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# 1

## The 'nameless shamelessness' of *Ulysses*: Libel and the Law of Literature

Sean Latham

In a now famous 1922 photograph, James Joyce appears seated in Sylvia Beach's Shakespeare and Company bookstore at 12 rue de l'Odéon on the bohemian left-bank of the Seine. He is nattily dressed, sporting a bow tie, a neatly trimmed goatee and slicked hair that gives him a distinctly bourgeois air of elegance and sophistication. The large black patch covering his left eye, however, warns us that something is amiss, as does the large poster on the wall behind him – a reproduction of the vibrantly pink *Sporting Times* of 1 April 1922 proclaiming "The Scandal of "Ulysses"" in large black letters.<sup>1</sup> In the foreground, Joyce and Beach appear to be studiously examining ledger books and order slips for the text, which is denounced in the paper behind them as the production of 'a perverted lunatic who has made a specialty of the literature of the latrine'.<sup>2</sup> The poster hovering behind them becomes an advertisement, attempting to lure cultural tourists as well as the Parisian avant-garde into the store. There they could obtain a very expensive copy of the book that outraged American and British censors were seizing and burning at their borders. In buying a copy of *Ulysses*, early readers also bought a little bit of that titillating scandal that has only just begun to fade. This photograph of Joyce and Beach, in fact, has become so iconic precisely because we have never really stopped proclaiming the scandal of *Ulysses* in the classroom, in literary scholarship, and in the popular press. This was true when Samuel Roth published not one but two pirated editions in the United States and it remained true when the Collectors Publications edition appeared containing 43 pages of advertisements for pornographic books and magazines.<sup>3</sup> Much like *Madame Bovary*, *Lady Chatterley's Lover* and the other books treated in this volume, Joyce's novel is inextricable from the legal scandal that both preceded and survived its publication.

As a scandalous object, *Ulysses* has been consistently cast as the hero of a modern morality play, tilting at the narrow-minded censors and anti-vice

crusaders who dared to suppress this bold portrait of human sexuality. Joyce, Katherine Mullin argues, actually anticipated this role for himself, becoming a subtle 'agent provocateur' who responded to Victorian prudery 'through the creative appropriation of prevailing debates about art, morality, and sexuality'.<sup>4</sup> At the heart of this scandalous encounter, of course, lies the text's blunt treatment of sex, ranging from Leopold Bloom's masturbatory encounter with Gerty McDowell on Sandymount Strand in the 'Nausicaa' episode through the sado-masochistic fantasies of the brothel in 'Circe', to Molly Bloom's night-time thoughts in 'Penelope', the section which Joyce himself described as 'probably more obscene than any preceding episode'.<sup>5</sup> Judge John Woolsey's decision to lift the American ban on *Ulysses* in 1933 further emphasized the importance of sexuality in the book's suppression. According to the legal definitions then in place, he struggled to determine whether *Ulysses* was an obscene text that might 'stir the sex impulses or lead to sexually impure and lustful thoughts'.<sup>6</sup> His famous conclusion that the 'net effect' of the book 'was only that of a somewhat tragic and powerful commentary on the inner lives of men and women', at once freed *Ulysses* from the grip of the censor and transformed it into an icon of free speech and aesthetic integrity. The issues of censorship and scandal adjudicated in this case lodged the text at the interface between the two increasingly autonomous spheres of moral and aesthetic judgement while appearing to confirm their separation. As Max Weber, Jürgen Habermas, and Pierre Bourdieu contend, by the early twentieth century, modernity had become powerfully shaped by the decoupling of moral, aesthetic and scientific judgement, shards of a once more organic totality that were now free to develop under their own rules and procedures.<sup>7</sup> Joyce's book became a scandal because it jumped the gap separating morality and art, temporarily exposing both the contradiction and the distance between these two discourses. Indeed, scandal in this case might best be defined as the precipitate of the encounter between law and literature which falls out when these two otherwise typically independent spheres of thought and judgement enter into sudden and very public conflict.

Reconceived in this way, the scandal of *Ulysses* encompasses far more than its sexual frankness, allowing for a much wider consideration of its continuing ability to cross the boundary between the institutions of morality and art. The scandals which have more recently enfolded the book, in fact, have very little to do with sex, turning not on questions of obscenity but on debates about copyright and textual integrity. This round of scandal was set off by the appearance in 1984 of a critical edition that not only created a new reading text but also provided a complete list of the multiple textual variants then available. Two years later, Random House published the reading text by itself as the 'Gabler edition' of *Ulysses*, shot through with various changes both large and small that set off rounds of furious public debate. With the American copyright on the original edition set shortly to expire, scholars

began to prepare their own editions that would compete with this 'corrected' text while creating an array of slightly different editions. With the passage of the Sonny Bono Copyright Term Extension Act in 1998, however, the copyright on *Ulysses* was extended for an additional twenty years and the furore over the accuracy of the Gabler edition gave way to a series of legal arguments that again placed the novel between the competing rationalities of art and the law. The debate now turned on the rights of the Joyce Estate to control the text and its various adaptations as well as the exact legal status of the original 1922 edition.<sup>8</sup>

This scandal may not have the sexual piquancy which accompanied the book's original publication, but it has once again provoked a confrontation between morality and art – in this case between the rights of the Joyce Estate to its intellectual property and the demand from artists and scholars that it be allowed to circulate freely. Legal sanctions defining intellectual property rights as well as obscenity serve both to delimit and define what Bourdieu calls art's 'conquest of autonomy', powerfully shaping the otherwise seemingly autonomous field of cultural production.<sup>9</sup> Just as Mullin cogently reveals the ways in which Joyce anticipated and even exploited his encounter with the censors while crafting *Ulysses*, so too Paul Saint-Amour contends that Joyce actively engaged many of the debates about copyright which have more recently mired his text in scandal.<sup>10</sup> These critics reveal the multiform ways in which Joyce manoeuvred his book into the gap between the aesthetic and legal fields, deliberately staging their creative confrontation in order to map the limits of his own creative freedom. The scandal of *Ulysses* thus continues to lie in its potent ability to provoke this jarring encounter and thereby reverse or at least retard the autonomization of social life within modernity.

