

## An Autocratic Approach to Music Copyright?: The means through which Frank Zappa translated and adapted both his own and other composers' music

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### **Aims**

In preparation for an examination of how and why such a diverse range of tribute bands and ensembles are so intent on continuing to experiment with Zappa's music despite the threat of legal challenges, and an investigation into the various philosophical, legal and industrial factors behind why the ZFT are so intent on selectively prohibiting performances of his music, this paper will discuss the ironic means through which Zappa expressed himself consistently through both recorded and live performance during his 27 years in the public eye.

### **Context**

Since the death of Frank Zappa in 1993, there has been an ongoing legal battle between the *Zappa Family Trust* (ZFT) and the so called 'tribute bands' that are determined to continue translating his music through live and recorded mediums. It could be argued that these ensembles effectively not only pay direct homage to Zappa's legacy by interpreting his music in numerous innovative ways, but also keep his memory alive by interfacing with both his long standing audience, and with a younger generation who may not be aware of his music. The most famous of the rock-based ensembles is entitled *Zappa Plays Zappa* and has the unusual credit of being 'legally' sanctified to perform his music live. This legality is no coincidence, as the band is headed by Zappa's eldest son Dweezil and features the 'Vault Master' responsible for compiling the legal recordings heralding from the ZFT - Joe Travers on drums. This paper intends to contribute to the small number of academic documents pertaining to Zappa by investigating the means through which he translated and adapted both his own and other composers' work over.

### **Methodology**

This research was carried out principally through musicological and content analysis of a range of Zappa and related recordings, which were consequently contextualized by key texts. This is the first stage of a two-part research process, which

will subsequently include an investigation into the various philosophical, legal and industrial factors behind why the ZFT are so intent on selectively prohibiting performances of his music, and how/why such a diverse range of tribute bands and ensembles are so intent on continuing to experiment with Zappa's music despite the threat of legal challenges

## Conclusions

By the time of his untimely Death in 1993 at the age of 52, Frank Zappa had already compiled over 57 'official' albums in the 27 year period between his inaugural recording *Freak Out* (1966) and his epitaph - *Civilization Phase III* (1993). This figure does not include the numerous official and unofficial bootleg recordings that have saturated the market, many of which continue to be released by the ZFT *Vault* and *Zappa* labels. Zappa's extraordinary creative output is equally matched by incredible stylistic diversity, with many of his albums containing influences as eclectic as rock, jazz, neo classical, do – wop, reggae and *musique concrète*. Although Zappa's portfolio has to be considered one of the most 'original' in the Rock canon, it is apparent that he consciously and freely incorporated elements of his own and more importantly other composers' music throughout his career, in both live and recorded environments. In a philosophical gesture he self entitled 'The Big Note', he commented as early as 1968:

All the material in the albums is organically related and if I had all the master tapes and I could take a razor blade and cut them apart and put it together again in a different order, it still would make one piece of music you can listen too" (Slaven, 2002: 121).

This borrowing process continued throughout Zappa's career, where he would refer to his earlier works in a variety of explicit and subliminal ways, at times actually including previously recorded materials into 'new' compositions. When commenting on what could be regarded as a self-plagiarist process he stated:

When a novelist invents a character, if the character is a good one, he takes on a life of his own. Why should he get to go to only one party? (Zappa, 1989: 139).

This analogy is an interesting one, as this process was consistently incorporated in the numerous translations/re arrangements he made of his work. Indeed Zappa developed the terminology 'Object' and 'Project' when attempting to differentiate between the completed work of art and the constant processes he used to redefine it. These 'conceptual continuity' gestures were not only used to translate and evolve innovative new recorded music, but can be found adapted throughout his entire creative output, ranging from album covers, to videos, to films, to live performance. Examples of this process range from the pervasive incorporation of *Patricia The Dog* on album covers such as *Them or Us* (1984), *Francesco Zappa* (1984), and *The Perfect Stranger* (1984), which are all essentially artistic adaptations of characters portrayed in compositions such as "Dirty Love" (*Over-night Sensation* (1973)), "Stinkfoot" (*Apostrophe* (1974)), "The Poodle Lecture" (*FZ:OZ* (1976)) and "Cheepnis" (*Roxy & Elsewhere* (1974)). This *canine conceptual continuity* is also mirrored with other pervasive thematic areas such as

vegetables,<sup>1</sup> religion<sup>2</sup>, politics<sup>3</sup> and sex<sup>4</sup>, gestures that assist the unified idiolect of Zappa's life's work.

