THE ECSTASY OF INFLUENCE

A plagiarism
By Jonathan Lethem

All mankind is of one author, and is one volume; when one man dies, one chapter is not torn out of the book, but translated into a better language; and every chapter must be so translated. 
—John Donne

LOVE AND THEFT

Consider this tale: a cultivated man of middle age looks back on the story of an amour fou, one beginning when, traveling abroad, he takes a room as a lodger. The moment he sees the daughter of the house, he is lost. She is a preteen, whose charms instantly enslave him. Heedless of her age, he becomes intimate with her. In the end she dies, and the narrator—marked by her forever—remains alone. The name of the girl supplies the title of the story: Lolita.

The author of the story I’ve described, Heinz von Lichberg, published his tale of Lolita in 1916, forty years before Vladimir Nabokov’s novel. Lichberg later became a prominent journalist in the Nazi era, and his youthful works faded from view. Did Nabokov, who remained in Berlin until 1937, adopt Lichberg’s tale consciously? Or did the earlier tale exist for Nabokov as a hidden, unacknowledged memory? The history of literature is not without examples of this phenomenon, called cryptomnesia. Another hypothesis is that Nabokov, knowing Lichberg’s tale perfectly well, had set himself to that art of quotation that Thomas Mann, himself a master of it, called “higher cribbing.” Literature has always been a crucible in which familiar themes are continually recast. Little of what we admire in Nabokov’s Lolita is to be found in its predecessor; the former is in no way deducible from the latter.

Still: did Nabokov consciously borrow and quote? “When you live outside the law, you have to eliminate dishonesty.” The line comes from Don Siegel’s 1958 film noir, The Lineup, written by Stirling Silliphant. The film still haunts revival houses, likely thanks to Eli Wallach’s blazing portrayal of a sociopathic hit man and to Siegel’s long, sturdy auteurist career. Yet what were those words worth—to Siegel, or Silliphant, or their audience—in 1958? And again: what was the line worth when Bob Dylan heard it (presumably in some Greenwich Village repertory cinema), cleaned it up a little, and inserted it into “Absolutely Sweet Marie”? What are they worth now, to the culture at large?

Appropriation has always played a key role in Dylan’s music. The songwriter has grabbed not only from a panoply of vintage Hollywood films but from Shakespeare and F. Scott Fitzgerald and Junich Saga’s Confessions of a Yakuza. He also nabbed the title of Eric Lott’s study of minstrelsy for his 2001 album Love and Theft. One imagines Dylan liked the general resonance of the title, in which emotional misdemeanors stalk the sweetness of love, as they do so often in Dylan’s songs. Lott’s title is, of course, itself a riff on Leslie Fiedler’s

Jonathan Lethem is the author of seven novels, including Motherless Brooklyn and You Don’t Love Me Yet, which will be published in March.

"Nijinsky Series: Queen," a Polaroid montage by John O'Reilly. Courtesy Julie Saul Gallery, New York City
Love and Death in the American Novel, which famously identifies the literary motif of the interdependence of a white man and a dark man, like Huck and Jim or Ishmael and Queequeg—a series of nested references to Dylan’s own appropriating, minstrel-boy self. Dylan’s art offers a paradox: while it famously urges us not to look back, it also encodes a knowledge of past sources that might otherwise have little home in contemporary culture, like the Civil War poetry of the Confederate bard Henry Timrod, resuscitated in lyrics on Dylan’s newest record, Modern Times.

Dylan’s originality and his appropriations are as one.

The same might be said of all art. I realized this forcefully when one day I went looking for the John Donne passage quoted above. I knew the lines, I confess, not from a college course but from the movie version of 84, Charing Cross Road with Anthony Hopkins and Anne Bancroft. I checked out 84, Charing Cross Road from the library in the hope of finding the Donne passage, but it wasn’t in the book. It’s alluded to in the play that was adapted from the book, but it isn’t reprinted. So I rented the movie again, and there was the passage, read in voice-over by Anthony Hopkins but without attribution. Unfortunately, the line was also abridged so that, when I finally turned to the Web, I found myself searching for the line “all mankind is of one volume” instead of “all mankind is of one author, and is one volume.”

My Internet search was initially no more successful than my library search. I had thought that summoning books from the vasty deep was a matter of a few keystrokes, but when I visited the website of the Yale library, I found that most of its books don’t yet exist as computer text. As a last-ditch effort I searched the seemingly more obscure phrase “every chapter must be so translated.” The passage I wanted finally came to me, as it turns out, not as part of a scholarly library collection but simply because someone who loves Donne had posted it on his homepage. The lines I sought were from Meditation 17 in Devotions upon Emergent Occasions, which happens to be the most famous thing Donne ever wrote, containing as it does the line “never send to know for whom the bell tolls; it tolls for thee.” My search had led me from a movie to a book to a play to a website and back to a book. Then again, those words may be as famous as they are only because Hemingway lifted them for his book title.

Literature has been in a plundered, fragmentary state for a long time. When I was thirteen I purchased an anthology of Beat writing. Immediately, and to my very great excitement, I discovered one William S. Burroughs, author of something called Naked Lunch, excerpted there in all its coruscating brilliance. Burroughs was then as radical a literary man as the world had to offer. Nothing, in all my experience of literature since, has ever had as strong an effect on my sense of the sheer possibilities of writing. Later, attempting to understand this impact, I discovered that Burroughs had incorporated snippets of other writers’ texts into his work, an action I knew my teachers would have called plagiarism. Some of these borrowings had been lifted from American science fiction of the Forties and Fifties, adding a secondary shock of recognition for me. By then I knew that this “cut-up method,” as Burroughs called it, was central to whatever he thought he was doing, and that he quite literally believed it to be akin to magic. When he wrote about his process, the hairs on my neck stood up, so palpable was the excitement. Burroughs was interrogating the universe with scissors and a paste pot, and the least imitative of authors was no plagiarist at all.

