

GIRLS LEAN BACK EVERYWHERE: THE LAW OF OBSCENITY AND THE ASSAULT ON GENIUS

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INTRODUCTION

About eight years ago I began work on *GIRLS LEAN BACK EVERYWHERE: The Law of Obscenity and the Assault on Genius***—the first two chapters of which appear serially for the first time in this issue of the *Cardozo Arts & Entertainment Law Journal*. My idea was to find out how the persons who were most intimately affected by literary censorship, especially authors and publishers, felt about the censorship, and describe what had taken place over the past one hundred years or so, as far as possible in the words of these persons. This helps to explain the format that I have used—a dramatic dialogue between the men and women who took part in the struggle for literary freedom. Since these persons were literate and articulate, their words have given my book a testimonial aspect.

The first chapter is largely based on the writings of two American feminists, Margaret Anderson and Jane Heap, who published and edited a dynamic "little magazine" of art and politics known as the *Little Review*, from 1914 to the year of the Great Crash, 1929. Although the crash marked the journal's official end, its proud and defiant spirit was crushed some nine years previously by John Summer, Secretary of the New York Society for the Suppression of Vice, and the three male judges who sat on the criminal case that Summer brought against Anderson and Heap pursuant to the obscenity law of New York. This was the law which Summer's notorious predecessor, Anthony Comstock, had persuaded the New York legislature to enact prior to the turn of the century. The virtually unknown story of the blow to literary and artistic freedom suffered by these brilliant women, for publishing the Gertie McDowell ("Nausicca") episode from James Joyce's *Ulysses*, is told in the first chapter of my book which, like the book itself, takes its title from a spirited essay that was

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also published by the defendants in the *Little Review*, in defense of their publication of Joyce's masterpiece.

Sadly, the brave publishers were not permitted to make in court any similar defense of what Joyce, and they, had done because their distinguished benefactor and lawyer John Quinn thought the ladies would not make a good impression on their judges from the witness stand. Given the advantage of hindsight it seems likely that the only chance the feminists had in their trial of seventy years ago to defeat John Summer, his anti-vice society, and the New York law of obscenity, was by letting their judges know how they really felt about Joyce's art, the law, and the words that Joyce used—"James Joyce has never written anything, and will never be able to write anything, that is not beautiful"—and about the impossibility of a court of law judging Joyce's or anyone else's art—"The heavy face and sad futility of trying a creative work in a court of law."

Happily, the defeat of Margaret Anderson, Jane Heap, and the *Little Review* did not daunt the author of *Ulysses* who, living at the time in Paris, turned his finished book over to another American feminist to publish. This was Sylvia Beach, then running the Shakespeare & Company bookstore on Paris' left bank. How this momentous event occurred, in 1922, and how a dozen or so years later, in New York, the young American publisher who founded Random House, Bennett Cerf, (a) acquired the right to publish *Ulysses* in the United States; (b) proceeded to entrap U.S. Customs officials into impounding a copy of the Shakespeare & Company edition so that Cerf might bring a test case to establish that the book was not obscene; and (c) won the case with the aid of New York lawyer Morris Ernst, before a humanistic federal district judge named John Woolsey—all of this is the burden of the second of the chapters published here as "*L'Homme Moyen Sensuel*."

Judge Woolsey found that *Ulysses* was not obscene and was entitled to enter the country unmolested by obscenity law enforcement officials. His decision was upheld by a majority of a distinguished panel of the Second Circuit Court of Appeals consisting of those exemplary jurists, Learned and Augustus Hand. Lawyer Ernst rightly said that the event constituted "a body blow to the censors."

Nevertheless, the "test" for obscenity that Woolsey announced did not succeed to free much other serious literature from suppression, nor to free the authors, publishers, and sellers of such literature from risks of criminal prosecution and police

raids. In those days, the practice of the police, tolerated by the courts, was to carry out mass seizures of all copies of a book possessed by publishers and booksellers which was suspected of being obscene under state or federal obscenity laws, prior to any judicial consideration whatsoever. Today, such action would be held in violation of first amendment protection.

In any event, as *GIRLS LEAN BACK EVERYWHERE* goes on to relate, a few years later in Cambridge, a Watch and Ward Society prosecution of a bookstore owner named DeLacey—for selling the privately published Florentine edition of D.H. Lawrence's *Lady Chatterley's Lover*, which was being smuggled into the United States and England for sale by friends of Lawrence and friendly booksellers—led to DeLacey's conviction and a sentence of imprisonment which was upheld by Massachusetts' highest judicial bench. And within another half-a-dozen years, the Doubleday & Company edition of another literary work of genius—a novel called *Memoirs of Hecate County*, written by America's foremost literary critic Edmund Wilson—was seized and suppressed as "obscene" as a result of police raids on the Doubleday chain of bookstores and a prosecution of the book's publisher in New York. Both of these police actions were led by the indefatigable John Summer.

After Doubleday was convicted by a three-judge criminal court, the *Hecate County* case was appealed all the way to the Supreme Court which, instead of freeing Edmund Wilson's book, affirmed Doubleday's conviction and the suppression of the book by a 4 to 4 division. This happened when Justice Felix Frankfurter recused himself from the case—much to Edmund Wilson's disgust—because of their long-time friendship. The affirmance was automatically made, without written opinion, as is the Court's unvarying practice in cases of an evenly divided bench. This turned out to be another devastating blow to literary and artistic freedom as may be appreciated from the fact that after the decision (as my forthcoming book relates): publisher Samuel Roth was convicted in New York and imprisoned for publishing Aubrey Beardsley's unfinished prose masterpiece, *Venus and Tannhauser*; poet/publisher Laurence Ferlinghetti was prosecuted (but acquitted) in San Francisco for publishing Allen Ginsberg's epic poem *Howl*; warrants for the arrest of publisher Barney Rosset (Grove Press) and author Henry Miller were issued in Brooklyn, Miller's home town, because of Rosset's publication of Miller's masterwork, *Tropic of Cancer*; and scores of booksellers all over the country were prosecuted for, or stopped

by the police from, selling *Cancer* throughout the early years of the 1960s.

It was only when the Warren Court in 1964 took up a Florida case involving the suppression of *Tropic of Cancer*—on a *certiorari* petition that I had filed on behalf of Grove Press—and Justice William J. Brennan, Jr. mobilized a majority of the Court to reverse the Florida courts' finding that the book was obscene, that imaginative literature (and art) can be said to have begun to receive a full share of first amendment freedom from the Court. Such protection had already been long enjoyed by political tracts, newspapers, and soap-box orations. And so, thereafter, William Burroughs' *Naked Lunch*, John Cleland's *Fanny Hill*, Terry Southern's *Candy*, Philip Roth's *Portnoy's Complaint*, and Vladimir Nabokov's *Lolita* were successfully published (not all, however, without a struggle). But, on the other hand, also thereafter, Ralph Ginzburg's distribution through the mails of his hard-covered illustrated magazine *Eros*, and William Hamling's mail-promoted distribution of the *Illustrated Report of the Commission on Obscenity and Pornography*, earned these publishers stiff prison sentences, in 1966 and 1973 respectively. The later events occurred when the doctrine that Brennan had announced to free *Tropic of Cancer* was momentarily side-tracked, by Brennan himself, and subsequently revised by a 5 to 4 division of the Burger Court in the 1973 case of *Miller v. California*.

As is well known, *Miller* gave local communities more to say about what was "obscene" and required expression to have "serious" literary, artistic, scientific, or political value before it might qualify for constitutional protection. Brennan in *Miller* went into deep dissent. He knew by then, and said, what the other Warren Court Justices (except White) also had finally come to recognize, that it was impossible for a court or legislature to define obscenity in a way that did not carry with it the fatal constitutional defects of vagueness and overbreadth; that, therefore, all sexually-oriented expression and materials communicated between consenting adults ought to be deemed constitutionally protected and incapable of being suppressed as obscene. Had Brennan's views prevailed (they were joined or supported by dissenting Justices William O. Douglas, Thurgood Marshall, and Potter Stewart), the story told in *GIRLS LEAN BACK EVERYWHERE* would have ended much earlier, and *Miller* would have signified the end of the line for literary and artistic censorship.

It also would have obviated the attacks recently made upon the work of photographic artists Andres Serrano, Robert Map-

plethorpe, and Jock Sturges, curator Dennis Barrie, performance artists Karen Finley and Holly Hughes, and rap musicians Luther Campbell and 2 Live Crew—attacks which are described in the last chapter of my forthcoming book.

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Girls Lean Back Everywhere

Ida Craddock was forty-five years old when she took her own life. She came to New York a few years earlier, around the turn of the century, leaving Philadelphia and shorthand teaching behind. On the door of her flat on West 23rd Street a sign read: "Instructor in Divine Science."

Her friends said she experienced erotic hallucinations that led her to imagine she was the earthly sweetheart of an angel. On the basis of those conjugal relations she wrote, in 1900 or 1901, a booklet called *The Wedding Night*, containing suggestions for affianced women, and another called *Advice to a Bridegroom*, intended for affianced men. She also published a pamphlet of essays that included a defense of the *danse du ventre*.

There were doctors who thought Ida Craddock insane, but she wrote intelligently and with feeling. When Anthony Comstock read what Craddock wrote he said it was the "science of seduction" and arranged for her to be arrested and prosecuted in state and federal courts for the words she committed to paper. In the New York Public Library I found a remnant of Craddock's "science of seduction," from *Advice to a Bridegroom*.

IDA CRADDOCK: *I am so glad that you are about to marry. It is not good for man [to be] alone. And there is a sweet and wholesome satisfaction attending intercourse with a woman whom a man rejoices to openly acknowledge as his wife . . .*

. . . .
In the marital relation the sexual nature manifests through two distinct functions—the love function and the parental function. These two functions are not always exercised conjointly. There are [also different sets] of organs for these two different functions.

For the parental function the organs are, in woman, the ovaries [and] uterus. In man they are the testicles and the vesiculæ seminales.

For the love function the organs are those which contact, the organ in man, the vulva and vagina in woman. . . .

Upon no account use the hand to arouse excitement at the woman's genitals. There is but one lawful finger of love with which to approach her sexual organs for purposes of excitation—the erectile organ of the male. Many men, in order to arouse passion quickly in the woman, are accustomed to titillate the clitoris with the finger—a proceeding which is distinctly masturbative. . . . The orgasm aroused by excitation within the vagina appears to be the one which satisfies the woman most completely, because it awakens her sweetest and most womanly, most maternal instincts.¹

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Anthony Comstock was Secretary of the New York Society for the Suppression of Vice for forty-three years. He was only twenty-eight years old when the Society was chartered in 1873. That was a fatal year for literary freedom because the U.S. Post Office made Comstock an unpaid "special agent," which permitted him to go to any post office and open mail he suspected was "obscene"; and the Congress, to please him, amended an 1865 law² making it a crime to knowingly send obscene publications through the mails, by making it a crime also to knowingly send information and advertisements about obscene publications, contraception, or abortion through the mails.³ Thereafter, the law, as amended, was known as the "Comstock law." In its first six months of operation, Comstock said the new law made it possible for him to seize 194,000 obscene pictures and photographs, 134,000 pounds of books, 14,200 stereo plates, 60,300 "rubber articles," 5,500 indecent playing cards, and 3,150 boxes of pills and powders, mostly "aphrodisiacs."⁴

Over the course of his long career, Comstock claimed to have destroyed more than "16 tons of vampire literature" and convicted of obscenity "enough persons to fill a passenger train of sixty-one coaches—sixty coaches containing sixty passengers each and the sixty-first coach not quite full." Some of those persons were female: biographers counted fifteen women whom Comstock drove to "self-destruction," among them Ida Craddock.⁵

According to Comstock, Ida Craddock escaped to New York from the Asylum for the Insane in Frankford, Pennsylvania. In New York she sold her "vile literature" at fifty cents a copy, advertising by means of circulars that she handed about. This Instructor in Divine Science thought it was *good* for young men and women to read

her books, and attend the public lectures she gave. Comstock thought differently.

ANTHONY COMSTOCK: Any refined person reading [her books], would find all the finer and sweeter sensibilities violently shocked; while to the ordinary mind, it would be regarded as the "science of seduction;" and a most dangerous weapon in the hands of young men, as educating them in a manner that would enable them to practice the wiles of the seducer to perfection upon innocent girls.⁶

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Ida Craddock's first case pitting her against Anthony Comstock, complainant, was a prosecution in 1902, in New York, for putting a copy of *The Wedding Night* in the mails;⁷ it landed her in State prison for three months because she could not pay a \$500 fine, and the lawyer who appeared at the sentencing on her behalf pleaded in extenuation that it was apparent "that no woman in her right mind would write such a book." After serving her time, and almost as soon as she was free, a federal judge convicted Craddock for putting *Advice to a Bridegroom* in the mails. The judge would not let the jurors see the booklet because, he said, it was "indescribably obscene." The jury found Ida Craddock guilty "without leaving their seats."

Judicial legerdemain of this sort was characteristic of the way the obscenity laws were applied by the courts in those days to purveyors of allegedly obscene literature. The judges professed such horror at the stuff the police brought before them that they usually did not allow it into the record, let the jurors take it into the jury room, nor let lawyers read it aloud in the courtroom. This made especially problematic the defense of an obscenity case, and next to useless any appeal from a guilty verdict, since the reviewing judges had no way of testing the trial judge's or jury's conclusions that the material in question was "obscene." At that time, in New York, literature was said to be obscene if it had any "tendency to corrupt the morals of youth."

The attitude of the judges toward her writings made a deep impression on Ida Craddock. When the day arrived for her to appear in federal court for sentencing, she stayed home instead and cut her wrists and gassed herself—in this way asserting a right to die as she pleased. Craddock left a note behind:

IDA CRADDOCK: I am taking my life because a judge, at the instigation of Anthony Comstock, has declared me guilty

of a crime which I did not commit—the circulation of obscene literature.⁸

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The work of Comstock and his New York Anti-Vice Society received generous support from such tycoons as J. Pierpont Morgan, William E. Dodge, Jr., and Samuel Colgate,⁹ and from the press during his lifetime and after his death.

THE NEW YORK TIMES: All through his long career ANTHONY COMSTOCK suffered . . . because . . . the popular impression of him was based not on the large amount of his work, about the merits of which there never has been or could be any question by decent people, but on the small part of it that was, with more or less reason, considered by such people at best unnecessary or unwise and at worst the manifestation of ignorant fanaticism. . . .

....

