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Modern Times and Plagiarism

Chapter 1

It's Modern to Steal

MODERN TIMES (2006)

THE QUESTION is not so much: “Is this a good Dylan album?” – which it is – as “Is this a Dylan album?” – which it isn’t.

First the lyrics: as Scott Warmuth has discovered, through an ingenious google investigation, several lines of lyrics are lifted from the works of the “Poet Laureate of the Confederacy” Henry Timrod in much the same way as Yunchi Saga’s *Confessions of a Yakuza* unwittingly contributed to “*Love and Theft*”. This has caused considerable reactions, in far wider circles than usual.

So, is Dylan a thieving scoundrel and a plagiarist, or a genius who transforms what he reads into new gems?

The lyrical side of his creative borrowings don’t bother me a single bit, and I’m surprised that such a fuss has been made over this. If anything, they add to the value of Dylan’s effort, rather than subtract from it. I would never call any of that *plagiarism*, neither in the case of *Modern Times* nor of “*Love and Theft*”. I can’t imagine Dylan sitting there in his divine solitude, struggling with a line, then walking over to the bookshelf and picking out Timrod or Saga in search for a line that would work. Now, *that* would have come closer to plagiarism: to let someone else do the job. I imagine it’s the other way around: Dylan has read *Yakuza* and Timrod, certain phrases and figures have stuck in his mind, from where they in due time have popped up again, in a completely new context. This kind of use is not dictated by need but by circumstance, coincidence, “intuition” if you wish. That is what I find fascinating about the use of these sources on these two albums: they highlight just how it is that things “pop up” in one’s mind – how people think.

But my surprise by the overreaction regarding a few creatively transformed word connections is multiplied by the lack of a similar reaction to the musical borrowings. These are both much more substantial and much more difficult to defend.

At the time of writing (Wed 20 Sept, 16:08 CET), the following songs on *Modern Times* have known models for their music:

- **Rollin' and Tumblin'** – Taken from Muddy Water's version of Hambone Willie Newbern's "Roll and Tumble Blues" from 1929.
- **When the Deal Goes Down** – based on Bing Crosby's trademark song "Where the Blue of the Night (Meets the Gold of the Day)" by Roy Turk and Fred E. Ahlert
- **Beyond the Horizon** – Taken from Jim Kennedy's "Red Sails in the Sunset"
- **The Levee's Gonna Break** – taken wholesale (apart from a few new lines of lyrics here and there) from Kansas Joe & Memphis Minnie's "When the Levee Breaks" from 1929.
- **Someday Baby** – taken from "Worried Life Blues" (aka "Someday Baby" or "Trouble No More"), performed by Sleepy John Estes, Fred McDowell, Lightnin' Hopkins, Muddy Waters, Chuck Berry, Eric Clapton, the Animals, and Bob Dylan himself (Toad's Place, 1990), just to mention a few.

These are not just influences: in all cases, the chord structure is lifted from the models and the melody is clearly recognizable, and in some cases, the whole arrangement is "borrowed".

That's five out of ten. Furthermore, I'd be very surprised if the music to *Spirit on the Water* is Dylan's own. Thunder on the Mountain could be by anyone, and probably is. That leaves us with three songs where the music is – at least until proven otherwise – truly "by Bob Dylan".

It so happens that these are the three strongest songs on the album: "Nettie Moore", "Ain't Talkin'" and "Workingman's Blues #2".¹ I don't know if this is good news or bad: it is reassuring that his own songs are the best, but why, then, did he have to put in the rest of it – didn't he have more than three songs in him in five years?

¹ 'Workingman's Blues #2' is vaguely related to Merle Haggard's Working Man's Blues, but the influence stops at the title; musically, they are totally unrelated. In the case of 'Nettie Moore', the odds are slimmer: the melody and chord sequence are clearly related to/based on Roy Rodgers' 'Gentle Nettie Moore', but the character and the melodic details are quite different.

If this is a sign of creative drought, that may be a matter of concern regarding the possibility of more albums in the future, but in *this* particular context, it's not my main concern.

If the various textual allusions and citations can be redeemed as a fascinating display of creative intertextual intuition, it is quite the opposite with the music. When Dylan w/ band play the exact same notes and the exact same solos as Muddy Waters did on "Rollin' and Tumblin'", that's not "intuition" or creative translocation, it's just "letting Muddy do the job", plain and simple. That doesn't add to my appreciation of the work – on the contrary.

Not all the borrowings are as straightforward as "Rollin' and Tumblin' ". "When the Deal Goes Down" is a more interesting case. It is based on Bing Crosby's "Where the Blue of the Night (Meets the Gold of the Day)", and Dylan has in fact been open or semi-open about this. In a Live Talk with David Gates, who interviewed Dylan for Newsweek after *Chronicles* came out, Gates answered questions from the audience. One of them was:

Did Bob share any details with you regarding the songs for his next album? What's the scoop?

And the answer was:

David Gates: Really only that he's working on them. he did say he's written a song based on the melody from a Bing Crosby song, "Where the Blue of the Night (Meets the Gold of the Day)." How much it'll actually sound like that is anybody's guess.²

We now know the answer to the last question: Not much, actually. Although the song structure and the chords are identical, the phrasing, the melody line, and the pace in Dylan's version are all very different from Crosby's slow, insinuating crooning. It is indeed "a song based on the melody" from "Where the Blue of the Night" rather than "Where the Blue of the Night" with new lyrics.

The case is quite analogous to Dylan's version of "You Belong To Me" – or just about every live cover he has performed during the Never Ending Tour years: his melody differs considerably from the original; he has definitely made

² From <http://www.msnbc.msn.com/id/6099027/site/newsweek/>. Thanks to Jörgen Lindström for directing my attention to this.

it his own, although the underlying tune is clearly the same. The difference is that “You Belong To Me” doesn’t have “Written by Bob Dylan” under it.

Putting the label “All songs written by Bob Dylan” on this CD is plain indecency. Again, this applies only to the music; I would *not* have wished to see anything like: “Words by Bob Dylan and Henry Timrod”. But I *would* have liked to see: “Words: Bob Dylan, Music: Muddy Waters” (disregarding here the fact that Muddy didn’t write the tune either, but that’s moot: *he* played those solos, *he* shaped the song into the form which Dylan has taken over, so for all intents and purposes Muddy is the originator). If Dylan has copyrighted the tunes of Rollin’ and Tumblin’ and Beyond the Horizon, he gets money from selling something he didn’t own in the first place. And regardless of the money, by putting “by Bob Dylan” under it he is taking creative credit for something he didn’t create, stating “This is what I have to say” without actually saying anything. *That’s* my main concern: he isn’t saying anything. And as Tom Lehrer so eloquently put it: “If you can’t communicate, the least you can do is *shut up!*”

As more and more references and borrowings were discovered on “*Love and Theft*”, I got this wonderful vision: what if it wasn’t just a few lines of Japanese gangster-lore here and there – what if *every* note and *every* lyric line were direct quotations, put together in a grand collage – *that* would have been a major achievement and a bold highlighting of the problematic of communication by blurring the normally well-established pattern of sender-receiver; pointing (fingers) to our expectations and norms, and proving them to be wrong. It would have been like a game. And that title... But when the same thing happens on *Modern Times*, only without the extra level of “game”, it just becomes a sign of someone who is content with playing lounge music, but who has a reputation to live up to and a record company with an over-zealous sales department on his back.