CONTAMINATION ANXIETY

In 1941, on his front porch, Muddy Waters recorded a song for the folklorist Alan Lomax. After singing the song, which he told Lomax was entitled “Country Blues,” Waters described how he came to write it. “I made it on about the eighth of October ’38,” Waters said. “I was fixin’ a puncture on a car. I had been mistreated by a girl. I just felt blue, and the song fell into my mind and it come to me just like that and I started singing.” Then Lomax, who knew of the Robert Johnson recording called “Walkin’ Blues,” asked Waters if there were any other songs that used the same tune. “There’s been some blues played like that,” Waters replied. “This song comes from the cotton field and a boy once put a record out—Robert Johnson. He put it out as named ‘Walkin’ Blues.’ I heard the tune before I heard it on the record. I learned it from Son House.” In nearly one breath, Waters offers five accounts: his own active authorship: he “made it” on a specific date. Then the “passive” explanation: “it come to me just like that.” After Lomax raises the question of influence, Waters, without shame, misgivings, or trepidation, says that he heard a version by Johnson, but that his mentor, Son House, taught it to him. In the middle of that complex genealogy, Waters declares that “this song comes from the cotton field.”

Blues and jazz musicians have long been enabled by a kind of “open source” culture, in which pre-existing melodic fragments and larger musical frameworks are freely reworked. Technology has only multiplied the possibilities; musicians have gained the power to duplicate sounds literally rather than simply approximate them through allusion. In Seventies Jamaica, King Tubby and Lee “Scratch” Perry deconstructed recorded music, using astonishingly primitive pre-digital hardware, creating what they called “versions.” The recombinant nature of their means of production quickly spread to DJs in New York and London. Today an endless, gloriously impure, and fundamentally social process generates countless hours of music.

Visual, sound, and text collage—which for many centuries were relatively fugitive traditions (a centro here, a folk pastiche there)—became explosively central to a series of movements in the twentieth century: futurism, cubism, Dada, musique concrète, situationism, pop art, and appropriationism. In fact, collage, the common denominator in that list, might be called the art form of the twentieth century, never mind the twenty-first. But forget, for the moment, chronologies, schools, or
even centuries. As examples accumulate—Igor Stravinsky's music and Daniel Johnston's, the novels of the Oulipo group and of Hannah Crafts (the author who pilfered Dickens's *Bleak House* to write *The Bondwoman's Narrative*), as well as cherished texts that become troubling to their admirers after the discovery of their "plagiarized" elements, like Richard Condon's novels or Martin Luther King Jr.'s sermons—it becomes apparent that appropriation, mimicry, quotation, allusion, and sublimated collaboration consist of a kind of sine qua non of the creative act, cutting across all forms and genres in the realm of cultural production.

In a courtroom scene from *The Simpsons* that has since entered into the television canon, an argument over the ownership of the animated characters Itchy and Scratchy rapidly escalates into an existential debate on the very nature of cartoons. "Animation is built on plagiarism!" declares the show's hot-tempered cartoon-producer-within-a-cartoon, The Mouse's Tale, by Jess © The Jess Collins Trust, Berkeley, Calif. and San Francisco Museum of Modern Art, Calif. Gift of Frederic P. Snowden Roger Meyers Jr. "You take away our right to steal ideas, where are they going to come from?" If nostalgic cartoonists had never borrowed from *Fritz the Cat*, there would be no *Ren & Stimpy Show*; without the Rankin/Bass and Charlie Brown Christmas specials, there would be no *South Park*; and without *The Flintstones*—more or less *The Honeymooners* in cartoon loincloths—*The Simpsons* would cease to exist. If those don't strike you as essential losses, then consider the remarkable series of "plagiarisms" that links Ovid's "Pyramus and Thisbe" with Shakespeare's *Romeo and Juliet* and Leonard Bernstein's *West Side Story*, or Shakespeare's description of Cleopatra, copied nearly verbatim from Plutarch's life of Mark Antony and also later nicked by T. S. Eliot for *The Waste Land*. If these are examples of plagiarism, then we want more plagiarism.

Most artists are brought to their vocation when their own nascent gifts are awakened by the work of a master. That is to say, most artists are converted to art by art itself. Finding one's voice isn't just an emptying and purifying oneself of the words of others but an adopting and embracing of filiations, communities, and discourses. Inspiration could be called inhaling the memory of an act never experienced. Invention, it must be humbly admitted, does not consist in creating out of void but out of chaos. Any artist knows these truths, no matter how deeply he or she submerges that knowing.

What happens when an allusion goes unrecognized? A closer look at *The Waste Land* may help make this point. The body of Eliot's poem is a vertiginous mélange of quotation, allusion, and "original" writing. When Eliot alludes to Edmund Spenser's "Prothalamion" with the line "Sweet Thames, run softly, till I end my song," what of readers to whom the poem, never one of Spenser's most popular, is unfamiliar? (Indeed, the Spenser is now known largely because of Eliot's use of it.) Two responses are possible: grant the line to Eliot, or later discover the source and understand the line as plagiarism. Eliot evidenced no small anxi-
ety about these matters; the notes he so carefully added to The Waste Land can be read as a symptom of modernism's contamination anxiety. Taken from this angle, what exactly is postmodernism, except modernism without the anxiety?

SURROUNDED BY SIGNS

The surrealists believed that objects in the world possess a certain but unspecifiable intensity that had been dulled by everyday use and utility. They meant to reanimate this dormant intensity, to bring their minds once again into close contact with the matter that made up their world. André Breton's maxim "Beautiful as the chance encounter of a sewing machine and an umbrella on an operating table" is an expression of the belief that simply placing objects in an unexpected context reinvigorates their mysterious qualities.

This "crisis" the surrealists identified was being simultaneously diagnosed by others. Martin Heidegger held that the essence of modernity was found in a certain technological orientation he called "enframing." This tendency encourages us to see the objects in our world only in terms of how they can serve us or be used by us. The task he identified was to find ways to restitute ourselves vis-à-vis these "objects," so that we may see them as "things" pulled into relief against the ground of their functionality. Heidegger believed that art had the great potential to reveal the "thingness" of objects.

The surrealists understood that photography and cinema could carry out this reanimating process automatically; the process of framing objects in a lens was often enough to create the charge they sought. Describing the effect, Walter Benjamin drew a comparison between the photographic apparatus and Freud's psychoanalytic methods. Just as Freud's theories "isolated and made analyzable things which had heretofore floated along unnoticed in the broad stream of perception," the photographic apparatus focuses on "hidden details of familiar objects," revealing "entirely new structural formations of the subject."

