Plagiarism in Dylan, or a Cultural Collage?

By JON PARELES

An alert Bob Dylan fan was reading Dr. Junichi Saga's "Confessions of a Yakuza" (Kodansha America, 1991) when some familiar phrases jumped out at him. There were a dozen sentences similar to lines from songs on Mr. Dylan's 2001 album, "Love and Theft," particularly one called "Floater (Too Much to Ask)."

In the book a father is described as being "like a feudal lord," a phrase Mr. Dylan uses. A character in the book says, "I'm not as cool or forgiving as I might have sounded"; Mr. Dylan sings, "I'm not quite as cool or forgiving as I sound." Mr. Dylan has neither confirmed nor denied reading the book or drawing on it; he could not be reached for comment, a Columbia Records spokeswoman said.

The Wall Street Journal reported the probable borrowings on Tuesday as front-page news. After recent uproars over historians and journalists who used other researchers' material without attribution, could it be that the great songwriter was now exposed as one more plagiarist?

Not exactly. Mr. Dylan was not purporting to present original research on the culture of yakuza, the Japanese gangsters. Nor was he setting unbroken stretches of the book to music. The 16 verses of "Floater" include plenty of material that is not in "Confessions of a Yakuza," although the song's subtitle and its last line — "Tears or not, it's too much to ask" — do directly echo the book. Unlike Led Zeppelin, which thinly disguised Howlin' Wolf's "Killing Floor" as "The Lemon Song" and took credit for writing it, Mr. Dylan wasn't singing anyone else's song as his own.

He was simply doing what he has always done: writing songs that are information collages. Allusions and memories, fragments of dialogue and nuggets of tradition have always been part of Mr. Dylan's songs, all stitched together like crazy quilts.

Sometimes Mr. Dylan cites his sources, as he did in "High Water (for Charley Patton)" from the "Love and Theft" album. But more often he does not. While die-hard fans happily footnote the songs, more casual listeners pick up the atmosphere, sensing that an archaic turn of phrase or a vaguely familiar line may well come from somewhere else. His lyrics are like magpies' nests, full of shiny fragments from parts unknown.

Mr. Dylan's music does the same thing, drawing on the blues, Appalachian songs, Tin Pan Alley, rockabilly, gospel, ragtime and more. "Blowin' in the Wind," his breakthrough song, took its melody from an antislavery spiritual, "No More Auction Block," just as Woody Guthrie had drawn on tunes recorded by the Carter Family. They thought of themselves as part of a folk process, dipping into a shared cultural heritage in ways that speak to the moment.

The hoopla over "Love and Theft" and "Confessions of a Yakuza" is a symptom of a growing misunderstanding about culture's ownership and evolution, a misunderstanding that has accelerated as humanity's oral tradition migrates to the Internet. Ideas aren't meant to be carved in stone and left inviolate; they're meant to stimulate the next idea and the next.

Because information is now copied and transferred more quickly than ever, a panicky reaction has set in among corporations and some artists who fear a time when they won't be able to make a profit selling their information (in the form of music, images, movies, computer software). As the Internet puts a huge shared cultural heritage within reach, they want to collect fees or block access. Amazingly enough, some musicians want to prevent
people from casually listening to their music, much less building new tunes on it.

Companies with large copyright holdings are also hoping to whittle away the safe harbor in copyright law called fair use, which allows limited and ambiguously defined amounts of imitation for education, criticism, parody and other purposes. The companies also want to prevent copyrighted works from entering the public domain, where they can be freely copied and distributed. The Supreme Court recently ruled, in Eldred v. Ashcroft, that individual copyrights could extend for 70 years after the life of the creator, or in the case of a corporation, for 95 years. As a result, Mickey Mouse will be kept out of the public domain — that shared cultural heritage — until 2024.

The absolutely original artist is an extremely rare and possibly imaginary creature, living in some isolated habitat where no previous works or traditions have left any impression. Like virtually every artist, Mr. Dylan carries on a continuing conversation with the past. He's reacting to all that culture and history offer, not pretending they don't exist. Admiration and iconoclasm, argument and extension, emulation and mockery — that's how individual artists and the arts themselves evolve. It's a process that is neatly summed up in Mr. Dylan's album title "Love and Theft," which itself is a quotation from a book on minstrelsy by Eric Lott.

Hip-hop, ever in the vanguard, ran into problems in the mid-1980's when the technique of sampling — copying and adapting a riff, a beat and sometimes a hook or a whole chorus to build a new track — was challenged by copyright holders demanding payment even for snippets. Although sampling was just a technological extension of the age-old process of learning through imitation, producers who use samples now pay up instead of trying to set precedents for fair use.

That might be a good idea; a song that recycles a whole melody (like Puff Daddy's productions) calls for different treatment than a song that borrows a few notes from a horn section, and courts are not the best place for aesthetic distinctions. But in practice, it means fewer samples per track, and it can make complex assemblages prohibitively expensive. Mixes heard only in clubs and bootleg recordings are now the outlets for untrammeled sampling experiments. Yet, samples have extended and revived careers for many musicians when listeners went looking for the sources.

Mr. Dylan has apparently sampled "Confessions of a Yakuza," remxing lines from the book into his own fractured tales of romance and mortality on "Love and Theft." The result, as in many collages and sampled tracks, is a new work that in no way affects the integrity of the existing one and that only draws attention to it.

Dr. Saga has no need to keep his book isolated. He told The Associated Press that he was ecstatic to have inspired such a well-known songwriter. And as news of the Dylan connection surfaced, sales of "Confessions of a Yakuza" jumped. Yesterday it was No. 117 among the best-selling books at Amazon.com, and No. 8 among biographies and memoirs.

Of course, Dr. Saga can't be too possessive about the writing. The book is an oral history, told to him by the yakuza gangster of the title. It's another story that has drifted into humanity's oral tradition. Mr. Dylan's complete lyrics are freely available at www.bobdylan.com. As for the song, if someone asks Mr. Dylan for sampling rights, it would be only fair to grant them.