

Perspectives on Plagiarism
and Intellectual Property
in a Postmodern World

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editors

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The Illusion of Modernist Allusion and the Politics of Postmodern Plagiarism

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Badyr looked at his father. "The war has been over this many years—I thought guards would no longer be necessary."

"There are still many bandits in the mountains," his father said.

"Bandits?"

"Yes," his father said. "Those who slip across our borders to steal, rape and kill."

—Harold Robbins, *The Pirate*

Look up *modernism* in any handy literary reference source, and *allusion* will not be far behind. Though the technique of allusion dates back to the earliest days of English poetry, it was elevated to the status of a master trope in modernist fiction and verse: Weldon Thornton's *Allusions in "Ulysses"* and Don Gifford's "*Ulysses*" *Annotated* together dwarf Joyce's monumental text; and T. S. Eliot, with the book publication of *The Waste Land*, seems to have felt it incumbent on him to supply his own notes for his densely allusive poem.

Eliot also provides the best-known short defense of the modernist penchant for allusion, in his review essay "The Metaphysical Poets," where he writes: "Our civilization comprehends great variety and complexity, and this variety and complexity, playing upon a refined sensibility, must produce various and complex results. The poet must become more allusive, more indirect, in order to force, to dislocate if necessary, language into his meaning" (Eliot 1975, 65). Eliot here is almost single-handedly responsible for making allusion part of the official confessional statement of modernist literary practice; in one seemingly casual stroke of the pen, he helped to institutionalize a modernist allusive method, and not coincidentally, did so just one year before the appearance of his own allusive tour de force, *The Waste Land*.

Allusion is, as Eliot puts it in his review of *Ulysses*, "a step toward making the modern world possible for art" (Eliot 1975, 178); but the success

of allusion, as Eliot must at some level have realized but seems never to have admitted, depends always on its recognition by a properly educated readership. As the venerable Harmon and Holman *Handbook to Literature* puts it, allusion "seeks, by tapping the knowledge and memory of the reader, to secure a resonant emotional effect from the associations already existing in the reader's mind" (Harmon & Holman 14). Thus an allusion that is recognized as an allusion by the majority of a poem's readers—nudge-nudge, wink-wink—represents the closure of the circle of Tradition; as Eliot writes in "Tradition and the Individual Talent," "not only the best, but the most individual parts of [a poet's] work may be those in which the dead poets, his ancestors, assert their immortality most vigorously" (Eliot 1975, 38).

But what happens when an allusion is not recognized as an allusion by readers? Though modernist writers and theoreticians preferred that we not talk about either a writer's intention or his or her writing's effect—Wimsatt and Beardsley's intentional and affective fallacies, respectively—allusion is pretty difficult to analyze without considering both the writer's intention and the reader's consumption. A quick look at *The Waste Land* may help make this point. Traditionally, allusion has been cordoned off from other forms of textual appropriation—from pure quotation on the one side, and from plagiarism, or even piracy, on the other. Thus *The Waste Land* opens with a self-evident quotation, in Latin and Greek, from Petronius' *Satyricon*; Eliot had considered, earlier in the poem's composition, using a quotation from Conrad's *Heart of Darkness*, a stratagem to which he returned in the epigraph for "The Hollow Men." Though lacking quotation marks, the selection from Petronius is marked out as quotation rather than allusion both by its classical languages (clearly marking it as an "import") and in its positioning as the poem's epigraph—traditionally an honorific, quotational space.

The body of the poem, however, is a vertiginous mélange of quotation, allusion, and "original" writing; surely one of the most powerful effects of *The Waste Land* for a reader is this insistently disorienting quality. For instance in Section III, "The Fire Sermon," Eliot alludes to Edmund Spenser's *Prothalamion* with the line, "Sweet Thames, run softly till I end my song." For the reader who recognizes the line as Spenser's, and remembers its original context—a poem "in honour of the double marriage of the two Honorable & virtuous Ladies, the Ladie Elizabeth and the Ladie Katherine Somersset, Daughters to the right Honourable the Earle of Worcester"—the allusion does very specific cultural work; most important, it throws into deeply ironic relief Eliot's twentieth-century scene on the banks of the Thames, where "love" has been confused with the sterile, nearly anonymous sex of a summer's evening.

