THE STATE OF THE MUSIC INDUSTRY

L'ETAT DE L'INDUSTRIE MUSICALE

Centre de recherche en langues et civilisations étrangères
Département des langues et civilisations

CIVILISATIONS

n° 13

THE STATE OF THE MUSIC INDUSTRY

L'ETAT DE L'INDUSTRIE MUSICALE

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Presses de l'Université Toulouse 1 Capitole

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sociales de Toulouse
2 rue du doyen Gabriel Marty
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ISBN : 978-2-36170-087-4

Couverture : illustration par Flore Sarafian

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INTRODUCTION

Victor Sarafian

This issue of the journal *Civilisations* examines the state the music industry, looking at how it was in the past, how it is today and how it might or should be in the future. It is a familiar story that since the advent of Napster in 1999 and the digital revolution it unleashed, the music industry has undergone a significant transformation. During the last decade, the idea that the internet and piracy were killing the industry gained momentum. If video killed the radio star in 1979, has the internet killed the music industry as a whole twenty-five years later? The times, they are certainly changing, but to what extent and to the benefit of whom?

In his article, *Downlaod is Killing Music: The Revording Industry's Piracy Panic narrative*, David Arditi, develops the idea of what he calls the "piracy panic narrative". This narrative is seen as a rhetorical construction used by major record labels and their trade associations to obnubilate the economic, social and legal reality of the music industry. The recording industry has used the news media to perpetuate the idea that record labels and their recording artists are victims of widespread crime in the form of file sharing and that file sharing is piracy and piracy is theft. Arditi, however, questions the idea that file sharing is a violation of copyright law. He argues that the piracy panic narrative has permitted the recording industry to influence public opinion with the ultimate goal of changing copyright legislation in the United States in order to maintain its economic power in the digital era.

The question of power relations and technological change in the music industry is at the heart of Jim Rogers' article *'The More Things Change, the More they Stay the Same': Where power lies in the twenty-first century music industry*. Although Rogers acknowledges the fact that important changes have occurred in the industry, he rejects the widely perceived belief that there has been a fundamental disruption to established industry structures and relations. In the context of a deep international financial crisis since 2007/2008, Rogers also argues that contrary to the dismal economic picture painted by the recording industry, the broader economic profile of the industry as a whole is far from being in a dreadful situation. Major labels

and artists have reconfigured themselves around an intellectual property rights regime nurtured by the use of new strategies for licensing the copyrights, trademarks and brands that come under their ownership across a growing range of areas. The arguments Rogers advances are based on recent research he conducted about the evolution of the music industry in Ireland. His analysis is backed by an extensive series of in-depth interviews of more than forty key players in the industry.

Established record labels and artists represent, of course, only one side of the music industry. How has the digital age affected smaller independent, emerging and DIY ("do it yourself") musicians? This question is examined by Billy Geoghegan and Kevin Meehan in their article, *DIY Noise and Compositional Horizons: Indie Musicians and Promoters in the Age of Digital Reproduction*. Within the framework of Jacque Attali's concept of "composition", Geoghegan and Meehan explore the extent to which Attali's projections about the evolution of the music industry have been realized. Their analysis is backed by a quantitative survey of seventy-one independent musicians and promoters.

The relationships between independent labels and the majors is the topic of Pierre Roujou de Boubée's article, *Les rapports entre les labels indépendants et les majors*. One of the major changes occurring in the music industry is a tendancy towards concentration at the higher end of the industry spectrum. The Big Six became the Big Five when Polygram was absorbed into UMG in 1999, and then The Big Five became the Big Four when Sony and BMG merged in 2004 "and then there were three" in 2012 when EMI was sold to Universal and Sony and today there are still three until "another one bites the dust". Boubée looks at the legal and broader cultural implications brought about by the growth of concentration and how smaller independent labels have reacted to this.

For musicians, signing a contract with an independent or major label is often seen as a stepping stone to success. Record labels provide a number of services, one of which is to provide financial support to record and promote albums. Over the last decade technological innovation has allowed artists to tap into different sources of finance through the use of crowdfunding websites. Crowdfunding is not new but has gained momentum in recent years. Milena Cassella and Francesco D'Amato in *Crowdfunding Music. The value of social networks and social capital in participatory music production* explore how emerging musicians use crowdfunding campaigns to promote and finance their projects. Their article studies four campaigns carried out by Italian bands on the Italian platform Musicraiser.

Crowdfung is just one example of the variety of new working practices in the music industry where websites act as an intermediary between artists and the public. Keith Negus, in his article, *Recordings, rights and risks: Intermediaries and the changing music industries*, examines the expansion of other forms of intermediary activity and how music companies are increasingly drawing into a wider range of investors, regulators and stakeholders to devolve risk and increase revenue. As the revenue from the sale of recordings has decreased, revenues from the development of multiple rights contracts, corporate branding, advertising and sponsorship have risen.

The development of marketing and branding practices has had an impact on many musical genres. It certainly underlines the flourishing of rap. David Diallo's article, *An Odd Blen of Two Cultures: Rap Music's Street Corner Practices and the Music Industry*, gives a socio-historical analysis of the economic development of the rap industry. He argues that its marketing strategies and business practices have been profoundly influenced by the "underground street culture" that gave birth to it. In its early days, rap music was highly associated with outlaws, crime and violence. According to Diallo, these characteristics are still inherent in the business tactics of rap labels even though rap has gained institutional recognition and commercial success as symbolized buy the growth in the number of platinum or gold records rap music has been awarded.

The gold record is the recording industry's symbol of success. Richard Osborne, in his article, *The Gold Disc: One Million Pop Fans Can't Be Wrong?*, explores the phenomenon of the gold disc as well as its platinum, diamond and silver derivatives. He examines the history of the trophy and criticizes the rules by which it can be obtained. Like in many other domains, the music industry's primary sales award has been affected by the digital age. Osborne looks at the way the industry has adapted its golden ideal to this new environment and the impact this has had on artistic creation and audience reception.

Making records is unquestionably an essential part of the music industry. However, performing live is as important, if not more important, than recording albums. The next series of articles studies the development of the live music scene.

John Mullen, in *Patriotic Palaces of Pleasure? The Popular Music Industry in 1900*, takes us back to Britain at the turn of the 20th century. He gives us a portrait of the music industry in the year 1900 analyzing the economic and ideological forces in and around the music hall. The next article, *The live*

Music Industry in Wales: the Sustainability and Working Practices of a Nation, written by Paul Carr, highlights a number of issues which are idiosyncratic to the current state of the live music industry in Wales. He looks at the strengths, weaknesses, opportunities and threats that the Welsh music industry is facing and recommends the development of new business models to ensure the economic viability of the live music sector in Wales. From the "land of song" we then move on to the "land down under". Diane Hughes et al., in their article, *Offline and Online: Liveness in the Australian Music Industries*, examine the concept of "liveness", focusing on the question of how live musical performance, in Australia, has adapted to the growth of digital technologies. Their research is back by findings drawn from focus groups and interviews of more than fifty participants including artists, managers, online strategists, publishers and representatives of government agencies.

To conclude this issue of *Civilisations*, François Hugonnier, in his article, *"Behind the scenes": A biographical statement on the French and North-American music industries*, takes us out of the corridors of academia and gives a personal account of the ins and outs of the music industry. Having travelled back and forth between France and the USA, Hugonnier highlights the similarities and differences between the two countries. He examines the rising role of new technologies and explores alternatives to traditional industry models that have arisen from DIY initiatives.

DOWNLOADING IS KILLING MUSIC: THE RECORDING INDUSTRY'S PIRACY PANIC NARRATIVE

David Arditi

In the 1980s, the British Phonographic Industry (BPI) directed an international media campaign that asserted "home taping is killing music." The recording industry argued that the cassette tape "was alleged to signal the demise of recorded music" (Drew 2013:7)[1]. A medium was said to be on the verge of killing the recording industry without data to substantiate the claim. The "home taping is killing music" campaign came at a moment of economic recession that contributed to a reduction in music sales. And yet, the recording industry continued to grow; "For all its complaining about lost revenues, the major music corporations quickly resumed a pattern of steady growth following the recession of the early eighties" (Garofalo 1999:346)[2]. Figure 1 demonstrates that despite a slight decline in 1980, global recording industry sales remained strong and grew throughout the 1980s. Since the launch of Napster in 1999, the recording industry has been repeating the same tired tropes about file sharing killing music, but in neither case has music died.

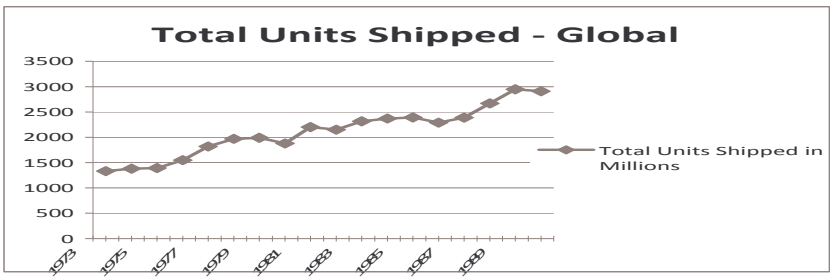

Figure 1 – Total units shipped from 1973-1990 according to the International Federation of Phonographic Industries (IFPI) Annual Reports (IFPI 2001).

[1] Rob Drew. 2013. "New Technologies and the Business of Music: Lessons from the 1980s Home Taping Hearings." *Popular Music and Society* 1–20.
[2] Reebee Garofalo. 1999. "From Music Publishing to MP3: Music and Industry in the Twentieth Century." *American Music* 17(3):318–54.

Napster, a short-lived peer-2-peer (p2p) file sharing program, sparked a global war on digital piracy in 1999 led by the International Federation of Phonographic Industries (IFPI) and its nation-state based affiliates. The recording industry contended that not only did Napster facilitate music fans the easy exchange of music files (i.e. mp3s) online, but also that file sharing is an act of copyright infringement, or "piracy." As a result, claims that music would die permeated news media, legislatures and popular culture in the United States. However, according to Figure 2, despite a brief dip, total unit sales have more than doubled since CDs peaked in 2000 in the United States. Despite these impressive numbers, the Recording Industry Association of America (RIAA) and the IFPI contend that the recording industry is struggling to maintain revenue and profits.

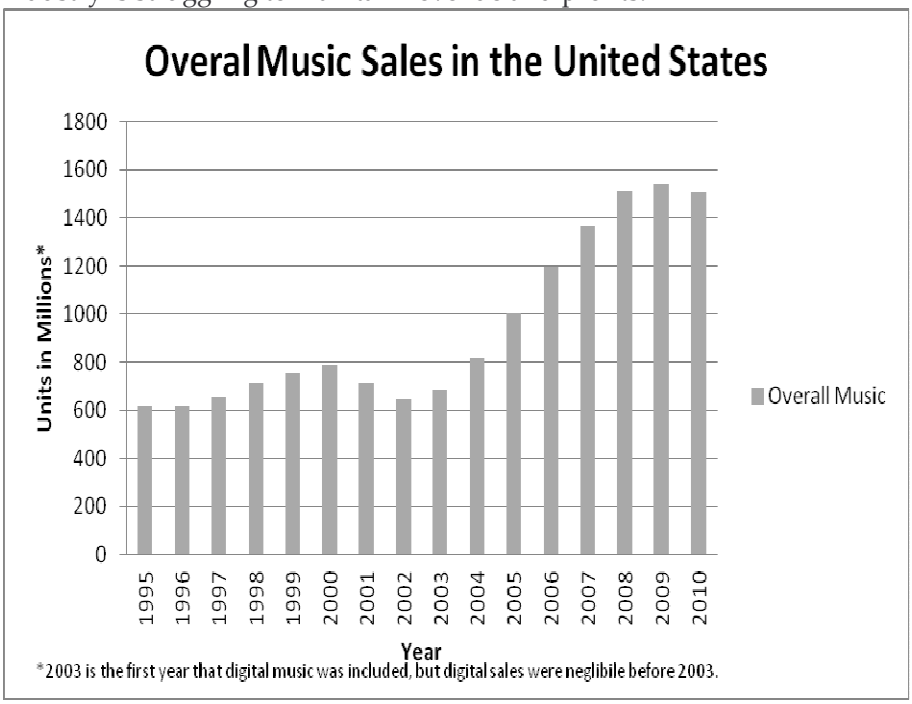

Figure 2 - Overall music sales in the United States according to Nielsen SoundScan (1995-2010).

To make the claim that the recording industry is in decline, the recording industry constructs what I call the "piracy panic narrative." The piracy panic narrative is a rhetorical construct that helps to obscure the material reality of the recording industry by positioning major record labels and their recording artists as the victims of widespread crime in the form of piracy.

Major record labels and their trade associations argue that file sharing is piracy; piracy is stealing; and this stealing is negatively impacting the musicians whose music file sharers are downloading. Finally, the recording industry contends that this piracy will lead to the death of music. The piracy panic narrative is a "calculated political strategy to psychologically demonize opponents to make them appear to be 'bad' people. Because these bad people are doing bad things, they must be punished the way bad people are: by being sued, by paying exorbitant damages, and in some cases by going jail" (Patry 2009:44)[3]. By placing the recording industry in the position of a victim, the piracy panic narrative appeals to the average person's common sense understanding of the political economy of the music industry. In turn, the recording industry is able to conceal its actual financial data while lobbying governments and international organizations to create laws and rules that deal with the so-called piracy problem.

This narrative is perpetuated by news media in the framing of news stories about file sharing and digital music. For instance, in "RIAA Takes off Gloves in Mounting Its Fight against Music Thieves" Lee Gomes of the Wall Street Journal contends that file sharing is stealing in the title alone. Within the article he asks "Are music downloaders basically honest people who are simply yearning to breathe free of the inconvenience and high prices forced on them by the tyrannical music industry? Or are they just trying to get something for nothing? Freedom fighters, or thieves?" (Gomes 2003)[4]. The central point of this question is to position everyone that wants a commodity without paying for it as a thief. As I will show in this paper, not only is the position of this news article aligned with the RIAA's position, but it also fails to see the broader cultural, historical and legal position of this narrative.

Panic Narratives

The recent piracy panic narrative is not alone in constructing opponents in the worst possible light as there is a long history of constructing social deviants and political opponents as folk devils in panic narratives. In *Folk*

[3] William Patry. 2009. *Moral Panics and the Copyright Wars*. 1st ed. Oxford University Press, USA.
[4] Lee Gomes. 2003. "RIAA Takes Off Gloves in Mounting Its Fight Against Music Thieves." *The Wall Street Journal*, September 15, U.S.

Devils and Moral Panics (2011)[5], Stanley Cohen provides one of the first accounts of the ways through which people that do not subscribe to societal norms are demonized. While Cohen's work is on youth subcultures, his theories are applicable to a much broader range of deviants. Cohen explains his schema as follows:

A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. (Cohen 2011:p.1)[6]

Applying this schema to the case at hand, pirates emerge as a threat to intellectual property ownership. Aside from the connotations already associated with being a pirate, the mass media stereotype kids with computers as deviant nerds that do not respect the normalized trip to the record store. Politicians and university officials, along with Metallica[7] and Britney Spears, construct the moral parameters of piracy. Think tanks and trade associations stand in the position of experts on the issue and diagnose the problem. Finally, an approach of legal prosecution is executed, while a parallel non-deviant form of consumption (i.e. iTunes) emerges for those that do not want to be perceived as deviant.

If the problem were limited to accusations of piracy, then the moral panic itself would receive little traction (i.e. who cares if people are downloading music?); however, the recording industry has been using the moral panic to legislate and litigate against file sharing. Erich Goode and Nachman Ben-Yehuda claim that moral panics are inherently political as different power holders attempt to negotiate the legal system by labeling particular behaviors as deviant (Goode and Ben-Yehuda 2009). "Designating certain acts as criminal serves at least three functions," Goode and Ben-Yehuda

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[5] Stanley Cohen. 2011. *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. New York: Routledge. Retrieved August 26, 2013 (http://public.eblib.com/EBLPublic/PublicView.do?ptiID=684015).

[6] *Ibid.*

[7] Metallica's very public crusade against file sharing (Thigpen and Eliscu 2000) is ironic because as Rob Drew explains, Metallica became popular as a result of the "heavy metal tape-trading network" (Drew 2013:9). Drew contends that Metallica actively benefited from avoiding major labels and the copyright system in 1982 by trading their tapes.

explain, "first, it *legitimates* a certain category's definition of right and wrong; second, it *symbolizes* the respectability of one category *vis-à-vis* another; and third, it *punishes* members of one category for engaging in behavior . . ." (Goode and Ben-Yehuda 2009:p.119)[8]. A moral panic is needed to define file sharing in the first two functions, but before the state can punish individuals for a criminal offense, the activity must be an actual crime. In turn, the moral panic is used to create the legal structure to punish as stakeholders attempt "to crystallize [their] views into the legal structure – to pass laws compatible with, or prevent the passage of laws incompatible with, its own ideological, moral, and political-economic system" (Goode and Ben-Yehuda 2009:120)[9]. The piracy panic narrative is used to change music listening habits and change the laws that govern those habits.

Beyond constructing a panic about a particular activity, panic narratives stem from a moral position. Not only are pirates out there lurking on computers in dark rooms with Cheetos crumbs on their keyboards, a *Rolling Stone* article says that they could be your church-going neighbor (Dibbell 2000)[10]. Julian Dibbell describes that the recording industry's newest pirate is:

the music lover who simply sees no point in paying for recorded music. Until now this person was typically found on college campuses, where massive bandwidth and wide-open networks have long encouraged undergraduates to seek their music not in megastores but on their peers' hard drives. But as DSL and cable modems bring high-speed Web access to the masses and as programs like Napster simplify the online file-sharing process, the non-CD-buying music fan is increasingly popping up in other demographics.(Dibbell 2000)[11]

The protagonist of Dibbell's story is Mary Long, a woman who Dibbell describes as a "churchgoing" woman who teaches preschool teacher at her church. Long is quoted in the article after being asked if she worries about the ethics of downloading music "Oh, sometimes – but I get over it" (Dibbell 2000)[12]. By pointing to a woman who teaches preschool at a church, *Rolling Stone* is claiming that Long is morally pure; this is an appeal to morality that

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[8] Erich Goode and Nachman Ben-Yehuda. 2009. *Moral Panics: The Social Construction of Deviance*. 2nd ed. Chichester, U.K.;Malden, MA: Wiley-Blackwell,.
[9] *Ibid.*
[10] Julian Dibbell. 2000. "The New Face of Music Piracy." *Rolling Stone*, June 8, 21.
[11] *Ibid.*
[12] *Ibid.*

is the archetype of a moral panic since morality is "a view of right and wrong" (Goode and Ben-Yehuda 2009:110)[13]. Therefore, what Dibbell implies is that there is a well-founded ethical position behind being against file sharing. However, not only does piracy lack a clear cut ethical position, the term itself is a dubious substitute for an actual legal category (copyright infringement) that may not even be relevant to Long's downloading practices.

Yet the piracy panic narrative is never specific about what constitutes piracy. What is piracy? The next section will provide a brief overview of piracy or rather what is claimed to be piracy.

Piracy

Part of the problem with the piracy panic narrative is its reliance on a term (piracy) to describe an act (downloading music) while the act of downloading music is not actually piracy in the US. On the one hand, the term piracy is used to refer to a recognizable legal category of copyright infringement, but on the other hand, the term is rarely used to address an actual violation of law. By setting aside the metaphorical baggage associated with the term "piracy," we can separate connotations from denotations. Copyright infringement is the unauthorized *commercial* reproduction and distribution of copyrighted material (Lessig 2004[14]; Litman 2006[15]), but instead of using the term "copyright infringement," people repeatedly refer to "piracy." I emphasize commercial here because it denotes the exchanging of a good for monetary compensation. If we were to substitute the term piracy for copyright infringement, piracy concerns the reproduction of music without permission from copyright holders for profit. This type of "pirate" runs compact disc "chop shops" (Lessig 2004:62)[16], which print CDs without permission and sell them on the black market without compensating copyright holders. However, p2p file sharers do not exchange music files for monetary reward, but instead share music as part of a community. Labeling this activity as piracy distorts the activities of the users and creates ambiguity in the use of the term.

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[13] Erich Goode and Nachman Ben-Yehuda. 2009. *Moral Panics: The Social Construction of Deviance*. 2nd ed. Chichester, U.K.;Malden, MA: Wiley-Blackwell.
[14] Lawrence Lessig. 2004. *Free Culture: The Nature and Future of Creativity*. New York: Penguin Press.
[15] Jessica Litman. 2006. *Digital Copyright*. Amherst, N.Y.: Prometheus Books.
[16] Lawrence Lessig. 2004. *Free Culture: The Nature and Future of Creativity*. New York: Penguin Press.

As a legal category, piracy does not refer to a violation of copyright law. The only reference to piracy in the U.S. legal code refers to piracy of the high seas (18 USC Chapter 81), like Blackbeard. And yet, commentators, politicians, industry affiliates, academics (Al-Rafee and Cronan 2006)[17] and even the U.S. Federal Bureau of Investigation (FBI) refer to "piracy" as an actual offense. For instance, the U.S. FBI has an "Anti-Piracy Warning" seal that comes affixed with the text "The unauthorized reproduction or distribution of a copyrighted work is illegal. Criminal copyright infringement, including infringement without monetary gain, is investigated by the FBI and is punishable by fines and federal imprisonment" (Anon n.d.)[18]. While the text that accompanies the FBI's seal describes the context of copyright infringement, the Anti-Piracy Seal itself does not refer to "piracy." Even this statement is a stretch because it implies that copyright infringement can occur "without monetary gain." However, Title 17 of the U.S. Code repeatedly discusses copyright infringement in terms of commerce. In fact, Title 17 USC § 1008 specifies that "No action may be brought under this title alleging infringement of copyright... based on the noncommercial use by a consumer of such a device or medium for making digital musical recordings or analog musical recordings"; the device that this sentence refers to is a digital device. The law is clear that in order for an action to be considered copyright infringement, it must involve commerce. Not only is U.S. law silent on this type of piracy, international law only refers to piracy of the high seas as well. "The absence of the words 'piracy' and 'pirate' from these texts[19] of international copyright law," Suzannah Mirghani contends, "can only mean that the semantic association of the word 'piracy' with 'copyright infringement' is a discourse formation that has occurred largely outside of official copyright law" (Mirghani 2011:117)[20]. Since there is no actual reference to piracy in copyright law and copyright infringement only refers to commercial reproduction, the fact that

[17] Sulaiman Al-Rafee and Timothy Paul Cronan. 2006. "Digital Piracy: Factors That Influence Attitude Toward Behavior." *Journal of Business Ethics* 63(3):237–59.

[18] Anon. n.d. "Download the FBI's Anti-Piracy Warning Seal." *FBI*. Retrieved August 8, 2013 (http://www.fbi.gov/about-us/investigate/white_collar/ipr/download-the-fbis-anti-piracy-warning-seal).

[19] Suzannah Mirghani also refers to the 1709 Statute of Anne, the 1886 Berne Convention for the Protection of Literary and Artistic Works and the U.K. Copyrights, Designs and Patents Act of 1988 (Mirghani 2011:117).

[20] Mirghani, Suzannah. 2011. "The War on Piracy: Analyzing the Discursive Battles of Corporate and Government-Sponsored Anti-Piracy Media Campaigns." *Critical Studies in Media Communication* 28(2):113–34.

piracy is so prevalent in the popular lexicon in relation to copyright infringement points to the construction of a moral panic.

In order to compensate for the fact that noncommercial reproduction of copyrighted material is not infringement, copyright industries deploy the piracy panic narrative. In effect, they argue that copying music without authorization deprives copyright owners of the money they would have made by selling the music. In other words, they argue that their "property" is being stolen. But William Patry explains that copyright is not a property right, it is a regulatory privilege. Patry contends that "for its entire history in the United States, copyright has never been regarded as a property right. Instead, copyright has always been a regulatory privilege granted by the grace of Congress (or in other common law countries by Parliament), as a very limited grant originally just for literary works, and conditioned on rigorous compliance with formalities" (Patry 2009:110)[21]. Patry argues that metaphors "such as pirate are used for the very grown-up purpose of branding one side in a debate as evil, and the other as good" (Patry 2009:91)[22]. Since copyright is not a property right, copyrighted material cannot be stolen by making copies; rather, the only way to steal copyright material is to steal the physical good, but that would not be a violation of copyright law.

When the RIAA pursued Napster in the US judicial system, it sued on the idea that Napster was a pirate website, itself. This argument is probably most relevant to actually existing copyright law. The argument was that by creating a program that enables the unauthorized reproduction of copyrighted material with the end goal of making a profit, Napster was in fact no different than factories producing CDs without authorization from copyright holders. However, the lawsuits against Napster (Langenderfer and Cook 2001)[23] and the later lawsuit against Kazaa were never about individuals file sharing, but rather about the role of a third party facilitating copyright infringement for commercial gain.

File-sharers are not pirates under the law because they do not participate in a commercial exchange of copyrighted music. To make a parallel between

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[21] William Patry. 2009. *Moral Panics and the Copyright Wars*. 1st ed. Oxford University Press, USA.
[22] *Ibid.*
[23] Jeff Langenderfer and Don Lloyd Cook. 2001. "Copyright Policies and Issues Raised by A&M Records V. Napster: 'The Shot Heard "Round the World" or "Not with a Bang but a Whimper?"'." *Journal of Public Policy & Marketing* 20(2):280–88.

file sharing and piracy, the RIAA must first connect its argument to commercial use thereby enabling the RIAA to get a foothold on the law. In order to make that argument, the RIAA and the major record labels contend that the inaction of not buying is stealing. Again, the industry uses metaphor to make this connection; the RIAA contends that file sharing is not "like" or "similar to" stealing, it "is" stealing (Patry 2009)[24]. Once the industry equates file sharing with the connotation of stealing, the link to piracy is far easier to believe. The problem is that the refusal to pay for something is not and has never been a form of property theft. If I choose to go to the library and read a book, I am not stealing from authors. If I hear my neighbor's stereo and decide to stop and listen, I am not stealing music. To contend that these activities are theft, and by extension piracy, is to ignore the law.

Moreover, no one has been prosecuted for downloading music in the United States, but the recording industry, media outlets and some scholars (Robertson et al. 2012)[25] repeat the phrase "illegal downloading." File sharing websites have been prosecuted under the argument that they allow individuals to copy music without authorization from copyright holders, and profit from advertisements on their websites. Individuals were for a time (2004-2009) litigated for file sharing; however, the RIAA did not file lawsuits against downloaders, but rather filed the suits against people that were *uploading* their music to file sharing sites. This is an important distinction because the discourse is always about downloaders when in fact uploaders are the ones prosecuted for copyright infringement. Furthermore, too few of these cases against people who upload music have been tried in U.S. courts (none in the Supreme Court) to determine whether or not the action is illegal under copyright law.

Since the term "piracy" is not used in the legal category of copyright infringement, and does not point to a crime being committed, the term is deployed only to stir a moral panic by labeling people as folk devils that threaten the entire intellectual property system. The next section will focus on ways that the media acts to perpetuate the piracy panic narrative.

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[24] William Patry. 2009. *Moral Panics and the Copyright Wars*. 1st ed. Oxford University Press, USA.

[25] Kirsten Robertson, Lisa McNeill, James Green, and Claire Roberts. 2012. "Illegal Downloading, Ethical Concern, and Illegal Behavior." *Journal of Business Ethics* 108(2):215–27.

Media Filters

"Would you go into a CD store and steal a CD? It's the same thing, people going into the computers and logging on and stealing our music." – Britney Spears (Quoted in Ahrens 2002)[26]

One of the main ways to articulate and perpetuate a moral panic is through the media (Cohen 2011;[27] Goode and Ben-Yehuda 2009[28]), and the media play the primary role in perpetuating the piracy panic narrative. Edward Herman and Noam Chomsky's "propaganda model" (2002)[29] is a useful tool to look at the role of news media in the piracy panic narrative. In *Manufacturing Consent* (2002)[30], Herman and Chomsky outline five media filters that in effect censor media content in the United States. Specifically, I think three of the filters are utilized in the piracy panic narrative:

1. the size, concentrated ownership, owner wealth, and profit orientation of the mass-media firms;
2. advertising as the primary income source of the mass media;
3. the reliance of the media on information provided by government, business, and 'experts' funded and approved by these primary sources and agents of power. (Herman and Chomsky 2002:2)[31]

The first of these three filters, pertaining to the ownership and control of mass media, is at work in the piracy panic narrative, but is outside the scope of this paper; this type of analysis would involve tracing the ownership overlap between major news outlets and major record labels. However, the two remaining filters can be directly connected to the piracy panic narrative through the perpetuation of the narrative. To that end, the recording industry not only buys advertisements in major news publications, but also buys advertisements specifically to advance its position in major news outlets. Furthermore, the recording industry consistently places its "experts" in positions where media have easy access to them. As a result, the news

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[26] Frank Ahrens. 2002. "Stars Come Out Against Net Music Piracy in New Ads." *Washington Post*, September 26, Final.

[27] Stanley Cohen. 2011. *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. New York: Routledge. Retrieved August 26, 2013 (http://public.eblib.com/EBLPublic/PublicView.do?ptiID=684015).

[28] Erich Goode and Nachman Ben-Yehuda. 2009. *Moral Panics: The Social Construction of Deviance*. 2nd ed. Chichester, U.K.;Malden, MA: Wiley-Blackwell.

[29] Edward S. Herman, and Noam Chomsky. 2002. *Manufacturing Consent: The Political Economy of the Mass Media*. New York: Pantheon Books.

[30] *Ibid.*

[31] *Ibid.*

reports on digital file sharing are lopsided towards the piracy panic narrative.

According to Britney Spears (quoted above), downloading music through file-sharing websites is stealing, plain and simple. Spears' statement was part of an advertising campaign at the apex of the Recording Industry Association of America's (RIAA) battle against file sharing in 2002. This ad campaign included one-page ads in newspapers, and TV and radio commercials across the United States. "Nearly 90 singers and songwriters have signed the newspaper ad, and several have lent quotes to the campaign. The group is diverse, including opera tenor Luciano Pavarotti, hip-hop superstar Eminem, country music's Dixie Chicks and former Beach Boy Brian Wilson" (Ahrens 2002).[32] Additionally, the ad campaign itself generated its own news after reporters wrote stories about the ad campaign, many without any counter perspective to balance the industry's rhetoric. This ad campaign was part of the broader piracy panic narrative. By labeling file sharers as property thieves, the piracy panic narrative creates both a victim—the artist—and a victimizer—the fan; this pits musicians directly against their audiences, fans and consumers—i.e. the people that always-already financially support these musicians.

While the advertisements appear to be articulating the opinions of major recording artists and are sponsored by various industry organizations, the "major record labels [were] footing the campaign's bill" (Ahrens 2002)[33]. Since the recording industry used advertisements to launch a campaign against file sharing, there should be no expectation for the news to publish articles that contradict the advertisements. According Herman and Chomsky's second media filter, news organizations are not likely to provide news reports that run counter to their advertising sponsors because the advertisers will pull their advertisements. Since the recording industry was one of the advertisers in the magazines and newspapers publishing articles about the advertisement campaign about piracy, the propaganda model explains that providing counterbalancing perspectives in those articles would run against the interests of the magazines and newspapers.

This advertisement campaign is a strong articulation of the piracy panic narrative because statements such as Spears' are purely rhetorical. William

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[32] This quote refers to the group being diverse, but it is only possible to say that group is diverse as far as genre. All of the artists listed are artists that have gold and platinum certified albums. Frank Ahrens. 2002. "Stars Come Out Against Net Music Piracy in New Ads." *Washington Post*, September 26, Final.

[33] *Ibid.*

Patry argues in *Moral Panics and the Copyright Wars* (2009)[34] that by constantly repeating piracy metaphors, the copyright industries attempt to do more than reframe the debate; they permanently try to associate file sharing with stealing. Downloading music from peer-2-peer file sharing programs is not the same thing as stealing; in fact, legally, it is not even property theft. Copyright law is a "regulatory privilege" (Patry 2009:110)[35], not a form of property law. It cannot be compared to property theft because when a user downloads music, he/she is not taking something away from another user; the original user still has the ability to listen to the downloaded music and still allow others to download their music. However, by restating the recording industry's perspective on piracy, newspapers and magazines help to perpetuate the panic narrative.

