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Little Red Herrings — On Remembrance of Things Past: Woodstock and the Counterculture

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"Let me take you down, ‘cause I’m going to, Strawberry Fields, Nothing is real, and nothing to get hung about." — The Beatles

The natural disposition of mankind is to want Utopia. In literature from the very beginning, from our most primitive to our most sophisticated verses, from the pens of atheists to acolytes, the human spirit has always scratched out, searched, even longed, for Utopia. When Utopias can somehow be linked to a political entity, the subsequent delirium from would-be followers numbers millions.

Wordsworth writes that memory is a whisper warehoused as a shout. Our national schmaltz for all things nostalgic — movies, clothes, and music — warms our hearts while it warms the pockets of entrepreneurs smart enough to cash in on the rage. Perhaps the two of these, our need for Utopia, especially politically motivated ones, and our current obsession with nostalgia, explains why one is forever hearing about the dreamy reminiscences of Woodstock and the Weltanschaung of the counterculture it gave birth to.

To hear it told today, one would think that those three days at Max Yasgur’s farm now almost forty years ago were as close to Eden as Adam and Eve ever were. It’s funny how the mind can play tricks. But the present attempt to revive the history of Woodstock will force us to add another rule to our rhetoric: memories, water-colored or no, can make eager fools of some, dupes of others.

Whether it’s on the radio, television, news commentators, or some offbeat line in another Sad Sack sitcom, all seem to read Woodstock as the moment of our national Bildungsroman.

One commentator recently cooed, with Woodstock music hypnotically playing in the background, that this was a time when the counterculture showed the world the right way to rule “though it couldn’t perhaps hold the power when given [it].” Did he attend the same festival as Gore’s “Inconvenient Truth” look like award sites from the “Keep America Beautiful” program?

Our national memory banks serve us poorly by recalling to mind an event that did not happen. Woodstock did not prove the counterculture capable of doing anything. It merely proved Chesterton’s well-worn line worthy of the wisdom with which it has been credited: When people cease to believe in God they do not then believe in nothing — they believe in anything.

We should remember the no deposit, no return lives, which, after a decade of free sex, free drugs and “if it feels good, do it” are only now piecing themselves back together. The rubble of their lives they owe to the many of Woodstock fame who coaxed and cajoled them into a deadhead philosophy. Middle-aged Woodstockers who have children of their own stand amazed at the presence of the current generation’s abysmal performance when it comes to personal and social responsibility. Could this be the harvest of that bad seed, “if it feels good, do it”?

It’s seem odd to celebrate Woodstock’s noyade on reason as we approach its fortieth anniversary. In the Rubaiyat of Omar Khayyam, we remember the words that many of us over fifty learned in grade school, before memorizing anything became obsolete as “drill and kill.” “The moving finger writes; and, having writ,/ Shall lure it back to cancel half a Line/ And kill:”  “The moving finger writes; and, having writ. Moves on: or all your Piety nor Wit/ Shall lure it back to cancel half a Line/ Nor all thy tears wash out a Word of it.” The lines used to sober us with thoughts about the continued on page 76

Against the Grain / June 2007 <http://www.against-the-grain.com>  75
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eders may have noticed reports of a
sometimes bad tempered debate
between British and US publishers
over English language territorial rights, and
especially over their rights to sell their books
in Europe.

Traditionally, they have split the world
between them. The originating publisher has
generally licensed English language publishing
rights to the other across the Atlantic with well
defined territorial rights. The British publisher
would have “UK and Commonwealth” rights —
i.e., all those areas on the map that in my
youth were colored red, including Australia,
New Zealand, South Africa, Canada and all the
colonies around the world; the US publisher
would have the USA and the rest of the Amer-
cas except Canada. The only general exception
to this would be that Canada was often retained
by the US publisher if it was the originating
publisher, selling UK and Commonwealth
rights (except Canada) to a British house.

In this rather cozy arrangement, European
countries were treated as an open market,
where both the British and US publishers
could sell their editions alongside each other.
Remember that this applied only to books in
the English language. The real money would
always be in local language editions, especially
French, German, Italian, Spanish etc. This
worked well with general books — both fiction
and non-fiction. It worked well with college
textbooks. It operated with scholarly mono-
graphs, where the US edition would often be
less expensive than the British equivalent.

What changed it? Well, it began to change
when the UK joined what was then called the
European Community in 1973. Nothing hap-
pended immediately. But the internal trading
rules of what we now know of as the Euro-
pean Union effectively made this arrangement
unenforceable. European law is quite clear;
anything that is imported into any EU member
state can be distributed quite legitimately to
or within any other member state. The EU is,
after all, a “common market.” The implication
for British publishers became clear. Any book
published by a US publisher and sold under the
open market policy into a European country
could be sold or re-sold into the UK, although
a British house may have bought exclusive
UK and Commonwealth rights. The US edi-
tion would appear on the British publisher’s
home ground. The British industry’s sus-
picition was that US publishers would set
up warehouses in Europe and actively sell their editions into the
UK, regardless of any publishing agreements they may have reached
—and been paid for.