The debates about both obscenity and copyright have largely restricted our focus, however, to the limitations of censorship – the ability of the law, that is, to repress or prohibit the circulation of a particular text. Too narrow a focus on the explicit legal mechanisms of censorship, however, not only preserves the liberal image of *Ulysses* as an icon of free expression but also deflects attention from the complex ways in which the text struggles with the far more subtle mechanisms of repression structuring the aesthetic field. In this chapter I want to argue that there remains, in fact, one additional scandal, largely overlooked, which shapes *Ulysses* even more profoundly than either sexuality or intellectual property. It pervades the book from its opening to its closing pages and has troubled generations of critics, who have developed tortuous intellectual arguments in order to evade its most troubling implications. Hugh Kenner alludes to it glancingly, describing Joyce's decision to abandon the convention of the initialled dash when writing about real people and events, a practice that dates back to the very rise of the novel. 'In the year 19—, in the city of D—', Kenner writes, 'that would have been the decorous way to go about it.'<sup>11</sup> As Kenner notes, in fact, the French

printers who initially set *Ulysses* cared so little for this particular English nicety that Joyce was able to indulge in 'a very orgy . . . of naming'. This use of real names and places, in fact, accounts for some of the peculiar pleasures of Joyce's text, encouraging readers not only to track references to real people and places in the 1904 *Thom's Directory* but to follow the fictional paths of Bloom and Stephen minute by minute and step by step as they make their way through Dublin. Joyce famously declared *Ulysses* so accurate that 'if the city one day suddenly disappeared from the earth it could be reconstructed out of my book'.<sup>12</sup> There is a danger, however, in such precision, for this particular orgy – like the one in Bella Cohen's brothel – runs a very real legal risk of suppression, not for obscenity, but for libel. In *Finnegans Wake* Joyce alludes to this directly when his 'Shem the Penman', in writing 'his usylesly unreadable Blue Book of Eccles . . . scribbled and scratched and scriobbled and skrevened nameless shamelessness about everybody he ever met'.<sup>13</sup> Just as Joyce deliberately provoked the encounter between law and literature when writing about both obscenity and copyright, so too did he engage the unspoken injunction against mixing fiction and history upon which the novel itself was founded. This particular scandal – which landed *Ulysses* once more in the dock in 1955 – is just as explosive as the trials which first banned the text from the United States. Indeed, its wildly libellous nature has scandalized generations of readers, who have nevertheless failed to grasp its challenge to some of our most basic critical and aesthetic categories. Rather than an autonomous work of art, in fact, a libellous *Ulysses* deliberately and provocatively muddles the boundary between history and the novel, threatening the legal definition of fiction itself.

### Literature at the Bar

Joyce first encountered the complex entanglements of British libel law when he returned to Ireland in 1912 to make an ultimately disastrous attempt to force the publication of *Dubliners*. Six years earlier the book had already been rejected by censorious printers unwilling to take the risk of being caught out by the city's Vigilance Society and after repeated negotiations about possible revisions, Grant Richards had declined to publish it. Having secured a new contract from George Roberts of Maunsel and Company, Joyce faced a bewildering array of objections to his work, this time focused initially on the crude language of the characters in 'Ivy Day in the Committee Room' who refer to Queen Victoria at one point as a 'bloody old bitch'.<sup>14</sup> After moderating this passage somewhat – just as he had done in similar negotiations about obscenity with Richards – Joyce found himself confronted by what seemed an even more quixotic demand: that in the same story he remove all references to King Edward VII. Roberts feared that such passages, which described the deceased monarch as 'fond of his glass of grog and . . . a bit of a rake'<sup>15</sup> might provoke a charge of libel since, as Joyce's own solicitor advised

him, the description 'could be taken as offensive . . . to the late King'.<sup>16</sup> This is certainly not the kind of legal difficulty we most often associate with Joyce's work and to a modern reader the potential threat of this passage has become essentially illegible. Nevertheless, the menace of libel hung precipitously over *Dubliners* throughout the negotiations with Maunsel, as the firm's solicitors grew ever more concerned about the absence of those decorous dashes Kenner describes. The genuine threat of a libel suit in this case was likely to be quite small and Joyce, in an effort to dispel Roberts's concerns, actually wrote a letter to George V explaining his situation and asking that the monarch 'inform me whether in his view the passage (certain allusions made by a person of the story in the idiom of his social class) should be withheld from publication as offensive to the memory of his father'.<sup>17</sup> Not surprisingly, the king's secretary refused to offer an opinion in the case, leaving Joyce with few options, as a book that once ran foul of obscenity laws now foundered on the threat of a libel suit.

Joyce, of course, was apoplectic and wrote an open letter to the press decrying 'the present condition of authorship in England and Ireland' while citing specifically the passage Roberts wanted to change.<sup>18</sup> As the letter notes, Grant Richards had not raised any objections to the description of the king in 1906 and by publishing the passage itself in the paper, Joyce clearly hoped to allay any concerns about its legal status. *Sinn Féin*, in which the letter appeared, did print the passage, though the *Northern Whig* – a far less nationalist paper – declined to do so, no doubt because its editor too was concerned about his potential liability. Joyce himself probably did not realize that following the passage of the Newspaper Libel and Registration Act in 1881, periodicals had a far greater licence to publish such material, since they were merely reporting news rather than themselves making libellous claims. The situation for Richards, however, was far more delicate since libel law in both Great Britain and Ireland allowed for the possibility of civil suits and even criminal prosecution for author, publisher and printer alike. As Francis Holt's influential 1812 study, *The Law of Libel*, notes, 'The offence of libel and slander is proportionately more criminal as it presumes to reach persons to whom special veneration is due. The diminution of their credit is a public mischief, and the state itself suffers in their becoming the objects of scorn; not only themselves are vilified and degraded, but the great affairs which they conduct are obstructed, and the justice they administer is thereby disparaged.'<sup>19</sup> It seems unlikely that by 1911 the Crown would undertake the prosecution of such a libel case, but Ellmann suggests rather vaguely that some kind of informal pressure may nevertheless have been brought to bear upon the firm by Lady Aberdeen, the Lord Lieutenant's wife.<sup>20</sup> In fact, at a stormy 1912 meeting in Dublin, Roberts demanded that all mentions of the king be deleted from the collection. Joyce immediately consulted a solicitor, George Lidwell, who obligingly wrote to Roberts, carefully reserving judgement on the question of obscenity, while effectively minimizing the

threat of a libel prosecution brought by the Crown. ‘I have read... “Ivy Day in the Committee Room”’, he writes, ‘and I think that beyond the questionable taste of the language (which is a matter entirely for the author) in referring to the memory of the last two reigning Sovereigns of these Realms, the vulgar expression put into the mouths of the Characters in the dialogue are not likely to be taken very serious notice of by the Advisors of the Crown.’<sup>21</sup> The letter proved to be of little use, in large part because Roberts was receiving his own legal advice from Maunsel’s London offices which proved even more wary than its Dublin agent.

At the same August 1912 meeting in which Roberts demanded changes in ‘Ivy Day’, he made an even more far-reaching request – one so broad that it would eventually sink the entire project and again leave Joyce without a publisher for his stories. This time his concern lay not with the Crown but with the Dubliners whom Joyce dissects in his stories. He began first by requesting that all of the real public houses mentioned in ‘Counterparts’ be given fictitious names, then expanded this demand to include the alteration or deletion of every real person and place of business mentioned by name in any of the stories. He was furthermore advised by the London office that Joyce should immediately back the publication by securing large sureties in case a successful suit might be brought against the book. Should this fail, finally, Roberts was advised to sue the author for deliberately breaking his publishing contract by providing a text he knew to be libellous. Thomas Kettle, the solicitor to whom Joyce first turned for help, had already advised him that the book might indeed be brought to court, and as we have seen even Lidwell qualified his own opinion and focused it narrowly only on ‘Ivy Day’. On 23 August 1912, Joyce made a frantic attempt to save the book, offering to drive Roberts to the various businesses mentioned in order to secure direct permission to use their names. The sense of desperation in Joyce’s letters at this point is palpable, as what initially appeared to be a relatively minor quibble about the direct mention of King Edward VII expands rapidly into a wide-reaching series of demands, not only to change the text, but to indemnify the house upon its publication. Though negotiations with Roberts would continue for another week or so, it had become clear that Maunsel would not publish the book and on 11 September, the printer – according to Joyce’s now disputed claim – finally destroyed the sheets for fear that he too might be named in a libel suit.

