Everybody’s Got Something to Hide Except for Me and My Lawsuit: William S. Burroughs, DJ Danger Mouse, and the Politics of “Grey Tuesday”

Davis Schneiderman

E-mail: dschneiderman@lfc.edu

Abstract
On February 24, 2004, approximately 170 Web sites hosted a controversial download of DJ Danger Mouse’s *The Grey Album*, a “mash” record composed of The Beatles’s *The White Album* and Jay-Z’s *The Black Album*. Many of the participating Web sites received “cease and desist” letters from EMI (The Beatles’s record company), yet the so-called “Grey Tuesday” protest resulted in over 100,000 downloads of the record. While mash tunes are a relatively recent phenomenon, the issues of ownership and aesthetic production raised by “Grey Tuesday” are as old as the notion of the literary “author” as an autonomous entity, and are complicated by deliberate literary plagiarisms and copyright infringements. This paper examines the idea of deliberate pastiche as it appears in William S. Burroughs’s work, particularly in the collaborative manifesto *The Third Mind* (1964/5)—a work that merges discussion of plagiarist production with plagiarist manifestations. Burroughs’s infamous “cut-up” method, writes Gérard-Georges Lemaire in the same text, “disconnects the concept of reality that has been imposed upon us and then … eventually escapes from the control of its manipulator” (17). Burroughs theorized copyright infringement as more than mere entertainment or artistic one-upsman-ship; he considered cut-ups as creative production that would force the dominant system to address fundamental issues of inequity by breaking the intention of the work from its popular effect. It is no surprise that Burroughs’s similarly produced audio experiments have been cited as precedents to the current cut-and-mix sound culture. There are many cogent connections between Burroughs’s work and the DJ Danger Mouse-inspired “Grey Tuesday”: 1) In the deliberate infringement of previously copyrighted works, each artist actualizes an assault on ownership standards, 2) these works accordingly assume new political meanings beyond the control of their “originators,” and 3) this elision of the “authorial” persona is replaced by a collaborative ethic that makes the audience complicit in the success of the “illegal” endeavor.

Mash-Ups: A Project for Disastrous Success

If the 2005 Grammy Awards broadcast was the moment that cacophonous pop-music “mash-ups” were first introduced to grandma in Peoria, the strategy’s commercial(ized) pinnacle may have been the November 2004 CD/DVD release by rapper Jay-Z and rockers Linkin Park, titled, appropriately, *Collision Course*. This record capitalized on the latest iteration of a long-standing tradition of mixing, sampling, and collage practiced by DJs, producers, and musicians for the last decades, called, in a current form: “mash-ups.” There are numerous sampling antecedents for the mash-up practice, which often combines *a cappella* vocals from one song with the instrumentals track from a second—in everything from the “break-in” practices of “The Flying Saucer” single (1956, Bill Buchanan and Dickie Goodman) to the micro-sampling (“pluderphonics”) of John Oswald’s *Plexure* (1993) to the social commentary of audio-collectives such as Negativland and The Tape-Beatles. The current barrage of mash-up tracks (inaugurated in this *a cappella*/instrument track form, supposedly, by the Evolution Control Committee’s mid-1990s Public Enemy/Herb Albert mash: “Rebel without a Pause [Whipped Cream mix’’]), began its current ascent to popularity around 2000 as “bootleg” and/or “Bastard/bastard-pop” in London’s West End (Howard-Spink).1 Four years later, signaling the inevitable
commodification of an underground practice, the Collision Course EP debuted at #1, selling more than 368,000 copies in its first week; the music press offered such banal insights as, “[i]n true mash-up spirit, the union of the artists’ styles is greater than the sum of their musical parts” (“Review: Jay-Z/Linkin Park’s...”).

One wonders if Collision Course would have been possible without Jay-Z’s earlier passive foray into a sub-genre of mash-ups—the merger of vocal tracks from his chart-topping The Black Album with non-contiguous musical samples from The Beatles’s 1968 record, The Beatles, better known as The White Album. The resulting mixture, the DJ Danger Mouse-assembled The Grey Album, gained its fame during the appropriately titled “Grey Tuesday” protest organized by the non-profit music activist website Downhillbattle.org on February 24, 2004. Over 170 other websites offered the twelve tracks for download, and many others turned grey in solidarity. A widely circulated “cease and desist” letter from Capital/EMI sought to elevate the purported “copyright infringement” of The Beatles music catalog to a matter of universal concern: “Distribution of The Grey Album constitutes a serious violation of Capitol’s rights in the Capitol Recordings—as well as the valuable intellectual property rights of other artists, music publishers, and/or record companies—and will subject you to serious legal remedies for willful violation of the laws” (Rantings and Ravings 3.0). This rhetoric suggests that even Danger Mouse appreciates the gravity of his copyright violation (“I just sent out a few tracks [and] now online stores are selling it and people are downloading it all over the place” [qtd. in Rantings and Ravings 3.0]).

Neither the tone nor demands of the letter should surprise in a climate where the “Fair Use” doctrine, codified in the Copyright Act of 1976, is regularly underutilized, where copyright protection functions too often as a defense of corporate property, and where, as one critic notes, “[i]n the Disney Corporation and major film studios—

and we can add, the major record companies—“there simply is no such thing as fair use....It’s...suicide to ask those type of multinationals for permission” (qtd. in Orlans 143). As Fair Use allows for the limited use of protected works via a set four factors that, when applied favorably, provide exceptions to copyright law, it is no surprise that its interpretation remains subject to significant debate. Corporate interests repeatedly press ownership claims in order to restrict Fair Use by sampling artists, claiming with increasing frequency that intellectual property violations occur whenever a cultural property is used in an artwork, regardless of the often non-derivative, or transformative context (which can in part favor a claim of Fair Use).\(^2\) Unfortunately, corporate interests have been so successful in defending “cultural property,” that most people remain unaware of the exact laws regarding copyright—assuming too often that all cultural products are “naturally” owned by private interests. The rampant expansion of “Authorship” to cover new categories of intellectual property has no doubt contributed to this assumption (see Coombe 52-55), and an investigation of the case of The Grey Album followed by a discussion of William Burroughs and Brion Gysin’s cut-up text The Third Mind will dramatize this point toward a potentially contrarian praxis based upon user interaction with protected works.

