

Ride 'em Cowpoyride

Literary Property Metadiscourse in *Ulysses*

Paul K. Saint-Amour

It is not I who am writing this crazy book. It is you, and you, and you, and that man over there, and that girl at the next table.

—Joyce on *Finnegans Wake*

A work belongs to its author by virtue of a natural right, and thus the courts ought to protect an author against the mutilation and publication of his work just as he is protected against the ill-use someone might make of his name.

—Joyce, “Communication sur le droit moral des écrivains”

Joyce's stance on originality, literary crime, and literary property wriggles free of any foolish consistency. In discussing and defending his work, Joyce oscillated between embracing collective authorship and wrapping himself in the mystique and privileges of the individual genius. Though he claimed *Finnegans Wake* was being written by all humanity, it must be the first work of imaginative fiction in which an author complains about the copyright status of one of his previous works: the *Wake* reminds us that *Ulysses*, because of its alleged obscenity, was “not protected by copyright in the United States of Ourania” (FW 185.30–31) and lists among the titles in the Mamafesta chapter “Cowpoyride by Twelve Acre Terriss in the Unique Estates of Amessian” (FW 105.35–36). In 1937, Joyce took time off from writing the supposedly collectivist *Wake* to appear before the Paris P.E.N. Club, where he defended the “Moral Right of Writers” to own, control, and protect the integrity of their works and name. His writings, similarly, swing from plundering the treasury of tradition to fortifying themselves against spoliation: if *Ulysses* borrows voraciously from hundreds of precursor texts, its intertextual debts seem paradoxically central to the text's self-presenta-

Joyce on the Threshold

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tion as inimitably singular, unassailably original, even worthy of its sly self-nomination as “Ireland’s national epic” (119.309). This Joycean antinomy—between a collectivist model of intertextuality and an individualist model of authorial property—has attracted a variety of critical approaches, but for the most part these have tended to produce two kinds of conclusion: one that tells us something about Joyce, the other something about language. Without contesting the validity of either kind of conclusion, this essay makes a different sort of suggestion: that the tension in Joyce’s life and work between collective and individual models of literary property is symptomatic of a particular moment in the history of copyright law, the markets it limned, its connection to state censorship, and its infiltrations into literary texts as an emerging metadiscourse. While I celebrate the unique attributes of Joyce’s work, my concern here will be to read that work as an extreme case of the general, rather than as an exceptional one. In such an extreme case, microcharacteristics of the general swell to a more detectable scale. Here, those characteristics will have to do with a newly consolidated legal regime and its legibility in the literary texts it governed.

Between 1800 and the beginning of World War I, Anglo-American copyright law was not only systematized but also naturalized as an indispensable feature of the legal and cultural landscape. Having entered the nineteenth century as a medley of contradictory and site-specific statutes, the laws of literary property in both the United Kingdom and the United States underwent a series of reforms, arriving in the early twentieth century as a standardized and streamlined code implemented by a bureaucracy of professional clerks. In the United States, the constitutional mandate “To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries” had been massively elaborated through statute and precedent. Despite vocal protests, particularly from free trade radicals in England, copyright had also extended its temporal and spatial domain, protecting a broader range of compositions and creations for a longer term and, thanks to new international agreements, across a growing number of countries.

To gain the protection of this legal apparatus, however, writers had to comply with its detailed procedural mandates by displaying copyright notices on every published copy of the text, submitting deposit copies of their work to the centralized U.K. Copyright Registry or U.S. Copyright Office within a set term from the date of publication, and registering a claim of copyright there. Though the U.S. Copyright Act of 1909 made copyright independent of deposit and registration, the latter remained a precondition

to bringing a suit for infringement and was therefore essential to securing a legally defensible copyright claim (Spoo, “Copyright and Ownership” 12 nn. 32–34). The same act also stipulated that in order to secure U.S. copyright, books first published in foreign countries had to be reset and printed in the United States within a period of several months from their first publication abroad.¹ This meant that any books that American publishers refused to print—whether for moral reasons or out of commercial fear that the book could be declared obscene by federal law and “excluded from the mails” (banned)—were also prevented from being deposited or registered in time to garner legally defensible copyright protection. Thus, at the time *Ulysses* was published, the newly refined and extensive American copyright code interlocked with obscenity laws to compound the power of state censorship, effectively punishing the writers of transgressive books by denying their work any status as intellectual property and thus any chance of making legal profits in the United States. Only writers willing to expurgate the obscene passages from their books—or, better still, to write inoffensively enough from the start so that printers and publishers wouldn’t balk at bringing out their work—could hope to keep their copyrights and their profits. By making copyright procedurally conditional on literary decency, American intellectual property law exerted not just a protective but also a disciplinary influence on literary production and literary culture. In essence, the protective and policing functions of the copyright/obscenity nexus were coordinated operations of a single regime. One would be surprised to find that such a regime had *not* left its imprimatur on the works themselves.

The last dozen years or so have seen a surge of interest among Joyce scholars in how the exigencies of U.S. copyright law, in particular, helped shape *Ulysses*’ composition, revision, publication, circulation, reception, and reputation.² My primary aim here is not to rehearse further the details of the literary property regime under which *Ulysses* was written and published but rather to suggest that this regime has left its imprint on more than the novel’s colophon page—that it is legible in both thematic and structural elements of the text itself.³ As I indicated above, I read *Ulysses* in this context as an extreme case that supports a more general claim: that since the inception of copyright law in the early eighteenth century, a growing number of texts (both “literary” and “nonliterary”) register a deepening internal self-awareness about their status as intellectual property. Unlike more ingrown kinds of metafictional self-consciousness, this proprietary self-consciousness is a feature directed both inward, at the text’s patterns and principles of construction, and outward, at the legal, economic, and ideologi-

cal operations that define, discipline, protect, and commodify the text. In that sense, we might think of proprietary self-awareness as a literary energy whose vector is always socioeconomic.

Treating Joyce's *Ulysses* as a symptomatic case may seem perverse: despite T. S. Eliot's claim that subsequent fictions must adopt its "mythical method," *Ulysses* is most often celebrated for its singularity rather than for its inauguration of a school or perpetuation of a type. Moreover, Joyce's novel was singular in a period when singularity was at an aesthetic premium: interwar literary modernism produced a wide variety of texts that insisted loudly on their uniqueness, texts whose writers staged a break not only with nineteenth-century convention but with their own earlier work as well. However, this portrait of "modernism" as an aesthetic of singularity and discontinuity is one that attends both too credulously and too exclusively to the literary texts themselves, tending to omit consideration of the larger social and institutional matrices in which the works were caught up, in mixed relations of protest, complicity, genuflection, and prostration.