*Dubliners* would, of course, appear nearly two years later without any such editorial objections. In 1912, however, the ‘nicely polished looking-glass’ he had hoped to hold up to his native city proved only too accurate in its fidelity, crossing a still hazy but nevertheless dangerous boundary between fact and fiction.<sup>22</sup> Roberts and Maunsel, after all, were correct: by using real names and places of business, the stories did indeed run the very real risk of incurring damaging law suits. Within the common law system, libel is legally defined as the publication in a relatively permanent medium of

material – in the words of an 1840 decision – containing ‘that sort of imputation which is calculated to vilify a man, and bring him . . . into hatred, contempt, and ridicule’.<sup>23</sup> Holt, in his history of libel, traces the offence back to ancient times, locating precedents in Sumerian, Greek, and Roman law before defining ‘an injury . . . which affects [someone] in character’ as the ‘next greatest injury’ after direct physical harm.<sup>24</sup> Within British jurisprudence, however, this otherwise straightforward conception of defamation has been considerably complicated by the development of two parallel yet distinct bodies of law regarding libel: one civil and based on common law, the other criminal and based on the rules of the Star Chamber. The crime of libel, which originally emerged as part of the government’s effort to eradicate bloody and violent duels, generated its own unique sets of rules and decisions. In a criminal case, for example, the truth of a libel cannot be employed as a defence, thus leaving the prosecutor the relatively easy task of proving that a book or article was published intentionally and contains some content potentially damaging to someone’s reputation. This rather strict limitation on the freedom of speech and publication was somewhat moderated by the passage of the Reform Act of 1843, which allowed the truth of a libel to serve as the grounds of an affirmative defence of justification if the facts revealed were deemed to be in the public interest. Oscar Wilde, who in 1895 brought a criminal charge of libel against Queensbury, finally fell foul of the courts not when witnesses emerged confirming the charge that he was a ‘sodomite’ (sic), but when it was judged that the publication of such knowledge constituted a public good. The criminal branch of defamation law therefore explicitly limits speech deemed to be damaging not to the reputations of particular individuals but to the good order and conduct of the larger society.

Joyce’s bare mention of a few pubs and a railway company in *Dubliners* certainly did not threaten to provoke a criminal charge, particularly in the early decades of the twentieth century when additional decisions and reforms had severely limited such criminal prosecutions. Richards and his London solicitors, however, were much more concerned with the civil tort of libel which places particular burdens on defendants. As Brian Dobbs notes in *The Law of Torts*, in the common law, once a publication was found to be defamatory then ‘the defendant was presumed to have published in malice, the words were presumed to be false, and the plaintiff was presumed to have suffered damages’.<sup>25</sup> As a consequence of these far-reaching assumptions, the person or entity that had been defamed neither had to demonstrate any special damages arising from the publication or even demonstrate to a court or a jury that the material was false.<sup>26</sup> The truth of a libel can still serve as a defence in such a case, but the burden of proving that a defamatory comment is true shifts to the defendant. In practice, the relatively wide scope of defamation has generally been limited to particular kinds of publication which bring someone into ‘hatred, contempt, and ridicule’

by claiming that he or she committed a major crime or acts in such a way as to be unfit for her profession.<sup>27</sup> When Joyce forgoes the dash and describes 'the ten o'clock slow train from Kingstown' in 'A Painful Case' and 'O'Neill's', 'Davy Byrne's', and 'the Scotch House' in 'Counterparts', he runs the risk of bringing these business into ill repute.<sup>28</sup> In his incredulous letters to Nora, he writes of his attempts to find some kind of compromise and assures Roberts that though 'a railroad co. is mentioned once', it is immediately 'exonerated from all blame by two witnesses, jury and coroner'. In the public houses, he further contends, 'nothing happens. People drink.'<sup>29</sup> In attempting to resolve the risk of libel, in other words, Joyce argues that the text is simply not defamatory but is instead merely an accurate representation of the city of Dublin and some of its well-known businesses. Rather than feeling damaged, he desperately concludes, 'the publicans would be glad of the advertisement'. Joyce, in effect, contends that he does not mean to libel anyone and adduces such intentions as proof against any finding of defamation.

In mounting this particular defence, however, Joyce almost certainly misunderstood one additional aspect of the civil tort of libel, which holds that the interpretation of a text is a matter of fact to be resolved at trial. Long before Wimsatt founded modern literary criticism on the cornerstone of the 'intentional fallacy', the intentions of an author had already been legally ruled irrelevant to the interpretation of a text in all cases of libel.<sup>30</sup> In the words of one 1885 decision, 'the question is not what the defendant, in his own mind, intended by such language, but what was the meaning and inference that would be naturally drawn by reasonable and intelligent persons'.<sup>31</sup> Libel cases therefore most often turn precisely on the question of interpretation, transforming the courtroom into a kind of literary seminar where jurors must listen to arguments about the potential meaning of a text and then determine whether or not it is indeed defamatory. Though Joyce may have believed, for example, that the railway company in 'A Painful Case' had been exonerated by the overt description of events in the story, Maunsel's solicitors nevertheless were concerned that the subtle play of irony and the shifting instability of the story might nevertheless introduce a reasonable interpretation that the company had been negligent in its actions. Similarly, the publicans in 'Counterparts' could contend that far from an advertisement, the story in fact harmed their ability to conduct business by falsely asserting that they allowed the profligate consumption of alcohol. I do not mean, of course, to introduce these readings as particularly convincing, but cautious writers and printers had long sought to avoid the risk and considerable cost of a trial by carefully excising the mention of real people and places either by introducing fictional names or resorting to the conventional Victorian dash.

The eventual publication of *Dubliners* in 1914 might seem to vindicate Joyce's arguments and it does suggest that in a world on the brink of

war little attention was being paid to the publication of potentially libelous short stories. The absence of that secretive dash, in fact, has by now come to seem an integral part of a distinctly Joycean aesthetic in which fictional events are deeply and perhaps inextricably embedded in the historical realities of Edwardian Dublin. According to his brother Stanislaus, when Joyce began work on the novel that would eventually become *A Portrait of the Artist as a Young Man* (1914), he initiated an even more aggressive assault on the constraints imposed by the restrictions of libel law: 'Jim is beginning his novel, as he usually begins things, half in anger. . . . It is to be almost autobiographical, and naturally as it comes from Jim, satirical. He is putting a large number of his acquaintances into it, and those Jesuits he has known. I don't think they will like themselves in it.'<sup>32</sup> *Portrait*, *Ulysses* and *Finnegans Wake* all make use of this same technique and generations of critics have devoted considerable effort to revealing – inadvertently perhaps – that Joyce indulged in an essentially unprecedented campaign of libel. Herbert Gorman in an early biography written under Joyce's own careful guidance notes the frustrating inability of many readers 'to crack the hard nuts of certain paragraphs containing comments on actual personalities' and concludes that an intimate knowledge of Dublin 'might heighten one's enjoyment, for the scandalous aspects of [*Ulysses*] would then be more greatly emphasized'.<sup>33</sup> The extensive guides and annotations, which provide maps indicating the precise location of Davy Byrne's and references to real figures, further reinforce the importance of this kind of material for the book, revealing just how aggressively Joyce invaded not only the outhouses and warehouses of the city, but its historical realities as well.

