JONATHAN LETHEM

CRITICS OFTEN USE the word *prolific* to describe Jonathan Lethem. He has published nine novels, five collections of stories, two essay volumes, a novella, and a comic book. But a better word for him might be *protean*. In the religion of the ancient Greeks, Proteus was a god of the sea who presided over unexpected change, a power that gave him the ability to alter his shape whenever humans tried to compel him to foretell events. Like the mythical Proteus, Lethem is a shape-shifter whose work threads across boundaries of all kinds—the boundaries between detective fiction, for example, and the "serious" literature of ideas. What Lethem has written about New York might be said to encapsulate his view of both life and art:

> To live in Manhattan is to be persistently amazed at the worlds squirreled inside one another, like those lines of television cable and fresh water and steam heat and outgoing sewage and telephone wire and whatever else which cohabit in the same intestinal holes that pavement-demolishing workmen periodically wrench open.... We only pretend to live on something as orderly as a grid.

For Lethem, the writer's task is to look beneath the reassuring surface. He believes the truth is seldom found by stopping with the obvious or respecting conventions. Indeed, he sees the act of writing as fundamentally promiscuous.

Perhaps it is not at all surprising that Lethem would have some unexpected ideas about what it means to be creative. Normally we think of creativity as the ability to say or do something completely original, but the isolation implied by this belief strikes Lethem as unappealing. Instead, he celebrates what he calls the "ecstasy of influence." If we wish, we can treat words, ideas, and images as somebody's private property, but we can also view them as available for everyone to use. Nothing, he suggests, is totally original: everything is bound up with everything else, if not on the surface, then underneath, like the "lines of television cable and fresh water" hidden by the "grid." Once we give up the idea of the private ownership of culture, writing and thinking take on a new life, as acts of generosity that place us in debt to everyone who has made our creativity possible.

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Quotation comes from Michiko Kakutani, "One by One, Narratives Reflecting Life's Mosaic," *New York Times*, January 8, 2008.

Lethem's argument is powerful, and many writers, artists, and scientists have experienced the *ecstasy* he describes. But where does that leave the writing done in the university itself? Most universities impose harsh penalties on plagiarists, the people who use the words of others without attribution—that is, without an acknowledgment of someone's prior ownership. Indeed, your own college or university might expel students found guilty of cheating. Where does cheating start and creativity stop?

The Ecstasy of Influence: A Plagiarism

> 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 Junichi 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 *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 know 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 cento 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, Francis Bacon's paintings and Henry Darger's, the novels of the Oulipo group and of Hannah Crafts (the author who pillaged 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, 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 anxiety 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 resituate 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, trans-generational 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 Show.* I was born with words in my mouth—"Band-Aid," "Q-tip," "Xerox"—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 still 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 rebroadcast 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 reimagining what human life might truly be like over there across the chasms of illusion, mediation, demographics, marketing, imago, 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 tastelessness 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 photocopy 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 universally 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 every 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 anymore 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 Association 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 bankrupt as the MPAA's. The truth lies somewhere in the vast gray area between these two overstated positions. 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, receives light without darkening me."

Yet industries of cultural capital, who profit not from creating but from distributing, see the sale of culture as a zero-sum game. The piano-roll publishers fear the record companies, 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 reproducible fruits of an artist's labor. It has been the same in every industry and with every technological innovation. Jack Valenti, speaking for the MPAA: "I say to you that the VCR is to the American film producer and the American public as the Boston Strangler is to the woman home alone."

Thinking clearly sometimes requires unbraiding our language. The word "copyright" may eventually seem as dubious in its embedded purposes as "family values," "globalization," and, sure, "intellectual property." Copyright is a "right" in no absolute sense; it is a government-granted monopoly on the use of creative results. So let's try calling it that—not a right but a *monopoly on use*, a "usemonopoly"—and then consider how the rapacious expansion 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 community, 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 object was the work of Robert The, an artist whose specialty is the reincarnation 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 unlikely 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 connection this appropriated object conveyed back to me—the strange beauty of its second use—was a reward for being a published writer I could never have fathomed in advance. 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 property, if the creator is lucky, the content is sold. After the commercial life has ended, our tradition supports a second life as well. A newspaper is delivered to a doorstep, and the next day wraps fish or builds an archive. Most books fall out of print after one year, yet even within that period they can be sold in used bookstores and stored in libraries, quoted in reviews, parodied in magazines, described in conversations, and plundered for costumes for kids to wear on Halloween. The demarcation between various possible uses is beautifully graded and hard to define, the more so as artifacts distill into and repercuss through the realm of culture into which they've been entered, the more so as they engage the receptive minds for whom they were presumably intended.