What of those readers, however, for whom Spenser's *Epithalamion* is not familiar? The poem, never one of Spenser's most popular, is today not included in the most popular college texts of Spenser's poetry; indeed, it is now

best known precisely because of Eliot's allusive use of it, rather than for its having withstood on its own "the test of time." For the reader who does not recognize the line as an allusion, two responses are possible. The first would be simply to see the line as the work of Eliot and/or his muse—the spontaneous overflow of powerful emotion, recollected in tranquillity. If, however, the source is somehow discovered—and Eliot is assumed to be trying to hide his debt to Spenser—the line is neither original, quotation, nor allusion: it would be understood as plagiarism. For this hypothetical unsuspecting reader, the contextual clues of this plagiarism would be the same that often raise red flags in student writing: the passage calls attention to itself on stylistic grounds, as somehow not quite "fitting in" with the writing in which it's imbedded. In *The Waste Land*, the limpid, delicate line of Spenser's lives in a rather rough poetic neighborhood: "The river bears no empty bottles, sandwich papers, / Silk handkerchiefs, cardboard boxes, cigarette ends / Or other testimony of summer nights. The nymphs are departed" (Eliot 1964, 58). An allusion, according to the *Oxford English Dictionary*, is a "covert, implied, or indirect reference"; as an inevitable consequence, it will sometimes, by some readers, be misconstrued. A handful of critics over the years have argued that the inevitability of allusion's misfiring was perfectly acceptable to Eliot; allusions are, in this argument, a sort of land mine with which a poet peppers his text, keeping trespassers out—or if not keeping them out entirely, at least keeping Culture's secrets safe from the *hoi polloi*. The *cognoscenti*, of course, will recognize an allusion for what it is.

Modernist practice depends absolutely on the maintenance of firm boundaries between quotation, allusion, plagiarism, and piracy. Eliot himself evidenced no small anxiety, however, about these very borders; the notes he so carefully added to *The Waste Land*, for instance, can be read as a symptom of modernism's contamination anxiety, and Eliot himself, years after the fact, gave something like this explanation for appending the notes, claiming that he had "intended only to put down all the references for my quotations, with a view to spiking the guns of critics of my earlier poems who had accused me of plagiarism" (Eliot 1957, 121). Looking through contemporary criticism of Eliot's early poetry it is difficult to see who, exactly, he thought had leveled these charges; in fact, it is hard to know how seriously to take this line of Eliot's defense. But if his real intention was to limit the scope of intertextual play—to demarcate neatly his poem from the literature that infuses it, putting up a cordon sanitaire—notes are not the thing. Notes pretend that all sources can and will be noted, and that the author is able to map the network of intertextual relations that cut across his poem. This illusion of mastery of the intertext, however, is easily shattered; for no matter how fastidious the annotator, the intertext will always overflow its intentional references. Eliot's notes are not so much a result of some sense of scholarly responsibility, as he suggests, but rather an anxious (in Harold Bloom's sense) attempt to short-circuit

suggestions of "influence." By indulging in conscious echo, in other words, one runs less risk of being accused of unconscious echo. That is the dream, anyway; as John Hollander's book *The Figure of Echo* makes clear, however, through his cataloging of presumably unconscious echoes of Milton, Tennyson, and Whitman, among others, it does not work terribly well.

Elizabeth Drew, for example, was the first to point out the unacknowledged "echo" in lines 266–76 of the second paragraph of *Heart of Darkness*; Eliot himself points to *Götterdämmerung* III, I, the song of Wagner's Rhine-daughters, as the (safely distant) source. Drew's argument, however, is convincing; and given Eliot's admiration of Conrad, it is altogether likely that Eliot's verse here has been secretly colored by Conrad's prose. Since it was not identified by Eliot, must we call this allusion (conscious or unconscious) to Conrad a plagiarism? In the end, the notes come to look like Eliot's attempt to assert his mastery over the intertextual play of his poem—to claim authority over a poem woven of both conscious allusion and unconscious echo—but when Old Possum's away the poem, much to his chagrin, will play.