There is a long history behind this.
From its origins in the Amer-
can colonies through to the mid-nineteenth
century US publishing depended on pirating
overseas — usually British — books. At the
time, US publishing was a cottage industry
of printer-book-sellers. There was no enforceable
copyright law, and piracy was rife, especially
with best sellers. The founding of local com-
panies such as Wiley, Putnam and others
presaged a change into a more professional
publishing business that could exploit the
opportunities presented by improvements in
printing technology and easier distribution
made possible by the spread of the railroads
across the continent.

The creation of an international copyright
regime, the Berne Convention of 1886, and
the enactment of the Copyright Act of 1909 al-
terred the structure of US book publishing. For
the first time, national copyright laws would
provide copyright owners with protection,
as had already been provided for patents and
trademarks in the Paris Convention of 1883.

New publishers emerged. The practices of the
US industry began to look very similar to those
of the long-established British industry.

However, the USA refused to accede to the
Berne Convention until 1989. The Universal
Copyright Convention (UCC) of 1952 was
invented to bring those countries — primarily
the USA and the Soviet Union — that wanted
to participate in reciprocal international copy-
right protection but were not parties to Berne.
Although the UCC is more or less defunct, the
memory of the USA not playing its full role in
copyright protection until its own intellectual
property industries demanded it is still a real
one. The British suspicion that US publishers
would always keep their eye on the main
chance, whatever agreements might be in place,
colors their attitude to the European issue.

The result has been spirited discussion
between the respective trade associations and
their members about recasting the traditional
territorial division of rights. The British want
to annex all European Union countries for
their exclusive territory, so that their home
market can be fully protected. US publishers,
for their part, have refused to admit the logic
of this, or accept that EU law really does pose
a threat to British publishers’ home market
in the UK. The US view is that any threat
is hypothetical, and that no US publisher is
going to compromise its working relationship
with a British publisher by selling its own
edition in the UK via a European distributor.
The British don’t believe it. There have been
public debates in which passions have erupted and obscured real
debate.

The vigor with which this argument has been pur-
sued has not, perhaps surpris-
ingly, been affected by the consolidation within the
publishing industry that has resulted in the emergence
of large transatlantic publishing groups. UK
and US publishing units within the same group
often share a publishing property. But many
publishing rights deals are still made with a
publisher on the other side of the Atlantic that is
totally unconnected with the originator. Each
publishing unit is judged on its financial results,
and strives to do the best deal it can, whether
this is within the group or with an “outsider.”

Even within academic publishing, many
publishing groups have sought to maintain
different prices for the US and UK territories,
with the result that the rights argument is just
as vigorous within publishing groups.

A number of publishers have been doing
deals which point the way to a new concordat.
Exclusivity in Europe for the British pub-
lisher has been exchanged for US exclusivity
in Canada. What Canadians think of this is the
subject of a much longer article! It is worth
remembering that this concerns the English
language editions only, so it is still an open
question whether this turns out to be a fair
exchange.

However, the world has moved on. Within
the academic community, libraries have long
required their book jobbers to supply the
“cheapest edition.” International library book-
sellers sourced a title from the publisher offer-
ing the lowest price, and then re-distributed
stock to its operating units to supply that edition
to their customers, regardless of location.

But the biggest change has been the emer-
gence of Internet book sellers: Amazon is an
exemplar of massive stocks, rapid delivery,
aggressive pricing and excellent customer
service. National boundaries make no sense.
The opportunity to “buy around” territorial
obstacles is greater than it ever was. As a re-

result, the argument over the European markets
has largely gone away as far as monographs
are concerned. Nevertheless, it remains an
important issue is general books, especially
best sellers, and in textbooks, where different
editions of the same basic book, with widely
differing prices, are designed for different ter-
ritories, upon the assumption that these various
editions will not leak into territories for which
they were not intended.

Little Red Herrings
from page 75

inexorable march of history to record whatever
its truth, whether we wished to
remember it or not. That was
before revisionist historians and
Hollywood. Now, not only can
whole lines be canceled out, but
total events can be rewritten, not
unlike those in Orwell’s 1984. It
behoves those of us who can
still remember Woodstock, vi-
cariously or otherwise, to make
certain the revisionists do not
have their way entirely.

76 Against the Grain / June 2007

<http://www.against-the-grain.com>