Active reading is an impertinent raid on the literary preserve. Readers are like nomads, poaching their way across fields they do not own—artists are no more able to control the imaginations of their audiences than the culture industry is able to control second uses of its artifacts. In the children's classic *The Velveteen Rabbit,* the old Skin Horse offers the Rabbit a lecture on the practice of textual poaching. The value of a new toy lies not in its material qualities (not "having things that buzz inside you and a stick-out handle"), the Skin Horse explains, but rather in how the toy is used. "Real isn't how you are made.... It's a thing that happens to you. When a child loves you for a long, long time, not just to play with, but REALLY loves you, then you become Real." The Rabbit is fearful, recognizing that consumer goods don't become "real" without being actively reworked: "Does it hurt?" Reassuring him, the Skin Horse says: "It doesn't happen all at once.... You become. It takes a long time.... Generally, by the time you are Real, most of your hair has been loved off, and your eyes drop out and you get loose in the joints and very shabby." Seen from the perspective of the toymaker, the Velveteen Rabbit's loose joints and missing eyes represent vandalism, signs of misuse and rough treatment; for others, these are marks of its loving use.

Artists and their surrogates who fall into the trap of seeking recompense for every possible second use end up attacking their own best audience 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 books for collectors. And artists, or their heirs, who fall into the trap of attacking the collagists and satirists and digital samplers of their work are attacking the next generation of creators for the crime of being influenced, for the crime of responding with the same mixture of intoxication, resentment, lust, and glee that characterizes all artistic successors. By doing so they make the world smaller, betraying

what seems to me the primary motivation for participating in the world of culture in the first place: to make the world larger.

Source Hypocrisy, or, Disnial

The Walt Disney Company has drawn an astonishing catalogue from the 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 cigarette 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 hardier 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 redoubt 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 reposited 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 Multimillionaire* 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.

Honoring 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 despondent over the prospects for originality 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 wearisome killing-the-father imperatives, or might we be better off ratifying *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 connection—one stretching across what is presently seen as the direst 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-to-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 almost nothing to impoverished literary quarterlies, or speak them for free into the air in a radio interview. So what are they worth? What would they be worth if some future Dylan worked them into a song? Should I care to make such a thing impossible?

Any text is woven entirely with citations, references, echoes, cultural languages, which cut across it through and through in a vast stereophony. The citations that go to make up a text are anonymous, untraceable, and yet *already read;* they are quotations without inverted commas. The kernel, the soul—let us go further and say the substance, the bulk, the actual and valuable material of all

human utterances—is plagiarism. For substantially all ideas are secondhand, consciously and unconsciously drawn from a million outside sources, and daily used by the garnerer with a pride and satisfaction born of the superstition that he originated them; whereas there is not a rag of originality about them anywhere except the little discoloration they get from his mental and moral caliber and his temperament, and which is revealed in characteristics of phrasing. Old and new make the warp and woof of every moment. There is no thread that is not a twist of these two strands. By necessity, by proclivity, and by delight, we all quote. Neurological study has lately shown that memory, imagination, and consciousness itself is stitched, quilted, pastiched. If we cut-and-paste our selves, might we not forgive it of our artworks?

Artists and writers—and our advocates, our guilds and agents—too often subscribe to implicit claims of originality that do injury to these truths. And we too often, as hucksters and bean counters in the tiny enterprises of our selves, act to spite the gift portion of our privileged roles. People live differently who treat a portion of their wealth as a gift. If we devalue and obscure the gift-economy function of our art practices, we turn our works into nothing more than advertisements for themselves. We may console ourselves that our lust for subsidiary rights in virtual perpetuity is some heroic counter to rapacious corporate interests. But the truth is that with artists pulling on one side and corporations pulling on the other, the loser is the collective public imagination from which we were nourished in the first place, and whose existence as the ultimate repository of our offerings makes the work worth doing in the first place.

As a novelist, I'm a cork on the ocean of story, a leaf on a windy day. Pretty soon I'll be blown away. For the moment I'm grateful to be making a living, and so must ask that for a limited time (in the Thomas Jefferson sense) you please respect my small, treasured usemonopolies. Don't pirate my editions; do plunder my visions. The name of the game is Give All. You, reader, are welcome to my stories. They were never mine in the first place, but I gave them to you. If you have the inclination to pick them up, take them with my blessing.