It's worth noting, then, that early in the history of photography a series of judicial decisions could well have changed the course of that art: courts were asked whether the photographer, amateur or professional, required permission before he could capture and print an image. Was the photographer stealing from the person or building whose photograph he shot, pirating something of private and certifiable value? Those early decisions went in favor of the pirates. Just as Walt Disney could take inspiration from Buster Keaton's Steamboat Bill, Jr., the Brothers Grimm, or the existence of real mice, the photographer should be free to capture an image without compensating the source. The world that meets our eye through the lens of a camera was judged to be, with minor exceptions, a sort of public commons, where a cat may look at a king.

Novelists may glance at the stuff of the world too, but we sometimes get called to task for it. For those whose ganglia were formed pre-TV, the mimetic deployment of pop-culture icons seems at best an annoying tic and at worst a dangerous vapidity that compromises fiction's seriousness by dating it out of the Platonic Always, where it ought to reside. In a graduate workshop I briefly passed through, a certain gray eminence tried to convince us that a literary story should always eschew "any feature which serves to date it" because "serious fiction must be Timeless." When we protested that, in his own well-known work, characters moved about electrically lit rooms, drove cars, and spoke not Anglo-Saxon but postwar English—and further, that fiction he'd himself ratified as great, such as Dickens, was liberally strewn with innately topical, commercial, and timebound references—he impatiently amended his proscription to those explicit references that would date a story in the "frivolous Now." When pressed, he said of course he meant the "trendy mass-popular-media" reference. Here, transgenerational discourse broke down. I was born in 1964; I grew up watching Captain Kangaroo, moon landings, zillions of TV ads, the Banana Splits, M*A*S*H, and The Mary Tyler Moore Double Mona Lisa (Peanut Butter + Jelly)," by Vik Muniz, from Reflex: A Vik Muniz Primer © 2005 Aperture. Artwork courtesy Aperture, New York City. Licensed by VAGA, New York City. Muniz's work will be on view through May 7 at P.S.1, in New York City.
Show. I was born with words in my mouth—"Band-Aid," "Q-tip," "Xerxos"—object-names as fixed and eternal in my logosphere as "taxicab" and "toothbrush." The world is a home littered with pop-culture products and their emblems. I also came of age swamped by parodies that stood for originals yet mysterious to me—I knew Monkees before Beatles, Belmondo before Bogart, and "remember" the movie Summer of '42 from a Mad magazine satire, though I've never seen the film itself. I'm not alone in having been born backward into an incoherent realm of texts, products, and images, the commercial and cultural environment with which we've both supplemented and blotted out our natural world. I can no more claim it as "mine" than the sidewalks and forests of the world, yet I do dwell in it, and for me to stand a chance as either artist or citizen, I'd probably better be permitted to name it.

Consider Walker Percy's The Moviegoer:

Other people, so I have read, treasure memorable moments in their lives: the time one climbed the Parthenon at sunrise, the summer night one met a lonely girl in Central Park and achieved with her a sweet and natural relationship, as they say in books. I too once met a girl in Central Park, but it is not much to remember. What I remember is the time John Wayne killed three men with a carbine as he was falling to the dusty street in Stagecoach, and the time the kitten found Orson Welles in the doorway in The Third Man.

Today, when we can eat Tex-Mex with chopsticks while listening to reggae and watching a YouTube re-broadcast of the Berlin Wall's fall—i.e., when damn near everything presents itself as familiar—it's not a surprise that some of today's most ambitious art is going about trying to make the familiar strange. In so doing, in reimaging what human life might truly be like over there across the chasms of illusion, mediation, demographics, marketing, image, and appearance, artists are paradoxically trying to restore what's taken for "real" to three whole dimensions, to reconstruct a univocally round world out of disparate streams of flat sights.

Whatever charge of tastlessness or trademark violation may be attached to the artistic appropriation of the media environment in which we swim, the alternative—to flinch, or tiptoe away into some ivory tower of irrelevance—is far worse. We're surrounded by signs; our imperative is to ignore none of them.

**USEMONOPOLY**

The idea that culture can be property—_intellectual property—is used to justify everything from attempts to force the Girl Scouts to pay royalties for singing songs around campfires to the infringement suit brought by the estate of Margaret Mitchell against the publishers of Alice Randall's _The Wind Done Gone_. Corporations like Celera Genomics have filed for patents for human genes, while the Recording Industry Association of America has sued music downloaders for copyright infringement, reaching out-of-court settlements for thousands of dollars with defendants as young as twelve. ASCAP bleeds fees from shop owners who play background music in their stores; students and scholars are shamed from placing texts facedown on photocop machines. At the same time, copyright is revered by most established writers and artists as a birthright and bulwark, the source of nurture for their infinitely fragile practices in a rapacious world. Plagiarism and piracy, after all, are the monsters we working artists are taught to dread, as they roam the woods surrounding our tiny preserves of regard and remuneration.

A time is marked not so much by ideas that are argued about as by ideas that are taken for granted. The character of an era hangs upon what needs no defense. In this regard, few of us question the contemporary construction of copyright. It is taken as a law, both in the sense of a universaliy recognizable moral absolute, like the law against murder, and as naturally inherent in our world, like the law of gravity. In fact, it is neither. Rather, copyright is an ongoing social negotiation, tenuously forged, endlessly revised, and imperfect in its very incarnation.

Thomas Jefferson, for one, considered copyright a necessary evil: he favored providing just enough incentive to create, nothing more, and thereafter allowing ideas to flow freely, as nature intended. His conception of copyright was enshrined in the Constitution, which gives Congress the authority to "promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." This was a balancing act between creators and society as a whole; second comers might do a much better job than the originator with the original idea.

But Jefferson's vision has not fared well, has in fact been steadily eroded by those who view the culture as a market in which everything of value should be owned by someone or other. The distinctive feature of modern American copyright law is its almost limitless bloating—its expansion in both scope and duration. With no registration requirement, every creative act in a tangible medium is now subject to copyright protection: your email to your child or your child's finger painting, both are automatically protected. The first Congress to grant copyright gave authors an initial term of fourteen years, which could be renewed for another fourteen if the author still lived. The current term is the life of the author plus seventy years. It's only a slight exaggeration to say that each time Mickey Mouse is about to fall into the public domain, the mouse's copyright term is extended.