Some have defended Dylan with reference to the folk tradition. “This is what one does there: one takes what one hears and builds on that. This is what Dylan has always done.” Etc. Fair enough, but only to a point. Of course, there are contexts where, for historical or other reasons, a legalistic approach to authorship may be less relevant than in other contexts, or at least require an interpretation in the light of practice, the “folk tradition” being one such context. The next question would then be if a multi-million seller is at all comparable to the swapping, sharing, reworking of songs in coffee-houses or dance halls which I would more immediately associate with the “folk tra-

dition". If the folk tradition is about community, sharing, and freedom of expression, *Modern Times* does that, but it does a lot of other things too, such as making money for the artist, the record company, and the manager's uncle, which places it in a completely different context.

I don't know what Dylan's motivations have been – perhaps he hasn't even had anything to do with what's written on the album sleeve (he probably hasn't cared), but all the promotion material from Sony goes in the direction of: these are all new songs, newly written by this great genius who was counted out but now is back in the ring with a vengeance, buy it, buy it, buy it.

Besides, as Nick Manho said on the dylanpool (making a point that he had borrowed/stolen from emily smith):

The difference between Bob ripping off the blues guys in the 60s and Bob ripping off the blues guys now is that *in the 60s Bob's rip-offs were better than the originals*

There's a point in that. Not that quality would be a justification for rip-offs, nor that the statement is *always* true, taken literally, but to the extent that standing in a creative tradition would imply taking in something from a common storehouse (whether or not an original composer can be identified), processing it, and putting out something which adds something to the input. The point of standing on others' shoulders should be to see farther, not to stand taller. "Being in the folk tradition" isn't a valid excuse for acting more like a thieving bastard than as a creative musician with a rich heritage.

Chapter 2

The many ways of stealing

I'VE MENTIONED IT before: I don't mind Dylan lifting lines from Timrod. I do mind his uncredited appropriations of entire pieces of music, but little snippets of text here and there – that's a completely different matter.

In all the many discussions and opinions about this matter, two areas have been mentioned with some frequency, either in order to emphasise the offense, or to diminish it. In each their way, they add some interesting twists to the case, although they don't change my verdict concerning the *musical* theft.

ACADEMIC BORROWING

One of the references is to the academic world. The argument goes that if something like this had happened there, Dylan would have been sent home with an F and a relegation.

I would argue against this, although in some cases he does, admittedly, come close. Plagiarism in an academic context is when one passes off someone else's work as one's own. If someone has written:

I have compared the lyrics on Bob Dylan's *Modern Times* to Henry Timrod's poetry and found a number of lines to be remarkably similar, beyond the coincidental.

and I write:

My scrutiny of the corpus of Timrod has revealed several lines borrowed by Bob Dylan on *Modern Times*. These are too conspicuous to be the result of chance.

this would be a clear case of plagiarism, and would obviously be worth an F, even though hardly a single word is the same.

However, what if I wrote:

I have compared the pictures in Andy Warhol's exhibitions to shots of Marilyn Monroe and labels of cans of Campbell's soup, and found a number of images to be remarkably similar, beyond the coincidental.

Most of the words are the same, and the structure of the sentence and the argument is identical, but I can hardly be accused of passing off someone else's work as my own, because the "work" in this case is not the words themselves, but that which they express. The first text expresses that Dylan has used lyrics from Timrod, the second that Warhol has used images from other places. The obvious similarities are inconsequential, irrelevant for the statements' status as academic texts.

One may lament this and think that the job of the academic should be not only to write *stuff*, but to *write* stuff; to shape sentences which are worth reading regardless of which ideas they express. But it remains a fairly established fact (or at least a convention), that if I rewrite a scholarly article and present the same evidence and conclusions with different words, it will still be the same article, whereas if I present the contents of one of Horace's odes in other words, it will be a different poem. It would take a very strict definition of plagiarism to claim that I've plagiarized Horace.

POETIC LANGUAGE

A poem can not be separated from the words in it. It's probably an exaggeration to say that the words *are* the poem, but at least one can safely say that whatever ideas are expressed in a poem, *they* are *not* the poem.

This distinction may get Dylan off the hook of academic plagiarism, but at the same time it may appear to strengthen the case against him on the poetical side. After all, didn't I just say that the words are the poem?

Ehem, no, I didn't. Without going too deeply into the history and theory of poetics, let's just say that every text is a combination of words and ideas, and where the emphasis will lie closer to the "idea" side for an academic text, it will move closer to the word for a poem.

The "words" side should also be subdivided into the sounding part: rhythms and rhymes, letter sounds and word bounce; and the rhetorical part: how words are combined into figures of speech – the *kind* of metaphors one uses, rather than the *meaning* of the metaphors – and the choice of stylistical level:

whether one says “gal” or “girl”, “babe” or “sweetheart”, “woman” or “lady”, “ma’m” or “ma dame”.

A poetic text will also usually involve some kind of meta-reflection: a consciousness about the combination of word and idea itself, so that the words not just point to the corresponding ideas or are to be enjoyed for their sonorous qualities – more like a musical work – but also point to this very relation: e.g. the absurdity of having a sequence of sounds stand for something as silent as a rock; the meaningful coincidence of the first letters in “frail” and “flower” or “silent” and “stone”.

So whereas an academical text would be judged primarily according to the ideas expressed in it, the judgement on a poem will be based on the combined effect of all three elements, in some mixture or other. Thus, taking over the words but putting them in a different context where they present another idea; placing them in a startling new metrical context or embedding them in a different sequence of alliterating words; or turning their metaphorical reference upside down through a combination with other words and ideas than in the original – all this would constitute a change in poetic substance.

THE PROOF OF THE PUDDING

Is this what Dylan has done? Let us take a closer look at some of the borrowings. Here is Timrod, some lines from his “Rhapsody of a Southern Winter Night”:

A round of precious hours
Oh! here, where in that summer noon I basked
And strove, with logic frailer than the flowers

Timrod’s “I” spends the hours of his summer days in heated, desperate speculation, trying to get to grips with something, but that something eludes him; rational thought can only get us so far, and beyond a certain point, logic proves to be a weak helper – frailer, even, than the flowers.

Then Dylan:

The moon gives light and it shines by night
Well, I scarcely feel the glow
We learn to live and then we forgive
O’er the road we’re bound to go
More frailer than the flowers, these precious hours
That keep us so tightly bound

(“When the Deal Goes Down”)

We are no longer in the baking sunlight of noon but in the heatless moonlight at night; there is an echo of desperation here, but more of an afterglow, won over in calm and wisened subordination to fate and to the necessities of life: forgiveness and the need to take *some* road, no matter where it leads and what injustices and tribulations have brought us there in the first place; what is important is to belong together with someone, and although it may be a disheartening observation that the tight bonds are indeed frailer than flowers, the other option is also open: to regard it as a comforting paradox of life that even though the bonds *seem* frail, they are after all tight enough to hold.