Of course, this is only one dimension of the recording industry's argument; the RIAA tries to go deeper into the theft analogy by monetizing music. Part of this argument is that if consumers pay for a CD, they are paying a recording artist to listen to their work, but if that same person does not pay for music, they are refusing to pay that recording artist for their work. This is problematic for two reasons. First, it conflates the act of listening to music with a need to pay. Second, it ignores the role of record labels in profiting from the labor of many recording artists without monetarily compensating them. While no one asserts that Spears is a copyright lawyer or legal scholar, her voice (and others' voices) speaks in these ads as a victim.

The title of *Rolling Stone*'s coverage of the superstar advertising campaign, "Don't Steal My Music" (Healy 2002)[36], is instructive to how the piracy panic narrative permeates the discussion. By titling the article "Don't Steal My Music," *Rolling Stone* positioned file-sharing as stealing. While the title itself is rather sarcastic, it still acts to equate file sharing with piracy and stealing. Furthermore, this article draws attention to an advertising campaign that did not need extra publicity to catch the attention of the public. After explaining the industry's position, Healy tepidly cites a member of Dashboard Confessional as not caring where fans get his music, as long as they listen. This final quote in the article, while seemingly provides a counterpoint to the recording industry's position, does little to counter the piracy panic narrative. Since the article is centered upon the

[34] William Patry. 2009. *Moral Panics and the Copyright Wars*. 1st ed. Oxford University Press, USA.
[35] *Ibid.*
[36] Mark Healy. 2002. "Don't Steal My Music." *Rolling Stone*, October 17, 24.

notion that file sharing is stealing, even if the article mildly sarcastic in tone, it cedes ground to the position that file sharing is in fact stealing. And yet, the article itself is unnecessary because the *Rolling Stone* issue contains a full-page advertisement claiming that piracy is stealing. In this way, the advertising media filter makes sure that the content of the magazine is in agreement with the sponsors of the magazine.

Piracy Panic Narrative and So-Called "Experts"

Aside from the continued moralization about file-sharing as a criminal act, the piracy panic narrative gets imbedded in deeper structures that change the norms and understanding of cultural consumption. The RIAA has a number of strategies through which it targets particular groups to stop file sharers and situate piracy as an overall menace to society. From education programs in K-12 and University policies that bar the use of file sharing programs (Dana 2003)[37] to think tank research that demonstrates a link between "piracy" and decreased employment in the cultural industries, the RIAA has waged a full ideological war on file sharing. It has executed this plan by "the reliance of the media on information provided by government, business, and 'experts' funded and approved by these primary sources and agents of power" (Herman and Chomsky 2002:2)[38]. In short, Herman and Chomsky demonstrate that think tanks position their experts in a way that makes them easily accessible to news outlets. To that end, reports and data by these experts are available to demonstrate the link between piracy and employment, profits, revenue and overall consumption; however, all of this research relies on the music industry's own data.

Here I would like to focus on the ideological contradictions adopted by the AFL-CIO (the American Federation of Labor and Congress of Industrial Organizations) in its own war on piracy. To that end, the AFL-CIO has published a series of documents that contend that piracy has caused a decline in jobs in the copyright industries. While other politically left leaning constituencies have embraced file sharing and fought positions that situate file sharing as piracy, the AFL-CIO has fully embraced the piracy panic narrative for fear that it is hurting workers. As I will demonstrate, the

[37] Rebecca Dana. 2003. "To Fight Music Piracy, Industry Goes to Schools." *The Washington Post*, August 28, Web, 1.
[38] Edward S. Herman and Noam Chomsky. 2002. *Manufacturing Consent: The Political Economy of the Mass Media*. New York: Pantheon Books.

AFL-CIO's position is embedded in the piracy panic narrative and based on faulty evidence.

On the "Policy & Research" section of the Motion Picture Association of America's (MPAA) website, there is a report under "Independent Reports" by the AFL-CIO. The fact sheet, entitled "Intellectual Property Theft: A Threat to U.S. Workers, Industries, and Our Economy," outlines a position that accentuates and reinforces the piracy panic narrative. The AFL-CIO claims that "The theft or piracy of copyrighted films, television shows, theatrical productions, and music costs the U.S. entertainment industries billions of dollars in revenue each year. That loss of revenue hits directly at bottom-line profits and those who earn their living in these industries" ("Intellectual Property Theft" 2013)[39]. Both the title of the report and the language in the report tie copyright infringement to theft and piracy, then it connects this "theft" to job losses and other economic hardships. Of course the immediate problem here is that, as discussed above, copyright infringement cannot be theft because copyright is not a property law, but rather a regulatory privilege. Therefore, this characterization of what may or may not be copyright infringement as always-already intellectual property theft acts to characterize an unambiguously ideological position as a moral position to affect behavior. Using an appeal to childhood morals that stealing is wrong, the AFL-CIO then makes the rhetorical turn that this theft is harming American workers.

However, the AFL-CIO fails to make a compelling case that this "intellectual property theft" is in fact hurting workers and neglects to recognize that it is the basic logic of capitalism that causes workers to lose their jobs. The primary source for "Intellectual Property Theft" is a study conducted by Stephen Siweck of the Institute for Policy Innovation[40] entitled "The True Cost of Copyright Industry Piracy to the U.S. Economy" (2007)[41]. Siweck's study deserves a sustained critique because a number of studies, reports and even academic essays cite him as the primary source to

[39] AFL-CIO, Department for Professional Employees. 2013. Intellectual Property Theft: A Threat to U.S. Workers, Industries, and Our Economy. Washington, D.C.

[40] It is important to note that the Institute for Policy Innovation (IPI) is an American think-tank with a conservative ideological position founded by former GOP Rep. Dick Armey. According to the IPI website, "Though IPI is a non-partisan organization, we approach policy issues from a consistent philosophical viewpoint of individual liberty and responsibility, free markets, and limited government" (http://www.ipi.org/about_ipi/).

[41] Stephen Siweck. 2007. *The True Cost of Sound Recording Piracy on the U.S. Economy*. Institute for Policy Innovation.

demonstrate a causal link between job losses and piracy. Siweck connects all layoffs across the copyright industries with piracy. However, there are a number of broader structural changes that have taken place on the part of cultural industries (and industries more generally) that result in the layoff of workers. Siweck uses federal jobs data to show that 375,000 fewer people had jobs in the copyright industries in 2005 because of piracy (Siweck 2007)[42]; the irony of this statistic is that in a 2006 report for the International Intellectual Property Association, Siweck found that the U.S. added more than 30,000 jobs in the copyright industries (Siweck 2006)[43].

The AFL-CIO and other reports use Siweck's data to state that 375,000 jobs were lost, but Siweck's data are only hypothetical assessments of how piracy impacts the industry based on Regional Input-Output Modeling System (RIMS II) multipliers. Using the RIMS II data from the US Bureau of Economic Analysis is an attempt to show the effects of an activity on different economic indicators, it is only a hypothetical statistical calculation. However, RIMS II does not work even as a hypothetical calculation in this situation because the aggregate data is too diverse. Additionally, trying to calculate the impact of piracy on jobs is too abstract for RIMS II because there is no clear legal definition of what counts as piracy and there is no good data on the impact of file sharing on purchasing music (or consuming it in other ways). While using RIMS II multipliers obscures real data, this does not stop economists from making arguments about the impact of piracy on jobs.

Siweck says that all of those 375,000 jobs that do not exist in the cultural industries are a result of piracy; however, there is a stronger correlation between industry practices and layoffs than piracy and layoffs. Here are some examples.

a. Mergers: The year in question is the same year that Sony and BMG music merged. That merger laid off more than 2,000 workers in the US (Newman 2005)[44]; subsidiaries push that number higher as, for instance, Sony-BMG closed Epic Records Nashville for an additional 20 jobs lost (these add up with more subsidiaries). The merger between Atlantic and Elektra (both subsidiaries of Warner Music Group) in 2004 resulted in the firing of 184

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[42] *Ibid.*

[43] Stephen Siweck. 2006. *Copyright Industries in the U.S. Economy: The 2006 Report*. International Intellectual Property Alliance.

[44] Melinda Newman. 2005. "SUM, Columbia Bolster A&r Efforts." *Billboard*, August 27, p.49.

workers (Christman 2004)[45]. Additionally, LiveNation with all of its growth (i.e. acquisitions) laid off 300 employees and Clear Channel contributed an additional 200 for the same reasons in 2005. These are just some examples of results of mergers that have no correlation to piracy.

b. Globalization: One perennial problem with layoffs in the United States is the effect off-shoring manufacturing jobs has on American workers. During the time period that parallels the rise of online file sharing, there has also been an unprecedented shift in manufacturing to the Global South. CD pressing plants have been closing down in the United States and opening in China, for instance. This has resulted in thousands of jobs lost in the music industry over the past two decades in the US. This is to say nothing of the result of new machines in these CD pressing plants that displace workers.

c. iTunes (and other digital services): People are buying/streaming more "legitimate" music online than they are purchasing at brick-and-mortar retailers. As a result, there are fewer CDs being manufactured. With fewer CDs being manufactured, there are fewer workers doing the manufacturing. Again, this has nothing to do with piracy, but rather the logic of capitalism (i.e. increase profits by eliminating workers).

These are just some of the issues with trying to calculate the impact of "piracy" on employment in the recording industry. Yet the main problem is that Siweck never answers the question: why are these layoffs a result of piracy? Or, how do we know that these layoffs are a result of piracy? An interesting point about this being listed as an "Independent Report" is that the data itself comes from the MPAA, the RIAA and other copyright industry trade associations because Siweck uses industry provided data to calculate revenue.

Unfortunately, the news media and think tanks are not alone constructing folk devils to leverage the piracy panic narrative, academics help to construct the narrative, too. For example, two essays in the *Journal of Business Ethics* attempt to identify the characteristics of these digital pirates based on their response to other ethical questions. In "Illegal Downloading, Ethical Concern, and Illegal Behavior," the authors conducted a survey that asks a series of questions to determine the ethical compass of the participants (Robertson et al. 2012)[46]. Among the activities that the

[45] Ed.Christman. 2004. "Atlantic Slims Down. (Cover Story)." *Billboard*, April 10, 1–61.

[46] Kirsten Robertson, Lisa McNeill, James Green, and Claire Roberts. 2012. "Illegal Downloading, Ethical Concern, and Illegal Behavior." *Journal of Business Ethics* 108(2):215–27.

researchers asked participants to rank[47] were "Drinking a can of soda in a store without paying for it," "returning damaged goods when the damage was your fault," "getting too much change and not saying anything," and "'Burning' a CD rather than buying it;" then participants were asked to say how often they participate in particular activities such as "Used Marijuana," "Shoplifted," "Not worn a seatbelt," "Driven 20km/h + over the speed limit" (Robertson et al. 2012:224–225)[48]. Finally, participants in Robertson et al.'s study were asked about their downloading habits. Unsurprisingly, Robertson et al. found that people that "illegally" download music are more likely to participate in other illegal behaviors and yet 74% of survey respondents admitted to "illegally" downloading music. This survey and the subsequent study constructs folk devils out of music downloaders by making them sound as though they spend most of their free-time breaking the law; this is mistaken because 74% of respondents are law breakers. An earlier study published in the *Journal of Business Ethics* came to similar conclusions after measuring how ethically an individual responds to a series of questions (Al-Rafee and Cronan 2006)[49]. These studies help to construct what a pirate looks like and how ethical they are in other situations by first constructing the act of downloading music as a deviant behavior.

Conclusion

The effect of the piracy panic narrative is not only that the general public believes that file sharing is a deviant/unethical behavior, but also that the recording industry has been successful at using that narrative to change the law in the United States. While public apprehension has slowed legislation like the Stop Online Piracy Act (SOPA), the US courts have by-and-large interpreted file sharing (at least in its uploading variant) as a crime. Additionally, the Digital Millennium Copyright Act (DMCA) has been interpreted in a way that forces Internet Service Providers (ISPs) to block RIAA identified file sharers. At this time, there is a green paper circulating Washington, D.C., which marks the beginning of the process of "updating"

[47] The survey participants were asked to rank statements on a five point scale. 1 means that they "strongly believe it IS wrong" and 5 means that they "Strongly believe that it is NOT wrong"
[48] *Ibid.*
[49] Sulaiman Al-Rafee and Timothy Paul Cronan. 2006. "Digital Piracy: Factors That Influence Attitude Toward Behavior." *Journal of Business Ethics* 63(3):237–59.

copyright law (IPTF 2013)[50]. The Department of Commerce's Internet Policy Task Force (IPTF)[51] describes its goal as "to ensure that the Internet remains both an engine of creativity and innovation and an environment where copyrighted works are adequately protected against piracy" (IPTF 2013). The contradiction in this language is that even if "piracy" is defined as unauthorized reproduction for commercial purposes, the express goal of creating new legislation cannot be to protect against illegal activity because if the activity (i.e. file sharing) is illegal, then there would be no need for a new law.

As a result of the piracy panic narrative, the recording industry has used its hegemonic position within the broader music industry to assert its power in digital consumption and production. Public confusion based on industry discontent has created a situation where the public believes that file sharing is immoral and illegal. Since this moral panic about piracy asserts that file sharing is illegitimate, there is widespread support to write laws that make file sharing illegal. There would be minimal impetus for the state to legislate on file sharing without the moral outrage of the public. With the present moral panic, the recording industry can encourage policy changes that will change music listening practices for the foreseeable future. The effects of the new policies pushed by the recording industry are now beginning to change music. In essence, the result of file sharing is not that pirates are killing music, but rather that the industry itself is using the piracy panic narrative to kill music by creating legislation that maintains the major record labels' hegemonic position in the broader recording industry.

[50] IPTF. 2013. *Copyright Policy, Creativity, and Innovation in the Digital Economy*. Washington, D.C.: The Department of Commerce Internet Policy Task Force.
[51] *Ibid.*

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‘THE MORE THINGS CHANGE, THE MORE THEY STAY THE SAME’: WHERE POWER LIES IN THE TWENTY-FIRST CENTURY MUSIC INDUSTRY

Dr. Jim Rogers

This article concerns itself with an examination of the unfolding relationships between technological innovations, socio-economic factors and the music industry. Since the dawn of the twenty-first century the music sector has been widely perceived as undergoing radical transformation at the hands of the internet and related digital developments. Much commentary and analysis have been devoted to the perceived upheaval visited upon established music labels and artists by (in particular) the widespread availability of free online music files. Commonly, such coverage in the mainstream media has been through a dystopian lens, with stories of plummeting record sales resulting from developments in the transition to a digital milieu illustrating the decline or even demise of the music industry. Equally, much has been written in a more celebratory tone about the potential of developments in the digital domain to undermine the concentrated ownership that has characterised the music industry over decades. Digital innovations have been widely heralded as freeing recording artists from the shackles of the handful of major labels that have traditionally held a firm grip on channels of distribution and marketing by enabling performers to enjoy an ‘unmediated’ relationship with their audience. In short, conventional wisdom tells us that a ‘digital revolution’ has produced a new music order, undermining pre-existing power structures. Here however, we set about deflating such transformative hype by demonstrating how the music copyright regime has reorganised itself in response to a changing and challenging technological environment in order to maintain itself and bolster existing power structures in the music industry.

While acknowledging the very significant changes that have occurred in and around the music industry since the advent of digital platforms for its circulation, this article fundamentally rejects popular techno-centric accounts of radical disruption to established industry structures and

relations. Yes, radical technological innovations such as the internet diffuse with the potential to generate fundamental upheaval to the established practices and roles of the music industry, and its core power structure. However, we must be mindful that such technological innovation quickly generates a responding raft of 'matching' innovations from the socio-economic sphere. Such matching innovations can be considered as relatively autonomous from any inherent technical considerations, characteristics or trajectories and they include organisational, industrial, social and institutional (including policy) innovations.

The article will proceed to first briefly outline the theoretical context underpinning and informing analysis of the recent Irish study. It will then proceed to detail perceptions of the problems and challenges arising for the music industry in the wake of the 'digital revolution' before moving to map out some of the fundamental responses generated by the industry to these challenges in recent years. This involves recognising how music has evolved as a copyright industry with the potential to exploit the intellectual property it generates across an increasing range of platforms and spheres. While much precious commentary and analysis of the music industry has focused on the record industry, and in recent times on the broad decline in revenues in this sector, such developments as outlined below demand that we recognise and assess the music industry in terms of a much broader range of inter-connected sectors and activities. We must not fall into the trap of conflating the music industry with the record industry. Moreover, such developments hold particular implications for how we conceive of the recording artist.

The fundamental arguments advanced in this article are greatly informed and shaped by a recent research study conducted by the present author in the Irish context which probes and examines fundamental changes and continuities that have occurred in the music industry since the mid-to-late 1990s. Informed primarily by a social shaping of technology perspective, the empirical-level aspect of this study comprised an extensive series of in-depth interviews with interviews with forty-four key industry informants. The interviewees combined to represent a range of activities and included record industry personnel, music publishers, artist managers, live music promoters, record producers, recording artists, music broadcasting personnel, music journalists, policy makers and other key informants. Many of the interviewees have worked in more than one field across these areas of occupation. The assembly of such an array of informants offers a unique and extremely rich information resource based on the accumulated (and often

tacit) knowledge of highly-experienced music industry actors. Aspects of this research have earlier been published in a series of academic journal articles (Preston and Rogers, 2010, 2012, 2013; Rogers and Sparviero, 2011), and also a book (Rogers, 2013). While only highly select quotes or accounts from specific interviewees are detailed in the present article (given the word-count limitations), the perspectives arrived at courtesy of analysing and critiquing these recorded interviews and discussions inform everything that follows below.

Theoretical context

Given the centrality of digital technologies, particularly the internet, to arguments surrounding the apparent crisis in the music industries and to debates surrounding change in music production, distribution and consumption practices, it was vital to incorporate some key perspectives on relationships between technology and actors in the social world into the analytical framework underpinning the research study informing this article. There is much debate among researchers and theoreticians as to the role and place of technology in society. While some theoretical approaches label technology as a discreet, independent, autonomous force that determines social change, others argue that it is impossible to separate technology from the social environment within which it emerges, and that the reification of the technological is flawed (Lister et al, 2008). Two core schools of thought (and the tensions between them) inform our analysis of the changes and continuities that characterise the music industry in recent times: technological determinism; and social shaping approaches to technology. Given restrictions of space in the present article, I will only outline a headline-level and perhaps somewhat crude overview of the concepts drawn upon in the recent study.

Technological determinism is an umbrella term that refers to a range of concepts which regard technology as playing, to a greater or lesser extent, a determining role in society. Such perspectives view technological advancement as largely autonomous and teleological. In broad terms, technological determinist approaches assume a paradigm shift in social relations and social organisation deriving from technological developments, and a causal relationship between technology and social change. The works of McLuhan (1962; 1964), Toffler (1970; 1980) and Bell (1973) represent some of the most robust and celebrated literature in this domain.

Such ideas enjoyed renewed currency with the rapid and widespread diffusion of the internet from the mid-1990s, and have continued to

dominate thinking in policy circles. Leading this techno-centric surge were authors such as Negroponte (1996) and Kelly (1999). Kelly (1999) continued Toffler's theme of a break with the old relations of industrial capitalism, arguing that in the age of the internet, a whole new set of economic rules and relations are required. For Kelly:

Technology creates an opportunity for a demand and then fills it… Supply and demand are no longer driven by resource scarcity and human desire. Now both are driven by one, single exploding force: technology. (Kelly, 1999: 55)

Writing specifically in relation to music Kelly argues that '[t]he recording industry as we know it is history' with internet technologies transforming the entire spheres of music production and consumption (Kelly, 2002: 19). Equally, Negroponte espouses the radical potential and determining forces he perceives as inherent in digital technologies – revolutionary technologies that imply an eschewal of much of what has gone before. This sense of revolution is most starkly conveyed in his assertion that: 'Copyright law…is a Gutenburg artefact' (1996: 58), and: 'Copyright law will disintegrate...Bits are bits indeed. But what they cost, who owns them, and how we interact with them are all up for grabs' (Negroponte, 1995). Such statements, bluntly outlining the revolutionary quality of the internet on the cultural and media spheres holds a particular resonance in the context of this thesis. The death of copyright implies a drastic reordering of the relationship between cultural corporations and consumers. Negroponte further asks: 'If moving these bits [of digital data] around is so effortless, what advantage would the large media corporations have over you and me?' (ibid). In addition, digitalisation can serve to 'flatten organisations…decentralise control' and make the nation-state 'go away' (ibid). All of these assertions underlie claims of revolution in the music industries and thus ring loudly in the ears of the student of these industries. In Negroponte's terms, the internet brings with it the democratisation of the music economy where the small independent artist faces the large cultural corporation on a level playing field.

Such approaches fit neatly with many popular accounts and commentaries that detail the impact of the internet on the music industry. Many media accounts of the evolving state of the music industry over the past two decades tend to talk at a macro level about the internet and music users, discussing the rapid diffusion of file-sharing software and user networks in overarching generalisations.

Although technological determinism remains the dominant informant of political, industrial and media accounts of techno-social relations, it finds significant opposition in the academic world, primarily in the arena of social shaping approaches to technology. Social shaping theories essentially challenge technological determinist assumptions regarding the nature and trajectory of technological change and its impacts upon the social world. Following on from the seminal work of Raymond Williams (2003/1974) in his field, other authors such as MacKenzie and Wajcman (1985), Bijker et al. (1987), Marvin, (1988) and Winston (1995, 1998) all effectively served to shift the focus from perspectives that afford primacy to the technological to ones that emphasise the role of broader social forces in shaping the outcome of technologies in society. However, Winston (1998) offers a 'model for the nature of change in media technologies' (based in part on Saussurian linguistics) which deals with the evolution of a technology from its emergence to its social acceptance which is particularly pertinent to the tasks at hand in the present article. Here Winston outlines a range of historical continuities that underlie apparently radical technological innovation. He illustrates how new technologies are suppressed by 'general social constraints' that 'coalesce to limit the potential of the device to radically disrupt pre-existing social formations' (ibid: 11). This is what Winston refers to as 'the law of the suppression of radical potential'. In short, those institutions in society whose power and interests are threatened by the emergence and widespread 'social acceptance' of a new technology will effectively combine to stymie the scope of the technology to realise its disruptive potential. As Winston's analysis of a range of communications technologies illustrates, the 'great corporation' emerges 'as the primary institution of our society' to countervail the disruptive potential of technology on existing power structures.

Such approaches indicate that a more thorough understanding of the role and outcomes of particular technologies requires us to broaden our analytical lens beyond the 'technological' in order to address key socio-economic interests and powers that are framing the practical application and/or appropriation of technologies in society, not least in the case of the internet in the context of the music industry which is our primary preoccupation here. To borrow Winston's (1998) phrasing, this article will ultimately proceed to illuminate some key 'suppressants' of the internet's radical potential to disrupt established roles and interests in music industry.

Piracy, crisis and perceptions of a music industry Armageddon

While stories of an internet-induced 'destruction' of the music industry were appearing as far back as 1998, by the early years of the new millennium *Wired* magazine were declaring 2003 as 'the year the music dies' (Mann, 2003). Since then, a steady stream of accounts and commentaries that document a 'crisis' of digitalisation for the music industry has continued to circulate via mainstream media, industry reports, and to a lesser extent from the corridors of academia (for example, Barfe, 2004; Liebowitz, 2004, 2008). Equally such rhetoric has been circulating music-oriented online chat rooms, blogs and such digital fora in recent years.

Most frequently, the wide-scale popularity of peer-to-peer file-sharing networks is blamed for driving record sales revenues in a downward direction, closing 'bricks and mortar' retail outlets and causing significant job losses across the industry. Digital 'piracy' stories such as 'Music labels feel the music pirating pain' (*Sydney Morning Herald*, 21 November 2011), 'Piracy continues to cripple the music industry…' (*The Guardian*, 21 January 2010), 'Downloads keep going up… Music giants lose fortune in 1.2bn song thefts' (*The Times*, 17 December 2010) and 'The music industry… knee deep in a downloading crisis' (*The Sunday Business Post*, 6 April 2008) have formed a common and recurring theme in both national and international press publications in the twenty-first century – (see Rogers 2013: 4-8 for a more comprehensive overview of such media discourse). By late 2009, at the end of what *The Economist* described as a "brutal decade" where "music was the first media business to be seriously affected by piracy and has suffered most severely" (*The Economist*, 12th November 2009), the music industry was widely perceived as "the poster child of failed digital opportunities" (Tapscott, 2011).

Hyperbolic claims of digital destruction have also emanated from policy circles. This is perhaps most notably and severely illustrated in the following comments from former French President Nicolas Sarkozy following the brokering of an agreement between French internet service providers (ISPs) and media corporations by his government in 2007:

We run the risk of witnessing a genuine destruction of culture... The internet must not become a high tech wild west, a lawless zone where outlaws can pillage works with abandon, or worse, trade in them in total impunity. And on whose backs? On artists' backs. (Reuters cited in the *New York Times*¸ 24th November 2007)

In response to an initial headline-level question regarding the most significant changes that have occurred in the music industry since the

advent of the internet, perhaps unsurprisingly, almost all of those interviewees who participated in the Irish-based empirical-level study raised the issue of online piracy, and the consequent problems they perceive as emanating from the rapid proliferation of file-sharing software. For example:

Digitalisation has totally rattled the industry…The big record companies have taken a real pounding in the last year or two. (Artist manager, personal interview)

Peer-to-peer sharing, it's a bit like this: a kid records something at home, and it's like he's stealing a chocolate from Willy Wonka's factory, but the problem with peer-to-peer is that it opens up the whole factory and they steal the lot. (Major music label executive, personal interview)

Such dystopian perspectives on the implications of digital distribution and 'limitless substitution' in the music industry appear, on the surface, to find support in the recorded music sales revenue data published on an annual basis by the International Federation of Phonographic Industries (IFPI) which indicate the global record market to have shrunk significantly since the turn of the millennium. Since reaching a peak of $38.7bn in 1999 (cited in Nurse, 2001), global recorded music retail revenues dropped by almost 40% in little more than a decade to a figure of $23.4bn in 2011 (cited in *Music & Copyright*, 2012). In the case of Ireland, the overall decline across the 2001-10 period was a phenomenal 45% (IFPI 2002; 2011). In addition, many interviewees point to the significant job losses that occurred in major labels in the second half of the last decade as well as the demise of countless major and independent 'physical' retail outlets for recorded music as demonstrating the existence of a rare and deep crisis for the industry (for a more detailed outline of such trends see Rogers 2013: 41-46).

In other instances, interviewees see the changes arising from digitalisation as not only disastrous for the music industry, but potentially ruinous to music culture per se:

This is the problem. The culture has seeped in where by people are beginning to think that music is free. If you take that to its logical conclusion, well when the music runs out there'll be no more music. (Independent music publisher, personal interview)

You know, if you take it to it's natural conclusion, nobody wants to pay for music…If people, young people think that music is free, well…there's no incentive for people to write new music unless they can get paid for it. (Independent record label owner, personal interview)

The aggregate of these various narratives is that the music industry has experienced severe turmoil and tumult since the advent of digital distribution, and that such revolutionary changes carry with them potentially cataclysmic consequences for the music industry. Such accounts fit neatly with much of the techno-centric frenzy associated with Kelly (1999; 2002), Negroponte (1995; 1996) and their disciples. All of this, however, is very much only one side of a multi-dimensional story.

'Matching' innovations – the response of the music industry

In order to arrive at a more holistic understanding of the evolution of the music industry in digital times we need to consider those 'matching' innovations in the broader music industry domain that have quickly evolved to accompany technological developments. The response of the music industry has been multi-faceted and has seen its major actors engage in a range of strategies to stem and stymie illicit file-sharing activities, while simultaneously working to grow both new and traditional revenue streams in realms beyond the recorded music sales market. On one hand major labels have sought recourse to the courts by bringing copyright infringement cases (with considerable success) against the producers and suppliers of file-sharing technologies, individual network users, and ultimately internet service providers (ISPs) in different territories around the world. On the other, the music industry have equally grown the digital music sales market as well as directed significant energies to the pursuit of revenues through licensing agreements with a host of online and mobile platforms, be they streaming services, social networks, video sharing sites and other. Equally they have intensified their pursuit of revenue through licensing their wares to more traditional media forms such as radio, television, film and advertising, as well as forging relationships with the gaming sector. Such developments have proved fruitful for the recording and music publishing sectors alike. Beyond this, the period of decline in the fortunes of the record sales market has witnessed a sharp incline in the fortunes of the live music sector. In short, if we consider the music industry as encompassing the full range of sectors and activities as engaged in by its major actors, we discover a picture quite far removed from the linear narrative of death by digital. To understand how music has evolved as an industry, we must recognise it as a highly functioning intellectual property industry where those actors in possession of the most lucrative copyrights work to maximize the potential for their exploitation. Given the constraints on space in the present article, it is impossible to adequately elaborate on all

of these developments in terms of how the music industry has evolved in the twenty-first century. However, let us now consider how just *some* of these response strategies to a new technological environment are playing out.

Growing the digital sales market

By 2011, licensed digital music services were available in 58 countries around the globe and served to generate revenues of US$ 5.2, representing 32% of overall global revenues for the industry (IFPI, 2012). By 2013 Ireland had 21 different 'legal' online services available to music consumers. That same year, iTunes, one of the biggest players in the digital music store market had a licensed catalogue of more than 26 million tracks and boasted more than 25 billion downloads across the world (Apple, 2013).

Beyond such digital music store models that offer a-la-carte and/or subscription services, a range of models has evolved including mobile services, streaming services, social networking sites, brand partnerships and other direct to consumer sites. Moreover, in recent years major music companies have evolved partnerships with ISPs in order to offer music services to end-users. Services such as Eircom (Music Hub) in Ireland and Sky (Sky Songs) in the United Kingdom are just two of the ISPs involved in such partnerships around the world. This is another manner in which the music industry has succeeded in growing the range of channels for the licensed distribution of its content. For one interviewee, a major label executive, such licensed platforms for the delivery of music present themselves new avenues for exploitation of new and, more importantly, established record industry catalogues:

In the 1990s [the record industry] got a second lease of life with the emergence of CD and DVD, and the back catalogue they carried. . . That really sustained revenue growth then… However you have the new generation of formats and that give it another spurt…[with] a huge release of back catalogue on those formats. (personal interview)

Beyoncé's *I Am Sasha Fierce* album serves to illustrate the superabundance of formats to which the above interviewee refers. This particular 2009 recording was issued across no fewer than 260 different formats which encompass the gamut of online and mobile platforms including ringtones, full-track mobile downloads, video, online music store downloads and a deluge of others (IFPI, 2010).

All of this serves to emphasize the success of digital music service platforms, their massive and ongoing expansion, and their growing importance to major music copyright owners.

Furthermore, Juniper Research's *Mobile Music Opportunities* report (2011) highlights the increasingly significant role of mobile music in overall digital music revenue streams and predicted that mobile music revenues would surpass $5.5bn by 2015. The synergistic possibilities of mobile music should also be considered. For example, it is now possible for an individual at a music event or in a bar or night club to use technologies such as the Shazam app to identify a particular song that they are hearing, and then to go to a digital music store and buy it.

Revenue and marketing opportunities from other licensing platforms

Major music copyright owners have been engaged in forming alliances with online social networks and other internet and mobile content platforms for almost a decade now. In many instances, such 'negotiations' have emanated from copyright infringement lawsuits brought by the music labels against the digital platform.

You Tube offers perhaps the most interesting case study here, and has long since entered licensing agreements with the major rights holders. As a result of such agreements, music copyright owners benefit from different rights that are initiated by the use of their content on YouTube. Royalty collection societies subsequently struck deals with YouTube. For example, in Britain, autumn 2007 saw YouTube obtain a blanket license from the MCPS-PRS alliance that allows the site to stream ten million pieces of music administered by the society in return for an undisclosed annual payment. According to one interviewee, a former catalogue manager at a major music publisher:

The MCPS-PRS alliance and YouTube did not disclose the terms of their agreement... Nobody knows anything about the deal… Nobody knows what the amount of money is that YouTube has paid over to PRS, and nobody knows the nature of the license. It's secretive for business reasons for both sides... I would guess that they don't want to set any precedents for any other deals that are done in the future involving either party… So we might deduce from that that the PRS got a bloody good deal. It's a bit like asking a colleague what his salary is and then going to the boss for a raise. (personal interview)

The years that followed saw YouTube forge a range of similar agreements with the other royalty collection societies and music publishing trade bodies around the globe.

