

Three Peters and an Obsession with Pierre in ‘a Piece of Work’: Intellectual Property in

John Greyson’s *Un©ut*

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Although the cultural consequences of intellectual property enforcement have recently received sustained critical and popular attention (e.g., Boon 2010, Halbert 2005, Lessig 2004, Lethem 2007, McLeod and Kuenzli 2011), creative practitioners have thematically explored the cultural consequences of intellectual property’s exercise for a much longer period of time (McClellan and Schubert 2002, Evans 2009). John Greyson’s oeuvre is a case in point. Many of his films, including *The Making of Monsters* (1991), *14.3 Seconds* (2008), and *The Ballad of Roy & Silo* (2008) revolve at least in part around critical commentary on the exercise of copyright, trademark, and publicity rights as a form of private censorship. Greyson’s 1997 film *Un©ut* – a feature length hybrid of fiction and documentary – is perhaps the most pertinent, exhaustive and provocative work in this vein.

In *Un©ut*, Greyson approaches intellectual property obliquely, with and through an unlikely, if not preposterous counterfoil, namely the act of penile circumcision and the social semiotics of the foreskin. The juxtaposition is (quite likely, deliberately) both absurd and absurdist, and surprisingly revelatory about social anxieties about authorship, art, politics and reproducibility in mass-mediated environments. At the risk of being pedantic, we will interpret the film *as if* there were a correspondence, if not a direct analogy, between the acts of reproduction, editing and transformation of works of art and literature as private property with which intellectual property is so concerned, and the act and consequences of penile circumcision and its meanings in dominant and subaltern communities. In so doing, we impose greater coherence on the film than its author may desire. We do so for the purpose of entertaining its

social meaning as an object of recent cultural heritage that has continuing if not increasing relevance in an era of digital reproducibility in which intellectual property has become a fiercely contested terrain of struggle (eg., Vaidhyanathan 2004, Patry 2009).

By centering *Un©ut* on obsessions with the integrity of the male reproductive organ, Greyson playfully yet intimately relates male sexual identity and desire with intellectual property practices in a criticism of contemporary legal regimes that is as funny as it is scathing. He does so through the vehicle of a fantastic love triangle between three men named Peter and their fixation with a Prime Minister named Pierre, one of whose most famous political lines and progressive political decisions was that the state had no business in the bedrooms of the nation, thereby promising a new era of sexual freedom and erotic expression in Canada. Greyson's genius is to show us how intellectual property has since become the peculiar rationale through which the state has involved itself in an intimate surveillance of the expression of our (queer) desires.

Moreover, since the mass media has simultaneously become the 'nature' or natural medium through which we express our identities and desires, the increasing control over mass-mediated culture that intellectual property laws enable functions to ensure that the state is always, already in our bedrooms, so to speak. In *Un©ut*, this is represented through the eventual placement of the three allegedly criminal Peters in an internment camp, with their beds situated in outdoor fields under the surveillance of a female policewoman whose constantly rocking chair ironically marks the pervasive presence of the postmodern nanny state. Through the travails of the three Peters, we are also compelled to consider some of the strange complicities between the politics of celebrity and the commodity form, the repression of queer communities, and state denial of the queering strategies that human community itself arguably demands. But we are

getting ahead of ourselves.

To attempt to give credence to the structural correspondences that Greyson struggles and juggles with in *Un©ut*, we need to do some preliminary work unpacking the two conceits that frame and animate the film. In the dominant social imaginary, the penis is imagined as a singular and discrete extension of a singular identity and the instrument that expresses the autonomous desire of a discrete human sexual being. Similarly, in the ideology of intellectual property, particularly in copyright (although these ideological premises have analogues in trademark, patents, and the publicity rights that celebrities hold over their images and public persona; Coombe 1998, 2009), the work of art is imagined as the singular extension and expression of a singular authorial personality, which legitimates the author's control over it (see Jaszi 1991, Rose 1988, Coombe 1993). Hence social anxieties around the cutting of penises, like the editing of works, might be considered isomorphic expressions of more deep seated suspicions that such identities are in some sense fictitious and must always be propped up by authorities and reinforced by authorial powers whose exercise may become overbearing. Such powers, however, are continuously undermined by creative energies and expressive activities that are not autonomously authored but unleashed in communities that continuously invite new waves of repression and new forms of violence due to their excessive nature.