What precisely distinguishes allusion from quotation? Is an unmarked quotation an allusion? Is an unmarked allusion a plagiarism? Can allusions ever be considered plagiarized? Where does quotation end and allusion begin? The posing of such questions depends at least in part upon a postmodern understanding of textuality. In a famous passage, Roland Barthes writes that the Text is "woven entirely with citations, references, echoes, cultural languages . . . antecedent or contemporary, which cut across it through and through in a vast stereophony. . . . The citations which go to make up a text are anonymous, untraceable, and yet *already read*; they are quotations without inverted commas" (Barthes 160). We might recall that Emerson had said almost precisely the same thing over one hundred years earlier, in his essay "Quotation and Originality": "Our debt to tradition through reading and conversation is so massive, our protest or private addition so rare and insignificant,—and this commonly on the ground of other reading, or hearing,—that, in a large sense, one would say there is no pure originality. All minds quote. 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" (Emerson 178).

James Joyce is the other great allusive genius of modernist literature, and his *Ulysses* the great laboratory for the use of allusion in English-language prose. Eliot's model of textuality—at least the one he put forward publicly in his prose writings—is very similar to the understanding that Joyce's precious autobiographical poet/hero Stephen Dedalus is working from in *Ulysses* (as well as in the "prequel," *A Portrait of the Artist as a Young Man*). But also in *Ulysses*, Joyce introduces another character—one without Stephen's massive personal investment in the institution of literature, and one who thus was perhaps able to contemplate the intricacies of textuality somewhat more pragmatically and dispassionately. That character is, of course, Leopold Bloom.

Thus I want to divide "Joyce" the writing subject into two characters, the Stephen and Bloom of *Ulysses*. This is a traditional enough move that I am not going to attempt to defend it, though I am certainly aware of its shortcomings. Next: Let Stephen Dedalus equal T. S. Eliot. Stephen has, as a character, made a heavy investment in the notion of artistic originality; think, for instance, of the effort that the villanelle in *A Portrait* cost him ("Are you not weary of ardent ways, / Lure of the fallen seraphim?" [Joyce, *Portrait of the Artist* 217]). I have written elsewhere about Stephen's paralysis in *Ulysses* as the result, at least in part, of his anxiety as a would-be Romantic poet in the age of mechanical reproduction.¹ To put it crudely: Stephen wants to be Byron when he grows up, but it is starting to look like there will not be any openings by the time he is ready to go on the market. In a futile attempt to rope off the territory of the original from the encroachment of Tradition, Stephen, like Eliot, tries to make plain his borrowings, so that whatever is not tagged as on loan is, presumptively, Stephen's own. Now this is not always true; think, for instance, of his trying to pass off the "cracked lookingglass of a servant"—which he has lifted from Oscar Wilde—as his own to Haines and Mulligan, and their apparent acceptance of it as such—Haines wants to put it in his book, and Stephen wants to be paid for it. Stephen seems also to have stolen his vampire poem ("He comes, pale vampire . . .") from Douglas Hyde, and his quip (in *Portrait*) about the artist resembling the God of creation from Flaubert.

But as a general rule, I think, Stephen, like Eliot and Ezra Pound, adopts an Arnoldian, "touchstone" approach to the Tradition. As Arnold writes in "The Study of Poetry," "There can be no more useful help for discovering what poetry belongs to the class of the truly excellent, and can therefore do us most good, than to have always in one's mind lines and expressions of the great masters, and to apply them as a touchstone to other poetry. . . . Short passages, even single lines, will serve our turn quite sufficiently" (Arnold 168). Allusion, especially in the work of Eliot, Pound, and Stephen, becomes a matter of touchstones. Think, for instance, of the touchstones that Stephen draws forth from his treasury in *Portrait*, "A day of dappled seaborne clouds," and either "Brightness" or "Darkness" "falls from the air"—though Stephen cannot quite seem to remember which (suggesting, perhaps, Joyce's attitude toward the Arnoldian project).