In addition to YouTube, December 2009 saw the launch of Vevo, a music video service in which both the Universal and Sony music companies are key owners, with Google/YouTube providing the technology. Resulting from its partnership with YouTube, it is now available in more than 200 countries. Content is free to users, and advertising revenues are shared by the sites owners and Google. By June 2013, Vevo had seen its unique monthly viewers grow to 526 million, and boasted 4 billion music video streams. Both YouTube and Vevo feature links to digital stores where downloads of songs can be purchased.

Additionally, in recent years we have also witnessed the rise of such music-orientated platforms as Soundcloud, Bandcamp and Reverb Nation. Moreover 2011 saw the launch of Rdio, an online music subscription service developed by the founders of Skype Niklas Zennstrom and Janus Friis. By 2013 the service had approximately 20 million tracks licensed available to users in 35 countries. Skype itself has been licensed to sell music downloads from the major music companies since 2006.

Beyond this, we have also seen the emergence of a host of ad-supported streaming and download services that offer new revenue-generating potential for artists and labels as well as promotion for music. Spotify, Deezer, Last FM and Grooveshark offer some of the most notable examples here. Others include We7, Spiralfrog, Amie Street, Sellaband and Magnatude.

Beyond digital – other licensing platforms

Music exists not only as a stand-alone music form, but also as a core constituent element of other media and cultural forms. While overall sales for records have declined, music rights owners have also shifted a greater emphasis onto the exploitation of their repertoires across more traditional media platforms.

Media forms such as film, television, advertising and radio have for many decades enjoyed a symbiotic relationship with music, and more recently have become increasingly important to the music industry's economic health. Not just in terms of the promotional value they bring to music and artists, but in terms of the direct revenues generated through licensing across these platforms. With the rapid deregulation and privatization of the broadcasting sector that occurred across Europe since

the early 1990s, radio and television outlets have proliferated, and in turn driven a vast increase in music licensing revenues from these sectors.

For one interviewee, as audio-visual media has proliferated, so too have openings for the synchronisaization of music:

There are so many new outlets and platforms… It's become so much more sophisticated in recent years. So many other things 'sell' using music. Music to sell a film. Music to sell television. Advertising. Music to sell a brand. You have advertisers migrating to link with bands and music brands more and more… Music revenues are more and more generated by the application of music in other things. It's music as a secondary factor. Music used as an emotional hook to attach you to other brands. There are just so many of forms of media now for music. (personal interview)

Some interviewees also highlighted the passing of an updated Performance Right Act in the US in 2009 which is seeing broadcasters pay increased royalties to music owners for the use of their content in television and radio broadcasts. Focusing specifically on the Irish context, other interviewees also point to the declining opportunities for composers in post-production studios that specialise in television and advertising scores and jingles, citing how the major labels have significant increased their interest in filling such musical 'spaces' in recent years.

In this context, one interviewee, a long-established music journalist and former independent record label owner, describes synchronisation as making music publishing:

... look like very good shareholder value which is why you see a lot of investment in music publishing at the moment because there will always be revenue coming in from publishing sources. There will be money coming in from films, from ads, television, radio, all that sort of stuff. (personal interview)

Such a perspective reinforces the earlier reported comments of Martin Bandier, Chair and CEO of Sony/ATV Music Publishing:

If a brand is going to spend tens of millions of dollars for TV, radio or web time, they want a song that has immediate recognition and that can put you in a particular place or time…This is a good time to be in the music publishing industry. (cited in Howard, 2008)

While many interviewees detail how film, television and digital games provide fruitful outlets for music, perhaps advertising more than any other media or cultural sector demonstrates such trends. Established repertoire that previously could scarcely have been conceived of in the context of advertising, now regularly promote various products and services across

national and international advertising campaigns as part of the industry's drive to maximize the return on the copyrights under its ownership. Hence, songs by folk and rock artists (living and dead) such as Woody Guthrie (Audi), Bob Dylan (Victoria's Secret) and The Beatles (Target; The Halifax) have all been used on TV commercials. In fact, when we consider the range of artists and music that are used in advertising campaigns, and how aggressively they are promoted to advertising executives by the major labels, this trend effectively goes against time honoured standards for authenticity in rock music culture. According to one interviewee, "advertising is more lucrative now than even getting a track in a Hollywood movie" (independent music publisher, personal interview).

When we consider the range of artists and music that is used in advertising campaigns, and how aggressively they are promoted to advertising executives by the major labels, this trend effectively goes against time honoured standards for authenticity in folk and rock music culture.

That the exploitation of music copyrights in such contexts is proving highly lucrative is evidenced by, among other things, the steady growth demonstrated by the music publishing industry. According to the International Confederation of Authors and Composers Societies (CISAC), global performing royalty revenues grew to $7.5bn by 2010 (CISAC, 2012). This reflects revenues collected from a multitude of sources such as radio, television, film production and advertising, but also many others.

Specifically in the Irish context, music publishing revenues have demonstrated robust growth since the turn of the millennium with performing royalties doubling in the space of a decade to a figure of €40.4 million by 2009 (IMRO, 2010), and the net distributable income from combined performing and mechanical increasing by almost 225% across the same period.

Additionally, we must consider the remarkable growth demonstrated by the live music industry since the turn of the century. As the value of record sales has fallen, the value of live performance has swelled. According to Laing (2012), the value of the global concert industry had risen to $25bn by 2010, making it more profitable than the record industry that year. The IFPI had estimated the live industry to be worth $21.6 that same year (ibid). As it has grown in stature, this sector of the music industry has also grown more concentrated, and processes of vertical integration have also acutely grown to characterize it, as illustrated by the rise to global dominance of Live Nation Entertainment.

In the context of such trends as illustrated above, Winseck (2011) estimates the global value of combined music industry sub-sectors to have increased by 40% between 1998 and 2010, rising from a figure of risen from a figure of $51 billion to in excess of $71 billion. Whatever the claims of the record industry regarding the effects of illicit file-sharing, the strong overall growth across the industry as a whole suggests music has demonstrated significance resilience in the context of the deep and rare international financial crisis that has beset the (Western) world since 2007-08.

Discussion and conclusions

The predominance of technological determinist ideals in contemporary society is reflected in the depressing stories of the record industry's outcome in the digital environment as referred to earlier in journalistic, industry and also academic accounts, and also in the testimonies of interviewees who participated in the empirical-level stage of the recent Irish study. Williams (1974) argument that technological hegemony is achieved by the constant repetition of technological deterministic rhetoric in media and other sources, leading to the uncritical acceptance of techno-centric ideology in the mainstream, is particularly relevant given the 'received wisdom' of contemporary society regarding the detrimental effects of file-sharing technologies on both economic and cultural processes surrounding music.

Yet, much of the disruptive potential that the internet carried with it for the music industry remains unrealised. Despite the dire economic picture painted by the record industry in terms of the decline it suffered in the wake of file-sharing technologies and such innovations, the broader economic profile of the music industry as a whole is far from gloomy. In fact it is quite robust.

Equally, despite the liberative possibilities arising with digitalisation for independent distribution, marketing and promotion, and with that, the dismantling of the power of the major labels, the music industry remains remarkably concentrated with just three major labels continuing to dominate the spheres of recording and music publishing – Warner, Universal and Sony. The most significant new entrant onto the music industry landscape over the past decade has been Live Nation Entertainment which has evolved as a multi-dimensional music company to serve not only as the world's largest touring and live promotion agency, but also a record company, music publisher and provider of management and merchandise services. Live Nation's rapid evolution as a fully integrated 360 degree music company reflects the core manner in which the music industry

has restructured itself in order to negate the potentially harmful effects to its economic health that the internet poses and to buttress pre-internet power structures.

Whereas the music industry traditionally comprised of a set of inter-related but nevertheless discrete sub-sectors, nowadays a major label will typically incorporate the management and administration of recording, publishing, live performance and merchandising rights for an artist, as well as offering management services. As music companies have become 'integrated' in this manner, activities are increasingly streamlined with revenue channels deriving from activities across all sub-sectors leading back to the same corporate parent. Moreover, this process has seen the recording artist effectively re-conceptualised as a centralised cluster of rights – a universal source of revenue for one central rights holder.

So, a fuller understanding of the changes that have occurred in the twenty-first century music industry thus requires us to recognise that the activities and interests of major labels and artists extend far beyond the realm of selling records. It is an intellectual property industry that is nourished by the exploitation of copyrights across an extensive range of domains and spheres. This, in essence, highlights those features and traits that render music distinctive, if not unique as a cultural and media form. Music is characterised by its ubiquity. It is everywhere. Music fills our private places and public spaces. Even if we never make a conscious decision to listen to or engage with it, it is there. It is in our homes, our cars, our work places. We find it where we eat, shop and exercise. Moreover, music embeds itself in other media and cultural forms. It exists as a core constituent element of long-established media types like radio, film, television and games as well as a plethora of new and emerging online and mobile platforms. The crucial point is that every possible site of exposure for music is at once a potential site of revenue generation for the music industry. The exploitation of music copyrights and brands across a proliferating range of platforms and the nature of music's 'embedding' in other media forms offers the music industry economic sustainability and continuity.

Far from dying at the hands of digital, the music industry is alive and well and unlikely to disappear anytime soon…

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DIY NOISE AND COMPOSITIONAL HORIZONS: INDIE MUSICIANS AND PROMOTERS IN THE AGE OF DIGITAL REPRODUCTION

Billy Geoghegan and Kevin Meehan

When Jacques Attali published *Noise* in 1977, he famously predicted the collapse of a music industry defined by mechanical reproduction, privatized stockpiling of musical commodities, and a music business model based on an alienating division of labor, fragmenting specialized roles, big label dominance, and hit parade spectacle. In part, our essay explores the extent to which Attali's utopian ideals, encapsulated in an emerging paradigm of music practice he termed *composition*, have been realized during three and a half decades of change marked by the rise of digital audio reproduction and the proliferation of social networking.

Judging from high-profile success stories such as Radiohead's pay-what-you-want release of *In Rainbows* in 2007 or Macklemore and Ryan Lewis's 2012 self-released album *The Heist*, one might conclude that artists have used digital technology to smash the control formerly wielded by labels, big and small. Meanwhile, iconic figures such as Neil Young, David Byrne, and Pete Townshend have endorsed online streaming services as "the new radio" (Young)[1], celebrated the wider range of ways for contemporary artists to generate income and reach audiences (Byrne)[2], and affirmed the undiminished creativity enabled by computer-based digital audio

[1] See Scott Timberg's Salon.com interview with Dave Allen, and Allen's blog at http://north.com/thinking/author/dallen/

[2] David Byrne. "David Byrne's Survival Strategies for Emerging Artists—and Megastars." *Wired* 16:01 (December 18, 2007). http://www.wired.com/entertainment/music/magazine/16-01/ff_byrne?currentPage=all. Accessed July 31, 2013

workstations (Townshend)[3], giving added credence to the argument that *composition* as Attali envisioned it has become an established production mode. Yet, the recent copyright infringement lawsuit lodged by Aimee Mann against streaming content provider MediaNet is only one of numerous laments suggesting that capital has morphed along with artists' liberating use of new technology. From this perspective, voiced in more recent statements by Byrne, Radiohead's Thom Yorke, and others, the music industry is still a site of pitched battles over resources, creative autonomy, and the value generated by musicians, suggesting that the utopian aspects of composition have been contained.

While there is no shortage of scholarship analyzing the impact of digital technology and social networks on musical production and distribution, the changing geography of music production, concert ticket sales, new business models, new versions of fandom, the rise of expensive recording industry trade schools, and numerous related topics, most of this commentary remains focused on high-profile artists operating at the top of their particular niche zones. What about those artists whose footprint is smaller than Macklemore or Radiohead?

Our essay aims to augment existing scholarship on the current state of the music industry by examining what the age of digital reproduction has wrought at the grassroots level where smaller independent, emerging, and DIY ("do it yourself") musicians operate, along with the companies that help promote them, often bringing a similar DIY approach to management. Within the framework sketched out above, we will share real-life anecdotes from co-author Billy Geoghegan, whose work as a Music Doer at Brown Paper Tickets includes not just the fair-trade ticketing that is BPT's core business, but also comprehensive artist development with smaller artists many of whom have been successful with a DIY approach. Billy's stories about and interviews with several musicians and promoters that work with BPT will allow us to trace "compositional horizons" with respect to recorded commodities, artist-audience relationships, artist-management relationships, and the paradoxical endurance of non-digital phenomena like vinyl and cassette releases, and, perhaps most importantly, physical touring. These anecdotes will be buttressed throughout with feedback from seventy-one respondents to a quantitative survey on attitudes and behaviors among smaller and emerging artists in the indie sector, conducted by the authors

[3] Pete Townshend. "Exclusive—Pete Townshend Extended Interview Part 2." http://www.thedailyshow.com/watch/mon-october-8-2012/exclusive---pete-townshend-extended-interview-pt--2. Accessed 12/26/13.

with musicians and promoters, as well as eleven in-depth responses to a qualitative version of the survey (the survey included here as an appendix). While niche stardom is certainly one of the signal industry developments during the digital age, we argue that it is just outside that niche star spotlight that Attali's compositional ideal is thriving most vigorously. On a more ominous note, while digital technologies make the vocational goal of working musician accessible to more people, the emphasis on constant touring may signal a return to pre-modern modes—the vagabond and *jongleur* highlighted by Attali as icons of medieval musicianship—in which case music may be heralding a broader process of political and economic refeudalization.

Heralding Composition?

"The noises of a society are in advance of its images and material conflicts. Our music foretells our future. Let us lend it an ear" (Attali 11).[4]

The dialogue among high-profile musicians about how to evaluate the impact digital technology has been going on for most of the past decade, albeit with less of the polemical frenzy that has characterized the recent interventions referred to by one commentator as "the great streaming battle of 2013" (Ubaghs).[5] To follow one line of testimony and analysis, the digital revolution has indeed heralded the demise of a big label *ancien regime* and the rise of new musical practices that are more democratic and decentralized. The claim is aptly summed up in the words of geographer Brian Hracs, who posits that "[b]y eroding the power of the major record labels, technology is democratizing the production and distribution of music" (Hracs 442).[6]

This new social environment resonates strongly with the shift Attali predicted in *Noise*. *Repetition*, the music production mode associated with industrial capital, was destined to give way to *composition*, a new order of things that Attali characterizes in the following terms:

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[4] Jacques Attali. *Noise: The Political Economy of Music*. Trans., Brian Massumi. Afterword: Susan McClary. Minneapolis: University of Minnesota, 1985.

[5] Charles Ubaghs. "Why You Shouldn't Feel Guilty About Using Spotify." The Quietus December 30, 2013. http://thequietus.com/articles/14175-spotify-streaming-controversy-thom-yorke. Accessed January 9, 2014.

[6] Brian J. Hracs. "A Creative Industry in Transition: The Rise of Digitally Driven Independent Music Production." *Growth and Change* 43:3 (September 2012): 442-461.

Doing solely for the sake of doing, without trying artificially to recreate the old codes in order to reinsert communication into them. Inventing new codes, inventing the message at the same time as the language. Playing for one's own pleasure, which alone can create the conditions for new communication. […] Composition thus appears as a negation of the division of roles and labor as constructed by the old codes. […] The listener is the operator. Composition, then, beyond the realm of music, calls into question the distinction between worker and consumer, between doing and destroying, a fundamental division of roles in all societies in which usage is defined by a code; to compose is to take pleasure in the instruments, the tool of communication, in use-time and exchange-time as lived and no longer as stockpiled. (*Noise* 133-135)[7]

Big label hegemony was already eroding by the late 1970s, and the breakthrough of punk and reggae bands launched by smaller independent labels at this time seemed to embody the utopian hopes expressed by Attali.[8] The big labels, though, survived the initial shift into digital reproduction. The 1980s and 1990s actually witnessed a process of consolidation. Labels shrank in number and increased in size as a range of bigger and smaller entities were absorbed into five major labels: Bertelsman AG, EMI, Seagram/Universal, Sony, and Time/Warner (Hracs 445)[9]. While the primary musical commodity went digital in the late 1980s, with compact discs, the distribution process was essentially the same as with vinyl. Recording remained an analog process, and capital intensive, which further enabled majors' control of industry practices throughout the 1990s.

By the end of the millennium, a new wave of digital innovations made it possible for musicians to challenge major label dominance of production and distribution more effectively. With the introduction of digital audio workstations (DAW), beginning with Cubase and then Logic, Pro Tools, GarageBand, Ableton, and others, professional quality recording suddenly was within reach of DIY artists. After the MP3 audio format was introduced in 1999, meanwhile, compressed audio files became small enough to make uploading and downloading files through the internet a viable option.

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[7] Jacques Attali. *Noise: The Political Economy of Music*. Trans., Brian Massumi. Afterword: Susan McClary. Minneapolis: University of Minnesota, 1985.

[8] See Susan McClary's "Afterword" to *Noise* for an analysis of punk and New Wave "grass-roots ideology" (156-157) as resonant with Attalian composition.

[9] Brian J. Hracs. "A Creative Industry in Transition: The Rise of Digitally Driven Independent Music Production." *Growth and Change* 43:3 (September 2012): 442-461.

Within three years, file-sharing (dubbed "piracy" by the major labels) caused a cratering of record sales revenue so severe that one major, Vivendi-Universal posted annual losses of more than $12 billion (Leyshon et al 178).[10]

What have musicians and music industry observers identified as some of the significant benefits associated with the new musical order that emerged? In particular, what might these developments mean for smaller budget, DIY musicians and those who work with them? Perhaps most dramatic for artists, the fixed costs required to produce an industry-standard album plummeted from a $15,000 minimum to the price of a computer, an interface peripheral, and some DAW software. As David Byrne put it in a 2007 *Wired* article, an album can now be made "on the same laptop you use to check email" ("David Byrne's Survival Strategies for Emerging Artists—and Megastars"). In the United States, the geography of recording has also become decentralized as it is no longer necessary to travel to New York, Los Angeles, or Nashville to generate quality tracks.[11] Arguably, DAW has made recording easier, too, not just less expensive and place-dependent (Hracs 454-455).[12] One respondent to our survey, who began recording with analog equipment and hardware sequencers in the mid-1990s, and only recently shifted to DAW formats, made the following comment:

[N]ow that I'm working within a DAW environment more fully, I wouldn't ever turn back. There is an ease of use and heightened functionality that makes it easier for our musical whims to come to fruition. […] Using a hardware device that limits you to a certain number of tracks, in our case it was 8, requires that you do a tremendous amount of track bouncing. I got really good at track bouncing/doing sub-mixes, but no matter how good I got, the final mixes were never as good as they would have been if I had had more tracks to eliminate reliance on bouncing. In a DAW, you can have as many tracks as you like; that's probably the biggest feature that I would never sacrifice again, and it's a very basic feature, not one that you'll see any of the DAW developers making a big deal about--it's just expected at this point.

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[10] This number includes losses in other media/entertainment sectors, as well as poor investments. Catastrophic losses were registered on an industry-wide basis, but were in the order of tens of millions rather than tens of billions. See Hracs 446.

[11] For an insightful analysis of how digital technology decentralized music industry geography, see Florida and Jackson.

[12] Brian J. Hracs. "A Creative Industry in Transition: The Rise of Digitally Driven Independent Music Production." *Growth and Change* 43:3 (September 2012): 442-461.

If DAW options opened the way to easier, geographically convenient, and more affordable recording for DIY musicians, the MP3 audio format and social networks promised to make it easier to distribute the resulting music and connect with a listening public. We discuss differing opinions about the quality of MP3 audio below, but on the issue of artist-audience relationships, 75% of our quantitative survey respondents agreed that digital technology improved that connection. Respondents to the qualitative survey all list "ease of reaching fans" or some variation as one of the top three "pros" of digital technology in music. Speaking more as a listener than a music maker, Pete Townshend's recent John Peel Lecture captures the utopian upside of digital distribution for audiences. According to Townshend:

if you have a decent computer and some internet bandwidth there are dozens of amazing internet portals where you can hear new music, and see new videos. SoundCloud, HypeRadio, Cull.TV, Spotify and Last.Fm all offer to take you on an extraordinary journey if you log in. […] There is more music being made today, and made ready for broadcasting, webcasting, podcasting and sharing, than ever before. I mean by this, finished, well-produced, good sounding music. And if it doesn't sound good you can be fairly sure it isn't meant to.

Townshend's enthusiasm seems borne out by research indicating that the number of new works supplied to the German market for sound recordings continued to rise through 2011. The same study also offers data showing that people in the German market have steadily continued to spend more minutes per day listening (Handke 25).[13]

Digital technology has, of course, also created new ways to do business in the music industry. Marketing scholars Valerie Vaccaro and Deborah Cohn tracked the emergence of a "renegade" business model based on peer-to-peer (pirate) file sharing networks, a "new" model based on licensed downloads and streaming, and a beleaguered residual "traditional" model (47-48).[14] In analyzing the impact of such changes on working musicians, David Byrne identified six ways of earning money through the distribution of original music in the post-digital world, including 360° equity deals,

[13] Christian Handke. "Digital Copying and the Supply of Sound Recordings." *Information Economics and Policy* 24 (2012): 15-29.

[14] Valerie Vaccaro and Deborah J. Cohn. The Evolution of Business Models and Marketing Strategies in the Music Industry. *International Journal on Media Management* 6:1&2 (2011): 46-58. http://dx.doi.org/10.1080/14241277.2004.9669381. Accessed July 31, 2013.

standard deals, licensing deals, profit sharing deals, manufacture and distribution, and self-distribution ("David Byrne's Survival Strategies for Emerging Artists—and Megastars")[15]. While pointing out the increase in creative control as one moves through the spectrum from 360° deals to self-distribution, Byrne, writing in 2007, summed up the attitude of many musicians that such "variety is good for artists; it gives them more ways to get paid and make a living" (*ibid.*).[16]

Composition Contained?

"What is called music today is all too often only a disguise for the monologue of power. However, and this is the supreme irony of it all, never before have musicians tried so hard to communicate with their audience, and never before has that communication been so deceiving" (Attali 8).[17]

In the years that have transpired between Byrne's boosterish piece in *Wired* (and his more detailed but equally upbeat book, *How Music Works*), many negative assessments have been aired by musicians about the evolving role of digital technology. Paradoxically, the anti-digital side of "the great streaming battle of 2013" features characterizations that echo the alienating description of music offered in the preceding quote from Attali's *Noise*. Byrne himself is at the forefront of a cohort of artists who strongly criticize both newer streaming services (Pandora, Spotify, Youtube) and older licensed download sites (iTunes, Amazon) as technologies that divert revenue from musicians, causing all but megastars to "find employment elsewhere or change what they do to make more money" ("'The internet will suck all creative content out of the world'").[18]

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[15] David Byrne. "David Byrne's Survival Strategies for Emerging Artists—and Megastars." *Wired* 16:01 (December 18, 2007). http://www.wired.com/entertainment/music/magazine/16-01/ff_byrne?currentPage=all. Accessed July 31, 2013.

[16] *Ibid.*

[17] Jacques Attali. *Noise: The Political Economy of Music*. Trans., Brian Massumi. Afterword: Susan McClary. Minneapolis: University of Minnesota, 1985.

[18] For more negative comments from musicians and a few label owners, see Resnikoff. More information on the Content Creators Coalition, a group cited by Byrne as an example of collective efforts by musicians to remedy the negative aspects of digital music, is available at http://contentcreatorscoalition.org/. For a keen defense of digital age developments, see Scott Timberg's Salon.com interview with Dave Allen, and for a roadmap of the debate that is sympathetic to streaming, see Allen's blog at http://north.com/thinking/author/dallen/ and see Ubaghs.

What adds edge to the current polemics about income distribution is that revenues in the industry as a whole continue to rise, as the following tables make evident.[19]

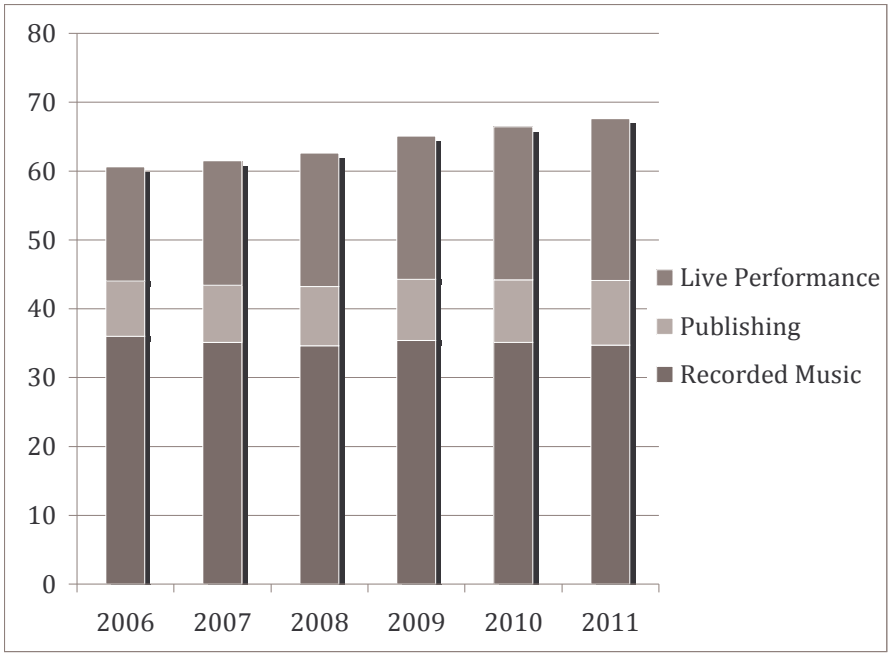

Figure 1: Worldwide Music Industry Revenues 2006-2011, in billions of dollars

[19] The source for Figures 1-3 is "Music Industry Stats/Music Industry Statistics" at grabstats.com. Visualizations adapted by the authors. See Works Cited for full URL information.

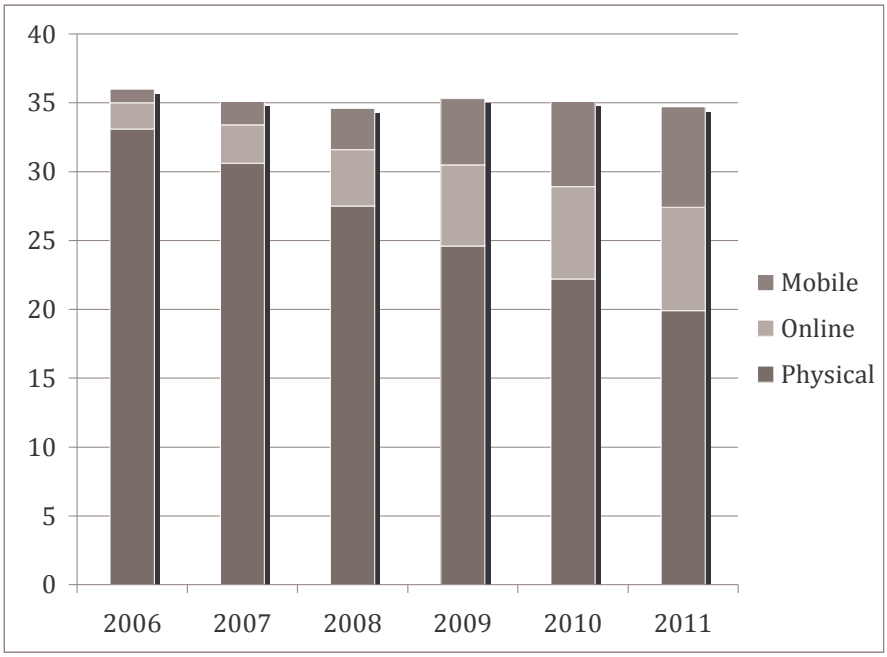

Figure 2: Worldwide Recorded Music Revenues—Physical, Online, Mobile, 2006-2011

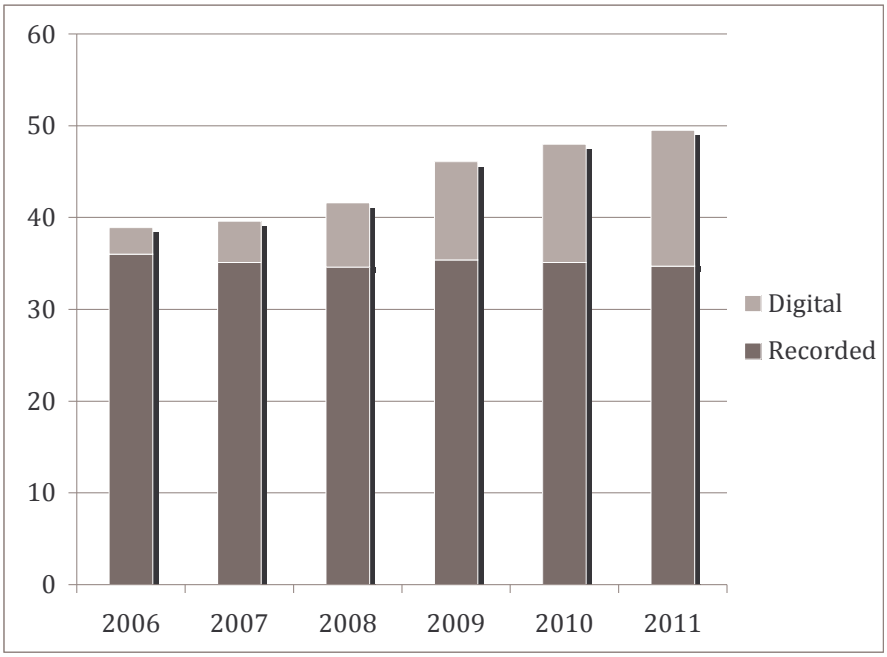

Figure 3: Worldwide Music Revenues—Recorded vs. Digital, 2006-2011

If physical records sales are down by more than $13 billion annually in the period from 2006-2011, how is it that the music business as a whole continues to grow worldwide? While recorded music has been holding steady at around $35 billion worldwide annually, and publishing has nudged up from $8 billion to $9.4 billion, digital music revenues have grown more dramatically from $2.9 billion to $14.8 billion (though significantly this sector recorded a loss for the first time in 2013). Concert revenues, meanwhile, have expanded more than 40% and now account for $23.5 billion annually worldwide.[20] Income from digital music and live performance combined to generate $18.8 billion in "new" revenue in 2011.

[20] These stats seem to confirm predictions in earlier scholarship by that concerts and live performance revenues—including sales of ancillary merchandise—would offset the precipitous drop in physical record sales caused by file sharing, licensed downloads and streaming (Curien and Moreau 103, Dewenter el al. 176, and Piolatto and Schuett 38-39). By and large, though, our survey respondents did not agree that concert revenues offset losses in record sales. This suggests that most of the growth in concert revenue has occurred at the upper end of the economic and social power spectrum.