Thus an imaginative isomorphism between the editing of works of art and penile circumcision -- a potentially mutilating incision that is nearly always carried out by others and subject to the control and sanction of religious and state institutions -- is neither as farfetched nor as discordant as the film's reviewers seemed to have found it. Greeted as rewarding in its richness and difficulty (Morris 1999), "giddily imaginative" (Harvey 1997), and as an "oddball mix of obsessions" (Graham 1999), but also misinterpreted as "utterly incomprehensible"

(Johnson 1999), “pointless” (Davis 1999) and “a meandering mess” (Debruge 1999), the film found no critical audience entirely at ease with the consonances at work in the film. A few examples will have to suffice to attempt to sway our readers to entertain the correlation once again. The film suggests that both advocates of circumcision and those who insist upon the maintenance of the foreskin use similar arguments and have similar objectives but that no singular discourse of authority, such as science, can definitively declare either position correct. This makes the foreskin an ‘empty signifier,’ but one that attracts both powerful regulatory regimes and great cultural energies. We learn that historically, celebrity foreskins, like artworks, circulated in circuits of meaning and relations of exchange, attracted desire, accrued value, compelled counterfeiters, were attributed with magical properties, and were the subject of rampant speculation pertaining to their authenticity (see Gollaher 2001 for a cultural history of circumcision). Authorities intervened to regulate their commerce and police their communications, as they do for works of art, creating new forms of power in the process. At least some analogies are thus clear. Other legitimating tropes in intellectual property, such as originality and authorship are rather more difficult to extend, but this has the virtue of enabling us to more clearly contemplate their artifice and the hold it has upon us.

Pushing the trope of the ‘edited penis’ to ridiculous extremes, Greyson foregrounds the overreach and absurdity of intellectual property practice and its costs for us as citizens, artists, and desiring machines while never letting us lose sight of our own continuing investments in some of its underlying rationales. In one documentary vignette captured in the film, a work of art is featured that depicts a registered copyright insignia as a logo represented in bleached denim, referencing the gay sartorial practice of ‘bleaching the bulge,’ which highlights ‘a package’ arranged for display and presumably consumption. We are informed that this artistic work (and

there is no doubt that for its political message to be understood, the integrity of its singularity must be maintained) exposes the hubris of copyright law and what it enables artists to claim -- not what is original or singular, apparently, but social conventions and circuits of desire themselves. Further, the AIDS logo is shown to be based upon the famous LOVE work “which the artist didn’t control,” and which, like a virus, can no longer be controlled. Today’s viewers might also consider the role circumcision plays in the transmission of AIDS and the control of a virus, and the additional complications this holds for shaping and limiting state agency. All works are reread in new contexts; intertextuality continually confounds our interpretations.

Throughout *Un©ut*, the exercise of intellectual property appears as horrific with respect to creative work as some of the botched circumcisions described by the film’s protagonists (see also Colpatino 2000). For example, fear of privacy laws compelled the publisher of a hidden historical collection of photographs of gay men to demand that the editor replace the original men’s faces with new human models from whom consent could be secured, thus decapitating the former them in the process of allegedly restoring them to history. While clumsy use of the law constrains creative practices, improperly wielded surgical tools may negatively impact a person’s ability to express or embody their sexual identity. Such correspondences, however, may be a bit too neat and overlook some of the incommensurabilities of identity, possession, agency and desire that are also at play here. Further explication of modern legal ideology may be revealing. The law generally treats unauthorized editing of copyright protected work as a mutilation (a violation of an author’s moral rights) that undermines the author’s projection of his expressive and generative self by impugning the integrity of the work that allegedly embodies his personality and will (Jaszi and Woodmansee 1996, Coombe, Coleman and MacAlrault 2009). In other words, the law treats the unauthorized editor as the villainous castrator who has negatively

impacted the author's ability to express his identity and desires through the artistic work as his prosthetic organ of identity. This is a set of presumptions based upon modern conceits, or liberal hubris, if you will, that, if extended into the practice of circumcision, would suggest that one should ideally be able to choose one's surgeon. To the extent, however, that penile circumcision (in Western societies) is generally performed without the consent of the subject and according to the arbitrary dictates of authorities to whom the child has not consciously subjected himself, the integrity of the penis, like the integrity of identity, desire, and agency and their self-possession are revealed as the fantasies they are.