That MR. COMSTOCK never made mistakes, that he did not sometimes allow himself to be carried away by excessive zeal, that he was not an occasional persecutor as well as a frequent prosecutor, not even his best friends and most sincere appreciators could truthfully deny, and they do not. They can and do claim for him the credit due to a thoroughly honest man who through a long life, for the scantiest of material rewards, devoted his courage and energy, both remarkable, to the protection of society from a detestable and dangerous group of enemies.¹⁰

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The earliest English prosecutions of the publishers of meritorious novels were directed at the works of French authors—Zola, Flaubert, Bourget, and de Maupassant. Comstock's earliest literary targets, similarly, were the works of foreigners: Balzac's *Droll Stories*, Tolstoi's *The Kreutzer Sonata* and d'Annunzio's *The Triumph of Death*. Selling Balzac cost a mail-order publisher named John A. Wilson two years in jail, but the other two prosecutions were unsuccessful. Although the *New York Times* characteristically aligned itself with Comstock when dirty books were in question,¹¹ the newspaper took the anti-vice crusader to task in the Tolstoi and d'Annunzio matters. Regarding the latter the *Times* said: "Both Signor d'Annunzio and the American publisher owe a lasting debt of gratitude to Mr. Anthony Comstock. Until that illustrious maker of reputations took the matter in hand the Italian's books were a drug on the market."

Comstock's handling of Tolstoi was even more frustrating for the *Times*:

If not for the censorship of the United States mails relating to *The Kreutzer Sonata*, this last insanity of Tolstoi's would have had but a few thousand readers. As it is . . . it looks as if New York would supply 300,000 copies of the book. At the beginning of the run . . . the book publishers in New York streets alone bought \$800 worth a day.

In 1915, after Comstock died, John Sumner took his place. Sumner had gone to night law school at New York University and considered himself a literary man. He claimed to regard Comstock's activities as excessive and tried to carry out the Society's work in a more subdued way. Like his predecessor, however, Sumner enjoyed reporting to the Society's members and the press the annual tonnage of "obscene" and "immoral" material that he suppressed, and he did not hesitate to attack women when he found them disseminating literature liable to corrupt young boys or girls.¹² One of his earliest successful cases was the prosecution of the two feminists who ran the Washington Square Bookstore in Greenwich Village, from which they published the *Little Review*, their names: Margaret Anderson and Jane Heap.¹³

Margaret Anderson started the *Little Review* in Chicago in the winter of 1914. The last issue appeared in Paris during the spring of 1929, the year of the Great Crash.¹⁴ She published the magazine on a shoe-string, without any financial plan or backing, on sheer will-power; it was one of the best of our *avant garde* literary journals and reflected its publisher's sudden shifts of interest: first, feminism; next Emma Goldman and anarchism; then imagism, symbolism, dadaism, the machine. Anderson was drawn to experimentalism, the more advanced the better, and so to Joyce and his revolutionary novel.

The expatriate American poet Ezra Pound, who was then living and writing in Paris, advised Anderson and Heap that they should publish Joyce's *Ulysses*. He told them Joyce was better than Flaubert¹⁵ and it was certainly worth running a magazine like the *Little Review* if they could get stuff like this to put in it. Reading the first three installments caused Anderson to cry out to Heap:

MARGARET ANDERSON: This is the most beautiful thing we'll ever have to publish. Let us print it if it's the last effort of our lives!

It was not easy for the *Little Review* publishers to find a printer willing to print the episodes of *Ulysses* that came from Paris. Anderson wrote: "We found a Serbian who with his two daughters were the shop." The man's mother had been the poet-laureate of Serbia and so "he knew the beautiful words." Once, in his troubled English, he asked Anderson about certain words in Joyce's manuscript. When she explained their meaning, he responded: "Ah, yes, I know! In Serbia those words are good for people but in America it is not good. Here the people are not brave about words, they are not healthy about words. . . . You can go to prison."

Ezra Pound became their foreign editor. When they went to see him in Paris he was living in a garden studio in the rue Notre Dame des Champs. He "went around dressed in the large beret and flowering tie of The Latin Quarter artist of the 1830's." Pound sent them other writers whose prose and poetry they published in the *Little Review*.

Pound also introduced the women who ran the *Little Review* to the man "who became their lawyer and benefactor," John Quinn. Born in 1870 in Ohio, into an impoverished Irish-Catholic immigrant family, Quinn rose through Harvard Law School to become a distinguished member of the New York bar and a wealthy Tammany lawyer. He did it "through hard work and the fighting spirit of the Irish."

MARGARET ANDERSON: He fought everybody, from his office boys—who trembled visibly and were in consequence the most inefficient office boys in the world—to his friend and protégé, James Joyce, who sat calmly in Paris and ignored Quinn's cutting suggestions as to how '*Ulysses*' ought to be written.¹⁶

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Quinn used the fortune he made at law to satisfy his love for literature and art, and for a while he considered purchasing the right to publish *Ulysses*.¹⁷ His love and profession also led him to defend censorship cases, and so he represented Anderson and Heap. Opposed was John Sumner, representing the People of the State of New York.

Margaret Anderson had first noticed Sumner in 1916, four years before her arrest and trial, when the young Anti-Vice Society agent obliged a young publisher named Alfred A. Knopf to withdraw from sale a novel he had published called *Homo Sapiens*—because Sumner said it was obscene.¹⁸ To insure he would not repeat the crime, Knopf was also made to melt down the book's plates. In

the pages of the *Little Review* Anderson exclaimed: "This is the most inexcusably ridiculous thing that has happened for months. It is incredible!" She might have known something similar was in store for her and Heap.

Young Knopf's humiliation at the hands of Sumner did not stop Anderson and Heap from publishing James Joyce's "obscene" work, *Ulysses*, episode by episode. The first installment appeared in the Spring 1918 number of the *Little Review*.¹⁹

Said Anderson: "We were the first to publish this masterpiece and the first to be arrested for it."²⁰

On October 4, 1920, Sumner arrested and charged them with publishing "obscenity." The offense consisted of printing and distributing the Summer 1920 issue of the *Little Review* containing the "Nausicaa" episode from *Ulysses* in which Leopold Bloom was inspired to indulge in "some erotic musings"—as Anderson delicately phrased it—when a young girl named Gertie McDowell let Bloom see her uncovered legs. Gertie's friends had just trotted off to get a better view of some fireworks and . . .

JAMES JOYCE (*Ulysses*): *At last they were left alone without the others to pry and pass remarks, and she knew he could be trusted to the death, steadfast, a man of honour to his fingertips. She leaned back far to look up where the fireworks were and she caught her knee in her hands so as not to fall back looking up and there was no one to see only him and her when she revealed all her graceful beautifully shaped legs like that, supple soft and delicately rounded, and she seemed to hear the panting of his heart his hoarse breathing, because she knew about the passion of men like that, hotblooded, because Bertha Supple told her once in secret about the gentleman lodger that was staying with them out of the record office that had pictures cut out of papers of those skirt dancers and she said he used to do something not very nice that you could imagine sometimes in the bed. But this was different from a thing like that because there was all the difference because she could almost feel him draw her face to his and the first quick hot touch of his handsome lips. Besides there was absolution so long as you didn't do the other thing before being married and there ought to be women priests that would understand without telling out and Cissy Caffrey too sometimes had that dreamy kind of dreamy look in her eyes so that she too, my dear, and besides it was on account of that other thing coming on the way it did.*

And Jacky Caffrey shouted to look, there was another and she leaned back and the garters were blue to match on account of the transparent and they all saw it and shouted to look, look there it was and she leaned back ever so far to see the fireworks and something queer was flying about through the air, a soft thing to and fro, dark. And she saw a long Roman candle going up over the trees up, up, and they were all

breathless with excitement as it went higher and higher and she had to lean back more and more to look up after it, high, high, almost out of sight, and her face was suffused with a divine, an entrancing blush from straining back and he could see her other things too, nainsook knickers, four and eleven, on account of being white and she let him and she saw that he saw and then it went so high it went out of sight a moment and she was trembling in every limb from being bent so far back that he could see high up above her knee where no-one ever and she wasn't ashamed and he wasn't either to look in that immodest way like that because he couldn't resist the sight like those skirt dancers behaving so immodest before gentlemen looking and he kept on looking, looking. She would fain have cried to him chokingly, held out her snowy slender arms to him to come, to feel his lips laid on her white brow.²¹

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The sight of Gertie caused Bloom to have an orgasm, but probably only the careful reader noticed that. Jane Heap defended what Joyce had done, and Margaret Anderson commented on their lawyer's defense of Joyce, in the *Little Review*.

JANE HEAP: Mr. Joyce is not teaching early Egyptian perversions nor inventing new ones. Girls lean back everywhere, showing lace and silk stockings; wear low cut sleeveless gowns, breathless bathing suits; men think thoughts and have emotions about these things everywhere—seldom as delicately and imaginatively as Mr. Bloom—and no one is corrupted.²²

MARGARET ANDERSON: John Quinn's strategy in defending us was to argue that *Ulysses* was not indecent, merely disgusting, and that the mannequins in Fifth Avenue shop windows exhibited more than Gertie McDowell did, in the way of underdrawers.²³

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Although they certainly were not required by law to do so, the judges allowed Quinn to put on the stand three literary experts, to defend what Joyce wrote.²⁴ Anderson commented upon the futility of their contributions. When Phillip Moeller (of the Theatre Guild) was called, he tried to explain the Freudian method of unveiling the unconscious mind which James Joyce used.

MARGARET ANDERSON: The court gasps, and one of the judges calls out, 'Here, here, you might as well talk Russian. Speak plain English if you want us to understand what you're saying!'²⁵

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The next witness was Scofield Thayer, editor of *Dial* magazine.

MARGARET ANDERSON: Scofield Thayer was forced to admit that if he had had the desire to publish '*Ulysses*' he should have consulted a lawyer first—and not published it. . . .²⁶

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The final witness was John Cowper Powys, the famous English poet, novelist, and critic; he made a better impression, declaring *Ulysses* to be "a beautiful piece of work in no way capable of corrupting a young girl."

Afterward, Jane Heap tossed barbs at the court and its process from the pages of the *Little Review*:

JANE HEAP: The heavy farce and sad futility of trying a creative work in a court of law appalls me. Was there ever a judge qualified to judge even the simplest psychic outburst? How then a work of Art? Has any man not a nincompoop ever been heard by a jury of his peers?

. . . .
The society for which Mr. Sumner is agent, I am told, was founded to protect the public from corruption. When asked *what public?* its defenders spring to the rock on which America was founded: the cream-puff of sentimentality, and answer chivalrously 'Our young girls.' So the mind of the young girl rules this country?

. . . .
If there is anything I really fear it is the mind of the young girl.²⁷

MARGARET ANDERSON: Mr. Sumner is . . . a serious, sincere man, very much interested in proving his conviction that James Joyce is filthy to read and contaminating to those who read him. . . . [But the man] is operating in realms in which it can be proved that he cannot function intelligently, legitimately, or with any relation to the question which *should* be up for discussion in the court.

That question is the relation of the artist—the great writer—to the public.

. . . .
I state clearly that the (quite unnecessary!) defense of beauty is the only issue involved.

James Joyce has never written anything, and will never be able to write anything, that is not beautiful.²⁸

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The law, however, did not concede that beauty could be a defense against an imputation of obscenity;²⁹ most English and American judges refused even to admit evidence of literary or artistic merit. The test for obscenity was whether a writing tended to deprave and corrupt the morals of young or immature persons—"those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall." The language is from the leading English case, *Queen v. Hicklin*,³⁰ decided in 1867, followed by most American courts well into the twentieth century. This being the tenor of the law, some judges cynically maintained that literary merit merely compounded the crime of obscenity—by enhancing a book's capacity to deprave and corrupt. When John Quinn was given permission to put on his literary experts, the judges gave the lawyer an opportunity they were at the time legally free to withhold.

During the trial, Margaret Anderson's "worst moments" came when Quinn saw fit to apologize to the judges for what *Ulysses*' author and publishers had done. He addressed the "merits" of *Ulysses* "in terms he thought our judges could understand." And so Quinn pontificated that Joyce's *Ulysses* might be called "futuristic literature." It was "neither written for, nor read by, school girls." It was "disgusting in portions, perhaps, but not more so than Swift, Rabelais, Shakespeare, the Bible." It was doubtless "inciting to anger or repulsion but not to lascivious acts." "And," Anderson charged—"as his ultimate bit of nauseating and diabolical forensic psychology, aiming at that dim stirring of human intelligence which for one moment lit up the faces of our three judges"—Quinn confessed: "I myself do not understand *Ulysses*; I think Joyce has carried his method too far."

At this nadir in Quinn's defense of *Ulysses*, its author, and the women of the *Little Review*, the "most bewildered of the three judges" chimed in: "Yes, it sounds to me like the ravings of a disordered mind. I can't see why anyone would want to publish it!" Feeling wounded and betrayed, having been dissuaded by her lawyer from taking the witness stand, Anderson "almost leapt" from her chair beside him, shouting at the judges: "Let me tell you *why*!" And then she fantasized this regaling of her judges:

MARGARET ANDERSON: Since I am the publisher it may be apropos for me to tell you why I have wanted to publish it more than anything else that has ever been offered to me. Let me tell you *why* I regard it as the prose masterpiece of my generation. Let me tell you what it's about and why it was written and for whom it was written and why you don't understand it

and why it is just as well that you don't and why you have no right to pit the dullness of your brains against the fineness of mine.³¹

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She felt, she said, "as though I had been run over by a subway train." And then, Jane Heap, her "distinguished co-publisher," was "pounding me violently in the ribs."

JANE HEAP: Don't try to talk; don't put yourself in their hands.³²

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And so the publisher of the *Little Review* kept quiet.

MARGARET ANDERSON: [W]ith that look of being untouched by the surrounding stupidities which sends me into paroxysms. I smile vacuously at the court.³³

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Of course the verdict went against the obstreperous women. Anderson and Heap were fined a hundred dollars—paid, they said, "by a lady from Chicago who detested 'Ulysses'"—and, despite John Quinn's "furious remonstrances," were "led off to have our fingerprints taken."

MARGARET ANDERSON: If they had imagined that registering my digits was going to be a simple matter they were quickly disillusioned. I examined the thick fluid into which I was supposed to dip my well-kept fingers and insisted upon elaborate advance preparations to guarantee its removal. They hadn't enough towels to reassure me. They rushed out to find more. I didn't like their soap. They produced another kind. I insisted on a nail brush. This gave them more difficulty but they found one. Then I managed to make them suffer for my indignity until they were all in a state bordering on personal guilt. I finally offered my fingers with the distaste of a cat and it became their responsibility to convince me that there would be no permanent disfigurement.³⁴

§

Their friend Mary Garden reproached them: "I'm disappointed in you. I thought you'd go to jail."