Individually, by negotiating savvier management and licensing contracts and mounting lawsuits like the one filed against MediaNet Digital by Aimee Mann, and collectively through groups like the American Federation of Musicians, American Association of Independent Music, and Content Creators Coalition, musicians struggle to capture a more equitable share of the newer, post-digital revenues. Simultaneously, services have emerged to compete for new—and in some cases older—market segments previously managed by record labels. Along with the physical and digital distribution services (iTunes, Amazon, CD Baby) and streamers (Pandora, Spotify, YouTube), the current playing field includes service providers covering submissions (Sonicbids, Bandcamp, ReverbNation, Bandzoogle), placement (SynchTank, Broadjam), ticketing (Eventbrite, Ticketfly, Brown Paper Tickets), concert/live event promotion (Square Peg Concerts, Sherpa Concerts, NS2, C3), publicity (StoryAmp), and old-school performance royalty organizations—PROs—morphing to deal with new digital scenarios (ASCAP, BMI). We visualize these sectors in the following table:

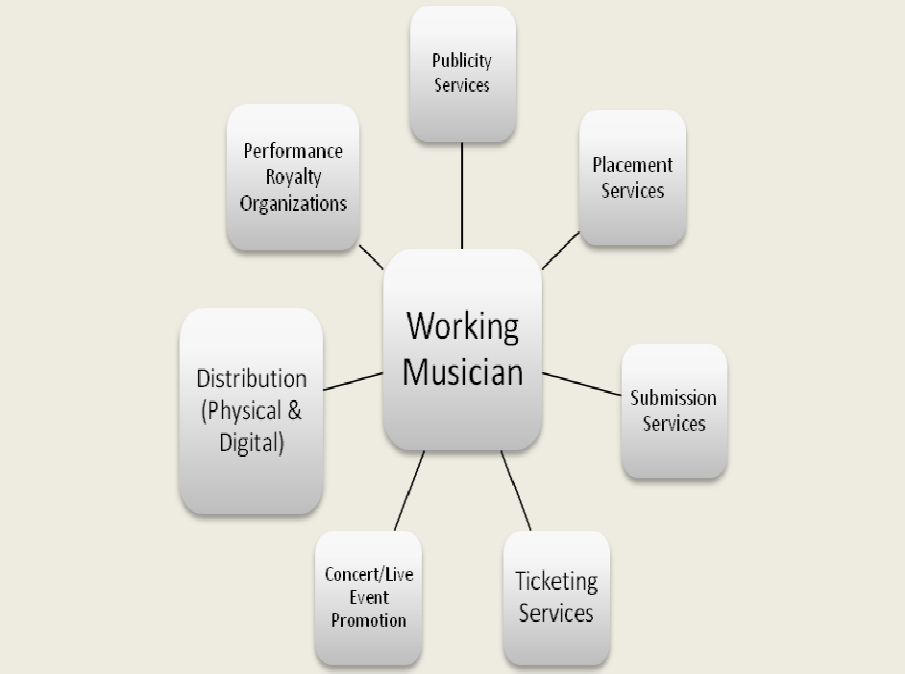

Figure 4. Services Competing to Handle Entrepreneurial Tasks (for a fee).

While the proliferation of sectors, services, and new media players projects a high noise-to-signal ratio in our industry visualization, one

burdensome point should be made clear. Whatever the flaws in the old big label system, the numerous functions performed by labels have, as Townshend argues, been stripped down to two by iTunes, Amazon, and their ilk: distribution and royalties ("John Peel Lecture")[21]. With the abdication of vital functions such as artist development, advances for recording, sponsorship of tours, marketing, and accounting, the risk and responsibility for fulfilling these necessary duties now falls heavily on artists, who themselves become primary targets for the array of service providers listed above.

The litany of musician-led complaints about the digital order of things includes other items beginning with a range of complaints about the MP3 format. In his well-received autobiography, *Waging Heavy Peace*, Neil Young blasts the degraded listening experience that comes with a file format containing only 5% of the sound data found in a vinyl record (6).[22] T. Bone Burnett, in a recent tirade against the many problems wrought by the digital revolution, piles on insightfully with an argument about how unreliable digital formats are for storing and archiving recorded sounds (Willman)[23]. Our survey respondents, though, did not register this kind of negativity about the MP3 format per se. 47% of our cohort—a plurality—agreed that the convenience of the MP3 compensated for the qualities lost in fuller audio files. The general attitude of our DIY cohort regarding MP3s was pithily summed up by one respondent who commented: "Don't give a shit as it is the format for the net but my sound engineer does."[24]

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[21] Pete Townshend. "Pete Townshend's John Peel Lecture - Full Text." *The Guardian* November 11, 2011. http://www.theguardian.com/media/2011/nov/01/pete-townshend-john-peel-lecture. Accessed December 28, 2013.

[22] Young graciously embraces the ubiquity of file-sharing and streaming services as "the new radio" (94) but raises an almost-biblical jeremiad about "the degradation in quality that I think is at the heart of the decline of music sales and ultimately music itself in popular culture" (6). Like a post-analog Thomas Edison, Young has also invested much time and money in developing a "new gold standard" digital format—PureTone—designed to bring digital music listening closer to the prelapsarian bliss generated by vinyl records (94).

[23] Chris Willman. "T Bone Burnett vs. Silicon Valley: 'We Should Go Up There With Pitchforks and Torches." *The Hollywood Reporter* October 31, 2013. http://www.hollywoodreporter.com/earshot/t-bone-burnett-silicon-valley-652114. Accessed December 28, 2013.

[24] As a sidebar comment on this data, of the 36% who expressed disdain for MP3s almost 70% were people who have been in the business 15 years or longer, and so

Beyond issues related to audio format, we found significant commentary in the qualitative responses that tempered optimism about how artist-audience connections are enhanced by social networking contact. One artist echoed our respondents' general enthusiasm but immediately undercut it with the claim that mediated fan-artist interactions are "falsely personal." Another respondent argued that social networks might seem to make bookings and promotion easier, but the reality is less clear. This artist made the following comment about booking:

I have the advantage of being able to shoot off dozens of emails a day when it's time to book a tour, but everyone has that ability now. So the response rate to those emails is extremely low and abysmal in comparison to the response rate for a phone call or even snail mail. It's still all about networking, and pre-digital networking may have been less convenient and less far-reaching but each connection had more gravity behind it.

The sense that social networks may not yield the best results for booking is echoed by one promoter who told us:

Today, a physical press kit insinuates that you are out of touch. That being said, in person is by far the best way to discover or meet new artists for booking. That doesn't mean that EPKs will be ignored. It's just that we get so many bad unsolicited EPKs that there is a larger chance to get lost in the shuffle.

As far as activating a fan base, the same musician quoted above went on to say:

It was a lot easier to get people excited for a show in the 90s. It was a special event. Fewer people might know about it, but that smaller group was more invested. This leads to higher turnout in many cases too, meaning the total number of individuals that hear about an event might be larger due to digital technology but the percentage that will actually be invested enough to come out is smaller.

In sum, while the costs of recording, manufacturing, and distributing have approached zero thanks to digital technology, the extent of corporate control and corporate ethos is quite pervasive, even at the DIY and independent end of the spectrum. In one of the most biting critiques we received from our survey respondents, one independent musician acknowledged the general sense that the digital revolution has empowered and liberated DIY-oriented people from earlier commoditized ways of

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would have direct exposure to analog recording and playback formats with richer audio quality.

thinking and behaving, but, he concluded, this was deceptive because, as he explained:

there is actually MORE, not less, pressure to succumb to having PR, a tour manager, and all that, because the music press, the blogs, the venues, and the local promoters are increasingly less likely to respond to an inquiry from an actual band. They'd rather hear from a management firm, in many cases. Looking at it from the indie point of view, the ethos of self-determination and DIY, that's not democratization but rather corporatization. It can be navigated in many different ways, but the pressure to take on some kind of business model from above has been increased rather than decreased by digital technology.

Heralding Refeudalization?

"[M]usic is not innocent: unquantifiable and unproductive, a pure sign that is now *for sale,* it provides a rough sketch of the society under construction, a society in which the informal is mass produced and consumed, in which difference is artificially recreated in the multiplication of semi-identical objects" (Attali 5).[25]

Digital reproduction has dominated music making and listening for a decade now, from the arrival of MP3s and file sharing, the opening of the iTunes store and the crash of big label distribution, to the rise of streaming services, the ensuing "great streaming battle of 2013" and the first year ever (also 2013) in which digital music sales posted a decline (Christman).[26] Viewing this arc of developments from the perspective of DIY and independent artists and those that work with them, both sides of the current polemical firestorm appear to hold true. Recording a track has never been easier, nor have DIY artists ever had better access to the means of placing musical expressions before a mass audience. From the audience side, listening has never been easier or more varied. As the post-digital business models place more emphasis on live performance and touring to generate an income stream, the vocation of working musician seems more accessible to those who wish to pursue it.

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[25] Jacques Attali. *Noise: The Political Economy of Music*. Trans., Brian Massumi. Afterword: Susan McClary. Minneapolis: University of Minnesota, 1985.

[26] Ed. Christman. "Digital Music Sales Decrease For First Time in 2013." *Billboard* January 3, 2014. http://www.billboard.com/biz/articles/news/digital-and-mobile/5855162/digital-music-sales-decrease-for-first-time-in-2013. Accessed 1/11/14.

Indie labels and promoters responding to our survey also show some evidence of behavior that places musical culture and community as higher priorities than sheer profit-making. Talking about producing a limited edition vinyl release, one musician explained:

Our navigational method has been to manage ourselves and work with friends. We are putting out our vinyl record on Etxe Records. Based in Washington, DC, Etxe Records is really more like a collective of likeminded bands/musicians. We all fund ourselves but pool our resources and share skills that we have with each other. This is same model that we all used to use in the 90s though. Integrating some kind of PR professional into our approach seems more and more inevitable each day, but our wariness of taking that on is still very strong.

Although digital technology's connection to the rise of niche markets is usually seen as a positive for smaller acts, in some instances this tendency leads to musical silos, fragmentation, and from a promoter's perspective, unsustainably small crowds. One owner of a 150-capacity club addressed the problem and spoke of his efforts to promote small shows across sub-niches:

It's like okay, you can bring 50 people, we can have a fun show and you can be on an actual stage with actual gear and actual monitors. Because everything has been getting splintered and splintered. In my opinion, it's kind of a bit of a revolt to the bigger corporate radio, corporate venues, corporate shows. Somewhere around 10 years ago, people figured out that the only way they can make a real run, meaning AKA a lot of money, in venues is by owning chains of venues, which we have all seen happening. There is nothing exactly wrong with that. They have brought a level of professionalism to those venues. The problem is that they have a bottom line that they need to meet, and so they don't have as many freedoms. So I think as a revolt, people start venues in their houses. Where that used to pop up and dissipate, now it is hanging around because there's this feeling of alienation. At the same time, through the internet, bands have created their own alienation because they have nestled themselves so deep into their own little sub scene. I would like to find a way to bring elements of all those little sub scenes together to create a bigger platform so they can be seen on a larger level.... and still be free.

Attali's vision of composition is, in its essence, of musicians who "take pleasure in the instruments, the tool of communication, in use-time and exchange-time as lived." For the artists and service providers we surveyed, this idea is very much a lived reality.

Further up the pyramid of social and economic power, however, the liberatory promise of digital technology is contained by business models that limit artistic freedom, and licensing agreements that limit or deny income from streaming services. Higher profile artists have more opportunities to diversify their income not only through touring and merch sales, movie and TV royalties, ring tones, videogame soundtracks, and more. To achieve this level of success and maintain it entails heavy investments in PR and marketing, however, and this even seems true down at the indie level, as one of our respondents remarked:

The idea that distribution has been radically democratized is a ruse. Sure, that same low budget home producer can instantly get his or her music on Soundcloud, Bandcamp, and even iTunes, but this all really means nothing without an advertising budget, which is still the domain of the major labels and bigger indies. All of these services get a cut of your download income simply for hosting your material on the web.

As entrepreneurial burdens trickle down to DIY artists, the reality for many is working more, earning less, and having less time for creative (as opposed to business-related) activity (Hracs 457-458).[27] In many ways, the larger picture remains alienating, more like a revised installment of Attalian *repetition* than any kind of utopian new order.

If we view the comparatively freer experience of DIY musicians against a backdrop of sharply bifurcated realities, this division may also be seen as heralding a more somber prospect for the wider public sphere. In fact, the vocation of "working musician," and the emphasis on constant touring and live performance, harken back to the earlier musical roles of *jongleur* and vagabond, roles associated by Attali with the pre-capitalist order of *sacrifice*. In this analysis, the music business split between DIY *composition* and higher-end *repetition* heralds not utopian transformation but rather

[27] How time is conceptualized, how it is quantified, valued, and controlled, and for what purposes it is expended—these are all critical issues in defining the prospects for musicians and other creative types. As Pete Townshend eloquently explained, "We now live in a digital world in which the only absolute is work by the hour. Lawyers, accountants, doctors, nurses, plumbers, painters, truck drivers, farmers, pilots, cleaners, actors, musicians—they all get paid for work done as a clock ticks. Creative work is not like that" ("John Peel Lecture"). See also Brian Hracs's excellent visualization of the range of creative and noncreative tasks now vying to claim the limited time available to independent working musicians (457).

increasing inequality and concentration of wealth and power that suggest the re-feudalization of the larger society.[28]

All the more reason, then, to look lower in the food chain for examples of an artist or company that "feeds money back to the creative part, or the creative musician" (Townshend, "Exclusive—Pete Townshend Extended Interview Part 2").[29] As human society grinds through the age of digital reproduction and beyond, a blueprint for realizing such *compositional* practices does exist on the lower frequencies of DIY noise.

[28] Adapting Jurgen Habermas's argument about "refeudalization of the public sphere" (195) and Ernesto Laclau's claim that capitalism on a world scale preserves "pre-capitalist relationships in the periphery" (40), social theorists increasingly cast globalization in regressive terms as a return to feudal dynamics rather than a movement forward to more perfect forms of capitalism and democracy. For varied applications of refeudalizaiton, see also Duvall, Magnan, and San Juan. The argument here is that today's DIY *jongleurs* presage a similar development in the erstwhile centers of advanced capitalism.

[29] Townshend, Pete. "Exclusive—Pete Townshend Extended Interview Part 2." http://www.thedailyshow.com/watch/mon-october-8-2012/exclusive---pete-townshend-extended-interview-pt--2. Accessed 12/26/13.

APPENDIX

DIY Noise Questionnaire Qualitative (Open-Ended) Version

Thank you for considering to be a participant in this survey. The study is being conducted to help us better understand the impact of digital reproduction on independent or "indie" musicians and promoters. Your truthful and complete response to this survey will provide us with valuable information to analyze—and hopefully improve!—the experience of indie and DIY people in the music industry.

Please be assured that your responses are confidential. We will only use email addresses for the purposes of receiving completed surveys. We will under no circumstances sell or share your contact information or responses with any other parties, and your name, email address, or other identifying information will not be tied to your responses or the survey results.

Explanation of Research

Title of Project: "DIY Noise and Compositional Horizons: Indie Musicians and Promoters in the Age of Digital Reproduction".

Co-Principal Investigators: Billy Geoghegan, Brown Paper Tickets, and Kevin Meehan, University of Central Florida.

You are being invited to take part in a research study. Whether you take part is up to you.

The purpose of this research is to examine and analyze attitudes and behaviors of musicians and promoters in light of the past decade during which digital technology has come to dominate the music industry. We are particularly interested in musicians and promoters who describe themselves as independent or indie, as well as emerging and/or DIY. In short, is digital technology good, bad, or indifferent for smaller independent artists and the people who promote them?

Your participation in the study involves completing one survey. The survey is composed of three parts: A-General Information, B-DIY Noise and Digital Reproduction, and C-Participant Information. The survey will be administered electronically through email correspondence.

Each survey will take approximately 15-30 minutes to complete. We will collect survey results through Oct. 31, 2013.

We plan to publish the results of the survey in 2014 and will share a copy of the results with all participants who provide email contact information.

Contact for questions about the study or to report a problem

If you have questions, concerns, or complaints: Mr. Bill Geoghegan, Music Doer, Brown Paper Tickets, at billyg@brownpapertickets.com OR Dr. Kevin Meehan, Professor of English, University of Central Florida, at kevinvmeehan@gmail.com.

Section A: General Information

1. How would you describe your place in the music industry (check all that apply)?
( ) Musician
( ) Composer/Singer-Songwriter
( ) Recording/Sound Engineer
( ) Record Label Owner/Employee
( ) Event Promoter
( ) Agent
( ) Publicist
( ) Other _____

2. How many years have you worked in your current role?
( ) 0-5 years
( ) 5-10 years
( ) 10-15 years
( ) 15-20 years
( ) more than 20 years

3. What percentage of your income would you say derives from music-related work?
( ) 0-10%
( ) 10-20 %
( ) 20-33 %
( ) 33-50%
( ) more than 50%

4. What percentage of your music-related income derives from live events?
( ) 0-25%
( ) 25-33 %
( ) 33-50 %
( ) 50-75%
( ) more than 75%

Section B: Indie Music and Digital Reproduction

1. From a recent article about the impact of digital technology on music production: "By eroding the power of the major record labels, technology is democratizing the production and distribution of music" (Hracs 442). Agree or disagree?

2. How has digital technology impacted the following aspects of your life in music:
Composing?
Recording/tracking?
Mixing/mastering?
Recording/tracking?
Mixing/mastering?
Touring?
Artist-audience relationship?
Artist-management relationship?
Income?

3. Do you have more (or possibly less) control over your creative life as a musician because of digital technology?

4. Do you enjoy your life as a musician more (or possibly less) because of digital technology?

5. What parts of your life as a musician remain "analog"?

6. Top three "pros" of digital technology for your life in music?

7. Top three "cons" of digital technology for your life in music?

8. How do you feel about file sharing?

9. How do you feel about the trade-off between the convenience of the MP3 format versus the loss of characteristics present in full audio files?

10. Another recent article suggests that file sharing may offset losses in record sales by increasing revenues from concert performances. Agree or disagree?

11. Any additional thoughts about the impact of digital technology on the music business?

Section 3: Participant Information

1. How would you describe your music-related income between Jan 2012 and Sept 2013?
( ) Under $5,000
( ) $5,000-$10,000
( ) $10,000-$15,000
( ) $15,000-$20,000
( ) $20,000-$50,000
( ) Over $50,000

2. What is your sex?
( ) Male
( ) Female
( ) Other

3. In what year were you born?
_____

4. What is your ethnic background?
( ) Black/African Descent
( ) Native American
( ) Asian/Pacific Islander
( ) Hispanic
( ) White/Caucasian
( ) Other

5. What is your country of residence?

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LES RAPPORTS ENTRE LES LABELS INDEPENDANTS ET LES MAJORS

Pierre Roujou de Boubée

Marcel Proust disait de la musique qu'elle était, comme le langage pour l'esprit, le moyen de communication entre les âmes. Elle est une langue comprise de tous mais pratiquée des seuls initiés. Elle suscite l'imaginaire, l'évasion de l'esprit rempli de courage et brise l'emprisonnement d'un quotidien uniformisé. Elle est cette force mystique qui peut lever une malédiction, ou une armée. Einstein dira d'elle, que ceux qui marchent en rang sur son rythme, n'ont pas besoin d'un cerveau mais seulement d'une moelle épinière. Platon quant à lui, la pensait simplement comme donnant une âme à nos cœurs et des ailes à la pensée. Elle est cette suite organisée de notes, formant une mélodie et poursuivant un but unique : la recherche de l'harmonie parfaite. Il ne fut pas long pour certains pour comprendre que la musique peut être source de pouvoir.

Ainsi, tout au long du XX^{e} siècle, se développe un marché, celui de l'industrie de la musique[1]. Il correspond à l'offre de titres musicaux, les phonogrammes[2], sur un disque par un processus de reproduction industrielle lorsqu'il s'agit de ventes physiques, ou numérisées lorsqu'il s'agit de ventes dématérialisées sur internet.

Ce qu'il faut entendre derrière chaque musique, c'est toute l'industrie cachée par des mélodies enregistrées par des musiciens. Cela suppose donc l'existence d'œuvres de l'esprit, les compositions, jouées par des musiciens, enregistrées ou fixées et masterisées[3] par des ingénieurs du son, copiées par des entreprises de pressage sur un disque, distribuées et enfin, commercialisées. Il s'agit ici de l'ensemble des industries directes du disque.

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[1] L'industrie de la musique est également appelée industrie du disque.

[2] Au regard de l'article 1er a) de la convention pour la protection des producteurs contre la reproduction non autorisée de leur phonogrammes du 29 octobre 1971, les phonogrammes sont des « fixations exclusivement sonore de sons provenant d'une exécution ou d'autres sons ».

[3] Action par laquelle un ingénieur du son transforme l'enregistrement sonore stéréo au format radio, afin qu'il puisse être lu sur tout support envisageable.

A ces activités directes il faut adjoindre des activités indirectes mais nécessaires comme la promotion des artistes par la publicité commerciale, l'organisation de spectacles, les interviews et les émissions de télévision.

Ces industries directes et indirectes du disque se réalisent par la rédaction de contrats. L'écoute d'un titre musical à la radio ne laisse jamais imaginer la complexité de l'industrie de la musique. Heureusement pour les auteurs et les artistes, il existe des structures qui prennent à leur charge l'organisation, l'avance des frais de ce processus complexe, ce sont les maisons d'édition. Ces maisons d'édition, autrement appelées producteurs[4], concluent un contrat d'édition avec l'auteur et s'engagent à en publier la musique. En vertu de l'article L132-1 du Code de la propriété intellectuelle « Le contrat d'édition est le contrat par lequel l'auteur d'une œuvre de l'esprit ou ses ayants droit cèdent à des conditions déterminées à une personne appelée éditeur le droit de fabriquer ou de faire fabriquer en nombre des exemplaires de l'œuvre, à charge pour elle d'en assurer la publication et la diffusion ».

Le terme édition concerne désormais, au-delà du livre, les autres supports d'une œuvre, comme le disque pour les phonogrammes. Ces contrats sont signés par des structures de production que l'on appelle les labels.

Ces labels, de l'anglais « label » qui signifie étiquette, ne sont autres que les marques déposées des sociétés éditrices de l'industrie de la musique et le terme est associé, par extension, à toute structure, petite entreprise, ou entreprise majeure du secteur, dont l'objectif poursuivi est la production d'un artiste. Il est immédiatement possible de constater un rapprochement hâtif entre des structures qui, certes partagent une passion commune, mais poursuivent une finalité souvent radicalement différente : pour certaines il s'agira du rayonnement culturel de la musique, pour d'autres il s'agira de la recherche de profits.

Pour autant, la musique est une composante de la culture, en ce sens qu'elle participe à l'enrichissement des esprits par des exercices intellectuels, suscitant émotion, sensibilité, sensation, ou encore imagination. Or étant culturelle, une première question se pose : doit-elle faire l'objet d'un libéralisme poussé, ou faut-il la préserver ?

Pour répondre à cette question, deux conceptions s'opposent. La première expliquant que le protectionnisme de la culture n'a pas lieu

[4] Au regard de l'article 1er b) de la convention précitée.

d'exister. Si une culture doit passer à la postérité, elle le fera d'elle-même en s'imposant de par sa magnificence.

L'autre conception, plus réaliste, considère qu'au regard des économies de marché, les objectifs poursuivis ne sont plus les mêmes. Selon cette seconde conception, lorsque l'on fait de la musique une marchandise comme les autres, la finalité des ventes est la rentabilité et non pas le Beau. Selon cette théorie, les conséquences seraient inéluctables. Elles se caractériseraient par une sorte de mondialisation de la musique, ne sortant plus que les styles vendeurs et abandonnant les talents originaux et les créations atypiques. Il faut imaginer un instant : Mozart, naissant trois siècles plus tard, essayant de vivre de son art dans un monde où aujourd'hui le format radio ne doit pas dépasser quatre minutes et trente secondes. Que serait-il advenu de sa Vingt-Cinquième Symphonie?

C'est la raison pour laquelle la réglementation de la culture en France est mi- protectionniste, mi- libérale.

En effet dans le cadre des négociations de l'*Uruguay Round* en 1986[5], au sein du GATT[6] concernant les marchandises, puis élargi aux services avec le GATS[7] dans le cadre de la création de l'Organisation mondiale du commerce lors des accords de Marrakech en 1994, la notion d'exception culturelle est dégagée. Il ressort de l'ensemble de ces accords, auxquels l'Etat français est partie, que la réglementation des marchés de la culture doit être aménagée. Les enjeux à l'origine du concept d'exception culturelle résultent de la conciliation entre d'une part, des objectifs de spéculation financière et de libres échanges internationaux, et d'autre part, la mise en place de systèmes de régulation nationaux instaurés dans l'idée d'un protectionnisme minimal des œuvres de l'esprit nationales.

S'il est vrai que des autorités de régulation[8] existent en matière de cinéma et d'audiovisuel, l'industrie de la musique ne connaît que quelques règles, relatives aux quotas[9], mais ne dispose pas d'une autorité de régulation qui lui soit propre. Il s'agissait de l'une des revendications des représentants auditionnés lors de la mission Lescure mais, Aurélie Filippetti,

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[5] S. Regourd, *L'exception culturelle*, Puf, 2002, p.11à 19.

[6] *General Agreement of Tariffs and Trade*, en français : Accord général sur les tarifs douaniers et le commerce.

[7] *General Agreement of Tariffs and Services*, en français : Accord général sur le commerce ses Services.

[8] Pour le cinéma il s'agit du Centre national du cinéma et de l'image animée (CNC), et en matière d'audiovisuel, du Conseil supérieur de l'audiovisuel (CSA).

[9] Article 28-2bis de la loi du 30 septembre 1986 Liberté de la communication audiovisuelle.

actuelle ministre de la Culture et de la Communication, a mis fin à la controverse le 10 septembre 2012 en jugeant que l'industrie de la musique n'avait pas besoin d'une autorité de régulation, enterrant ainsi définitivement le projet[10].

Cette position est regrettable, dans la mesure où, depuis le début des années 1990, le marché international de la musique est le théâtre de phénomènes de concentrations historiques, concrétisés par des opérations de fusion-absorption comme le témoigne le groupe Vivendi qui détient notamment l'une des trois grandes majors de la musique : *Universal Group Music*.

Parallèlement aux opérations de concentrations des grands acteurs de l'industrie de la musique, une véritable crise de l'industrie du disque se développe en raison de l'évolution des nouvelles technologies. En effet, la numérisation de phonogrammes a entraîné un développement du téléchargement illégal, alors que l'industrie de la musique n'était pas prête à concevoir une offre légale adaptée. Régulièrement, des interventions d'ordre économique sont alors mises en place par le ministère de la Culture, comme le Fond d'avance aux industries musicales en 2005, permettant aux entreprises d'encaisser ce que l'on appellera par la suite la crise du disque. Régulièrement, et en accord avec le principe de l'exception culturelle, le ministère de la Culture rappelle son attachement aux aides octroyées aux producteurs, afin de soutenir la diversité culturelle, comme l'a évoqué Madame Filippetti le 10 septembre 2012[11].

Ainsi, pour comprendre les enjeux qui existent dans les rapports entre les labels indépendants et les majors, il faut comprendre que la finalité de ces structures n'est pas la même.

En ce qui concerne les majors[12], la recherche du profit est évidente. On en dénombre actuellement trois : le français *Universal Music Group*, le japonais *Sony Music Entertainment*, et l'américain *Warner Group Music*. Ces grands groupes sont les sociétés mères d'un certain nombre de labels affiliés. Les artistes en relation contractuelle avec les majors ne disposent pas des mêmes libertés que ceux des labels indépendants. Ils sont, par exemple, limités pour la plupart au style musical qui les a fait connaître. Un grand nombre d'artistes ont été contraints de quitter une major pour poursuivre la

[10] Propos recueillis par Clarisse Fabre, Nathaniel Herzberg et Xavier Ternisien, parus dans un article du journal *Le Monde* le 10 septembre 2012.
[11] Entretien précité.
[12] De l'anglais major compagnie, c'est-à-dire une des entreprises les plus influentes et puissantes dans son secteur d'activité.

composition de leur album tel qu'ils l'entendaient. En revanche, leur rémunération est évidemment beaucoup plus importante, ils programment leurs spectacles dans de grandes salles et peuvent diffuser leurs albums dans le monde entier. Les budgets relatifs aux communications publicitaires sont, par ailleurs, très développés.

Les majors représentent à elles seules environ 80 % des parts de marché[13] de l'industrie musicale et moins de 1 % de l'ensemble des structures de production phonographique dans le monde. La major intègre par ailleurs toutes les activités de la filière du disque, pouvant aller jusqu'à l'entreprise de pressage.

En ce qui concerne les labels indépendants, ils sont selon l'IMPALA[14] « des producteurs qui ne sont pas détenus majoritairement par une compagnie major, ou un groupe de communication intégré et qui représente moins de 3 % du marché mondial ». Les logiques peuvent être différentes : le label peut rechercher le profit. Il se comporte alors comme une major mais à moindre échelle et choisit ses artistes selon le nombre de ventes espérées.

Il peut aussi être dépourvu de but lucratif, la structure ne dispose alors que de peu de moyens, et les artistes seront choisis selon des critères qui peuvent être extérieurs au nombre de ventes espérées.

Quelle que soit la logique de ces labels indépendants, ils sont organisés sous la forme de microstructures de l'industrie de la musique : association, petite société à responsabilité limitée, auto entreprise, ou société coopérative et participative. Ils ne peuvent produire qu'un nombre limité d'artistes. Ils représentent plus de 99 % du nombre de structure de production phonographique et ne possèdent que 20 % des parts de marché mondial.

C'est au final dans un cadre de protection minimale de la culture que doivent se concilier les rapports entre les Goliath internationaux de la musique, dont la puissance économique est sans égale, et les David de l'industrie musicale nationale, qui ne disposent que de quelques aides et de très peu de garanties.

Tout naturellement, ces rapports ne peuvent être que conflictuels de prime abord (**I**). En effet, les majors imposent, de par leur poids économique, la plupart des règles du marché : il a pu être reproché à certaines majors des suspicions d'ententes déterminant une politique commerciale commune et tout à fait illégale. La conséquence de ces ententes

[13] Chiffres officiels donnés par le Syndicat national de l'édition phonographique.

[14] *Independent Music Publishers and Labels Association*, devenu par la suite *Independent Music Companies Association*, est le syndicat européen des producteurs indépendants.

se matérialise par une augmentation des prix, une diminution de la diversité culturelle passant par l'évincement des petites structures de production et est préjudiciable au final au consommateur.

Mais, fédérés par une ambition commune, il est aussi arrivé que les labels indépendants et les majors entretiennent des relations juridiques (**II**). En effet, animés par la production de phonogrammes, ils se fréquentent par tierces personnes interposées dans le cadre d'une économie de marché marquée par l'exception culturelle, sans que celle-ci, au désavantage des plus nombreux, mais aussi à l'avantage des plus grands, ne suffise à dominer l'industrie de la musique en France.

I - Des rapports conflictuels entre structures indépendantes et multinationales

L'Histoire montre que l'industrie de la musique a connu une révolution inhabituelle, inversée, aboutissant à la domination des trois majors du secteur et à la mise en place d'une économie de marché oligopolistique (***A***).
Ce développement économique, qui aurait du être encadré et dominé par la régulation, a abouti à une industrie de la musique marquée par des tensions entre le nombre important de labels indépendants et le poids économique inégalable des trois majors. Ce phénomène s'est étendu au numérique en suivant l'évolution du marché (***B***).

A - Le prologue d'un inévitable conflit, l'histoire de la division des labels

Barbara Lebrun, maître de conférence en sciences politiques retrace l'histoire de la formation des labels indépendants et des majors, sur les cinquante dernières années[15].

Elle dépeint le portrait d'un paysage de l'industrie de la musique, certes empreint de conflits, mais également « complémentaire ».

Ainsi, selon l'auteur, au tournant du XX^{e} siècle, lorsque la commercialisation des techniques d'enregistrement (fixation) et de diffusion est rendue possible, le clivage entre quelques majors et labels indépendants à « l'impact commercial plus faible » surgit presque instantanément. Aussi, les majors sont au commencement des entreprises maîtrisant les technologies du son et finissent par se diversifier en développant leur

[15] B. Lebrun, *Majors et labels indépendants, France, Grande-Bretagne, 1960-2000*, in Vingtième-siècle. Revue d'histoire, n°2006/4, p.33 à 45.

activité dans les autres branches du secteur de l'industrie musicale[16]. Le phénomène de concurrence internationale naît, selon l'auteur, entre les deux guerres mondiales aux Etats-Unis et touche l'Europe dans les années 1950. Dès les années 1960, la problématisation d'une concentration du marché entre les mains des labels les plus influents est dénoncée[17]. Madame Lebrun explique également que le discours néomarxiste de certains labels indépendants trouve sa source dans les années 1970 avec le développement d'un mouvement de résistance contre les majors de l'époque. C'est à cette période que se développent en parallèle les labels indépendants du mouvement punk qui vont avoir une influence sans égale sur la scène rock et la commercialisation de leurs artistes à une époque historiquement mouvementée. En effet, les majors européennes et américaines se livrent à une concurrence féroce lorsqu'apparaissent des groupes comme les Beatles et les Rolling Stones. Dans le même temps, avec l'apparition du « compact disc », de nouvelles majors émergent, toujours en raison de leur maîtrise de la technologique première, comme le hollandais Phillips[18], ou le japonais Sony.