In the case of the “Grey Tuesday” protest, Downhill Battle’s defense is to claim that Fair Use must be exercised, even under legal threat, in order to maintain and hopefully expand the statute’s unsettled interpretations. Despite the importance of this strategy, a telling problem with EMI’s claims seems to have become obscured in the rhetorical uproar of the cease and desist letter. The Electronic Freedom Foundation, a nexus for intellectual property revision, notes that there is “no federal copyright protection for sound recordings made before 1972,” making the claim that EMI “owns” the 1968 Beatles’s recordings (“Capitol’s rights in the Capitol Recordings”) — at worst—a lie in the form of a threat, and—at

---

\(^2\) See the discussion of the Coombe and Orlans cases in the Orlans 143.
best—a reference to the possibility that pre-1972 state laws might offer protection to the 1968 recordings. Given the fact that EMI did not pursue legal action, we might conclude that the cease-and-desist letter was, in fact, a threat meant to curtail resistance to the perception of universal corporate ownership.3

Even with Jay-Z’s tacit approval, the apparent illegality of the event coupled with its publicity as organized political action produced enough downloads for the record to achieve “gold” status (100,000 copies, although none were actually purchased). The peer-to-peer distributed Grey Album offered a potent combination: using the Internet to illegally download an apparently illegally produced product, implicating the listener into an increasingly common practice that conflates notions of aesthetic pastiche with the ability to capture information. This bundling of “crimes” is significant, as copyright law (particularly in prosecutions for downloading media content) equates “theft” by an “author” to “theft” by a “consumer.” In this case, the user, through downloading, becomes complicit in Danger Mouse’s “crime” of assemblage by choosing to interact with his project, and it is precisely in the digital realm where such a confluence of production and consumption assumes its most disruptive potential. The implications of the medium may be well ahead of the “intentionality” of either side. The result is a radical “third” praxis—a merger and mingling of user and creator—reflected in the collaborative cut-up exercises of William S. Burroughs, and poised in the coming decades to fundamentally alter the complex interweave of creativity, copyright, and capital in the digital sphere.

If I Hold a Conch Shell to My Ear, Do I Owe a Royalty to Neptune?

First, let us consider Walter Benjamin’s desire to form a book composed entirely of quotations. This project, as Delia Falconer notes, possesses “a special kind of metaphorical force. Freed from their context, and left to crystallise in the depths of history, [quotations] could be brought back from the past and rearranged, without explanation, …so that their hidden correspondences would be revealed.” It is easy to imagine a similarly-produced “history” of copyright: None of those words will be mine; they will be lifted from a series of previously-published articles, and attributed only at the end of the resulting text—in imitation of a nineteenth-century “cento” or “patchwork” poem (Saint-Amour 40), which borrows lines and even couplets from diverse but “metrically identical source poems” (41).6 The Victorian version of these works, according to Paul K. Saint-Amour in his book The Copyrights: Intellectual Property and the Literary Imagination (2003), are meant to serve as “the sum of its maker’s readerly acts or consumption, just as the maker’s identity is at once constituted and eclipsed by those acts of reading” (42).

In the Danger Mouse case, unlike the cento, the maker is neither anonymous (as was generally the practice) nor does the object, as Saint-Amour claims regarding a particular cento, decline “a discreet identity of its own” (42). The cento emerges in a neoclassical context that still validates and respects the “canon” of texts used as borrowing points. Yet, these centos—strange concatenations of Wordsworth and Coleridge, Congreve and Milton, Spenser and Chatterton (a literary forger)—today seem to possess as much “discrete identity” in their content as The Grey Album, which is to say, they fail in the effort to drown their assumed claims to independence in a sea of previous influence. While the cento may be a literary footnote, under contemporary scrutiny, it is far from a neutral sampling of the literary past.

If many nineteenth-century cento writers feel obliged to remove their names in an attempt at distilling the “mark” of originality, this urge is less present for today’s samplers. Contemporary “creators” have no problem applying their Duchampian mustache, with signature, to the palimpsests of the past, and calling themselves
“Authors” and “Artists” (with capital letters). The shift from the professed anonymity of the cento to ego-name-centered sampling culture is reflected in the development of copyright legislation that has extended the proprietary rights of the Author—even when art is produced might be considered in the “counter-mold” of that Victorian poetic practice.

The idea of what constitutes an Author has proven particularly malleable to business interests in the last century, so that copyright often has as little to do with protecting the rights of the person who “writes” or “creates” as pre- and early- copyright laws made shift to protect the same. In the period prior to the Statute of Anne (1710), the power of the copy fell to the Stationer's Company, a London bookseller guild, which attempted to fend off pirated editions of their books. Assaults upon the rights of the Stationers to protect their investments during the rise of commercial printing, signaled, as Mark Rose demonstrates in Authors and Owners: The Invention of Copyright (1993), how copyright is “produced by printing technology, marketplace economics…[and it is an institution whose technological foundation has recently turned, like an organ grown cancerous, into an enemy” (142). Three centuries later, the 1998 Sony Bono Copyright Term Extension Act ensures that Mickey Mouse will be kept in fresh steamboats for several decades (a twenty year extension of the previous monopoly period). The Digital Millennium Copyright Act, also from 1998, focuses on the protection of digital property in a way that has been used to stultify market competition, embroiling computer printer makers in lawsuits with companies that produce after-market cartridges (see McLeod, FOE, 4-5).