In taking the importance of such information for granted, however, we inadvertently overlook the scandalous libels which pervade Joyce's work and which amount to an aggressive assault on the legal bar against defamation which wrecked one of his early attempts to publish *Dubliners*. Certainly, the risks he initially incurred have now receded. In American jurisprudence the First Amendment's protection of free speech has significantly constrained the reach of libel, whilst the civil laws in Britain state that the dead cannot be libelled. Unlike the potent sexuality which still has the power to rankle and even shock some readers when they come across it, therefore, the dense web of names and the multifold acts of revenge which pervade Joyce's works are no longer the stuff of legal wrangling and public scandal. The first time *Ulysses* enters a British or Irish court of law, however, the case involves neither Gerty's thighs nor Molly's memories, but Reuben J. Dodd who files a suit for libel.<sup>34</sup> In the 'Hades' episode, Martin Cunningham tells a story about Dodd's apparent attempt to commit suicide by jumping into the Liffey and his father's miserly offer of a florin to the boatman who saved his son's life. In 1954 the BBC broadcast a reading of *Ulysses* featuring this episode and Dodd promptly secured from the High Court of Dublin a summons on the

broadcaster claiming damages for defamation. In his affidavit Dodd spells out his complaint clearly, holding to the legal requirement that the passage could harm his reputation and his business:

James Joyce, the author, whom I knew as a schoolmate, had a personal dislike for me because of what he alleged my father did to his father. And so, when he wrote his book 'Ulysses,' in or about the year 1904, he made some disparaging references, including moneylending transactions, to a Mr. Reuben J. Dodd. . . . The passage complained of is a malicious and deliberate libel upon me and its dissemination by the B.B.C. exposes me to personal humiliation and injury. The whole incident described was a malicious falsehood and, in particular, that I attempted to commit suicide.<sup>35</sup>

Dodd won his case, demonstrating that more than thirty years after its initial publication, Joyce's text continued to generate not only scandal but a very real risk for publishers, printers and broadcasters who might find themselves subject to any number of suits. After all, Dodd is but one of the hundreds of real people mentioned in the text, many of whom might also claim that Joyce deliberately sought to bring them into 'hatred, contempt, and ridicule'. In exploring the troubled boundary between fact and fiction, Joyce's works powerfully reveal the legal limits which not only shaped the trajectory of his own career but restrict the autonomy of the aesthetic sphere. The laws of libel establish a legal and interpretive framework for defining and policing the boundary between fact and fiction, holding the intentions of an author in abeyance while placing the meaning of his work in the hands of a jury. Joyce's own aesthetic transgresses these laws. In *Ulysses* he deliberately expands the scandal of his libellous writings to provoke a collision between a seemingly autonomous aesthetic sphere and the web of legal constraints which structure and guide its development.

### **Libellous *Ulysses***

In his encounter with the laws restricting libel, Joyce inadvertently reveals an apparent aesthetic paradox: the limits of novelistic realism are defined not simply by a text's indexical representation of social and psychic life but also by the preservation of a rigid generic boundary between fiction and history. George Levine usefully describes realism as 'a self-conscious effort, usually in the name of some moral enterprise of truth telling and extending the limits of human sympathy, to make literature appear to be describing directly not some other language but reality itself'.<sup>36</sup> Working outward from this formulation, other critics and theorists have stressed the disruptive gaps between reality and its representation so that realism grows to include some understanding of 'the radical otherness of the world . . . [and] the failures of

representation'.<sup>37</sup> Far from an innocent reproduction of the world, in other words, the realist aesthetic includes some knowledge of its own failure and its distance from the world it attempts to describe.

Joyce's use of historical names and places throughout his works, however, troubles such a conception of realism by insisting on the ability of his work to succeed in reproducing reality, becoming so accurate that it is no longer a fiction at all but a history or an autobiography. The tort of libel largely exists in order to preserve this basic distinction between history and fiction, so that the licence permitted the latter is obtained at the expense of the former. Joyce's *Ulysses*, however, scandalously crosses and recrosses this generic boundary, consciously disrupting it in order to reveal both the limits of libel and the power of fiction to elude it. Any attempt, furthermore, to reserve a kind of idealized autonomy for this text – by arguing for example that it must be understood essentially as a fiction – is deeply misguided. The book had and retains a potent ability to reach beyond such generic confines and disorder the lives and histories of the people it names. Richard Best, for example, with whom Stephen discusses his theory of *Hamlet* in the 'Scylla and Charybdis' episode, was a very real individual – an accomplished scholar who would later serve for sixteen years as the director of the National Library of Ireland. When approached by a reporter who wanted to interview him as part of a segment on *Ulysses*, he responded with what must have become a practised indignation at the book's unique power over his life: 'I am not a character in fiction; I am a living being.'<sup>38</sup> For the poet, physician, and statesman Oliver St John Gogarty, this sense of displacement was even more pronounced and despite the fact that his obituary in the *New York Times* revealed his fury at the fact that 'posterity would remember him as Buck Mulligan', the article's sub-head nevertheless reads: 'Author and Wit Was Prototype of Character in *Ulysses*'.<sup>39</sup> As Claire Culleton argues, this assault on the boundaries and structures of genre is more than just an innovative technique, it is also 'the ultimate revenge, in that it condemns a real person to caricatured fabrication'.<sup>40</sup>

There is little doubt that Joyce himself was aware of what he was doing and that his book was indeed intentionally and thoroughly libellous. Unlike those stories in *Dubliners* which mention only a few public houses and a railway company, *Ulysses* invokes a vast array of names ranging from individuals, to businesses, to commercial products. Just as he began *Portrait* 'half in anger', so too this text contains numerous (if often almost invisible) acts of petty revenge. This malicious use of fiction is not at all uncommon in the early twentieth century, as the novelist Hewet laments in Virginia Woolf's *The Voyage Out*. 'I want', he says, 'to write a novel about silence', but fears that he will be stymied by a public that reads novels only 'to see what sort of person the writer is, and, if you know him, which of his friends he has put in'.<sup>41</sup> H.G. Wells lashed out viciously at those readers and reviewers

who 'pander to that favorite amusement of vulgar, half-educated, curious, but ill-informed people, the search for the "imaginary" originals of every fictitious character'.<sup>42</sup> Rather than haughtily wrapping himself in a cloak of indignation, however, Joyce makes explicit in the early pages of *Ulysses* that this is, in fact, a libellous book out to settle some old scores. Atop the Martello tower, Buck Mulligan mocks the sullen and solipsistic Stephen Dedalus before suddenly declaring 'it's not fair to tease you like that Kinch, is it?' In the ebbs and flows of Stephen's consciousness, however, this jovial apology is read as an act of self-defence: 'Parried again', he thinks, realizing that Mulligan 'fears the lancet of my art as I fear that of his. The cold steel pen.'<sup>43</sup> We read this, of course, just as Joyce himself is spearing Oliver Gogarty with that pen, exacting precisely the revenge that Mulligan may have feared but nevertheless failed to escape. In a review of *Finnegans Wake* in 1939, Gogarty would explicitly acknowledge this, writing that Joyce's 'style has its beginnings in resentment' and that he has effectively 'had his revenge' on the Dublin literary establishment.<sup>44</sup>