L'ensemble de ces grands groupes, qui représente toutes les branches du secteur de l'industrie musicale, démontre la formation d'un oligopole des plus grands auxquels doivent faire appel les labels indépendants en vue de la commercialisation de leur musique. La concurrence effrénée que les majors se livrent les incite à racheter des labels indépendants ou d'autres branches de l'industrie de la musique. Apparaît alors un phénomène de concentration qui concerne, pour la période 1980-1990, six compagnies détenant à elles seules 90 % des parts du marché : BMG (Bertelsmann Music Group) pour l'Allemagne, EMI (Electric and Musical Industrie) pour la Grande Bretagne, PolyGram/Philips pour les Pays-Bas, Sony pour le Japon, Time Warner et Universal pour les Etats-Unis. Madame Lebrun rappelle que l'absence de compétiteur français est due au démantèlement de Pathé, dans les années 1930, suite à l'interdiction faite par l'Etat français au géant du cinéma de détenir un monopole. Par la suite, PolyGram/Philips et Universal fusionnèrent en 1998, tout comme le firent Sony et BMG en 2004. Des tentatives de fusion entre le britannique EMI et l'américain Warner

[16] Il est possible de citer des entreprises pour l'essentiel venues du cinéma, comme la Time Warner et Columbia aux Etats-Unis, ou encore Pathé en France.
[17] Voir en ce sens K. Negus, *Popular Music in Theory. An Introduction*, Cambridge, Polity Press, 1996, p.42.
[18] Philips est, par exemple, l'inventeur du compact disc.

échouèrent, mais le label européen termina par être racheté par Universal, et son activité d'édition fut cédée à Sony.

Aujourd'hui, les trois majors possédant l'essentiel du marché restent Universal, Warner, ainsi que Sony et ces dernières s'échangent régulièrement certaines de leur filiale afin de satisfaire, au moins en Europe, les exigences de la règlementation anticoncentration de la Commission européenne.

Mario Monti, commissaire européen à la concurrence de 2000 à 2004, s'est fait le défenseur de la diversité culturelle en contrôlant chacune des opérations de fusion entre les majors. Selon le commissaire européen, le mariage de certaines d'entre elles aurait eu pour effet de renforcer leur position dominante. En ce sens, les labels indépendants et leurs représentants furent auditionnés à chacune de ces tentatives de fusion par Monsieur Monti. Ses réserves étaient d'autant plus fondées que certaines majors appartenant à des grands groupes de médias, l'accès des artistes produits par elles aurait été facilité sur les chaînes de télévision dont le groupe était propriétaire. C'est la raison pour laquelle, les grands groupes furent amené à céder certaines de leurs filiales, afin de ne pas dépasser et violer les dispositions anticoncentration et le droit de la concurrence en Europe[19].

De la même manière, il est arrivé que la Commission européenne vérifie qu'il n'existe pas d'entente[20] entre les majors, notamment sur le prix des disques, afin de satisfaire le droit de l'Union européenne de la concurrence et permettre à la diversité culturelle représentée par les labels indépendants de subsister, sans que les lois du marché ne leur soient imposées d'une telle manière qu'il n'arrivent plus à faire face aux frais de commercialisation.

B - Les rapports conflictuels du présent, les inévitables résultats d'un oligopole

L'enjeu actuel réside dans un duel entre d'un côté les trois majors de l'industrie du disque et, de l'autre, la nébuleuse de labels indépendants qui, pour la plus grande majorité, tentent de subsister. Il concerne le combat mené par les labels indépendants dans leur quotidien commercial (*1*), puis s'est étendu au commerce électronique (*2*).

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[19] Titre VII, article 101 à 109 du traité sur le fonctionnement de l'Union européenne (TFUE).

[20] F. Latrive, « Entente trop cordiale entre majors », *Nouvel observateur*, article du 15 juin 2004.

1 - Le duel relatif à la commercialisation dans sa globalité

Les majors sont ainsi devenues des structures de production à échelle supranationales, qui cumulent à la fois concentrations verticales et horizontales. Cette concentration est d'abord horizontale en ce sens qu'une major regroupe plusieurs labels qu'elle a absorbés. Mais elle peut aussi être verticale : la major regroupe alors plusieurs activités (production, pressage, distribution) du secteur de la musique. Avec les majors, il est fréquent de voir une pratique se développer : la création de filiales, imitant le fonctionnement des labels indépendants, afin d'attirer les artistes réticents au fonctionnement des majors. Ces filiales vont en général se voir imposer la promotion d'un artiste que la major aura choisi et ont l'habitude de s'échanger la production d'un artiste selon le territoire sur lequel elles sont implantées. De même, la major décidera sur quel territoire un artiste cocontractant sera produit. Ainsi, pour la Warner par exemple, 70 % des albums produits aux Etats-Unis ne sortent pas en France, pour des raisons d'opportunité. En effet, constamment dans la recherche du profit immédiat, afin que l'artiste soit rentable, les majors s'autorisent à mener une véritable politique culturelle étrangère.

Cette analyse permet deux constats. Le premier est celui d'un manque de diversité culturelle, la major évitant le risque en ne prenant que des artistes au succès immédiat.

Ceci ne laisse alors aucune chance aux artistes qui auraient pu connaître un succès plus lent, mais dont l'apport aurait eu la chance de passer à la postérité, les critères d'appréciation dépendant d'un temps, et variant d'une époque à une autre[21].

Le deuxième constat concerne les labels indépendants, qui sont alors obligés de mener une politique commerciale extrêmement prudente. En effet, les filiales des majors disposant de moyens financiers très importants, les artistes peuvent être attirés par la sécurité en contractant avec elles. Il ne reste alors aux labels indépendants que des artistes dont la rentabilité est au mieux lente, sinon incertaine.

[21] Il est possible de prendre l'exemple de Mozart, dont les opéras en allemand ne connurent pas un franc succès à l'époque. Il meurt le 5 décembre 1791 dans la misère la plus totale alors que Salieri jouissait à l'époque d'une notoriété très importante. Aujourd'hui pourtant, Wolfgang Amadeus Mozart est passé dans la postérité, notamment pour l'usage de l'allemand dans ses opéras.

Les conditions de l'industrie de la musique ont obligé les labels indépendants à se construire en conséquence. Mario d'Angelo[22] dépeint le paysage musical des labels indépendants.

Selon lui, la première manière de se construire concerne les labels ayant leur propre réseau de distribution. Sous la forme de société anonyme, ils réaliseront le principal de leur chiffre d'affaire sur des niches rentables, comme le jazz ou la musique classique. Ce type de label indépendant a l'avantage de réaliser un chiffre d'affaire important, pouvant dépasser 8 millions d'euros par an, mais ne permet pas de proposer de nouveaux produits. Monsieur d'Angelo les qualifie de « grands labels stables ».

Il présente ensuite le cas des « grands labels menacés ». Ils sont organisés sous la forme de société anonyme également, peuvent aussi dépasser un chiffre d'affaire de 8 millions d'euros, mais ne disposent pas de leur propre réseau de distribution. Lorsqu'ils font face aux filiales des majors ou à la major même, leur politique de distribution est guidée par la major. En effet, la multinationale impose ses lois au marché lorsqu'elle dispose du monopole ou du quasi monopole en matière de distribution.

Subséquemment, il évoque un autre type de label sous l'appellation de « distributeur fragile ». Il s'agit des producteurs indépendants dont le chiffre d'affaire se situe entre 1,5 et 8 millions d'euros. Les bénéfices tirés de la vente de leurs artistes sont moins élevés que ceux des grands labels mais ils peuvent disposer de leur propre réseau de distribution.

Enfin, l'auteur classe les labels indépendants dont le chiffre d'affaire est inférieur à 1,5 millions d'euros dans une catégorie qu'il appelle les « labels artisans ». Il peut s'agir d'association, d'auto–entreprise, ou de société à responsabilité limitée. Ces structures sont les plus nombreuses et sont celles qui souffrent le plus de la mondialisation de l'industrie de la musique.

Il est relativement rare qu'un label indépendant ait un rayon d'action territorial supérieur à celui du pays sur lequel il est implanté. Pour autant, ce sont les indépendants qui font le renouvellement des contenus musicaux en découvrant et en lançant les jeunes talents. L'inconvénient réside dans le fait que les contrats avec les artistes les plus prometteurs sont généralement de courte durée. Selon Osman Eralp, conseiller économique auprès de l'IMPALA, 65% des jeunes albums référencés sur le catalogue des majors sont issus d'artistes qui avaient au départ signé avec des labels indépendants.

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[22] M. d'Angelo, « Socio–économie de la musique en France, diagnostique d'un système vulnérable », p.53, in B. Lebrun, *op. cit*.

2 - Le duel relatif aux ventes numériques

Dans un article publié par le quotidien *Le Monde*, Eric Petrotto, président de la fédération professionnelle de labels indépendants (CD1D) livre ses inquiétudes quant à l'évolution du secteur de la musique au regard de l'avancée technologique. Elles concernent notamment les dangers du modèle d'écoute gratuite proposé par certains sites internet, tels que Deezer ou Spotify.

En effet, selon lui, la culture gratuite, ou gratuité de la culture, risquerait de fragiliser « le tissu artistique constitué principalement de microstructures de production, lesquelles depuis les années quatre–vingt, construisent en France une offre riche et plurielle ». L'auteur met en évidence cette continuelle conciliation entre exception culturelle, dont la finalité est la diversité et enjeux économiques. Dans le modèle d'écoute gratuite proposé par ces sites, une grande majorité des labels indépendants touche moins de 1 euro toutes les 350 écoutes. Monsieur Petrotto insiste sur une rémunération décente des écoutes pour les labels indépendants et suggère à cette fin que les fournisseurs d'accès internet et les fabricants de ces plateformes numériques participent au financement de la production musicale. Il souhaite également que les acteurs de l'économie numérique de la musique soient mis à contribution afin de défendre la diversité culturelle et la création. Il ne faut jamais oublier, selon lui, que chaque label indépendant est le défenseur d'une musique qui n'est pas populaire parce qu'elle n'est pas immédiatement rentable. L'auteur déplore enfin que le nombre de propositions et de projets présentés par les représentants des labels indépendants soit plus conséquent que les dotations financières nécessaires à leur mise en place.

Le développement de ces plateformes numériques de téléchargement légal, corrélativement à celle de téléchargement illégal, a par ailleurs, fait baisser la vente de disque de 70 % en dix années. A l'heure où les labels indépendants produisent de la musique pour un public, sans ne plus rien attendre de lui, le président de la fédération professionnelle des labels indépendants insiste sur la nécessité de l'instauration d'une autorité de régulation indépendante. Selon lui, comme selon de nombreux labels indépendants, il est absolument indispensable de réguler le secteur de l'industrie oligopolistique de la musique, dominé par les trois majors tant concernant les ventes physiques, que la branche du numérique.

En réalité il serait intéressant d'envisager l'existence d'un service public de la musique. En effet, le service public servant l'intérêt général, celui de la

production de phonogrammes irait dans le sens du maintien de la diversité de la création par la régulation du marché de l'industrie musicale. C'est le rôle qu'aurait pu jouer le Conseil national de la musique[23], et beaucoup de producteurs indépendants déplorent l'abandon de ce projet qui aurait permis une régulation nécessaire à l'ère du numérique.

Pour autant, les labels indépendants et les majors sont amenés à coexister dans le secteur de l'industrie de la musique. L'essentiel de la politique commerciale étant menée par les trois majors, les labels indépendants n'ont d'autre choix que de coopérer avec elles. Ces coopérations donnent lieu à l'établissement de relations juridiques, fondées sur des accords de volonté.

II - Des rapports juridiques entre les labels

Ces rapports juridiques se manifestent d'au moins deux manières. Dans la première, les labels indépendants, dans l'organisation d'un cadre de l'industrie de la musique, s'associent entre eux ou avec des majors, en se fédérant par exemple. Il s'agit de rapports indirects, qui peuvent être conventionnels. En vertu de ces relations, ils mènent ensemble l'établissement d'un cadre réglementant leur profession de producteurs de phonogrammes (***A***).

Dans la seconde, les labels indépendants peuvent être amenés à conclure de véritables contrats avec les majors, pour produire un artiste sur un autre territoire par exemple, ou encore lors de rachat. Ces rapports deviennent alors directs (***B***).

A - Des relations juridiques indirectes lors de l'organisation de la profession

La première de ces relations juridiques, si ce n'est la plus importante, est la fixation d'un cadre juridique pour la profession. En ce sens, la convention pour la protection des producteurs de phonogrammes, contre la reproduction non autorisée de leurs phonogrammes, est signée à Genève le 29 octobre 1971. Cette convention a le mérite de donner une définition légale du phonogramme et du producteur. Près de 80 pays sont présents et ce texte concerne l'ensemble de la profession. C'est tout d'abord un rapport légal mais il n'est pas le seul, il faut également envisager les dispositions du Code de la propriété intellectuelle.

[23] Le rapport Lescure évoque l'urgence de la création d'une autorité de régulation de l'industrie de la musique dans ses auditions, mais ne propose jamais sa création, Tome 2, pp.37, 66, 190, et 200.

En France, il est impossible d'envisager la réglementation de la profession, sans l'existence de syndicats.

Le premier est l'IMPALA, le syndicat européen des producteurs indépendants, à l'échelon du droit de l'Union européenne, véritable promoteur de l'expansion des labels indépendants et défenseur de la diversité culturelle[24]. Cette instance représente la plus importante partie de la profession de phonogrammes et participe à l'élaboration de la réglementation européenne en matière de musique.

Au niveau interne il existe la même représentation. En France, par exemple, l'UPFI, Union des producteurs de phonogrammes français indépendants, se définit elle-même par la négative, en n'étant pas une représentation des majors. Il existe tout de même une représentation des majors en France avec la Snep, le Syndicat national de l'édition phonographique. En France, ces instances ont souvent travaillé en étroite collaboration. C'était encore le cas en décembre 2013[25] lorsque les deux instances représentatives de la profession dénonçaient le comportement de certaines chaînes de télévision qui n'accordaient plus véritablement d'écoute ou de visibilité à la musique aux grandes heures d'audience. Elles soulignaient notamment la baisse de 66 % de l'offre musicale sur le créneau horaire 20h-23h30.

La possible création d'un Conseil national de la musique, aurait également permis aux instances représentatives de la profession, tant indépendantes que majors, de s'accorder sur la nécessaire existence d'une autorité de régulation.

De la même manière, majors et labels indépendants s'étaient retrouvés sur la proposition qu'ils avaient faite de baisser le taux de la TVA à 5,5 % sur le disque, ainsi que sur la lutte contre le piratage afin de relancer l'industrie de la musique. Pour autant, si les deux syndicats se présentent comme les promoteurs de la diversité culturelle, ils n'en ont pas la même définition, puisqu'ils représentent des producteurs qui n'évoluent pas dans les mêmes logiques commerciales.

Aussi, l'un des liens indirects de droit ayant fédéré les labels indépendants et les majors, fut le rapport Lescure. Tout au long de la mission de Pierre Lescure, des auditions ont été menées afin que l'industrie

[24] Voir en ce sens la page internet des missions de l'IMPALA : www.impalamusic.org .

[25] Voir en ce sens le communiqué de presse de l'UPFI et de la Snep du 11 décembre 2013.

du disque fasse de l'exception culturelle un « chance pour sortir de la crise »[26].

Cette mission était chargée d'envisager les adaptations nécessaires du droit de la culture au regard des évolutions technologiques. A cette fin, les instances représentatives de la profession ont eu la possibilité de faire la démonstration d'un marché oligopolistique et de réclamer la création d'une autorité de régulation. La mission cesse en décembre 2013, un rapport en deux tomes est remis au ministre de la Culture et de la Communication, Madame Filippetti, et quatre-vingt propositions sont dégagées. Selon la Snep et l'UPFI, malheureusement, ces propositions ne suffiront pas à réguler de manière efficace le marché de la musique.

Ces déclarations vont dans le sens de celles d'Eric Petrotto (*supra*), qui déplorait également l'abandon de la création d'une instance de régulation de l'industrie de la musique. En France, la seule autorité, concernant tant les producteurs indépendants que les majors, est la SACEM[27], qui collecte les droits musicaux des auteurs, compositeurs et éditeurs et dont la date de création remonte à 1850.

Enfin en matière de relation indirecte il arrive régulièrement que les labels indépendants et les majors fassent appel à un cocontractant tiers, auquel il sont chacun liés sans pour autant avoir contracté ensemble. C'est le cas, par exemple, des plateformes de téléchargement, qui mettent à la disposition des producteurs, un média de commercialisation, ou d'écoute en streaming, tels que Deezer, Spotify, ou encore Itunes.

Certains pensent, par ailleurs, que l'on assiste à l'émergence de nouvelles majors qui, comme les trois principales, ont commencé par maîtriser la technologie avant de devenir un grand acteur du marché de la musique. C'est le cas d'Apple qui très tôt a mis en place un système de téléchargement depuis ses appareils, et l'a par la suite étendu aux machines fonctionnant sur d'autres systèmes d'exploitation.

B - Des rapports contractuels directs amers

La vie juridique des labels qu'ils soient indépendants ou qu'il s'agisse de majors, est ponctuée par un contrat régulier avec un auteur : le contrat d'édition. Par la signature de ce contrat l'artiste accède aux studios d'enregistrement s'il ne disposait pas auparavant d'une fixation de qualité

[26] Voir en ce sens la page mission sur le site www.culture-acte2.fr.
[27] Société des auteurs, compositeurs et éditeurs de musique (SACEM), société civile à capital variable contrôlée par l'Etat français.

de ses compositions. S'ensuit le processus de commercialisation avec des contrats de distribution qui sont signés avec des entreprises de distribution si le producteur ne fait pas partie d'un grand groupe. En effet, les majors disposent en général de leur propre réseau de distribution, ce qui permet dans les cas de concentration verticale, une distribution à moindre coût. Cette distribution s'accompagne de campagne publicitaire ainsi que de spectacles qui font également l'objet de contrats.

Ces relations contractuelles peuvent devenir directes quand un label indépendant fait appel à l'une des structures de commercialisation d'une major. En effet elles proposent leurs services à des prix compétitifs, ainsi les labels indépendants doivent souvent collaborer et refouler leurs idéaux, pour les plus virulents, afin que leurs artistes soient produits.

Les labels indépendants peuvent également entretenir des rapports contractuels pacifiques avec les majors, lorsque celles-ci collaborent avec l'indépendant pour diffuser la musique de l'artiste dans un pays étranger. Ainsi il est fréquent qu'un artiste produit par exemple en Grande-Bretagne par un label indépendant, soit produit aux Etats-Unis par une major. Le label indépendant et la major signent alors un contrat aux termes duquel seul le label indépendant est engagé avec la major, l'artiste restant engagé avec le label indépendant.

Pour autant ces pratiques se font de plus en plus rares pour deux raisons. Tout d'abord parce que les labels indépendants font désormais office de découvreurs de talents. Mais au moment où l'investissement n'est pas au rendez-vous, les contrats d'éditions signés avec l'artiste font l'objet de cession aux majors, qui elles, disposent des capitaux nécessaires à une production de grande ampleur. Aussi, les filiales de celles-ci, auxquelles elles font appel dans le pays de destination, ont une marge de manœuvre limitée et généralement dictée par la société mère. En définitive, peu de collaborations existent entre labels indépendants et majors, si ce n'est pour des artistes de longue expérience.

Ensuite, les phénomènes de concentration qu'ils soient verticaux ou horizontaux entraînent une diminution des relations contractuelles entre les majors et les labels indépendants puisque d'une part, les majors sont présentes dans toutes les branches de l'industrie de la musique et d'autre part, parce qu'elles sont multinationales et après rachat, intègrent à leur société d'édition de petits labels indépendants. Ces opérations de fusion ou de rachat sont également des contrats, relations directes qui concernera les labels indépendants et les majors. En France, l'ensemble de ces contrats est réglementé par le droit des obligations, le droit des sociétés, ainsi que le

droit de la concurrence. Lorsque l'Union européenne suspecte un abus de position dominante, la Commission peut procéder à des auditions (*supra*), et demander aux principaux intéressés de procéder à des concessions, afin de ne pas renforcer le système oligopolistique de l'industrie de la musique.

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Ce qu'il faut retenir des relations entre les labels indépendants et les majors, c'est que ces structures de production de phonogrammes évoluent dans une industrie du disque marquée d'une part, par des tensions historiques, et d'autre part, par une crise des ventes physiques et le manque d'adaptation de la réglementation aux enjeux du numérique. C'est dans ce climat électrique que se développent, non seulement des collaborations relatives à l'organisation de la profession, mais également des relations contractuelles qui, bien qu'évidemment consenties, laissent aux labels indépendants le sentiment amer d'avoir été soumis.

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CROWDFUNDING MUSIC. THE VALUE OF SOCIAL NETWORKS AND SOCIAL CAPITAL IN PARTICIPATORY MUSIC PRODUCTION

Milena Cassella and Francesco D'Amato

The participatory architecture of the web has enabled new possibilities both for interaction and for the sharing of contents and resources, which in turn have allowed many different practices articulating in new ways music production and circulation. Some of them have been regarded as challenges, alternatives or integrations to traditional practices of the recorded music industry. One of such practices consists in *crowdfunding*, that is – generally speaking – in fundraising campaigns managed through the web. Crowdfunding has been growing quickly since the middle of the last decade, spreading in many different sectors to sustain different kinds of objectives, including the financing of projects in various cultural fields (where sometimes the term fan-funding is used as well).

The explosion of this phenomenon, beyond the availability of appropriate technologies, is partially related to the weakening of traditional forms of financing: on the one hand there is less propensity in making risky investments in new products that offer uncertain returns, above all in sectors that are facing radical environmental changes, tailspins in turnover, and crises in traditional business models (Lawton and Marom 2010); on the other hand, there have been drastic reductions in public financing for cultural projects (as, for example, in Italy). Not surprisingly music represents one of the primary sectors where fertile ground has been found for crowdfunding and the development of dedicated web-platforms, above all due to the crisis suffered by traditional entrepreneurial subjects and by their business models (plus a drastic drop – in many contexts - in public financing for live music). Less known musicians or those at the beginning of their career, suffering from the mentioned changes in the music sector, are the ones who mostly attempt to finance their own projects in this way. Some consider crowdfunding as a peculiar version of the wider phenomenon of *crowdsourcing*: "*crowdfunding* has more in common with other forms of *crowdsourcing* that it may seem at first sight. First, it radically changes the organization of an existing sector. Secondly, it undermines hierarchies,

directly connecting people with money with those who need it. […] Like other forms of *crowdsourcing*, they exploit our excess capacity to design new products, […] *crowdfunding* dips into the collective wallet, enabling people to finance projects they believe in with just a few dollars here and there." (Howe 2008, 162-163).

As in the case of other participative practices aimed at mobilizing the "wealth of networks" (Benkler 2006), the logic of crowdfunding consists in aggregating a large number of little contributions, instead of relying on a single private or public entity, production company or main sponsor, to finance a project. In the case of young little-known artists short on economic capital to invest in self-promotion, the search for a vast number of micro-financers encompasses the use of social media and the investment of one's own *social capital* to support both the financing and the promotion of the campaign by word of mouth. On a general level, the expression "social capital" defines the way social networks can constitute a resource "to achieve things people either could not achieve by themselves, or could achieve with great difficulty" (Field 2008, 1). This availability of support does not depend merely on the existence of a social tie, but rather on the quality upon which it is founded: "it is important to treat the concept as a property of relationship" (id, 161).

With regard to the media, most musicians rely on specific web-platforms offering tools to manage the crowdfunding campaigns. These are not neutral instruments but new intermediaries, services with their own interests and business models. The latter are usually based on one or more of the following forms of revenue: fees deducted from funds collected by successful campaigns (the most popular at the moment), microfees on transactions, advertising, shares on profits (mostly for services that support also production and marketing of the funded project). Crowdfunding campaigns may be categorized also according to the nature of the exchange between applicants and backers. It is possible to distinguish three main variations: simple *donations*; *reward-based*, in the case of backers rewarded with goods, exclusive contents, immaterial benefits or privileges, according to the amount of their contribution; micro-investments (or *equity-based*), when backers acquire the right to receive part of the possible earnings generated by the commercial exploitation of the output, in return for their contributions. Most platforms enable only one such versions of crowdfunding. Another criteria of differentiation among platforms offering a service for crowdfunding consists in adopting one of the two alternative "all-you-can-get" or "all-or-nothing" funding models. In the first case the

user is allowed to access all the collected funds even if the objective established at the beginning of the campaign was not reached, while in the second he will be allowed to access funds only if - upon conclusion of the period established by the group - the objective was reached or exceeded. Obviously if the objective is exceeded the user will receive the entire sum, minus the percentage due to the platform for the service. In the case of Musicraiser, the platform withholds 10% of the financing from campaigns that reach or exceed their own objective.

Other ways through which crowdfunding web-services contribute in the social construction of crowdfunding through are the structuring of the technology used to manage the campaigns and the elaboration of discourses aimed at promoting themselves and legitimizing (specific versions of) crowdfunding (D'Amato 2011). With regard to the latter, musicians are often represented as being empowered by the opportunity to autonomously manage their projects and careers, without having to rely on or to submit to the gatekeeping by the traditional music industry companies and professionals, usually considered inefficient or more attentive to marketing potential than quality. Through such discourses crowdfunding platforms tend to legitimize themselves as tools allowing an historical shift from a "push" industrial system to "pull" participatory practices: "we are not the filter, it's the music fans who decide" (Sellaband, believers FAQ)[1]. In some the web-services present crowdfunding, and themselves as crowdfunding enablers, less as an alternative to players and practices of the traditional music industry and more as an integration to them; so much so that they invite labels to use the platform or they promote themselves to musicians stressing the chance to attract labels thanks to a good "crowdfunded" record, furthermore attesting the existence of an engaged fan-base.

On from these premises, the article investigates how emerging young musicians manage and experience crowdfunding campaigns, especially in relation to the campaign promotion and the mobilization of their social capital. This analysis will also allow to point out some of the relevant factors that may explain differences in the results obtained by the bands themselves.

To this view, four campaigns conducted by Italian bands on the Italian crowdfunding platform Musicraiser will be analyzed, comparing and integrating the results with what has emerged from other research. The

[1] Founded in 2006, and still active, Sellaband has been one of the first and more popular crowdfunding services for music projects.

analysis will take into consideration quantitative and qualitative data collected through questionnaires and in-depth interviews with band members, integrated with interviews with six backers[2].

Crowdfunding Campaigns on Musicraiser

Musicraiser currently represents the only Italian website dedicated exclusively to crowdfunding for musical projects. The web-platform was launched in October 2012 by Giovanni Gulino (singer of the folk-rock band Marta Sui Tubi and co-owner of the indie label Tamburi Usati) and Tania Varuni (deejay, producer and founder of the Secret Concerts platform). The site hosts reward-based campaigns and offers an all-or-nothing service.

Regarding the services which are offered, in addition to the technological platform to collect funds, Musicraiser assigns to each project a tutor, who is responsible for following the petitioners and suggesting an effective configuration of the campaign. Moreover, the holders of successful campaigns can require a personalized consultation on how to invest the collected funds in the most efficient manner. From a discursive point of view, the platform adopts an informal yet professional and reassuring style, presenting crowdfunding, as well as its own role as an intermediary, as something innovative yet at the same time already tried and tested. The fans are the focal point of the practice, as exemplified by the slogan: "Musicraiser. Where Fans Are Music". However, the platform maintains a decisive role of gatekeeping: "Musicraiser carefully evaluates the projects that are proposed and selects the most interesting ones that present the characteristics of quality and concreteness that we seek" (https://www.musicraiser.com/it/how_it_works)

The four group considered are Ninfeanera, The Straw, Terzo Istante, and Beating Quartet. For all four groups, this was the first crowdfunding campaign. The campaigns of Ninfeanera and The Straw were needed to finance the production of their debut album, Terzo Istante was seeking funds for their second EP, and the Beating Quartet for the registration of their first album. In all cases, the objectives set would have covered only part of the estimated costs.

The table below shows the set goals, funds raised and number of raisers of the four campaigns (tab. 1).

[2] Data from questionnaires and in-depth interviews were collected by Benedetta Giuliani.

Tab 1 – Goals, Funding, Raisers

Band (num. of members)	Set Goal	Funds Raised (% on goal)	Num. of Raisers
Ninfeanera (5)	500	*604* (120%)	36
The Straw (5)	750	*1120* (149%)	58
Il Terzo Istante (3)	600	*1172* (195%)	61
Beating Quartet (4)	1200	*1300* (108%)	22

However, the analysis of the collected data revealed a distortion regarding the Beating Quartet campaign: €880, that is almost two third of their funds, were actually donated by members of the group themselves, in order to reach the objective established at the beginning and hence not lose the donations actually made by others. This finding makes possible to highlight possible distortions in the data published, for example, by crowdfunding sites, concerning the results of the campaign hosted by them. Actually, apparently successful campaigns can be "bloated" by huge financing from their own petitioners (sometimes with different accounts) or by few close relatives, without which the objective would not have been attained. In addition to being used to ensure reaching the objective, and therefore to access financing, in cases where the campaign shows worrying slow-downs and a big distance to the final objective just before the expiration of the campaign deadline, this practice of "self-funding" may also be useful in boosting visibility during the initial phases, thanks to the responsiveness of potential backers to research by aggregating devices (such as a top-5 popularity list of campaigns hosted by a platform) and to the cumulative level of funding already raised (Ward and Ramachandran 2010, Agrawal, Catalisi, and Goldfarb 2011). Such information allows music lovers to orient themselves in the mass of published projects and campaigns on a crowdfunding website, drawing their attention to those campaigns that already display some consensus.

By eliminating this distortion (in all the following elaborations) and considering only the donations that Beating Quartet actually obtained from other people, the results illustrated in Table 2 were obtained:

Tab. 2 – Goals, Funding, Raisers (normalized)

Band (num. of members)	Set Goal	Funds Raised (% on goal)	Num. of Raisers
Beating Quartet (4)	1200	*412* (34,3%)	*18*
Ninfeanera (5)	500	*604* (120%)	36

The Straw (5)	750	*1120* (149%)	58
Il Terzo Istante (3)	600	*1172* (195%)	61

The table shows a predictable proportionality between the number of raisers and the amount collected, while there are no analogous relations between the number of raisers and the number of band members. The next table illustrates instead the composition of the networks of backers of the four bands, in terms of three different types of relations between the band members and the financers[3] (Tab. 3).

Tab. 3 – Types of Ties in the Backer Networks

Band	Strong Ties (% on tot. raisers)	Weak Ties (% on tot. raisers)	Prev. Unknown (% on tot. raisers)
Beating Quartet	15 (83,3%)	3 (16,6%)	0
Ninfeanera	25 (69,4%)	10 (27,7%)	1 (2,7%)
The Straw	46 (79,3%)	11 (18,3%)	1 (1,7%)
Il Terzo Istante	35 (57,3%)	24 (39,3%)	2 (3,2%)

What immediately stands out is the enormous difficulty all the bands faced in extending the network of backers beyond their own circles of pre-existent contacts, in keeping with what has already been found in other cases (**D'Amato Virtual**). The second is a more predictable result: friends and relatives represent the majority of backers, almost always two thirds of the total. This is a fact that even the groups are well aware of:

"90% of our backers were people with a prevalent personal affection for us, which then meant that they followed us. 10% were instead fans of our music and project, but 90% were people we had sat down to eat with, or close even friends and relatives" [The Straw].

"At our level the support is only from relatives, friends, friends of friends, but in any case people that we already know, I can say that strangers have not arrived […] There was one guy that we didn't know

[3] According to the responses to the questionnaires given to musicians, family, good friends, and people with whom there is frequent interaction around strong shared interests were considered "strong ties". "Weak ties" were acquaintances, the people with whom there is occasional and non-specialized interaction, the people with whom there is no interaction but who appear in the contact directories and address books. When the same backer has a different kind of tie with a different band member we have considered the strongest kind of tie.

directly, who had heard us at a concert, and since he really liked our music he decided to help us. Later, naturally, we became friends; because when I see that someone gives me money I contact him to thank him. Anyway, as I was saying, besides this one, honestly there weren't any others backers that we didn't know" [Ninfeanera].

Strong ties do not represent only the highest percentage of backers, but also those who support the campaign with the largest sums of money. On the contrary, in three cases the average donation of weak ties is less than half of the average donation of strong ties, as illustrated in the table below (Table 4).