The differences between the two texts are marked also on the rhetorical level, where Dylan introduces paradox as the carrying figure (inviting us to ask, “how can something so frail bind so tight?”), and the sounding level, where he has straightened out Timrod’s disrespect for the line boundaries and instead brought the two rhyming words together in a rapid sequence of half-lines.

No matter which interpretation we choose, it is evident that the only things that remain are the phrase “frailer than the flowers”, and its companion rhyme “precious hours”. It is the exact opposite situation to Dylan’s own introduction to his topical songs in live performances in the 60s (was it Hattie Carroll?), that “Nothing has changed, except the words.” Here, instead, “Everything has changed, except the words”.

The same goes for many of Dylan’s other borrowings:

My memories are drowning
In mortal bliss
(“Beyond the Horizon”)

says something quite different than Timrod’s

Which drowned the memories of the time
In a merely mortal bliss!
(“Our Willie”)

These examples may show that although Dylan has taken over one of the three elements of a poetic text, he has indeed made something new out of it: he has not passed off Timrod’s work as his own. Other borrowings are less clear in this respect. In these lines from “When the Deal Goes Down”

In the still of the night,
in the world’s ancient light

Where wisdom grows up in strife

the last line is a single unit, both of words, ideas, and imagery, which differs little from Timrod's:

There is a wisdom that grows up in strife
("Retirement")

And the strange line from "Tweedle Dee & Tweedle Dum"

Well a childish dream is a deathless need

takes everything, including its strangeness, from Timrod, who says:

A childish dream is now a deathless need
("A Vision of Poesy, Part 1")

Dylan doesn't add to this: he has stolen the line.

DOUBTS AND BENEFITS: ALLUSION OR THEFT?

I'm nevertheless tempted to give him the benefit of some kind of doubt: as isolated examples, they may be illegitimate appropriations, but seen in combination with the other examples, they merely appear as unsuccessful applications of his poetic technique. In many/most cases, he has "appropriated" the lines in the literal sense of the word: made them his own. In some cases, he has tried, but not quite succeeded. The important thing is that he has tried. The "benefit" I offer him, then, regarding these particular examples, is the choice between being a thief or a bad poet.

I have disregarded the question whether Dylan's textual borrowings should be seen as allusions rather than theft. I'm inclined to think not – that an allusion would require a source which was fairly well known (cf. Christopher Rick's distinction between allusion, where you want the source to be known, and plagiarism, where you don't), so that the play between the different fields of meaning, the original and the new text, will have a chance of being recognized. This would be the case if one uses phrases from the Bible, Shakespeare, or Homer, but not in the case of Henry Timrod.

Again, there is a benefit of doubt: one can certainly allude to or play around with things which are known to oneself regardless of whether it is familiar to one's audience, i.e. the reader who is supposed to spot the reference and take pleasure in the subtle intertextuality, may very well be the author himself. I

know, because I've played this kind of game too: while I was finishing my dissertation in medieval musicology, during the final dreary weeks the only fun left was to put in hidden allusions to Dylan, which nobody in that field were ever likely to discover.

More important is that the criterion of analogy is a blunt knife, and the decision (from latin: *caedo*: cut) will inevitably have unsharp edges, with blurred lines towards the area of ethics and honour, whereas an argument based on a comparison between academic and poetic language works without this criterion.

The major question which remains for me is the double: *why* has he done it? And *how*? In his blog *Ralph the Sacred River*, Edward Cook lists some passages in *Chronicles* which are also borrowed from previous literary works.¹ The passage

Walking back to the main house, I caught a glimpse of the sea through the leafy boughs of the pines. I wasn't near it, but could feel the power beneath its colors. (Chronicles, p. 162)

has borrowed quite a lot from Marcel Proust's *Within a Budding Grove*:

But when, Mme. de Ville-parisis's carriage having reached high ground, I caught a glimpse of the sea through the leafy boughs of trees, then no doubt at such a distance those temporal details which had set the sea, as it were, apart from nature and history disappeared ... But on the other hand I was no longer near enough to the sea which seemed to me not a living thing now, but fixed; I no longer felt any power beneath its colours, spread like those of a picture among the leaves, through which it appeared as inconsistent as the sky and only of an intenser blue.

How have Proust's words entered into the text of *Chronicles*, at that particular place? Has it made it easier for Dylan to write? Hardly. It seems more like he has shaped the surrounding text particularly to make space for the quotation – he has wanted those words there, and thus had to write the rest of the sentence to make a spot where they would fit. In none of the references that Edward Cook has found in *Chronicles* do the borrowed phrases seem *necessary*. On the contrary: it would have been *easier* to write this without the Proust reference – it is there only through an effort on Dylan's part.

One uncomfortable suspicion only remains for me: if all the *poetic* ideas in *Chronicles* – all those ideas, that is, which sets the book apart from a run-

¹ <http://ralphriver.blogspot.com/2006/09/more-dylan-thefts.html>

of-the-mill academic biography where the words don't matter, only the ideas – are borrowed, wouldn't that affect our appreciation of the book's merits, and of Dylan as the author of a remarkably readable biography, negatively?

This, I would say, depends on three things. First, the amount and general character of the borrowings: are most of them of the "frail flowers" kind or the "deathless need" kind? are the borrowings found so far all there is or just the tip of an iceberg? This will surely be studied more closely in the future, so the jury's still out on this one.

Second: even if every single poetic image in *Chronicles*, on *Modern Times*, and "*Love & Theft*" were found to be borrowed from somewhere, the mere act of bringing them together and reshaping them in the way I have indicated above would still make it a major creative act. The means and materials that have been used may lie on the border to the illegitimate, but precisely since we then move from the area of aesthetics into the related but separate area of ethics, the judgement will have to be for everyone to make, individually.

Third, if the one who says the things that make these texts into more than a transmittal of information and ideas isn't Dylan after all, doesn't that constitute a breakdown of communication? Again, communication is an individual matter, and so is the feeling that one is left out of it. Is this important? Depends. This will be the topic of my next post about *Modern Times* and plagiarism, where I will discuss the second main area: whether Dylan is a postmodernist.

Thanks to Scott Warmuth and Edward Cook, without whose discoveries this post would have been impossible to write

Chapter 3

Dylan: the Postmodernist?

The author is dead

Roland Barthes

No, you're not.

The "Author"

WHO'S TALKING in a text? Is anyone? or: Isn't that obvious? The answer is no to both questions, and to a large extent the question about Dylan's borrowing of lines on "*Love & Theft*", *Modern Times*, and in *Chronicles* can in fact be regarded as a question about authorial roles.

BRICKS AND IMAGES

Everybody will agree that if I write the word "flower" in a poem, I'm not plagiarizing anyone, even though many have used that word before – it is too common to be any single author's "intellectual property"; whereas if I tried to copyright the stanza: "How many roads must a man walk down | Before you can call him a man?" I would – hopefully – be kicked out of the copyright office with my head first.

