EXHIBIT J

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The war of words over Joyce's literary legacy

Is the enjoyment of Ireland's greatest writer being over-zealousy guarded by the Joyce estate? **Medb Ruane** reports

On May 15th, Stephen Joyce, beneficiary of the James Joyce Estate, wrote to a 23-year-old Irish composer studying in Scotland named David Fennessy. Fennessy had asked Joyce for copyright permission to use 18 words from *Finnegans Wake* in a 31/2 -minute choral piece commissioned by Lyric FM for a Europe-wide broadcast: "As we there are where are we are we there from tomittot to teetootomtotalitarian. Tea tea too oo." Such are James Joyce's words.

His grandson refused. "You cannot even spell the

Ewan McGregor and

Susan Lynch as Joyce and Nora Barnacle in the film, Nora. Permission was refused to use any part of Joyce's texts.

Photograph: Jonathan Hession

title of my grandfather's last work correctly: its *Finnegans Wake*," Stephen Joyce wrote, correcting the apostrophe-free title, but forgetting to include an apostrophe in the "its" he wanted to stress. He added that he could not distinguish the words on the rough recording Fennessy had sent him. His final reason was a killer.

"To put it politely, mildly my wife and I don't like your music," Stephen Joyce concluded. Fennessy was shattered.

"I don't mind if they hate my music, but how can the personal taste of Stephen Joyce and his wife be the right criteria to use? I thought of James Joyce throwing his Feis Ceol bronze medal into the Liffey in disgust at the judges," Fennessy said. "He was such a progressive artist and he had to put up with this stuff all his life. Now the whole thing is gone: it's not so much losing the commission fee, which I sorely needed, or the European broadcast. My piece can't ever exist because it can't be performed."

James Joyce spoke for many artists when he asked: "Is there one who understands me?" Six days away from Bloomsday, other contemporary Irish artists are also starting to rethink their relationship with the great writer's work.

Unlike the Yeats and Beckett estates, the Joyce estate is increasingly asserting itself, not only as the writer's legal and literary representative, but as his moral and cultural custodian, too.

Copyright is a complicated, often vexed issue, made more so by the legal ambiguities around the various acts and directives. Trustees can decide who may or may not use all or part of the work, in return for a royalty fee they negotiate. The Joyce estate is now represented by a single trustee, Sean Sweeney, who shared rooms in college with Stephen Joyce.

"People can become distressed if their direct relative is being written about, but the irony is that James Joyce dealt freely and explicitly in his fiction with the real life around him," said Gerry Stembridge, co-writer of the recently-released film, Nora, based on Brenda Maddox's biography of Nora Barnacle, which was refused permission to use any part of Joyce's texts. "If somebody has a particular emotional attachment to a subject, then it must put a question over their objectivity in the projects set before them."

Stephen Joyce justified his position recently by saying he had consulted with his grandfather at his graveside.

The idea of copyright is evolving, however, towards a vision of intellectual property that can belong to a wider public domain. Writers James Boyle and Bob Spoo floated the notion of a heritage copyright, vested in communities as a whole. Boyle sees this domain as an environment which grows "the raw materials future creators need to produce their little piece of innovation". In the case of James Joyce and Ireland, the analogy is striking.

"Joyce's work informs Irish culture and society in a similar way to the Book of Kells," Séamus Hosey, literary critic and RTÉ radio producer, said. "Stephen Joyce's behaviour is blackly comic, but it is very serious; Irish people have a moral and cultural right to access the ideas in a range of ways."

Hosey produced a selection from *A Portrait Of The Artist As A Young Man* for the week of Bloomsday 1999. He offered Stephen Joyce, who negotiates his own deals, the standard fee that was acceptable to the Ernest Hemingway and Graham Greene estates, along with 99 other estates and writers with whom Hosey dealt. Joyce gave what

Hosey calls "a derisory reply", and RTÉ agreed to make special arrangements, given the week that was in it. Stephen Joyce's demands grew.

"He wanted the fee to be paid in sterling and delivered to him by courier at a certain time on a certain date at a certain Dublin hotel," Hosey explained. "But there was a clerical error I didn't know about and the cheque was made out in punts."