Tab. 4 – Ties and Donations

	Strong Ties		Weat Ties		Previous Unknown	
Band	average donation (€)	% on total funds	average donation (€)	% on total Funds	Average Donation (€)	% on total funds
Beating Quartet	24,6	89,6%	14,3	10,4%	0	0
Ninfeanera	20,36	84,3%	8,50	14,1%	10	1,7%
The Straw	19,78	81,3%	18,18	17,9%	10	0,9%
Il Terzo Istante	25,63	76,5%	10,83	22,2%	7,5%	1,3%

The percentage of weak ties contributing to the financing ranges from 39% to 16%, while their incidence on the total of raised funds varies from 20% and 10%. The total number of raisers for each campaign doesn't seem to be related to the flexibility of the campaign, understood in terms of possible shares of donation allowed. The two bands with the highest numbers of raisers are in fact those that established the highest and lowest number of possible shares backers were allowed to choose for their donation (Tab. 5). It's rather interesting to notice that, considering all the four campaigns, the most popular share among both strong and weak ties where clearly those in the range between 10 and 29€ (Tab. 6).

Tab. 5 – Shares of possible donations established by the bands for their campaigns

SHARES of DONA-TIONS (€)	NINFEAN ERA	THE STRAW	IL TERZO ISTANTE	BEATING QUARTET
2	X			
3	X			X
5	X		X	
6			X	
7			X	
8				X
10	X	X	X	X
15	X		X	
20		X	X	X
25	X			X
30			X	X
35	X			
40				X
50	X	X	X	X
60	X			
80		X	X	
100			X	X
150	X		X	
200			X	X
250		X		
300			X	
350	X			
400				X

Tab. 6 – Distribution of shares of donation among different ties

Amount of the Shares	Strong Ties		Weak Ties		Prev. Unknown		All Ties	
	Numb.	%	Numb.	%	Numb.	%	Numb.	%
Less than 10€	13	11%	16	33%	1	25%	30	17%
10-29€	74	61%	29	60%	3	75%	106	61%
30-49€	17	14%	1	2%	0	0%	18	10%
50-99€	14	12%	2	4%	0	0%	16	9%
More than 100€	3	2%	0	0%	0	0%	3	2%
TOT.	121	100%	48	100%	4	100%	173	100%

In-depth interviews allowed, on the one side, to analyze the campaigns management and musicians relationships with both the platforms and the raisers, and so to formulate hypothesis about the results illustrated up to this point; on the other side they provided musicians' evaluations of their experience. Particularly, we will deepen the issues under investigation through the comparison between two cases, apparently similar but significantly different for their results: the campaigns of Ninfeanera and The Straw.

The bands and the crowdfunding platform

The Ninfeanera are an alternative rock band, whose five members from Brianza are of age comprised between twenty-six and thirty, with the only exception of the younger drummer who is twenty years old. Over the past decade, they have won various national and regional competitions that have led to appearances and collaborations with more popular artists. Their campaign, finalized at collecting finds to produce their first CD, lasted two months, from 3 December 2012 to 23 January 2013.

The Straw are an indie rock band from Turin, made of five elements between the ages of twenty-eight and thirty-seven. In just two years they have succeeded in winning Rock Targato Italia and made the finals of the Emergenza Festival, two national competitions for emerging bands. Even in this case, the funds requested were needed to produce their first album, but the campaign lasted only one month, from 31 December 2012 to 1 February 2013.

Both of the groups have established decidedly limited financial objectives, both because they didn't need enormous sums and because the *all-or-nothing* crowdfunding model adopted by the platform, which makes it more convenient to fix objectives that are more likely to be obtained (as both group explicated in the interviews). However there is a contraindication to the strategy of fixing objectives that are too low:

"Once the objective was reached, attention waned; it is as if the people said 'ok, they have reached their objective, so no need to bother more." [Ninfeanera].

"In the end, once the objective was reached, we noted this thing: the fact that on the site people could see that we had gone way past our objective worked as a kind of brake. There was no longer this push to reach that figure. The energy put in it was different, even on our behalf." [The Straw].

Essentially, therefore, a low figure can first exhaust the intrinsic incentive in supporting the reach of the financial goal, not only by means of donations but also in terms of commitment of people to promote the campaign via word of mouth. On the other hand, other studies have highlighted how an objective that is too high, perceived by potential contributors as impossible to reach, may in turn hamper the funding drive (D'Amato and MIconi 2012).

Another aspect that both groups have in common is the motivation for choosing an intermediation service instead of managing the fundraising autonomously through their own website or social media pages. Entrusting the project to a well-known intermediary is considered a necessary legitimization of a little-known group, as well as an opportunity to increase their own visibility beyond their own circles of friends. Essentially, many emerging groups that opt for crowdfunding in the absence of recording labels willing to invest in them (another discursive topo that recurs in the interviews) choose to entrust a different type of "brand" that may offer credibility to the project and legitimize the request for financing. At the same time, many crowdfunding platforms pursue the affirmation of their own brand, in terms of platforms promoting the financing of interesting or qualitatively worthwhile projects, through a process of *gatekeeping*, which follow selection methods not very different from those of traditional recording labels (D'Amato 2011). Musicraiser selects which campaigns to publish among their proposals, a policy that - in the eyes of the musicians selected - ratifies credibility to be flaunted:

"[Musicraiser] gives a sense of institutional and official character to your project, because if you otherwise try to raise funds on your Facebook page, writing 'please give me ten euro each, I'm working on this projects', it will

be difficult to make it credible to others. So the 10% fee that they withhold is practically covered 100% by the institutional and official bearing of the thing. […] The people see the site, see that the thing is structured, carefully executed, has a certain substance, all because it is inside a serious portal. The seriousness of the thing allowed us to be credible in the eyes of people who probably don't even know what you are doing. […] Even you introduce yourself to your audience, to your fan base, as if to say 'look how lucky we've been: Musicraiser accepted our project!'. Do you get it? As if it's already an accomplishment that they didn't send you packing. During the first contact [with the website] you communicate who your Facebook contacts are, your website (if you have one), and they evaluate your true potential for success. If they took on too many unfeasible projects even their site would lose credibility. This thing here, this little pre-selection at a qualitative level, was their winning factor. You are put on the same platform with all these valid young artists, so it becomes an added form of promotion. Then they post a lot on Facebook, like 'these dudes from Turin have reached 25%, then 50%'. During the various steps they post your initiative on their page, which already has tons of contacts, so even for this reason alone you have the promotion of your music on this page that already has tens of thousands of contacts."[The Straw]

Even for Ninfeanera, the perception of the seriousness and validity of MusicRaiser is linked to the tutoring of the bands, which is particularly strict during the initial phases of setting up the campaign:

"I didn't feel like reading [the website site instructions], so I clicked 'register', I registered, and I inserted random information in the fields. I didn't take the request seriously at first. That's why there is a tutor. You insert your project and in 99% of the cases, I guess, it is not accepted because something is not right. The tutor contacts you by phone - I actually spent hours on the phone with this person who talked to me at a hundred miles an hour – to organize everything. […] In the beginning they were strict and formal, telling us 'no, this is no good, like this the project will never work. I even said I was sorry, because at the beginning I must have looked like an idiot. I presented a project with six-hundred thousand errors, the photo was old, the video was worthless, and other things. Then later the relationships were more relaxed […] I realized that it was something serious and had to be dealt with and set up in a certain way and she [the tutor] had given us, especially at the beginning, some main points so that we could build our projects seriously and professionally. Then once the thing had gotten started, she only made a couple of comments." [Ninfeanera]

Once the campaign is set up thanks to the Musicraiser tutor's consultation, the promotion and the management of the campaign are essentially handed over to the musicians, who invest time, energy, skills and - in some cases - small sums of money for promotional contents or press office support: "They write you a checklist, a list of suggestions, what do to and what not to do. Actually it's a lot of common sense […] Initially they are very collaborative, then, once you get your project set up right, the work is all yours." [The Straw]

The bands and their networks of backers

The interviews revealed four factors that may contribute to the explanation of the difference in the number of raisers supporting Ninfeanera and The Straw: the different degree of involvement of each of the members of the bands in promoting the campaign, the focus on different aspects of the promotion, the varying degree of overlapping of the circles of acquaintances of the different members, and the characteristics that make some of these circles unsuitable to their mobilization for the financing.

Firstly, given a greater division of work among the members of Ninfeanera, two of them were more greatly involved in the call for funding, while the components of The Straw were equally involved:

"I am a slightly better PR than the others and maintain more personal relations […] It could be said that most of the funds came from my contacts […]Some didn't do anything at all, for example the violinist didn't do anything, but at least his father donated 50 euros" [Massimo, Ninfeanera].

"The search for funds multiplies according to the people you have, each will have his own pool of friends. If a group is made up of four or five people, each one feels responsible to collect as many fans as possible. Considering work and study environments the search for fundraisers and the collection was pretty equally distributed [among us]" [The Straw].

The promotion of the campaign, essentially in the form of mobilizing one's own social networks, represented for both bands a notable investment in time, however The Straw emphasized how the greatest effort was in made in conducting widespread yet personalized communications on behalf of all the members, while for the Ninfeanera it was the creation of an introductory video required by the platform:

"[we above all used] Facebook, but with personalized messages sent directly, one by one. Then with some we made phone calls, or met them outdoor. You have to have a bit of energy when you do these things. It's not enough to put a profile on a platform to get people to give you some money.

You must be credible, demonstrate that it's important to you and then people are convinced […] We told everyone about what we were doing, one by one, without spamming everything randomly or trying to be show-offs. We went around telling everyone about what we were doing and we asked in the humblest way possible to help us. […] Going out to people one by one and tell them what you're doing - that will get you what you need. We have lots of friends in music bands in the hinterland of Turin, really good bands who made the mistake of keeping a high profile when it came to communications, like: 'we are so-and-so, we're the cool dudes you all know, you can't not have our CD, help us and you will be among the few lucky ones to have it' " [The Straw];

"What took the most time was creating that stupid video for Musicraiser. They were on our backs all the time, but if I have to spend 300 euro to make a good video…, We did it once and 'no, it's no good, we don't like it', we did it another time and they wanted us to fix it, and so the third time I said, 'Listen, we are ready to start the campaign and I already have people asking me if they can make a donation, if you have to bust our balls and everything for the video, tell me right away'. So then they answered, 'No, it's ok, go ahead" [Ninfeanera]

In integrating the previous quotation with what was expressed in other points of the interview, it is worth emphasizing how the notable quantity of time required for a good video depended on the fact that Ninfeanera lacked adequate specific skills to make one. On other cases, bands got help from friends who worked or were more expert in making them.

Third, the biographies of the groups indicated that The Straw, whose members have known each other for a shorter time, live further apart, and seldom frequent each other, share fewer ties than Ninfeanera. The Straw began playing together only at the beginning of 2010 and the components, unlike Ninfeanera, did not know each other before that:

"We met mostly through the internet, the same way people meet through the classified ads in newspaper, in that I was with my guitarist – one I had always played with until he left for a variety of reasons - and we decided to try and look for a few musicians to begin playing after many years. We put an ad on the internet and - incredibly - there are people who answer these ads […] The bass player, who is from Biella and lives 100 km away, and the drummer actually answered these ads on the various music websites. So we first met through internet and the friendship came later […] We have such separate lives that we even frequent each other very rarely, if not to play. It might be that we meet for a concert, or something else, but in the evening -

we live pretty far from each other – we don't see each other much. This was lucky, because each of us was able to concentrate on his own user basin, to put it bluntly." [The Straw]

Instead Ninfeanera got together in 2003 and over the past ten years the biggest change in the formation was the replacement of the original guitarist. The members are all long-time friends:

"We are friends. We never went looking for someone by chance using classifieds, we were friends first and then we started playing […] Even the new guitarist has been my friend since I was eight".

In the case of Ninfeanera, a further conditioning the mobilization of potential social capital has emerged. The friend network of one of the members had characteristics that made it unsuitable for an online crowdfunding campaign:

"The drummer, who is nineteen year old, said: 'unfortunately, my network is made of eighteen-year-olds little boys, most of whom listen to disco music and most of all can't afford to use PayPal to pay money on the site." [Ninfeanera]

Finally, a reference to the rewards used by the bands to encourage donations, as it is worth highlighting the confirmation of what has already emerged abundantly from other studies (D'Amato 2011, forthcoming), namely the fact that the rewards themselves are not a decisive factor in wanting to contribute to the campaigns:

"Actually, most people bought the CD at ten euro, which was at the center of it all, and probably those who wanted to put in twenty euro also got the T-shirt, but then some contacted me to say: 'I don't give a damn about the T-shirt, just send me the CD'. Or others even said 'Look, I put in fifty euro but I don't want to you to come to my house to give me a concert […] Actually people weren't that interested in the rewards, and this was nice, they weren't interested in buying something, they intended it only as a contribution: 'I support you, I have fifty euro extra in my pocket, thirty euro left over, I'll give it to you. It doesn't matter about the T-shirt'. Nobody ever contacted me to tell me to say, 'Look here though, I am waiting for the T-shirt small size', or 'it didn't fit', or 'it was wrinkled' " [Ninfeanera]

Obviously, this is especially related with strong ties being the main backers: "Relatives clearly don't give do not care, they give 20 euro and that's all, they didn't carefully look everything" [Ninfeanera].

Anyway, this general "irrelevance" of the rewards as merchandise to be bought through a proportionate donation (generally a bigger donation

corresponds to more valuable rewards) was confirmed by some of the backers interviewed:

"The absurdity of the situation is that I financed their project and I believe that Massimo still has my copy of the CD that I never picked up. I went to their concert a couple of times but - you know - there were lots of people… But it isn't really important, to tell the truth. I was happy to finance their project, he sent me the MP3 files, I am happy to listen to them, but I never picked up my copy because – well – it was something extra. The pleasure was in financing their project, listening to the result. The idea of having contributed made me happier than the idea that they were going to give me something" [Fabio, *weak tie* backer of Ninfeanera].

That does not mean rewards are useless. One of their main functions consists in characterizing the campaign and connoting the bands. One example:

"… then they are really nice, I don't remember what they had invented, something like that for a certain sum they invited you to dinner, other things like that… in other words they invented a communication strategy that was truly fun, so it was nice, I enjoyed the way they constructed the campaign, so … at that time I had twenty euro and so I gave them 20 euro" [Manuel, *weak tie* backer of The Straw]

The work and the experience of music crowdfunding

In this last section, some conclusive considerations will be made regarding the nature of the social capital that supports crowdfunding campaigns, the work done by the musicians to accumulate and mobilize social capital, the meanings and evaluations that the musicians attribute to crowdfunding.

Regarding the first point, the analysis of the quantitative data highlighted two aspects: the enormous importance of strong ties, in terms of both availability and amount of economic support, and the equally important difficulty in obtaining financing from people outside of one's personal network of existing contacts. These are relatively predictable results, given the scarce notoriety of the bands analyzed; however it must be remembered that some cases deal with groups that have been active for several years and winners of national competitions. Just as predictable is the lesser importance of weak ties in terms of economic contributions, however it was not possible to evaluate in detail their contributions in relation to the support function that attests to their relevance in various studies concerning social networks and social capital: the function of bridging (Granovetter

1983, Putnam 2001), or – in this case – the effective promotion of the campaign to persons outside the social network of the holders. With regard to the examined campaigns, it was impossible to establish if the almost total absence of the latter depended on the failure to carry out this function (the band's weak ties did not actually act to promote the groups) or on a lack of effectiveness (they spread the news by word of mouth, but failed to convince other people to make a donation).

Instead, the interviews made it possible to outline a recurring profile between the weak ties who participated in the financing. If the strong ties are essentially families and friends, the weak ties are mostly fans, who however tend to share further characteristics, like amateur musicianship or activities in other creative sectors or in various civil solidarity initiatives (like volunteer work or no-profit associations). Two examples:

"We heard about the band and we began following them, just in a few concerts […] I played for a while when I was in high school … I was part of a group for a few years…. At university I played again in other group, just for pleasure" [Manuel, *weak tie* backer of The Straw]

"I met them at a concert that just wasn't theirs, it was an evening dedicated to Battisti in a club that I know, where I had gone that night by chance […] I went back a week or two later to the same place to hear their own music, on an evening they were playing their own songs, because I liked them, and actually I like them a lot again. Then a while later, I began following them on Facebook […]I love photographs and I take photos, there are also people who finance photographic projects, when I can I contribute, because it is nice to contribute to a person's dreams. It is something that someone can also self-centeredly boast about, saying, 'I believed in him, I gave him a hand' […] I financed three photographic projects and two other musical ones. I put in five euro, it's not like you give them so much money. Sometimes you spend money for nothing when instead you can back something really cool […] I generally like the idea of doing something with crowd marketing […] I like the crowd marketing philosophy a lot, involving people in your project is something I like regardless […] I am a big fan of music and a big fan of social, in the sense that I have been doing volunteer work for an association for 15 years. I work in a no-profit association, so the idea of doing something you believe in and asking others to trust in you and back your project, in my opinion, is fantastic and deeply involves who believes in you. I think it's great. […]" [Fabio, *weak tie* backer of Ninfeanera].

The second quotation confirms another trend that emerged in other studies (D'Amato and Miconi 2012): the exceptions to this behavior concern mostly

people active in volunteering and, or other artists who feel a form of solidarity towards colleagues who share their passion for the same genre or who experience similar situations and deal with problems similar to their own. Another two exemplary quotations to illustrate the first and second cases:

"I am familiar with crowdfunding. I am an activist in a cultural movement that, as it has the objective of a more ethical and efficient society, seeks to make everyone aware of open source viewpoint. I also have a blog where I post articles about open source and follow other campaigns on crowdfunding websites like Indiegogo and Kickstarter. […] I am familiar with various crowdfunding websites. I happened to donate a small amount of money for a scientific campaign, and I think I will also do it for a phoneblocks project" [Claudio, *strong tie* backer of Ninfeanera]

"I met Ninfeanera for the first time when we shared the stage with them. I also have a band that plays music somewhat similar to theirs. I already knew about crowdfunding and I know other websites that offer this type of financing (also not concerning music). I backed other campaigns that I thought were interesting" [Davide, *strong tie* backer of Ninfeanera].

The accumulation and investment of social capital require specific resources to be efficient in light of particular achievements. In the case of the campaigns examined the decisive resources are, on one hand, sufficient time to be dedicated to a widespread and personalized promotion, in that the use of the intermediary services does not seem to guarantee significant contributions in that sense, and on the other, skills useful in developing effective communications. It is not by chance that The Beating Quartet, the band with the worst results among those examined, were the only ones to sustain that "the promotion didn't take us so much time […] there is no great effort to be made, also for this reason it is easy to consider participating".

Time, skills, the number of members involved in spreading the word, and the characteristics of their social networks can therefore constitute discriminating factors for differences in campaigns' results. However, insofar as the little-known musicians entrust their social capital, the work that produces the results of a crowdfunding campaign precedes the campaign itself, consisting of the social practices that allow the accumulation of social capital prior to its investment during the campaign.

"Crowdfunding was a great idea, but if you are an asshole, just to be clear, if you are somebody that no one likes, it's no magic wand. You have to do good stuff that people want to buy, then crowdfunding is perfect because

they feel part of the project, you involve them, but if you don't have your own social life, for example, or you are always putting yourself above everyone or on a pedestal and then, from one day to the next, you come out with 'oh, I'm doing this, help me'… it's not going to work. Instead, if you have cultivated good relationships all your life, together with a good musical project, you will surely win." [The Straw].

Marco, a backer of The Straw, adds:

"They are nice, outgoing, people who like to have fun, and so they really get you involved […] They relate a lot with people and I don't think they cultivate human relationship with other to benefit the group. They do it because that's how they really are. If they start talking to someone, it's not because they are thinking about what they can get out of it."

In the end, all the groups expressed a positive evaluation of their crowdfunding experience. However, two kinds of considerations emerge with regard to the function that this practice may fulfill for young emerging artists, and its possible meaning in the context of crisis of the recording industry, as was the case in previous studies (D'Amato 2011, D'Amato and Miconi 2012).

From one point of view, crowdfunding is considered an option especially useful at the beginning of a musician's career and not necessarily an alternative to the traditional music industry. Actually, many musicians believe that a product of a better quality, compared to the one that could be self-financed by a band only with their own resources, and the ratification of the existence of people willing to pay for it, may increase their appeal in the eyes of traditional labels.

"To me it is a one-shot opportunity, and in my opinion this is a quite important theme for discussion. It is an opportunity that you have, but I see a repetition as being difficult, very difficult. It is mostly useful as an initial boost […] Musicraiser helped us gain publicity. […] Now, thanks to Musicraiser and this work, we have a label that helps us. This came about thanks to having done all this work and this CD, to have been able to propose a CD of a quality that is better than the standard home recording. So thanks to this we were contacted by this label." [The Straw]

From another point of view instead, crowdfunding appears to be more of an obligatory option, precisely because it is so difficult to find companies willing to invest during a moment of crisis, especially on new projects:

"There is a crisis in production, if you look at the fact that crowdfunding is being done even by important artists - there is a campaign by Andy of Bluvertigo, stuff like this – it makes you understand that in reality there are

no options... it makes you understand that this is - I can't say the future - but certainly it is the present in some spheres, because recording companies invest in what is tried and tested, so either the old guys – Morandi, Celentano and company – or all the ones that come out of the reality shows." [Ninfeanera]

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To conclude, various research on crowdfunding provides some evidence that such participatory practices are replacing few functions previously performed by a part of the music industry, particularly by the independent sector, while integrating in new ways with more traditional processes and players. Future research may test and deepen this issue and investigate which subjects have more chances to benefit from the wealth of networks, and through which practices.

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Putnam R. D. 2001, *Bowling Alone: The Collapse and Revival of American Community*, Simon & Schuster, New York.

Ward, Chris, and Vandana Ramachandran. 2010. *Crowdfunding the next hit: microfunding online experience goods*. Accessed September 30, 2013. http://www.cs.umass.edu/~wallach/workshops/nips2010css/papers/ward.pdf (18 maggio 2012).

RECORDINGS, RIGHTS AND RISKS: INTERMEDIARIES AND THE CHANGING MUSIC INDUSTRIES

Keith Negus

For many years the music industry has been reliant on revenue generated from the sales of recordings. Loss-making tours and concerts have been underwritten and financially supported because they led to increased record sales; publishing contracts agreed premised on the aim of getting a song heard through its recording by prominent performers; personal appearances, interviews, videos and all manner of publicity activities have been conceived with the purpose of increasing record sales. Whilst many musicians have and continue to subsist on incomes derived from performing without releasing their own recordings – in community centres, pubs, cruise ships, cabaret circuits, towns and villages throughout the world - most of their repertoire has been learnt from recordings and their performances directly reference a particular rendition, a song, a genre or a broad repertoire that is known through the circulation of recordings (whether the most contemporary of North Atlantic pop, vernacular folk styles or western art music). Since the early twentieth century, the creative practices of musicians and the understandings and responses of audiences have been informed by 'recording consciousness' (Bennett, 1980)[1] and the recording has been central to the economic and aesthetic value of popular music.

As has been emphasised in much commentary, the growth of the internet and digitalisation has facilitated a shift from physical artefact (CDs, cassettes, LPs) to non-material digital distribution (most obviously mp3s), and this has had a potentially profound impact on the business practices that put recording central to income generation (see Azenha, 2006[2]; Dolata,

[1] H. Stith Bennett (1980). *On Becoming a Rock Musician*, University of Massachusetts Press.

[2] Gustavo Azenha (2006). 'The Internet and Decentralisation of the Popular Music Industry: Critical Reflections on Technology, Concentration and Diversification' *Radical Musicology* Vol 1 125 pars. http://www.radical-musicology.org.uk/2006/Azenha.htm

2011[3]; Gilbert, 2012[4]). In the ten years from 2000 the music industry's global income from sales of recorded music was reported to have fallen by between 40 per cent (Marshall, 2012[5]) and 57 per cent (Forde, 2012a[6]). Since then, a plethora of officially produced statistics have been circulated by organisations such as the International Federation of the Phonographic Industry (IFPI), British Phonographic Industry (BPI), Recording Industry Association of America (RIAA) and SNEP (Syndicat National De L'Edition Phonographique) to support their claims that the total volume sales of physical albums and singles has been declining year on year and that revenues from digital sales have not been making up this shortfall.[7] Corporate blame has been heaped upon organised entrepreneurial 'criminal' pirates such as Kim Dotcom (see Forde, 2012a[8]) and disorganised peer-to-peer file- sharing amongst fans (David, 2010[9]).

However, a degree of caution is needed when assessing the evidence, extent and significance of such claims. The reported decline of revenues being generated by recordings refers to purchases by consumers of physical or digital artefacts. It does not take into account the revenues that can be generated through various forms of licensing and rights exploitation (placing recordings in films, advertisements, internet sites, ringtones,

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[3] Ulrich Dolata (2011). *The Music Industry and the Internet, A Decade of Disruptive and Uncontrolled Sectoral Change*, SOI Discussion Paper, University of Stuttgart, Institute of Social Sciences, Department of Organisational Sociology and Innovation Studies.

[4] Jeremy Gilbert (2012). 'Capitalism, creativity and the crisis in the music industry', *Open Democracy*, 14 September, 1-6, http://www.opendemocracy.net/ourkingdom/jeremy-gilbert/capitalism-creativity-and-crisis-in-music-industry accessed 25 March 2013.

[5] Lee Marshall (2012). 'The 360 deal and the 'new' music industry' *European Journal of Cultural Studies* Vol. 16, No 1, pp.77-99.

[6] Eamonn Forde (2012a). 'How Free Is Ruining Everything Part 1 & 2', *Q Magazine*, 17 July, online versions accessed 13 January 2014 - http://news.qthemusic.com/2012/07/column_-_how_free_is_ruining_e.html

[7] I have not cited numerous statistics here due to space and because they will quickly become dated. To access an international perspective on these statistics and the industry arguments about piracy see the annual IFPI *Digital Music Reports* from 2006 through to 2014. For the UK situation see the publications and website of the BPI; for the USA see the RIAA.

[8] Eamonn Forde (2012a). 'How Free Is Ruining Everything Part 1 & 2', *Q Magazine*, 17 July, online versions accessed 13 January 2014 - http://news.qthemusic.com/2012/07/column_-_how_free_is_ruining_e.html

[9] Matthew David (2010). Peer to Peer and the Music Industry: The Criminalisation of Sharing, Sage.

television programmes and games). Whilst precise and reliable figures are difficult to obtain, press releases by IFPI and the BPI have claimed that revenues from licensing and rights exploitation have been increasing each year. Basic consumer sales statistics also conceal the subtler way that recordings actively generate additional revenue by encouraging the purchase of concert tickets and merchandise – a theme I shall be pursuing in this essay.

The image of a music industry in decline or crisis is largely based on consumer sales of recordings (and the industry's slow response to digitalisation) and ignores how the industry has been making money from live performances at large stadiums, concert halls and major festivals. According to Alan B Krueger, Chair of the White House Council of Economic Advisers, the price of concert tickets in the USA increased nearly 400 per cent between 1981 and 2012, whereas consumer price inflation was 150 per cent. The revenue taken by the top one per cent of performers increased from 26 per cent in 1982 to 56 per cent in 2003 (Krueger, 2013[10]). The historical, aesthetic and economic significance of live music has been a neglected aspect of the 'music industry' (see Cloonan and Williamson, 2007[11]; Frith, 2007[12]; Frith, Brennan, Cloonan and Webster, 2013[13]). There has been considerable evidence that the earnings from festivals and tours have offset losses from recordings, supporting claims for the economic significance of the live music boom of the new millennium.

Jeremy Gilbert (2012[14]) has been sceptical of such claims and disputed the economic potentials of live music, arguing that profits from major tours and festivals cannot break even without corporate sponsorship. However, the

[10] Alan Krueger (2013). 'Land of Hope and Dreams: Rock and Roll, Economics and Rebuilding the Middle Class' White House Council of Economic Advisers, speech given 12 June, Cleveland, OH, http://www.whitehouse.gov/blog/2013/06/12/rock-and-roll-economics-and-rebuilding-middle-class (accessed 16 Dec 2013).

[11] Martin Cloonan and Williamson, John (2007) 'Rethinking the Music Industry' *Popular Music* Vol. 26 No 2 pp.305-322.

[12] Simon Frith (2007) 'Live Music Matters' *Scottish Music Review* Vol 1 No 1 available at http://www.scottishmusicreview.org/index.php/SMR/article/view/9 accessed 14 January 2011.

[13] Simon Brennan Frith, Matt Cloonan, Martin and Webster, Emma (2013). *The History of Live Music in Britain Volume One 1950-1967*, Ashgate, Farnham UK.

[14] Jeremy Gilbert (2012) 'Capitalism, creativity and the crisis in the music industry', *Open Democracy*, 14 September, 1-6, http://www.opendemocracy.net/ourkingdom/jeremy-gilbert/capitalism-creativity-and-crisis-in-music-industry accessed 25 March 2013.

economics of live music are much more complex. When I contacted music industry analyst Eamonn Forde about this issue he commented:

The economics of every tour is different. You have to factor in ticket prices, number of shows, size of crew, transport costs, number of "off" days on tour etc … New acts will lose money on tours but not be able to attract sponsorship as they are too small. Huge acts might need sponsorship money up front to offset production costs but end up hugely profitable at the end. Loads of mid-size heritage acts can tour without any sponsorship… Also, acts like Radiohead have a "no sponsorship" policy and make a lot of money from touring. And, labels still underwrite tours, especially with 360-degree deals as they stand to share in the tour profits.[15]

So, the issue is not the economic irrelevance of the recording as tangible or immaterial artefact that is superseded by live music, nor a crisis situation where money cannot be made without corporate sponsorship but the changing place of recording within the constellation of relationships and products from which the music industry generates revenue and through which pop music acquires cultural value. And, these changes should be understood over a longer period of time during which the music industry has been shifting from being organised around one core revenue-generating product (recording - consolidated by the growth of album revenues during the 1960s) towards a networked chains of cybernetic commodities (generating income from rights, partnerships, experiences, events, merchandise and services). I draw the term 'cybernetic commodity' from the writings of Vincent Mosco (1996[16]) and Barry King (1987[17]), along with the work of Rosemary Coombe (1998[18]) to signal a system of interdependent commodities whereby market value is not realised according to individual items but through connections that link one commodity (recordings) with other commodities (still and moving images, films, dramas, games, merchandise, events, data produced from web analytics that is packaged and sold on). The success of a game, or recording or film or T-shirt becomes inter-dependent upon the commercial success or failure other commodities in the system (if the film flops it will impact on sales of the soundtrack; a hit song will raise the commercial potential of a film).

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[15] Email correspondence with Eamonn Forde, 13 January 2014.
[16] Vincent Mosco (1996). The Political Economy of Communication, Sage.
[17] Barry King (1987). 'The Star and the Commodity', *Cultural Studies* Vol. 1 No 2 pp.145-161.
[18] Rosemary Coombe (1998). *The Cultural Life of Intellectual Properties.* Duke University.

The activity of those working with musicians is indelibly informed by what were once and sometimes still are called 'media synergies', term that comes from discussions about conglomeration during the 1980s (see Negus, 1997[19]), or connections more recently described with another buzzword - 'media convergence'. From very early in the twentieth century recorded music began acquiring its cultural importance and economic value due to its intrinsic connection to other media forms. For example, from the 1920s, radio broadcasting became integral to the production, promotion and presentation of recordings, as did feature films and musicals, along with television. During the 1940s, Bing Crosby recognised the strategic significance of synchronising the release of recordings with radio broadcasts, films and concerts, whilst using press publicity in newspapers and magazines. Crosby also financed the development of the Ampex tape recorder (anticipating how it would allow him to overcome the need for live radio broadcasts).[20]

From early in the twentieth century being a musician has entailed engaging with multiple media, merchandise, art forms and technologies. This has become ever more pronounced due to the way digital unbundling has made tracks previously (or currently) available only on albums for individual purchase or streamed listening, and questioned the concept of 'the album' that has been a standard artistic and economic format since the late 1950s. This poses a challenge for musicians who wish to present their tracks or songs in a unified thematic sequence. Not only do consumers no longer accept previous prices charged for recordings, the music listening public value selectivity and the option to shuffle individual tracks, or access streamed tracks rather than purchase albums. Consumers can now penalise those musicians who put out albums deemed to contain 'filler' tracks by simply not purchasing them (see Forde, 2011[21]).