KEY: I IS ANOTHER

This key to the preceding essay names the source of every line I stole, warped, and cobbled together as I "wrote" (except, alas, those sources I forgot along the way). First uses of a given author or speaker are highlighted in bold type. Nearly every sentence I culled I also revised, at least slightly—for necessities of space, in order to produce a more consistent tone, or simply because I felt like it.

Title

The phrase "the ecstasy of influence," which embeds a rebuking play on Harold Bloom's "anxiety of influence," is lifted from spoken remarks by Professor **Richard Dienst** of Rutgers.

Love and Theft

"... a cultivated man of middle age ..." to "... hidden, unacknowledged memory?" These lines, with some adjustments for tone, belong to the **anonymous editor** or **assistant** who wrote the dust-flap copy of **Michael Maar's** *The Two Lolitas*. Of course, in my own experience, dust-flap copy is often a collaboration between author and editor. Perhaps this was also true for Maar.

"The history of literature ..." to "... borrow and quote?" comes from Maar's book itself.

"Appropriation has always ..." to "... Ishmael and Queequeg ..." This 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 epiphanic. 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." **Kembrew 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.*

"... the remarkable series of 'plagiarisms' ..." to "... we want more plagiarism." **Richard Posner**, combined from The Becker-Posner Blog and *The Atlantic Monthly.*

"Most artists are brought ..." to "... by art itself." These words, and many 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 ... filiations, communities, and discourses." Semanticist **George L. Dillon**, quoted in **Rebecca Moore Howard**'s "The New Abolitionism Comes to Plagiarism."

"Inspiration could be ... act never experienced." **Ned Rorem**, found on several "great quotations" sites on the Internet.

"Invention, it must be humbly admitted ... out of chaos." **Mary Shelley**, from her introduction to *Frankenstein.*

"What happens ..." to "... 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 Keathley**'s *Cinephilia and History, or the Wind in the Trees,* a book that treats fannish fetishism as the secret at the heart of film scholarship. Keathley notes, for instance, Joseph Cornell's surrealist-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 re-workings 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

"... everything from attempts ..." to "defendants as young as twelve." **Robert Boynton**, *The New York Times Magazine,* "The Tyranny of Copyright?"

"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 _____ is 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 had I 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.

"Kenneth Koch ..." to "... *déluge* of copycats!" **Emily Nussbaum**, *The New York Times Book Review*.

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 Martel 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 struck 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 ... public good." **John Sulston**, Nobel Prize–winner and co-mapper of the human genome.

"We have to remain ..." to "... benefit of a few." **Harry S Truman**, at the opening of the Everglades National Park. Although it may seem the height of presumption to rip off a president—I found claiming Truman's stolid advocacy as my own embarrassing in the extreme—I didn't rewrite him at all. As the poet Marianne Moore said, "If a thing had been said in the *best* way, how can you say it better?" Moore confessed her penchant for incorporating lines from others' work, explaining, "I have not yet been able to outgrow this hybrid method of composition."

Undiscovered Public Knowledge

"... intellectuals despondent ..." to "... quickly and cheaply?" **Steve Fuller**, *The Intellectual*. There's something of Borges in Fuller's insight here; the notion of a storehouse of knowledge waiting passively to be assembled by future users is suggestive of both "The Library of Babel" and "Kafka and his Precursors."

Give All

"... one of Iran's finest ..." to "... meditation on his heroine?" **Amy Taubin**, *Village Voice*, although it was me who was disappointed at the door of the Walter Reade Theater.

"The primary objective ..." to "... unfair nor unfortunate." **Sandra Day O'Connor**, 1991.

"... the future will be much like the past" to "... give some things away." Open-source film archivist **Rick Prelinger**, quoted in McLeod.

"Change may be troubling ... with certainty." McLeod.

"... woven entirely ..." to "... without inverted commas." **Roland Barthes**.

"The kernel, the soul ..." to "... characteristics of phrasing." **Mark Twain**, from a consoling letter to Helen Keller, who had suffered distressing accusations of plagiarism (!). In fact, her work included unconsciously memorized phrases; under Keller's particular circumstances, her writing could be understood as a kind of allegory of the "constructed" nature of artistic perception. I found the Twain quote in the aforementioned *Copyrights and Copywrongs*, by Siva Vaidhyanathan.

"Old and new ..." to "... we all quote." **Ralph Waldo Emerson**. These guys all sound alike!

"People live differently ... wealth as a gift." Hyde.