JOHN QUINN: And now for God's sake, . . . don't publish any more obscene literature.³⁵

MARGARET ANDERSON: How am I to know when it's obscene?³⁶

JOHN QUINN: I'm sure I don't know. But don't do it.³⁷

§

They did not do it because now the magazine stopped carrying episodes from *Ulysses*. The "Nausicaa" episode was the last the *Little Review*'s readers would see.

MARGARET ANDERSON: The trial of the *Little Review* for printing a masterpiece is now over—lost, of course, but if any one thought there was a chance of our winning . . . in the United States of America. . . .³⁸

§

The *Little Review* had serialized about half of Joyce's novel by the time that Sumner struck, with his criminal prosecution of Anderson and Heap. But even before that happened, the United States Post Office had seized from the mails and burned three issues of the magazine because of Joyce's "obscene" prose.³⁹ The first seizure was in January 1919 (the "Lestrygonians" episode), the second in May ("Scylla and Charybdis"), the third in January 1920 ("Cyclops").

MARGARET ANDERSON: It was like a burning at the stake as far as I was concerned. The care we had taken to preserve Joyce's text intact; the worry over the bills that accumulated when we had no advance funds; the tears, prayers, hysterics and rages we used on printer, binder, paper houses; the addressing, wrapping, stamping, mailing; the excitement of anticipating the world's response to the literary masterpiece of our generation. . . .

And then a notice from the Post Office: BURNED.⁴⁰

§

They received almost no support from intellectuals about the masterpiece, for months or years.

MARGARET ANDERSON: A desultory appreciation arrived from time to time—usually from the West. New York was especially cold. The *New York Times* was the worst. It took pleasure in insulting us as purveyors of lascivious literature. That must have brought a great deal of satisfaction to Mr. Sumner.⁴¹

§

The *New York Times* was satisfied with the state court's decision, and relieved to see that Anderson and Heap were not "martyred":

THE NEW YORK TIMES: There will be, doubtless, the usual outcry from circles self-styled artistic and literary over the fining of the two women who edit and publish *The Little Review* for printing in it a presentation of life in Dublin as seen by a writer by the name of Joyce. . . .

It is a curious production, not wholly uninteresting, especially to psychopathologists. . . .

. . . Its offending lies in its occasional violations of what by common consent is decency in the use of words. Mr. Joyce and the editors of *The Little Review* probably would defend them as 'realistic'. . . . [B]ut that does not make them the more tolerable in print, and certainly does not make them either artistic or literary.

That most people would find the story incomprehensible and therefore dull is, perhaps, . . . a reason for letting anybody who wants to print such stuff do it. To make martyrs, even pseudo-martyrs, unnecessarily, is not wise⁴²

§

Jane Heap left food for thought in the trial's wake:

JANE HEAP: It was the poet, the artist, who discovered love, created the lover, made sex everything that it is beyond a function. It is the Mr. Sumners who have made it an obscenity.⁴³

§

For years Anderson brooded over her decision not to go to jail:

MARGARET ANDERSON: If I had refused to permit the payment of the fine I might have circulated some intelligent propaganda about 'Ulysses,' from my cell. Still I suppose the *New York Times* and the others would have refused to give it space. It was not until much later when Sylvia Beach published 'Ulysses' in book form in Paris that our three-year propaganda began to have its effect. The *New York Times* must have astonished its readers when finally it began to devote columns to James Joyce's masterpiece.

From then on books of criticism appeared every week lauding 'Ulysses,' interpreting it for the general public, often misunderstanding it, and always omitting to mention in spite of our copyright and our trial that it had first been published in the *Little Review*.⁴⁴

It is impossible to go anywhere or read anything without

getting into some gibberish about *Ulysses*. *Ulysses* ran serially in the *Little Review* for three years . . . scarcely a peep from the now swooning critics except to mock it. . . . Burton Rascoe, who runs the Bookman's Day Book in the *New York Tribune*, perhaps speaks for them all: when challenged for a past valuation of the book he explained that he didn't know it was a masterpiece when it was running in the *Little Review* because some of the words were misspelled, etc.⁴⁵

§

In the summer of 1924, Anderson published in the *Chicago Tribune* a stinging rebuke of the critics and papers that had scorned the *Little Review's* services to arts and letters with its bold publication of *Ulysses*. She was, she said, "a bit fed-up" with the literary critics who were now taking credit to themselves for having discovered *Ulysses*.

MARGARET ANDERSON: Especially as I happen to possess all the inside information as to their refusal for three years to recognize Joyce as anything but an excrescence upon the literary horizon. As editor, publisher, and founder of the *Little Review* I may be said to be more or less *au courant* with the fact that it was I who published Joyce's "*Ulysses*" serially in the *Little Review* some five years ago. This was in the days before the professional critics knew that Joyce existed—in spite of the opportunities he had given them with his "Exiles", "Portrait of the Artist as a Young Man", etc. No, I am unjust: several of them had already denounced him thoroughly on the grounds that in the "Portrait" he wrote of natural functions . . . naturally. When we urged the *New York Times* to help us in spreading a little publicity about this great book our requests were ignored completely, except for sneers at "a decadent art magazine that delights in publishing the filth of diseased contemporary writers", etc. We ran "*Ulysses*" serially for almost three years, and from the first were attacked by the combined forces of literary, social, and civic America. The Post Office Department suppressed five different issues of the *Little Review*—not only suppressed them but burned them up,—each issue of some 4,000 copies, so that we were almost unable to carry on our business.⁴⁶

§

Finding themselves "penniless again," Anderson went to see the New York financier and arts patron, Otto Kahn, hoping that he would help.

OTTO KAHN: Yes, . . . some intelligent help ought to be arranged for the *Little Review*. I'll come up and talk with you both about it.⁴⁷

MARGARET ANDERSON: He came to see us in Eighth Street, admired the magenta floor and the black walls (against which his yellow tea rose boutonnière was effective) and talked with genius about the *Little Review's* financial problems. He made a summary of ten points which covered the ground.⁴⁸

OTTO KAHN: I'm interested in your personalities. . . . Do you exploit them sufficiently? Do you go about a lot?⁴⁹

MARGARET ANDERSON: I answered that one can't go about comfortably without being well dressed.⁵⁰

OTTO KAHN: Yes, of course. I should say the *Little Review* needs about four thousand dollars to start with. That will remove your worries about the publication end of it and provide a few pretty dresses.⁵¹

MARGARET ANDERSON: Wonderful! . . . Then we can go everywhere. And we can talk everywhere. We really can make most interesting talk.⁵²

OTTO KAHN: Oh, no one wants to hear any talk. . . . Just go about. Let people see the color of your eyes and your hair and the way you wear your clothes. No one cares about anything else nowadays. Of course your 'Ulysses' affair was badly managed.⁵³ John Quinn is rather old-fashioned, I'm afraid. I should have given you Morris Gest as a publicity agent and had the case on all the front pages. That would have helped you.⁵⁴

§

MARGARET ANDERSON: Yes, that would have helped. So would have the promised four thousand dollars which for a reason we have never been able to explain did not materialize. I had tea with Otto Kahn once or twice after his visit, and found him charming and interesting. We talked of the four thousand dollars as a foregone conclusion. . . . [B]ut finally we received a letter saying that it would not be forthcoming. Otto Kahn being known as a man of his word, this was an enigma as well as a shock. We discussed all the possible reasons for the disaster, and could find none.⁵⁵

§

Margaret Anderson's and Jane Heap's the *Little Review* survived

for another eight years, but the spirit drained out of their magazine after they had to stop publishing *Ulysses*. When they could publish no more of Joyce's masterpiece, they packed up and moved to Paris. It was there, in 1929, the year of the Crash, that the last issue of the *Little Review* came out.⁵⁶ Looking back, Anderson realized that "it was because of *Ulysses*," and Pound, that her magazine had been such a success.

After the *Little Review* case was lost, Joyce would not find a man in England or the United States who was brave enough to publish his masterpiece for over ten years, during which time the novel, re-born in France of another woman's hand, made its way to fame and fortune by being smuggled into England and the States.

BENNETT CERF: For several years after Miss Margaret Anderson and Miss Jane Heap ran afoul of the law for publishing parts of *Ulysses* in their magazine, The Little Review, even the most liberal and daring publishers in America recognized the futility of making a fight to legalize James Joyce's greatest book in America. . . . Mr. Joyce did not receive a single overture from a reputable American publisher for *Ulysses* from 1920 until 1931. Copies of the Paris edition, in the familiar Columbia blue paper cover, continued to be smuggled into the country in ever increasing numbers, and the literary reputation of the book grew apace, but from a strictly legal standpoint, the taboo remained absolute and unchallenged.⁵⁷

§

None of the "new breed" of American book publishers who emerged in the aftermath of World War I—many of them young Jews and all of them men—dared publish *Ulysses* unexpurgated. Even the scrappy young publishers, Albert Boni and Horace Liveright, dropped the idea when they learned that the distinguished B.W. ("Ben") Huebsch—who proved venturesome enough in 1916 to publish unexpurgated Joyce's *Portrait of the Artist As a Young Man*—had declined to publish *Ulysses* unchanged.

In England, twelve printers⁵⁸ refused to set up Joyce's *Portrait of the Artist as a Young Man* the way Joyce wrote it, and Harriet Weaver, who had published parts of the work serially in her *avant garde* magazine *The Egoist*, would not go along with Ezra Pound's proposal that blank spaces be left and, after printing, the offending passages be filled in with a typewriter. The difficulty was exacerbated because everyone had fresh in mind how a year earlier, in England, the entire edition of D.H. Lawrence's novel *The Rainbow* was destroyed by the police.⁵⁹ Publishers and printers on both sides of the Atlantic

were intimidated. It was after Ben Huebsch went ahead and published *Portrait* in the States that Weaver brought out her edition in England.

Huebsch was the first Jew in the twentieth century to enter general publishing in the United States. The first book he published was safe enough—E.H. Grigg's *A Book of Meditations*—published in 1902. But his entry cracked the solidly Gentile facade of the book publishing business and rebuked the unacknowledged anti-semitism prevalent in the trade. Established American book publishers of the time would not employ Jews who thus were able to engage in publishing only by starting their own firms. Between the two World Wars a significant number of publishing houses headed by Jews were started in this way. Not all, however, managed to weather the legal and financial storms that wracked the industry during those years.

Women were discriminated against even more than Jews⁶⁰ in book publishing, notwithstanding that they had been prominently involved, both as writers and readers, "in the manic surge toward fiction" that took place in the last quarter of the nineteenth century. In 1872, according to John Tebbel's definitive *History of Book Publishing in the United States*, nearly three-fourths of American novels published were written by women. By 1880 the flood of fiction was so strong that a backlash set in from people who feared "that novels were the opiate of the masses and productive of social degeneracy." A magazine called *The Hour* warned in 1880 that:

Millions of young girls and hundreds of thousands of young men are *novelized* into absolute idiocy. Novel-readers are like opium-smokers: the more they have of it the more they want of it, and the publishers, delighted at this state of affairs, go on corrupting public taste and understanding and making fortunes out of this corruption.⁶¹

From the beginning, American publishers refused to admit women as owners, managers, or editors unless they were their wives. Notable among these were Blanche Knopf and Frances Brentano. A few others were able to work themselves up from secretaries to assistants but there was no significant entry of women into the upper echelons of book publishing before the political and cultural upheavals of the 1960s. The family that controlled the distinguished old Boston publishing house Little Brown did not let women own stock or be hired as editors until after World War II, in the 1950s.⁶² Excluded from roles of influence in established houses and denied the capital needed to start firms of their own, women themselves

interested in writing and bringing new writers to the public—and interested also in radical social and political change—resorted to the “little magazine,” or moved to Paris where they set up small, “alternative” presses,⁶³ and published some of the best, most innovative, and radical literature of the time.

When Ben Huebsch let Joyce know that he did want to publish *Ulysses*—but only if “some changes are made in the manuscript”—Joyce refused to let Huebsch go ahead.

2

L'homme Moyen Sensuel

In Paris, Sylvia Beach was relieved to hear that John Quinn's "brilliant defense" kept Margaret Anderson and Jane Heap from going to jail. But by then they were ruined financially: "Sad was the disappearance of the liveliest little magazine of the period!" When James Joyce dropped by Shakespeare & Company, Beach's Left Bank bookshop, to tell her the news, she saw immediately that "[i]t was a heavy blow for him, and I felt, too, that his pride was hurt. In a tone of complete discouragement," Joyce sat down and said: "'My book will never come out now.'"¹

Joyce had run into trouble publishing almost everything he wrote, including his first volume of prose, *Dubliners*.

JAMES JOYCE: Publishers and printers alike seemed to agree among themselves, no matter how divergent their points of view were in other matters, not to publish anything of mine as I wrote it.²

§

Twenty-two publishers and printers read the manuscript of *Dubliners*.

JAMES JOYCE: [W]hen at last it was printed some very kind person bought out the entire edition and had it burnt in Dublin—a new and private *auto-da-fé*.³

§

In her bookshop, hoping to buck the author up, Sylvia Beach asked Joyce if he would let Shakespeare & Company "have the honor of bringing out your *Ulysses*?"⁴ He accepted her offer on the

spot, and Beach—"[u]ndeterred by [her] lack of capital, experience, and all the other requisites"—went straight ahead with its publication.

Sylvia Beach first arrived in Paris when she was fifteen years old, leaving Bridgeton, New Jersey behind; her father had been named associate pastor of the American Church in Paris, with a special concern for American students living in the Latin Quarter. This brought Sylvia and her two sisters into contact with famous artists.

SYLVIA BEACH: We were exceedingly fond of Paris, my sisters and I, . . . and this was the fault of my parents who took us there and gave us a taste of it when we were very young.⁵

§

In November, 1919, Beach opened Shakespeare & Company, using \$3,000 that her mother gave her.

SYLVIA BEACH: [M]y mother in Princeton got a cable from me, saying simply: "Opening bookshop in Paris. Please send money," and she sent me all her savings.