But where does the line between the two go? After all, even the second example consists only of single words and phrases which in and of themselves are common property. Can I write: "How many roads must a man walk down before he reaches Rome?"? Or "How many roads are there for a man to choose between before he can finally sleep in his grave?"? Or the simple "How many roads lead to Rome?"? Or "I need to get to Rome | To show that I'm a man | Now, baby, say: Which road must I walk down?"?

The term “property” here introduces a lot of other issues which are not necessarily relevant for the question of poetic inventiveness but which rather concern societal conventions and legal issues to which I will return later on. In order to keep these out of the calculation for a while, let us take the detour through a more concrete metaphor: bricks and cathedrals.

If I build a beautiful cathedral out of mass-produced bricks, I’d consider it a major creative act and the cathedral itself my own creation, even if I haven’t made a single brick myself.

Now, the stone carvers in the medieval cathedrals took great pride in their work – they signed their stones, and one can, on that basis, but also on more general stylistical and technical grounds, locate trends and individual traits in single churches and between cathedrals, even in different countries.

The word “flower” is a mass-produced brick, “frail as a flower” is close to that – two mass-produced bricks put together using the “mass-productive” technique of metaphor, and hardly an individual creative achievement. “Precious hour – frail flower” is more of the same: again, mostly a mass-produced item but with some individual traits: a stone which is distinct from the next stone, but not quite the beautifully hewn piece of craftsmanship with flowers and acanthi for which the stone carver would be rightfully admired. Only the full lines of poetry, where all three elements, sounds, style, and ideas, are combined¹ – only *there* would I call it an individual creation, but that’s also where Dylan deviates from Timrod. So in the case of the “flowers | hours”, he has acquired some stones for his Cathedral from the mason down the road. In “Tweedle Dum & Tweedle Dee”, he has taken a whole column from Lincoln Cathedral and moved it to Westminster. But they are still different cathedrals, enjoyable as complete structures, whether or not one knows that one of the columns has been somewhere else before.

This is also to say: it is the complete experience of the cathedral – its atmosphere, lighting, mural paintings, grandeur, smell, columns, temperature and humidity, the baptismal font and the stained glass – which determines what we feel when we enter it, not the individual stones and tiles.

¹ As a general rule; one may imagine exceptions where some element is left out and replaced by some self-reflective meta-level of discourse, such as is the case in “silent poetry”, concrete poetry, dadaism, etc., but I would argue that even in these cases, the missing element is still prominent in its absence – in fact more prominent than in an ordinary poem.

The important point is that the words and the ideas don't belong together – you're not necessarily missing an essential half when you cut off the "idea" part – unlike the way it would be to cut off a leg. Hence, a poem is more like a cathedral than like a body.

But what if someone took the entire Lincoln Cathedral and moved it to Santa Fe?

Or better: meticulously copied every single stone from Lincoln and built an exact replica in Duluth, so perfectly forged that not even a trained eye could spot the difference? The experience upon entering Duluth Cathedral would be exactly the same as in Lincoln as far as the sensual stimuli goes. Only if told would a visitor be aware that he is in fact not in a twelfth-century church in England, but a twenty-first-century copy in Minnesota.²

In other words: does the knowledge that Dylan has borrowed some lines – or an entire musical composition and arrangement – matter for our judgement of these songs? If the physical experience is exactly the same with or without that knowledge – why should it matter?

DEATH OF THE AUTHOR

It shouldn't, necessarily. When we tend to think that it does, this depends on a number of conventions which are embedded in the cultural practices of the art-world. We expect individuality and independency from previous works, but also conformance with certain genre criteria/norms; we expect novelty, but also quality – a quality which can only be judged against previous works.

There is also an expectation, going back at least to the eighteenth century, but known explicitly as early as the ninth century, and probably more fundamental than that, of knowing who is speaking, of being able to single out an authorial voice from amidst the common words.

² We of course assume that the innocent visitor has been drugged with a RapidSleep™ potion in one of the back-alleys in Lincoln on his way to visit the cathedral, then, unconscious, brought across the Atlantic, fed intravenously during the crossing so as not to notice any physical difference when he is reawakened (with the corresponding Rapid-Eye™ counter-potion) in a similarly reconstructed back-alley in Duluth. One can do that in examples like this, I've been told.

It may seem trivial and simple: person A [writes|sings] something, which person B [reads|hears]. A message has been transmitted from A to B. End of story.

But that is too simple. In any text, there are at least two different authors and equally many readers, and this number can be extended indefinitely. First, there is the person A – we can call him *Bob Dylan*, a living person in flesh and blood who picks his nose, goes to the toilet, plays concerts, visits friends, and who at dinner may say things like:

Could I have some rice and beans, please

where “I” refers back to himself. Occasionally, this person may also sit at his desk with a pen and write things down. He may for instance write:

Could I have some rice and beans, please.

Here, “I” no longer refers to the person *Bob Dylan*, but to the speaker in the text – we may call him “Bob Dylan”. If *Bob Dylan* wanted to be clear about this, he might have written:

Could “I” have some rice and beans, please

to accentuate the difference between him and this other person “Bob Dylan”, who only exists in the text. But usually, this distinction is not made explicit – on the contrary: it is easier to assume, by default, that they are one and the same; seeing “I” written seduces us into thinking that someone is talking to us, that we are hearing *Bob Dylan*’s voice, when in fact we are reading “Bob Dylan”’s.

If *Bob Dylan* wanted to be extra mean, he could write,

Bob Dylan sat at the end of the table and suddenly asked, “Could I have some rice and beans, please.”

This brings in yet another character, another bearer of the “I”, whom we might call “‘Bob Dylan’”.³ Within the text, “‘Bob Dylan’” is created by “Bob Dylan”, but since *Bob Dylan* has created them both, this also means that in reality – i.e. in the world outside the text – there is no hierarchical relationship

³ This problematic will be familiar to anyone who has seen *Dylan*’s movie *Renaldo and Clara*, where Ronnie Hawkins appears as some version of Bob Dylan (although it is hard to decide exactly which version: he certainly is “Bob Dylan”, to some extent also “‘Bob Dylan’”, but for the *lady in the hotel lobby*, who acts as the “lady in the hotel lobby”, he may actually have played the part of *Bob Dylan*).

between the two: “Bob Dylan” the creator and “‘Bob Dylan’” the created are on the same level.

Thus, in this little text, we have the three roles lined up:

- *Bob Dylan* as the author-*person*,
- “Bob Dylan” as the author-*persona*, i.e. the (literary) character who (or in this case perhaps “which”) poses as *I* disguised as “I”, and
- “‘Bob Dylan’” as the author-*personatus*, i.e. the speaker who appears to have been given life by the author-*persona*.

And the chain can be extended indefinitely – as e.g. in this text, where *Eyolf Østrem* and “Eyolf Østrem” both force themselves in front of the many Bob Dylans.

When Roland Barthes in 1967 declared the “Death of the Author”, it was partly to avoid the confusion between the two main authors: the person and the persona.⁴ Barthes sides with the persona: his aim is to liberate the text (and hence the author-*persona*) from the interpretive tyranny of the author-*person*: too much emphasis on the intention of the author-*person* limits the text and prevents us from taking advantage of the full range of interpretive possibilities and the many layers of meaning that it may (nay: does) contain.