Not surprisingly, then, Bloom is the character in *Ulysses* who most nearly embodies the postmodernist model of textuality; Kathy Acker, that piratical Riot Grrrl of contemporary American fiction, seems instinctively to have recognized this. Acker's textual practice, her guerrilla textual strategies, cast a strange new light on the textual strategies of some of our canonical high modernists. In her novel *My Death My Life by Pier Paolo Pasolini*, for instance, Acker strategically plagiarizes a few passages from *Ulysses* in order to comment obliquely on the modernists' attitude toward intellectual property and her own. In the fashion Eliot outlines in "Tradition and the Individual Talent,"

Acker's fiction—specifically, her experiments in textual appropriation—have raised fundamental questions about the origins and ownership of textual material, questions that Eliot worked hard to skirt, and that Joyce I believe foresaw without seeing clearly their answer. Acker's work forces us to reconsider that most modernist of textual strategies, allusion—a strategy which has, in postmodern fiction, been subsumed under the more spacious rubric of "appropriation." Before looking at those passages in more detail, however, we might pause here to consider more generally the outlines of Acker's plagiaristic critique.

Acker's writing is remarkable for a number of reasons; Richard Foreman says that reading her prose is "like playing hopscotch with a genius." Many of the hallmarks of Acker's prose would be immediately apparent if you were to dip at random into any one of her novels: especially their graphic depictions of violence, their unremitting obscenity (both verbal and, in the case of her novel *Blood and Guts in High School*, visual obscenity in the form of crude graffiti), and the flickering, unstable gender identities of her characters. In a 1988 interview with Ellen G. Friedman, Acker helped to explain her strange brew this way: "The first books I ever read came from my mother's collection. My mother had porn books and Agatha Christie, so when I was six years old, I'd hide the porn books between the covers of the Agatha Christie. They are my favorite models, the books I read as a kid. That's why I originally became a writer—to write Agatha Christie-type books, but my mind is fucked up" (1989, 20).

But if Acker's writing has been taken up by critics for any one feature, it is her use of what she calls "appropriation," and what her detractors are inclined to call either "plagiarism" or, in some cases, "piracy." For Acker, to write is to steal; her texts insistently pose the paired questions "When is art theft?" and "When is theft art?" She steals titles—those, for instance, of her novels *Great Expectations* and *Don Quixote*. She steals characters, especially from Shakespeare, and forces them to do things and speak lines that would give the Bard the willies. She steals plots, as for instance in her rewriting of a long section of *Huckleberry Finn*—the discovery and exploration by Huck and Jim of the wreck of the *Walter Scott*—in her novel *Empire of the Senseless*. And most pointedly, and pertinently for our purposes, Acker steals text—sometimes nearly verbatim—whole, bleeding hunks of it.

The masterminds behind *Mondo 2000* magazine have declared that "Appropriation is the hallmark of postmodernism"; "Somehow it seems more important," Stephen Roman writes, "to use recombined images supplied to you through the media . . . than manufacturing or drawing something wholly new" (Roman 25). The lineage is typically traced through Andy Warhol back to John Cage and Marcel Duchamp; among the most important contemporary appropriationists would be the photographers Sherrie Levine and Richard Prince, who reframe classical photographs, or bands like Cabaret Voltaire and

Negativland, who work found music and found sounds into the texture of their compositions. In one of her interviews, Acker invokes the work of Levine as an analogue for her own texts:

When I did *Don Quixote*, what I really wanted to do was a Sherrie Levine painting. I'm fascinated by Sherrie's work. . . . What I was interested in was what happens when you just copy something, without any reason—not that there's no theoretical justification for what Sherrie does—but it was the simple fact of copying that fascinated me. I wanted to see whether I could do something similar with prose. (Ellen Friedman 1989, 12)

Acker's most notorious act of appropriationist terrorism to date was her transferring of almost 1,500 words, nearly verbatim, from Harold Robbins's 1974 best-seller *The Pirate* into her own 1975 novel *The Adult Life of Toulouse Lautrec* by *Henri Toulouse Lautrec*. The only significant changes that Acker introduces into the appropriated passage itself are that she recasts it from a third-person into a first-person narrative; and the woman that Acker promotes from object to subject of the narrative, rather than Robbins's Jordanna Al Fay, bored and spoiled wife of the Arab oil baron Badyr Al Fay, is, in Acker's rendition—Jacqueline Onassis. The passage is clearly set off as an inset in Acker's text, and given a rather sensational title: "the true story of a rich woman: I Want to Be Raped Every Night" (237). When the heist was pointed out in the press, Acker was accused of plagiarism; she, however, took the moral high ground, insisting that she had not plagiarized, but rather "pirated" (my term, not hers), *The Pirate*.

