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A "Digital Wasteland": Modernist Periodical Studies, Digital Remediation, and Copyright

Roxanne Shirazi

Introduction

> "The fallout from extended copyrights settles upon each of us like a fine, invisible dust."
> —Robert Spoo, "Three Myths"[1]

Modernist periodical studies has emerged as a new field within literary and cultural studies, in part spurred by the development of open digital archives that brought previously inaccessible and understudied materials. The move away from a traditional modernist canon has occurred alongside a materialist turn that emphasizes the paratextual and intertextual elements of a publication alongside the specific conditions of production: the periodical as cultural object. In this way, scholars have reoriented their notion of the modernist literary text to the magazine itself, not the short stories or poems within its pages. They are carefully mapping the terrain of each issue and noting the interplay of poems and short stories with advertisements and order forms. Yet as scholars develop a growing interest in the "bibliographic code" embedded in the layout of the page, they have found that complete runs of intact copies of these periodicals—those that had escaped the common practice of stripping advertising pages from a library's copies and binding issues together—are hard to find and largely inaccessible.

Digital archives have presumably come to the rescue, providing access to digital reproductions where there was none. Scholarship on modernist periodi-

cals now approaches broader, macro-level questions through the use of these collections, but because of copyright restrictions, digital archives are limited to representing materials prior to 1923.[2] Because of these two remarkable conditions—the reliance on digital surrogates and the arbitrary (and most unfortunate) cutoff due to copyright—modernist periodical studies presents an extraordinary case through which to consider the future directions of digital scholarship. In this paper, I will introduce the contours of this emerging field and the implications of copyright on its development. Drawing on current attempts to theorize modernist periodical studies, I will also consider the potential for non-consumptive research methods as a partial solution to the copyright conundrum.

Modernist Periodical Studies and the Digital Humanities[3]

Though Victorian periodical studies is well established, the study of modernist periodicals is a fairly recent phenomenon—one that has been highly influenced by Cary Nelson's 1989 work, *Repression and Recovery: Modern American Poetry and the Politics of Cultural Memory, 1910-1945*. Nelson called on scholars to approach periodicals as themselves modernist texts, thereby shifting from the authorial unit of study to the unit of the magazine. This "New" Modernist Studies, in the words of Sean Latham, "has taken a strikingly materialist turn, in order to provide what Ann Ardis describes as 'a much more detailed and nuanced topographical mapping of the period than

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modernism's 'narrative[s] of rupture' have ever provided.'"[4] In addition, George Bornstein's work on Jerome McGann's concept of bibliographic code taught modernist scholars "How to Read a Page," emphasizing features such as "page layout, book design, ink, paper, typeface," along with "publisher, print run, price or audience."[5] Bornstein connected this material textuality to Walter Benjamin's notion of "aura," noting that a text's bibliographic code "points to the work's presence in time and space."[6]

Such a materialist turn in modernist studies would seem to be predicated on the availability of primary texts, but that has proven troublesome for scholars of the periodical. Despite the newfound appreciation for the magazine as cultural object, complete runs of intact copies of these periodicals were rare indeed—a situation that Robert Scholes and Clifford Wulfman term "The Hole in the Archive."[7] In this way, digital archives have performed the work of recovery, bringing together digitized versions of intact periodicals—containing all of the bibliographic code that modernist scholars are now so interested in—along with ancillary materials (such as biographical databases and background essays) to make understudied materials broadly accessible. The Modernist Journals Project (MJP), a collaboration between Brown University and the University of Tulsa begun in 1995, is perhaps the largest and most well known of these digital archives, but smaller efforts are also underway. David Earle's Pulp Magazines Project[*] and the Modernist Magazines Project in the U.K. are two such projects dedicated to increasing access to modernist periodicals.[8]

Paradoxically, then, the material turn in modernist periodical studies has been dependent on the existence of digital archives for access to its object of study. Digital remediation has afforded the virtual joining of isolated issues to form complete runs of magazines, a feat which significantly eases the ability of scholars to,

say, track the transformation of a single publication over its lifetime (provided that lifetime ended prior to 1923). Yet despite the gains to be had through the use of such digital archives, questions remain about their ultimate utility.