Quite in accordance with Barthes (but not necessarily in agreement with him; see below), I have always shied away from any kind of argument which involved considerations about what Dylan might have been thinking, what his intentions have been, how he has thought that this or that might be received, what message he has wanted to send and to whom (to fans? “fans”? critics? dylanologists? his ex-wife/-ves?), etc. This is not because I consider it uninteresting *per se*, only uninteresting *for me*. If someone discovered that the first letters of every quotation on *Modern Times* formed the sentence “I can do whatever I want – screw all you petty critics” – that might have been funny, but it would neither add to nor, for that matter, subtract from my appreciation of the album. Or, to take a slightly less contrived example: if Dylan

⁴ Roland Barthes, “Death of the Author”, *Aspen*, 1967, available online at <http://www.ubu.com/aspen/aspen5and6/threeEssays.html#barthes>. “My” presentation of Barthes’ position is unforgivably simplified, but *I* forgive “myself”, since *my* aim is not to discuss Barthes. “I” also note with a certain presumptuous pleasure that the “death of the Author” coincides with the birth of *this* author-*person*.

revealed that “Idiot Wind” was written after a row he had with Sara in the supermarket, March 1975, it wouldn’t change my “version” of the song the least bit.

Even if not a single line in Dylan’s entire corpus of lyrics had had any basis in his own life – if he has never in his life has felt the empowering frailty of belonging – the image he makes out of it in “When the Deal Goes Down” is still clear and strong enough to be meaningful to me, regardless of whether it is authentically founded in a true experience in Dylan’s life or not. I truly don’t care about Dylan’s life, here or on any other record. When *Blood on the Tracks* works for me, it’s because he has put together some words which make something click in my mind, not because I imagine Dylan and Sara and then identify with them. And if it’s all fake, he’s at least damn good at faking it.

The point, taken from Barthes, is that the songs and the texts can stand as communicative acts of several kinds at the same time, and they can be studied as literary/musical objects within those discourses, regardless of what authorial or personal intention Dylan has had other than the literary one – i.e. the one which is expressed *in* the text, by “Bob Dylan”. That is an important lesson to be taken from Barthes (who, by the way, died in 1980).⁵

THE AUTHOR RESURRECTED

That said . . . I’m still not quite happy. Barthes’ killing off the author is not a murder, nor a mystical animation of the illusionary author-persona, but primarily an empowering of the *reader* and the reader’s access to and control over the text. The text becomes a sign system which is open to any interpretations the reader wishes to make, and these may be completely different from those the author-person had in mind. They may also be different from the ones the author-persona presents, but as soon as we make the distinction between different authors, this is already self-evident: already in gaining an awareness of the difference between person and persona, between *Bob Dylan* and “Bob Dylan”, we have assumed control of the persona, since he exists nowhere but in the text, and – since he is nothing but an element in the text – the reader is free to do with him as he pleases.

⁵ “Barthes”, on the other hand, is still alive and kicking, and so is “‘Barthes’”.

This is the sense in which the author is dead, and in this sense, he may rest in peace. But what is the cost, what is the gain, and whose gain is it exactly? Which reader is it that is empowered?

For there are just as many readers as there are authors. There is the actual, physical reader-person, and there is the implied reader – the reader which the author has in mind – but one might even here distinguish between the reader implied by the author-*person* and the one implied by the author-*persona*.

As a reader-person, I greatly enjoy the freedom to rule over the text as I wish. But I'm not sure that it would have been necessary to kill the poor author-person to acquire this freedom, or, even, that it accomplishes what it was supposed to do. In fact, I think this murder is just as dubious on aesthetic grounds as it would have been out of its metaphorical bounds. I can understand the historical reason for the urge to sever the bonds between person and persona, but I also resent it.

When I interact with a "sign system", whether I hear a piece of music, read a text, or visit a cathedral, I am only secondarily interested in the signs and the sign system themselves. I either want an immediate kick, something that makes me want to laugh or cry or dance (in the widest sense of the words), or I want wisdom: something which makes me better equipped to navigate in the rough waters of cultural codes, and to communicate (again in the widest sense of the word) with the people who use these codes; tools to better understand others, the world, and myself. I like to think of it as the double path to the same goal: to make my world a better place to live in, and the difference between the paths being that of instant and delayed gratification.

My main objection against the semiotic emphasis on the text and the reduction of it to a sign system, free to be used by the reader as he pleases, is that it severs the *meaning* from the *meaner*, the person who has meant something and expressed it. It emphasises the *functions* involved in the communicative *process*, rather than the *persons* involved in the communicative *act*.

I'm not interested in texts *as* texts, music *as* sound, nor in the communicative process as such – they only interest me as kinds of communication, as acts: a processing of someone's experience of life through a medium which is apt for the transformation and re-formation of such experiences. Machine poetry or a stone – anything which is not produced with an artistic intention – is uninteresting *as* art.

In other words: I want a person there, on the other side: the sense that there is a person behind the text. I expect the text to have come into being against a

background which is similar to the one I have when I read it, and to which I can relate – that what I take out of the text, by putting the words together to form images and connections that are meaningful to me, somehow has been put into the text against a similar background of human experience.

Fundamentally, the text is there only as an intermediary between me and this other person, and since it's *my* reality, it's not good enough if the other person is implied, created, killed, or nonexistent. The author has to be real too. The author-persona won't do, fictitious as he is. If the author is dead, he has to be resurrected.

And the freedom I have, as a reader, is the freedom to disregard the separation between the authors, and to create my own implied author, so to speak: the person I wish to see on the other side of the divide, who is neither *Bob Dylan* nor "Bob Dylan". To make it simple, let's just call him Bob Dylan. He is just as fictitious as any of the other authors, but he is no longer *in* the text, and he is *my* creation, as a reader. *Bob Dylan's* only role in this, is to produce that text through which I can create Bob Dylan.

ETHICS AND AESTHETICS

Since there are now two *real* people surrounding the text ("real" in the sense of belonging to my reality; the fact that I have created one of them does not mean that he is less real, in this particular reality – the only reality I know), the text can no longer be regarded exclusively on aesthetical grounds: since the text functions as an intermediary between two people, interacting with the text also involves ethical questions, just as interacting directly with the other person would.

We then have to take into account – whether we like it or not – the huge area of ethics and morals. In order not to confuse things more than necessary, let's condense it to "Do right unto others".⁶ But what is morally right in a song lyric? And who are the "others"? More specifically: does the eighth Commandment apply here, and if so: how? Can one steal an idea? A phrase? What is this thing called "intellectual property"?

⁶ A more extended version is the "Cardamom Law" from the Norwegian Childrens' book *People and robbers in Cardamom City*: "One should not treat others badly, one should be good and kind, and apart from that, one can do what one likes."

“Property” and “propriety” – they are speciously similar-sounding words, and for that reason apt to invite confusion. *Properties* of a text make them someone’s “intellectual *property*”, and going against this is a breach with *propriety* – aesthetics become a moral issue.

Writing a song text is a way of using language, which is fundamentally the area where the inalienable meets the alien, the Self meets the Other. Thought is the only inalienable domain we have, only it isn’t really our own, since we have it on loan from community, through language.