The techniques Zappa incorporated to translate his musical ideas included simply replacing specific instruments and remixing factors he was unhappy with. For example *Cruising With Ruben and the Jets* (1968) and *We're Only In It For The Money* (1968) were both remixed in 1984 and 1986 respectively to include new bass, percussion and in the case of the former, vocal parts. Although these new works were often not popular with Zappa's fans, the original recordings are problematic to find, indeed becoming rare collectors items until recent technology assisted greater access via peer to peer servers. Obviously recognizing that the 'source text' is potentially considered more authentic by many fans recently prompted the ZFT to release a 40<sup>th</sup> anniversary addition of Zappa's first album *Freak Out* (1966), which was also not available in its original format due to either music industry logistics or censorship.<sup>5</sup> Zappa was also an advocate of skilfully using studio technology to synchronically remix the best elements of live performances of his music compiled over many years. The most pervasive examples of this process can be found on the ironically entitled six part *You Can't Do That On Stage Anymore* series (1988 – 1992), but can be found on earlier recordings such as the "King Kong" variations (*Uncle Meat* 1969) and "Little House I Used To Live In" (*Burnt Weeny Sandwich* 1970). These recordings were essentially an opportunity for Zappa to display both his studio skills and his allegiance to conceptual continuity by combining the best parts of live and studio performances portfolio to date, effectively producing a utopian 'live' performance that transcended both time and space. Regarding the *You Can't Do That On Stage Anymore* series, Zappa was explicit that these performances were "not chronological" and proceeded to confirm that "any band from any year can be (and often is) edited to the performance of any other band from any other year – sometimes in the middle of a song" (Zappa *You Can't Do That on Stage Anymore Vol 4* 1991 (Sleeve Notes))

As indicated above, Zappa would often refer to earlier works simply for practical reasons, and at other times utilize conceptual continuity as an opportunity to make a more profound statement. "Catholic Girls" from *Joe's Garage* is an indicative example of how he sarcastically attacked the establishment for earlier confrontations by inserting (at 3.17) the melodic line from the highly controversial "Jewish Princess" (*Sheik Yerbouti* 1979). Most importantly, this gesture is a clear example of Zappa implementing his first amendment rights, and this is a pervasive factor throughout his entire canon, accentuating the irony of the prohibitive stance the ZFT are taking regarding other musicians who want to do the same. In the same song, Zappa refers more subliminally to examples of music from outside his canon, by referring to Frank Sinatra's "All The Way" (00.45 and 2.27), "Calabrian Tarantella" (3.22 and 3.30) and "La donna è mobile" (from Verdi's *Rigoletto*) (3.43). The insertion of these quotations are very frivolous in nature, essentially distorting the texts original meaning from serious to humorous, and in the case of the latter from 'high' culture to 'low' comedy. This plagiaristic practice was

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<sup>1</sup> For example "The Duke Of Prunes" and "Call Any Vegetable" (*Absolutely Free* 1967), "Mr Green Genes" (*Uncle Meat* 1969), "Peaches and Regalia" (*Hot Rats* 1969)

<sup>2</sup> Jewish Princess (*Sheik Yerbouti* 1979), Catholic Girls (*Joe's Garage* 1979), "Jesus Thinks You're a Jerk" (*Broadway The Hard Way* 1988), "The Meet Shall Inherit Nothing" (*You Are What You Is* 1981)

<sup>3</sup> "Dickies Such An Arsehole" (*Broadway The Hard Way* 1988), "Welcome To The United States" (*The Yellow Shark* 1992), "Brown Shoes Don't Make It" (*Absolutely Free* 1967)

<sup>4</sup> "Sex" (*Man From Utopia* 1983), G Spot Tornado (*Jazz From Hell* 1976), "I Have Been In You" (*Sheik Yerbouti* 1979)

<sup>5</sup> For example the first two lines of "Help I'm A Rock" and "It Can't Happen Here" were removed because they were deemed to be drug references.