Unsurprisingly, the economic stakes at work in maintaining outmoded definitions of “authenticity,” “originality,” and “genius,” are intertwined with technological developments. Whereas collage-oriented visual artists often use a direct reproduction of the source work (think Andy Warhol’s silkscreens), “plagiarizing” writers tended—in the pre-electronic era—to engage in appropriation by retyping source material. In the electronic age, it becomes easier and more common for the writers to cut-and-paste, and thus borrow content as well as the “physical/electronic” substance of a quotation. The changing methods of transfer over the past decades, if not centuries, influences definitions of authenticity.

Also relevant to this inquiry is the status of “collaborative” art. Although The Grey Album is composed of the work of three musical acts (Danger Mouse, Jay-Z, and The Beatles), it is not surprising to hear Danger Mouse promote his record within the traditional bounds of an anxiety of influence: “I'm just worried whether Jay-Z will like it, or whether Paul and Ringo will like it. If they say that they hate it, and that I messed up their music, I think I'll put my tail between my legs and go” (qtd. in Greenman). This statement positions Danger Mouse as a “mixing machine” fitting together already-extant works of individual genius. Regardless of whether he actually intends to eliminate his Authorship claim, the final product can be fitted into a strong tradition of individual production that David Greetham calls the “Wordsworthian formula” (141). In this Romantic formulation, collaboration, can still be considered, as it was in the 1842 British Copyright act, as another form of organic genius: “sythesis can operate at a secondary or meta-level of composition and loses neither its intuitive and organicist credentials nor its protectability as a result of the cumulative effort” (142). Thus, the “genius” of Danger Mouse becomes not his ability to interweave previous work, perse, or to sink himself into the glorious sonic past, but his ability to sample, mix, and sign with his nom de plume in the present. The copyright regime finds Danger Mouse acknowledging the “genius” of his precursors as a way of assuming the mantle of “single” creator within his “multiple” production methods.
Even so, Danger Mouse’s position as a singular Author threatens not so much the authority of The Beatles or Jay-Z, but the economic positions of those corporations who hold the related copyright—and who demand fealty to their ownership claims. His unwillingness to clear his samples, coupled with his facility for navigating the dangers of this “illegal” position, speaks to a crisis of the economic engine that has no intention of giving up its construction of business-oriented “originality” without the (at least) threat of a lawsuit.

One direction for dissent from the equally problematic notions of Authorial and corporate “ownership,” as practiced by the “Creative Commons” approach, offers possibilities for revised legal doctrine—working from the inside. Yet, a necessary alternative to such legal strategizing remains a fundamental rejection of the legislative system through material practice, through collaborative art that refuses to accept the current corporate-driven state of copyright law as anything more than an economically driven definition of property, far removed from its original intent as a compromise measure between creators and users. A defense of historical “originality” thus becomes as misplaced as current Authorship manifestations—having little to do with how art is actually produced. Steve Tomasula, aping painter Diego Velázquez in his novel The Book of Portraiture, and so echoing the work of countless writers and scholars antagonistic to these legal fictions, notes: “Truly, the imagination, which may seem to bear much individual fruit, is root’d in a compost of forgotten books” (71). Unfortunately, merely reifying the non-corporate Author-as-person (due all the rights to her creative output), will do not more than reify the flawed, Romantic notions of Authorship and creativity. Rather, through a method of redefining the production and consumption of art toward its own collaborative model, the myth of “original genius” makes ready to wilt on the possibilities of its electronic vine.

**Something to Hide—Schneiderman**

**Technical Deposition of the Virus Power**

The practice of encouraging the “solitary genius” at the expense of collaboration (or, redefining collaboration as singular, per the “Wordsworthian formula”) affects not only the corporate sphere of the United States, but also the non-protected or under-protected products of indigenous cultures, oral cultures, and collaborative-based societies. In the so-called “third world” the pressures of the hegemonic intellectual property regime dramatizes not the universal “naturalness” of the Author, but the complex manner in which these Western notions of Authorship have expanded—as in the 1993 General Agreement on Tariffs and Trade’s (GATT)’s Agreement on Trade-Related Aspects of Intellectual Property (TRIPs)—further exploiting a growing roster of protected intellectual properties (computer programs, databases, etc.) to the detriment of countries with alternative production models. If a country embroiled in international trade does not recognize the Author/Owner in the Western corporate sense (and the attendant implications of this recognition for patents and trademarks), its legal structures often lack the ability to protect cultural elements that do not fit Western definitions of property, ownership, and their paternal metanarrative of Authorship.

Intellectual property scholars including McLeod, Rosemary Coome, and Shujen Wang, have effectively demonstrated this exploitation of the non-Westernized “Other” in terms of biopharmaceutical cultural mining, the theft of oral tradition, and the unreciprocated power relations of Western documentarians. As intellectual property battles are increasingly fought in so-called “developing” or non-“first world” countries, particularly Brazil and India, the multinational stakes become clearer. A Silva government official’s support of Open Source as an anti-colonial measure notes that: “Every license for Office plus Windows in Brazil—a country in which 22 million people are starving—means we have to export 60 sacks of soybeans” (Dibell 193).
Rhetoric or fact, this statement recognizes a crucial link between semantics and material practice. Copyright, in its extended monopoly period, becomes a regime equally defined by sociopolitical circumstances and a particular language of expression (“expressions,” not “ideas,” are protected under the statute). John Locke’s 1690 *Two Treatises of Government* is an oft-cited precursor to the development of this protection as a “natural right” for the Author and his legislative descendants, but here we dovetail with critical legal studies, which maintains that the law does not enact a regime that pre-supposes or exists separately from it, but one that it simultaneously creates and enforces through a process of articulation. This articulation, of course, often sounds like the oratory of the West, embodied by the well-known RCA trademark, “His Master’s Voice.”