In *Ulysses*, one finds an illustrative tension between the book's singularity and a complex of copyright and obscenity laws designed to apply uniformly to all texts, laws that were becoming more extensive and finely articulated during the decades in which modernist writers were making their conspicuous gestures of formal rupture. Though *Ulysses* disqualified itself for U.S. copyright because of its supposedly extreme violations of decency, its late made legible an alliance between copyright and censorship to which all texts were subject, and to which others would fall prey. But Joyce's novel had begun its ruminations on the question of literary property long before it fell afoul of U.S. copyright law. The remainder of this essay traces a literary property metadiscourse in *Ulysses* that gets incubated in early chapters and emerges full-blown in its fourteenth episode, "Oxen of the Sun," which Joyce completed in the summer of 1920—after several issues of the *Little Review* containing earlier episodes had been confiscated and burned, but well before the book's U.S. serialization was suppressed for good in early 1921.⁴ By dwelling on the intellectual property law regime that would first vilify and only later help protect it, *Ulysses* exhibits advance symptoms of a preoccupation that would not fully manifest itself in the culture until later on, with the rash of postmodern texts, images, installations, and recordings that have overtly engaged and often directly antagonized copyright law and its new alliances with private censorship.

* * *

How, then, might *Ulysses* be read as conversant with its status as property? Certainly intellectual or "intangible" property law seems remote from the occupations and preoccupations of the book's characters: Stephen Dedalus may be an indifferent teacher, an aspiring poet and literary theorist, and a praiser of his own future, but he is no booklegger or Copyright Registry clerk. At several points in *Ulysses*, however, Stephen does participate in exchanges that raise the question of financial recompense for future literary works, and by implication the question of whether he would retain, forfeit, or sell his property rights in them. On hearing his hydrophobic excuse for bathing only once a month ("All Ireland is washed by the gulfstream"), Haines informs Stephen:

—I intend to make a collection of your sayings if you will let me. . . .

—Would I make any money by it? Stephen asked.

Haines laughed and, as he took his soft grey hat from the holdfast of the hammock, said:

—I don't know, I'm sure. (*U* 1.477–93)

What is principally on display here, of course, is the English Haines's ethnographic condescension in gathering what he takes to be authentically Irish utterances, using the varnish of permission to gloss over appropriations that resonate with the imperialism of his father's business of "selling jalap to Zulus" (*U* 1.156). But this brief passage does not just satirize the colonizer's quest to appropriate an authentic colonial expression or creation; it also references the intellectual property regime that makes such appropriations legally legitimate and economically attractive. Among the borders copyright patrols is the one that divides oral and written language: while written expression is obviously copyrightable, oral expression is generally not held to be so. Thus the enterprising writer, having transcribed and published the speech of others, possesses intangible property rights in an expression whose original value dwelt in an oral context of expenditure and free circulation. The word "Usurper" that ends the "Telemachus" chapter suggests not only Stephen's perception of Mulligan in having demanded the key to the tower but also Haines's would-be usurpation of Stephen's oral, and therefore legally appropriable, epigrams (*U* 1.744). Yet we should also note that, true to its contradictory tendencies, *Ulysses* engages in the very practice it appears to critique here, collecting oral expressions (Joyce was famous for jotting down other people's utterances and interpolating them in his fiction) under the sole copyright of its author. It could hardly fail to do so,

since any text that transcribes spoken language annexes that freely circulating oral discourse as private literary property. To link Joyce and Haines through appropriations across the oral/written interface is not necessarily to accuse Joyce of hypocrisy or to elide the difference between transcriptive texts that exploit or exoticize colonial subjects and texts that seek to celebrate, defend, or constructively criticize them. It is, however, to observe that copyright law *does* elide such differences, endorsing written appropriation of oral discourse regardless of the transcriber's agenda or the context of appropriation. Like any legal code, copyright can replicate dominant power relations as much in what it permits as in what it prohibits, and this fact helps explain the radical ambivalence of a text that finds itself the beneficiary of appropriative gestures legally indistinct from the ones it deplores. In that word "Usurper," then, *Ulysses* not only charges its villains but also recognizes its own methods as reflected by the cracked lookingglass of the law.

Later on, Haines will miss Stephen's meditation on literature and property in "Scylla and Charybdis" because he has gone off in search of a still more authentically Irish cultural offering, a copy of Douglas Hyde's *Love Songs of Connacht*. Meanwhile, back at the National Library, Stephen is put in the uncomfortable position of having to say whether he believes his own psychobiographical theory about Shakespeare. His response triggers one of the chapter's several self-recursive moments; this one specifically constellated around the question of property and profit in writing:

—You are a delusion, said roundly John Eglinton to Stephen. You have brought us all this way to show us a French triangle. Do you believe your own theory?

—No, Stephen said promptly.

—Are you going to write it? Mr Best asked. You ought to make it a dialogue, don't you know, like the Platonic dialogues Wilde wrote. John Election doubly smiled.

—Well, in that case, he said, I don't see why you should expect payment for it since you don't believe it yourself. . . . You are the only contributor to *Dana* who asks for pieces of silver. Then I don't know about the next number. Fred Ryan wants space for an article on economics.

Fraidrine. Two pieces of silver he lent me. Tide you over. Economics. —For a guinea, Stephen said, you can publish this interview. (*U* 9.1064–85)

This passage not only raises the general theme of recompense for writing but identifies itself, and by extension the whole of "Scylla and Charybdis," as both potential and manifest intellectual property. Stephen offers to sell the journal *Dana* his rights in the interview, under a sort of "work-for-hire" copyright provision. (It is worth remembering here that the U.S. copyrights in the serialized portions of *Ulysses* were held not by Joyce but by the *Little Review's* founder and coeditor Margaret Anderson.)⁵ More important, his offer—which, we note, is ignored—is made in the context of the library episode, itself a Platonic or Wildean dialogue of the kind Richard Best suggests that Stephen write. In depicting what is in multiple ways the scene of its own genesis, the episode calls attention not only to its own status as the embellished transcript of an actual conversation but to the fact that this written status also garners property rights and even profits for its author. All these operations are starkly juxtaposed to the chapter's topical figure, Shakespeare, who wrote under precopyright conditions of patronage, acquiring the bulk of his income by the nonliterary occupations Stephen lists: "a capitalist shareholder, a bill promoter, a tithfarmer . . . a cornjobber and moneylender" (*U* 9.711–12, 9.742–43). Eglinton's remarks about "economics," then, are central to this moment of self-reflexivity, in which the text insists on how, in the post-Shakespearean era of copyright, its status as property secures its profitability. At the same time, the references in "Scylla and Charybdis" to Shakespeare's patrons remind us of another antinomy surrounding the text's composition: despite Joyce's insistence on his authorial rights in *Ulysses*, the book was written under a resuscitated Renaissance system of patronage, a system that historically antedated both copyright law and the notion of authorial rights Joyce was to invoke in 1927 against Samuel Roth's piracy.⁶ The episode's ambivalences about paternity (is it essential or merely a "legal fiction"?) might ask a similar question about literary patronage, while its meditations on the relationship between literature and economics pit the fact of financial incentives against the man-of-genius myth of spontaneous authorship. Among its other mappings, the National Library episode charts *Ulysses's* bizarre itinerary between two historically discrete regimes of authorial inducement: the Scylla of patronage and the Charybdis of copyright.