something practiced regularly on other occasions, and it was not unusual for Zappa to either subliminally place other composers' music in his work, or accentuate the 'light entertainment' of otherwise 'serious' pieces by superimposing frivolity over the original text. Examples of the former include quotations of Stravinsky in "Amnestia Vivace"<sup>6</sup>, "Soft Cell Conclusion"<sup>7</sup>, "Status Back Baby"<sup>8</sup> (*Absolutely Free* 1967) and "Fountain Of Love"<sup>9</sup> (*Cruising With Ruben And The Jets* 1968), and Holst in "Invocation & Ritual Dance of the Young Pumpkin"<sup>10</sup> (*Absolutely Free* 1967). This subliminal referencing is sometimes not musical in nature but as seen above and in works such as "Prelude to the Afternoon of a Sexually Aroused Gas Mask" (*Weasels Ripped My Flesh* 1970), can be purely textual. This lowering of the perceived high culture of such works is perhaps accentuated more on pieces such as "Mozart Ballet" when Ian Underwood performs the great composer's Piano Sonata in Bb, while the rest of Zappa's band performs a "grotesque parody of the art of ballet dancing" (*The Weasel Acetate* 1969). The audience plainly finds the band's physical and verbal antics amusing, with Don Preston assuming the mad scientist "Dom Dewild" guise that can also be found on *The Mothers Of Invention* 1968 performance at The Royal Albert Hall (*Ahead Of Their Time* 1993) and the *Uncle Meat* (1987) film. Aside from Sinatra's "All The Way", all of these cross references are of course 'legal', as the copyright on these works have long since expired. However, Zappa's inclusion of more popular music related texts in his work such as "Sheery" by *The Four Seasons*<sup>11</sup> and the pervasive "Louie Louie"<sup>12</sup> (Berry 1955) does indicate that avoiding litigation was not high on his agenda. Indeed Zappa was quoting music from the popular music canon well before the formation of the *Mothers Of Invention*, with pieces such as *Brian Lord and the Midnighters* "The Big Surfer" and *The Penguins* "Memories Of Del Monte" (20 Years Of Frank Zappa – The Cucamonga Era 1981) quoting "Yankie Doodle Went To Town" (Unknown) and "I Wish I Was In Dixie" (Emmett 1859) in the former, and the latter cross referencing "Earth Angel (When Will You Be Mine)" (*The Penguins* 1954) and "Nite Owl" (*Tony Allen and the Champs* 1955). When the comedic intentions of Zappa's work is taken into account it is apparent that he can be considered as part of a novelty music tradition, with artists such as Victor Borge and Allan Sherman<sup>13</sup> both humorously distorting classical music in light hearted ways. Although he does not quote him as an influence, Borge's approach in particular resonates with Zappa's, utilizing 'audience participation activities'<sup>14</sup>, stage antics and humorous narrative<sup>15</sup> all while performing pieces such as Liszt's "Leibestraum" (*Comedy*

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<sup>6</sup> The "Nocturne" from his *Firebird Suite*, while the backing vocal line is reminiscent of the opening bassoon line from *The Rite Of Spring*.

<sup>7</sup> The piece ends with the introduction of Stravinsky's "March" from *A Soldiers Tale*.

<sup>8</sup> The opening sequence of *Petrouchka* is quoted in the middle section.

<sup>9</sup> The backing vocals towards the end outline the opening melody of *The Rite Of Spring*.

<sup>10</sup> The start of the saxophone solo quotes "The Bringer Of Jollity" from *The Planets Suite*.

<sup>11</sup> Found at the end of "Wowie Zowie" (*Freak Out* 1966)

<sup>12</sup> This piece can be found quoted numerous times throughout Zappa's career. Indicative examples include "The Return of the Son of Monster Magnet" (*Freak Out* 1966) at around 7:30; "Plastic People" (*Absolutely Free* 1967), which is obviously based on the song harmonically and melodically; "Florentine Pogen" (*One Size Fits All* 1975), at around 3:07; "Jesus Thinks You're a Jerk" (*Broadway the Hardway* 1989) at around 8:15; "Welcome to the United States" (*Yellow Shark* 1993), at around 5:30.

<sup>13</sup> Refer to "Hello Muddah, Hello Faddah – A Letter From Camp" (*Rhino Hi-Five* 2006) (based on Pontichelli's *Dance of the Hours*) and Hungarian Goulash No.5 (*My Son The Nut* 1963) (based on Brahms' Hungarian Dance No. 5) for indicative examples.