Despite the extraordinary inequities imposed by exploitative and colonialist practices, resistances may be discovered in the Western canon using the same method deployed by Saint-Amour—to find that “the protective, prohibitive, and policing functions of the copyright/censorship nexus” leaves “its imprimitur on the works themselves” (161). This is a key point. The legislative façade of the “solitary genius” begins the crack under the weight of textual study. This practice need not only center on current works such as *The Grey Album*. Saint-Amour focuses on the textual intersection of literary modernity and copyright legislation, and since the exploitative aspects of the multinational intellectual property system are predicated on the primary notion of singular Authorship, I propose to unearth an additionally effective investigation primarily focused on the material conditions—how a text is produced, and in case of Burroughs, the collaborative methods of how it is also reproduced.

**Plagiary 2006**

**Millions of People Reading the Same Words**

The cut-up and anti-narrative work of William S. Burroughs attempts to materially counter writing’s traditionally metaphoric work. Burroughs did more than write about the omnipresent post-WWII control system impinging on notions of individual freedom, but sought to expose “Control” through a complex of interrelated writing methods harkening to the counter-discourses of Marcel Duchamp’s divided square constructions, Tristan Tzara’s automatic poems, and John Dos Passos’s “Camera Eye” segments in the USA novels. Burroughs’s collaborations with musicians, visual artists, and writers were often (but not exclusively) attempts to escape from the stigma of Authorial constraint, to allow chance to shape prose production, towards, “making the words talk on their own.” (Burroughs, “Preface” 17). More significantly, Burroughs was a literary “plagiarist” who often violated copyright protection in the works he utilized, particularly with his “cut-up” method.

His uses of modern literature have included what we might label outright theft in even non-cut-up contexts: A comparison between Burroughs’s *The Place of Dead Roads* (1983) and Jack Black’s *You Can’t Win* (1926) demonstrates points of extreme similarity (Miles 226). Elsewhere, lifts were also made directly from Conrad’s *Lord Jim*, and Burroughs even notes the opportunities for plunder in the famous text: “Conrad did some superb descriptive passages on jungles, water, weather; why not use them verbatim as background in a novel set in the tropics?” *(Adding Machine* 20) Of these different types of plagiarisms and infringements, the formal innovations derived from Burroughs’s collaborative production techniques and cut-up related works provide tantalizing intersection points due to the aberrance of these methods from “mainstream” writing.
DJ Danger Mouse juxtaposed Jay-Z and The Beatles without their knowing participation, and my comparative text is an assembled cut-up/fold-in manifesto by William S. Burroughs and Brion Gysin (composed in 1965) called The Third Mind, first published in English in 1978. An ex-Surrealist visual artist, writer, and co-inventor of the “Dreammachine,” Gysin comments on the text’s dedication, “[t]o and for all our collaborators/at all times third minds everywhere,” as related to the inability of certain languages to express certain ideas” (Wilson and Gysin 206).

Not only does this quotation indicate that our understanding of artistic production remains tied to the language of articulation, but we might also take his comment as a revelation of the hidden multidimensionality of the collaborative page. For instance, any aesthetic frame produces, materially, a certain set of at-times predictable interpretations. When Picasso affixes a piece of oilcloth to the canvas in Still Life with Chair Caning (1912), we become aware of the assemblage in its contoured visual dimensions rather than flat, painterly ones. Picasso’s material experimentation is evident on the canvas, but writing eschews such immediate markers of collage, and is (as per Gysin’s dedication) not usually able to express the manner of its own production. The written page, in its physical substance, does not generally announce collaborative assembly. Thus, any study of contemporary writing can only textually produce findings about copyright and intellectual property, in possibilities opened up by the flatness of written language, without recourse to the work’s hidden multidimensionality.12

Saint-Amour provocatively explores the possibilities of this self-constraining textual trait in Ulysses’ “Oxen of the Sun” chapter, which, he claims, depends for its history of the English language on a set of available source texts limited through tensions between private property and the public domain. According to this argument, Joyce critiques the literary property regime without the three-dimensional markers that we find in a visual work, and as Saint-Amour ably contends, such critiques can still perform “deep skepticism about copyright’s notion that ideas and facts are anterior to their particular expressions” (189). Saint-Amour’s reading pushes toward a reassessment of the “facts before expression” vector, but it must rely upon the usual methods of textual scholarship to stake such a claim. The Third Mind offers a different possibility.13

The Burroughs/Gysin cut-up method materially flips this ideas-before-expression vector, maintaining that ideas might very well be posterior to their expression: cut-ups articulate (expression), yet their meanings (ideas) emerge only after their arrangement on the page. As Oliver Harris notes, cut-ups subscribe to a material skepticism by introducing a prospective, or future-oriented function (“Cutting Up Politics,” 177) requiring the participation, and perhaps belief, of the audience. He writes, “community was not projected on the basis of reception alone... but on recruitment to future acts of production—acts that in turn promised to produce the future” (181).

In what the 1978 dust-jacket calls a “series of dazzling and often dizzying collaborations,” The Third Mind presents relatively straightforward statements on method from both Burroughs and Gysin, interpolated commentary by Gérard-Georges Lemaire, cut-ups, fold-ins, Gysin’s permutation poems, discussion of “grid” arrangements, a fragment from the early Naked Lunch screenplay, and toward the end, examples of scrapbook montage and hieroglyphic exercises that would concern Burroughs in later texts such as The Job (1969, 1974), and Ah Pook is Here (1979). Also, The Third Mind contains just under 30 “images”: cut-ups, scrapbook pages, word constructions, photo-headline montages, arranged film stills, etc.