Still, the kind of proprietary self-awareness I have described goes beyond the metafictional *frisson* produced by "Scylla and Charybdis," as satisfying as that shiver might be. To find this self-consciousness seeping into structural elements of *Ulysses*, we might look to the novel's affinities with another textual form, one with a more conspicuous literary property metadiscourse:

the *Artist as a Young Man*; even that nebulous category of literary misde-meanor, the "self-plagiarism," as when the chapter quotes verbatim lan-guage from *A Portrait* without attribution. And just as the compartmental-ized and encyclopedic form of "Aeolus" speaks to those same attributes of *Ulysses* as a whole, so does the episode's compilation of literary property forms and their deployments reflect the novel's practices throughout. Fur-ther, we might say that "Aeolus," like *Ulysses* generally, exhibits a recursive intertextuality: an intertextuality that quotes, alludes to, or parodies not a text or genre but the intellectual property forms of a text or genre—as, for instance, "Aeolus" refers to and adopts the extreme heterogeneity of the newspaper's literary property forms.⁶

I have characterized *Ulysses* here as a sort of menagerie or Noah's Ark of different species of literary property. In ferrying its intertextual cargo through history, it not only displays those different-property forms and in-stances of quotation; in a sense, it also witnesses the deliverance of its more recent intertexts out of copyright, insofar as many of those texts (for ex-ample, Meredith's *The Ordeal of Richard Feverel*, Dickens's *David Copper-field*, "Love's Old Sweet Song," the various newspapers Joyce used as source material) have entered the public domain at points since the novel's publica-tion. So with time, the mosaic of different property forms that constitutes the novel changes as its intertexts cease, one by one, to be the literary prop-erty of their authors. Put another way, we witness the gradual sublimation of *Ulysses* as literary property into the ether of the public domain, leaving behind a vapor trail of the text-as-property in time; and, unless advocates of a maximized intellectual property regime succeed in bringing about per-petual copyright, some of us may live to see *Ulysses'* unequivocal world-wide delivery into the public domain. This narrative of gradual sublimation, of course, applies to all books that refer to other books, but *Ulysses'* extraor-dinarily intertextual nature, together with its copyright metadiscourse, in-sists that we recognize the partial constitution of a text not just by its inter-texts but also by their literary property status.

We might also fruitfully approach this concept of the text as a dynamic patchwork of intertextual properties by modifying Mikhail Bakhtin's no-tion of discursive zones to accommodate the heterogeneity of property forms that a single text can host or reference. Bakhtin described the English comic novel as "an encyclopedia of all strata and forms of literary language," and as thereby embodying, at least up to the boundaries of literary lan-guage, a circumscribed "heteroglossia" (301). Critical engagements with Bakhtinian heteroglossia tend to understand those different strata and

the newspaper. Those affinities are many, particularly at the level of formal homologies. Like the newspaper, *Ulysses* is the quasi-cubist story of a day, the daily national epic as seen simultaneously from a number of discrete viewpoints. It distributes those viewpoints among different episodic com-partments, which host distinct stylistic protocols and perceptual grammars, not to mention often-conflicting ways of articulating the relationship be-tween objectivity and editorializing, reportage and commercial sponsorship. Like the newspaper, Joyce's novel is a textual space characterized by inter-ruption, delay, and juxtaposition, one in which superabundant data compete for limited readerly attention, supplying a utopian plenitude of information that only an ideal reader could fully digest; and again like the newspaper, the novel's errors—both volitional and inadvertent—have passed into the pub-lic record and have proven nearly impossible to rationalize or satisfactorily correct. In addition to these formal homologies, however, the newspaper acts as both precursor and underwriter for *Ulysses'* proprietary heterogeneity, in being a veritable encyclopedia of kinds of authorship—sole, collaborative, corporate, compiled, work-for-hire—and thus of literary property forms and durations. Hunkering under the uniformity imagined by a metropoli-tan daily's masthead and blanket institutional copyright are individual and collective by-lines, unsigned contributions and signed letters, editorials, ad-verts, intellectual properties that have been syndicated and licensed and con-tracted and retained and relinquished.

Part of the work of "Aeolus" is to exhibit the newspaper—and *Ulysses* itself, by virtue of the affinities between the two—as just such an im-mensely variegated property space. In this episode, we see the acceptance of Garrett Deasy's signed letter on foot-and-mouth disease, whose copyright, depending on the paper's policy, will belong either to the author or to the newspaper;⁷ we see Bloom and Nannetti basing an ad for client Alexander Keyes on a similar one in the *Kilkenny People*, which will likely not be paid or credited for their use of its intellectual property in the ad; and we see part of the transcript of Dan Dawson's speech, owned by its writer unless or his extemporized orally, in which case it might belong to its transcriber or his employer. We find direct quotations from works still in copyright (such as contemporary popular songs and the Dawson speech) and works now in the public domain (lines from Dante and Shakespeare, lyrics from *Martha* and *The Rose of Castile*); the creative transformation of another person's liter-ary property (in Joyce's improved version of John F. Taylor's speech); quota-tion for the sake of parody or criticism, as, perhaps, in the reuse of H. G. Wells's phrase "cloacal obsession" (*U* 7.493) from his review of *A Portrait of*

"Nausicaa"—namely, women's magazines and advertisements for fashion and beauty aids—that depended heavily on the rhetoric of newness. But it is in "Oxen of the Sun," the episode immediately following "Nausicaa," that the parodic energies of *Ulysses* reach their greatest intensity and variety. And despite the patent-worthy style of "Nausicaa," Joyceans have seen "Oxen" as the episode that has the most to do with intellectual property, though little has been written on the nature of that connection. Critical hunches about the episode's relation to copyright arise from several of its major attributes: its chronology of English prose parodies, its explicit interest in discourses of biological and textual reproduction, and its implicit interest in property.¹⁰ In 1949, A. M. Klein glossed a sentence in the episode's "Dickens" parody with a tantalizing but unelaborated formulation: "The right of paternity is copyright" (Klein 315). More recently, John Gordon has written that in "Oxen," "the growth of English prose is from homogeneity to heterogeneity, paralleling the evolution of literature from its ancient communal form to modern ideas of originality and copyright" (159). Mark Osteen echoes Gordon in observing that only the more recent (that is, post-Elizabethan) stylists parodied by the episode would have considered themselves "authors—owners—in the modern sense" and adds that "Oxen" might be read as a self-portrait of its author as "a plunderer of copyrights" (Osteen 232, 228). In the latter two cases, copyright is numbered among the modern conditions of authorship invoked by the episode's chronological form, but it ends up playing only a minor role in the subsequent analysis. And of the many narratives critics have identified in the compact strata of "Oxen"—everything from gestation and parturition to faunal and political evolution, nation-birthing, literary stylistic development, spiritual and interplanetary journeys—the legal narrative of copyright has been conspicuously absent. In attempting to establish copyright's importance for the episode, I want to make three claims: first, that the law imposed significant limitations on which authors the episode's anthology sources, and thus "Oxen" itself, could include; second, that the episode performs the importance of both a rich public domain and broad fair use provisions in its appropriative and parodic strategies; and third, that the narrative of "Oxen" replicates that of copyright by performing the chronological march of discrete literary properties toward their collective terminus in the public domain of oral discourse.