Even as the law becomes more restrictive, technology is exposing those restrictions as bizarre and arbitrary. When old laws fixed on reproduction as the compensable (or actionable) unit, it wasn't because there was anything fundamentally invasive of an author's rights in the making of a copy. Rather it was because copies were once easy to find and count, so they made a useful benchmark for deciding when an owner's rights had been invaded. In the contemporary world, though, the act of "copying" is in no meaningful sense equivalent to an infringement—we make a copy every time...
we accept an emailed text, or send or forward one—and is impossible any-
more to regulate or even describe.

At the movies, my entertainment is sometimes lately preceded by a
dire trailer, produced by the lobbying group called the Motion Picture As-
Sociation of America, in which the purchasing of a bootleg copy of a
Hollywood film is compared to the theft of a car or a handbag—and, as
the bullying supertitles remind us, “You wouldn’t steal a handbag!”
This conflation forms an incitement to quit thinking. If I were to tell you
that pirating DVDs or downloading music is in no way different from
loaning a friend a book, my own arguments would be as ethically bank-
r upt as the MPAA’s. The truth lies somewhere in the vast gray area be-
tween these two overstated posi-
tions. For a car or a handbag, once
stolen, no longer is available to its
owner, while the appropriation of an
article of “intellectual property”
leaves the original untouched. As
Jefferson wrote, “He who receives an
idea from me, receives instruction
himself without lessening mine; as
he who lights his taper at mine, re-
ceives light without darkening me.”

Yet industries of cultural capital,
who profit not from creating but
from distributing, see the sale of cul-
ture as a zero-sum game. The piano-
roll publishers fear the record com-
panies, who fear the cassette-tape
manufacturers, who fear the online
vendors, who fear whoever else is
next in line to profit most quickly
from the intangible and infinitely re-
producible fruits of an artist’s labor.
It has been the same in every indus-
try and with every technological in-
novation. Jack Valenti, speaking for
the MPAA: “I say to you that the
VCR is to the American film pro-
ducer and the American public as the
Boston Strangler is to the woman home alone.”

Thinking clearly sometimes re-
quires unbraiding our language. The
word “copyright” may eventually
seem as dubious in its embedded pur-
poses as “family values,” “globaliza-
tion,” and, sure, “intellectual prop-
erty.” Copyright is a “right” in no
absolute sense; it is a government-
granted monopoly on the use of cre-
ative results. So let’s try calling it
that—not a right but a monopoly on
use, a “usemonopoly”—and then
consider how the rapacious expan-
sion of monopoly rights has always
been counter to the public interest,
no matter if it is Andrew Carnegie
controlling the price of steel or Walt
Disney managing the fate of his
mouse. Whether the monopolizing
beneficiary is a living artist or some
artist’s heirs or some corporation’s
shareholders, the loser is the com-
munity, including living artists who
might make splendid use of a healthy
public domain.

THE BEAUTY OF SECOND USE

A few years ago someone brought
me a strange gift, purchased at
MoMA’s downtown design store: a
copy of my own first novel, Gun,
With Occasional Music, expertly cut
into the contours of a pistol. The ob-
ject was the work of Robert The, an
artist whose specialty is the reincar-
nation of everyday materials. I regard
my first book as an old friend, one
who never fails to remind me of the
spirit with which I entered into this
game of art and commerce—that to
be allowed to insert the materials of
my imagination onto the shelves of
bookstores and into the minds of
readers (if only a handful) was a wild
privilege. I was paid $6,000 for three
years of writing, but at the time I’d
have happily published the results
for nothing. Now my old friend had
come home in a new form, one I was
unlikeliness to have imagined for it
myself. The gun-book wasn’t readable,
exactly, but I couldn’t take offense at
that. The fertile spirit of stray con-
nection this appropriated object
conveyed back to me—the strange
beauty of its second use—was a re-
ward for being a published writer I
could never have fathomed in ad-
ance. And the world makes room
for both my novel and Robert The’s
gun-book. There’s no need to choose
between the two.

In the first life of creative prop-
erty, if the creator is lucky, the con-
tent is sold. After the commercial
life has ended, our tradition supports
a second life as well. A newspaper is
considered of misuse and rough treatment;
for others, these are marks of its lov-
ing use. Artists and their surrogates who
fall into the trap of seeking recom-
pense for every possible second use
end up attacking their own best au-
dience members for the crime of exalting and enshrining their work. The Recording Industry Association of America prosecuting their own record-buying public makes as little sense as the novelists who bristle at autographing used copies of their work of others: Snow White and the Seven Dwarfs, Fantasia, Pinocchio, Dumbo, Bambi, Song of the South, Cinderella, Alice in Wonderland, Robin Hood, Peter Pan, Lady and the Tramp, Mulan, Sleeping Beauty, The Sword in the Stone, The Jungle Book, and, alas, Treasure Planet, a legacy of cultural sampling that Shakespeare, or De La Soul, could get behind. Yet Disney’s protectorate of lobbyists has policed the resulting cache of cultural materials as vigilantly as if it were Fort Knox—threatening legal action, for instance, against the artist Dennis Oppenheim for the use of Disney characters in a sculpture, and prohibiting the scholar Holly Crawford from using any Disney-related images—including artwork by Lichtenstein, Warhol, Oldenburg, and others—in her monograph Attached to the Mouse: Disney and Contemporary Art.

This peculiar and specific act—the enclosure of commonwealth culture for the benefit of a sole or corporate owner—is close kin to what could be called imperial plagiarism, the free use of Third World or “primitive” artworks and styles by more privileged (and better-paid) artists. Think of Picasso’s Les Demoiselles d’Avignon, or some of the albums of Paul Simon or David Byrne: even without violating copyright, those creators have sometimes come in for a certain skepticism when the extent of their outsourcing became evident. And, as when Led Zeppelin found themselves sued for back royalties by the bluesman Willie Dixon, the act can occasionally be an expensive one. To live outside the law, you must be honest: perhaps it was this, in part, that spurred David Byrne and Brian Eno to recently launch a “remix” website, where anyone can download easily disassembled versions of two songs from My Life in the Bush of Ghosts, an album reliant on vernacular speech sampled from a host of sources. Perhaps it also explains why Bob Dylan has never refused a request for a sample.