Gogarty was by no means the only one to recognize his potentially libellous portrait in the book. According to Ellmann, when the book first appeared 'a tremor went through quite a few of [Joyce's] countrymen, who feared the part he might have assigned to them'.<sup>45</sup> George Bernard Shaw wrote in the 1921 preface to *Immaturity* that 'James Joyce in his *Ulysses* has described, with a fidelity so ruthless that the book is hardly bearable, the life that Dublin offers to its young men', an opinion he simultaneously conveyed to Sylvia Beach when he called the book 'hideously real'.<sup>46</sup> Although the sheets had been printed privately in France, Joyce nevertheless took care to employ some pseudonyms in order to avoid the most serious risk of a defamation suit. Gogarty, therefore, appears as Mulligan; Joyce is partially figured as Stephen; and the Englishman Trench is presented as Haines. There are other such alterations, but these three seem specifically devised to help elude a potential charge of libel by at least partially obscuring both Joyce's own maliciousness and the historical antecedents of some of the work's most villainous characters. To bring a libel suit, after all, Trench or Gogarty would first have to admit that they recognized themselves in the text in order to convince a court that they had been defamed. This, in turn, would not only grant Joyce and his work a certain degree of publicity, but would simultaneously allow him to defend himself by proving the portraits in *Ulysses* to be more or less true.<sup>47</sup>

Despite the possible appeal of such publicity, however, Joyce remained concerned about the risks he had run. In a brief note appended to his 1967 essay, 'James Joyce's Sentimentality', Clive Hart suggests that Joyce had 'a still more cogent reason' for avoiding Dublin after 1922 than the romance of exile – namely, 'the certainty of disastrous libel actions if he returned'.<sup>48</sup> The decision to remain out of the reach of British courts afforded him an important bulwark, though it also appears that he did take some

additional steps. A research note Richard Ellmann did not incorporate into his biography describes a conversation with A.J. Leventhal who recalls that as late as 1921 Joyce had been explicitly concerned about the threat of libel and asked if any Blooms still resided in Dublin. Leventhal assured him that they had departed, thus apparently reassuring Joyce that he could use the name of the most clearly fictional character in *Ulysses* without undue risk.<sup>49</sup> Had Bloom, in fact, had some sort of clear historical antecedent, the grounds for a libel case would have been quite strong, particularly since the text delves so deeply into his sexual habits and private thoughts. Both in changing the names of certain key players and even in his careful research into the text, therefore, Joyce took careful account of the laws of libel.

These initial precautions only emphasize the importance of defamation law to *Ulysses* and the novel's critique of the legal constraints that shape and define aesthetic practice. In his own attempt to disrupt the intentional fallacy, William Empson argues that rather than developing techniques (such as David Hayman's 'Arranger') for distancing the author from the text and thus affirming the supremacy of fiction, we should instead realize 'that Joyce is always present in the book – rather oppressively so, like a judge in court'.<sup>50</sup> Empson's metaphor is more literal than he perhaps realizes, however, because *Ulysses* puts its readers too in a strangely legalistic position, becoming precisely those jurors who, according to the tort of libel, are alone empowered to determine whether or not a particular character has a historical antecedent and whether or not he or she has been defamed.<sup>51</sup> This begins, as I have already suggested, when the novel itself begins atop the Martello tower, but continues throughout the text in a myriad of ways. It emerges almost comically, for example, in the conundrum of the famous 'man in the mackintosh', an unnamed character who flits mysteriously in and out of the text. Scholars have struggled for decades to arrive at possible identifications for this character, a quest stymied by a stubborn anonymity that at once embodies and satirizes our search for the historical facts behind this fiction. In his study of gamesmanship in *Ulysses*, Sebastian Knowles argues that the book 'is built on the equals sign', a figure that describes not only the parallel paths taken by Bloom and Stephen but our own attempt to locate equivalences for the characters themselves.<sup>52</sup> Bloom himself thematizes our search for the history behind the fiction when, after masturbating on the beach, he strolls to the edge of the tide and uses a stick to write in the sand 'I . . . AM. A' (U 13.1258, 1264). The sentence remains incomplete and any number of studies have attempted to infer the conclusion of this elliptical phrase. Joyce, however, deliberately provokes our inability to know who Bloom actually is – a mystery he quite legalistically preserved as his conversation with Leventhal indicates. Such uncertainty spirals nearly into madness in the 'Circe' episode, where names and identities shift so rapidly and so fantastically that identification becomes a kind of game or puzzle

that cannot be easily resolved. Instead, as hypothetical members of the jury, we are left with a paralysing doubt. This doubt effectively exonerates Joyce, precisely because the boundary between fiction and fact cannot be fixed.

The scandal of libel, however, is more than just a component of the book's interwoven symbolic structures, for it constitutes an explicit part of the plot itself, first atop the Martello tower and later in the day when Bloom runs into Josie Breen complaining of her eccentric husband, Dennis: 'He's a caution to rattlesnakes. He's in there now with his lawbooks finding out the law of libel' (U 8.229–230). Bloom quickly learns that Dennis had received an anonymous postcard reading 'U.P.' or perhaps 'U.p.: up' (8.257, 258).<sup>53</sup> Like the man in the mackintosh, this card too has troubled many readers, who not only have difficulty making sense of it, but struggle to discover content so defamatory as to occasion the suit Breen intends to file 'for ten thousand pounds' in damages (8.263–4). Richard Ellmann argues that the card implies some sort of erectile dysfunction, while others have suggested that it is a reference to Dicken's *Oliver Twist*, in which the letters U.P. are used to indicate an old woman's death. Alternatively, it may simply indicate that the somewhat dotty Breen is mentally ill, the two letters signifying that, like weak whisky, he is 'under proof'.<sup>54</sup> All of these readings seem more or less feasible, which means that any case for libel – even if the person who sent the card could be identified – would probably fail. The case, after all, would turn on the meaning of the card and a jury would be asked to determine a particular meaning that was clearly defamatory. The multiplicity of meanings, however, makes it unlikely that a clear finding of fact could be determined. The instability of the text, in other words, which cannot be legally grounded by intention, serves as an effective defence against any charge of libel. Like much of the rest of *Ulysses*, this card can be multiply interpreted and contested, with definitive meaning held in permanent abeyance. The potentially defamatory scandals of the novel, therefore, can be at least partially deflected by the very difficulty of the text itself, the resistance to interpretation serving simultaneously as a testament to its aesthetic power and as a barrier to its prosecution.