Klein's gloss, "The right of paternity is copyright," links biological fatherhood to literary property through an implied middle term—literary paternity—obviously dear to "Oxen," with its conversations about father-

forms of language—or "zones"—as differing according to genre, style, voice, diction, generational markers, institutional and professional contexts, and how those attributes in turn construct a text's audience, social function, ideological valence, economic value, and historical habitus. We do not, however, usually think of that zone's status as literary property—a crucial omission, since that status not only designates aspects of the origin and destination of a text but also delimits certain conditions of its reproduction, transmission, dissemination, and accessibility. Such conditions would seem to be, in Bakhtin's phrase, "socio-ideological" ones in the extreme.

Much attention has been devoted by recent genetic studies to theorizing, compiling, and consecrating the "avant-text"—the comprehensive and dynamic notion of the text-in-progress before it stabilizes in its final published form. As we continue to engage *Ulysses*' proprietary metadiscourse, we might supplement the concept of the *avant*-text with that of the "*pendant*-text": the while-text, the through-text, but it does not at that point stop text comes into being with publication, nor does it congeal into a static changing as the printed text usually does, nor does it congeal into a static intertextual state. Instead, it continues to shift and coruscate as its intertexts join the public domain and as changes in the domestic and international copyright laws to which it is subject alter its various property-clocks. In the United States, where the 1998 Sonny Bono Copyright Extension Act has frozen the public domain by guaranteeing that virtually no texts will enter it until 2019, a sea change has occurred among all *pendant*-texts—a sea change that conceptual models like the *avant*-text, the stable first published text, and even *variora* editions have no way to register. In fact, since the publication of *Ulysses*, major changes have occurred in virtually all national and international copyright codes, many of them extending the book's copyright by decades at a time. The notion of the *pendant*-text confronts the fact that intellectual property law continues to affect the way works are reproduced, marketed, distributed, and thus received long after their first date of publication. The *pendant*-text is not a self-identical textual object causing change in its wake; it is the text as a historically situated, legally, economically, and geopolitically constituted object—in other words, the text we have been reading all along.

In a letter to Frank Budgen, Joyce joked that for the "Nausicaa" chapter of *Ulysses* he had invented a "specially new fizzing style (Patent No 7728 S.P. E.P. B.P. L.P.)" (*Letters 1130*).⁹ The word "new" was less a claim to radical stylistic originality than a gesture toward several of the genres parodied by

hood and its parodies of exclusively male writers. The notion of literary paternity also governs one of the critical genres the episode most often attracts—namely, source studies, which seek to establish lineal ties between textual offspring and their authorial sires. But while they are usually grounded in a trope of unitary textual paternity about which *Ulysses* itself is deeply anxious, source studies of “Oxen” have in fact vastly complicated the episode’s paternity, which is not only multiple but heavily mediated by secondary sources. Joyce, it turns out, did not consult just primary texts but a series of anthologies as well, and may have begun by mining the anthologies; his own seemingly transgressive acts of excision and collation in writing “Oxen” echoed the similar but prior operations of anthologists. In addition to using George Saintsbury’s *History of English Prose Rhythm* (1912), Joyce is known to have quarried and interpolated passages from at least three anthologies, all of them published in England: William Peacock’s *English Prose: Mandeville to Ruskin* (1903); A. E. Murison’s *Selections from the Best English Authors (Browning to the Present Time)* (1907); and Annie Barnett and Lucie Dale’s *Anthology of English Prose (1332 to 1740)* (1912). A significant amount of detective work has been done on the nature and extent of Joyce’s deployment of material he found in these anthologies.¹¹ What has not been noted about these collections, however, is the extent to which their content was determined by considerations of copyright, and the resulting fact that “Oxen of the Sun” inherits aspects of its historical horizon from these considerations. Peacock made the problem explicit in the preface to his anthology: “Difficulties of copyright and considerations of space, added to the invidiousness of making selections from the more recent authors, have prevented the work from being carried much beyond the first half of the nineteenth century” (Peacock v).

In 1903, the year in which Peacock’s *English Prose: Mandeville to Ruskin* appeared, British copyright law protected works for forty-two years from publication, or the length of the author’s life plus seven years, whichever was longer. With a sole exception, all the writers included in Peacock’s anthology had been dead at least seven years by its publication in 1903, and most if not all of their works had entered the public domain. The exception, Ruskin, had died in 1900, and Peacock was able to reprint an extract from Ruskin’s 1865 book *Sesame and Lilies* only with the permission of Ruskin’s literary executors, whom he thanked in his preface. As Peacock’s anthology was to be a part of Oxford’s inexpensive “The World’s Classics” series, paying royalties for the inclusion of numerous copyrighted works was not commercially feasible, with the result that *English Prose* foreshortens its canon.

The action of *Ulysses* is set only one year after the publication of Peacock’s anthology, which Joyce appears to have mined more heavily than the other secondary sources. Fittingly, then, “Oxen” adopts the same authorial terminology as Peacock’s book: though the episode’s literary parodies end anachronistically with a “Carlyle” section that comes *after* parodies of younger writers (Macaulay, Huxley, Dickens, Newman, Pater, and Ruskin), Ruskin is the most recently deceased member of the chapter’s pantheon. The so-called “paternity” of “Oxen” does not stop, then, at its primary or even secondary sources; it also includes the conditions of copyright law that helped determine the endpoint of the stylistic canon the episode inherits from precursor anthologies.