I’ve used two different words about the literary technique Dylan has used in his later works: theft and appropriation, and although they appear as synonyms with only a stylistic difference – one being direct and blunt, the other more subtle and euphemistic – they are oceans apart when language is the object.

“Appropriation” literally means “to make something one’s own”, and if it refers to a car the activity would be morally suspect and a synonym would be car thief. But appropriating an *expression*, making it one’s own, is a necessary condition for using the expression and thus for understanding it in the first place, and therefore, if we want to condemn someone for this, it must be grounded in something other than the act of appropriation itself. By “taking” a combination of words, we don’t take anything away from anyone. “Die Gedanken sind frei” as the Germans say – thoughts are free.

There are some circumstances under which this freedom is curbed. Artists have a right to make a living off their work, writers to have their opinions correctly quoted, either in order not to be misrepresented, or in order to reap whatever benefits society is willing to bestow on them for their work, and so forth.⁷ These limitations are fair and good, but they are also deeply problematic since they limit that which is our one fundamental area of freedom: the right to think and the right to speak our mind. This limitation is not a natural right that some people (such as: authors and poets, scholars and singers) possess – it is a convention: a contractual agreement between the members of

⁷ I will not go into the debate about the limitation grounded in respect for other people’s beliefs, recently brought to the fore by twelve Danish cartoons and a German Pope – I do have things to say about it, but since it is a slightly different, although related, problem area, I will leave it aside here, with the qualification that I consider the Caradmom Law’s “do not treat others badly” to apply to direct actions towards fellow human beings, not to actions that someone may feel obliged to take offense of on behalf of super-human beings, prophets, gods, or poets.

a society that certain limitations are necessary in order for the society to work in a way that we want it to work. We *want* to have people around who can dazzle us with song, dance, and play, who can tell us stories about others who are better or worse off than ourselves or about gruesome murders in the neighbour town; who can spend their time looking at the stars to ensure that the harvest yields more or the space-ships may land safely. It would be a dreadful society which did *not* find space for such limitations, but yet: only in relation to socio-cultural contracts such as these does it make any sense to apply the word “steal” to language or ideas: “intellectual” and “property” are words that belong together only through such a contract: a society’s self-imposed limitation to freedom of speech.

In short: the right to think and speak are inalienable and natural, the right to charge money for this is not. Words can be commoditified when they are used in the various interactions with society that the individual can take part in, but it is a price-tagging that comes at a price, and every such limitations of the right to appropriate and reprocess should be motivated.

Since this is a contract, it can also be re-negotiated, and various such re-negotiations have been undertaken. The development of legal copyrights is one such line of negotiation. The nice version of the story goes that it was the result of the recognition that it would be beneficial for the functioning of this aspect of societal life to give some kind of explicit and formalized acknowledgment to authors of their right to control the distribution of their work. The not-so-nice version might instead point out that copyright became an issue only when printers’ control over their material was no longer regulated through royal privileges, and that rather than protecting the rights of *authors*, it continued to be a protection of the right of the printing-trade to secure its income.

The staunchest defenders of “intellectual property” today are not the artists, the authors, and the performers whose work it is that is allegedly protected, but the publishers, the recording industry, the billion-dollar software companies, who all seek new ways of extending their rights to turn ideas into profit.

I consider such a materialistic view on language to be more harmful than the opposite: if in doubt about the freedom to appropriate a word, a phrase, or a poetic structure, I would *as a starting point* go with the freedom. I also believe in the conceptual separation of the notions of literary and legal copyright, because even though they certainly meet in a gray area in the middle, the first field covers the ground from “thought/language” to “community”,



Figure 3.1: A picture of the Artist as a young thief – M. Duchamp: *Fountain* (1917)

but the second takes it from there to commerce, which is where the freedom to think is sacrificed for the freedom to sell. Even though there is room for noble ideals in the copyright legislation, the driving force is not noble.⁸

But it is also interesting how artists themselves have taken part in such re-negotiations, and, with the authority that their status as artists gives them, have spoken strongly against that very authority. Many examples can be – and have been – mentioned (Andy Warhol's pop-art is among them), but we really only need to discuss the one case which stated the point once and for all – every new work in this vein will only be re-statements of the initial question.

⁸ For an alternative, see the work of Lawrence Lessig with the "Creative Commons" licence, which attempts – hopefully with some success – to uphold the authors' right to control the distribution of their work, without stifling creativity and the communal benefit of a free exchange of ideas.

I am of course talking about Marcel Duchamp's (1887–1968) sculpture *Fountain* (see figure 1), which was first exhibited in 1917. It consists of a shining white urinal, signed (with the fake signature “R. Mutt”, a variation of the name of the porcelain factory, Mott Works), turned on the side and displayed on a pedestal. By taking a mundane object, as far removed from traditional notions of aesthetic quality as possible, and exhibiting it as the equal of Mona Lisa, Duchamp declared a complete renunciation of the right of the author to be treated in any special way.

Andy Warhol's pop-art does more of the same. Concerning the status of the work of art, Warhol's statement is the same as Duchamp's; the only difference is that where Duchamp chose a useful but vulgar every-day object for his demonstration that *any* object is as good as the work of the divinely inspired artist, Warhol is more specifically interested in the visual objects of a commercial mass culture.

Duchamp's and Warhol's contributions are all in the field of the arts, with its long heritage and roots into philosophy, church rituals, secular power, and notions of the divinity, be it God's or man's. But there are many areas where the role of the *author* is either irrelevant or questioned. One, which lies close at hand, is the so-called folk-process. In simplified form, one might say that there the *authorial* voice is secondary to the *performative* voice. What's of importance is not so much *what* one says, but *how* one does it.⁹

It's also about the recognition of precursors, which particular shoulders one is standing on. While this is fairly straightforward on the village scene (even the Greenwich variety), where people can be counted on to know a model when they hear it and the guy who wrote a tune may still be around to feel honoured by the upshoot who finds his tune worth working more with, in the “global village” this is more problematic. And even though the folk scene may be a context where a legalistic approach to authorship may be less relevant than in other contexts, or at least require an interpretation in the light of practice, it still remains a question if a multi-million seller can be compared to the swapping, sharing, reworking, and, for that matter, stealing of songs in coffee-houses or dance halls. The liberties of the folk may be used to increase the common good, or as an excuse for gathering an extra royalty check.

⁹ One literary example is Tahar Ben Jelloun's novel *L'enfant de sable* from 1985, where one of the main characters is a professional story-teller who travels the villages of Morocco telling stories that everybody already knows – again, it's all about *how* it's done.

DYLAN'S DEEDS

What has happened in the *Modern Times* debate is that the confused field of intellectual property and propriety has been used also as a justification for a certain judgement about quality, about artistic merit: since Dylan has stolen lines and tunes, the album's artistic quality suffers. This is not necessarily wrong – it is just a field where many different discourses are involved, and therefore, the questions need to be phrased carefully, to avoid, as much as possible, this confusion.

One possible specification is: What are the obligations the artist should fulfill in order to merit the special treatment that this contract allows him? And: Has Dylan fulfilled his part of the contract?