<sup>14</sup> For example "Comedy in Music (Part 2)" from *Live*.

<sup>15</sup> For example his "Piano Concerto Number 2" discusses Rachmaninov's Piano Concerto no.2 in humorous ways (*Comedy in Music* 1995)

in Music) 1995), Pastiche of Mozart Opera's<sup>16</sup> and discussing the uses of Chopin's *Minute Waltz* as an egg timer<sup>17</sup>. Zappa does quote American satirist *Spike Jones* as a major influence (Zappa 1989: 172), and in addition to the combination of brilliant musicianship and cutting humor it appears that the pervasive Zappa 'snort' which appears throughout his portfolio on pieces such as "Lonely Little Girl", "Idiot Bastard Son" (*We're Only in it for The Money* 1967), "Moggio" (*The Man From Utopia* 1983), "You're Just Insulting Me, Aren't You?" and "Cold Light Generation"<sup>18</sup> (*Civilization Phase 3* 1993) was originally implemented on *Spike Jones* pieces such as "Old Black Magic" and "Blue Danube" (*Spike Jones, (Not) Your Standard Spike Jones Collection* 2006)<sup>19</sup>. Indeed this sound can not only be found on Zappa's last recording (*Civilization Phase 3* 1993), but also on his pre mothers work, with pieces such as "How's Your Bird" and "Letters From Jeepers" both including the timbre<sup>20</sup> (20 Years of Frank Zappa The Cucamonga Era. 1981). Although the influence can not be directly attributed to Jones, Zappa's tendency to instruct his brass and woodwind players to incorporate an exaggerated tone adds to the humorous dimension of his music, with pieces such as "Holiday in Berlin Fully Blown"<sup>21</sup> (*Burnt Weeny Sandwich* 1970) and "Cletus Awreetus Awrightus" (*The Grand Wazzo* 1973) having close parallels to Jones', in addition to later comedy pieces such as "Shaving Cream"<sup>22</sup> and "Charley Brown"<sup>23</sup>. Indeed it could be argued that Zappa is in many ways part of the novelty music tradition, with pieces such as "Brotherly Love" (*Freak Out* 1966) and "The Adventures of Greggery Peccary" (*Studio Tan* 1978) bearing close compositional and timbre influences to mainstream comedy music pieces "Mother in Law"<sup>24</sup> and "Witch Doctor".<sup>25</sup>

All of these examples are indicative of Zappa's reliance on the re-use of material from his own and others' catalogues in a range of innovative ways. As outlined in a earlier paper by Carr and Hand, the practice of self plagiarism "is in fact continuing a long tradition established by composers such as Monteverdi (incorporating material from *L'Orfeo* in the 1610 *Vespers*) and Prokofiev, whose 3rd Symphony is heavily influenced by his opera *Fiery Angel*" (Carr & Hand 2008). It is proposed that Zappa is not only influenced by a vast array of identifiable cultural signifiers, but that without the unrestricted access to these influences his highly 'original' idiolect he was to formulate would not have emerged. The next sections of this research will focus upon why these tribute bands are so intent on performing Zappa's music despite the legal challenges followed by a philosophical and legal analysis of the ZFT stance on copyright restriction, and it is apparent that Zappa's pervasive process of refining 'projects' by incorporating elements of earlier 'objects' to form more 'mature' works unquestionably verifies David Walley's assertion that he was indeed the "ultimate cut and paste man" (Walley 1972: 8).

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<sup>16</sup> In "A Mozart Opera by Borge" (*Comedy in Music* 1995)

<sup>17</sup> Refer to <http://encyclopedia.stateuniversity.com/pages/22998/Victor-Borge.html> for more details

<sup>18</sup> At around 2:01 to the end of the piece for the former and around 0:05 in the latter

<sup>19</sup> Towards the end of both pieces.

<sup>20</sup> The sound is heard throughout the first piece and at around 0.49 of the latter.

<sup>21</sup> From around 1:08

<sup>22</sup> By *The Hustlers* (*On Loony Tunes* 1976)

<sup>23</sup> By *The Coasters* (*On Loony Tunes* 1976)

<sup>24</sup> By *Ernie K Doe* (*On Loony Tunes* 1976). Note the close melodic similarities and bass timbre.

<sup>25</sup> By David Seville (*On Loony Tunes* 1976). Note the similarities to the voice of Greggery Peccary.

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