§

It was chiefly a lending library like the one her friend and lover⁶ Adrienne Monnier ran, called La Maison des Amis des Livres, around the corner.⁷ Monnier's shop was already four years old and she was by then a skillful business woman; she advised Beach on the affairs of Shakespeare & Company and introduced her to the Left Bank literary world. Joyce once referred to Monnier as "Beach's more intelligent partner." When the expatriated American resolved to publish *Ulysses*, Monnier encouraged the venture and introduced Beach to her printer, Maurice Darantiere, who removed the last obstacle to the Shakespeare & Company publication of Joyce's masterpiece by setting the manuscript in type.

SYLVIA BEACH: Darantiere was much interested in what I told him about the banning of *Ulysses* in the English-speaking countries. . . . I laid bare my financial situation, and warned him that there could be no question of paying for the printing till the money from the subscriptions came in—if it did come in. . . .

M. Darantiere agreed to take on the printing of *Ulysses* on these terms.⁸

JAMES JOYCE: My friend Mr. Ezra Pound and good luck brought me into contact with a very clever and energetic person Miss Sylvia Beach who had been ruining for some years

previously a small English bookshop and lending library in Paris under the name of Shakespeare and Co. This brave woman risked what professional publishers did not wish to, she took the manuscript and handed it to the printers. These were very scrupulous and understanding French printers in Dijon, the capital of the French printing press. In fact I attached no small importance to the work being done well and quickly. My eyesight still permitted me at that time to read the proofs myself and thus it came about that thanks to extra work and the kindness of Mr. Darantière the well-known Dijon printer *Ulysses* came out a very short time after the manuscript had been delivered and the first printed copy was sent to me for my fortieth birthday on the second of February 1922.⁹

§

Joyce's portrayals of Gertie McDowell's girlish seductiveness and Leopold Bloom's lusting voyeurism—images that had brought the *Little Review* down in New York—were tame stuff compared with what came from Joyce's pen afterward, notably the "Penelope" episode; these forty-odd pages, in the form of a soliloquy by Molly Bloom, concluded Joyce's masterpiece. Ezra Pound called it Joyce's "Mollylogue" and claimed it was one of the best things Joyce had ever done. In London, T.S. Eliot concurred, wondering how *anyone* could even write again "after achieving the immense prodigy of that last chapter."¹⁰

T.S. ELIOT: I wish, for my own sake, that I had not read it.¹¹

§

George Moore, the English novelist and essayist, publicly deprecated Joyce's "immense prodigy" but privately exerted himself to obtain for Joyce a coveted English literary award called the "King's Purse," worth 100 pounds. In England, Moore had his own censors to deal with—not the police but the heads of the giant private circulating libraries—who interfered in the interest of protecting from corruption England's young girls. The librarians, who had practically a monopoly on the public distribution of popular literature, regularly refused to stock novels which they considered immoral or obscene; most of Moore's novels were of this type. Once it was known that a librarian would not handle an author's work, the author was bereft of a publisher.

"*Ulysses* is hopeless,"¹² Moore said, full of envy.

GEORGE MOORE: [I]t is absurd to imagine that any good end can be served by trying to record every single thought and sensation of any human being. That's not art, it's like trying to copy the London Directory.¹³

§

He was sure Joyce got his idea for the "interior monologue" from Moore's friend, the French author Edward Dujardin. That was one theory. Another theory is that Joyce copied his wife Nora's style of writing, in the letters she wrote to him—"very long, rambling, unpunctuated sentences."¹⁴ The entire "Penelope" episode consists of eight such sentences. Richard Ellmann thought that the idea came to Joyce via a chance reading of a novel Dujardin had published called *Les Lauriers Sont Coupés*, which Joyce picked up at a railroad station kiosk in Tours. He was in Tours to hear a remarkable tenor sing at the cathedral because, at the time, he was thinking about taking singing lessons himself, again. An Italian musician in Dublin had told him his voice was like Jean de Reszke's whom he had heard sing *Pagliacci* at the Paris opera. Nora loved to hear Joyce sing.

Sylvia Beach had a prospectus printed up which announced that *Ulysses* by James Joyce would be published by Shakespeare & Company "complete as written," in a limited edition of 1000 copies, and on the back there was a blank form to be filled in with the subscriber's name.

SYLVIA BEACH: André Gide [was] the first of our French friends to rush to my bookshop and fill in one of the subscription blanks . . .¹⁵

§

Then Ernest Hemingway—one of her bookstore's "best customers"—put himself down for several copies; and Ezra Pound personally handed over a subscription blank filled in by W.B. Yeats. The *literati* were testifying to their interest in Joyce's underground novel.

GERTRUDE STEIN: Joyce . . . is good. He is a good writer. People like him because he is incomprehensible and anybody can understand him. But who came first, Gertrude Stein or James Joyce?¹⁶

ERNEST HEMINGWAY: Joyce has a most goddamn wonderful book. . . . Meantime the report is that he and all his family are starving but you can find the whole celtic crew of

them every night in Michaud's where Binney¹⁷ and I can only afford to go about once a week.

. . . The damned Irish, they have to moan about something or other, but you never heard of an Irishman starving.¹⁸

J. MIDDLETON MURRY: The driving impulse of this remarkable book is an immense, an unprecedented, liberation of the suppressions of an adult man who has lived under the shadow of the Roman-Catholic Church in a country where that Church is at its least European, and is merely an immense reinforcement of Puritanism.¹⁹

§

Gilbert Seldes said that "[w]hole chapters in *Ulysses* are monuments to the power and the glory of the written word. It is a victory of the creative intelligence over the chaos of uncreated things and a triumph of devotion, to my mind one of the most significant and beautiful of our time"; and Edmund Wilson commented that "*Ulysses*' importance is in once more setting the standard of the novel so high that it needn't be ashamed to take its place beside poetry and drama."

The verdict was not unanimous.

EDMUND GOSSE: He is a sort of Marquis de Sade, but does not write so well.²⁰

GEORGE MOORE: [A] sort of Zola gone to seed.²¹

VIRGINIA WOOLF: [A] queasy undergraduate scratching his pimples.²²

§

And, in the *Sunday Express*, James Douglas²³ castigated what Joyce had done:

I have read it, and I say that it is the most infamously obscene book in ancient or modern literature. The obscenity of Rabelais is innocent compared with its leprous and scabrous horrors. All the secret sewers of vice are canalized in its flood of unimaginable thoughts, images and pornographic words. And its unclean lunacies are larded with appalling and revolting blasphemies directed against the Christian religion and against the holy name of Christ—blasphemies hitherto associated with the most degraded orgies of Satanism and the Black Mass.

§

Douglas' review insured *Ulysses* would not be published in England for a long time, for the literary reviewers systematically inspired the government, and "the Vigilants," to action. The sort of thing that made the obscenity of Rabelais seem "innocent" by comparison can be found a short way into the "Penelope" episode. Molly Bloom is ruminating in bed:

JAMES JOYCE (*Ulysses*): *Ines told me that one drop even if it got into you at all after I tried with the Banana but I was afraid it might break and get lost up in me somewhere because they once took something down out of a woman that was up there for years covered with limesalts theyre all mad to get in there where they come out of youd think they could never go far enough up and then theyre done with you in a way till the next time yes because theres a wonderful feeling there so tender all the time how did we finish it off yes O yes I pulled him off into my handkerchief pretending not to be excited but I opened my legs I wouldnt let him touch me inside my petticoat because I had a skirt opening up the side I tormented the life out of him first tickling him I loved rousing that dog in the hotel rrrssstt awokwokawok his eyes shut and a bird flying below us he was shy all the same I liked him like that moaning I made him blush a little when I got over him that way when I unbuttoned him and took his out and drew back the skin it had a kind of eye in it theyre all Buttons men down the middle on the wrong side of them Molly darling he called me what was his name Jack Joe Harry Mulvey was it yes²⁴*

§

Within a month following the Shakespeare & Company publication, the first printing of *Ulysses* was practically sold out, and within a year James Joyce had become a world-known figure. *Ulysses* was explosive in its impact on the literary world of 1922. After the dust cleared, a new literary mode existed. Probably no significant novelist, no poet, no dramatist of the time or of the future was untouched by Joyce's *Ulysses*.

There then began the great game of smuggling the Shakespeare & Company edition into countries where it was forbidden, especially England and the United States. The contraband was transported across the seas and national borders in all sorts of cunning ways: in the bottom of hat-boxes, hidden in underwear, stuck under the traveller's waistcoat, even with the cover of the Holy Bible pasted over it. So many copies left Sylvia Beach's bookshop for dissemination abroad in surreptitious ways that eight months after the initial printing of 1000 copies, a second printing appeared. Then, by December 1925, Shakespeare & Company had issued five more printings. It was in May 1929 that the eleventh and last edition was brought out

by Beach. After that, Random House would publish it in the States.²⁵

Joyce's wife Nora loved music and so loved how Jim could sing more than how he could write. She never would read *Ulysses* and showed little interest or pride in her husband's writings until after he was dead.

NORA JOYCE: Jim should have stuck to music instead of bothering with writing.²⁶

§

Nora's indifference, even aversion, to her husband's writing did not bother Joyce except when—in retaliation over Joyce's drunken roistering with his friends Frank Budgen and Paul Suter—she notified him: "I've torn up your book." Joyce reportedly turned stone cold sober and did not take another drop until he found his manuscript intact. Later, during the writing of *Ulysses*, Budgen and Suter came to call and Nora said: "My husband is writing a book. I tell you *das Buch ist ein Schwein*." Joyce responded by showing his friends what Nora liked to read: a trashy magazine called *Perl-Romane*.

Nora Joyce also claimed that her husband knew "nothing at all about women." That was her comment after Joyce showed her a flattering letter which he received from the world-renowned psychoanalyst Dr. Carl Jung, which called the "Penelope" episode "a string of veritable peaches."

DR. CARL JUNG: I suppose the devil's grandmother knows so much about the real psychology of a woman. I didn't.²⁷

§

Although Joyce never said so, his main model for the character of Molly Bloom was Nora. Sylvia Beach had that opinion and Nora did not deny it. After Joyce died, and his widow went to live in Zurich, someone asked her if she were not Molly Bloom. Said Nora: "I'm not. *She* was much fatter." Joyce weighed Molly in at "eleven stone nine," or 163 pounds. Brenda Maddox's biography of Nora has as its thesis that Nora *was* Molly Bloom.

Nora liked to say that her husband's writing "baffled" her. She could not see that it made any sense to write sentences in more ways than one. Joyce is known to have read aloud to her at least once from a chapter of *Ulysses* although she told him straight out that she cared nothing about his "so-called art." She accepted his writing because she expected that eventually it would allow them to live a

rich life in Paris. When he copied his changes from a notebook into his manuscript, she was pained.

NORA JOYCE: Will all that paper be wasted?²⁸

§

She felt the same way about George Moore's writing. Once Joyce set her to reading a story called *Mildred Lawson* that George Moore had written. It ended with a woman just ruminating to herself in her bed, about as inconclusively as *Ulysses*, and stories in *Dubliners* did. Said Nora about Moore: "That man doesn't know how to finish a story."²⁹

Here is the way Joyce finished *Ulysses*; Molly is still ruminating to herself, in bed:

JAMES JOYCE (*Ulysses*): *the sun shines for you he said the day we were lying among the rhododendrons on Howth head in the grey tweed suit and his straw hat the day I got him to propose to me yes first I gave him the bit of seedcake out of my mouth and it was leapyear like now yes 16 years ago my God after that long kiss I near lost my breath yes he said I was a flower of the mountain yes so we are flowers all a womans body yes that was one true thing he said in his life and the sun shines for you today yes that was why I liked him because I saw he understood or felt what a woman is and I knew I could always get round him and I gave him all the pleasure I could leading him on till he asked me to say yes and I wouldnt answer first only looked out over the sea and the sky I was thinking of so many things he didnt know of Mulvey and Mr Stanhope and Hester and father and old captain Groves and the sailors playing all birds fly and I say stoop and washing up dishes they called it on the pier and the sentry in front of the governors house with the thing round his white helmet poor devil half roasted and the Spanish girls laughing in their shawls and their tall combs and the auctions in the morning the Greeks and the jews and the Arabs and the devil knows who else from all the ends of Europe and Duke street and the fowl market all clucking outside Larby Sharons and the poor donkeys slipping half asleep and the vague fellows in the cloaks asleep in the shade on the steps and the big wheels of the carts of the bulls and the old castle thousands of years old yes and those handsome Moors all in white and turbans like kings asking you to sit down in their little bit of a shop and Ronda with the old windows of the posadas 2 glancing eyes a lattice hid for her lover to kiss the iron and the wineshops half open at night and the castanets and the night we missed the boat at Algeciras the watchman going about serene with his lamp and O that awful deepdown torrent O and the sea the sea crimson sometimes like fire and the glorious sunsets and the fig-trees in the Alameda gardens yes and all the queer little streets and the pink and blue and yellow houses and the rosegardens and the jessamine*

and geraniums and cactuses and Gibraltar as a girl where I was a Flower of the mountain yes when I put the rose in my hair like the Andalusian girls used or shall I wear a red yes and how he kissed me under the Moorish wall and I thought well as well him as another and then I asked him with my eyes to ask again yes and then he asked me would I yes to say yes my mountain flower and first I put my arms around him yes and drew him down to me so he could feel my breasts all perfume yes and his heart was going like mad and yes I said yes I will Yes.³⁰

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Joyce lived to see *Ulysses* published freely in the United States and England. Ten years after the first Shakespeare & Company edition, the novel was published in New York by Random House, a five-year-old firm founded by two of the "new breed," Bennett Cerf and Donald Klopfer. Random House beat out half-a-dozen competitors to get the right to publish *Ulysses*; the prospect of persuading an American court that the masterpiece was not "obscene" was much better in 1932. For one thing, a short time before, the young publishing firm of Covici-Friede had won a well-publicized legal battle with John Sumner in New York—over Radclyffe Hall's "lesbian novel," *The Well of Loneliness*. For another, Joyce's underground book by now had acquired the status of a classic.

Cerf got the idea that now was the right time and the right place to fight for *Ulysses*' freedom when he approached a New York financier, Robert Kastor, whose sister Helen was married to Joyce's son George ("Giorgio"). The publisher told this elsewhere unrecorded story in the February 15, 1934 issue of a "review of books and personalities" called *Contempo*.