Kenneth Koch once said, “I’m a writer who likes to be influenced.” It was a charming confession, and a rare one. For so many artists, the act of creativity is intended as a Napoleonic imposition of one’s uniqueness upon the universe—après moi le déluge of copycats! And for every James Joyce or Woody Guthrie or Martin Luther King Jr., or Walt Disney, who gathered a constellation of voices in his work, there may seem to be some corporation or literary estate eager to stopper the bottle: cultural debts flow in, but they don’t flow out. We might call this tendency “source hypocrisy.” Or we could name it after the most pernicious source hypocrites of all time: Disnial.

YOU CAN’T STEAL A GIFT

My reader may, understandably, be on the verge of crying, “Communist!” A large, diverse society cannot survive without property; a large, diverse, and modern society cannot flourish without some form of intellectual property. But it takes little reflection to grasp that there is ample value that the term “property” doesn’t capture. And works of art exist simultaneously in two economies, a market economy and a gift economy.
The cardinal difference between gift and commodity exchange is that a gift establishes a feeling-bond between two people, whereas the sale of a commodity leaves no necessary connection. I go into a hardware store, pay the man for a hacksaw blade, and walk out. I may never see him again. The disconnectedness is, in fact, a virtue of the commodity mode. We don't want to be bothered, and if the clerk always wants to chat about the family, I'll shop elsewhere. I just want a hacksaw blade. But a gift makes a connection. There are many examples, the candy or cigaretté offered to a stranger who shares a seat on the plane, the few words that indicate goodwill between passengers on the late-night bus. These tokens establish the simplest bonds of social life, but the model they offer may be extended to the most complicated of unions—marriage, parenthood, mentorship. If a value is placed on these (often essentially unequal) exchanges, they degenerate into something else.

Yet one of the more difficult things to comprehend is that the gift economies—like those that sustain open-source software—coexist so naturally with the market. It is precisely this doubleness in art practices that we must identify, ratify, and enshrine in our lives as participants in culture, either as "producers" or "consumers." Art that matters to us—which moves the heart, or revives the soul, or delights the senses, or offers courage for living, however we choose to describe the experience—is received as a gift is received. Even if we've paid a fee at the door of the museum or concert hall, when we are touched by a work of art something comes to us that has nothing to do with the price. The daily commerce of our lives proceeds at its own constant level, but a gift conveys an uncommodifiable surplus of inspiration.

The way we treat a thing can change its nature, though. Religions often prohibit the sale of sacred objects; the implication being that their sanctity is lost if they are bought and sold. We consider it unacceptable to sell sex, babies, body organs, legal rights, and votes. The idea that something should never be commodified is generally known as inalienability or unalienability—a concept most famously expressed by Thomas Jefferson in the phrase "endowed by their Creator with certain unalienable Rights..." A work of art seems to be a harder breed; it can be sold in the market and still emerge a work of art. But if it is true that in the essential commerce of art a gift is carried by the work from the artist to his audience, if I am right to say that where there is no gift there is no art, then it may be possible to destroy a work of art by converting it into a pure commodity. I don't maintain that art can't be bought and sold, but that the gift portion of the work places a constraint upon our merchandising. This is the reason why even a really beautiful, ingenious, powerful ad (of which there are a lot) can never be any kind of real art: an ad has no status as gift; i.e., it's never really for the person it's directed at.

The power of a gift economy remains difficult for the empiricists of our market culture to understand. In our times, the rhetoric of the market presumes that everything should be and can be appropriately bought, sold, and owned—a tide of alienation lapping daily at the dwindling doubt of the unalienable. In free-market theory, an intervention to halt propertization is considered "paternalistic," because it inhibits the free action of the citizen, now repositioned as a "potential entrepreneur." Of course, in the real world, we know that child-rearing, family life, education, socialization, sexuality, political life, and many other basic human activities require insulation from market forces. In fact, paying for many of these things can ruin them. We may be willing to peek at Who Wants to Marry a Millionaire or an eBay auction of the ova of fashion models, but only to reassure ourselves that some things are still beneath our standards of dignity.

What's remarkable about gift economies is that they can flourish in the most unlikely places—in rundown neighborhoods, on the Internet, in scientific communities, and among members of Alcoholics Anonymous. A classic example is commercial blood systems, which generally produce blood supplies of lower safety, purity, and potency than volunteer systems. A gift economy may be superior when it comes to maintaining a group's commitment to certain extra-market values.

**THE COMMONS**

Another way of understanding the presence of gift economies—which dwell like ghosts in the commercial machine—is in the sense of a public commons. A commons, of course, is anything like the streets over which we drive, the skies through which we pilot airplanes, or the public parks or beaches on which we dally. A commons belongs to everyone and no one, and its use is controlled only by common consent. A commons describes resources like the body of ancient music drawn on by composers and folk musicians alike, rather than the commodities, like "Happy Birthday to You," for which ASCAP, 114 years after it was written, continues to collect a fee. Einstein's theory of relativity is a commons. Writings in the public domain are a commons. Gossip about celebrities is a commons. The silence in a movie theater is a transitory commons, impossibly fragile, treasured by those who crave it, and constructed as a mutual gift by those who compose it.

The world of art and culture is a vast commons, one that is salted through with zones of utter commerce yet remains gloriously immune to any overall commodification. The closest resemblance is to the commons of a language: altered by every contributor, expanded by even the most passive user. That a language is a commons doesn't mean that the community owns it; rather it belongs between people, possessed by no one, not even by society as a whole.

Nearly any commons, though, can be encroached upon, partitioned, enclosed. The American commons include tangible assets such as public forests and minerals, intangible wealth such as copyrights and patents, critical infrastructures such as the Internet and government research, and cultural resources such as the broadcast airwaves and public spaces. They include resources we've paid for as taxpayers and inherited from previous generations.
They're not just an inventory of marketable assets; they're social institutions and cultural traditions that define us as Americans and enliven us as human beings. Some invasions of the commons are sanctioned because we can no longer muster a spirited commitment to the public sector. The abuse goes unnoticed because the theft of the commons is seen in glimpses, not in panorama. We may occasionally see a former wetland paved; we may hear about the breakthrough cancer drug that tax dollars helped develop, the rights to which pharmaceutical companies acquired for a song. The larger movement goes too much unremarked. The notion of a commons of cultural materials goes more or less unnamed.