And yet the most provocative portions do not simply discuss or demonstrate method, but do both together. Much of the book was published elsewhere between 1960 and 1973, with signifi-
significant amounts drawn from the first published cut-up book, *Minutes to Go* (1960), a collaboration between Burroughs, Gysin, Sinclair Beiles, and Gregory Corso. *Minutes to Go* also compares to *The Third Mind* in its engagement with the bibliographic codes, or publishing markers, of the text. For instance, the scanty end citations to the cut-up poems in *Minutes to Go*, including notations such as “Cut up Paris Herald Tribune articles” (17), are moved to the beginnings of the poems in *The Third Mind* section “First Cut-Ups.”

The section also called “First Cut-Ups” in *Minutes to Go* contains only five numbered pieces, all of which are replicated in *The Third Mind*, in order; yet, in *The Third Mind*, these “First Cut-Ups” includes three additional pieces from later portions of *Minutes to Go*. The 1960 title of this first extra piece, “MAO TZE: TA TA KAN KAN....KAN KAN TA TA...” (20), is replaced in *The Third Mind* by it formerly post-script citation (although the sub-title remains), with a note that the poem is a cut-up of Beiles’s poem “Stalin.” The second extra piece from *Minutes to Go*, “FROM SAN DIEGO UP TO MAINE” (21), is reproduced in the same way in *The Third Mind* (56-57)—with a second important difference. The final line of the poem in *Minutes to Go* appears to be “Unimaginable disaster...Royal Knights Teen Age Future Time,” followed by two post-script lines: 1) “Cut up articles on Juvenile Delinquency” and 2) “Time and New York Herald Tribune (European addtion)” [sic]. However, the (double) spacing of these two lines seems to link the first of these (“Cut up articles”) as single-spaced against the end of the main piece. Significantly, in its republication in *The Third Mind*, the final line of the poem changes in the transfer, becoming, “Cut up articles on Juvenile Delinquency” (instead of the “...Teen Age Future Time” line). This former post-scripted line has been appended to the main text of the poem, no doubt, in a less-than-careful re-set of the work.

The significance also transcends random typographical error: consider other changes across the two editions, published 18 years apart. In *Minutes to Go*, the compositions are often given titles, whereas they are titled in *The Third Mind* only by scanty source attribution. Secondly, author initials in *The Third Mind* replace the full names of the “makers” in *Minutes to Go*. One likely possibility is that the position of those early cut-ups, which were (in 1960) “new” if not “unique,” had passed from being worthy of titling and authorial attribution into a lesser mode when re-presented in 1978—subservient to the idea of *composition as process*.

Even so, this physical transfer from *Minutes to Go* to *The Third Mind* stops the texts from becoming mere ego-centered reproductions of their own institutional pasts, and rather re-energizes their positions as texts capable of producing not only future Burroughsian texts (as per Harris’s argument), but future versions of themselves that express differences from the originals, despite the wishes of the Authors. Most important to this argument is the apparently accidental annexation of the line “Cut-up articles on Juvenile Delinquency” into the poetic space. This slippage is representative of a sea change in the type of collected experiments in *The Third Mind*, compared with *Minutes to Go*. Harris notes that the cut-ups in the earlier collection “gave priority to the material process of cutting up over its products” (“Cutting Up Politics,” 182) leaving the explicitly manifesto-like “call to arms” to more-linear pieces by Gysin. Yet in the intermittent years, the “content” of the cut-ups changed, partially because Burroughs came to focus increasingly on small-press publications (Miles, *William Burroughs* 178-179), deploying this minor literary form through magazines and journals with small distributions. The promise of the cut-ups to speak messages directly to the cutter, and the reader, were dependant, of course, on getting the message into the proper hands—and so the message of the cut-ups began to appear explicitly in the space of the cut-up texts—an economy crafted to not lose a single reader.
The second section “original” to The Third Mind, “First Recordings,” follows the blueprint of much of the three Cut-Up novels, The Soft Machine (1961, 1966, 1968), The Ticket that Exploded (1962, 1967), and Nova Express (1964), with exposition on process followed by rearrangement and interpolation of this exposition. The first pages of “First Recordings” details several cut-up concepts applied to “real life”: someone singing about advertisements washed together in the rain and the playing of a tape called “The Drunken Newscaster,” followed by an explanation of how to cut-up the news; the next example extends the process by further eliminating the Author’s words, calling into question the efficacy of any Authorial proclamations: “If fragments of newspapers be the ‘poorest’ material for cut-ups, the treasures of world literature as rendered into English are, presumably, the ‘richest’” (89).

Accordingly, other critics are now intermingled into the cut: “As you cut and fold in the texts of other writers, they become inextricably mixed with yours. So, who owns words?” (91). One of Samuel Beckett’s translator, Patrick Bowles (mimicking Beckett’s own complaint against cut-ups: “That’s not writing,’ Beckett snorted, ‘it’s plumbing’” [qtd. in Morgan 323]) accuses Burroughs of a type of word rustling to which the text replies: “I prefer not to use my own words. I don’t like my own words because my own words are prerecorded on my bare honesty and being dead do stick and and stinke in repetition . . . From The Unfortunate Traveler” (The Third Mind 91-92). Burroughs refuses to finish with his own words, since “his own” explanations, allowed to play out across the standard Aristotelian-logical line, contradict the collaborative assumptions of the process and thwart the anti-Authorial message of the project.

This type of literary interruption permeates The Third Mind. In the section “Fold-Ins” (a method by which one text is placed over another), the text discusses the method of forming a “composite” of writers, living and dead, in response to the events of the John Calder-organized 1962 adjunct to the annual Edinburgh festival of the arts; by the end of the three-day event Burroughs had moved from relative obscurity to become a “luminary” (Morgan 341). The resulting mix (“Notes on These Pages” 97-101) includes texts Burroughs read at the conference, newspaper articles about the conference, and work from many writers: “Shakespeare, Samuel Beckett, T.S. Eliot, F. Scott Fitzgerald, William Golding, Alexander Trocchi, Norman Mailer, Colin MacInnes, Hugh MacDiarmid” (97). The results include: “. . . in the tarnished mirror dead eyes of an old dream and dreamer gone at dawn shirt . . . take his way toward the sea breath of the trade winds on his face open shirt flapping . . . cool path from ruined suburbs . . . stale memories . . . excrement mixed with flowers . . .” (100).