BENNETT CERF: High up in one of lower Broadway's mightiest sky-scrapers there is hidden a brokerage office that is unlike any other I have seen, and is presided over by two of the most remarkable figures in this town. One of them is named Irving Sartorius, famous in Yale crew annals, and today noted for his uncanny skill at bridge and sailing. The other is Robert Kastor, who, tho he is so shy that few outsiders have heard his name, and tho he speaks in such a low, gentle voice that companions must strain continually to hear what he is saying, is said to possess one of the great fortunes of this new era, and who has made the literary reputation of more than one name that the reader would recognize very readily today. Together, these two men preside over a brokerage office that might be mistaken, were it not for the hum of the tickers, for an old Southern club, with a liveried old negro flunkey at the door, and a handful of distinguished looking gentlemen

watching the stock quotations with what might be described at best as indifferent attention.

Into this rather precious atmosphere I was summoned one day in December 1931, by Mr. Kastor himself. He had watched the progress of Random House since its first book had appeared in 1927. (I recognized some of our books, in fact, on the shelves behind him while he spoke to me. Two volumes of the Nonesuch Shakespeare, I remember, were on Mr. Sartorius' desk). He believed that the time had come to make the fight for *Ulysses* in America. He was leaving for Europe in a few weeks to visit his sister Helen, who is married to James Joyce's son. Would we like him to tell Mr. Joyce that Random House was ready to take up the battle?

Would we!

I tore uptown, talked the matter over with Donald Klopfer, my partner, and before five that evening we were closeted with Morris Ernst, the lawyer, outlining a contract to offer to Mr. Joyce, and laying the plans for the legal battle that lay before us.³¹

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Those plans had at their core the idea to obtain a judicial determination from a New York federal court regarding *Ulysses*' obscenity—in advance of any American publication of the book. This promised to eliminate the large legal costs and financial risks that would be entailed were the court test instead to be secured through a post-publication criminal prosecution. With some help from friends of Joyce in Paris, Cerf and New York lawyer Morris Ernst would eventually arrange to get a copy of the Shakespeare & Company edition seized by United States Customs officials in New York, setting the stage for the test case.

BENNETT CERF: I had heard Morris Ernst, the great lawyer, say one night that the banning of *Ulysses* was a disgrace and that he'd like to wage a fight to legalize it. So in March, 1932, I had lunch with Ernst and said, "If I can get Joyce signed up to do an American edition of *Ulysses*, will you fight the case for us in court?" I added, "We haven't got the money to pay your fancy prices"—he was a very high-powered lawyer—"but I'd like to make you a proposition. We'll pay all the court expenses, and if you win the case, you'll get a royalty on *Ulysses* for the rest of your life."

Ernst said, "Great, great."³²

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So Cerf wrote Joyce in Paris, in care of Shakespeare & Com-

pany, "where I knew he made his headquarters," to say he "was coming to Europe and [would] love to meet him in Paris to see if we could work out a way of publishing *Ulysses* officially in America."³³ But before that, Kastor opened the way through a personal visit with Joyce.

BENNETT CERF: Mr. Kastor sailed for Europe early in February, and pleaded our case with such eloquence before Joyce that he signed a contract with us early in March. The advance that we paid him on the signing of the contract was the first money he had ever received from America for the book that is universally recognized as one of the most important of all time!³⁴

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In Paris, Cerf went straight to Joyce's headquarters at Sylvia Beach's Shakespeare & Company bookstore.

BENNETT CERF: On the morning agreed upon I walked into Sylvia Beach's, and there was James Joyce sitting with a bandage around his head, a patch over his eye, his arm in a sling and his foot all bound up and stretched out on a chair. He looked like one of those characters in "The Spirit of '76." I retreated a pace . . .³⁵

SYLVIA BEACH: Oh, Mr. Cerf, don't think he always looks that way. He was so excited about meeting you, on his way here he was run over by a taxicab. But he insisted on seeing you today, because he needs money and he thinks maybe you're going to get some for him.³⁶

BENNETT CERF: Well, I'm certainly ready to give him some. . . . I don't know whether we can win this case or not, but I do think the climate is changing in America, and I'm willing to gamble on it. I'll give you fifteen hundred dollars,³⁷ with the understanding that if we legalize the book, this is an advance against regular royalties of fifteen percent. If we lose our case, you keep the fifteen hundred.³⁸

JAMES JOYCE: I don't think you'll manage it. And you're not going to get the fifteen hundred back.³⁹

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The contract that they signed on March 31, 1932 actually provided for an advance of \$1000 with an additional \$1500 promised "on the day of publication." *Ulysses* would become Random House's

"first really important trade publication." Cerf said, "It did a lot for Random House."

After the customs seizure in New York that Cerf and Ernst arranged, Random House went into federal court to try to free the book for American publication by getting the seized copy of the Shakespeare & Company edition declared not obscene. To get the case removed from a "straight-laced Catholic judge" to a "liberal" one, Ernst "timed" the case to come up when Judge John M. Woolsey was sitting.⁴⁰ The publisher's legal stratagem was carried out and—in decisions that became recognized landmarks in the struggle for literary freedom—prestigious federal judges sitting on two courts in New York held *Ulysses* was not obscene because it had literary merit⁴¹ and no aphrodisiacal impact on the average person. This was a new, and for its time, "liberal" approach to the definition of obscenity that replaced the rule laid down in *Regina v. Hicklin*,⁴² which looked to the moral corruption of young or otherwise immature persons.

In New York, lawyer Ernst wrote a Foreword to the Modern Library edition of *Ulysses*; it characterized Judge Woolsey's decision as "a body-blow for the censors," and announced that "[t]he necessity for hypocrisy and circumlocution in literature has been eliminated."⁴³ Writers, Ernst buoyantly mused, would no longer need to "seek refuge in euphemisms" and might "describe basic human functions without fear of the law."⁴⁴

Nevertheless, the *Ulysses* decision did not open the doors of American publishers or the courts to already contraband meritorious literary works like D.H. Lawrence's unexpurgated *Lady Chatterley's Lover* and Henry Miller's *Tropic of Cancer* and *Tropic of Capricorn*;⁴⁵ and it would not prevent new meritorious literary works such as Theodore Dreiser's *An American Tragedy*, Erskine Caldwell's *God's Little Acre*, Lillian Smith's *Strange Fruit*, or even Edmund Wilson's *Memoirs of Hecate County* from being banned as "obscene." In 1950, both Miller novels would be found obscene by a federal district court, which treated as pure dicta the Hand proposition that the views of literary experts were relevant to the question of whether a novel was obscene, correctly observing that the only evidence before Judges Woolsey and the Hands was the book itself. On appeal, the finding of obscenity was upheld, and the "opinions of authors" which were submitted to the appellate court by way of "voluminous affidavits and exhibits" were treated as "advisory only as to the norm of the meaning of the word 'obscene.'" ⁴⁶

Morris Ernst repaid the federal district court judge in New York who had tried and freed Joyce's book with flattery, by proclaiming

that Woolsey's opinion "raises him to the level of former Supreme Court Justice Oliver Wendell Holmes as a master of juridical prose."⁴⁷ The opinion was printed immediately after Ernst's foreword, in the 1934 edition of *Ulysses*.⁴⁸ According to Judge Woolsey, the federal test for "obscenity" was whether literature "tend[ed] to stir the sex impulses or to lead to sexually impure and lustful thoughts."⁴⁹ While this definition certainly narrowed the scope of obscenity as compared to traditional formulations, it still left judges and jurors with plenty of room to find obscene whatever it was that struck them as obscene. The new test was about as subjective as the old; it essentially required the obscenity detector to inquire of himself whether *he* was aroused by reading the stuff. In those days, this must have seemed a brave undertaking and one that only the spread of Freud's new ideas on human sexuality and the unconscious could have prepared grown men, at least if they were judges, to engage in. Even more "objectively" Woolsey said the question should be: Was the *average* reader, or "the man-on-the-street," or the person "with average sex instincts," or some other corruptible human construct, likely to be aroused by reading it?⁵⁰

Faced with the need now to apply to *Ulysses* the legal rule he had decided ought to control his decision, Judge Woolsey discreetly enquired of the personage he thought the French had in mind by "*l'homme moyen sensuel*," to answer the question: "Is *Ulysses* obscene?" Such an *homme*, Woolsey suggested, should be "objective" and "fair," and not "too much subservient to his own idiosyncrasies."⁵¹ When, not surprisingly, even this *homme* proved inadequate for the job, Woolsey ventured outside his courtroom to verify the hypothetical objectivity and fairness of his *l'homme moyen sensuel*. He did this by "check[ing] his impressions with two friends . . . who . . . answered to the . . . requirement[s] of [*l'homme moyen sensuel*]."⁵² From these unknown and invisible men (certainly they would not have been *women*), Woolsey learned that they found as he did "[t]hat reading 'Ulysses' in its entirety . . . did not tend to excite sexual impulses or lustful thoughts . . ."⁵³ Woolsey concluded that the "net effect" on those consulted was "only that of a somewhat tragic and very powerful commentary on the inner lives of men and women."⁵⁴ We can take it that reading *Ulysses* did not stir any of the men to tumescence.⁵⁵

But writing in *Scribner's Magazine* for May 1934, Ben Ray Redman took bold issue with the accolades which greeted Judge Woolsey's decision, with Ernst's "victory dance over the graves of Bowdler, Anthony Comstock and Mrs. Grundy," and with the "[c]ritics everywhere" who "with pagan piety, have conscientiously

hymned the dawn of a new freedom."⁵⁶ Redman's thesis that literary expression would not come free until the legal definition of "obscenity" "was abolished or altered beyond recognition" was correct. In the United States, not until 1964 was the definition of "obscenity" radically altered, by the Supreme Court's metaphysician on the law of obscenity, Justice William J. Brennan, Jr. Subsequently, in 1973, Brennan, in effect, urged that the concept of "obscenity" be abolished as a restraint on expression.⁵⁷

BEN RAY REDMAN: We have here, certainly, an admirable example of judicial reasoning in a worthy cause, but I fail utterly to find the useful formula to which Mr. Ernst refers; and I do not believe that such a formula can be forged until the legal definition of obscenity, under which Judge Woolsey worked, is abolished as hypocritical and ridiculous. So long as that definition remains in force, the best we can do is to evade its teeth by ingenious special pleading. . . .

Let me repeat that the legal definition of obscenity, enunciated by Judge Woolsey in the course of duty, bears no relation to the facts of life and the realities of literature, and that we cannot even begin to talk of satisfactory formulas for censorial judgment until this definition is abolished or altered beyond recognition. To deny literature the right of stirring the sex impulses of man is to deny it one of its prime and proper functions; for these impulses are fundamental, necessary and energizing, and there are no strings within us more vital and more vitalizing upon which art can play. . . .

. . . So long as a large portion of mankind clings to the idea that there is something inherently sinful or dirty about sex, so long as numberless persons insist upon believing that they have been conceived in iniquity, there is no hope of framing a censorial formula that will be proof against the onslaughts of such believers. They may agree, in general, that the function of literature is to enrich, enlarge and intensify our experience of life; but the instant literature presumes to deal (in a manner they consider over-frank) with the experience from which life itself stems, they will be ready with their whips and scorpions. In other words, between you and me, I think there is almost no hope of the desired formula being found. Judge Woolsey's average man stands squarely across the path that leads to legalized freedom, and the best that literature can expect is that its romps in the open fields will be paid for, periodically, in hair shirt and in chains.⁵⁸

Judge Woolsey's decision that *Ulysses* was not obscene was appealed by United States Attorney Martin Conboy, who had approved the Customs Bureau's seizure of *Ulysses*. A prominent lay Catholic, Conboy had used his office two years earlier to bar from importation into the United States the Czechoslovakian film *Ecstasy*, directed by the experimental Czech film-maker Gustav Machaty and starring Hedy Lamarr.⁵⁹ While the distributor's appeal from the trial court's decision in that case was pending before the higher court, the copy of the film seized by customs was burned by impatient federal officials.

In due course Joyce's book was vindicated on appeal, as at trial, because the three-man panel of judges who heard the case included two of the most enlightened judges in the country⁶⁰—Learned and Augustus Hand—who upheld the claim by Random House that *Ulysses* should not be burned but set free.⁶¹ In doing this, the Hands made use of the same "test" for obscenity that Judge Woolsey did: Did reading *Ulysses* in its entirety have "the effect of promoting lust?"⁶² In an opinion written by Augustus Hand, the court announced that *Ulysses* had been read and the conclusion reached was that it was "a book of originality and sincerity of treatment [which] has not the effect of promoting lust."⁶³ Therefore—and "even though it justly may offend many"—*Ulysses* was not "obscene" and could lawfully be brought into the United States.⁶⁴

The court's decision did not turn on any argument of counsel that the importation of a meritorious literary work was meant to be protected against suppression by the constitutional guarantees of freedom of speech or press, although Ernst diligently advanced the argument. Presented in an obscenity case, this contention would not seriously be listened to by American judges until after World War II. But the Hand opinion recognized that "progress" in literature and art was threatened by governmental decisions to suppress "the obscene" and so the definition of what was "obscene" was narrowed by a declaration that literature lawfully might be found obscene only if, *taken as a whole*, it tended to arouse lust; and then only if such a tendency was the book's "dominant effect."⁶⁵ It would not be a sufficient ground to condemn literature—at least not in a federal court in the Hands' circuit⁶⁶—that *some passages* were thought "filthy" or sexually "immoral" or likely to "corrupt" or to have an aphrodisiacal quality.⁶⁷ In applying their rules, Augustus Hand said, persuasive pieces of evidence were "the relevancy of the objectionable parts of the theme" and "the established reputation of the work in the estimation of approved critics"⁶⁸—thereby validating the use and enhancing the weight of literary experts like those who

had futilely come to the defense of *Ulysses*, and Margaret Anderson and Jane Heap, fifteen years earlier.⁶⁹

The favorable federal decisions, coming so long after *Ulysses* had exploded on the literary scene, had little effect on James Joyce's already enormous literary standing, thanks to the Shakespeare & Company publication of *Ulysses* in Paris, and the remarkably widespread and effective smuggling of the book into England and America. And although the much larger American sales that followed the Random House publication, together with the royalties on the first French, Swedish, Polish, and Japanese editions, vastly improved Joyce's financial situation, most of what came in to Joyce went out in payments for his daughter Lucia's mental illness, and his own increasingly debilitating eye problems. Despite the news that the government had lost its appeal from Judge Woolsey's decision freeing *Ulysses*, Joyce fell into melancholy and depression. The years between the first Shakespeare & Company edition of *Ulysses* and the free publication in America of the book were ravaged by the author's worsening sight and insoluble family and financial problems. More than anything else, the mental illness of his daughter Lucia tortured him: none of the psychiatric nostrums he tried, not even Carl Jung, the world-renowned psychoanalyst, could help her. Said Lucia about the celebrated Jung's efforts at therapy: "To think that such a big fat materialistic Swiss man should try to get hold of my soul."⁷⁰ When Jung told Joyce that the poems Lucia wrote contained schizoid elements, Joyce replied that they were anticipations of a new literature, and that Lucia was an innovator not yet understood. Later, Jung commented: "They were like two people going to the bottom of a river, one falling, the other diving" After that, Joyce removed Lucia to a different sanitarium.