The first question goes in two different directions: it both concern the internal, aesthetic part – Dylan's responsibility as an author/lyricist, to deliver the goods: to produce a text which allows me to create him in a sensible way, so that the product is able to make the world a better place, for me (first) and (thereby) for my fellow human beings; and the societal part – his responsibility as a human being in a society which is governed by certain rules and principles, such as: give due credits (either out of "decency", a word with such a foreign feel to it that I have to quote it, or out of fear of someone else's lawyers). Thus, *which* function(s) a text fulfills is a moral issue, whereas *how* it fulfills these functions (by which means, according to which art discourse), and whether or not it does, is for the aesthetic judgement to decide.

Or we could say, simply: *what* is it that Dylan has done? *why* has he done it? And: Is it ok?

The "what" part can perhaps be done away with quickly: he has borrowed expressions – ranging from simple word combinations to whole lines – from authors such as Timrod, Ovid, Proust, and many others, and set this to music which in several cases is also borrowed wholesale from other musicians.

But this answer is too quick, because the *interesting* part of the answer depends on *why*, just as a statement: "X hit Y" could be a short version of "X prevented a robbery by hitting Y" or "X killed his arch-enemy Y by hitting him". "Why" is of course a much more difficult question to answer. We might of course ask Dylan himself, but not only would he probably never give an answer – he might not even have one – but the previous discussion about the many authors in a text should have shown that the answer we're after is not *Bob Dylan's* but the one we would get from the one we have called Bob Dylan

– the one we have created. So when we ask, “Why has Bob Dylan done it”, what we really are after is: what are the possible reasons someone in Dylan’s position might have had for incorporating text and music from other sources to the extent that we see on *Modern Times* and “*Love and Theft*”? What can he have meant? What is his message?

DYLAN’S MESSAGE/“MESSAGE”/MESSAGE?/MESSAGE?!

Message?

“Message? What message? There is no message in the use of quotations – I just used them, it just fit in.”

This answer is the simplest, and probably the most likely. It covers a lot of different scenarios: that he is a lazy, thieving scoundrel who takes what he wants; that he’s a washed-out, uninspired icon-poet who takes what he *needs*; that he is driven by greed and takes whatever can get him a quick buck; that he is a poet with a remarkably active and retentive subconscious; or that he is doing what he always has: taking in, filtering, and putting out again – nothing remarkable in that.

Whatever the reason, this answer means that there is nothing the texts as literary objects can do to help us decide about the moral issues. The various answers connect with different aspects of Dylan’s activities as a human being in a society, who cares about money, work, food, honour, and not specifically with his activities as a poet. A literary analysis is futile if what we want to know is whether he is a skilled craftsman or a spineless crook.

Message!

“Of course there is a message! Look carefully how the quotations are ordered, and you will see a pattern.”

This answer is the dylanologist’s dream. A hidden meaning, a larger picture, formed from small tiles which are meaningless in isolation but which seen together as a mosaic present an over-arching narrative about the South, or about love, or the conditions of life. Or something else.

The ridicule of the dylanologist hunting for meanings in garbage bins and lyrics is fully justified, but it stems from his failure to distinguish between

Bob Dylan and Bob Dylan, and not from his seeing meaningful connections between seemingly unrelated aspects of a song. In fact, the latter is what we always do when we interpret a text, and it is “wrong” only if we expect to have found the author-person behind it.

To take “Floater” as an example: lyrically speaking, it is an absolute favorite of mine on “*Love and Theft*”, even though – or perhaps precisely because – it is the song with the most borrowings from Yunichi Saga’s *Memories of a Yakuza*. I can’t help forming a pattern: the amount of lines from a Japanese gangster novel in a song about reconciliated life by a river (an image which I somehow associate with Eastern, zen-like calm and paradox), with tender childhood memories (the “grandparents” line is the most beautiful and bitter-sweet line Dylan has ever written – if he has, that is . . .), uncompromisingly mixed with sudden outbursts of violence – knowing the source of those bits of lyrics just adds to my appreciation of the song.

Bob Dylan may not have meant any of this, but with the assistance of *my* Bob Dylan he certainly has – he has created a text which becomes meaningful even on this level, where the borrowing does carry a meaning, and the verdict must be: “Yes, he has fulfilled his literary obligation.”

“Message”

“There is a message, not directly, in what the words express, but indirectly, concerning the relationship between texts; the quotations are there to question the role of the author. I’m not divine, I just put words to music, and any words will do.”

This is the most exciting version of the answer, because it involves the author’s active rejection of his own cultural privilege – not the announcement of the death of the author, but the suicide of the author, so to speak.

But as I hinted at in the little dialog in the epigraph of this chapter, there’s a twist: the author can only make this point by using his authority, thereby either annulling his own statement or undermining it. Duchamp may have changed our conception of what art is, but he was still an artist (until he gave up art in favour of chess – the only consistent critique of the authorial role).

The “Any words will do” part of the answer is not the same as saying: “words are meaningless (so any word will do)”, but rather: “Words *are* meaningful, that’s what they do: convey meaning (so any words will do)”.

But if the technique that Dylan has used in his latest works is one of appropriation of what others have said, how does that affect my ability to create the Other?

The answer, which Dylan has actually given excellently, if not explicitly, through his *Chronicles* is that it may be impossible to distinguish between all the things that the author has been inspired by on the one hand, and the artist's "own" creations on the other – that there *is* no such thing as the artist's own creation that can be separated from his influences. In that sense, *Chronicles* is the long version of the liner notes to *World Gone Wrong*, one of the greatest pieces of (self-)interpretation ever written.

Message?!

"Waddayamean message?!"

The most radical version of the answer, not just denying that there is a specific message, but that there is any message at all, since messages are either dubious or impossible. I don't for a second think that Dylan belongs in this category, but some remarks are nevertheless worth making, because he does seem to stand closer to this position than he appears to do.

If there is a trend in Dylan's attitude towards the public in later years, it is this: a constant hammering on the image of him as a spokesman for anything or the "Voice of a Generation"; the bickering about today's music; the war on modern technology, both in the field of music ("CDs can't reproduce the character of my music" etc.) and in society at large ("Internet? I would never go there!"); and the singleminded promotion of the good ol' music – music of the thirties, forties, and fifties, which has been emphasised again and again in interviews and now also in his own radio show, *Theme Time Radio*.

Taken together, this could easily translate into a statement like: "It's meaningless for me to try to communicate anything special, and especially in these Modern Times." This is no longer a questioning of the author's special privileges in doing what he does, but a questioning of the point in doing that which the author does in the first place: communicate through certain established means and media. And whereas I have no problem regarding the former as a positive, constructive message, I see the latter as the negative version of it: to point out the futility of communication is the ultimate defeat.

This holds regardless of the reason for the cop-out: whether it stems from a feeling that everything has already been said, that everything will always be

misunderstood anyway, that technology overwhelms and kills everything, that society is a cold place, or that it was better in the 50s; or a combination of the two: that whatever message one has will drown in the chaos of modern times and technology and over-communication, etc.

In Norwegian, the postmodern position (no, wait, it's not postmodern to have a position; "the postmodern pose" is what I meant to say) is sometimes summarized in the phrase, "Alt er like gyldig" – Everything is equally valid. Remove a space, and the sentence instead becomes: "Alt er likegyldig" – everything is indifferent, nothing matters.