The film's humorous linking of the serious issues of censorship and sexual oppression is thus messy at best. It may be wise to approach its unruly mashup of different styles and forms as an essay film; true to the conventions of this form, *Un©ut* negotiates its core concerns seriously while maintaining a humorous, at times even farcical approach to issues of intellectual property, privacy, individual agency and identity (Lopate 1992). Despite the camp hilarity, *Un©ut* approaches its subject matter with a voice that is critical, original, and highly opinionated. The playful mess it articulates is mirrored in its critical conceptualization, just as its disjointed structure mimics its commentary on the disjuncture between intellectual property law's rigidity and the messy areas of everyday play it is called upon to regulate – a disjuncture developed through countless semantic exercises and puzzles that collectively serve to show the cruel arbitrariness of legislative attempts to police creative energies, desire and sexual identity.

Un©ut approaches this theme through a highly entertaining mix of surreal narrative episodes and relatively straight-faced documentary segments. By linking the theme of copyright with the practice and meaning of circumcision, the film's collage structure simultaneously demonstrates the creative potential of editing, illustrating the phenomena Greyson explores

through the trope of cutting. The film's fictional segments revolve around three gay men, all named Peter, who are caught up in a strange and ill-fated love triangle. As individuals, the three Peters are as different as can be – indeed, the co-existence of three protagonists with the same name indicates that meaningful difference exists despite the seeming sameness suggested by the repetition of indexical signifiers. However, the film also shows us that as gay men, copyright infringers and alleged 'terrorists' (one of their collage creations shocks Pierre Trudeau into a coma), they are 'the same' in the eyes of the police and the law. Once the film's focus on intellectual property becomes obvious, this forced conflation of three individuals and what they seem to stand for – a monolithic piracy – represents the law's seeming lack of capacity to fully grasp or embrace the complexity of cultural and sexual diversity.

As the viewer watches the troubled romance between the three protagonists unfold, it quickly transpires that there are many more Peters involved. To various degrees and in various forms, the three protagonists are all obsessed with other Peters – they are romantically preoccupied with each other, star-struck with Pierre Trudeau, and, intellectually as well as sexually, fixated upon any number of further peters of various shapes, sizes, and states of intactness. This narrative profusion of 'Peters' throughout *Un©ut* allows Greyson to bring into play questions of authenticity that mock the limits of legal concerns with the concept – who is the real Peter, whose Peter is original, who owns Peter, and who has the best Peter? At the outset, such questions are tied only to issues of identity and romantic interaction. But because of the specific copying practices that the protagonists use to question authenticity in the film (manuscripts are copied on typewriters, photographs are reproduced in collages, music is sampled, identities are doubled, etc.), an abundance of critical implications emerge that trouble legal categories of originality, authority, and ownership as well as questions of expressive

freedom and the nature of a person's 'authority' to shape and embody their sexual identity.

The three Peters, each in his own way, are deeply engaged in processes of deciphering and/or recoding the possible meaning(s) of one or several of the other Peters, or the general category of 'Peter.' One is working on an academic manuscript entitled "The Psychosexual Meanings of Circumcision and the Foreskin," the second is engaged in recoding the public figure Pierre Trudeau as a personal object of desire by creating pop-art collages, and the third fixates on seduction via textually, sonically and visually encoded flirtation. Meanwhile, the three Peters' adversaries – the state's copyright regime, censors, and vice police are eager to enforce legislation designed to impede creative copying and editing practices that exceed its normativities.

The ideological tensions that play out in this narrative suggest an inevitable, playful arbitrariness in the meanings of the various cultural signs that figure in the film – cut and uncut penises, sexual identity, Trudeau as politician and celebrity, art imagery, words, brands and other communicative and legal codes are open to appropriative interpretation. The interpretation of 'Peter' emerges as a very pleasurable occupation in the literal sense of the term – involving mental and physical passions, desires both of the mind and of the body, that yield both intellectual and physical stimulation. The concept of 'interpretation' has multiple connotations: signifying attempts to make sense of one's surroundings and social interactions, the creative practice of re-rendering existing expressions and meanings, and also, quite simply, sexual interactions through which one's understanding of the 'meaning' of another is discovered and rediscovered. Again, the same is true for the practices that the artists explore in the enfolded documentary montage. Meaning-making in an ideal form is thus posited as a joyful, creative, and open-ended process – represented by the three Peters – that constitutes the ever evolving

‘identity’ both of the subject of interpretation and of the interpreter. As a ‘work’, *Un©ut* itself performs a series of rowdy transgressions by formally incorporating many of the copying/editing/reusing techniques that both in the narrative and in the documentary sequences are subjected to criminalization and vilification. *Un©ut* includes news footage, footage from music videos, publicity images of politicians; Trudeau figures as a central character in the story, as well as a celebrity image, national symbol and object of desire. The film’s entire soundtrack consists of remixed, re-cut, and intricately layered bits and pieces from pop songs and arias – during the film’s climax, the sentencing of the three Peters for copyright infringement is sung entirely in a remake of the “La Habanera” aria in Bizet’s *Carmen*.