Joyce could not save Lucia⁷¹ from the episodes of madness that finally led to her permanent hospitalization. In Paris, on November 19, 1934, not long after the Random House victory in New York, the author noted that during the previous three years Lucia had had twenty-four doctors, twelve nurses, and eight companions, and had been in three different mental institutions. He spent £4000, during that time, on her care. A friend estimated that three-fourths of Joyce's income went for Lucia. Joyce wrote his friend Budgen: "If anything lies ahead of us except ruin, I wish someone would point it out."

On January 7, 1941, while Europe was aflame with war, Joyce, in Zurich, wrote his last postcard to his brother Stanislaus, in Florence; he listed the names of some people who might be helpful to his brother in case of need. That evening he and Nora had dinner at

the Kronenhalle restaurant, where, apropos of nothing, Joyce remarked to his hostess, Frau Zumsteg: "Perhaps I won't be here much longer."⁷² A week later and he was dead: the cause was a perforated ulcer and generalized peritonitis.

He had emerged momentarily from a coma to ask that Nora's bed be placed close to his, but the doctors urged her and Giorgio to go home.

RICHARD ELLMANN: At one o'clock in the morning Joyce awoke and asked the nurse to call his wife and son, then relapsed into coma. Nora and George were summoned at two o'clock to the hospital. But at 2:15 on January 13, 1941, before they arrived, Joyce died.⁷³

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When Nora and Joyce's son Giorgio made preparations for the funeral, a Catholic priest asked them if they wanted a religious service. Nora said: "I couldn't do that to him."⁷⁴ Joyce's wooden coffin and his grave were simple. "Because Joyce disliked flowers, there was a green plant. A green wreath at the funeral had a lyre woven in it as emblem of Ireland. Otherwise Ireland had no part in the funeral."⁷⁵

When Lucia, by now quite mad, was told of her father's death, she demanded: "What is he doing under the ground, that idiot?"⁷⁶ She must have been having fun with Dostoevsky.

Nora took visitors to see where Joyce was buried; it was next to the zoological garden.

NORA JOYCE: My husband is buried there. He was awfully fond of the lions—I like to think of him lying there and listening to them roar.⁷⁷

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Until royalties on the Random House edition of *Ulysses* began coming in to Nora, she was hard up. She had a longing to return to Ireland but would not leave Jim behind and the Irish Church and State proved about as unwilling to have Joyce's remains brought back as they had been to let his books enter the country. At one point, Nora asked Robert Kastor in New York to sell her own copy of Joyce's *Chamber Music*; he had copied it onto parchment for her in 1909, when she was in Trieste and he in Dublin. Later, when things were better for her she said:

NORA JOYCE: I had others but I have given them away or people have borrowed them and kept them. But I will not part

with *Chamber Music* because Joyce made this copy in his own writing for me. Once, when I needed money badly, I sent it off to America to be sold, but I missed it so much that I wrote and said to send it back, that I would not part with it for any money.⁷⁸

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After Joyce's death, Nora expressed greater appreciation for her husband's art.

BRENDA MADDOX: As she came to play the part of the Widow Joyce, Nora began at last to believe in her husband's genius. She was interested in literary news and pleased to see the number of books appearing about Joyce's work. She asked for three copies of *The Portable James Joyce* to give as gifts, and for herself, she asked for a copy of Lucia's *Chaucer ABC*.⁷⁹

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Another example of Nora's posthumous pride in her husband's work has been cited by Brenda Maddox. During Joyce's lifetime André Gide had been uncomplimentary to Joyce's talent. After his death, the wife of Ignazio Silone asked Nora for her opinion of André Gide, and got it:

NORA JOYCE: Sure, when you've been married to the greatest writer in the world, you don't remember all the little fellows.⁸⁰

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Joyce's estate had amounted to less than one thousand pounds. A court case was necessitated because of doubts concerning the author's legal domicile. This gave a Dublin judge and the Dublin press a chance to laugh at Joyce. The *Dublin Evening Herald* reported this exchange:

MR. JUSTICE BENNETT —What sort of books did he write?

MR. VANNECK [for the administrators of the will] I think his best-known book was called *Ulysses*.

MR. JUSTICE BENNETT It sounds Greek to me. (laughter).⁸¹

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Ten years later, Nora died. While dying, she asked that a priest be brought to the convent hospital; he gave her last rites. At her

burial, the priest gave a speech in front of Nora's grave. He said: "*Die du grossen Sünderinnen*" (You, one of the great sinners.).⁸²

Before Joyce died, and after signing over to him her interest in the American rights to publish *Ulysses*, Sylvia Beach was forced to sell precious items, including Joyce manuscripts, in order to keep Shakespeare & Company afloat and a roof over her head. To maintain La Maison des Amis des Livres, Adrienne Monnier had to do much the same thing. Then, in the winter of 1936, the two women took into Monnier's apartment a young German photographer named Gisele Freund, who was without a passport to return to Germany and had just been ordered to leave France. The next year, Beach went to the States for the first time in twenty-two years, to visit her eighty-four-year-old father in California. A hysterectomy detained her for several more weeks and upon her return to Paris she found that Gisele Freund had replaced her as Monnier's lover. So she moved into the rooms above Shakespeare & Company until the Germans came. In 1940, Gisele Freund fled Paris with the advance of the Germans. In December 1941, Sylvia Beach closed her bookshop after an altercation with a German officer who wanted to buy her last copy of Joyce's *Finnegan's Wake*. Then, in July 1942, she was taken to an internment camp, south of Paris.

When the war was over, Beach returned to Paris but did not reopen Shakespeare & Company. In 1955, after a long and painful illness, Adrienne Monnier took her own life, much as Beach's mother had, in 1927. Eleanor Beach overdosed on her medication; Adrienne Monnier took too many sleeping pills.

On June 16, 1962 (Bloomsday, a name she coined), Sylvia Beach went to Ireland to dedicate the Martello Tower at Sandycove, near Dublin. This was the setting of the opening passage of *Ulysses*. The Tower would now be a center for Joyce studies, the James Joyce Tower. That fall, she returned to Paris and on October 6 died in her apartment, alone, of a heart attack. A simple funeral was held at the Père-Lachaise cemetery. After her body was cremated, her ashes were sent to her sister Holly in Greenwich, Connecticut. Her closest friends silently protested, feeling Sylvia Beach should have stayed in Paris; she had lived there forty-five years.

Endnotes

CHAPTER 1

¹ I. CRADDOCK, *ADVICE TO A BRIDEGROOM* I, 4 (date unknown) (a typed remnant is available in the New York Public Library).

² The 1865 legislation was evidently enacted in response to a report by the Postmaster General that "great numbers" of "obscene books and pictures" were being sent via the mails to the Army. The "daguerreotype" and the "photograph" had only recently been invented and one of the first uses to which they were put was the visual communication of the visible charms of ladies of questionable virtue.

³ In his congressional lobbying efforts Comstock took "a great cloth bag"—full of "lowbrow publications and their advertisements, gadgets purportedly designed to stimulate sexual potency, and 'fancy books,' the bogus sex literature, contraceptive and abortifacient matter, and other 'abominations' which were sold via the ads"—to Washington to show to congressmen.

⁴ *REPORT OF THE COMM. FOR THE SUPPRESSION OF VICE, 1873*, at 4-5, *reprinted in*, *SOC'Y TO MAINTAIN PUB. DECENCY, N.Y., ANN. REP., 1873-1896*.

⁵ For information on Ida Craddock's expressive activity, her prosecutions, and her fate, see H. BROWN & M. LEECH, *ANTHONY COMSTOCK: ROUNDSMAN OF THE LORD* 211-14 (1927) [hereinafter *ANTHONY COMSTOCK*]; *REPORT OF THE N.Y. SOC'Y FOR THE SUPPRESSION OF VICE, 1902*, at 9-12, *reprinted in*, *SOC'Y TO MAINTAIN PUB. DECENCY, N.Y. ANNUAL REPORT, 1897-1915* [hereinafter *REPORT OF 1902*]. The *New York Times* for Oct. 18, 1902 reported her death under the caption: "CHOSE DEATH BEFORE PRISON" and described her as having been "'High Priestess of the Church of Yoga' in Chicago, and an exponent also of Spiritualism, Theosophy, and other creeds." The story admits to ignorance whether Craddock was married or single "because her reply to an inquiry on this point was: 'Yes; I have a husband in the other world.'" Brown and Leech report that "Comstock had always been sensitive to criticism, and this time the shafts were especially painful. . . . Contributions to the Society for the Suppression of Vice fell off in a startling manner." *ANTHONY COMSTOCK, supra*, at 214-15.

⁶ *REPORT OF 1902, supra* note 5, at 9-10.

⁷ It was then a New York state crime, as well as federal, to deposit an obscene publication in the mails.

⁸ *ANTHONY COMSTOCK, supra* note 5, at 212. Craddock had been in trouble before because of her writings. Five years earlier in Chicago she was sentenced to three months, but the sentence was suspended. Her New York judge, a man named McKean, seemed to think that what Craddock wrote in *The Wedding Night* was "extremely blasphemous" rather than "obscene," but this did not deter him from convicting her for "obscenity" and sending her to prison "on The Island" for three months.

Her book had been "partially indorsed" by the Rev. W.S. Rainsford who thought "she had been too broad in some of her phrases, but that she had meant to do a great ethical work." After Craddock's suicide, Rainsford severely criticized Comstock in a letter to "The Roundsman of the Lord" saying: "I would not like to be in your shoes. You hounded an honest, not a bad woman to her death. I would not like to have to answer to God for what you have done." Letter from Rev. W.S. Rainsford to Anthony Comstock (Oct. 19, 1902), *reprinted in* *REPORT OF 1902, supra* note 5, at 13. Stung by the "unpleasant newspaper attacks" that followed, Comstock wrote to Rainsford, challenging him to a duel of words before his Anti-Vice Society's Executive Committee, but reported to the Society that the minister "treated this letter with silent contempt." *Id.* For an extended account of this affair, see *REPORT OF 1902, supra* note 5, at 9-20.

⁹ John Tebbel points out that it was not the Roman Catholic Church that was behind Comstock's "rise to the throne of censorship power," but the WASP establishment. II]. *TEBBEL, A HISTORY OF BOOK PUBLISHING IN THE UNITED STATES* 611 (1975) [hereinafter *TEBBEL*].

¹⁰ *N.Y. Times*, Sept. 23, 1915, at 12, cols. 3-4.

¹¹ For laudatory *New York Times* pieces about Comstock, see *Anthony Comstock's Service*, *N.Y. Times*, Sept. 23, 1915, at 12, col. 3 (editorial); *Anthony Comstock Dies In His Crusade*, *N.Y. Times*, Sept. 22, 1915, at 1, col. 6; *Unpopular, But Not Undeserving*, *N.Y. Times*, June 14, 1915, at 8, col. 4 (editorial); *Comstock's Western Raid*, *N.Y. Times*, Nov. 17, 1876, at 8,

col. 3; *A Blow To Quack Doctors*, N.Y. Times, Mar. 29, 1876, at 8, col. 1; *The Suppression of Vice*, N.Y. Times, Jan. 1, 1876, at 2, col. 3.

¹² In its early stage, Sumner's work was supported by the *New York Times* but its enthusiasm waned during the early 1920s when it adopted the view that anti-obscenity laws and prosecutions were a type of censorship that was dangerous to freedom of the press. That development may have come about in response to a wave of prosecutions instigated by Sumner that attacked not only "upstart" publishers like Thomas Seltzer and Horace Liveright but even the old house of Harper's—prosecutions defeated in court. This led to the acceptance by the *Times* (but not by other newspapers like those owned by William Randolph Hearst) that publishers of literary works, like publishers of newspapers, were a part of the country's press and therefore entitled to function free of governmental restraint and censorship. The *Times* also protested at the tendency of Sumner's work to stimulate the sale of inferior literature. See Woolf, *Interview With Our Unofficial 'Censor'*, N.Y. Times, Oct. 20, 1946, § 6 (Magazine), at 24, col. 1; *The Worst Bill Yet*, N.Y. Times, Apr. 18, 1923, at 20, col. 4; *Advertising Bad Books*, N.Y. Times, Mar. 15, 1923, at 18, col. 4; Johnston, "I'm No Reformer," Says Sumner, N.Y. Times, Aug. 20, 1922, § 3 (Book Review and Magazine), at 3, col. 2; *Vice Society Sued By Two For \$40,000*, N.Y. Times, Sept. 29, 1922, at 9, col. 1; *Comstock's Work to Go On*, N.Y. Times, Oct. 4, 1915, at 18, col. 6.

¹³ They were lesbian lovers as well. S. BENSTOCK, *WOMEN OF THE LEFT BANK: PARIS, 1900-1940*, at 22, 239, 379, 443 (1986) [hereinafter *WOMEN OF THE LEFT BANK*]. According to Benstock, Heap and Anderson became lovers in 1916, when Heap joined the *Little Review*. In the early Greenwich Village period, Djuna Barnes hated Anderson "for having taken Jane Heap away from her." When the journal moved to Paris, Anderson found a new lover, Georgette Leblanc, and turned the *Little Review* over to Heap for the duration.

¹⁴ For a short "history" of the *Little Review*, see F. HOFFMAN, C. ALLEN, and C. ULRICH, *THE LITTLE MAGAZINE: A HISTORY AND A BIBLIOGRAPHY* (1967).

¹⁵ Flaubert was prosecuted unsuccessfully in France in 1857 for writing *Madame Bovary*, a work accused of violating public and religious morals. Six months later, Baudelaire and his publisher were successfully prosecuted on the same ground, for publishing *Les Fleurs du Mal*.

¹⁶ M. ANDERSON, *MY THIRTY YEARS' WAR* 206 (1969) [hereinafter *MY THIRTY YEARS' WAR*].

¹⁷ Quinn provided financial support for two years to the *Little Review*, giving Ezra Pound a salary of \$750 per year—\$300 for editorial duties and \$450 for his contributions; he also often gave Anderson and Heap donations from his own pocket. N. STOCK, *THE LIFE OF EZRA POUND* 203 (1970).