But if the limitations and prohibitions imposed by copyright constitute a sort of historical glass ceiling for the episode’s chronology, it is the permissive and generative aspects of the law that “Oxen” is at greatest pains to perform. Despite term extensions in Europe and the United States during the first decades of the twentieth century, only five of the writers parodied in “Oxen of the Sun” (Carlyle, Newman, Pater, Huxley, and Ruskin) remained under copyright by 1922; the rest had joined the public domain. The majority of “Oxen,” in fact, from its opening paragraphs all the way through the “Dickens” parody, mimicked the styles of public domain writers. In mining phrases and syntactic armatures from those authors’ work in its chronology of parodies, the episode not only gestures toward the wealth of texts residing in the public domain but also demonstrates the sorts of creative appropriations and transformations for which those public domain texts were freely available. Because Dickens had died in 1870, his works had just entered the public domain in 1921 according to the fifty-year post-mortem term instituted by the 1911 British Copyright Act. As if in recognition of this new availability of Dickens’s work, Joyce’s “Dickens” parody appropriates near-verbatim material from chapter 53 of *David Copperfield* with unusual boldness: “a weary weary while,” “with the old shake of her pretty head,” “now she was very very happy,” “it may never be again,” even the Dickensian giveaway “Doady” (Janusko, *Sources* 154–55). By adapting Dora’s death chapter to a nativity scene, too, the passage tips its hat thematically to the birth of a literary corpus into the public domain with the termination of copyright, the author’s second death.

The remaining parodies, whose source texts had not joined the public domain in 1922, retreat from the boldness of “Dickens,” taking smaller and less easily identified fragments from more diffuse sources and transforming them to a greater extent. Yet enough remains of the source expressions even

in these final parodies to awaken the possibility of infringement (Janusko, "Yet Another Anthology" 126–28). However, having raised such suspicions, "Oxen" also defends against them in its compositional structure: if the episode appropriates elements of its sources, it does so not for the sake of piracy but for the sake of parody. Under some copyright regimes, parody now enjoys a special legal dispensation, its appropriations from protected source material being permitted as a species of fair use. In the United States, for example, the 1994 Supreme Court decision in *Campbell v. Acuff-Rose Music, Inc.* established parody as a potential form of "criticism" or "comment," forms of discourse cherished by the First Amendment and therefore partially allowed by fair use provisions to trump copyright.¹² Of course, the doctrine of fair use, or "fair dealing" in the United Kingdom, was still emerging when *Ulysses* was published. The 1911 British Act permitted "any fair dealing with the work for the purposes of private study, research, criticism, review or newspaper summary," but made, as British law still makes, no specific provision for parody. The relation of "Oxen" to the parody/fair use defense, then, is proleptic, an anticipatory and performative demand for a defense no plaintiff at the time had yet thought, or needed, to make, but that would plainly become necessary given the maximalist direction of legal reform. Put another way, the fair use defense for parody simply legitimates a long-standing practice within cultural production—the parodic and critical practice of transformative appropriation.

"Oxen," though, differs from most parodies in that it travesties not only its source texts but also copyright itself. The episode achieves this parody of literary property laws by appropriating and transforming the terminal narrative of copyright in its own formal trajectory. "Oxen" ends as copyrights end: in the intellectual propertyless condition of orality. If the bulk of the episode's parodies embody the fresh creation that can result from a rich public domain and its anticipatory easements of copyright through fair use provisions, the episode ends with a still more suggestive model of public domain discourse. The last parody, evidently of Carlyle's prose, describes the departure of the revelers from the lying-in hospital for Burke's pub. By the episode's embryological framework, gestation has ended and the baby is finally born, even as the drunken company burst from their enclosure into the rain-washed Dublin night. Embryological development being a narrative of differentiation and individuation, one might expect the episode to conclude with an example of literary style at its most "developed," at its highest degree of complexity and eccentricity. Strangely, though, the ten paragraphs that follow the "Carlyle" parody and bring "Oxen" to a close are a textual space not of specialization and hierarchy but of conflation and lev-

eling, a jumble of utterances only partially traceable to their speakers and conversational contexts, and certainly not affiliated with an individual writer's style. These paragraphs exemplify not a biological rage to order, but an informational rage to ordure, an entropic tendency toward a fecund but chaotic heterogeneity:

All off for a buster, armstrong, hollering down the street. Bonafides. Where you slep las nigh? Timothy of the battered naggin. Like ole Billyo. Any brollies or gumboots in the famby? Where the Henry Nevil's sawbones and ole clo? Sorra one o' me knows. Hurrah there, Dix! Forward to the ribbon counter. Where's Punch? All serene. Jay, look at the drunken minister coming out of the maternity hospital. *Benedicat vos omnipotens Deus, Pater et Filius.* A make, mister. The Denzille lane boys. Hell, blast ye! Scoor. Righto, Isaacs, shove em out of the bleeding limelight. Yous join uz, dear sir? No hentrusion in life. Lou heap good man. Allee samee dis bunch. *En avant, mes enfants!* Fire away number one on the gun. Burke's! Burke's! (*U 14.1440–50*)

In letters, Joyce described the parodies in "Oxen" as "enclosed between the headpiece and tailpiece of opposite chaos," and the chaotic "tailpiece" as "a frightful jumble of Pidgin English, nigger English, Cockney Irish, Bowery slang and broken doggerel" (*Letters III* 15–16; *Letters I* 140). To Joyce's list, Atherton adds "French, Scottish, Yiddish, German, sixteenth-century English canting, pugilists' and motor-racing slang, together with scraps of Latin, Gaelic, mock Welsh-English . . . and 'Parlyaree,' the strolling players' jargon mainly derived from Italian" ("Oxen of the Sun" 334). Commentators on "Oxen" tend to agree that its strange climax abandons the domain of writerly style altogether, swerving from written to oral language. Hugh Kenner identifies orality with the newbom: "Partly it is the speech of 1904 that is born, emerging into the air after a long travail . . . Spoken by a dozen voices simultaneously and picked up as if by an unseeing microphone, it is inelegant and nearly unintelligible" (*Ulysses* 110).¹³ Present-day talk, rather than a twentieth-century heir to Ruskin or Carlyle, gestures in what the episode constructs as the womb of written antiquity. Others have characterized the episode's inchoate ending as a discursive equivalent, not to the baby, but to the afterbirth. Richard Ellmann writes of "the placental outpouring at the end (it is the afterbirth as well as an ejaculatory spray) which is an *aggravamento* of style into contemporary slang" (136).¹⁴ Such a reading makes slang placental by identifying it as the dregs of what once nourished literary style; having begun as the essential supportive matrix of written language, orality ends as its expendable remainder.

