shaw Weaver (above) begins financial support for Joyce, which will continue for the rest of his life</p> 	<p>1919</p> <p>Returns to Trieste after war ends</p>	<p>1920</p> <p>Moves permanently from Trieste to Paris. Close to finishing <i>Ulysses</i></p>
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A proud legacy: Joyce surveys the scene in Zurich during his final years. Photograph: Giedon Wellker/Hulton Archive/Getty Images

“Mrkgnao!”

Bloom is greeted by a hungry cat in the fourth episode of *Ulysses*

piece can't ever exist because it can't be performed." Other similar refusals followed.

The estate took aim at scholarly projects as well. As a lawyer and former editor of the *James Joyce Quarterly*, I have been contacted by dozens of bemused academics over the years who have received outright refusals from the estate or been drawn into lengthy negotiations that sometimes ended in requests for prohibitive permission fees. (It is only fair to add that there are cases in which the estate granted permissions promptly and reasonably.) On several occasions, the estate resorted to litigation. In October 2000, the Irish High Court granted the estate an injunction preventing Cork University Press from publishing extracts of Danis Rose's *Reader's Edition of Ulysses* in an anthology of 20th-century Irish writing. A year later, in a separate lawsuit filed in Britain, the English High Court ruled that Rose's edition had infringed the copyrights in certain manuscript materials published after Joyce's death, although the court rejected a number of the estate's claims.

One of the most publicised legal clashes occurred in 2006 when a Stanford University English professor, Carol Shloss, sued the estate in a California federal court, alleging that the estate had misused its copyrights in attempting to prevent her from quoting from Joyce family documents in her biography of Joyce's troubled daughter, Lucia. (I was one of the lawyers who represented Shloss.) Shloss argued that the estate had consistently leveraged its monopoly power to silence and intimidate scholars, to deny reasonable and lawful uses of Joyce's writings, and to enforce family privacy by illegitimate means. After more than a year of litigation, the estate effectively ended the case, conceding that Shloss could quote from Joyce documents in all the ways she had sought to, and a settlement was reached. The court ordered the Estate to pay Shloss's legal fees.

Dedicated scholars built much of the foundation of Joyce's present fame. What happened in the course of time to turn the estate from a promoter of Joyce studies to a wrathful watchdog? I think it was a kind of ingratitude. Once Joyce was firmly installed in literary stardom, scholars and critics seemed dispensable. Joyce, at one time a needy

developing nation, had achieved First World status, and scholarly aid could now be scorned as prying and pointless.

But the core problem was that copyrights had grown too long. Copyrights in works published by Joyce during his lifetime expired in much of the EU at the end of 1991, but an EU directive, implemented in 1995, restored them all for another 15 years or so. Extremely long copyrights have given artificial voice and weight to the personal predilections of heirs who, in the absence of such rights, would be ordinary participants in the development of art and letters like most of the rest of us. These protracted monopolies have allowed mere rights-holders, temporally and perhaps

temperamentally remote from the authors whose works they control, to become privileged and arbitrary custodians of culture.

This is why the expiration of the Joyce copyrights is a cause for celebration. In Ireland and many other EU countries, editions of *Dubliners*, *A Portrait of the Artist as a Young Man*, *Ulysses*, *Finnegans Wake* and other works published during Joyce's lifetime entered the public domain on January 1, 2012. The sense of relief and liberation is palpable. In Ireland alone, numerous unauthorised events have been announced: a performance of Joyce's drama *Exiles*; a new play based on the lives of Leopold and Molly Bloom; broadcasts of interpretive readings of Joyce's works; flash mobs breaking out into

performances of *Ulysses*, to name a few.

This is cultural energy taking its normal, ebullient course, unchecked by the menace of copyright. Will an unprotected Joyce be the victim of artistic vandalism? Of course he will, but that is no cause for alarm. Shakespeare, Oscar Wilde and Jane Austen have all been subjected to interpretive indignities and crass modernisations. The strong, like Joyce, survive and thrive. It is all part of the cultural sorting process. Copyrights, for all their benefits, can freeze works in artificial perfection, a false youthfulness like that of Dorian Gray. The end of the Joyce copyrights will help us to understand who Joyce really is, and who we are as well.

■ Robert Spoo is Chapman Distinguished Professor of Law at the University of Tulsa College of Law

“Dedicated scholars built much of the foundation of Joyce's present fame. What happened in the course of time to turn the estate from a promoter of Joyce studies to a wrathful watchdog?”

Ulysses is published by Sylvia Beach (with Joyce, below) in Paris. Much fame and notoriety

1923

Father, John Stanislaus, dies on December 29th in Dublin aged 82.

1932

Continuous trouble with eyes, requiring many operations

1930-1941

As war approaches, moves from Paris to Vichy France. *Finnegans Wake* published

1940

Dies of perforated duodenal ulcer in Zurich. Buried in city cemetery (below)

Begins the writing of what will eventually become *Finnegans Wake*

1931

Grandson, Stephen Joyce, born on February 15th in Paris. Joyce writes poem *Ecce Puer*

1922-1935



Greatly troubled by increasing mental instability of his daughter Lucia, who is confined to a sanatorium from 1936

1939

Moves from France to neutral Switzerland

1941