Since a portion of this prose is composed of Burroughs’s own conference statements, this composite work opposes the idea of a single Author. If we are to believe the writerly initial “W.S.B.” that signs “Fold-Ins,” this demonstration becomes a method of folding individual Authorship—where the writer “creates” his own new work (inspired by his cultural consumption) only to find that work materially diluted by the writing of others into composite results. As Shakespeare, by today’s vague standards, is both a “genius” and a “plagiarist” will readers 400 years hence see Burroughs the same way (accepting the difference in popularity)?

We return to the question of the law. Shakespeare wrote before statutory copyright, and his works (and those he borrowed from) remain in the public domain (with the exception of copyrights claimed on edited versions). Burroughs produced in the twentieth century, and is thus covered by the Authored-centered copyright regime. Significantly, the composite publication of Minutes to Go read “Copyright Jean Franchette, 1960,” while The Third Mind reads “Copyright © William S. Burroughs and Brion Gysin, 1978.” Burroughs’s question (“So, who owns words?”)
Plagiary 2006

thus becomes even more prescient as he develops ambivalence toward an ego-driven doctrine of the cut-up: Who, if not Burroughs, owns these words that are copyrighted to him and his publisher? A better question might be: To whom will the ownership of these words be assigned if we believe in the cut-up project? We discover not only the failure of the first cut-ups to sit quietly in their “original” form during transfer, but also the inability of Burroughs to eliminate his Authorship from the trade conventions of book publishing. Already (in)famous to some degree at the 1962 Writer’s Conference, by 1978 (when The Third Mind appears in English), Burroughs could no longer even pretend to anonymity. Thus, the problem of the cut-ups is always the problem of the authority vested into the figure of the Author. No matter what Burroughs’s random experiments “say” or “predict,” everything remotely freeing in his method becomes to some extent contraindicated by the “©” symbol.

Between the cut-up articulation of collaborative authorship and the very real restrictions of the legal copyright regime, a third possibility arises (as with the “third mind”). Between these two poles, the cut-ups model not the elimination of the Author sublimated to the text, but a programmatic expansion of the Author to encompass all words. If copyright does not so much discourage collaborative production as encourage a certain idea of singular Authorship within an economic matrix, then to simply produce collaboratively will never fundamentally alter a system capable of accounting for the many under the sign of the one. Rather, as many other copyright scholars have argued, the idea of singular literary property must be reconceived. By his oft-stated goal of spreading ownership of words to everyone, and thus wielding final power over precisely no words, Burroughs sketches a critique of copyright that hits the wall of his own literary personality. Any tentative success hinges on the reader’s willingness to become an “ally,” to proceed through the difficult cut-up text.

We might then propose that to actually read any extensive cut-up material—whether in Burroughs or Gysin, or Ted Berrigan or Harold Nourse or Kathy Acker or Carl Weissnerr—inculcates the reader into the project of plagiarism. Morgan cites Paul Bowles’s negative judgment on the cut-ups: “You could read it, you could force yourself to go from word to word, but you came out at the other end no happier or wiser” (322). This is the sentiment of Bowles the serious writer, far from a straight realist, but still a writer whose dissatisfaction can be seen as based on more than mere fatigue. The key words are “happier” and “wiser,” Burroughs’s project shows little interest in either term, for one may be perfectly content after a lobotomy.

Who is the Third That Walks Beside You?

We are told, in these texts, that something beyond the work of an autonomous writer is in operation, and if we buy this premise, even for a moment, if we find ourselves stopping at random lines spread across two columns, then we are perhaps willing victims to the way cut-ups manipulate the supposed profundity of traditional prose. A perfectly profound epiphany-producing phrase is one thing at the end of a story in Joyce’s Dubliners, but how are we to feel when the same effect is produced, apparently at random? Burroughs comments, repeatedly, on how the texts were made, and we are thus never in the position of the unsuspecting dupe. To read these words, not Burroughs’s, but everyone’s—despite any contradictory statements of the text, or the law behind the copyright notice—means that we are consuming adulterated text. Even reading the brief examples in this essay, we are perhaps thieves, if not full-blown copyright infringers.

This brings us back to the initial comparison with The Grey Album. In the deliberate infringement of previously copyrighted works, Burroughs/Gysin and DJ Danger Mouse actualize
a complex assault on ownership standards that moves beyond their own intentions. The “Grey Tuesday” protestors argue for a “Fair Use” defense, with Downhill Battle co-founders Nicholas Reville and Holmes Wilson noting they have “a fair-use right to post this music under current copyright law and the public has a fair-use right to hear it” (qtd. in Nebulose.net). Downhill Battle argues that the “user,” by “using,” also exercises “Fair Use”—becoming a collaborator in the process of production as she willfully ignores the quasi-legal warnings.

Both The Third Mind and The Grey Album assume new political meanings beyond the control of their “originators.” We know that theft has occurred; it is not hidden—but the exact circumstances of production, as in the typographical shifts of The Third Mind, are kept at a tantalizing distance. DJ Danger Mouse claims to have known all along The Grey Album would never see commercial release, effectively casting himself as a respect-paying artist who never meant for his work to be “used” in “Grey Tuesday.” He tells The New Yorker: “That’s one of the things I struggled with. I told myself, ‘Never will this come out... Must still do... must still do,’” adding that note of respect for the “originals” worthy of a centoist: “I’m just worried whether Jay-Z will like it...” (Greenman).