Whatever sense we might make of Joyce's refusal to nominate a successor to Carlyle or Ruskin, the chapter's apparent swerve from written to oral bears crucially on the episode's meditations on literary property. As I remarked earlier of Stephen Dedalus's epigrams, oral expression is not generally protected by intellectual property law. So the propertyless condition of orality that concludes "Oxen" is not only the source from which a writer may annex literary property but also the eventual terminus of all copyrighted texts: the public domain to which oral utterance almost always belongs. In addition to its other developmental narratives, the chapter restages the way published language rides out the time on its copyright clock, to be delivered finally into the legal condition of orality. What gestures and is born, then, is not just oral slang or (as others have argued) Irish excess or *écriture féminine* or the modernist shoring of fragments against ruins; it is also the text as a public property. That the oral tailpiece is filled with quotations from written texts (everything from Swinburne to an evangelist's poster) actually strengthens its portrayal of the public domain, which consists not only of ideas, facts, and talk but also of formerly protected texts. We might observe that these ten paragraphs of garbled, intoxicated speech, and onomatopoeic burping and vomiting may not be an especially flattering portrait of the public domain. Nonetheless, this portrait enjoys pride of place in the episode, holding the Last End of literary property before the eyes of the authors whose shades the parodies summoned. That this portrait of orality is a written one constitutes a Joycean *ricorso*: from the ashes of dead copyrights arise new ones, the literary property that is *Ulysses* rising from a public domain enriched by a literary corpus the novel salutes and parodies, salutes through parody. By thus parodying the narrative of copyright, "Oxen" reverses the hierarchy between individual style and the public domain. In copyright's dominant cultural logic, style vitally safeguards the literary property of individual writers from the hell of public domain status. As "Oxen" demonstrates, however, we might rethink style not as a rampart that protects private property from public trespass but as part of the legal container that transports expression to its final destination—that is, as a delivery system of and to the public domain.

I would like to conclude this essay with a thought experiment that imagines how *Ulysses* and its reception would have differed if the book had first appeared under an early twenty-first-century copyright and publishing regime, rather than under the 1922 copyright conditions that marked its real

publication. I recognize this experiment quite dubiously presupposes the existence of an immanent and transhistorical textual "content" that can be given an alternate "form" by stamping it with a different period's legal conditions. Nonetheless, I think such an experiment can underscore the ways in which *Ulysses* both suffered and flourished as a result of the generally more porous intellectual property regime under which it was written and published, as well as illustrating the global climate changes that have occurred in copyright since the 1920s. So let us imagine that as *Ulysses* is first published in 1922, copyright has a post-mortem term of seventy years in most countries; the United States has ratified the Berne Convention on international copyright; the Agreement on Trade-Related Aspects of Intellectual Property Rights has stressed rights-holder sovereignty over national authority to limit copyright protection, and thereby weakened fair use at the international level; *Campbell v. Acuff-Rose* has made parody a potential form of fair use in the United States, where state censorship has declined but private censorship is on the rise; and the "information age" has raised the stakes of intellectual property law generally.

First we should note the many ways in which our anachronistic version of Joyce's novel might improve on the original: because the U.S. obscenity/copyright loophole has been closed, this *Ulysses* has not been stigmatized as obscene and therefore uncopyrightable in the United States, and there will be no Samuel Roth to capitalize on the novel's unprotected status. And because the book will no longer invite state censorship on obscenity grounds, printers and publishers are unafraid to be associated with it: instead of being banned, smuggled, or impounded, this *Ulysses* will be brought out simultaneously in all the major markets by major publishers. Having been typed by English-speaking typists and thoroughly proofread, it will bear no prefatory request from Sylvia Beach, as the historical 1922 *Ulysses* did, for "the reader's indulgence for typographical errors unavoidable in the exceptional circumstances." There will be no welter of competing "corrected" editions down the line, and no critical debate about which of them is least deplorable. Thus, a whole subsector of the present Joyce industry will have had no occasion to come into being; but we can console ourselves a little with the knowledge that the Joyce of our thought experiment will have been better remunerated and regarded for a novel whose publication will have cost him less grief.

But let us compare the text of our hypothetical *Ulysses* with the actual one. The first 1922 Shakespeare and Company imprint of *Ulysses* bore the following statement on its colophon page:

*Tous droits de reproduction, de traduction
et d'adaptation réservés pour tous pays y compris la Russie.
Copyright by James Joyce.*

Written in two languages, French and English, the statement not only looks ahead to the polyglot nature of the text at large but lays claim to two cultures of copyright: the limited monopoly privilege of the Anglo-American regime under which *Ulysses* first appeared in serial form, and the natural law *droit d'auteur* doctrine of continental copyright under which it was first published in full. Turning back the Greek-blue cover of our imaginary *Ulysses*, however, we find a very different sort of colophon: a litany of highly specific assertions, warnings, and prohibitions, including an extremely conservative corporate interpretation of fair use doctrine that expressly limits textual reproduction to brief passages for purposes of review:

Copyright © by James Joyce

All rights reserved under International and Pan-American Copyright Conventions. No part of this book may be reproduced in any form or by any electronic or mechanical means, including information storage and retrieval systems, without prior permission in writing from the publisher, except by a reviewer who may quote brief passages in a review. Any members of educational institutions wishing to photocopy part or all of the work for classroom use, or publishers who would like to obtain permission to include the work in an anthology, should send their inquiries to the publisher.

The moral rights of the author have been asserted.

You must not circulate this book in any other binding or cover, and you must impose this same condition on any acquirer.¹⁵

Following this cluster of "No Trespassing" signs, with their barely concealed aggression and implied threats of prosecution, is a standard claim to the work's status as fiction—a prophylaxis against possible libel suits, and one that runs hilariously against the grain of Joyce's pervasive reproduction of the "actual" names of people, locales, institutions, and businesses in the text of *Ulysses*:

This is a work of fiction. Names, characters, places, and incidents either are the product of the author's imagination or are used fictitiously, and any resemblance to actual persons, living or dead, events, or locales is entirely coincidental and not intended by the author.

Finally, we find, in miniscule type, *twenty-five pages* of acknowledgments of permission to reprint previously published material. If the above copyright statements bristled with the publisher's implied will to litigate, these acknowledgments testify to a corresponding care on the part of the author and publisher to obtain permission for the book's reproduction of copyrighted material, as if by demonstrating a scrupulous recognition for other intellectual properties they could prove their desert of the same high degree of copyright protection. Here are a few sample entries:

Grateful acknowledgement is made to the following for the permission to reprint previously published material:

Avery Morris Co., Ltd.: Excerpted lyrics from "Love's Old Sweet Song" by G. Clifton Bingham, copyright © 1884 Avery Morris Co., Ltd., all rights for the United States and Canada administered by Colgems-EMI Inc.

Dr. Oliver St. John Gogarty: Excerpted text from unpublished manuscript "The Song of the Cheerful (but Slightly Sarcastic) Jesus," copyright © 1904 by Dr. Oliver St. John Gogarty. Printed by permission of Dr. Oliver St. John Gogarty.