Honor the commons is not a matter of moral exhortation. It is a practical necessity. We in Western society are going through a period of intensifying belief in private ownership, to the detriment of the public good. We have to remain constantly vigilant to prevent raids by those who would selfishly exploit our common heritage for their private gain. Such raids on our natural resources are not examples of enterprise and initiative. They are attempts to take from all the people just for the benefit of a few.

UNDISCOVERED PUBLIC KNOWLEDGE

Artists and intellectuals despond over the prospects for originality they can take heart from a phenomenon identified about twenty years ago by Don Swanson, a library scientist at the University of Chicago. He called it "undiscovered public knowledge." Swanson showed that standing problems in medical research may be significantly addressed, perhaps even solved, simply by systematically surveying the scientific literature. Left to its own devices, research tends to become more specialized and abstracted from the real-world problems that motivated it and to which it remains relevant. This suggests that such a problem may be tackled effectively not by commissioning more research but by assuming that most or all of the solution can already be found in various scientific journals, waiting to be assembled by someone willing to read across specialties. Swanson himself did this in the case of Raynaud's syndrome, a disease that causes the fingers of young women to become numb. His finding is especially striking—perhaps even scandalous—because it happened in the ever-expanding biomedical sciences.

Undiscovered public knowledge emboldens us to question the extreme claims to originality made in press releases and publishers' notices: Is an intellectual or creative offering truly novel, or have we just forgotten a worthy precursor? Does solving certain scientific problems really require massive additional funding, or could a computerized search engine, creatively deployed, do the same job more quickly and cheaply? Lastly, does our appetite for creative vitality require the violence and exasperation of another avant-garde, with its wearing a killing-the-father imperative, or might we be better off rafying the ecstasy of influence—and deepening our willingness to understand the commonality and timelessness of the methods and motifs available to artists?

GIVE ALL

A few years ago, the Film Society of Lincoln Center announced a retrospective of the works of Dariush Mehrjui, then a fresh enthusiasm of mine. Mehrjui is one of Iran's finest filmmakers, and the only one whose subject was personal relationships among the upper-middle-class intelligentsia. Needless to say, opportunities to view his films were—and remain—rare indeed. I headed uptown for one, an adaptation of J. D. Salinger's Franny and Zooey, titled Pari, only to discover at the door of the Walter Reade Theater that the screening had been canceled: its announcement had brought threat of a lawsuit down on the Film Society. True, these were Salinger's rights under the law. Yet why would he care that some obscure Iranian filmmaker had paid him homage with a meditation on his heroine? Would it have damaged his book or robbed him of some crucial remuneration had the screening been permitted? The fertile spirit of stray connec-
tion—one stretching across what is presently seen as the direct of international breaches—had in this case been snuffed out. The cold, undead hand of one of my childhood literary heroes had reached out from its New Hampshire redoubt to arrest my present-day curiosity.

A few assertions, then:

Any text that has infiltrated the common mind to the extent of Gone With the Wind or Lolita or Ulysses inexorably joins the language of culture. A map-turned-landscape, it has moved to a place beyond enclosure or control. The authors and their heirs should consider the subsequent parodies, refractions, quotations, and revisions an honor, or at least the price of a rare success.

A corporation that has imposed an inescapable notion—Mickey Mouse, Band-Aid—on the cultural language should pay a similar price.

The primary objective of copyright is not to reward the labor of authors but "to promote the Progress of Science and useful Arts." To this end, copyright assures authors the right to their original expression, but encourages others to build freely upon the ideas and information conveyed by a work. This result is neither unfair nor unfortunate.

Contemporary copyright, trademark, and patent law is presently corrupted. The case for perpetual copyright is a denial of the essential gift-aspect of the creative act. Arguments in its favor are as un-American as those for the repeal of the estate tax.

Art is sourced. Apprentices graze in the field of culture.

Digital sampling is an art method like any other, neutral in itself. Despite hand-wringing at each technological turn—radio, the Internet—the future will be much like the past. Artists will sell some things but also give some things away. Change may be troubling for those who crave less ambiguity, but the life of an artist has never been filled with certainty.

The dream of a perfect systematic remuneration is nonsense. I pay rent with the price my words bring when published in glossy magazines and at the same moment offer them for all the world to consume, warped, and cobbled together. Copyright, like any other, neutral in itself. Copyright is neither unfair nor unfortunate.

Contemporary copyright, trademark, and patent law is presently corrupted. The case for perpetual copyright is a denial of the essential gift-aspect of the creative act. Arguments in its favor are as un-American as those for the repeal of the estate tax.

Art is sourced. Apprentices graze in the field of culture.

Digital sampling is an art method like any other, neutral in itself. Despite hand-wringing at each technological turn—radio, the Internet—the future will be much like the past. Artists will sell some things but also give some things away. Change may be troubling for those who crave less ambiguity, but the life of an artist has never been filled with certainty.

The dream of a perfect systematic remuneration is nonsense. I pay rent with the price my words bring when published in glossy magazines and at the same moment offer them for all the world to consume, warped, and cobbled together. Copyright, like any other, neutral in itself. Copyright is neither unfair nor unfortunate.

Contemporary copyright, trademark, and patent law is presently corrupted. The case for perpetual copyright is a denial of the essential gift-aspect of the creative act. Arguments in its favor are as un-American as those for the repeal of the estate tax.

Art is sourced. Apprentices graze in the field of culture.

Digital sampling is an art method like any other, neutral in itself. Despite hand-wringing at each technological turn—radio, the Internet—the future will be much like the past. Artists will sell some things but also give some things away. Change may be troubling for those who crave less ambiguity, but the life of an artist has never been filled with certainty.

The dream of a perfect systematic remuneration is nonsense. I pay rent with the price my words bring when published in glossy magazines and at the same moment offer them for all the world to consume, warped, and cobbled together. Copyright, like any other, neutral in itself. Copyright is neither unfair nor unfortunate.

Contemporary copyright, trademark, and patent law is presently corrupted. The case for perpetual copyright is a denial of the essential gift-aspect of the creative act. Arguments in its favor are as un-American as those for the repeal of the estate tax.