In both cases, this elision of a singular Authorial persona is confused by contradictions from the “makers,” uncertainties from the texts, and complications from the marketplace. The collaborative ethic behind the cut-ups and The Grey Album move beyond mere articulation of a radical anti-Authorial position toward an active conscription of the audience—complicit in the success of the “illegal” endeavor. Both projects hinge on the reader, not as a replacement for the “maker” the “Author” or the “Artist” aligned with traditional notions of cultural production, but as an absent collaborator no less important for her ability to be manipulated and cut-up in the process as that of the “source texts” themselves. Here, the source texts resonate beyond the position of mere raw material, becoming, with the audience, integral and constitutive of the material processes of transfer. If peer-to-peer protocols and electronic plagiarism continue to force the consumer into apparently untoward positions, it is possible that entrenched notions of “intellectual property” may yet be revised in the wake of our ecstatic, participatory contortions.

REFERENCES


lucifervandross. (2004, March 23). OKAY... I have read some of the comments.... Online posting.


Something to Hide—Schneiderman


Notes

1 “The Flying Saucer” cuts samples from popular songs between a faux-pretentious newscast meant to satirize Orson Welles’s War of the Worlds mock radio broadcast. Oswald’s Plexure is a complex 20-minute audiocollage of, “1,001 electroquoted contemporary pop stars” including “Percy Faithful,” “Joni Cocker,” “Superloaf,” and “Jon Bon Elton” (plunderphonics.com). The current “mash-up” craze has produced a number of recognized “hits” beyond sub-rosa web experimentation, including 2001s “A Stroke of Geni-us” by Freelance Hellraiser, a combination of Christina Aguilera’s “Genie in a Bottle” vocal, and guitar background from The Strokes. A useful summary of the practice, aside from Howard-Spink’s essay, can be found in the “Bastard Pop” entry in wikipedia.org—itself a collectively produced information locus.

2 Litigation (and threats of) has become the de rigeur response from corporate entities that find their “property” appearing, in any form, as an element in a generally critical artwork. While this litigious strategy creates a chilling effect for small producers without recourse to legal support, a notable instance of this strategy’s failure is the case of artist Tom Forsythe’s “Food Chain Barbie” series. His photos introduced the impossibly proportioned doll into the domestic situations associated with her homemaker image. Forsythe notes: “I use things like Barbie enchiladas, I have a fondue Barbie where I have the Barbie heads skewered on fondue forks inside the boiling fondue pot. I’ve got Barbies in blenders, stir-fry Barbie, and use your imagination from there” (Johnston). Sued in 1999 by Mattel for the series, Forsythe was fortunate enough to find pro bono legal representation in the ACLU. The Supreme Court dismissed the case against Forsythe in 2003, and in 2004, Mattel was ordered by a lower court to pay all legal fees and expenses. Find out more at tomforsythe.com.
This does not mean that *The Grey Album* escapes its brand as “Illegal Art,” for a number of other rights owners are involved, including SONY/ATV—the Michael Jackson corporate partnership that owns the publishing rights to The Beatles’s catalog; the entity attempted to shut down the Stay Free organization’s Illegal Art web site for hosting the Grey Album tracks through an attack on their Internet Service Provider (under a DMCA provision). The group switched to a new ISP, the Online Policy Group, committed to protecting free speech. Details: <http://www.illegal-art.org/audio/grey.html>. [The Illegal Art site is supported by Carrie McLaren’s excellent Stay Free magazine, with additional help from the Online Policy Group, an ISP devoted to freedom of expression, and the Prelinger Archives (recently acquired by the Library of Congress).]

“Pastiche” here is used in its secondary definition as a descriptive phrase for work composed of elements from previous works. The primary literary definition of pastiche as imitation becomes relevant in discussion of a work such as *The Grey Album*, and later in this essay, the Victorian “cento” form, in that the act of imitation becomes constituent of the act of borrowing. The goal of these works is not to simply connote an earlier artwork (if one were to write in the style of a past author), but to transport the older artwork into a new form that deliberately and often explicitly makes use of previously produced material. Pastiche, in this form, includes the imitative quality that emerges as the function of the direct use of previous works, and serves to describe qualities of a work that may include “plagiarism” or “copyright infringement,” but not necessarily both (see note 12).

The “maker” of *The Grey Album*, DJ Danger Mouse (a.k.a Brian Burton), neither sought nor obtained permissions for his work, defiantly noting: “As far as art is concerned, I’ve never really worried myself too much with what’s legal” (qtd. in Eric Steuer [E.S.], 196). This comment may be read as willing naïveté about the market—all part of the act—and Danger Mouse was predictably accused of engaging in a publicity stunt. One internet poster, “Lucifervandross,” echoed EMI’s larger concerns: “I never steal music from the net—that is just tacky! … if you were an artist and someone was giving out cheap replicas of your work, wouldn’t sit too well in your stomach…” [sic] (Waxy.org). Such posts demonstrate the pervasive hold that traditional notions of “originality” still impress upon the consumer, even when their cyberspace actions increasingly transcend such limitations.

The analogue is the matched “beats per second” of contemporary DJ culture—where the initial recording paradigm of capturing performance in the studio (toward attaining aesthetic “singularity”) gives way to the ubiquity of the “mix.” Part of this ethos can be traced again to Burroughs’s early work with text, tape recorder, and video cut-ups. Robert A. Sobieszek notes that Burroughs’s film and recorder projects “startlingly anticipate MTV rock videos of the 1980s and 1990s as well as the devices of ‘scratching’ and ‘sampling’ in punk, industrial, and rap music of the same decades” (20-21). In his book/CD *Rhythm Science*, Paul Miller, aka DJ Spooky That Subliminal Kid (who takes his name from a Burroughs character), elaborates on the DJ philosophy that grows from the omnipresent cultural fusion (linked, perhaps, to the postmodern turn): “Think of [Rhythm Science] as a mirror held up to a culture that has learned to fly again, that has released itself from the constraints of the ground to drift through dataspace, continuously morphing its form in response to diverse streams of information. Sound is a product of many different editing environments, an end result of an interface architecture that twists and turns in sequences overlaid with slogans, statistics, labels, and grids” (005).