¹⁸ For Anderson's criticism of young Knopf, see Anderson, "Homo Sapiens" Is Obscene!, *LITTLE REVIEW*, Jan.-Feb. 1916, at 20.

¹⁹ The episodes from *Ulysses* that Anderson published almost as they left Joyce's writing table began in the March 1918 issue of the *Little Review* and ran in every issue thereafter until the September/December 1920 issue, the one which led to her prosecution. After that, *Ulysses* did not reappear in the *Little Review* or anywhere else until Sylvia Beach published the finished work in Paris the following year.

²⁰ The *Little Review's* pioneering role in discovering and publishing *Ulysses*, and in absorbing the first blows from the censors, was not widely appreciated. Sylvia Beach—the expatriated American who ran the Shakespeare and Company bookstore in Paris, and published *Ulysses* from there—received the lion's share of the credit. In her lively book *Shakespeare and Company*, Beach devoted only half-a-dozen lines to the ways in which Margaret Anderson and Jane Heap brought *Ulysses* to the public's attention, and to their valiant fight against John Sumner. S. BEACH, *SHAKESPEARE AND COMPANY* 46-47 (1956). She also undervalued Anderson's proven stamina by stating that the prosecution "put an end to the magazine." *Id.* at 47. In fact the magazine's last issue came out in 1929, eight years later, and from Paris where Anderson then lived. On James Joyce and *Ulysses*, see E. de Grazia, *GIRLS LEAN BACK EVERYWHERE: THE LAW OF OBSCENITY AND THE ASSAULT ON GENIUS*, ch. 2 (to be published in January 1992) [hereinafter *GIRLS LEAN BACK EVERYWHERE*].

²¹ J. Joyce, *Ulysses*, reprinted in *LITTLE REVIEW*, July-Aug. 1920, at 42-43. This is the text as published in the July/August 1920 issue of the *Little Review* that provided the basis for the prosecution of Anderson and Heap by Sumner, and their conviction.

²² Heap, *Art and the Law*, *LITTLE REVIEW*, Sept.-Dec. 1920, at 6 [hereinafter *Art and the*

Law]. The male-oriented perspective suggested here by Heap may be understood as an aspect of what Harriet Monroe of *Poetry* magazine called the *Little Review's* "male-identified character." When Heap and Anderson arrived in Paris in 1923, men among the literary community there—including Pound—found Heap "a frightening specimen of the lesbian cross-dresser." *WOMEN OF THE LEFT BANK*, *supra* note 13, at 379.

²³ *MY THIRTY YEARS' WAR*, *supra* note 16, at 218-19.

²⁴ Anderson was "informed" that "the judges [were] being especially tolerant to admit witnesses at all—that such is not the custom in the special sessions court." *THE LITTLE REVIEW ANTHOLOGY* 306 (M. Anderson ed. 1953) [hereinafter *THE LITTLE REVIEW ANTHOLOGY*].

²⁵ *Id.* at 307.

²⁶ *Id.*

²⁷ *Art and the Law*, *supra* note 22, at 5-6 (emphasis in original). Heap had unusual insight into the workings of obscenity law. Elsewhere she remarked that in seeking to protect the public against obscenity the law actually creates "an artificial market for pornography." H. FORD, *PUBLISHED IN PARIS* 287 (1975). I find it plausible that in declining to entirely free literary and artistic expression from obscenity laws in 1973, the Supreme Court stimulated the production of inartistic (not to say ugly) illicit pornography that still looms large in the field of sexual expression. See *GIRLS LEAN BACK EVERYWHERE*, *supra* note 20, chs. 23-25.

²⁸ Anderson, *An Obvious Statement (for the millionth time)*, *LITTLE REVIEW*, Sept.-Dec. 1920, at 8-9 (emphasis in original).

²⁹ The opposition of the "beautiful" and the "obscene" and paradoxically, their *opposition*, was suggested by Freud: "There is to my mind no doubt that the concept of 'beautiful' has its roots in sexual excitation and that its original meaning was 'sexually stimulating. . . .'" This is related to the fact that we never regard the genitals themselves, which produce the strongest sexual excitation, as really 'beautiful.'" S. FREUD, *Three Essays on the Theory of Sexuality*, reprinted in VII *THE STANDARD EDITION OF THE COMPLETE PSYCHOLOGICAL WORKS OF SIGMUND FREUD* 125, 156 n.2 (1953). The legally obscene is that which excites lust, or sexual feeling, but is patently offensive. The exposed genitalia epitomize what is "obscene." Art renders even what is otherwise "obscene" beautiful, and this suggests the very good sense inhering in the principle of "the Brennan doctrine" that artistic "value" will cancel out an imputation that expression is "obscene."

³⁰ 3 L.R.-Q.B. 360 (1868).

³¹ *THE LITTLE REVIEW ANTHOLOGY*, *supra* note 24, at 307 (emphasis in original).

³² *Id.* at 308.

³³ *Id.*

³⁴ *MY THIRTY YEARS' WAR*, *supra* note 16, at 222.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* (emphasis in original).

³⁸ *THE LITTLE REVIEW ANTHOLOGY*, *supra* note 24, at 305.

³⁹ The *Little Review* suffered another defeat at the hands of censors when during the war, the October 1917 issue was "held up" by the Postmaster of New York because of a pacifistic story by Wyndham Lewis called "Cattleman's Spring Mate"; the Post Office judged it to be "obscene." The Post Office's opinion was upheld by the same distinguished federal district judge, Augustus Hand, who later, in 1934, as a member of the Second Circuit Court of Appeals, found that the imported Shakespeare & Company edition of *Ulysses* was not obscene, notwithstanding a Customs Bureau's opinion that it was. *Anderson v. Patten*, 247 F. 382 (1917). For Anderson's criticism of Augustus Hand's decision and opinion in the "Cattleman's Spring Mate" case, see *Our Suppressed October Issue*, *LITTLE REVIEW*, Dec. 1917, at 46; *To Subscribers who did not receive their October issue*, *LITTLE REVIEW*, Nov. 1917, at 43.

⁴⁰ *MY THIRTY YEARS' WAR*, *supra* note 16.

⁴¹ *Id.*

⁴² *Taste, Not Morals, Violated*, N.Y. Times, Feb. 23, 1921, at 12, col. 5.

⁴³ *Art and the Law*, *supra* note 22, at 6.

⁴⁴ *MY THIRTY YEARS' WAR*, *supra* note 16, at 226-27.

⁴⁵ *THE LITTLE REVIEW ANTHOLOGY*, *supra* note 24, at 329. Even the Shakespeare & Company edition of *Ulysses*, personally supervised by Joyce, contained hundreds of errata. Eventually, over 5,000 "imperfections" in that edition were uncovered—most involving errors of punctuation and spelling—by Professor Hans Walter Gabler. His

changes were incorporated into *Ulysses: The Corrected Text*, published by Random House in 1986. However, many "misspellings" were not misspellings at all but Joyce's punctuation conceits. More recently, John Kidd condemned *Ulysses: The Corrected Text* as being "not a purified text . . . but a different version from what Joyce conceived, authorized, and saw into print." Kidd, *The Scandal of 'Ulysses'*, N.Y. Rev. of Books, June 30, 1988, at 32.

⁴⁶ Anderson, *A Bombshell From the Little Review*, *The Chicago Tribune*, July 14, 1924.

⁴⁷ MY THIRTY YEARS' WAR, *supra* note 16, at 227.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.* at 227-28. Why did not Quinn appeal the case, if need be, up to the Supreme Court? I suppose because he did not consider the suppression of the *Little Review*, nor the branding of the "Gertie McDowell" issue as "obscene," to raise any judicially cognizable constitutional issue of freedom of speech or press. The struggle for literary freedom was handicapped throughout the first half of this century by lawyers like Quinn who did not press first amendment arguments upon the courts. By this time (1920) the Supreme Court had recognized in cases like *Schenck v. United States*, 249 U.S. 47 (1919) that the free speech and press guarantees could be raised in defense of federal criminal prosecutions for speaking or writing "subversive" words. In 1925, the Court went on to hold that the guarantees were also enforceable against prosecutions under state laws, in *Gitlow v. New York*, 268 U.S. 652 (1925).

That the argument was laying about is shown by a letter that *Poetry* publisher Harriet Monroe sent to Margaret Anderson, published in the *Little Review*, shortly after the trial had been lost: "I want to send a word of cheer," Monroe wrote,

for your courage in the fight against the Society for the Prevention of Vice. My father was a lawyer, and his blood in me longs to carry the battle to the Supreme Court of the United States, in order to find out whether the Constitution permits the assumption of a self-appointed group of citizens, of a restriction of the freedom of the press which only the state, through proper channels, should have any right even to attempt. I wish you a triumphant escape out of their clutches.

Monroe evidently felt that it was particularly outrageous that John Sumner was empowered (by his power of "private" prosecution) to deprive Anderson and the *Little Review* of their constitutional right to freedom of the press. (Author's footnote added).

⁵⁴ MY THIRTY YEARS' WAR, *supra* note 16, at 227-28.

⁵⁵ *Id.* at 228.

⁵⁶ An especially noteworthy issue was the final one—much of which was reprinted in THE LITTLE REVIEW ANTHOLOGY, *supra* note 24, at 349. Concerning the end, Anderson wrote: "In 1929, in Paris, I decided that the time had come to end the *Little Review*. Our mission was accomplished; contemporary art had 'arrived'; for a hundred years, perhaps, the literary world would produce only: repetition." *Id.*

⁵⁷ Cerf, *Publishing Ulysses*, CONTEMPO, Feb. 15, 1934, at 1, 2.

⁵⁸ Typically, printers were liable, along with publishers, under criminal anti-obscenity laws in France, England, and the United States.

⁵⁹ The censorship is described in GIRLS LEAN BACK EVERYWHERE, *supra* note 20, ch. 4.

⁶⁰ And, as well, by Jews.

⁶¹ TEBBEL, *supra* note 9, at 171. According to Tebbel, the fiction that was most read and discussed in the 1890s came from British authors, much of it the sensational kind of novel that was not even reviewed. Foreign literature could be published without the payment of royalties until the enactment of the Copyright Law of 1891. Tebbel says that the absence of international copyright protection had helped the growth of the American publishing industry, for "piracy, whatever its ethics, unquestionably gave many American publishers their start and so created the economic conditions in which the industry could grow." *Id.* at 641.

⁶² See Angus Cameron's remarks on this in GIRLS LEAN BACK EVERYWHERE, *supra* note 20, ch. 23.

⁶³ Shari Benstock documents their fruitful innovative activity as expatriate authors,

booksellers, and alternative publishers in Paris. See *WOMEN OF THE LEFT BANK*, *supra* note 13.

CHAPTER 2

¹ S. BEACH, *SHAKESPEARE AND COMPANY* 47 (1956) [hereinafter *SHAKESPEARE AND COMPANY*].

² Letter from James Joyce to Bennett Cerf (Apr. 2, 1932), reprinted in J. JOYCE, *ULYSSES* xv, xv (Random House, Modern Library ed. 1934) [hereinafter *Letter*]. Attached to the original letter in Random House files are copies of a draft and Memorandum of Agreement executed by Joyce and Cerf. The agreement is dated March 31, 1932 and is witnessed by Joyce's agent Eric Pinker and Robert Kastor. The letter appears to have been written by Joyce in compliance with paragraph 6 of the Memorandum of Agreement which asked that he "write a letter to the publishers of not less than 300 words, by which he will authenticate the publication." Random House was obligated to publish the book "within a period of two years, unless the case is still pending in the courts at the end of that period." This apparently referred to the "test" case that Joyce, Cerf, and attorney Morris Ernst arranged to be instituted by having customs officials find and "seize" a copy of the book in transit from France. (The seized copy is located in the library at Columbia University). If *Ulysses* were not to be published within the given period, it was agreed that Joyce might retain the advance he received from Random House.

³ *Id.*

⁴ This is according to Beach. *SHAKESPEARE AND COMPANY*, *supra* note 1, at 47. Brenda Maddox considers this scene "a bit like Mickey Rooney and Judy Garland deciding to do their own show, 'right here, in the barn!'" and contends: "In reality, it was Joyce who took the initiative and suggested the idea. He knew that Adrienne Monnier had done some publishing under the imprint of her shop and suspected that Sylvia [Beach] could be persuaded to follow suit." B. MADDOX, *NORA: THE REAL LIFE OF MOLLY BLOOM 183-84* (1988) [hereinafter *NORA*]. Noel Riley Fitch quotes a passage from an early draft of Beach's memoirs: "I accepted with enthusiasm Joyce's suggestion that I publish his book." N.R. FITCH, *SYLVIA BEACH AND THE LOST GENERATION* 78 (1983) [hereinafter *SYLVIA BEACH AND THE LOST GENERATION*].

Noel Riley Fitch makes clear that Beach's motivations in agreeing to publish *Ulysses* were not all altruistic. In a letter to her mother, the day after her talk with Joyce, she wrote about her bookstore: "'Mother dear it's more of a success every day and soon you may hear of us as regular Publishers and of the most important book of the age . . . shhhhhh . . . it's a secret, all to be revealed to you in my next letter and it's going to make us famous rah rah!'" In the margin a note was later added to this letter, in which Beach scribbled: "'Ulysses means thousands in dollars of publicity for me,'" and "'Ulysses is going to make my place famous.'" *SYLVIA BEACH AND THE LOST GENERATION*, *supra*, at 78.

⁵ *SYLVIA BEACH AND THE LOST GENERATION*, *supra* note 4, at 24.

⁶ Benstock speculates that Monnier seduced Beach "to sexual love" not long after Monnier's lover, Suzanne Bonnierre, suddenly died. S. BENSTOCK, *WOMEN OF THE LEFT BANK: PARIS 1900-1940*, at 208 (1986) [hereinafter *WOMEN OF THE LEFT BANK*].

⁷ For information about the private and public lives and occupations of the talented American, English, and French women writers who colonized in Paris between 1900 and 1940—including Anderson and Heap—and helped shape literary Modernism, see *id.* See also *SYLVIA BEACH AND THE LOST GENERATION*, *supra* note 4. A number of the women created "little press" publishing ventures; most seem to have had lesbian relationships—recalling to mind Simone de Beauvoir's remark that many talented women choose lesbian partners because having to deal with sexual relationships with men gets in the way of their creativity. See *id.* at 135-36, 169-70.