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T. Fisher Unwin and William Butler Yeats: Excerpt of "Who Goes With Fergus Now?" from *The Countess Cathleen* by William Butler Yeats, copyright © 1892 by William Butler Yeats. Reprinted by permission of T. Fisher Unwin, London, and William Butler Yeats.¹⁶

And so on, for every copyrighted text of which *Ulysses* reproduces even a small portion. The acquisition and recording of copyright permissions for

each of these quotations may seem a slight matter, a simple assertion of having played by the rules. But these permissions—so common in the colophon or endpapers of novels these days as to be practically beneath notice—speak eloquently of an intellectual property regime that admits of no minima beyond which a text may be reproduced without permission. They set a standard by which the reprinting text (here, our hypothetical *Ulysses*) expects to be treated in its turn, a standard that recognizes the smallest reuse of material as a potential infringement, and reduces fair use to the quotation of brief passages for review. It is difficult to imagine that *Ulysses*, had it been written and published under such a regime, would have made nearly as extensive use of its protected source texts or of the unpublished writings (for example, the young Gogarty's doggerel) of others.

Flipping ahead to "Oxen of the Sun" in our imaginary version of Joyce's novel, we find the episode greatly altered, in part as a result of the differences copyright has made to its secondary source texts. Instead of ending with Ruskin, the turn-of-the-century anthologies from which "Oxen" has been largely mined conclude with the major author whose work has most recently fallen into the public domain: Charles Lamb (1775–1834), whose copyrights lapsed in 1905 according to the seventy-year post-mortem term. "For considerations of copyright," Peacock's anthology will have omitted writers dead for fewer than seventy years, among them De Quincey, Macaulay, Landor, Dickens, Carlyle, Newman, Pater, Huxley, and Ruskin. "Oxen" will either have ended its parodies accordingly early or have resorted to less appropriate imitations more akin to David Lodge's parodies in *The British Museum is Falling Down*. Even if U.S. law might have permitted its appropriate parodies as a result of the *Campbell v. Acuff-Rose* decision, this *Ulysses* could still fall afoul of other monopoly-copyright regimes—for example, English, Japanese, or Canadian—that do not make similar fair use provisions for parody (Goldberg and Bricker 43). And in continental countries whose intellectual property law regimes descend partly from natural law, Joyce's parodies might be thought to violate the semisacred *droit d'auteur*. In France, a parody that intends to harm the original author's work, or to be insulting or slanderous, transgresses even the specific fair-dealing provisions for parody and pastiche, while in Spain the *droit d'auteur* empowers the author to restrain "any distortion, modification, or alteration . . . that is likely to prejudice his legitimate interests or threaten his reputation" (Goldberg and Bricker 43–44). In the 1927 protest he staged against Samuel Roth's pirated serialization of *Ulysses*, Joyce used the rhetoric of the *droit d'auteur* to decry Roth's "appropriation and mutila-

tion" of his property; his 1937 statement to the P.E.N. Club titled "Le droit moral des écrivains" did likewise. But under the current, more stringent provisions of that regime, his own work might have been viewed as illegally appropriating and mutilating the works of others, targeting their reputations, and making an actionable "ill-use" of their names.

But what if Joyce had, in characteristic fashion, refused to alter *Ulysses* in accordance with a more overdetermined intellectual property climate and insisted on publishing the novel as it stands? Let us imagine that advance review copies of the *Ulysses* we know have been obtained by the estates of protected authors parodied by Joyce's novel. No longer bereft of its copy-rights in 1921, the Dickens Estate in our hypothetical case now holds them for seventy years post-mortem—in other words, until 1941, the year in which Joyce himself will die. Offended by the way the appropriate "Dickens" parody in "Oxen" appears to belittle Dickens's writing, and doubly offended by Joyce's having named two of the Purefoy brood (Charley and Mary) after Dickens's children, the Estate complains that *Ulysses* will negatively impact demand for Dickens's work and threatens to sue for copyright infringement. Willy lawyers employed by Dickens's heirs make clear that even if the British law finds in favor of Joyce, they will litigate in *droit d'auteur* countries where both writers' works have been published, claiming that *Ulysses* seeks to harm, insult, and slander Dickens's work and reputation. Other interested literary estates follow suit in threatening legal action—those of Macaulay, Pater, Ruskin, and Maria Cummins (1827–66), whose still-protected 1854 novel *The Lamplighter* is parodied in the "Nausicaa" episode. Oliver St. John Gogarty joins the fray of naysayers, writing to refuse Joyce permission to quote his "Song of the Cheerful (but Slightly Sarcastic) Jesus" and other unpublished verse in *Ulysses*.

Joyce's publishers, though they believe in the quality and potential importance of *Ulysses*, are concerned that even without the costs of copyright litigation the book may scarcely repay their investment in it—after all, a book of this length already suffers reduced profit margins through its high material outlays, and its combination of costliness and obscurity may deter buyers. Reluctant to risk expensive international lawsuits in order to be bellwethers for the parody/fair use defense and the potential fair use in reprinting unpublished material, the book's publishers in non-U.S. countries ask Joyce to alter his parodies of protected authors so that they are both less appropriate and less identifiable. They also stipulate that he remove several hundred lines' worth of quotations from protected material whose rightsholders are demanding prohibitively high licensing fees. Our hypo-

some teleological narrative of legal determinism that makes present forms the inevitable and benevolent output of reformist inputs but, I would argue, in order to excavate countertraditions and counterdiscourses to a legal canon that has become a central prop to postindustrial global capitalism, and seems well on its way to becoming the most influential, profitable, and embattled property form of the new century.

Notes

6). *Epigraph*. Kenner, *The Pound Era* 126; *CW* 274–75. Joyce made the first remark to his friend Eugene Jolas. Elsewhere Jolas reported Joyce as having claimed that *Finnegans Wake* “is being written by the people I have met or known” (Jolas 174; quoted in *III*).

1. More precisely, books published abroad in English had to be deposited at the Copyright Office in Washington, D.C., within sixty days of publication, then republished from type set in the United States within four months from their deposit. (This latter “manufacturing clause” was intended to protect U.S. print unions.) Books that met these requirements obtained the copyright protection of twenty-eight years from date of first foreign publication, plus the option of an additional twenty-eight-year renewal. See Spoo 18–21 and Arnold 81.

2. See, for example, Arnold; Vanderham; Rainey; Gertzman; Shloss; and Saint-Amour.

3. Paul Vanderham has argued, in similar terms, that the 1920–21 U.S. obscenity trial and verdict influenced the subsequent composition and revision of *Ulysses*.

4. Joyce’s letter put the completion of “Oxen” in May 1920 (*Letters I* 464).

5. See Spoo 9–10. Anderson held the copyright in the *Ulysses* serializations not because Joyce had produced them as “work-for-hire” on behalf of the journal as corporate author—not least because he was never paid by the *Little Review*—but because it was common for periodicals to hold the copyright in their full issues and to negotiate copyright agreements for the reprinting of individual contributions with their authors.