Breen, in pursuing his unlikely suit, seeks out the services of John Henry Menton, a real Dublin solicitor with offices on Bachelor's Walk. Like many characters in the text, he also appears amidst the fantasies and nightmares of 'Circe', where Bloom – accosted by the watch and asked for his name – first identifies himself as 'Dr. Bloom, Leopold, dental surgeon' (15.721). This is the name of a real Dublin figure in 1904 and amounts to a skilful act of deception, as Bloom gives his name yet fails to properly identify himself. He then identifies his solicitors as 'Messrs John Henry Menton, 27 Bachelor's Walk' (15.730). This encounter with the guards is immediately preceded by an imagined conversation with Josie Breen, who expresses her mock horror at finding Bloom in Nighttown. Flirting with her, Bloom

grows suddenly alarmed when she mentions his name: 'Not so loud my name. Whatever do you think of me? Don't give me away. Walls have ears' (15.398–399). Anxious about the possibility of being caught in a potentially scandalous position, Bloom attempts to conceal his identity behind layers of confusion and misdirection, adopting precisely the strategy that might be employed in a libel trial. Just as a jury must decide on a defamatory interpretation of a passage, so too they must also agree that the plaintiff in the case is actually the person described in the text. In suits involving non-fictional texts, this is rarely an issue, but it typically constitutes the core of an action involving films, novels or plays. In a potentially libellous passage describing Bloom's trip to a bordello, Joyce thus evokes the mechanisms of defamation law, once again introducing the Breens and their solicitor Menton through pseudonyms and borrowed names to elude detection. Joyce already knew from Leventhal that Dr Bloom no longer lived in Dublin in 1922, but for his readers this moment would have effectively summarized one of the text's most pressing questions: Who is the historical antecedent of Leopold Bloom? Were he real, after all, he would be the most defamed character in the text and his identification would no doubt spark a major scandal. We now recognize him as one of the few genuinely fictional characters in the book, but this moment of confusion and misdirection in 'Circe' both obscures his identity and promises to reveal it, sending us into a web of historical and fictional antecedents that hint at some scandalous revelation while simultaneously resisting our investigative efforts.

Throughout *Ulysses*, Joyce deliberately and provocatively troubles the boundary between fact and fiction, thereby pitting legal and aesthetic modes of interpretation against one another in a scandalous yet creative conflict. The pleasure and the frustration of this practice is nowhere more evident than in the 'Scylla and Charybdis' episode, in which more real names are invoked than anywhere else in the text. As the scene opens in the National Library, we are immediately confronted with the figure of John Eglinton, the editor of *Dana* and a well-known man of letters. His name can be tracked through various guides, revealing details of his real and accomplished life; yet we also learn that he is not John Eglinton, that this is merely a pseudonym he had adopted (his real name was William McGee). Furthermore, he is asking Stephen Dedalus – itself a pseudonym for James Joyce in 1904<sup>55</sup> – about his plans to write a book comically entitled *The Sorrows of Satan*, the title of a wildly popular novel written by Marie Corelli – also a pseudonym for Mary MacKay, who in turn thought she was the reincarnation of William Shakespeare. As if this dizzying array of displaced names is not confusing enough, the conversation is shared by A.E., the mystically initialled name taken by the writer and spiritualist George Russell. Finally, Dedalus, feeling the 'elder's gall' behind Eglinton's question about this novel, merely smiles and thinks of a fragment from a poem written by Oliver St John Gogarty,

from which Buck Mulligan will recite when he later appears. This most learned episode, in which scholarly sources are drawn freely from a vast cultural archive, thus begins amidst a chaos of names and identities that deliberately disrupts any attempt to define the fictional limits of the text. By the end of the episode, this confusion is explicit, as 'MAGEEGLINJOHN' asks Stephen 'What's in a name?' (9.901–2). What indeed? As the text suggests, even Eglinton's own identity is neither fully fixed nor circumscribed by his name and one can only wonder what a jury might do were they asked to consider this text in a libel suit. If Joyce defamed Eglinton, does that mean that he also defamed Magee? Does a pseudonym have the same right to a good name that a real person has? Noting their propensity to change names and to adopt distinct public personae, Stephen calls the writers gathered in the library 'cypherjugglers' (9.411) and reminds himself to 'See this. Remember' (9.294). Stephen is every bit a cipher as well, for while we do not know if he remembers this scene, Joyce appears to have done so and recast it as part of the novel. Even more than the nightmare of 'Circe', this episode muddles any distinction between fact and fiction, preventing us from simply accepting the text as pure invention even while it endlessly insists on its historical veracity.

Amid this misdirection, 'Scylla and Charybdis' features Stephen's long-awaited theory of Shakespeare's plays, itself a kind of defamatory attempt to extract historical fact from otherwise apparently fictional texts. Mixing textual and documentary evidence, Stephen draws all manner of libellous gossip from the plays, prompting A.E. to depart and dismiss such talk as 'prying into the family life of a great man', for information that is 'interesting only to the parish clerk' (9.181, 184). In an episode that already mires us in a complex array of names and pseudonyms, however, we cannot leave with the snobbish poet and are left instead with what appears to be something like Hamlet's instructions to the players – that is, an encoded and ambiguously satirical set of instructions from the author himself about how we might go about reading the text.<sup>56</sup> Just as Stephen instructs his listeners in how to draw fact from fiction, so too we as readers (and perhaps even jurors) are also asked to listen to these instructions, applying them not to Shakespeare's plays, but to *Ulysses* itself.<sup>57</sup> Stephen crucially contends that the Bard himself played the ghost in *Hamlet*, speaking to an incarnation of his own dead son, Hamnet, about the infidelity of Anne Hathaway. Rocked by tragedy, however, he speaks to this other version of himself in an act of painful revelation. 'His beaver is up', Stephen notes of the ghost, suggesting that when Shakespeare walked on the stage his own face was visible to the audience as he related this tale of murder and adultery, making fiction 'consubstantial' with fact just as the ghost is 'the son consubstantial with the father' (9.481). This mixture of truth and invention drives Stephen's theory just as it drives our own attempts to read *Ulysses*, mired as we are in the text's deliberate and provocative refusal to abide by the laws of libel and defamation. Even this reading itself seems

open to irony as Stephen concludes his performance by telling Eglinton that while he does not believe his theory, he is nevertheless willing to sell it for a guinea. This mocking conclusion again suggests the way we too should read *Ulysses*: neither as fact nor fiction but as an elaborate edifice of gossip and defamation which – like the book in the iconic photograph – can be bought yet never quite believed. 'You are a delusion', Eglinton finally tells Stephen. It is this which finally constitutes the core of Joyce's assault on the legal limits of fiction (9.1064): Stephen is indeed a delusion – a fantasy like the ghost of Hamlet's father which both appears to speak the truth and yet critically resists validation.