Should we build digital tools only to replicate the scholarly methods of the print age? Digital archives like the Modernist Journals Project (MJP) make periodicals that were previously unavailable in their original forms accessible to scholars, students, and—importantly—the public. While this in itself is a commendable achievement, we must interrogate the long-term sustainability of such projects, not only in terms of preservation but also in terms of changing modes of scholarly research. The fact that the MJP was included in a 2012 report on wasteful government spending by U.S. Senator Tom Coburn (R-Oklahoma), which pointed to the Google Books project to question why the digitization of magazines was a federally-funded project, should be cause for concern. Notwithstanding the factual errors committed in the report,[9] the focus on access and reproduction as the driving force behind digitization has political implications that go beyond scholarly debates.

There is a growing recognition in the digital cultural heritage community that researchers should have access to the structured data (and metadata) behind digital collections in addition to being able to view and manipulate page images. Ideally, digital libraries should encompass both the online reproduction of material and digitizing for what is frequently referred to as "non-consumptive" uses—methods of research such as text mining, topic modeling, and other forms of "distant reading" in which computers are employed to examine materials. To its credit, the MJP provides access to a portion of the underlying data in a section of the site called MJP Labs, along with sample data visualizations to inspire experimentation by researchers, but the bulk of the project revolves around providing searchable PDFs and image files of the digitized journals.

A more promising approach to providing digital access to modernist periodicals is to be found in

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[*] The Pulp Magazines Project was incorrectly attributed to David Earle in the original appearance of this paper. The project was created and is still being developed by Patrick Scott Belk, who is currently Mellon Postdoctoral Fellow at Dickinson College.

Princeton University's Blue Mountain Project, which is focused on historic avant-garde periodicals from 1850-1923. Launched in 2012, the project is built on the Veridian digital library platform and uses the METS-ALTO metadata schema, which allows encoding of elements of the page layout (an approach typically used in digitized newspaper archives). In 2014, the project added two modules aimed at supporting digital research methods: Blue Mountaineer, which will provide a set of custom web applications for analyzing and visualizing the collection, and Blue Mountain Springs, an applications programming interface (API) that will allow researchers to pull the collections data into outside applications.[10]

As scholars begin to generate a theoretical foundation for periodical studies in an attempt to go beyond description to explanation,[11] it becomes evident that the role of digital technologies in the field must go beyond attempts at reconstructing the page. Recent efforts to establish a theory of periodical studies have gravitated towards conceptualizing periodicals as networks, or systems.[12] At the 2013 Convention of the Modern Language Association (MLA), a roundtable discussion titled, "What is a Journal: Towards a Theory of Periodical Studies," included five position papers that explored the question of how to synthesize the interdisciplinary approaches commonly applied to periodical studies while attempting to circumscribe the boundaries of the field. That is, how to understand and articulate the totality of a field that is reliant on cultural and media theory, sociological, quantitative, and materialist approaches to an object that has yet to be ontologically defined? The papers address the need to attend not only to the structures and formations of the periodical landscape as a whole—its social, historical, material conditions as a technology of discourse—but also to the shifting identities and networks of social interaction within individual magazines.[13]

In his opening paper, Sean Latham suggests that we conceive of the magazine as a nascent form of new media, an early iteration of nonlinear reading with a system of affordances that allows readers to navigate

"links" within and without an issue in much the same way that hypertext does.[14] If we accept this formulation, the ability to read a digitized magazine in a nonlinear, rhizomatic form should be a prerequisite to creating digital editions. Scholars like Johanna Drucker have long criticized the e-book format for attempting to replicate the affordances of print rather than creating an entirely new conception of how to explore textual material digitally, asking, "[W]hat possible function, beyond a nostalgic clue to the reader, do features like gutter and page drape serve in electronic space?"[15]

The nonlinearity of magazine reading must be at the forefront of our concerns when we develop digital archives and digital scholarly editions of periodicals. Most digital library interfaces are designed with the codex in mind; while we may navigate from page to page by clicking on a table of contents or page number, it is impossible to duplicate the mode of reading that is perhaps most endemic to magazines—flipping through, or skimming, the contents. Indeed, this is one of the problems we encounter when we try to imitate the print format instead of truly transforming materials for the digital medium. By developing experimental interfaces for our digital collections and providing access to the underlying data to facilitate computational analysis, libraries and archives can help usher in digital scholarship methods that truly take advantage of what the digital can offer and work towards the creation of a more dynamic, hyperlinked, and fluid digital environment for scholarly materials.