DJ Danger Mouse has gone from this initial underground project to considerable acclaim as a producer, working with such as acts as Gorillaz, and forming one-half of hip-hop/soul duo Gnarls Barkley.

The emergence of new recording and distribution capabilities is a subject of great interest to Modern thinkers, particular Benjamin, in his essay “The Work of Art in the Age of Mechanical Reproduction.” Consider also Herman Hesse’s depiction, in *Steppenwolf*, of Harry Haller’s displeasure at hearing recorded music. Also, for this discussion in terms of Burroughs, see “Burroughs’s Writing Machines” by Anthony Enns.
Globalization activist Roberto Verzola, in his article “Cyberlords: The Rentier Class of the Information Sector,” makes a similar link, yoking demands for a fully democratized intellectual property regime (compulsory licensing of protected materials, non-patenting of life forms, expansion of Fair Use, etc.) to “the demands of other change-oriented classes and groups in the ecology and industrial sectors, such as farmers, fisherfolk, workers, women and indigenous peoples.” He hopes this will lead to a “rethinking of property concepts that…will then reinforce demands for restructuring the industrial and agriculture sectors as well.”

From Tristan Tzara’s Dada Manifesto on Feeble Love and Bitter Love: “To make a dadaist poem. Take a newspaper. Take a pair of scissors. Choose an article as long as you are planning to make your poem. Cut out the article. Then cut out each of the words that make up this article and put them in a bag. Shake it gently” (qtd. in Miles 196).

It should be noted that plagiarism and copyright infringement are not necessarily the same. The “plagiarizer” generally presents the work of others (often uncited) as her own, and may, when using protected source materials, commit infringement. Conversely, the infringer might use protected materials with full disclosure to the reader, and so in no way commit plagiarism. Yet by calling Burroughs a “plagiarist” and a copyright infringer we are forced to reckon with, as Morris Freedman notes, the fact that the academic community has “never in practical terms rigorously formulated the boundaries…of either originality or its violations. This has allowed them to make originality, plagiarism, and even fraud infinitely inelastic terms.” Also, while much of The Third Mind does provide some scant indication of source texts, Burroughs is non-specific in his attributions, and in many other cut-up instances, does not attribute sources (making him, explicitly, a plagiarist).

I am deliberately conflating two notions of collaboration: the first is between more than one author (Burroughs and Gysin, et al.), and the second is between at least one author and the texts of other writers. Burroughs critic Oliver Harris note the importance of this conflation for Burroughs, citing Kenneth Koch’s essay for LOCUS SOLUS II (1961) (to which Burroughs contributed), where texts were not only “made by ‘two or more poets actually together while they wrote’ but also “composed by poets working with already existing texts” (Harris, “Cutting-Up the Corpse”).

In “Introductions,” from The Third Mind, the first text not apparently reprinted from a previous source, the “officer” character addresses two cadets: “No two minds ever come together without, thereby, creating a third, invisible, intangible force which may be likened to a third mind” (25). This term is drawn from Think and Grow Rich (1966) by Napoleon Hill, a proto- self-help book containing a secret that is repeated many times but never stated directly.

Corso later broke off, appending an infamous “post-script” to that text (“[p]oetry that can be destroyed should be destroyed, even if it means destroying one’s own poetry” [Minutes to Go, 63]).

The significance of this difference cannot be understated, particularly as the misspelling of “edition” in Minutes to Go is “corrected” in The Third Mind to “edition.” A definite editorial mechanism is in operation.

In Minutes to Go, the two Burroughs/Corso collaborative pieces, “Everywhere March Your Head” and “Sons of Your In,” assume a different mode: “Words by Rimbaud, arrangement by Burroughs & Corso” (“Everywhere”) and “Words Rimbaud, arrangement Corso & Burroughs” (“Sons”). Perhaps Corso’s dedication to traditional notions of Authorship influenced these arrangements, where the two names seem to jockey for position, or represent a pre-arrangement.

The cut-ups initially assumed a sort of Benjaminian “aura” by virtue of their position as discovery: Gysin was often attributed as contemporary “discoverer” by Burroughs, yet Gysin never hesitated to position Burroughs at the fore: “I realised right away that the cut-ups would never serve or suit anyone quite like they fitted William and served him” (Wilson and Gysin 163). Both
men, perhaps out of professional respect, preferred to maintain the myth of single “mastery” even within their communal pronouncements. Harris’s note on the method’s legacy follows the same Author-centered logic: “[E]veryone who took up the practice faded away—except Burroughs” (188).

Two different books, yes, but the latter contains a not-insignificant amount of material from the former. We can imagine that Burroughs and Gysin had no problem securing their own work for republication, or, that they retained the copyright on the individual pieces while the publisher, Jean Franchette, held the compilation copyright for Minutes to Go.

Davis Schneiderman is a multimedia artist and author of Multifesto: A Henri d’Mescan Reader (Spuyten Duyvil 2007), as well as co-author of the novel Abecedarium (Chiasmus Press, forthcoming) and co-editor of the collections Retaking the Universe: William S. Burroughs in the Age of Globalization (Pluto 2004) and The Exquisite Corpse: Creativity, Collaboration, and the World’s Most Popular Parlor Game (Nebraska, forthcoming). Dr. Schneiderman is Chair of American Studies and an Assistant Professor of English at Lake Forest College, a board member for &NOW: A Festival of Innovative Writing and Art, and a contributor to NOW WHAT: a collective blog of alternative prose writers and publishers (http://nowwhatblog.blogspot.com/). He can be found at davisschneiderman.com.