The documentary segments included in *Un©ut* consist of relatively straightforward interviews featuring Canadian creative practitioners who have in one way or another run into trouble with the exercise of intellectual property rights. Greyson illustrates the dilemmas they face by first revisiting his own continuing legal tangle with the Kurt Weill estate, which ensued after he completed *The Making of Monsters* during a 1991 residency at the Canadian Film Centre (CFC). In *The Making of Monsters*, a short narrative film about the killing of a gay high school teacher at the hands of five teenagers in Toronto’s High Park, Kurt Weill’s iconic song “Mack the Knife” is furnished with new lyrics and recast as an activist anthem against gay bashing. Greyson thereby augments and echoes a lively group of cultural appropriations that have accompanied this tune from its initial composition in 1728 (when John Gay first used it in *The Beggar’s Opera* with lyrics drawn from poet Allan Ramsay’s 1725 pastoral *The Gentle Shepherd*). Over the centuries, Gay’s work yielded numerous further adaptations, of which Bertolt Brecht, Elizabeth Hauptmann and Kurt Weill’s *The Threepenny Opera* was but one. Although the Weill work itself was hardly original, the Weill estate didn’t look kindly upon

Greyson's use of the song. Despite negotiations in which Greyson pulled together the agreed licensing fees, the Weill estate ultimately denied publishing rights and withdrew festival screening rights for the film. Although the copyright in Kurt Weill's compositions expired in 2001, Greyson's film has yet to be released; it has been included in a list of "the best films you can't see" (Goodridge 2002). The film is a testament to the long-lasting fear of litigation that copyright issues of all kinds instill, not only in artists, but also in the institutions that support the production and distribution of cinematic works (see Horwatt and Zeilinger, forthcoming).

In addition to Greyson's appropriation of "Mack the Knife," the documentary sections introduce Toronto-based sampling artist John Oswald, who was forced to take an album of unlicensed, experimental sampling music out of circulation in part because of a collage he used as his album cover, Montreal-based film scholar Thomas Waugh, manipulating vintage photographs for an art book because he could not obtain release forms from historic subjects who could not be located, visual artist A.A. Bronson, whose appropriation of the LOVE logo for an AIDS campaign we have referred to above, and actress and playwright Linda Griffiths, criticized for imitating Pierre Trudeau's image and style and thereby appropriating his celebrity in a series of theatrical performances. The latter voices the most provocative reflection upon intellectual property when she asserts that all artists are thieves and that creative expression itself is a form of appropriative extortion that cannot be and should not be subject to state policing, but policed by the artist's conscience and inner responsibility to give back what they have taken, multiplied and amplified. Clearly, however, another singularity of the authorial persona and its authenticity is hereby affirmed in the course of denying the state's preferred version of this fiction.

These documentary sections enable viewers to more meaningfully link the story of the three Peters to activities of intellectual property enforcement experienced as forms of censorship,

and provide new insights into the relationship between property rights and the proprieties they attempt to entrench. They all argue for the social and cultural value inherent in the sampling, editing, and reworking of cultural texts they engage in as part of the process they use to produce their art, the limits that copyright, in particular, imposes upon their expressive work, and the anachronism it represents given the current realities of artistic work and creative production. Their concerns have been voiced by multitudes of artists and activists since, especially as digital technologies have enabled new forms of artistic work which depend upon enhanced replication and reproduction techniques in networked environments (see Coombe, Wershler and Zeilinger, forthcoming, Gaylor 2008, McClean and Schubert 2002, Macleod and Kuenzli, 2011).

Compliance with intellectual property, however, is never as simple as the practice of seeking permission or paying a license fee for the use of prior cultural works, although the simplicity of even these activities is never guaranteed. The exercise of a property right is always accompanied by the proprietor's discretion; the exercise of this discretion ensures that issues of property become tied up with issues of *propriety* more generally conceived. To the extent that intellectual property turns cultural forms into commodities, the commodity status of the work compels owners of rights to become hyper-vigilant about maintaining market values. Too often, the management of cultural goods as commodities is coupled with a conservative desire to avoid having the work lose value in consumer markets, ensuring that intellectual property owners will strive to keep their works from being 'diluted' or 'tarnished' by associations they consider in any way unsavoury, radical, transgressive, or simply too queer (Coombe 1998).