If, as Latham suggests, periodicals have more in common with new media than the traditional codex, their study in the digital environment should employ methods and tools designed for nonlinear reading. With few exceptions, magazines are mass-produced, single-edition texts whose variability results from the infinite number of ways to read them. We can consider this to be the performance of the text, whereby it is instantiated anew for the reader through a series of links, transitions, and references. The materiality of the page is intimately connected to the performative textuality of a magazine, and as such is a core concern

of scholars working with modernist periodical studies.

Copyright Restrictions

All of the digital projects profiled thus far are impacted by the restrictions of copyright, the proverbial elephant-in-the-room of digital scholarship. In order to reproduce a published work in digital format, one must obtain permission from the copyright holder unless the work has passed into the public domain. Since the original copyright act of 1790, which granted rightsholders a period of fourteen years with the option to renew to a total of 28 years, substantial revisions to the law have occurred in 1831, 1870, 1909, and 1976. The 1976 revision, which was enacted in part to bring U.S. law in line with international copyright policies, is notable because it preempted all earlier copyright laws and included provisions for unpublished materials while explicitly codifying the doctrine of fair use. The length of copyright protection for published works was set at the life of the author plus 50 years. "Works for hire," or work created while employed or otherwise commissioned, were set at 75 years. Magazines are considered "collective works" that have overall copyright protection *for the collection* assigned to the publisher, while the copyright to individual articles and artwork may still be retained by the contributor (depending on the terms of publication). Thus, in periodical studies, where the object of study is the entire magazine instead of the individual contributions, we are concerned with the rights to the "collective work," which in 1976 was 75 years from the date of publication.[16]

In 1998, Congress passed the Sonny Bono Copyright Extension Act, which extended the length of copyright protection by 20 years and removed the requirement for renewal for everything still in copyright. (Prior to 1998, the law required that copyright holders choose to renew their copyright in the 28th year, which would extend it by 47 years and bring the total length of copyright protection to 75 years. In the new law, copyright extension became automatic.) In 1998, the copyright for everything published in 1922 had already expired, so the Sonny Bono Copyright Extension Act does not apply; all of this material entered the public domain. Thus, collective works such as magazines that were published on or after January 1, 1923 will not enter the public domain until 2018, barring, of course, further extension.

The Digital Wasteland[17]

As it stands, projects of modernist periodicals are bound by copyright law to limit the online representation to magazines published prior to 1923. In a 2011 presentation, John Unsworth thus explained the conundrum of copyright for digital humanists working with modernist texts:

> *The Waste Land* is a great mashup that mines western culture for its fragments, and tries to grasp patterns in culture through the juxtaposition and analysis of those fragments. I do believe that Eliot would have relished the kind of exploration of the cultural record that digitized texts and text-mining now make possible. And we can data-mine The Waste Land, because, having been published in 1922, it's in the public domain now. Had it been published a year later, it would not be available. In some real sense, given its publication date, The Waste Land marks the chronological beginning of a wasteland— the wasteland created by Datta-mine-ing.[18]

As research is increasingly conducted online, and methods of digital scholarship develop around works that are readily available in digital formats, modernist scholars must remain cognizant of the long-term impact of policy decisions like copyright on future scholarship. What will it mean for our understanding of modernism, when literary texts that are not digitized due to copyright restrictions are no longer part of the scholarly conversation? And what does it mean for students using these digital archives in courses when they are exposed to "magazine modernisms" in such a way that privileges pre-1923 materials? One need only to look at the recently released second volume of the *Oxford Critical and Cultural History of Modernist*