Art is sourced. Apprentices graze in the field of culture.

Digital sampling is an art method like any other, neutral in itself. Despite hand-wringing at each technological turn—radio, the Internet—the future will be much like the past. Artists will sell some things but also give some things away. Change may be troubling for those who crave less ambiguity, but the life of an artist has never been filled with certainty.

The dream of a perfect systematic remuneration is nonsense. I pay rent with the price my words bring when published in glossy magazines and at the same moment offer them for all the world to consume, warped, and cobbled together. Copyright, like any other, neutral in itself. Copyright is neither unfair nor unfortunate.
paragraph makes a hash of remarks from an interview with Eric Lott conducted by David McNair and Jayson Whitehead, and incorporates both interviewers’ and interviewee’s observations. (The text-interview form can be seen as a commonly accepted form of multivocal writing. Most interviewers prime their subjects with remarks of their own—leading the witness, so to speak—and gently refine their subjects’ statements in the final printed transcript.)

“I realized this . . .” to “. . . for a long time.” The anecdote is cribbed, with an elision to avoid appropriating a dead grandmother, from Jonathan Rosen’s *The Talmud and the Internet.* I’ve never seen 84, *Charing Cross Road,* nor searched the Web for a Donne quote. For me it was through Rosen to Donne, Hemingway, website, et al.

“When I was thirteen . . .” to “. . . no plagiarist at all.” This is from William Gibson’s “God’s Little Toys,” in Wired magazine. My own first encounter with William Burroughs, also at age thirteen, was less epiphatic. Having grown up with a painter father who, during family visits to galleries or museums, approvingly noted collage and appropriation techniques in the visual arts (Picasso, Claes Oldenburg, Stuart Davis), I was gratified, but not surprised, to learn that literature could encompass the same methods.

CONTAMINATION ANXIETY

“In 1941, on his front porch . . .” to “. . . this song comes from the cotton field.” Siva Vaidhyanathan, *Copyrights and Copywrongs.*

“. . . enabled by a kind . . . freely reworked.” Kemnrew McLeod, *Freedom of Expression.* In *Owning Culture,* McLeod notes that, as he was writing, he happened to be listening to a lot of old country music, and in my casual listening I noticed that six country songs shared exactly the same vocal melody, including Hank Thompson’s “Wild Side of Life,” the Carter Family’s “I’m Thinking Tonight of My Blue Eyes,” Roy Acuff’s “Great Speckled Bird,” Kitty Wells’s “It Wasn’t God Who Made Honky Tonk Angels,” Reno & Smiley’s “I’m Using My Bible for a Roadmap,” and Townes Van Zandt’s “Heavenly Houseboat Blues.” In his extensively researched book, *Country: The Twisted Roots of Rock ‘n’ Roll,* Nick Tosches documents that the melody these songs share is both “ancient and British.” There were no recorded lawsuits stemming from these appropriations . . .

“. . . musicians have gained . . . through allusion.” Joanna Demers, *Steal This Music.*

“In Seventies Jamaica . . .” to “. . . hours of music.” Gibson.

“Visual, sound, and text collage . . .” to “. . . realm of cultural production.” This plunders, rewrites, and amplifies paragraphs from McLeod’s *Owning Culture,* except for the line about collage being the art form of the twentieth and twenty-first centuries, which I heard filmmaker Craig Baldwin say, in defense of sampling, in the trailer for a forthcoming documentary, *Copyright Criminals.*

“In a courtroom scene . . .” to “. . . would cease to exist.” Dave Itzkoff, *New York Times.*


“Most artists are brought . . .” to “. . . by art itself.” These words, and more to follow, come from Lewis Hyde’s *The Gift.* Above any other book I’ve here plagiarized, I commend *The Gift* to your attention.

“Finding one’s voice . . .” to “. . . to your attention.” Siva Vaidhyanathan, *The Gift.*

 speaks to your attention. Mary Shelley, from her introduction to *Frankenstein.*

“. . . invention . . .” to “. . . out of chaos.” Mary Shelley, from her introduction to *Frankenstein.*

“. . . contamination anxiety.” Kevin J.H. Dettmar, from “The Illusion of Modernist Allusion and the Politics of Postmodern Plagiarism.”

SURROUNDED BY SIGNS

“The surrealists believed . . .” to
the Walter Benjamin quote, Christian Keating’s Cinephilia and History, or the Wind in the Trees, a book that treats narcissist fetishism as the secret at the heart of film scholarship. Keating notes, for instance, Joseph Cornell’s surrealism-influenced 1936 film Rose Hobart, which simply records “the way in which Cornell himself watched the 1931 Hollywood potboiler East of Borneo, fascinated and distracted as he was by its B-grade star”—the star, of course, being Rose Hobart herself. This, I suppose, makes Cornell a sort of father to computer-enabled fan-creator reworkings of Hollywood product, like the version of George Lucas’s The Phantom Menace from which the noxious Jar Jar Binks character was purged; both incorporate a viewer’s subjective preferences into a revision of a filmmaker’s work.

“...early in the history of photography” to “...without compensating the source.” From Free Culture, by Lawrence Lessig, the greatest of public advocates for copyright reform, and the best source if you want to get radicalized in a hurry.

“For those whose ganglia ...” to “...discourse broke down.” From David Foster Wallace’s essay “E Unibus Pluram,” reprinted in A Supposedly Fun Thing I’ll Never Do Again. I have no idea who Wallace’s “gray eminence” is or was. I inserted the example of Dickens into the paragraph: he strikes me as overlooked in the lineage of authors of “brand-name” fiction.

“I was born ... Mary Tyler Moore Show.” These are the reminiscences of Mark Hosler from Negativland, a collaging musical collective that was sued by U2’s record label for their appropriation of “I Still Haven’t Found What I’m Looking For.” Although I had to adjust the birth date, Hosler’s cultural menu fits me like a glove.

“The world is a home ... pop-culture products...” McLeod.

“Today, when we can eat ...” to “... flat sights.” Wallace.

“We’re surrounded by signs, ignore none of them.” This phrase, which I unfortunately rendered somewhat leaden with the word “imperative,” comes from Steve Erickson’s novel Our Ecstatic Days.