Accordingly, *Un©ut* focuses on intellectual property enforcement that targets alternative and transgressive sexualities. Greyson rearticulated "Mack the Knife" as "I Hate Straights," irreverently depicting Weill as a goldfish (see Brasell 1996), John Oswald was a serial infringer

who faced serious difficulties only once he grafted Michael Jackson's face onto a naked female pinup model's body, Thomas Waugh was forced to cut his vintage homoerotic photographs because they showed men who, the publishers feared, might not want their private sexual preferences publically exposed, Linda Griffiths was a woman impersonating the Prime Minister as a sexually captivating, androgynous bachelor sometimes rumored to be closeted, and A.A. Bronson's reinscription of artist Robert Indiana's iconic "LOVE" work as "AIDS" was one of dozens of unauthorized usages of the work, but the only one targeted. Thus the exercise of intellectual property rights itself accomplishes a particular kind of editorial work. It cuts transgressive sexual identities and queer energies out of the social fabric by rendering them invisible in the mass-mediated space that has become our natural world. A selective circumcision, in other words, circumscribes the creatures we recognize as natural to the worlds we live in by prohibiting their reproduction.

Throughout *Un©ut*, this restrictive tendency of intellectual property enforcement is pushed to hysterical extremes. The multitude of Peters suggests a Barthesian proliferation of meaning in which the stability (or fixity, to use legal jargon) of anybody's and anything's state of originality and authenticity is fundamentally challenged. This applies, at the very least, to the Peters' individuality, their sexual identities, and their peters, but equally to the cultural works that are sampled, copied, and referenced in the documentary segments and the new works that are produced thereby. In the fictional universe of *Un©ut*, however, intellectual property enforcement frowns upon such multiple and open-ended meanings and the promiscuity of intertextuality upon which art itself is founded. The creative copying techniques discussed and practiced in the film confuse the ideals of singularity that the intellectual property regime seeks to uphold and the superiority of originals over derivatives that it safeguards at the same time as it

slyly acknowledges the hold that the aura maintains over us.

Our three protagonists nonetheless have their relationship to authorial work policed to such an extent that they are simultaneously invited to read “the collected works” of various authors, but only to the extent that they do so publicly, under surveillance of the state, leaving as little trace as possible of their reading, which is equated with the production of filth. Indeed, they are told that the privacy of reading is tyranny and a denial of community, while the veneration of individuality and authenticity is impressed upon them through their forced employment collecting and studying DNA samples of bodily waste in a parodic parallel to the signature attached to the authorial work. Meanwhile, they collectively plot side by side on toilets where they share bowel movements along with the contraband newspapers smuggled in to provide community.

By playing along with John Greyson’s suggestion of a correspondence between editing and circumcision, we hope to have foregrounded the centrality of the implication, both in the fictional and documentary universe of *Un©ut*, that current intellectual property regimes are absurdly out of step with the reality of the needs and desires of those who live, love, and create in contemporary cultural landscapes. It can be quite a challenge for the viewer to discern which parts of *Un©ut* are indeed ‘uncut,’ and which are heavily edited, sampled, and reassembled. However, the result is not cacophony, but rather a testament to the creativity of copying and editing and the prolific worlds that intertextuality continually nurtures in mass mediated environments.

Ultimately, Greyson comments on the absurd overreach of contemporary intellectual property law through stimulating ruminations on the practice and meaning of circumcision that playfully reveal profound social ambivalence with respect to authorship, identity, desire, and acts

of reproduction in mass mediated environments where issues of commodification and celebrity complicate the cultural fields in which creativity is at work and does work, while queering the category of the literary or artistic work on which the law relies. Through the narrative multiplication of possible referents for 'Peter,' the inserted documentary segments, and structural incorporation of editing and sampling techniques, the film is an unsettling commentary on the excesses of an intellectual property regime predicated on the autonomy of the self, the personality and desire itself, that simultaneously effects new forms of censorship and invites new forms of creativity that challenge its proprieties. Despite some obvious attributions, it is probably safe to presume that Greyson has not and could not ask for permission to edit and reuse many of the mass media materials that make up *Un©ut* and animate its queer energies. Greyson thereby avoids a botched circumcision, performing acts of reproductive creativity that add to the diversity and ever-contested authenticity of our national cultural landscape, while refusing to lobb off any of our vital parts.

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