I have earlier mentioned my suspicion that this, to some extent, is Dylan's position and the reason why the quality of his live music making has dropped so markedly during the (very modern) twenty-first century. I may be wrong, and I both hope and think so, but should this be the case, that indifference is his the main emotion, and *this* is Dylan's message ("message?!?"), it is my contention that he has failed in making use of the borrowed lines in a way which justifies the borrowing – in which case he might just as well not have bothered in the first place.

Again, this is not necessarily a criticism of *Bob Dylan*, but of the Bob Dylan that I have pieced together after following him closely for a number of years, listening attentively and with great reward – until that reward has eventually started to shrink.

FLOWERS AND FAILINGS

Can a nazi write edifying literature? Can a plagiarist communicate? Can a poet whose well has run dry pose as a Warholian and pretend there is a message but there isn't? Can a conscious poet use a Warholian pose to present the message that there is no message? And, for all the questions, the crucial follow-up question is: does the knowledge that the author is immoral or dishonest change our perception of his work? Is the life's work of Günther Grass null and void because we now know that he was a member of the SS at seventeen? Does Dylan's working methods make *Modern Times* a bad album?

In one sense, it's really very simple: Dylan's only transgression is to have put – or allowed someone else to put – the line "All songs written by Bob Dylan" on the album sleeve.

I have serious doubts that Dylan himself has had anything to do with that line. I don't believe that Dylan has had the intention of plagiarizing, hiding his influences, fooling and deceiving his audience or giving winks or fingers to his fans and scrutinizers. For all I know, all the writing royalties for those songs may go to a support fund for blind harmonica players. So even though the act seems like a wrongdoing, it is not obvious that Dylan is acting unethically, although it would have looked better and felt better if he had given due credits.

It's not either down to sloppiness – he has after all talked freely about his working methods on many occasions, both in general and more specifically in connection with *Modern Times*. In the interview with Robert Hilburn of the Los Angeles Times in 2004, Dylan described his working methods in a way which seems immediately recognizable for anyone who has listened to both *Modern Times* and its sources:

My songs are either based on old Protestant hymns or Carter Family songs or variations of the blues form. What happens is, I'll take a song I know and simply start playing it in my head. That's the way I meditate. A lot of people will look at a crack on the wall and meditate, or count sheep or angels or money or something, and it's a proven fact that it'll help them relax. I don't meditate on any of that stuff. I meditate on a song. I'll be playing Bob Nolan's "Tumbling Tumbleweeds", for instance, in my head constantly – while I'm driving a car or talking to a person or sitting around or whatever. People will think they are talking to me and I'm talking back, but I'm not. I'm listening to a song in my head. At a certain point, some words will change and I'll start writing a song.

And concerning "When the Deal goes Down" he has told the interviewer David Gates that "he's written a song based on the melody from a Bing Crosby song, 'Where the Blue of the Night (Meets the Gold of the Day)'".¹⁰ There is no secret here.

Thus, I blame his record company more than Dylan himself for the line "All songs written by Bob Dylan". Lawyers, publishers, the money-mongers who run the machinery; who couldn't care less if Dylan sang "Darkness at the break of noon" or "Ooops, I did it again!", as long as it makes money (and who would have looked the other way when he sings "Money doesn't talk it

¹⁰ From <http://www.msnbc.msn.com/id/6099027/site/newsweek/>. Thanks to Jörgen Lindström for directing my attention to this.

swears”, if they had any decency). The San Diego Union-Tribune have given the following short report from a conversation with one of them:

When questioned how Dylan could take credit for a song first recorded in the late 1920s, Dylan’s publicist responded that “Rollin’ and Tumblin’” is in the public domain. While this may be true, for Dylan to not give just due here is spurious.

If this brief snippet is a reliable witness to what was said, and *if* the further interpretation is correct: that Dylan (i.e. in this case: his publishers) *have* indeed taken credits for the writing, not just by putting a label on the CD, but by actually cashing in royalties for it; and *if* they do this in the knowledge that Dylan hasn’t written the tune, but with the pure conscience only a lawyer or a capitalist pig can have, knowing that it’s not illegal since the song is public domain – *then* it’s utterly dishonest, in a way which makes me want to scream out. Not because Dylan or Sony make a few extra bucks, but because they do so by stealing – not from Timrod, but from us all: It may not be against the law, but it violates *my* standards for righteousness and good conduct. What it tells me, is that money rules, even over the law; that there is a discrepancy between “legal” and “right”. They are stealing that distinction, and it makes me sick.

But even though I don’t hold Dylan “literarily” responsible for this, he is still the central character in that circus, and whether he wants it or not, or cares or not, he obviously has a responsibility for the way he is being used. In that sense, I do charge even him of fraud and unjust behaviour. This is a responsibility he has failed to fulfill, regardless of anyone’s verdict about the literary merits of his technique; whether or not one thinks that Timrod is well-known enough for the borrowings to be recognizable as allusions, or if one instead holds that “well-known” is too unsharp a criterion, and that the examples of Joyce and Eliot make unknown allusions a legitimate technique, well established in the canon.

In any case, I couldn’t get too irate about the recycling of a few lines of Timrod here and there. On the other hand, I can hardly listen to “Rollin’ and Tumblin’” anymore with anything but a detached sigh of “oh well”, “why?”, or “next, please”. For me, that track is tinged with indecency – ethical considerations influence the aesthetic perception of the work.

Conversely, it can be maintained that some of the lyrical borrowings do so little to contribute to the whole that the act of borrowing itself seems unjustified – aesthetical considerations influence the ethical judgement.

The failing, in both cases, is the violation of the simple principle, “Play by the rules, and break them *only* if necessary” – or with a borrowed phrase: “to live outside the law, you must be honest.”

Honesty, righteousness, decency – this is where the possibility to give general answers to the question of Dylan’s guilt ends, because they depend on our perception of this Bob Dylan character as a human being with whom we would interact just as with any other human being, and react to in the same ways. And although *Bob Dylan* is the same person for all of us, Bob Dylan isn’t. We all have created him differently and have different relationships with him. For many, this is a personal relationship, and just as we are disappointed if our children are caught cheating at school, so we are if we think Bob Dylan has cheated.

My take on this whole matter has been to try to figure out what kind of literary technique he has used here, then to see if he has been successful in applying it, and for what ends. Whether we think the technique is a legitimate one, or to what extent we find him to have succeeded, are open for individual judgement, but they are in any case isolated from questions about ethics, or about Dylan’s personal intentions. *De gustibus disputandum est*, which does not simply mean that there is *room* for dispute over taste, but that one *should* dispute over it – it is healthy.

Some of the points that I’ve tried to develop in this article have matured in the (surprisingly) friendly interaction with some of the people at the dylanpool (pool.dylantree.com). My sincere gratitude goes to Frank, angry crow puking, Frankeee Lee, kasper, toiland-blood546, Poor_Howard, RR, Zedro, 1880 or so, mac, and – despite his unfaltering efforts to lead the discussion to usual levels of pooldom – nick manho.