He soon found out. "Stephen left an abusive message on my voice-mail. He said, `I have my own way of dealing with you and RTÉ.' You don't forget words like that."

A Dublin businessman was also impressed by Stephen Joyce's currency preferences when Joyce promised to pay for his services in sterling. Joyce became irritated when the businessman was unable to always take his phone calls and vented his spleen on the man's secretary. "I eventually sent the bill," the businessman said. "He replied with a cheque made out not for sterling, but for the dreaded euro."

Nobel Laureate Seamus Heaney agreed to introduce the first day in a special *Ulysses* reading performed and produced by actor Barry McGovern, culminating on Bloomsday 2000. McGovern approached Stephen Joyce for permission.

"Gerard O'Toole of Nissan Ireland had offered to sponsor some of the costs because it wasn't a money-making event," said McGovern, who is my partner. "I'd read a selection of Joyce and Beckett in Galway last year and Stephen had agreed to take whatever fee the Beckett estate charged. They charged £20."

Stephen Joyce refused to tell McGovern his royalty fee and wanted to speak directly to

O'Toole. A succession of phone calls ensued.

"Our conversations were courteous and businesslike," O'Toole recalls. "However, Stephen Joyce insisted that for the event to go ahead, I would have to pay him an amount significantly greater than the cost of staging it. And I'd have to pay in sterling."

McGovern learned the royalty required amounted to £27,000 sterling. "It was impossible," he decided. "That's more than most actors earn in a year."

Other artists and companies faced different challenges. Opera Theatre Company had been refused permission to commission a new opera based on the play, Exiles, from Irish composer Seoirse Bodley. However, permission was given for a Broadway musical based on the short story, *The Dead*, with music by Shaun Davey. The Swedish/Finnish James Joyce Society wanted to translate *Exiles* into Swedish for their members' use, but could not afford the fee of £2,000 sterling.

Just before Christmas 1999 Stephen Joyce refused permission for a special children's reading at the Writers' Museum of The Cat And The Devil, the story his grandfather dedicated to him as a child. It features a French Lord Mayor called Alfie Byrne, after the famous Lord Mayor of Dublin.

Actor Eamon Morrissey believes Stephen's caution with his grandfather's work is understandable.

"Stephen Joyce saw my Joyce show in Paris and liked what I did because he thought it humanised his grandfather," Morrissey said. "On Bloomsday 1999, I wanted to do an evening of Joycean music hall and parlour songs with Peter O'Brien in the Bank of Ireland Arts Centre and he demanded

very large royalties for that one night. It amounted to a lot more than 10 per cent of the box-office takings. I just paid him - the show was something I wanted to do so I wasn't doing it to pay the mortgage. He was very apologetic."

Although difficulties in his encounters with artists and performers are relatively recent, Stephen Joyce's encounters with Joycean scholars are legendary in academic circles. Bruce Arnold, in The Scandal of Ulysses, tells the story of his gradual rise to dominance in the estate and argues compellingly that in the years before the Copyright Acts were extended, the estate stood to enhance the writer's profitability by licensing a new edition to live past what was thought to be the imminent end of the Ulysses copyright.

The hiatus created as a result of copyright ambiguity is currently the subject of an interlocutory hearing in London's High Court of Justice. There, the Joyce estate is challenging publishers Macmillan over the publication by its imprint, Picador, of a reader's edition of Ulysses by Irish scholar Danis Rose. Mr Sweeney was not available to comment on the case.

"Joyce was still making alterations and additions after the book had been through the presses, so it is fair to say that no `definitive' edition is possible," John Banville said. "There's no reason why there should not be a text for scholars, but there should also be a reader's edition, and this is what Danis Rose produced, whatever the faults of the result. For my part, I still prefer the old, green-bound Bodley Head edition that I bought nearly 40 years ago."

The jury is out on the cases the Joyce estate is now pursuing. But some Irish producers have reached their own conclusion.

"If I thought Stephen Joyce was solely motivated

by an aesthetic or literary standard, as is the Beckett estate, I would be more compassionate in my judgment," Hosey said. "But this is bigger than personalities. James Joyce would be devastated if he knew his grandson was limiting certain types of access to the work in the nation and culture he came from."

Efforts to contact Stephen Joyce and Sean Sweeney during the preparation of this article proved fruitless.

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