"... I'm a cork ..." to "... blown away." This is adapted from The Beach Boys song "'Til I Die," written by **Brian Wilson**. My own first adventure with song-lyric permissions came when I tried to have a character in my second novel

quote the lyrics "There's a world where I can go and/Tell my secrets to/In my room/In my room." After learning the likely expense, at my editor's suggestion I replaced those with "You take the high road/I'll take the low road/I'll be in Scotland before you," a lyric in the public domain. This capitulation always bugged me, 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 Bellow'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 pitiable one, I differ with Edelstein'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!

QUESTIONS FOR MAKING CONNECTIONS WITHIN THE READING

1. Discuss the relationship between the two economies that Lethem describes—the economy of the market and the economy of the gift. What is the role of property in the two economies, and what role do culture and the arts play in each? At first glance the two economies might appear to be antithetical, but Lethem suggests that the two of them can actually coexist. How is such coexistence possible, and in what ways might the two economies sustain and revitalize each other? How would the disappearance of the *public commons* damage the whole society? In what respects does private property depend on the health of the commons?
2. In your own words, explain the following passage: "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." How might it be possible that ideas which seem to require no defense are actually the most revealing ones? Why aren't the most discussed ideas the ones of greatest consequence? If the justness of the copyright appears to be self-evident, what can we conclude about the blindnesses of our own historical period? In what ways do our copyright laws reflect deeper anxieties about our relations to others? Does the common sense of our time prevent us from enjoying more creative lives?
3. Explain Lethem's point when he declares, "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." What does Lethem mean when he claims that "everything presents itself as familiar"? And what might be involved in making the familiar strange? What effect does the familiar have on us, and what effect does strangeness have? How do the artists Lethem discusses make the familiar seem strange? How might taking the words of someone else and putting them to a new use illustrate the value of estrangement? Does Lethem himself manage to make the familiar strange, and why is doing so important to his argument?

QUESTIONS FOR WRITING

1. The anthropologist David Graeber has made the claim that all societies, even those that have developed sophisticated forms of private property, still observe an implicit communism on the level of basic human interactions. For example, if your father asks you for a wrench while he is repairing a faucet, you would not normally respond with the question, "What's in it for me?" If the word *communism* actually refers to the owning of things in common, does Lethem seem to accept the argument that something like

common ownership is required for the health of a society? In what ways might communism in this sense actually contribute to democracy as well as personal freedom? In what ways might the open source movement represent a rebellion against the dominant ways of thinking about property as fundamentally private?

2. Does Lethem want students to cheat? When he writes that plagiarism is the soul of all human utterances, does he really mean it? Does he believe that you should feel free to learn from the *ideas* of others, while still respecting the principle of private ownership when it comes to *words*? Would he approve of your submitting a paper purchased from an Internet company? Would he approve of splicing into your next essay sentences or whole paragraphs taken from someone else's work, all without proper attribution? Does Lethem do the same thing himself? Is Lethem's argument *amoral*—that is, is it indifferent to ethical concerns? Is his view actually immoral—calculated to do harm? Or is Lethem trying to promote a different set of values? What might those values include?

QUESTIONS FOR MAKING CONNECTIONS BETWEEN READINGS

1. In what ways might the "ecstasy of influence" celebrated by Lethem qualify as a form of "love" in the sense explored by Barbara Fredrickson in *Love 2.0*? With its detailed attention to the brain, Fredrickson's argument might seem quite far removed from Lethem's literary concerns, but can biological science shed light on the process Lethem explores? Look, for example, at Fredrickson's discussion of "brain coupling":

> Communication—a true meeting of the minds—is a single act, performed by two brains. Considering the positivity resonance of love, what I find most fascinating about these findings is that a key brain area that showed coupling in [the] speaker-listener study was the insula, an area linked with conscious feeling states.

Does making someone else's language your own qualify as *brain coupling* too, and does it produce a change in your conscious emotional state? Can we think of sharing language as a form of *positivity resonance*? If love as Fredrickson defines it helps to expand the boundaries of the self, does the ecstasy of influence do the same?

2. In his defense of the freedom to use culture creatively, Lethem levels criticism at a major player on the entertainment scene:

> The Walt Disney Company has drawn an astonishing catalogue from the 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* .... 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.

As you explain and explore the reasoning behind Lethem's critique, consider Joseph Stiglitz's discussion of economic monopolies in "Rent Seeking and the Making of an Unequal Society." Is the Disney Company guilty of *rent seeking* in the sphere of culture? Does such behavior contribute to inequalities of access to cultural capital? Does Stiglitz want to bring open access to the economic sphere—access akin to the commons Lethem extols in the realm of culture? Or does Stiglitz argue for a change less sweeping in its scope?