Magazines to see that the object of study most certainly does not end at 1923. Almost half of Brooker and Thacker's 900-page tome is devoted to the period after 1923, under headings like "Interventions," "Dispersal and Difference," and "Commitment to the New."[19] Unless academics themselves take an active role in shaping policy conversations and start to push back on extended copyright, we run the risk that rightsholders will become "privileged and sometimes arbitrary custodians of culture."[20]

This is one reason that modernist periodical studies is an important frame through which to question the impact of the new digital wasteland. In addressing the arbitrary nature of a 1923 cutoff for digitized texts in their *Modernism in the Magazines: An Introduction*, Scholes and Wulfman are surprisingly sanguine:

> For the time being, then, we must make a virtue of necessity and recognize 1922 as an important landmark in modernism, which also happens to be the last year for which all published texts are out of copyright in the United States. That year did not mark the end of modernism, of course, but it may be said to mark the end of the beginning—the year by which modernist works in all the genres and media of the time achieved what Gilbert Seldes called 'a complete expression of the spirit which will be 'modern' for the next generation.'[21]

The Modernist Journals Project, of which Scholes and Wulfman are founding participants,† claims that the digital archive "helps us to recover modernism's lost dialogues":

> Rather than understand modernism as a set of fixed values, scholars now can recover the evolving contest of views and ideas from which these values emerged: they may follow the de-

bates and controversies that are recorded, from week to week, in the correspondence section of individual journals; they may also chart, across several volumes or years of a journal, the emergence (and disappearance) of different strains of modern culture.[22]

Yet how can scholars chart "disappearance" if the archive ends at 1923?

Even in the digital humanities, a field that is reliant on the availability of digital formats to conduct its research, the issue of a post-1922 digital wasteland is rarely addressed. Mark Sample has aptly pointed out that any claims that the digital humanities is a transitional term—that in the near future all humanists will be digital humanists—ignores the fact that it is virtually impossible—and indeed, often illegal—to apply digital humanities methods to contemporary literature due to copyright restrictions.[23]

Academics are vocal when it comes to canonical exclusions based on gender or race, yet when forced to limit the online representation of materials—the "digital canon"—due to copyright, scholars appear willing to "make do." Amy Earhart has written on the alarming rate that digital projects of the late 1990s, many of which attempted to reclaim unknown works by underrepresented communities, have become inaccessible and are now lost. She states, "Without careful and systematic analysis of our digital canons, we not only reproduce antiquated understandings of the canon, but also reify them through our technological imprimatur."[24] The digital canon of modernist studies is similarly at risk when copyright dictates its contents; why, then, aren't we witnessing a more deliberate discussion of how to move beyond this stalemate?

Modernist scholars are no strangers to copyright. Robert Spoo—a modernist scholar cum intellectual property lawyer—was a tenured faculty member in the English department at the University of Tulsa for more than ten years before beginning a legal career specializing in intellectual property. He has written extensively on copyright's effect on academic scholar-

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† In the original appearance of this paper, Clifford Wulfman was incorrectly referred to as a "founding participant" in the Modernist Journals Project, when he, in fact, joined the project in 2004.

ship, often focusing on issues of extended copyright as manifested in the estate of James Joyce and other modernist literary figures. In many ways, Robert Spoo's career path is itself testament to the important role that copyright has played in the scholarship of modernism. Indeed, Paul K. Saint-Amour has edited a remarkable volume tracing the influence of copyright law on the formation of modernist literature, titled simply: *Copyright and Modernism.*

When we talk about copyright as it pertains to modernist periodical studies, we must also consider what is to be gained by digital scholarship in order to determine an appropriate course of action in policy advocacy. To what use are we putting the digitized content? As mentioned above, scholars in the digital humanities are often engaged in non-consumptive uses such as text mining or network analysis—uses that require texts to be made available in a machine-readable format. Most digital archives present a combination of images and PDF formats that allow keyword searching, but digital scholars are increasingly seeking access to the structured data underlying these online collections via open APIs (application programming interfaces). Such access allows researchers to build upon this data by creating, for example, interactive digital maps, timelines, or network visualizations. This use of data can occur without visually representing the original artifact at all. As such, it may present a partial solution to the copyright conundrum.