The effort to assert the value of the traditional album (a 'tradition' more or less invented during the 1950s) was apparent in the coverage given to the court case in 2010 when Pink Floyd successfully prevented the *Dark Side Of*

[19] Keith Negus (1997). 'The Production of Culture' in Paul Du Gay (Ed) *Production of Culture/ Cultures of Production*, Sage.
[20] For a fascinating account of this, and how it provided a context for the recordings of Frank Sinatra see Granata (2004).
[21] Eamonn Forde (2011). 'What Now My Love?' *Word Magazine*, No 105, November, pp.52-55.

The Moon being sold as individual tracks (see Milmo, 2010[22]) – a position they subsequently reneged on less than a year later when they reached an agreement to allow the sale of individual tracks (Jones, 2011[23]). Three years later Beyoncé released her fifth album *Beyoncé* as a fixed bundle to encourage what she called 'the immersive experience of a full album' (Garrahan, 2013, p13[24]), although this was also for a limited period of about 2 weeks.

Björk's *Biophilia,* touted as the first 'app album' has been one of the most discussed of recent efforts to redefine the album concept in such a way as to allow a more intense, concentrated (rather than distracted), interactive and tactile engagement with an artist's work (Dibben, 2013[25]). The various *Biophilia* packages incorporated recorded music, artwork, apps, artefacts, musicological theory, biological commentary from David Attenborough, educational programmes around the world, a limited edition set of tuning forks and a series of concerts (footage of which circulates on the internet, although not officially released at the time of writing). The album was also made available in various conventional CD formats.

From Crosby's tie-ups of recording, radio and film in the 1940s to the synergies of Madonna's music, videos and films in the 1980s, to Björk's *Biophilia*, music companies have recognised the economic importance of such artistic connections and used the opportunities for cross-collateralisation (recouping losses in music from film revenues, for example). This has led to the introduction of the 'multiple rights contract' or 360 degree deal, an agreement whereby a company invests in an artist and receives a cut of all revenue from artist's images and activities, whether recordings, merchandise, concerts, music placed in games, TV, films, adverts, books and so on. For the duration of any deal, the company owns a 'bundle' of rights, and exploits 'cybernetic commodification'. This may be through an 'active' relationship, meaning that the company owns or uses in-

[22] Cahal Milmo (2010). 'It's an album – not a collection of tracks' *The Independent* Friday 12 March, p.7.
[23] Sam Jones (2011). 'Pink Floyd and EMI agree deal allowing sale of single digital downloads' *The Guardian* 4 January online version accessed 23 January 2014 - http://www.theguardian.com/music/2011/jan/04/pink-floyd-emi-single-digital-downloads
[24] Matthew Garrahan (2013). 'Beyoncé helps to keep album format spinning' *Financial Times*, 14-15 December, p.13.
[25] N.Dibben (2013). 'Visualizing the app album with Björk's *Biophilia' The Oxford Handbook of Sound and Image in Digital Media*, Eds. C. Vernallis, A. Herzog & J. Richardson (pp.682-704). Oxford: Oxford University Press.

house merchandising, publishing, promotion, venues; or a 'passive' relationship whereby the company takes a percentage of income from the artist's arrangements with third parties (such as deals with other companies for publishing, live performance, merchandise or books). The 360-degree deal recognises the revenues that are generated by musicians across other media and merchandise. Yet, as Lee Marshall has argued in his analysis of these contracts, recording is still central for both musicians and listeners - 'the vast majority of people have heard the vast majority of popular music through recorded music' (2012, p89-90[26]) - a pattern that shows no sign of changing (even if the relative revenues generated by different musical artefacts and experiences changes).

The multiple rights contract also underlines the proliferation of businesses with an interest in investing in music (including related media and games, along with those using music in strategies of life styling and branding), and the developing symbiotic relationships with industries outside or beyond the narrowly defined music, media or entertainment industry. Here the marketing and branding practices developed in rap and hip hop have had a profound impact. A major influence here was Run-DMC's 'My Adidas' (1986) – 'the crew's paean to their favourite hip-hop fashion statement … [with] no ulterior motive' (Charnas, 2010, p185[27]) - which led, through the astute actions of the band's management, to an endorsement deal worth a reported $1 million and their own branded Run-DMC line of Adidas shoes. Dan Charnas, in his history of the business of hip-hop, identifies this as a pivotal and far reaching branding deal.

Since the 1990s, corporate branding, advertising and sponsorship have become ever more important sources of revenue for musicians, with an increase in investment from companies with no prior involvement in music, and various deals between bands and brands (Forde, 2012b[28]). Following Run-DMC and various other rap musicians (see Wilkinson, 2006[29]), deals with clothing manufacturers have become mainstream, involving high street

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[26] Lee Marshall (2012). 'The 360 deal and the 'new' music industry' *European Journal of Cultural Studies* Vol. 16, No 1, pp.77-99.

[27] Dan Charnas (2010). *The Big Payback: The History of the Business of Hip-Hop*, New American Library: New York.

[28] Eamonn Forde (2012b). 'Product Placement: I'm With The Brand' *Word Magazine*, No 113, July, pp.58-61.
Simon Brennan Frith, Martin Matt Cloonan and Emma Webster (2013). *The History of Live Music in Britain Volume One 1950-1967*, Ashgate, Farnham UK.

[29] Carl Wilkinson (2006). 'I'm With the Brand' *Financial Times Magazine*, November 4/5, pp.17-23.

names such as Marks and Spencer and Take That. Automobile manufacturers have sponsored festivals (Range Rover, Chrysler, Toyota, Honda). Manufacturers of alcohol and soft drinks invested most in USA based music festival sponsorship in 2012 (Hampp, 2013[30]), and over recent years have also put money into venues, street performance and tours (notably Carling, Jack Daniels, Heineken, Bacardi, Pepsi, Red Bull). There have been numerous deals between musicians and phone/ mobile communications companies, including the 'partnership' between Lady Gaga and Virgin, and the Foo Fighters deal with BlackBerry (Hampp, 2011[31]).

Musicians have been sponsored by food-related brands, including One Direction by Nabisco, a deal between Trident chewing gum and Beyoncé, and John Lydon's endorsement and sponsorship deal with Country Life butter (a brand owned by Dairy Crest). In the latter case, the butter company reported that sales of the Country Life brand increased 85 per cent in the first quarter after the campaign (Teather, 2009[32]) and John Lydon told an interviewer that the money from the deal helped fund his tours with Public Image (Odell, 2010[33]).

Elite brands have also recognised such opportunities. Rap artists have negotiated deals with Champagne houses, Cognac producers and premium vodka. The deal between upmarket Ciroc Vodka and Sean 'P Diddy' Combs reportedly involved the musician in developing the brand and receiving a 50-50 profit share of Ciroc's sales (Farrell, 2010[34]). The luxury watch company Rolex financed the mentoring of experimental musicians by recognised innovator Brian Eno (Muggs, 2011a[35]). At the same time, musicians have gained investment from a longer tradition of sponsorship

[30] Andrew Hampp (2013). 'Festival Sponsorship Spending Projected to Set Record in 2013', *Billboard* 10 May – accessed online 12 January 2014. http://www.billboard.com/biz/articles/news/branding/1561337/festival-sponsorship-spending-projected-to-set-record-in-2013

[31] Andrew Hampp (2011). 'The Year In Branding: Top Tours and Festivals Got Closer With Sponsorship This Year', *Billboard* December 8, online version accessed 13 January 2014, http://www.billboard.com/biz/articles/news/branding/1158289/the-year-in-branding-top-tours-and-festivals-got-closer-with

[32] David Teather (2009). 'Johnny Rotten ad butters up sales at Dairy Crest brand' *The Guardian* 4 February p.23.

[33] Michael Odell (2010). 'John Lydon, "The People of Britain Have a Problem With Me As A Butter Ambassador"' *Q Magazine*, No 285, April, pp.94-99.

[34] Greg Farrell (2010). 'Diddy Factor Invigorates Vodka Sales for Diageo', *Financial Times*, 21 October, p.10.

[35] Joe Muggs (2011a). 'Our Generous Benefactors', *The Guardian*, 12 August, p.14.

from equipment and instrument manufacturers (guitars, keyboards, brass, woodwind, strings, drum kits etc).

The above are just a few examples from a practice that is becoming routine and which entails two intertwined aspects; revenue generated via the exploitation of rights through licensing content, and product endorsement. The two elements (licensing and endorsement) were epitomised in the release of Jay-Z's album *Magna Carta Holy Grail* via a partnership with Samsung. The album was made accessible to Samsung Galaxy users 72 hours before it became available to purchase as download or physical CD through the Def Jam label. This was the first time that an album had been released through a brand prior to being made available by a record label. The *Music Business Journal* reported that Jay-Z received approximately $7.5 million in 'music rights and endorsement fees' with 'sources' estimating the 'value of Jay-Z's entire deal with Samsung at close to $30 million' (Odour, 2013, np[36]).

The developments I have been referring to have many consequences that are beyond the remit of this brief article; the issue I want to pursue in the remainder of this essay arises from the way that working with musicians now involves many more variables. This has increased the uncertainties involved in managing musicians and producing popular music. Older uncertainties about the unpredictability of musicians and their listeners, and the various strategic consequences of this (see Negus, 1999 pp 31-62[37]) have been compounded by the music industry's slow comprehension of the economic and cultural consequences of digitalisation, and anxious attempts to understand the waves of data produced via digitalisation.

In contrast to some optimistic predictions from late in the twentieth century, the internet, electronic communication and digitalization has not led to unrestricted, unmediated creative exchange and dialogue between and amongst musicians and listeners. Such exchanges are very much framed, managed, monitored and mediated. As digitalisation has impacted on revenues from the sales of recordings, facilitated alternative routes of circulation via social media and encouraged alternative sources of income, so this has increased, rather than decreased, processes and patterns of intermediation.

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[36] Annette Atieno Odour (2013). 'Samsung Ships Out Jay-Z' *Music Business Journal* (Berklee), August 2013, http://www.thembj.org/2013/08/samsung-ships-out-jay-z/ - accessed 18 September 2013.

[37] Keith Negus (1999). Music Genres and Corporate Cultures, Routledge.

In my previous research I adopted the term 'cultural intermediary' (Negus, 1992/ 2011[38]), drawing the idea from Pierre Bourdieu's studies of class structures, consumption and status in France in which he used it to refer to an emergent class faction involved in information management, advertising, marketing and publicity/ public relations – jobs that seek to manage the relationship between products or services and consumers. I deployed the term to emphasise how music industry personnel mediate between musicians and their listeners. I did this partly to challenge the idea that music industry personnel occupy a place on a cultural assembly line (a common metaphor at one time, and occasionally still used to characterise the production of popular music), and to emphasise the boundary spanning work of music industry workers.

However, I believe the concept is limited due to the way it tends to evade questions of power, privilege and patronage, neglecting enduring structural inequalities and foregrounding an apparently autonomous new class grouping (see Negus, 2002[39]). The notion of cultural intermediaries is sketched lightly by Bourdieu and is not central to his writings. In the growing and voluminous case studies of cultural intermediaries (too expansive to fully cite and critique here) there have been a number of calls for the term to be developed conceptually or theoretically.[40] It seems to me that intermediary activity does not need to be over-conceptualised. Whether or not we find Bourdieu and this type of cultural sociology useful (and Bourdieu intended many of his ideas to be used as tools rather than grand models), intermediation is a relatively straightforward idea (it is summarised in many introductory books on business, finance and economics). Intermediary activity is integral to music production, circulation and reception, and I am assuming that we can study and debate the work of intermediaries without getting sidetracked into whether this is 'cultural' or not, and without overburdening the discussion with big theory.

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[38] Keith Negus (2011/1992). Producing Pop: Culture and Conflict in the Popular Music Industry, out of print book, originally published by Arnold, London available at http://eprints.gold.ac.uk/5453/

[39] Keith Negus (2002). "The Work of Cultural Intermediaries and the Enduring Distance between Production and Consumption", *Cultural Studies*, 16 (4). pp.501-515.

[40] A potentially insightful approach is developed by Maguire and Matthews (2012) who call for studies of cultural intermediaries to be more precisely and empirical grounded in attempts to understand the economic and cultural dynamics of the market.

The working life of intermediaries in the creative or cultural industries has often been characterised, euphemistically, as a 'portfolio career'. I have spoken with music industry intermediaries whose 'portfolio' of activities include working in bars, paying to attend college to acquire a qualification, paying to record their songs in studios and to play concerts, whilst receiving income from working in a call centre, or as a model, or as a freelance proof reader and in various 'gofer' positions that allow access to menial work in labels and booking agencies. This entails multi-tasking, working long hours, with limited employment protection and rights, and work is dependent upon socialising, strategic networking, attending parties and receptions for gaining connections and employment opportunities. The work is 'precarious' (Gill and Pratt, 2008[41]). Individuals are not competing for employment opportunities in an open meritocracy in which formally recognised skills, qualifications, experience and knowledge are neutrally assessed. As Angela McRobbie (2002[42]) has highlighted, behind the romantic veneer of 'creative', media and music industry work are a series of enduring constraints of class, ethnicity and gender.

Studying the work of music industry intermediaries entails considering the activities of workers formally employed within organisations, those integrated into music corporations through a division of labour (whether loosely or tightly applied) and structure of accountability (through which their activities outside the organisation are monitored). For example, record company talent scouts and marketing staff must account for the time away from their place of employment as their work entails making and maintaining links with artists and their representatives, media and consumers. More significantly, the company needs to account for the activities of people working outside of any formal organisation who are paid to work on its behalf - the so-called 'principal-agent problem'. This could be website designers, producers and remixers, or people mediating the links between music companies, musicians and a range of products, merchandise and services. Operating outside of the music company, and with their own agendas and goals, they are subcontracted to act as mediating links to artists, to media, to consumer intelligence, to policy makers and so on. We should also consider as intermediaries those who

[41] Rosalind Gill and Andy Pratt (2008). 'In the Social Factory? Immaterial Labour, Precariousness and Cultural Work' *Theory, Culture and Society* Vol. 25 No 7/8, 1-30.

[42] Angela McRobbie (2002). 'Clubs to Companies: Notes on the Decline of Political Culture in Speeded Up Creative Worlds' *Cultural Studies* Vol. 16 No 4, 516-531

intervene from outside the formal commercial structures and networks of the music industry. This may be representatives of various nation state organisations with vested interests in the revenues generated by or the ethical values associated with music production, or may be internet service providers or phone companies involved in the digital circulation of recordings.

Hence, as a general way of thinking about this issue I am identifying three distinct types of music industry intermediary. First, those employed within music companies whose job entails outward looking, boundary spanning activity, making and maintaining links with artists and their representatives, media and consumers. Second, those subcontracted by music companies, operating outside of the music company (with their own agendas/ goals), recruited to act as go-between by linking musical artists to media, to consumer intelligence, to policy makers. Third, individuals or institutions from outside the immediate music industries who take it upon themselves to intervene or who are drawn into and implicated in the production and circulation of music, whether for political, economic, ethical or community reasons.

These intermediaries are working within and across a grid of identifiable risks: 1) The risks of finding, acquiring and working with 'talent' (however defined). 2) The risks associated with trying to sell music to consumers, identify those consumers and construct markets. 3) Political and regulatory risks entailed in ensuring that legal frameworks and economic systems are in place that allow revenue to be collected and distributed to music industry businesses and musicians. Before I illustrate each point, I will preface the discussion with some general comments about risk.

In a broader context, Ulrich Beck (1992[43]) has highlighted how modern societies have become pervaded by anxieties about collective and individual risk due to greater knowledge and reflexivity, whether the concern is economic (financial crises), environmental (nuclear accidents, ozone, global warming), health related (AIDS, 'bird flu', drugs/ alcohol/ smoking), socio-political ('terrorism', organised crime) or scientific (cloning, genetics/ biotechnology, weapons). Within organisations, Michael Power has charted a long history of 'uncertainty management' and a growth in 'risk-based descriptions of organisational and personal life' (2007, p1[44]) with company restructurings shaped by attempts to tackle and account for risk and a

[43] Ulrich Beck (1992). *The Risk Society*, Sage.
[44] Michael Power (2007). *Organized Uncertainty: Designing a World of Risk Management*, Oxford.

growing number of consultants offering 'risk management designs' (p22)[45]. Such observations are clearly pertinent to the music industry which faces a number of sector specific uncertainties.

The risks associated with creativity and talent has posed perennial questions: has the music company correctly identified the artistic qualities, creative future and audience potential of a new 'unknown' artist, an experienced artist with a history who is out of contract or a catalogue of repertoire? Will the band or solo artist (unknown or not) continue to create music, the same quality of music and will the audience continue to consume it?

Here music companies need to establish a number of links. Foremost, the 'talent' must be identified, located and recruited.[46] This is the traditional Artist & Repertoire (A & R) role, the so-called 'talent scout'. Whilst recent years have seen various reports of record companies cutting back on A & R staff or not needing them in quite the same way (see for example Bray, 2008[47]), my research enquiries suggest that such tales remain decidedly anecdotal and speculative. There is no substantive evidence of music companies devolving responsibility for locating and acquiring artists and repertoire. Indeed they have publicly claimed that they are investing more resources in this area (see IFPI, 2012b[48]). However, A & R staff are actively using more market intelligence, market research and web analytics (monitoring plays on different platforms, using BuzzDeck, monitoring YouTube activity, SoundCloud plays) tracking social media (Myspace, Facebook friends and Twitter followers), along with other data gathering techniques (focus groups, questionnaires) and accounting knowledge (highly detailed analysis and profiles of individual artists and their revenue streams). Hence, web analytics, social media, research companies and accountants are all playing a crucial mediating role in decisions about whether to acquire artists, retain or release artists from their contracts and in the bids for established artists.

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[45] *Ibid*.

[46] For an in-depth study of how notions of talent inform working practices in the music industry see Adrian Sledmere *Interrogating talent: struggles and strategies in the popular music industry* PhD Thesis, Goldsmiths, University of London, 2011.

[47] Elisa Bray (2008) 'What are A & Rs, and can a record company survive without them?' *The Independent*, Friday 29 February, p.45.

[48] IFPI (2012b). *Investing in Music*, International Federation of the Phonographic Industry.

For both unknown bands and established acts, a musician's or band's manager, and frequently lawyers (seeking stable business from artists who are seeking record deals), may contribute funding or will negotiate with investors who may finance the costs of recording, performing and promotion (whether or not an artist is signed to a large music company). This could be a private individual patron, or it could be a small investment company or venture capitalist (such as Ingenious Media which financed recordings by UB40, The Prodigy and Peter Gabriel), or a brand (such as Bacardi which invested in Groove Armada for a brief period).

A music industry report in 2011 suggested that artist managers tends to invest up to £50,000 when supporting a new act, prior to any major music label or publishing involvement (Wadsworth & Forde, 2011[49]). After this, IFPI (2012b[50]) have stated that it costs approximately £600,000 to initially set up an act – to make an album, associated videos and to support initial touring and promotion. The economic investment required inevitably leads directly into another series of uncertainties and questions about the talent once it has been acquired by a music company: Will the act (band or singer) continue to deliver for the duration of their contract? Are they a 'career act' that will be able to establish a large back catalogue and be able to play live music festivals and tours for the foreseeable future? Or are they a fashionable act or fad, dependent upon the changeable preferences of young audiences as they make the transitions from childhood into the teenage years and then adulthood? Will the music be commercial viable and critically acclaimed (the two often intrinsically connected and by no means mutually incompatible)? A & R risk reduction here may entail recruiting name producers, remixers, co-writers, arrangers, collaborators - often employed for their reputation and profile (endorsement and recognition) as much as for any artistic talent (see Burgess, 2005, for a discussion of this issue[51]).

Production risks lead inevitably to marketing risks; the sounds and aesthetic has to connect with consumers and a judgment needs to be made about how easy it might be to identify and access a market. As Simon Frith has observed, musician and audience are considered simultaneously, as a

[49] Tony Wadsworth & Eamonn Forde (2011). *Remake, Remodel: The Evolution of the Record Label*, Music Tank, University of Westminster, London.
[50] IFPI (2012b). *Investing in Music*, International Federation of the Phonographic Industry.
[51] Richard Burgess (2005). *The Art of Music Production*, Omnibus Press: New York, Third Edition.

way of 'defining music in its market' and 'the market in its music' (Frith, 1996, p.76[52]). Here various consultants or small companies offer evidence of their expertise in market research, street marketing, placement, and web analytics – traditional and newer marketing practices, offering to bridge the boundary between producer and consumer.

The aforementioned 360-degree deal requires market oriented intermediaries capable of 'translating' a musician's identity into other areas, able to negotiate deals entailing licensing of a musicians assets (songs, visual image etc). As the income generated from recording declines there are opportunities for those that promise alternative outlets for recordings – in games, adverts, TV, film, restaurants, hotels and public buildings. There are also possibilities for income from endorsement of products (an amplifier or soft drink) and brand tie-ups (a mutual fusion of the identity of the artist and their music with a product – a headphone or a cosmetic range). Such connections require considerable negotiations and media matchmakers present themselves as intermediaries (agencies such as Frukt, Elvis, Naked) able to arrange mutual placement deals with assorted brands, whether automobiles, beverages, apparel/ clothing or insurance (see Forde, 2012b[53]).

One intermediary occupation that has increased in significance is that of the 'music supervisor' - an article in the UK's *Guardian* newspaper referred to their job of placing music in films, TV, adverts and games as that of 'matchmakers of the zeitgeist' (Muggs, 2011b, p7[54]). Geoff Travis, founder of the critically acclaimed independent label Rough Trade, has acknowledged that 'synchronisation' (the name for this practice) is 'a major source of income for all record companies, musicians and publishers' (Lynskey, 2011, p.5[55]). The sync potential of any act is a key consideration at the moment of acquisition and contract negotiation, and so more acts are seeking them. In 2011, one music supervisor, Chris Mollere, spoke of receiving '6,000 plus emails of music every month' and, along with his working partner, Andrea von Foster, of filtering these according to knowledge acquired from 'face-to-face contact with musicians and labels … and long-term relationships with

[52] Simon Frith (1996). *Performing Rites: On The Value of Popular Music*, Oxford University Press.
[53] Eamonn Forde (2012b). 'Product Placement: I'm With The Brand' *Word Magazine*, No 113, July, pp.58-61.
[54] Joe Muggs (2011b). 'Matchmakers of the zeitgeist' *The Guardian*, 9 December p.7.
[55] Dorian Lynskey (2011). 'The great rock'n'roll sellout' *The Guardian*, 1 July 2011, p.5.

partners they can trust to supply the right music at the right time' (Muggs, 2011b p.7[56]).

Synchronising music into the moving image media has helped a number of bands gain recognition, with examples including Coldplay's 'Yellow' from their debut album *Parachutes* which was adopted by the ABC Network as its signature tune, the Dandy Warhols's 'Bohemian Like You' appearing in a Vodafone advert, Imogen Heap's 'Hide and Seek' being placed in The OC US teen drama, and Mogwai's 'Summer' which was put in a Levi Jeans advert and reportedly earned the band £250,000. One of the most celebrated and criticised is Moby's album *Play*, all tracks having been licensed for use in at least one other context, mainly adverts. (Byrne, 2005[57]). Whilst there has been some debate about how much money can be gained by musicians from synchronisation (due to so many acts chasing a relatively limited number of placement opportunities), the role and influence of intermediaries in this area has increased considerably.

The final intermediary activity I will touch on here is in the area of politics and regulation. Music is produced, circulated and consumed within the context of legal frameworks regulated by states and governments. I have already referred to various trade organisation that represent the music industry (such as BPI, RIAA, SNEP, IFPI) concerned with influencing the way music is produced, circulated and consumed within the context of legal frameworks regulated by states and governments. Intermediary activity here can entail orchestrating and employing lobbyist to exert pressure on governments over issues such as digital copying or extensions to copyright, or mergers and acquisitions. It can also entail seeking to influence a range of other businesses and industries. In its *Digital Music Report 2012* IFPI (2012a)[58] declared that 'progress against piracy' had required 'cooperation from a range of intermediaries', and identified government and international law and then referred to 'other intermediaries, ranging from search engines and advertisers… [to] credit card companies and law enforcement in the UK' explaining that this 'typifies the widening circle of engagement of these third party intermediaries' (IFPI, 2012, p9)[59]. Here

[56] Joe Muggs (2011b). 'Matchmakers of the zeitgeist' *The Guardian*, 9 December p.7.
[57] Ciar Byrne (2005). 'How To Get Ahead In Music: Make An Ad!' *The Independent*, 23 November, pp.18-19.
[58] IFPI (2012a). *Digital Music Report 2012*, International Federation of the Phonographic Industry, London.
[59] *Ibid*.

music industry trade organisations are seeking to make credit card companies, internet service providers and search engines ethically responsible and legally culpable for the perceived losses of revenue due to unregulated or illegal circulation of copyrighted audio and visual recordings.

The above might be construed as an example of music industry regulation as restrictive, even though it is also facilitating the collection of revenues for musicians by enforcing rights frameworks and legislation. But, states also take a more obviously supportive role by investing in and facilitating music production and its technological and economic infrastructure. The South Korean Government has made one of the most prominent and influential interventions into music production and circulation through its support for and promotion of K-Pop, an attempt to influence repertoires, markets and international brand identities. The South Korean state began strategically investing in its culture and entertainment sector in the late 1990s and became more overtly concerned about the potentials of K-culture during the mid-2000s (Nip and Choi, 2012[60]; Shin, 2009[61]). In 2012 the Samsung Economic Research Institute referred to the 'methodical planning' that had led to its success and reported: 'K-pop's stature now transcends economic terms; it is a strategic asset, enhancing the recognition of Korea's national brand and products. In fact, economic effect of new Korean Wave is estimated at about 5 trillion won as of 2010' (equivalent to approximately 3000 million pounds sterling or 4500 million US dollars) (Min-Soo, Dong-Hun, Sun-Young & Tae-Soo, 2012, p9[62]). In 2012, the South Korean Ministry of Culture, Sports and Tourism set up a 'K-Culture Promotion task Force' with the aim of enabling 'Korean pop culture, including K-pop, to influence the overall cultural sphere… and create added

[60] Amy Nip & Christy Choi (2012). 'How Korean Culture Stormed the World', *South China Morning Post*, 30 November, online version accessed 20 January 2014 - http://www.scmp.com/news/asia/article/1094145/how-korean-culture-stormed-world

[61] Hyunjoon Shin 'Have you ever seen the *Rain*? And who'll stop the *Rain*? The globalizing project of Korean pop (K-op) *Inter-Asia Cultural Studies* (2009) pp.507-523.

[62] Seo Dong-Hun Min-Soo, Hong Lee Sum-Young and Jung Tae-Soo (2012). 'K-pop's Global Success and Implications' *Weekly Insight*, Samsung Economic Research Institute, 20 February 2012, p9 - http://www.seriworld.org/01/wldContV.html?mn=A&mncd=0301&key=20120220000004&sectno=&cont_type=C - accessed 23 March 2013.

value out of it' (Ji-eun, 2012, np[63]) This is an example of government institutions intervening to reduce the risks involved in the domestic production and international promotion of popular music, to promote the cross media possibilities that digital recording allows and to maximise revenues that can be generated from the use and exploitation rights.

The South Korean Government's decision to invest in the entertainment and culture sector was partly a response to the financial crisis of 1997-98. Whether or not the music industry in general has been through a 'crisis', it has certainly been through a process of restructuring and reconfiguration during which intermediation has increased rather than declined. As intermediary activity looks set to continue and intensify I will bring this discussion to a close with some tentative remarks about the intermediary activity of fans, listeners, consumer groups and campaigners which follows and expands the dynamics of intermediation that I have been highlighting throughout this article. Often unacknowledged, this may involve action against what is perceived as the dubious or unethical behaviour of musicians – it could concern racism and homophobia in song lyrics; anxieties about associations with alcohol. The organisation Alcohol Concern have campaigned against drinks companies sponsoring and advertising at music festivals. Or it could be about exposing tax evasion and avoidance. Tax Research UK have been vocal in raising questions about the tax arrangements of star musicians, for example. There are also individuals and organisations linking musicians to charity work, or facilitating connections that allow musicians to engage in philanthropy, or who offer bursaries, scholarships, provide master classes and accept honorary awards (drawing in a range of charities, educationalists, NGOs etc). These activities may impact upon music making and influence the public perception of musicians.

Building on my discussion of the expansion of intermediary activity beyond the conventionally described recorded music industry, and I make this point to emphasise how a much wider range of investors, regulators, stakeholders, entrepreneurs, activists and beneficiaries are increasingly intervening in the networks of music production. Declining sales revenues due to the digitalization of recording, increasing income from rights and systems of commodification, along with quests for alternative sources of

[63] Seo Ji-eun (2012). 'Government Task Force to Promote K-culture' *SERIWorld*, 1 February 2012. http://www.seriworld.org/06/wldNewsV.html?mn=D&mncd=0406&key=20120201000014&sectno=&cont_type=05 - accessed 20 January 2014.

finance, and the desire to manage and account for risk has led to a proliferation of intermediaries. This has clear consequences for future research: the study of popular music production and the music industries must move outward from the links between musicians and audiences, and consider a much wider range of activities and relationships and examine how these feed back into and shape the repertoires, actions and identities of musicians, and the activities, understandings and interpretations of their listeners.

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AN ODD BLEND OF TWO CULTURES: RAP MUSIC'S STREET CULTURE AND THE MUSIC INDUSTRY

David Diallo

> "I used to give out flyers there. I used to promote my parties, and they used to chase me away from the door. (…) we was recognized for *hustlin'* with music." DJ Kool Herc (Ahearn 29).[1]

Rap music's stylized and rhythmical productions are profoundly marked by street culture. Several books and scholarly articles have brought to light the criminal aesthetics of this mode of expression (Evil 2005, Quinn 2004, Riley 2005, Diallo [B] 2012)[2]. As the research conducted by their authors has revealed, the repeated allusions of rappers to drug trafficking and the underground economy result from the symbolic reconstruction of the social space of the street hustle and of gang-culture. Rap music's constant references to the black ghetto and to its informal practices, these authors also argue, confer its artists credibility in a field where to evoke illegal activities enables to demonstrate socio-cultural authenticity.

As we will see here, not only do rap musicians, with song titles, lyrics, aliases and affiliations (record labels, group) heavy with criminal connotations draw significantly from a semantic field of crime, but also, as our socio-historical analysis of the beginnings of rap will reveal, this musical genre has criminal underpinnings for it began as a clandestine musical business characterized by its illegal practices. We will document the development of rap music as a business, from its early days in clandestine block parties and in Bronx nightclubs owned by drug dealers, to its

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[1] Jim Fricke and Charles Ahearn, *Yes Yes Y'all: Oral History of Hip-Hop's First Decade*. Cambridge, MA: Da Capo Press, 2002. Print.

[2] Pierre Evil. *Gangsta Rap*, Paris: Flammarion, 2005. Quinn, Eithne, *Nuthin' But a 'G' Thang: The Culture and Commerce of Gangsta Rap*. New York: Colombia University Press, 2004. Alexander Riley, "The Rebirth of Tragedy out of the Spirit of Hip-Hop: A Cultural Sociology of Gangsta Rap Music." *Journal of Youth Studies* 8:3 (September 2005): 297-311. David Diallo, "The Theme of Deviance in Rap Music." *Pratiques et esthétiques de la déviance*, Ed. Pascale Antolin and Arnaud Schmitt. Bordeaux: Presses Universitaires de Bordeaux, 2012. 245-256.

considerable commercial success and will especially focus on how some rap entrepreneurs, in the course of their partnership with seasoned music executives, preserved methods from the underground economy even when rap music's expanding markets attracted money and created increased opportunity for professionalization. In the process, we will notably bring to light the role of valuable social capital and will demonstrate how it helped offset the lack of connections of young-men-from-the-streets-turned-label owners.

Theoretical Framework

In his article "Big Fish, Small Pond: Country Musicians and Their Markets," Neil V. Rosenberg provides a template for the professionalization of recreational musical practices which breaks down their transition from 'play' to 'work' (1986)[3]. He examines the evolution from forms of collective entertainment performed by isolated groups (country music in his case study) to professional occupation, and establishes four determining stages in the socio-professional trajectory of musicians which cover in details their development and professionalization. Applied to the development of a juvenile community practice like rap, Rosenberg's four statuses of musicianship (*apprenticeship*, *journeyman*, *craftsman* and *celebrity*) can help understand its evolution from recreational public performance initially performed by amateurs (*i.e.* non-professional musicians) to artistic profession.