'Scylla and Charybdis' concludes with Buck Mulligan revealing his own satirical rendition of the proceedings in the library, a 'national immorality in three orgasms' which mocks all this theorizing as mere intellectual onanism. He reads it to Stephen, telling him that 'the disguise, I fear, is thin' (9.1178), thus rehearsing in his own little drama the same kind of lightly veiled, deeply libellous attacks that Stephen finds in Shakespeare and that we too find in *Ulysses*. The disguise is indeed thin, after all, for we do know that this is both Buck Mulligan's play and Oliver Gogarty's, just as this is both Stephen's Dublin and Joyce's own. Rather than concealing its engagement with historical reality, as Victorian fiction typically did by decorously avoiding the names of real people, Joyce takes it on directly and in the process destabilizes the autonomy of art and the legal institutions designed to maintain a critical distance between fiction and fact. This dynamic of confusion constitutes one of the most remarkable and original aspects of Joyce's work, though he was by no means alone in employing it. Literary modernism, after all, thrived on this kind of textual reprocessing, in which historical and autobiographical facts are mixed shamelessly and often libellously with fictional inventions. Ernest Hemingway, Oscar Wilde, Gertrude Stein, Virginia Woolf and Aldous Huxley are only a few of the novelists who engaged in such experiments, mixing their lives and their writing in often complicated and indeterminate ways. Unlike Joyce, however, many of these authors found themselves either threatened with lawsuits for defamation or actually dragged into court. D.H. Lawrence's *Women in Love* (1920), for example, barely escaped legal action for its brutal portrait of Lady Ottoline Morrell and texts by Wyndham Lewis and Osbert Sitwell were successfully sued and suppressed. Such law suits – like Joyce's wrangling with Maunsel's and Roberts over the names of a few pubs mentioned in *Dubliners* – may lack the romance of the obscenity trials, but they nevertheless revealed a potent legal constraint on aesthetic autonomy.

Obscenity laws for fiction have become largely antiquated and are treated as relics of an earlier and more intolerant era. The tort of defamation, however, continues to delimit and define the boundary of fiction, and it is precisely at this interface between legal constraint and aesthetic freedom

that *Ulysses* was lodged. Joyce scandalously recorded ‘nameless shamelessness about everybody he ever met’ and in so doing at once courted libel suits and revealed the fragility of the legal constructs on which they depend. As he learned from Roberts, even his own intention could not constitute a defence, nor could it legally guarantee the meaning of any particular passage. In *Ulysses*, therefore, he creates a work that is both blatantly libellous and yet everywhere capable of eluding that charge, in its welter of misdirected names, its aesthetic difficulty and its deconstructive ironies. As this chapter has argued, this constituted a vital aspect of the book’s scandal – announced so boldly on the cover of the *Sporting Times*. Moreover, it continues to do so, though critics and readers have ignored, suppressed or failed to recognize this fact. Like the laws of obscenity and copyright which Joyce incorporated and critiqued in this novel, defamation too plays a vital role in the text’s exploration of the limits of fiction and the legality of literature. In a 1909 meeting after their friendship had collapsed, Gogarty told Joyce ‘I don’t care a damn what you say of me so long as it is literature.’<sup>58</sup> Joyce took him at his word and in the process attempted to undermine the very concept of literature itself, exposing the limits of its imagined autonomy while simultaneously challenging the law’s ability to delimit the nature and structure of art. Long after Woolsey’s decision and the novel’s ascension in the canon, this remains one of the scandals of *Ulysses* that we have yet fully to confront.

## Notes

1. This photograph, in fact, has appeared on the cover of two previous works focusing on Joyce and his scandalous fictions: Bruce Arnold, *The Scandal of Ulysses: the Life and Afterlife of a Twentieth-Century Masterpiece*, revised edition (Dublin: Liffey Press, 2004), and Paul Vanderham, *James Joyce and Censorship: the Trials of Ulysses* (London: Macmillan, 1998).
2. Aramis, ‘The Scandal of *Ulysses*’, *Sporting Times*, 34 (1 April 1922), 4.
3. James Joyce, *Ulysses* (California: Collectors Publication Edition, nd). This is a pirated edition, printed some time in the late 1960s, which advertises an array of pornographic novels and magazines, often with delightfully lurid illustrations.
4. Katherine Mullin, *James Joyce, Sexuality, and Social Purity* (Cambridge: Cambridge University Press, 2003), 3.
5. James Joyce, *Selected Letters of James Joyce* (New York: Viking, 1975), 285.
6. *U.S. v. Ulysses*, 5 F. Supp. 182 (District Court, Southern District of New York, 6 Dec. 1933, sec VI); reprinted as ‘Foreword’, *Ulysses* (New York: Random House, 1961), xiii.
7. A complete discussion of autonomization and modernity is impossible here, but for a very brief introduction see, for example, Max Weber, ‘Politics as a Vocation’, in Hans Gerth and C. Wright Mills, eds, *From Max Weber: Essays in Sociology* (Oxford: Oxford University Press, 1958), 77–128; Jürgen Habermas, *Toward a Rational Society: Student Protest, Science and Politics* (Boston: Beacon, 1970); and Pierre Bourdieu, ‘The Market for Symbolic Goods’, in *The Field of Cultural Production* (New York: Columbia University Press, 1993), 112–41.

8. For a summary of many of the legal issues involving copyright and *Ulysses* see Robert Spoo, 'Injuries, Remedies, Moral Rights, and the Public Domain', *James Joyce Quarterly*, 37 (2000): 333–66. Spoo's argument that the 1922 edition of *Ulysses* may, in fact, not have copyright protection in the United States appears in Spoo, 'Copyright and the Ends of Ownership: the Case for a Public Domain *Ulysses* in America', in *Joyce Studies Annual 1999*, ed. Thomas F. Staley (Austin: University of Texas Press, 1999), 5–62.
9. Pierre Bourdieu, *The Rules of Art: Genesis and Structure of the Literary Field* (Stanford: Stanford University Press, 1996), 47.
10. Paul Saint-Amour, *The Copyrights: Intellectual Property and the Literary Imagination* (Ithaca: Cornell University Press, 2003).
11. Hugh Kenner, 'Joyce and Modernism', in *James Joyce*, ed. Harold Bloom (Philadelphia: Chelsea House, 2003), 101.
12. Cited in Frank Budgen, *James Joyce and the Making of Ulysses* (New York: Harrison Smith and Robert Hass, 1934), 69.
13. James Joyce, *Finnegans Wake* (New York: Penguin, 1939), 179, 182.
14. Cited in Richard Ellmann, *James Joyce* (Oxford: Oxford University Press, 1982), 310. The various manuscript copies of the story contain different versions of this passage, which was continually rewritten in an effort to secure publication. For a full record see *The James Joyce Archive*, ed. Michael Groden et al. (New York: Garland, 1977–1979), 4: 181–269. The final version of the text simply refers to Queen Victoria as Edward VII's 'old mother'. James Joyce, *Dubliners* (New York: Viking, 1967), 132.
15. Joyce, *Dubliners*, 132.
16. Ellmann, 314.
17. Ellmann, 315.
18. James Joyce, *Letters of James Joyce* (New York: Viking, 1966), 2: 291.
19. Francis Holt, *The Law of Libel* (London: W. Reed, 1812), 84.
20. Ellmann, 328.
21. Ellmann, 329–30.
22. *Collected Letters of James Joyce*, 1: 64.
23. *Parmiter v. Coupland*, 151 Eng. Rep. 340 (Exch. Pleas 1840).
24. Holt, *The Law of Libel*, 49. The Constitution of Ireland (*Bunreacht na hÉireann*), adopted in 1937, states in article 40, section 3 that 'The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen', thus explicitly granting its citizens protection from defamation.
25. Dan B. Dobbs, *The Law of Torts* (St Paul, Minn.: West Group, 2000), 1120.
26. This is one of the many ways in which the law governing libel differs from that of slander. Thus, in order to bring a general case for slander (called slander *per quod*), a plaintiff must not only prove that the defendant uttered injurious words, but that this act directly caused some financial or pecuniary loss beyond mere damage to one's reputation. There is a special subset of slanderous speech, however, termed 'slander *per se*', which, like libel, presumes damage without any special proof. This includes speech which charges that the plaintiff has committed a criminal offence, is ill with venereal disease, has committed some sexual offence, or is unsuited for his or her profession (see Dobbs, *The Law of Torts*, 1140–1).
27. Dobbs, *The Law of Torts*, 1128.
28. In the published text of *Dubliners* as well as in the manuscript and typescript drafts preserved in the James Joyce Archive, the name of the railway company in 'A Painful Case' is not directly given. Since Joyce mentions this specific objection