In a 2012 court decision, *Authors Guild vs. HathiTrust*, it was ruled that library digitization for the purposes of text-mining falls within the legal definition of fair use (though the Authors Guild appealed the decision, it was ultimately upheld in June, 2014).[25] In the amicus brief filed by a group of digital humanities and law scholars—and that was ultimately cited in the court's decision—the authors emphasize, "this type of nonexpressive use only adds to our collective knowledge and understanding, without in any way replacing, damaging the value of, or interfering with the market for, the original works."[26] It is precisely this type of non-consumptive use of digitized texts that

may provide a way forward for modernist periodical studies, not only to break through the copyright barrier, but to achieve a broader understanding of modernist periodicals as a whole. It is essential that the digital cultural heritage community and digital humanities scholars who create digital collections think beyond the page image and provide bulk access to the underlying data in machine-readable formats.

Conclusion

There is another, more appropriate, intersection between periodical studies and the digital humanities than simply reproducing digital copies in online databases. If the depth of periodical studies is to be found in the investigation of networks and systems, the tools and methods of non-consumptive digital scholarship have untold possibilities to advance the field, even in the face of seemingly immutable copyright restrictions. Practices such as text mining, topic modeling, and network analysis have been established as protected forms of digital scholarship, and may be applied to post-1922 materials so long as they have been digitized. While many scholars rightly worry that the transformation of text to mere data could bring about an uncritical and overly empirical approach to literature, the use of digital methods in combination with the close reading of texts presents an exciting opportunity to map connections not only between authors and editors, but between people, events and social interactions more generally. The social sciences are already using these digital methods; if the interdisciplinary nature of periodical studies leads scholars to take a sociological approach to their study, they should have similar tools at their disposal. The digitization of post-1922 modernist magazines should be actively pursued to facilitate the non-consumptive use of these texts by modernist scholars. Doing so could be an important step in achieving the transformative leap from description to explanation sought by periodical studies.

Notes

1. Robert Spoo, "Three Myths for Aging Copyrights: Tithonus, Dorian Gray, Ulysses," *Cardozo Arts & Entertainment Law*

Journal 31, no. 1 (2012): 80.

2. To put this date in perspective, note that a recent reference volume on modernist magazines stretches from 1880-1960.

3. For an excellent overview of modernist studies more generally as it relates to the digital humanities, see Stephen Ross and Jentery Sayers, "Modernism Meets Digital Humanities," *Literature Compass* 11, no. 9 (September 1, 2014): 625–33, doi:10.1111/lic3.12174. This paper will focus solely on the concerns of modernist periodical studies.

4. Sean Latham, "'New Age' Scholarship: The Work of Criticism in the Age of Digital Reproduction," *New Literary History* 35, no. 3 (July 1, 2004): 411.

5. George Bornstein, "How to Read A Page: Modernism and Material Textuality," *Studies in the Literary Imagination* 32, no. 1 (Spring 1999): 31.

6. Ibid.

7. Robert Scholes and Clifford Wulfman, *Modernism in the Magazines: An Introduction*, Reprint (Yale University Press, 2010).

8. "Modernist Journals Project," accessed February 2, 2015, http://modjourn.org//; David Earle, "The Pulp Magazines Project," accessed February 2, 2015, http://www.pulpmags.org/books_page.html; "Modernist Magazines Project—Home," accessed February 2, 2015, http://modernistmagazines.com/index.php.

9. For a summary of the report's factual errors and the MJP's response to Senator Coburn, see "The Modernist Journals Project Responds to Senator Coburn" reprinted on the Magazine Modernisms website at http://magmods.wordpress.com/2012/10/20/the-modernist-journals-project-responds-to-senator-coburn/

10. Clifford Wulfman and Natalia Ermolaev, "The Blue Mountain Project and the Language of Avant-Garde Magazines" (presented at the Digital Humanities 2014, Lausanne, Switzerland, 2014), http://dharchive.org/paper/DH2014/Panel-932.xml.