The distinction, which might at first blush seem a trivial one, in fact has profound implications. To plagiarize is to present the words or ideas of another as your own. This, Acker insists, she has never done. "I'm not guilty of plagiarism," she explained to Friedman:

To be guilty of plagiarism, according to the law, is to represent somebody else's material as your material. I haven't done that. I have been very clear that I use other people's material. I haven't quite listed sources in my later books not to sound like an academic, but in many interviews, many theoretical texts, I said where each section came from. I've always told my publishers. There's an introduction to this publication of my early work where I talk about my method of appropriation. I've always talked about it as a literary theory and as a literary method. I haven't certainly hidden anything. (Ellen Friedman 1989, 20)³

In Acker's own literary "code of the West," plagiarism is a cowardly act, in which one attempts to solidify one's own position as a writing subject, to bolster one's own authority, by clothing oneself in another's prose.

Brazenly to steal text, however—to violate the laws of copyright, to pirate—is not merely to transgress those codes erected for the maintenance of civil literary society, but to brag of the fact—to publicize one's thefts. In an interview with Sylvère Lotringer, Acker put it this way: "If I had to be totally honest I would say that what I'm doing is breach of copyright—it's not, because I change words—but so what? We're always playing a game. We earn our money out of the stupid law but we hate it because we know it's jive. What else can we do? That's one of the basic contradictions of living in capitalism. I sell copyright, that's how I make my money" (Lotringer, 12). The boundaries between various of these terms—quotation, allusion, plagiarism, and piracy, as well as related terms like reference, echo, parody, and pastiche—are rather porous and ill-defined. Surprisingly enough, the identification of her technique with piracy is one Acker herself seems not to have made. She writes with some frequency about pirates, especially in her more recent work; her most recent novel (1996), for instance, is entitled *Pussy, King of the Pirates*. The third and final section of *Empire of the Senseless* is titled "Pirate Nights," and centers on Thivai, who wants to be a pirate, and his sometime-girlfriend Abhor, who does not want to play along. But while Acker never makes explicit the connection between pirates as subject and piracy as technique—and, in all fairness, it is probably just so obvious she does not feel the need—her comments on the pirate figures in her novels do suggest some important parallels. Speaking of *Empire of the Senseless*, Acker told Friedman that "The myth to me is pirates. . . . It's like the tattoo. The most positive thing in the book is the tattoo. It concerns taking over, doing your own sign-making. . . . Tattoo artists, sailors, [and] pirates. . . . [are] people who are beginning to take their own sign-making into their own hands. They're conscious of their own sign-making, signifying values really" (Ellen Friedman 1989, 17–18). Acker here invokes her favorite metaphor for writing, the tattoo; as well as suggesting the notion that, as Shem in *Finnegans Wake* realizes, the author's body is at some level the author's first and primary text, the tattoo for Acker is also the mark, the stigmata almost, of the outlaw, and is written not by oneself, but is inscribed on one's body by another—it is not, as Shem's is in *Finnegans Wake*, original writing, proceeding from one's own guts, one's own bowels, but is rather the writing of another, which paradoxically comes to create the public space, the artistic facade or persona, of the writing subject. Thus the writer's body is foolscap indeed, but is "tagged" (in the sense of spray-paint graffiti) by the texts of the literary tradition. Therein lies the difference between modernism and postmodernism.

Appropriation, as Acker practices it—bold-faced piracy on the high seas of Western literary tradition—is in her hands a specifically feminist critique. As Jo Stanley writes in her history of women pirates, *Bold in Her Breaches*, "Women pirates are social outrages—and the embodiment of women's terri-