in a letter, however, it is reasonable to assume that some version of the story did name the company specifically. Just as he excised the description of Queen Victoria as a 'bloody old bitch', literally pasting a new version into his notebook, so Joyce may also have deleted this specific reference to the railroad company in an effort to shore up his defence against a libel charge. See *Collected Letters of James Joyce*, 2: 312.

29. Ellmann, 331.
30. William Wimsatt, 'The Intentional Fallacy', *The Verbal Icon: Studies in the Meaning of Poetry* (Lexington: University of Kentucky Press, 1954), 3–20.
31. *Bolton v. O'Brien* (1885) 16 LR Ir 97, 108.
32. Stanislaus Joyce, *The Dublin Diary of Stanislaus Joyce* (London: Faber and Faber, 1962), 12.
33. Herbert Gorman, *James Joyce: His First Forty Years* (New York: B.W. Huebsh, 1944), 119, 134.
34. *Ulysses* was suppressed in Great Britain not at trial but through the actions of the Home Office. For a detailed description of these proceedings, see Carmelo Medina Casado, 'Sifting through Censorship: the British Home Office *Ulysses* Files (1922–1936)', *James Joyce Quarterly*, 37 (2000), 479–508.
35. Cited in *Irish Times*, 9 October 1954.
36. George Levine, *The Realistic Imagination: English Fiction from Frankenstein to Lady Chatterley* (Chicago: University of Chicago Press, 1981), 8.
37. Caroline Levine, *The Serious Pleasures of Suspense: Victorian Realism and Narrative Doubt* (Charlottesville: University of Virginia Press, 2003), 17.
38. Typescript note, untitled, from the Richard Ellmann Collection, McFarlin Library Special Collections, University of Tulsa, series I, folder 89.
39. 'Author and Wit Was Prototype of Character in *Ulysses*', *New York Times* (23 September 1957). Richard J. Finneran, 'Buck Mulligan Revisited', *Papers on Language and Literature*, 16 (1980), 209, contends that Yeats was particularly sympathetic to 'the damage done to Gogarty's reputation' by *Ulysses* and did what he could to advance his career. Gogarty's biographer, Ulick O'Connor, took up the cause as well, serving as a witness for the plaintiff in Dodd's libel suit against the BBC.
40. Claire Culleton, *Names and Naming in Joyce* (Madison: University of Wisconsin Press, 1994), 107.
41. Virginia Woolf, *The Voyage Out* (Oxford: Oxford University Press, 1992), 224.
42. H.G. Wells, Preface to *The World of William Clissold* (New York: George H. Doran and Co., 1926), iv.
43. James Joyce, *Ulysses*, ed. Hans Walter Gaber et al. (New York: Random House, 1986), 11.150–4. All subsequent references to this edition of the text will appear parenthetically, citing episode and line numbers.
44. Oliver St John Gogarty, 'Roots in Resentment: James Joyce's Revenge', *Observer* (7 May 1939).
45. Ellmann, 530.
46. Ellmann, 507.
47. There was considerable precedent for such a strategic use of litigation. In 1878, the American painter James Abbott McNeill Whistler brought a libel suit against an elderly John Ruskin who had called *Nocturne in Black and Gold: the Falling Rocket*, 'a pot of paint [flung] in the public's face'. The trial was widely covered by the press and helped cement Whistler's own growing celebrity image, despite the fact that he won the case yet received only a token sum in damages. For an account of the trial see Whistler, *The Gentle Art of Making Enemies* (New York: G.P. Putnam's,

1890) and Linda Merrill, *A Pot of Paint: Aesthetics on Trial in Whistler v. Ruskin* (Washington, DC: Smithsonian Institution Press, 1992). Oscar Wilde's criminal prosecution of Lord Queensbury in 1895 may have been partially inspired by Whistler's success, though it produced disastrous results when it ranged beyond matters of taste and ambiguity to the intractable facts of Wilde's sexual life.

48. Clive Hart, 'James Joyce and Sentimentality', *James Joyce Quarterly*, 41 (2003), 35–36.
49. Typescript page titled 'Ulysses' from the Richard Ellmann Collection, McFarlin Library Special Collections, University of Tulsa, series I, folder 89.
50. William Empson, *Using Biography* (Cambridge: Harvard University Press, 1984), 225. For Hayman's influential theory of the 'Arranger', which is designed to mediate between authorial intention and the intentional fallacy, see David Hayman, *'Ulysses', the Mechanics of Meaning* (Madison: University of Wisconsin Press, 1982).
51. In the common law, the power of interpretation is explicitly reserved to the jury as the triers of fact, but before a suit can proceed a judge must first determine that words can, in fact, bear some defamatory meaning. For a full description of this process see Dobbs, *The Law of Torts*, 1131–4.
52. Sebastian D.G. Knowles, *The Dublin Helix: the Life of Language in 'Ulysses'* (Gainesville: University of Florida Press, 2001), 7.
53. As is so often the case in *Ulysses*, the card itself presents a difficult textual crux. Even its potentially libellous content is unclear, since when Bloom initially reads it he sees only the two letters, yet when Josie Breen recites its contents she says 'u.p: up' (8.258). She may simply be running the letters together, or the card itself may contain the colon and word 'up' as well as the letters. The card later resurfaces in 'Circe' (8.485) where Alf Bergan recites it, but since this is an essentially hallucinatory event, it does not resolve this curious aporia which leaves us not only unsure of the card's meaning, but of its contents as well.
54. Robert Byrnes, "'U.P.: up" Proofed', *James Joyce Quarterly*, 21 (1984), 175–6.
55. Joyce used the pseudonym 'Stephen Dædelus' to sign the first version of 'The Sisters' in 1904, thus only further compounding the interplay of real and fiction names which complicate this episode.
56. Ellmann, 364 argues that 'according to friends' Joyce took this theory of Shakespeare's plays more seriously than Stephen does, suggesting 'that *Ulysses* divulges more than an impersonal and detached picture of Dublin life', but is instead a *roman-à-clef*.
57. Mark Shechner, *Joyce in Nighttown: a Psychoanalytic Inquiry into Ulysses* (Berkeley: University of California Press, 1974), contends that 'Shakespeare, then, is only the pretext of "Scylla"; James Joyce is the text' (27).
58. Ulick O'Connor, *Oliver St John Gogarty: a Poet and His Times* (London: J. Cape, 1963), 84.

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