11. Dallas Liddle, "Methods in Periodical Studies: Follow the Genre" (presented at the Modern Language Association Conference 2013, Special Session 384, Boston, MA, 2013), 1, http://blogs.tandf.co.uk/jvc/files/2012/12/mla2013_liddle.pdf.

12. See, for example, J. Stephen Murphy, "Introduction: 'Visualizing Periodical Networks,'" *The Journal of Modern Periodical Studies* 5, no. 1 (2014): iii–xv.

13.

14. Sean Latham, "Affordance and Emergence: Magazine as New Media" (presented at the Modern Language Association Convention 2013, Special Session 384, Boston, MA, 2013), 4, http://blogs.tandf.co.uk/jvc/files/2012/12/mla2013_latham.pdf.

15. Johanna Drucker, "The Virtual Codex from Page Space to E-Space," in *Companion to Digital Literary Studies (Blackwell Companions to Literature and Culture)*, ed. Susan Schreibman and Ray Siemens, Hardcover, Blackwell Companions to Literature and Culture (Oxford: Blackwell Publishing Professional, 2008), http://www.digitalhumanities.org/companionDLS/.

16. "Copyright Timeline: A History of Copyright in the United States | Association of Research Libraries® | ARL®," *Associa-*

tion of Research Libraries, accessed February 2, 2015, http://www.arl.org/focus-areas/copyright-ip/2486-copyright-timeline#.VOV6W8b5KSU.

17. The phrase "digital waste land" was coined by Mark L. Sample, "Unseen and Unremarked On: Don DeLillo and the Failure of the Digital Humanities," in *Debates in the Digital Humanities*, ed. Matthew K. Gold (Minneapolis, MN: University of Minnesota Press, 2012), http://dhdebates.gc.cuny.edu/debates/text/43.

18. John Unsworth, "Datta-Mine-Ing" (presented at the Digital Humanities Symposium, Texas Institute for Literary and Textual Studies, U of TX at Austin, May 27, 2011), slide 11, http://www.slideshare.net/jmu2m/dattamineing.

19. Peter Brooker and Andrew Thacker, eds., *The Oxford Critical and Cultural History of Modernist Magazines*, 1st ed, vol. II: North America 1894–1960 (Oxford ; New York: Oxford University Press, 2009), ix–xi.

20. Robert Spoo, "Ezra Pound's Copyright Statute: Perpetual Rights and the Problem of Heirs," *UCLA Law Review* 56, no. 6 (2009): 1827.

21. Scholes and Wulfman, *Modernism in the Magazines*.

22. "Some Features That Distinguish the MJP Archive," *The Modernist Journals Project*, no. 5, accessed February 2, 2015, http://modjourn.org//teaching/introduction/intro1_identity.html.

23. Sample, "Unseen and Unremarked On: Don DeLillo and the Failure of the Digital Humanities."

24. Amy E. Earhart, "Can Information Be Unfettered? Race and the New Digital Humanities Canon," in *Debates in the Digital Humanities*, ed. Matthew K. Gold (Minneapolis, MN: University of Minnesota Press, 2012), http://dhdebates.gc.cuny.edu/debates/text/16.

25. For a complete overview of the case and its appeals, see "Authors Guild v. HathiTrust (2014) | Association of Research Libraries® | ARL®," accessed February 2, 2015, http://www.arl.org/focus-areas/court-cases/105-authors-guild-v-hathitrust#.VOVuP8b5KSU. and "Authors Guild v. HathiTrust Decision (June 2014) | Association of Research Libraries® | ARL®," accessed February 2, 2015, http://www.arl.org/focus-areas/court-cases/3309-authors-guild-v-hathitrust-decision-june-2014#.VOVu_sb5KSV.

26. Matthew L. Jockers, Matthew Sag, and Jason Schultz, *Brief of Digital Humanities and Law Scholars as Amici Curiae in Authors Guild v. Google*, SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, August 3, 2012), 8, http://papers.ssrn.com/abstract=2102542."plainCitation":" Matthew L. Jockers, Matthew Sag, and Jason Schultz, Brief of Digital Humanities and Law Scholars as Amici Curiae in Authors Guild v. Google, SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, August 3, 2012