⁸ *SHAKESPEARE AND COMPANY*, *supra* note 1, at 48.

⁹ *Letter*, *supra* note 2, at xvi.

¹⁰ R. ELLMANN, *JAMES JOYCE* 528 (1982) [hereinafter *JAMES JOYCE*]. Later, in discussions that took place between the lawyers for Random House, the American publisher of *Ulysses*, and the United States Attorney preparing for a legal battle to persuade a federal court to find *Ulysses* "obscene," the government—faced with the difficult prospect of having to discount a wealth of critical acclaim for Joyce's masterpiece—almost threw in

the towel. According to Random House's Bennett Cerf, the authorities decided finally to proceed against them "because there were too many dirty words in the last section of the book." Letter from Bennett Cerf to Paul Léon (Aug. 30, 1933), reprinted in *THE UNITED STATES OF AMERICA V. ONE BOOK ENTITLED Ulysses* by James Joyce 221 (M. Moscato & L. LeBlanc eds. 1984) [hereinafter *ONE BOOK ENTITLED Ulysses*] (introduction by Richard Ellmann).

¹¹ JAMES JOYCE, *supra* note 10, at 528.

¹² *Id.* at 529.

¹³ *Id.*

¹⁴ NORA, *supra* note 4.

¹⁵ SHAKESPEARE AND COMPANY, *supra* note 1, at 50-51.

¹⁶ JAMES JOYCE, *supra* note 11, at 529.

¹⁷ Binney was Hemingway's bride of the time. (Author's footnote added).

¹⁸ JAMES JOYCE, *supra* note 11, at 529 (quoting Letter from Ernest Hemingway to Sherwood Anderson (Mar. 9, 1922)).

¹⁹ *Id.* at 530-31.

²⁰ *Id.* at 528 (quoting GILLET, CLAYBOOK FOR JAMES JOYCE 31-32).

²¹ *Id.* at 529.

²² *Id.* at 528 (quoting WOOLF, A WRITER'S DIARY 47).

²³ Douglas later castigated the appearance of Radclyffe Hall's "lesbian novel" *The Well of Loneliness*, precipitating the book's censorship in England. He argued that although the fight against homosexual novels had been lost in France and Germany, English fiction was still "uncontaminated" and should remain so. The English newspapers and police had successfully suppressed D.H. Lawrence's *The Rainbow* in part certainly because of its lesbian episode and even though Lawrence presented this "negatively." See L. CROMPTON, BYRON AND GREEK LOVE: HOMOPHOBIA IN 19TH-CENTURY ENGLAND 374 (1985).

²⁴ J. JOYCE, *ULYSSES: THE CORRECTED TEXT* 626 (1986) [hereinafter *ULYSSES: THE CORRECTED TEXT*].

²⁵ Ellmann says Beach at first "opposed an American publication of *Ulysses* in particular, feeling that it would reduce her sales to nothing. Eventually, however, she was persuaded, on the understanding that she would continue to receive some of the royalties on the European edition, to give up her rights." JAMES JOYCE, *supra* note 11, at 641.

²⁶ *Id.* at 169.

²⁷ *Id.* at 629.

²⁸ *Id.* at 188.

²⁹ *Id.*

³⁰ *ULYSSES: THE CORRECTED TEXT*, *supra* note 24, at 643-44.

³¹ Cerf, *Publishing Ulysses*, CONTEMPO, Feb. 15, 1934, at 1, 2 [hereinafter *Publishing Ulysses*].

³² B. CERF, AT RANDOM 90 (1977) [hereinafter AT RANDOM].

³³ *Id.*

³⁴ *Publishing Ulysses*, *supra* note 31, at 2.

³⁵ AT RANDOM, *supra* note 32, at 90.

³⁶ *Id.*

³⁷ Brenda Maddox has a somewhat different version: Cerf "at first . . . offered only a miserly two-hundred-dollar advance on *Ulysses*," but "Robert Kastor, who outperformed Joyce's literary agent [Pinker], shamed him into quintupling it and into paying top royalties—15 percent—as well. Joyce could not resist going round to boast to Sylvia and Adrienne; from then on, he admitted Kastor to that tight circle of people he considered as family." NORA, *supra* note 4, at 277. (Author's footnote added).

³⁸ AT RANDOM, *supra* note 32, at 91.

³⁹ *Id.*

⁴⁰ The lawyer would have had no way to have the trial assigned to Judge Woolsey except by requesting adjournments or postponements of proceedings called before other District Court Judges, until the case reached the judge whom Cerf understood was "the most liberal-minded judge on the circuit." In a letter to Paul Léon dated August 30, 1933, Cerf reported:

The *Ulysses* case is finally under way, after almost innumerable postponements. The last few postponements, as a matter of fact, however, were engineered by our own attorneys for the purpose of getting the case before the most liberal-

minded judge on the circuit. This is Judge Woolsey, and the case is now in his hands.

ONE BOOK ENTITLED *Ulysses*, *supra* note 10, at 221. Ernst knew Woolsey was liberal-minded because two years earlier he had persuaded the judge to free from customs seizure Dr. Marie Stopes' book *Married Love* on its way to the publishers G.P. Putnam's Sons, from their London branch. *United States v. One Obscene Book Entitled "Married Love,"* 48 F.2d 821 (S.D.N.Y. 1931), *reprinted in* DE GRAZIA, CENSORSHIP LANDMARKS 88 (1969) [hereinafter CENSORSHIP LANDMARKS].

⁴¹ The method Cerf and Ernst used to get testimony of *Ulysses*'s literary value before the Court is described in E. de Grazia, *GIRLS LEAN BACK EVERYWHERE*, ch. 11 (to be published in January 1992).

⁴² 3 L.R.-Q.B. 360 (1868).

⁴³ Ernst, *Foreword* to J. JOYCE, *ULYSSES* at vii (Random House, Modern Library ed. 1934) [hereinafter *Foreword*].

⁴⁴ *Id.*

⁴⁵ Events of censorship regarding *Lady Chatterley's Lover* and *Tropic of Cancer* are described in *GIRLS LEAN BACK EVERYWHERE*, *supra* note 41, chs. 4, 18. In his *Foreword* to *Ulysses*, Ernst cited Judge Woolsey's decision freeing *Ulysses* as the latest in a series of decisions "which have served to liberalize the law of obscenity." *Foreword*, *supra* note 43, at vii. The other cases he mentioned were "the victory over the New York Vice Society in the *Mademoiselle de Maupin* case in 1922, . . . the *Well of Loneliness* case, the Dennett case, the cases involving Dr. Stopes' books, . . . the *Frankie and Johnnie* case, and the *God's Little Acre* case." *Id.* The texts of these cases may be found in CENSORSHIP LANDMARKS, *supra* note 40, at 71, 78, 83, 88, 90, 91 and 93. It should be noted, however, that this "salutary forward march of our court," as Ernst called it, failed to produce an authoritative constitutional doctrine of the sort that would later be adumbrated by Supreme Court Justice William J. Brennan, Jr., and result in a national freeing of all literature having even the slightest merit. It was a "salutary forward march" by the Warren Court that brought this achievement about. See *GIRLS LEAN BACK EVERYWHERE*, *supra* note 41, ch. 21.

⁴⁶ *Besig v. United States*, 208 F.2d 142, 147 (9th Cir. 1953), *reprinted in* CENSORSHIP LANDMARKS, *supra* note 40, at 233.

⁴⁷ *Foreword*, *supra* note 43, at vii.

⁴⁸ *United States v. One Book Called "Ulysses,"* 5 F. Supp. 182 (S.D.N.Y. 1933), *reprinted in* CENSORSHIP LANDMARKS, *supra* note 40, at 94.

⁴⁹ *One Book Called "Ulysses,"* 5 F. Supp. at 184.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.* at 185.

⁵⁵ In 1962, the United States Supreme Court would add to the definition of "obscene" a necessity that it be "patently offensive," perhaps to obviate the need that a judge tend to have an erection before finding literature obscene. Since a sense of shame might accompany any tendency in a judge to erection, and cause detumescence, the power of the judge to locate the obscene thus was rendered independent of tumescence. *Manual Enters. v. Day, Inc.*, 370 U.S. 478 (1962), *reprinted in* CENSORSHIP LANDMARKS, *supra* note 40, at 360. The opinion was written by Justice John Marshall Harlan who sometimes competed with Justice Brennan for the role of defining the indefinable "obscene" for the Court.

⁵⁶ Redman, *Obscenity and Censorship*, SCRIBNER'S MAGAZINE, May 1934, at 341 [hereinafter *Obscenity and Censorship*].

⁵⁷ These events are described in *GIRLS LEAN BACK EVERYWHERE*, *supra* note 41.

⁵⁸ *Obscenity and Censorship*, *supra* note 56, at 343-44.

⁵⁹ The movie and its censorship in the United States are described in DE GRAZIA & NEWMAN, *BANNED FILMS: MOVIES, CENSORS AND THE FIRST AMENDMENT* 47-50, 210-11 (1982).

⁶⁰ The third judge on the panel, Martin Manton, dissented. Ellmann reports he was "later imprisoned for corruption in office." JAMES JOYCE, *supra* note 11, at 679 n.*

⁶¹ *United States v. One Book Entitled Ulysses* by James Joyce, 72 F.2d 705 (2d Cir. 1934), *reprinted in* CENSORSHIP LANDMARKS, *supra* note 40, at 96.

⁶² *Id.* at 708.

⁶³ *Id.*

⁶⁴ *Id.* at 709.

⁶⁵ *Id.* at 708.

⁶⁶ Obscenity law was not "constitutionalized" until 1957 when Justice Brennan did it in the case of *Roth v. United States*, 354 U.S. 476; but, it was not "nationalized" until 1964 when the Supreme Court, again speaking through Justice Brennan, did that in cases involving the Henry Miller novel, *Tropic of Cancer*, and a Louis Malle movie called *The Lovers*. See *Jacobellis v. Ohio*, 378 U.S. 184 (1964); *Grove Press v. Gerstein*, 378 U.S. 577 (1964). See also *GIRLS LEAN BACK EVERYWHERE*, *supra* note 41, ch. 21. Brennan's move to nationalize the constitutional law of obscenity was to a degree frustrated by subsequent decisions of the Burger Court, emphasizing the importance of "local community standards." See *id.* ch. 24.

⁶⁷ Ben Ray Redman scorned the value of this "liberal" rule:

[W]hy niggle over arguments as to whether a certain work of art is sexually stirring only in parts or in its entirety? The part serves its purpose, for good or evil, as potently as the whole. Four lines of *Venus and Adonis* can do as much damage, if there is damage to be done, as all the lines of Carew's *A Rapture*. And are we to condemn a first-rate work of literature because it stirs the sex impulses in its entirety, while we condone a tenth-rate piece of writing because only a quarter of it happens to tickle our erogenous zones? The rule proves asinine the moment we attempt to apply it. Indeed, it is no rule at all, but only a casuist's trick for outwitting hypocrisy. So far as it accomplishes its end, it is not to be despised, but it can never be looked upon as anything better than evasion.

Obscenity and Censorship, *supra* note 56, at 344.

⁶⁸ *One Book Entitled Ulysses by James Joyce*, 72 F.2d at 708.

⁶⁹ Eventually, a literary work's defender would have a "due process" right to introduce such testimony of literary value, and such testimony would practically become a ticket to freedom, under "the Brennan doctrine." See *GIRLS LEAN BACK EVERYWHERE*, *supra* note 41, ch. 21.

⁷⁰ Lucia's letters were destroyed by Stephen Joyce, James Joyce's grandson, because he "didn't want to have greedy little eyes and greedy little fingers going over them," in the ways, presumably, that they went over Joyce's "dirty" letters to Nora. James, *The Fate of Joyce Family Letters Causes Angry Literary Debate*, N.Y. Times, Aug. 15, 1988, at C11, col. 1. Said Stephen Joyce, in justification: "My aunt may have been many things, but to my knowledge she was not a writer." *Id.* Brenda Maddox points to evidence that Gertie McDowell and the Blooms' fifteen-year-old daughter Millie (with whom Bloom thrice committed sexual improprieties) were modeled by Joyce after his daughter Lucia, somewhat in the way that Molly Bloom was modeled after Joyce's wife Nora. See *NORA*, *supra* note 4, at 205.

For an interesting essay on the question of whether the publication of Joyce's "dirty" letters to Nora by Richard Ellmann amounted to a "gross invasion of privacy," see R. Edwards, *Diary*, London Rev. of Books, Sept. 1, 1988, at 25.

⁷¹ Lucia was born in the "pauper ward" of a hospital in Trieste at a time when Joyce was desperately looking for work elsewhere, including Dublin as well as South Africa. "When Nora left the hospital she was given twenty crowns in charity." JAMES JOYCE, *supra* note 11, at 262 (footnote omitted). The child was born on St. Anne's day "and so, since Anne was also the name of Nora's mother, they added Anna to the first name of Lucia, the patron saint of eyesight, which Joyce had decided on earlier." *Id.* Joyce later wondered whether his forced nomadic existence had not generated Lucia's madness. According to Shari Benstock, on September 1, 1939—with all Paris fearful of bombing by the Germans—Margaret Anderson fled Paris with Georgette Leblanc while Joyce tried to transport Lucia to a *maison de santé* in Switzerland. *WOMEN OF THE LEFT BANK*, *supra* note 6, at 443.

⁷² JAMES JOYCE, *supra* note 11, at 740 (quoting interview with Gustav Zunsteg and his mother (1956)).

⁷³ *Id.* at 741.

⁷⁴ *Id.* at 742 (quoting interview with George Joyce (1953)).

⁷⁵ *Id.* at 743.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *NORA*, *supra* note 4, at 361.

⁷⁹ *Id.* at 359. Evidently this was a book consisting of a Chaucer poem called *ABC* in

which every stanza begins with a letter of the alphabet. Lucia drew 26 decorative alphabet letters to go with the poem and Joyce had it published at his expense, with a preface by Louis Gillet, in July 1936. JAMES JOYCE, *supra* note 11, at 658, 690. Joyce "pressed his friends to praise, then to buy [Lucia's] *Chaucer ABC* with her illustrations. When they declined or hesitated, he broke with them." NORA, *supra* note 4, at 288.

⁸⁰ NORA, *supra* note 4, at 359.

⁸¹ *Id.* at 352 (emphasis in original).

⁸² *Id.* at 372. The words in German are from JAMES JOYCE, *supra* note 11. The English translation is my own, made in consultation with Ursula Day, a member of the New York bar. See NORA, *id.* at 371-73.