USEMONOPOLY


“A time is marked ...” to “...what needs no defense.” Lessig, this time from The Future of Ideas.

“Thomas Jefferson, for one ...” to “...respective Writings and Discoveries.” Boynton.

“...second comers might do a much better job than the originator ...” I found this phrase in Lessig, who is quoting Vaidhyanathan, who himself is characterizing a judgment written by Learned Hand.

“But Jefferson’s vision ... owned by someone or other.” Boynton.

“The distinctive feature ...” to “...term is extended.” Lessig, again from The Future of Ideas.

“When old laws ...” to “...had been invaded.” Jessica Litman, Digital Copyright.

“I say to you ...woman home alone.” I found the Valenti quote in McLeod. Now fill in the blank: Jack Valenti is to the public domain as _____ to ______

THE BEAUTY OF SECOND USE

“In the first ...” to “...builds an archive.” Lessig.

“Most books ...one year ...” Lessig.

“Active reading is ...” to “...do not own ...” This is a mashup of Henry Jenkins, from his Textual Poachers: Television Fans and Participatory Culture, and Michel de Certeau, whom Jenkins quotes.

“In the children’s classic ...” to “...its loving use.” Jenkins. (Incidentally, have the holders of the copyright to The Velveteen Rabbit had a close look at Toy Story? There could be a lawsuit there.)

SOURCE HYPOCRISY, OR, DISNIAL

“The Walt Disney Company ...alas, Treasure Planet ...” Lessig.

“Imperial Plagiarism” is the title of an essay by Marilyn Randall.

“...spurred David Byrne ... My Life in the Bush of Ghosts ...” Chris Dahlen, Pitchfork—though in truth by the time I’d finished, his words were so utterly dissolved within my own that I had been an ordinary cutting-and-pasting journalist it never would have occurred to me to give Dahlen a citation. The effort of preserving another’s distinctive phrases as I worked on this essay was sometimes beyond my capacities; this form of plagiarism was oddly hard work.


YOU CAN’T STEAL A GIFT

“You can’t steal a gift.” Dizzy Gillespie, defending another player who’d been accused of poaching Charlie Parker’s style: “You can’t steal a gift. Bird gave the world his music, and if you can hear it you can have it.”

“A large, diverse society ... intellectual property.” Lessig.

“And works of art ...” to “...marriage, parenthood, mentorship.” Hyde.

“Yet one ...so naturally with the market.” David Bollier, Silent Theft.

“Art that matters ...” to “...bought and sold.” Hyde.

“We consider it unacceptable ...” to “...certain unalienable Rights ...” Bollier, paraphrasing Margaret Jane Radin’s Contested Commodities.

“A work of art ...” to “...constraint upon our merchandising.” Hyde.

“This is the reason ...person it’s directed at.” Wallace.

“The power of a gift ...” to “...certain extra-market values.” Bollier, and also the sociologist Warren O. Hagstrom, whom Bollier is paraphrasing.

THE COMMONS

“Einstein’s theory ...” to “...public domain are a commons.” Lessig.

“That a language is a commons ... society as a whole.” Michael Newton, in the London Review of Books, reviewing a book called Echolalias: On the Forgetting of Language by Daniel Heller-Roazen. The paraphrases of book reviewers are another covert form of collaborative culture; as an avid reader of reviews, I know much about books I’ve never read. To quote Yann Mar-
tel on how he came to be accused of imperial plagiarism in his Booker-winning novel Life of Pi.

Ten or so years ago, I read a review by John Updike in the New York Times Review of Books [sic]. It was of a novel by a Brazilian writer, Moacyr Scliar. I forget the title, and John Updike did worse: he clearly thought the book as a whole was forgettable. His review—one of those that makes you suspicious by being mostly descriptive... oozed indifference. But one thing about it stuck me: the premise... Oh, the wondrous things I could do with this premise.

Unfortunately, no one was ever able to locate the Updike review in question. "The American commons..." to "...for a song," Bollier.

"Honoring the commons..." to "...practical necessity." Bollier.

"We in Western..." and in the subsequent British publication of the same book I restored the Brian Wilson lyric, without permission. Ocean of Story is the title of a collection of Christina Stead’s short fiction.

Saul Bellow, writing to a friend who’d taken offense at Bellow’s fictional use of certain personal facts, said: “The name of the game is Give All. You are welcome to all my facts. You know them, I give them to you. If you have the strength to pick them up, take them with my blessing.” I couldn’t bring myself to retain Bellows’s “strength,” which seemed presumptuous in my new context, though it is surely the more elegant phrase. On the other hand, I was pleased to invite the suggestion that the gifts in question may actually be light and easily lifted.

KEY TO THE KEY

The notion of a collage text is, of course, not original to me. Walter Benjamin’s incomplete Arcades Project seemingly would have featured extensive interlaced quotations. Other precedents include Graham Rawle’s novel Diary of an Amateur Photographer, its text harvested from photography magazines, and Eduardo Paolozzi’s collage-novel Kex, cobbled from crime novels and newspaper clippings. Closer to home, my efforts owe a great deal to the recent essays of David Shields, in which diverse quotes are made to closely intertwine and reverberate, and to conversations with editor Sean Howe and archivist Pamela Jackson. Last year David Edelstein, in New York magazine, satirized the Kaavya Viswanathan plagiarism case by creating an almost completely plagiarized column denouncing her actions. Edelstein intended to demonstrate, through ironic example, how bricolage such as his own was ipso facto facile and unworthy. Although Viswanathan’s version of “creative copying” was a pittable one, I differ with Edelman’s conclusions.

The phrase Je est un autre, with its deliberately awkward syntax, belongs to Arthur Rimbaud. It has been translated both as “I is another” and “I is someone else,” as in this excerpt from Rimbaud’s letters.

For I is someone else. If brass wakes up a trumpet, it is not its fault. To me this is obvious: I witness the unfolding of my own thought: I watch it, I listen to it: I make a stroke of the bow: the symphony begins to stir in the depths, or springs on to the stage.

If the old fools had not discovered only the false significance of the Ego, we should not now be having to sweep away those millions of skeletons which, since time immemorial, have been piling up the fruits of their one-eyed intellects, and claiming to be, themselves, the authors!