fying power. The woman pirate figure is sexually desirable because of her wickedness—a devil; she is bound to come to a bad end—because all *femmes fatales* do; and she offers a breath of fresh air in ideas about women and power" (6). Acker's Don Quixote, after all, is a woman; "I realized," Acker has said, "that *Don Quixote*, more than any of my other books, is about appropriating male texts and that the middle part of *Don Quixote* is very much about trying to find your voice as a woman" (Lotringer, 13). Acker's Don Quixote sets off in quest of voice, not vision, and finds that she must piece it together—cut-and-paste, bricolage—from what Eliot calls "the existing monuments" of European literature. She is Don Quixote admired with a touch of Lord Elgin, stealing what she will from the monuments. And when those pages from Harold Robbins are grafted into *The Adult Life of Toulouse Lautrec*—Acker's Lautrec is also a woman—the narrative context does violence to Robbins's text of sexual violence. Again in her interview with Lotringer, Acker explains, "I took the Harold Robbins and represented it. I didn't copy it. I didn't say it was mine. . . . It seems to me quite a different procedure than the act of plagiarism. I had changed words, I had changed intentionality. Obviously appropriation has been some sort of postmodernist technique in the arts for a number of years, both in the visual arts and in the literary arts. . . . Robbins is really soft core porn, so I wanted to see what would happen if you changed contexts and just upped the sexuality of the language. It's a simplistic example of deconstruction" (Lotringer, 13). Acker speaks here of upping the sexuality of the language, but that remark might easily be misunderstood. For she does not introduce exaggeration into the male, racist sexual fantasies to which Robbins gives voice; how, I wonder, would one even go about exaggerating, "upping the sexuality," of a text that can state with a straight face, "You better learn to beg a little if you want some black cock in your hot little pussy," or, in the words of our narrator "Jacqueline Onassis," "Greedily I sucked at him. I wanted to swallow him alive, to choke myself to death on that giant beautiful tool" (Acker, *Adult Life of Toulouse Lautrec* 136, 137). Rather, Acker defamiliarizes, makes strange, the worldview that would allow one to write in such a manner by embedding it within a text that suggests the utter abjection of being woman within patriarchy (recall that the pirate's girlfriend in *Empire of the Senseless* is named Abhor), and shows that all attempted expressions of female desire are caught up within the masculine narrative of sexual conquest. One of the none-too-subtle ironies of the Robbins passage is that "Jacqueline Onassis" becomes the sexual slave of the unnamed black man who is conveniently enough from Georgia (their interlude takes place in Paris), and he has held forth about the evils of slavery while they were dancing back at the disco (in Robbins's world, this passes for subtle social commentary). As a black man, he predictably, stereotypically, danced well: "He moved fantastically well, his body fluid under the shirt, which was open to his waist and tied in a tight knot just over the seemingly

glued-on black jeans" (Acker, *Adult Life of Toulouse Lautrec* 239; Robbins, *The Pirate* 132).

Let us conclude with a brief look at Acker's plagiarism of Joyce. For a reader familiar with *Ulysses*, and Joyce's life, the contextual clues are there; Acker suddenly switches her scene to a restaurant in Zurich, and moves into obsessively exact scenic description:

The American and one Italian-Swiss and two German-Swiss for breakfast ate one poached egg and a slice of Swiss cheese over a piece of white bread. The bread tasted winey. Some say he is not in the grave at all. That the coffin was filled with stones. That one day he will come again.

Hynes shook his head.

—Parnell! He never come again, he said. He's there, all that was mortal of him. TO SEARCH IN ALL THESE THINGS (OF COURSE MENTAL) WHICH SIMPLY PRESENT THEMSELVES FOR THE ROAD OR MEANING. . . . (Acker, *My Death My Life* 200)

This first "plagiarism"—from "The bread" through "all that was mortal of him"—is lifted from the closing pages of the "Hades" episode of *Ulysses*, and belongs neither to Stephen nor Bloom, but the unnamed third-person narrator of the episode. The following passage, two pages later, is stolen from Stephen Dedalus's thoughts at *Ulysses* 3:209–10 and 211–12, and betrays the self-conscious, "literary" sort of construction that Stephen appears to be trapped in:

Comparison: Paris rawly waking, crude sunlight over her lemon streets. Moist pits of fat's of bread, the froggreen wormwood, her morning perfume, coffee coffee court the air. . . . There Belluomo rises from his wife's lover's wife's bed, the kerchiefed housewife stirs, a saucer of sunk gone oh below the cement. (Acker, *My Death My Life* 202)

There are other plagiarism-based passages in *My Death My Life*, however, that suggest another way—the way of the bricoleur. Now clearly, Acker herself is enacting Lévi-Strauss's famous description of the bricoleur, that junkman who makes what he can, what he needs, from the materials at hand; and the cut-and-paste importation into Acker's text of this depiction of Bloom certainly fits that description:

Gross-booted draymen rolled barrels dull-thudding out of Prince's stores and bumped them up on the brewery float. On the brewery float bumped dull-thudding barrels rolled by gross-booted draymen out of Prince's stores.—There it is Red Murray said, Alexander Keyes.—Just cut it out, will you? Mr. Bloom said, and I'll take it round to the TELEGRAPH office. HOUSE OF KEY(E)S—Like that, sec. Two crossed keys here. . . . (Acker, *My Death My Life* 201)

But more interesting, I think, if we pay attention to the action she has chosen to re-present here, this is an appropriation of an appropriation, for Bloom's own textual strategy here is to "create" an "original" text, his ad for Alexander Keyes, by cutting and pasting material that has appeared in another paper. Bloom's creation, like Acker's, is an anapologetic theft, but while Bloom's transgression occurs in the field of commodity culture, in which one is thought justified in moving the merchandise in whatever way one can, Acker's thefts play themselves out in the world of art, and are therefore held to answer to a higher standard. Edward Young, in his *Conjectures on Original Composition*, recognized the existence of this double standard more than two centuries ago: "An Original may be said to be of a *vegetable* nature: It rises spontaneously from the vital root of Genius; it *grows*; it is not *made*: Imitations are often a sort of *Manufacture* wrought up by those *Mechanics*, Art, and *Labour*, out of pre-existent materials not their own" (7).

But according to one of Eliot's definitions of the great poet, Bloom is greater than Stephen; for, Eliot argues in his review essay on Philip Massinger,

Immature poets imitate; mature poets steal; bad poets deface what they take, and good poets make it into something better, or at least something different. The good poet welds his theft into a whole of feeling which is unique, utterly different from that from which it was torn: the bad poet throws it into something which has no cohesion. (1932, 153)

Eliot's prose here points the way to a postmodern poetics; and if he was not able himself to carry out the program it suggests, Joyce, to some degree, was. And Kathy Acker, coming along half a century behind, has effectively blown the cover off the modernist practice of allusion and quotation, helping us to see how unstable it always was.

Notes

1. See *The Illicit Joyce of Postmodernism: Reading Against the Grain* (Madison: U. of Wisconsin Press, 1996), pp. 104–136.
2. These are Rickey Vincent's questions, posed in regard to postmodern art in general, in the entry on "Appropriation" in Randy Rucker, R. U. Sirius and Queen Mu, *Mondo 2000: A User's Guide to the New Edge* (New York: HarperCollins, 1992), p. 29.
3. The entire episode is treated in Acker's story "Dead Doll Humility," available at the *Postmodern Culture* World Wide Web site (<http://jefferson.village.virginia.edu/pmc/>).

those limitations are of questionable legality. This public anxiety, in turn, reinforces a view that the law must be as it is perceived by allowing false protection notices to stand without direct legal challenge. Such challenge is likely to come only from those with profit motives and a team of lawyers, from corporate holders of copyright, who will challenge only creations sufficiently popular to be profitable or sufficiently incisive to be embarrassing. Since profitability is incorporated into the criteria for determining fair use, such challenges are more likely to be decided in favor of megaholders, creating precedent for arguing subsequent cases involving fair use—and, eventually personal use. Intertextual innovations like the collage rant become increasingly risky.

We have already prepared the ground for a postmodern generation's artistic and critical work to be declared illegal or to be perceived as such, making into brute fact the warning that copyright extensions of 1976 and later provide the means to use copyright for censorship (Patterson and Lindberg)—that is, to use copyright for suppressing texts troubling to the economic and proprietary status quo. Those texts of the most apparent value, those which gather a following and thus come to the attention of copyright holders, would be most subject to litigation. If such litigation or the threat of it succeeds in suppressing GenX texts at home in a postmodern world, then we have acquiesced in a generation's being represented in the cultural canon only by its less appealing and less incisive texts. We risk losing the collage rant, one of GenX's most creative modes of civic and artistic literacy. The legally permissible cultural legacy we leave to our grandchildren and great-grandchildren will have been stripped by law or by intimidation of its best and brightest, at the least, of some of its most interesting. We have already set the climate of intimidation (Patterson and Lindberg's "in terror effect") such that some of the most innovative work might never get beyond its creator's mind and certainly not beyond his or her mailbox—in direct contradiction to the constitutional mandate for copyright.

Works Cited

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