6. Published internationally on February 2, 1927, the protest began with an invocation “in the name of that security of works of the intellect and the imagination without which art cannot live,” going on to allege that Roth had taken advantage of *Ulysses*’ uncopyrighted status “to deprive [Joyce] of his property and to mutilate the creation of his art” (*Letters III* 151–52).

7. My colleague Steve Young has discovered a *Critiqueen Laton* column in which Myles na gCopaleen fleshes out the fragments of Deasy’s letter that *Ulysses* gives us into a full letter-to-the-editor and prints it over Deasy’s name, with no indication as to the letter’s source. This is not quite a plagiarism, as Myles has creatively transmuted the fragmentary letter into a full one, nor quite a forgery, as the letter (essentially a collaboration between Joyce and Myles) is attributed to a literary character rather

theological Joyce refuses to comply, and when his publishers renege on their contracts, he finds himself in a situation not unlike that of the real Joyce in 1921, driven by an adverse legal and moral climate to publish the book under standard conditions outside the countries where the book would likely have found its primary readership. But there is a key distinction between the real Joyce and our anachronistic clone, one that measures the distance between 1922 and 2005: the real Joyce was hamstrung by the judgment that his book was unprintably obscene, and only subsequently by copyright laws that interlocked with the obscenity verdict. The Joyce of our thought experiment, by contrast, suffers not from the stigma of obscenity but from copyright regimes that regard even the minimal appropriation and parody of intellectual property as a far worse crime.

In such a climate, it is not surprising to find cultural production explicitly engaged with its legal status as property, and thus with its economic status as commodity. One thinks of work by Kathy Acker, Raymond Federman, Dan O’Neill, Bonnie Vierthaler, Sherrie Levine, Jeff Koons, Negativland, @TMARK, and the Evolutionary Control Committee, to name just a few—individuals and groups whose work parades its appropriations as well as its legal and economic status, joking seriously at the expense of intellectual property orthodoxy and Romantic models of authorship, and in some cases deliberately courting infringement suits so as to raise public awareness about private censorship and other legalized incursions on free speech and the public domain. In looking at the years in which *Ulysses* first appeared, however, we are looking (at least according to critical truism) at the halcyon days of the autonomous aesthetic, a period during which the legal and economic institutions circumscribing art still tended to be viewed as incidental, rather than instrumental, to the production of aesthetic value. To find intellectual property law firmly and often centrally embedded in the period’s literary imaginary—and not only in Joyce’s work but in the work of his contemporaries and precursors as well—is to trace a fissure in the apparently flawless and burnished surface of the self-governing, self-delighting aesthetic, a place where the aesthetic demonstrably fails to be at one with itself by admitting its contingency on the property and commodity status of the literary artifact. Now that a growing subset of cultural production is hyperconscious of its status as intellectual property, we need to become better acquainted with the first appearances of this proprietary self-consciousness in late modern literary culture, with the legal, economic, and ideological conditions to which it was dialectically responding and contributing, and with its trajectory in ensuing periods. We need to do this not for the sake of

than to a living author. Instead, it seems to exercise Myles's penchant for metafiction within the domain of the newspaper's heterogeneous literary property space. As such, it constitutes a delicious example of the proprietary self-awareness I have described above.

8. The episode's famous titles or subheadings contribute to this sense of heterogeneity by suggesting not only the newspaper's spatial, typographical, and discursive subdivisions but also the proprietary ones that accompany them. The chapter's compartmental form may be a residue, too, of the novel's vexed copyright history in another subdivided textual environment: the literary journal. We know that Joyce added the titles during the summer of 1921, months after the *Little Review* had been enjoined, in February of the same year, from printing any more of the novel. The subsequent addition of the titles amplified the episode's resemblance to the *Little Review*, whose literary property status was not unlike a newspaper's: adjacent and interlarded works by a number of different authors were printed under the aegis of a single publication, whose copyright was held, officially at least, by a sole entity.

9. Joyce was fond of exaggerating the intellectual property status of his formal innovations, confiding in a letter to Harriet Shaw Weaver that the nascent *Finnegans Wake* "really has no beginning or end. (Trade secret, registered at Stationers Hall). It ends in the middle of a sentence and begins in the middle of the same sentence" (*Letters I* 246).

10. The title of "Oxen of the Sun" evinces some interest in property: it is the only one of *Ulysses*' excised but widely disseminated chapter titles to contain a possessive. The oxen in question are to be found in the episode's Homeric intertext, a sequence in the *Odyssey* that describes the theft and destruction by humans of divine property, and the punishment that ensues.

11. See Klein; Atherton, "Oxen of the Sun"; "The Peacock in the Oxen"; and "Still More Peacock"; Herring, "More Peacock in the Oxen"; Janusko, *Sources and Structures of "Oxen"*; "Another Anthology for 'Oxen'"; and "Yet Another Anthology for 'Oxen'."

12. See Goldstein, chapter one, for a helpful and clear discussion of *Campbell v. Acuff-Rose Music, Inc.*

13. See also Gilbert 312; Burgess 156; and Osteen 228.

14. See also Klein 293; and Janusko, *Sources* 52–53.

15. These notices are a cento of actual warnings found in recently published books.

16. The assignees listed herein are fictitious. Names used either are the product of the author's imagination or are used fictitiously, and any resemblance to actual persons, living or dead, is entirely coincidental and not intended by the author.

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Extending the Text

Textuality and Transtextuality

Patrick O'Neill

One of the most liberating developments in the theory of literary textuality over the past quarter century has been the insight that readers' reactions to a literary text are not just responses to it but also, in a certain sense, continuations of it. Derek Attridge has aptly applied this insight specifically to Joyce studies, noting that while it is all too easy to see the ever more luxuriant burgeoning of the Joyce industry as an ever more insuperable obstacle between the Joycean text and its readers, it is also entirely possible to see the products of that industry as being themselves *part* of the Joycean text. For "this metatextual mountain is not in any simple way *outside* Joyce's own writing at all: it could be seen as continuous with the text it surrounds, extending that text to something much larger and richer than it was when Joyce first wrote it, and there is also a sense in which it is *inside* Joyce's original text, interleaving and interleaving it, dilating it to many times its original size" (24).

A central tenet of poststructuralist textual theory, indeed, is that the most fundamental role of the reader of literary texts is *always* to extend them in Attridge's sense, to open up rather than curtail their particular capacities for textual play, to function not just as a reader but also and simultaneously as a writer and rewriter. One particularly interesting area where the story of the literary text is taken up, reshaped, and continued by readers who function very consistently as rewriters is that of literary translation.

We may think of the relationship between literary texts and their translations in three quite different ways. Those three ways in fact constitute three fundamentally different models of understanding translation (and indeed of reading), which we can characterize respectively—with due