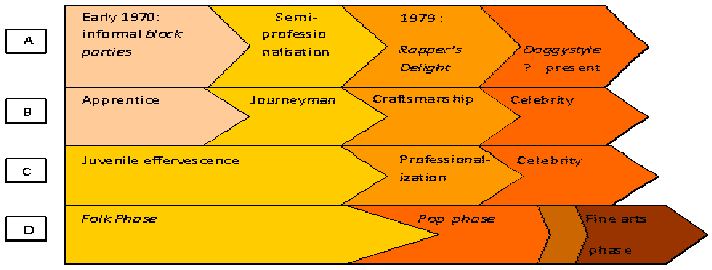
Rosenberg firstly distinguishes a phase of *apprenticeship*, which corresponds to the beginning and the shaping period of the musical form. This threshold stage is followed by that of the *journeyman,* during which styles and repertoires come to stabilize the music as a distinctive and full-fledged genre. Next comes what Rosenberg calls *craftsmanship*, a stage that corresponds to the institutional normalization of the musical practice and to its phase of artistic legitimation. The last phase identified by Rosenberg (*celebrity*) corresponds to the development of the music as an industry. This latter stage corresponds, in the model established by Richard Peterson, to a

[3] Neil V. Rosenberg, "Big Fish, Small Pond: Country Musicians and Their markets." *Media Sense: The Folklore-Popular Culture Continuum,* Eds. Peter Narvaez and Martin Laba. Bowling Green State University Popular Press, 1986, 149-166.

pop phase, namely a phase of large-scale production and distribution, possibly followed by a *fine art* phase.[4]

In his book on hip-hop culture, French rap scholar Hugues Bazin, offers a comparable three-period evolution process. He calls the burgeoning of hip-hop a stage of "juvenile effervescence," quickly followed by two other stages: "professionalization" and "economic and artistic recognition" (Bazin 1995, 10)[5]. These last two stages, which can be combined, correspond to the rapid increase in rap record sales, to the proliferation of rap groups and artists, to the start of a specialized press, and to what Patrick Simon calls "institutional recognition" with the creation of an award for "best rap artist" by the music industry (Simon 26)[6].

The following graph represents the aforementioned different phases of the development of rap. We will use it as a template to discuss the development of the rap business and to observe the stability of a "street" ethos in its marketing strategies and business practices. The first line [A] includes the chronological landmarks of the music. The first arrow points to its beginnings with first informal block parties, when rap was mostly spontaneous entertainment for ghetto youths and considered as such. Although it is quite difficult to determine exactly its limits, we can consider that this period roughly started with DJ Kool Herc's first recreational parties in the early 1970s and ended when block parties evolved into organized self-promoted parties and when Djs started to play for money.



[4] In "A Process Model of the Folk, Pop and Fine art Phases of Jazz," Peterson analyses the transformation of the social definition of jazz music in the US through successive phases corresponding to the three prevailing models of musical production and consumption in the country. He argues that jazz has transitioned from a traditional *folk phase* to a *fine art phase* after an intermediate *pop phase* (Peterson, 1972).

[5] Hugues Bazin, *La Culture Hip-Hop*. Paris: Desclée de Brower, 1995.

This semi-professionalization marks the beginning of what Rosenberg calls the *journeyman* phase [B]. We can see here that his taxonomy is more comprehensive inasmuch as it includes an intermediate period between rap, say, as leisure, and rap as a profession. We can consider that this period ends with the release of *Rapper's Delight*, generally regarded by rap historians as the first rap record. Next comes the *craftsmanship* phase, which marks the beginnings of rap as an artistic profession. We reckon that this period ends with the release of Snoop Dogg's album *Doggystyle*, in November 1993. This album stands out in the history of rap music as the first rap record to enter the charts directly at number one with approximately 800,000 copies sold in a week.[7] We believe that this release signaled the transition of rap music to a phase of greater production and distribution (*celebrity*.) Lines [C] and [D] represent similar historical periods suggested by Hugues Bazin and Richard A. Peterson (the darker the shades the more structured and professional the music becomes). As we previously mentioned, this four-point continuum will provide the historical framework to help us examine the ways in which rap music and the street culture whence it came are particularly intertwined.

I - The early days of rap music and street entrepreneurship

Sociogeographic isolation

From 1974 to 1979, rap music was a local phenomenon that had spread out geographically in disadvantaged neighborhoods around New York. As Greg Tate explains, it began as a vernacular culture defined by its sociogeographic isolation from mainstream society (Tate 64). Correspondingly, founding father DJ Grandmaster Flash reminisces that during its *apprentice* stage, the embryonic rap scene was a predominantly black thing confined to black ghettoes (George [B] 52)[8]. He also insists on the fact that, at the outset, solely young black ghetto dwellers near the grass roots of the movement in the South Bronx were aware of a blossoming rap

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[6] Patrick Simon. «Trop de gens sont concernés, le Rap conscient et les entrepreneurs », *Mouvements.* n°11 (Septembre 2000) : 22-27.

[7] Doggystyle sold approximately 800,000 copies in a week. The album entered the charts directly at number one, establishing a record that only 50 Cent's Get Rich or Die Tryin'- another Dr Dre production- would top a decade later, and greatly contributed to the takeover of west coast G-funk.

[8] Nelson George, "Hip-Hop's Founding Fathers Speak the Truth." *That's the Joint: The Hip-Hop Studies Reader*, Eds Murray Forman and Mark Anthony Neal. New York: Routledge, 2012. 44-55.

scene, or *breakbeat music* as it was then called while the DJ was at the center of the musical performance. As Murray Forman points out:

This was the new music of black urban youth, and as such it entered into the cultural antagonisms of difference whereby intergenerational distinctions (Forman 85).[9]

These sociogeographic and racial aspects equally stand out in Jefferson Morley's description of the early days of rap music where he underscores that the movement was strictly limited to some of New York's impoverished black neighborhoods when it developed as an alternative to street gang warfare (Stanley xv).[10] This socioeconomic and geographic isolation definitely accounts for the clandestine development of this genre outside the mainstream music industry. As Nelson George notes, the very lack of civil control (and concern) that marked NY in the 1970 definitely contributed to its cultural incubation. As he explains:

"The sound system battles in city parks and schoolyards would have been impossible in a city that enforced a « quality of life » crimes against loud music after-dark use of public space (…)" (Fricke & Ahearn ix).[11]

He even goes further and argues that:

"The lack of employment for minority youth made gang culture and, later, hip-hop posses (where kids could be MCs, DJs, dancers, graffiti artists or security guards) quite attractive. Much as the lawlessness of the Prohibition era aided the development of jazz, the lackadaisical criminal enforcement policies of the '70s encouraged the experimentation that eventually organized into the hip-hop industry (ix).[12]

Interestingly enough, George's arguments offers a somewhat divergent perspective which moderates the simplistic argument according to which rap music might have started largely as a cultural form of protest. The musical effervescence that characterized the Bronx in the early 1970s might have most certainly derived from the economic and political exclusion of its residents, but it is primarily its structural sociogeographic isolation which facilitated its clandestine burgeoning as an unregulated, unreported, and untaxed business.

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[9] Murray Forman. *The 'Hood Comes First: Race, Space, and Place in Rap and Hip-hop*. Middletown, Connecticut: Wesleyan University Press, 2002.
[10] Lawrence A. Stanley, *Rap : The Lyrics*. New York : Penguin U.S.A., 1992.
[11] Jim Fricke and Charles Ahearn, *Yes Yes Y'all: Oral History of Hip-Hop's First Decade*. Cambridge, MA: Da Capo Press, 2002. Print.
[12] *Ibid*.

In fact, rap music and the rap music business developed following a pattern similar to that of the entire underground (*i.e.* untaxed) economy that characterized, and still does, the black ghettoes of the late sixties-early seventies. In the 1990s, sociologist William Julius Wilson published authoritative books and articles on the theory of the urban poor as an "underclass." He argued, along with sociologists like Loïc Wacquant, Elijah Anderson or Lawrence M. Mead that the ghetto "underclass" or subproletariat was a separate social stratum that had developed into a group isolated from the rest of society (Wilson, 1993)[13]. In the wake of their findings, several sociologists conducted detailed ethnographic research on the underground economy that characterized this group. Elijah Anderson (1999)[14], Loïc Wacquant (1993)[15], Phillipe Bourgois (1993)[16], Katherine Newman (1999)[17], Mitchell Duneier (1999)[18] and, more recently Sudhir Venkatesh (2009)[19] each published highly-documented studies on a field of illegal economic activities that commonly require a particular type of symbolic capital in order to generate immediate financial gain. This "shadow economy" tends to call to mind images of devious back-alley business deals. But in reality, it consists of everything from bucket drummers on the streets to organizing unauthorized and unlicensed open-air or indoor block parties.

DIY and juvenile entrepreneurship

Various accounts and oral histories of rap music have chronicled the DIY methods and means employed by the first rap *apprentices* and entrepreneurs. In several landmark interviews on the burgeoning of the movement in the New York Bronx, the originators present a reflective look at the DIY

[13] William Julius Wilson, *The Ghetto Underclass: Social Science Perspectives*. New York: Sage Publications, 1993.
[14] Elijah Anderson, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City*. New York: W.W. Norton, 1999.
[15] Loïc Wacquant, « The Zone». *La Misère du Monde,* Pierre Bourdieu. Paris: Seuil, 1993. 279-316.
[16] Philippe Bourgois, "Crack in Spanish Harlem: Culture and Economy in the Inner City". *Anthropology Today* vol.5, n°4 (August 1989): 6-11.
[17] Katherine Newman, *No Shame in My Game: The Working Poor in the Inner City*. New York: Russell Sage Foundation and Knopf, 1999.
[18] Mitchell Duneier, *Sidewalk.* New York: Farrar, Straus & Giroux, 1999. Print Evil, Pierre, *Gangsta Rap*. Paris: Flammarion, 2005.
[19] Sudhir Venkatesh, *Off the Books: The Underground Economy of the Urban Poor*. Harvard University Press, 2009.

atmosphere within which the music evolved. Their versions are replete with stories of DJs illegally plugging their equipment into lampposts until they blew up, as DJ Disco Wiz recalls (Fricke & Ahearn 131)[20], to bribing janitors to get access to local High Schools and junior High schools sports facilities (102)[21]. In *Nation Conscious Rap*, Grandmaster Caz details the procedure of setting up a jam in the park. He explains that, drawing their inspiration from the open-air parties performed by radio stations on flatbed trucks, groups of youngsters, would spontaneously bring their equipment out in parks, schoolyards or street corners, generally on Fridays and Saturdays, and illegally tapped for the city's power to get parties going (Eure and Spady xiv)[22]. As Gerald Maze Alicea, a thirty-two- year old resident of Longwood Avenue quoted by Sonji Jacobs recalls, there was no escape from the hip-hop parties if you were from the Bronx as they took place all over the borough. Those parties, which brought together an assorted ensemble of ghetto dwellers, were especially appreciated by a mixed crowd of hustlers and partygoers (Williams 30)[23].

If the sociogeographic isolation and the lack of police control provides one explanation for the organization of the first informal block parties, the age of the hip-hop pioneers certainly accounts for its unplanned and unlicensed DIY methods and amateurism. It should be reminded that at the very beginning of the movement, the structured and professionalized musical scene was organized around discotheques which featured DJs like Pete Jones and John Brown who played, as Jim Fricke and Charles Ahearn point out, for the "mature audiences" (23)[24]. As multiple histories of hip-hop show and as Grandmaster Caz's previous quote reveals, the instigators were young DJ who played for a niche of kids who could not go to clubs and had fewer entertainment options ("groups of youngsters would spontaneously bring their equipment out in parks"). They first started giving house parties (as *apprentices*), then, their popularity growing, moved to larger venues like public parks (as *journeymen*). They would later move to nightclubs and

[20] Jim Fricke and Charles Ahearn, *Yes Yes Y'all: Oral History of Hip-Hop's First Decade*. Cambridge, MA: Da Capo Press, 2002.
[21] *Ibid*.
[22] Joseph D. Eure and James G. Spady (eds), *Nation Conscious Rap: The Hip-Hop Vision*. New York: PC International Press, 1991.
[23] H.C. Williams, "Grandmaster Flash." *Icons of Hip-Hop*, Ed. Mickey Hess. Westport: Greenwood Press, 2007. 27-49.
[24] Jim Fricke and Charles Ahearn, *Yes Yes Y'all: Oral History of Hip-Hop's First Decade*. Cambridge, MA: Da Capo Press, 2002.

speakeasies owned by drug dealers (Fricke & Ahearn 26)[25]. What started as a recreational practice for the ghetto youth, or "juvenile effervescence" to use Hugues Bazin's terms, soon became more organized and gradually, more professional, although it remained off the books. As these parties picked up momentum, the first DJs started renting community centers in the projects to throw bigger parties where they charged untaxed and unregistered admission to cover expenses and make a little extra money. As Bambaata remembers, most of the kids involved in the movement were so young that they had to rely on adults to rent places for them (Fricke & Ahearn 45)[26]. The standard homemade posters and flyers then, indicated the location of the venue, the admission fee and were specifically addressed to teenagers as the usual "no one over 18/ no one under 16" notice indicated (Fricke & Ahearn 32[27]; Kugelberg, 2007[28]).

At the inception of the movement, young entrepreneurs like Kool Herc or Bambaataa were running their business self-reliantly. Herc for instance, recalls taking care of everything on his own, from getting the flyers made to promotion (Fricke & Ahearn 28[29]). Bambaataa did the same as he explains in *Yes Yes Y'all*:

(…). We'd have to get out there to make a flyer (…) but the thing was getting out there and doing promotions, hitting all the High schools or the junior High schools, hitting all the different communities, walking up and down the street doing hand to hand contact, leaving flyers in record stores, and if you got on the bus, sticking it up on the bus signs – you'd cover the advertising signs. It was a lot of work (45-46)[30].

As Buddy Esquire recounts, also in *Yes Yes Y'all* - probably the best documented and most authoritative account of the *apprentice*, *journeyman* and *craftsmanship* phases of rap-, these self-made amateurish posters and flyers were either made by DJ themselves or outsourced to high school acquaintances, neighbors or relatives (157)[31]. Capitalizing on their social network composed of gang-related kids for whom the lack of employment for minority youth made gang-culture and, later, hip-hop posses (where

[25] *Ibid*.
[26] *Ibid*.
[27] *Ibid*.
[28] Johan Kugelberg, *Born in the Bronx: Die Anfange Des Hip-Hop*. Hamburg: Edel, 2010.
[29] Jim Fricke and Charles Ahearn, *Yes Yes Y'all: Oral History of Hip-Hop's First Decade*. Cambridge, MA: Da Capo Press, 2002.
[30] *Ibid*.
[31] *Ibid*.

kids could be MCs, DJs, dancers, graffiti artists or security guards) quite attractive, they gradually transformed this vernacular recreational practice into a business that was soon going to turn into a worldwide phenomenon, billion-dollar industry. As Herc points out, they were *hustlin'* with music (26)[32], the same way other ghetto residents started entrepreneurial, irregular careers in the underground trades of America's poorest neighborhoods.

The term *hustle*, found under different designations in the ethnographic work of several sociologists (Wacquant, 1993[33]; Bourgois, 1989[34]; Venkatesh, 2009[35]), refers to the entire uncensused, untaxed underground economy of inner-city street culture. During his 10-year research in the Chicago high-rises Sudhir Venkatesh discovered and documented the constellation of ghetto dwellers who, like the first rap entrepreneurs, work off the books to make money, as well as the vastly structured underground economic web that surrounds the neighborhood and weaves its social fabric. His work also importantly reveal that informal transactions are so diverse, spread out, and ordinary that they prevent any attempt at systematic documentation or measurement. In addition, he points out that some activities, he gives the example of snow-shoveling or weekend poker games, are so deep-rooted socially and culturally that they are not always considered as illegal even though participants can make substantial unrecorded earnings from them. This applies, as Herc's statement confirms, to the DIY methods of the *apprentice* and *journeyman* stages of the rap business. As Mark Anthony Neal summarizes:

What made hip-hop authentic was its process – a good ole American DIY ethic, grounded in the "make a way out of no way" ethos that has been the fuel for black American progress for more than two centuries and perfectly pitched for those of the post-civil rights generation who are stuck on the "not ready for integration" subway (Neal 69)[36].

Clearly, at its beginning, rap music was inherently fully immersed in an atmosphere of illegality. For instance and as Grandmaster Caz recalls in *Yes Yes Y'all*, the blackout of 1977 made a big spark in the hip-hop revolution.

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[32] *Ibid*.

[33] Loïc Wacquant, « The Zone». *La Misère du Monde*, Pierre Bourdieu. Paris: Seuil, 1993. 279-316.

[34] Philippe Bourgois, "Crack in Spanish Harlem: Culture and Economy in the Inner City." *Anthropology Today* vol.5, n°4 (August 1989): 6-11.

[35] Venkatesh, Sudhir, *Off the Books: The Underground Economy of the Urban Poor*. Harvard University Press, 2009.

[36] Mark Anthony Neal, *Soul Babies: Black Popular Culture and the Post-Soul Aesthetic*. New York: Routledge, 2002.

He recounts that after the power failure, countless kids used stolen equipment to start a career as a DJ:

"Everybody was a DJ. Everybody stole turntables and stuff. Every electronic store imaginable got hit for stuff. Every record store. Everything. That sprung a whole new set of Djs" (133)[37].

Similarly, the very first cases of copyright infringement after the unauthorized use of records of the *craftsmanship* phase testifies to the carefree attitude which prevailed at the time and how rap production practices collided, and still do as the amount of current lawsuits filed against rap musicians testifies, with copyright law (Arewa 565[38]). As Reggie Reg from the Cash Crew explains:

We didn't know none of the legalities of taking this record, and we didn't think it was gonna be that big. We literally sampled it. This must have been like the first record ever sample 'cause we got sued over it (Fricke & Ahearn 261)[39].

Professionalizing

Some of the DIY or blatantly illegal methods bolstered with the success of the first block parties and while the scene was gradually professionalizing. With hundreds of people coming to each jam the Djs needed to have teamwork and organization, which entailed more production and promotion work. As the movement and parties started picking up momentum, around 1978, most crew (composed of street gangs members turned Djs or Mcs) tried to organize a business, giving separate (undeclared) jobs and adopting a corporate structure. As the scene matured and when hip-hop was fast becoming a business and reaching its *craftsmanship* phase and increasing promotional savvy, it still remained in the underground and kept using more structured but still DIY practices (like proto-*street teams*) and an organization close to that of the street gangs, from which they derived (Hager, 1984;[40] Toop, 2000;[41] Evil, 2005;[42] Chang 2005[43]).

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[37] Jim Fricke and Charles Ahearn, *Yes Yes Y'all: Oral History of Hip-Hop's First Decade*. Cambridge, MA: Da Capo Press, 2002.

[38] Olufunmilayo B. Arewa, "From J.C. Bach to hip Hop: Musical Borrowing, Copyright and Cultural Context." *North Carolina Law Review* vol. 84 (2006): 547-645 http://ssrn.com/abstract=633241.

[39] Jim Fricke and Charles Ahearn, *op. cit*.

[40] Stephen Hager, *Hip-Hop: The Illustrated History of Breakdancing, Rap Music and Graffiti*. New York: St Martins Press, 1984.

[41] David Toop, *Rap Attack 3* [1984]. London: Serpent's Tail, 2000.

Besides this cliquish organization would slightly bewilder record companies executives as Mickey Hess observes:

One of the characteristics of rap that initially confused the major companies was the way that rap proposed a series of working relationship across different musical entities: cliques, collectives, affiliations and group and label identities that connected different "bands" and individual performers (Hess 663).[44]

In 1979, when *Rapper's Delight* came out, rap was still a business loosely organized and predominantly self-managed by kids, who, if they knew how to throw parties, did not have the connections or the wherewithal to make records when the performance-based and party-oriented scene shifted towards the record making industry. Although rap music had been flourishing in New York's disadvantaged districts and had already developed into an influential cultural and commercial phenomenon in the Bronx and Harlem**,** black executives at black music departments and at black urban radio had not been really supportive. As Nelson George remarks in *Hip-Hop Nation*, there was a real class schism working against that musical movement at the time:

They saw rap records, at best, as a fad, and at worst, as a blotch on African America. (…) fallen out of touch with – or deliberately rejected – black urban youth culture. (…) because it was perceived as juvenile, unmusical, and with a limited audience, it didn't fit the prevailing crossover orthodoxy then epitomized by MJ (George [A] 59).[45]

Even though several stories of disloyal partnerships and predatory managers were chronicled, rap then became somewhat more structured and normalized when seasoned record executives or former music journalists, more familiar with standard record-business practices and with a more professional approach, got involved in the rap business to help maximize things. The pioneers had certainly managed a complex system involving marketing, distribution of resources, and human relations, but eventually, their lack of social and cultural capital, literacy savvy in handling label execs and record companies, or the ability to switch between the street and white-

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[42] Pierre Evil. *Gangsta Rap*, Paris: Flammarion, 2005.
[43] Jeff Chang, *Can't Stop, Won't Stop: a History of the Hip-hop Generation*. New York: Picador, 2005.
[44] Mickey Hess, "The Rap Career." *That's the Joint: The Hip-Hop Studies Reader*, Eds Murray Forman and Mark Anthony Neal. New York: Routledge, 2012. 634-654.
[45] Nelson George, *Hip-Hop America*. New York: Penguin, 2005.

collar worlds, left room to conventional music industry professionals. As Nelson George argues:

(…) without white entrepreneurial involvement, Hip-Hop culture wouldn't have survived its first half decade on vinyl. It is indisputable that black owned independents like Sugar Hill, Enjoy and Winley cultivated and supported hip-hop from 1979 to 81. But it was small business people who nurtured it next (57).[46]

However, although it had transitioned to a profession (*craftsmanship*) and would soon become an industry nationwide (*celebrity* phase), rap music still maintained DIY business and marketing tactics and continued to function as if still in its formative years and part of an isolated and vernacular economy, maintaining some forms of "street" cultural autonomy.

II - Becoming legit' (kind of)

"We had mixtapes then and we got some coming out. [You got to] get your mixtape hustle on." P.Diddy[47]

As we have seen, the *apprentice*, and *journeyman* phases of the rap business were marked by an atmosphere of illegality explicable by the sociogeographic isolation and juvenile amateurism of its originators. Even though rap music became a "legitimate" (*i.e.* declared and taxed) business when it entered the recording industry (*craftsmanship* and *celebrity*), it nonetheless retained some aspects and characteristics of its origins. As Keith Negus remarks, it still remained "on the street," materially and discursively. As he explains:

The street operates as a metonym for a particular type of knowledge which is deployed by executives throughout the music industry, a type of knowledge which legitimates the belief that rap should is and should be outside the corporate suite. (…) a separation of experiences (Negus 657).[48]

It is for instance manifest in the way rap has retained some of its early DIY practices. The current widespread use of mixtapes, for example, perfectly illustrates this continuity. Considered as the "entry level of rap music," [49]

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[46] *Ibid*.

[47] Cited in "Mixtapes: The Other Record Industry". http://www.mtv.com/bands/m/mixtape/news_feature_021003/ retrieved on March 26th 2014

[48] Keith Negus, "The Business of Rap: Between the Street and the Executive Suite." *That's the Joint: The Hip-Hop Studies Reader*, Eds Murray Forman and Mark Anthony Neal. New York: Routledge, 2012. 657-671.

[49] *Mixtapes: The* Other *Music Industry,*

mixtapes consists in putting out, on CD or through digital copies, a selection of recognizable or original beats or melodies on which artists showcase their skills. Released and distributed illegally and without clearing the samples used with copyright owners, with little to no involvement from record labels, mixtapes can serve several goals. For instance, they can help up-and-coming artists to promote their work or to introduce themselves and gather a solid fan base before an album release. Lately, they have also been used by established artists who have "dropped" mixtapes to keep their brand in the buying public's mind in a saturated market. More importantly, they provide cultural legitimacy in a music where artists must display some underground or "street credibility" to "keep it real" and appeal to fans. As Shaheem Reid remarks, the fact that they belong to an *other* music industry, "where labels don't exist (…), where the CDs are sold by vendors hawking them off dirty blankets on city streets, and bootlegging is encouraged,"[50] and the fact that they are, literally "radio for the street," can help rap artists claim cultural authenticity.

This cultural authenticity derives from the fact that mixtapes have been used since the early days of rap, with DJs like Grandmaster Flash, Kool Herc and Afrika Bambaataa recording their performances to sell the tapes in the streets or in high schools, forming an underground musical economy way before rap found its way onto vinyl. As Reggie Reg recounts in *Yes Yes Y'all*, the way hip-hop reached the other boroughs was through the various recording of battles and DJ mixes, which were quite popular in local high schools (81)[51]. As Bambaataa also explained, these homemade tapes floating around the five boroughs were the first rap albums (George [B] 50)[52].

The permanency of DIY and street practices is also illustrated in what Mickey Hess calls the "street smarts" of rap musicians and entrepreneurs (Hess 631)[53]. According to him, rap musicians are using street smarts to

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http://www.mtv.com/bands/m/mixtape/news_feature_021003/index.jhtml, retrieved on January 28th, 2014.

[50] http://www.mtv.com/bands/m/mixtape/news_feature_021003/index.jhtml, retrieved on January 28th, 2014.

[51] Jim Fricke and Charles Ahearn, *Yes Yes Y'all: Oral History of Hip-Hop's First Decade*. Cambridge, MA: Da Capo Press, 2002.

[52] Nelson George, "Hip-Hop's Founding Fathers Speak the Truth." *That's the Joint: The Hip-Hop Studies Reader*, Eds Murray Forman and Mark Anthony Neal. New York: Routledge, 2012. 44-55.

[53] Mickey Hess, "The Rap Career." *That's the Joint: The Hip-Hop Studies Reader*, Eds Murray Forman and Mark Anthony Neal. New York: Routledge, 2012. 634-654.

negotiate contracts that allow them more control than was granted to earlier black rock and roll and blues musicians (631)[54]. They are also renowned for introducing the *street team* model to market records.[55] Here, street smarts refers to what Keith Negus calls the "street intelligence;" the fact of knowing markets consumers which, like guerilla marketing, involves using conventional business activities and strategies "that are elided through the discourse of the street" (Negus 633)[56]. This idea is echoed in the following quote, where rapper Luther Campbell underscores the relevance of the skills learned in the street economy while considering the compatibility of worthy street entrepreneurship and unlawful pursuits.

Just growing up in the streets is 'business' in terms of making money," he said …Street life is like college, that's why a lot of us call it 'sidewalk university' (Ro 96)[57]

One illustration of this point is the negotiation of unsigned indie label Cash Money's deal with Universal. As journalist Brian Warner explains, the owners, the Williams brothers, managed to obtain an unprecedented 80/20 pressing and distribution deal, plus a multi-million dollar cash advance where a typical deal typically involved a small cash advance, plus a 50/50 split of all profits earned on albums sales (with record label maintaining ownership of any current and future master copies of albums and publishing rights).[58]

Cash Money's started-from-the-bottom storyline bears a lot of resemblance to that of other rap labels, which became business empires using the same street entrepreneurship approach. As Brian Warner reports,

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[54] *Ibid*.

[55] This term, trademarked by experienced A&R Steve Rifkind, refers to the streetwise marketing strategies and grassroots tactics introduced by the first Djs (using flyers, posters, …) and later standardized by Loud Records, one of rap music's most successful and culturally influential labels, releasing many of the most important albums of the 1990s from the Wu-Tang Clan, Big Punisher, Mobb Deep, Funkmaster Flex, Xzibit, Three 6 Mafia and Raekwon. http://www.universalmusic.com/corporate/detail/159

[56] Keith Negus, "The Business of Rap: Between the Street and the Executive Suite." *That's the Joint: The Hip-Hop Studies Reader*, Eds Murray Forman and Mark Anthony Neal. New York: Routledge, 2012. 657-671.

[57] Ronin Ro. *Gangsta: Merchandising the Rhymes of Violence*. New York: St Martin's Press, 1996.

[58] How Did Birdman And Cash Money Records Become So Rich And Powerful? http://www.celebritynetworth.com/articles/entertainment-articles/how-did-birdman-and-cash-money-records-become-so-rich-and-so-powerful/ retrieved on January 29th, 2014

in the early days of their label, the Williams brothers started organizing local show in Louisiana in 1991 and sold their artists' records right from the trunk of their car. Rap producer Dr Dre shared a similar story about the launching of Eazy-E's Ruthless records, who similarly sold his label's records out the trunk before beginning one of the most successful start-up record companies in the history of the music business, grossing $10 million a month with six employees (Diallo [A] 321)[59].

Both labels also started with money from the drug business. Warner reports that the start-up capital that the William brothers had at their disposal, around $100,000 in cash, may have allegedly been provided by their drug kingpin half-bother Terrence. Similarly, Eazy-E claimed that he had secured his venture capital pushing drugs, a claim supported later by Dr Dre (Ro 63)[60]. As Warner remarks, these rap entrepreneurs managed to sell hundreds of thousands records through "sheer hustle," without any distribution or promotional deals from any major label. They nonetheless benefited from the valuable input of seasoned music executives or musicians whose know-how and social capital helped offset the lack of connections of young-men-from-the-streets-turned-label owners.

Like the first and inexperienced teenage rap entrepreneurs of the Bronx who had to rely on local club owners involved in the drug trade (Fricke & Ahearn 9)[61], or on seasoned execs or shady record label owners such as Ray Chandler's Black Door Production, Enjoy records or Bobby Robinson's Sugarhill Records, these gang-affiliated drug dealers who were quite foreign to the rap milieu and who seemed chiefly attracted to its business side had to rely on the social capital of industry insiders. For example, Eric Wright, when he launched Ruthless Records got easy access to records studios, radio stations and record companies easy thanks to unsigned up-and-coming DJ Dr Dre. Dre had useful relations at local radio stations (with KDAY's Greg Mack) and at Audio Achievements and Macola Records where the two of them recorded "Boyz N The Hood." Despite the impromptu recording and relatively small-scale release of "Boyz N The Hood" on Macola Records, Wright, thanks to the key business skills that he claimed to have developed

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[59] David Diallo, "Dr Dre and Snoop Dogg." *Icons of Hip-Hop: an Encyclopedia of the Movement, Music, and Culture,* Ed. Mickey Hess, Westport, Connecticut: Greenwood Press, 2007. 317-340.

[60] Ronin Ro. *Gangsta: Merchandising the Rhymes of Violence*. New York: St Martin's Press, 1996.

[61] Jim Fricke and Charles Ahearn, *Yes Yes Y'all: Oral History of Hip-Hop's First Decade*. Cambridge, MA: Da Capo Press, 2002.

selling drugs on the streets, sold more than 200,000 copies of the record. In the wake of this outstanding achievement, Wright, whose personality and entrepreneurial skills had impressed long-established music executive Jerry Heller, co- created Ruthless Records and Niggaz With Attitude, a rap group which suddenly grew to be, with both the local and translocal appeal of its glorification of inner-city criminal lifestyle, a national musical sensation that would give its leading members an iconic status in rap history.

Likewise, the Williams bothers' new Cash Money label initially took off as soon they teamed up with DJ/ producer Mannie Fresh who had cut his teeth in the rap music scene and business in NY and had the know-how and connections to help their business thrive. At that point, the Williams brothers had no experience running a record label, or even working in the music industry. Marion "Suge" Knight, the founder of Death Row records, similarly sought advice from experts of the music business. Like Wright, who had co-founded Ruthless with old timer Jerry Heller, whose contacts in the industry greatly contributed to the label's success, Knight knew how to surround himself with experienced advisors. In addition to the musical expertise of Dr. Dre, whose contract, along with those of The DOC and Michel'le, he had controversially collected, Knight also benefited from the well-advised assistance of Dick Griffey. Griffey, who was then the head of S.O.L.A.R. records was one of the most influential people in the California recording industry and had the business skills and social capital necessary to launch Death Row as successfully as its local rival Ruthless Records. It was thanks to Griffey's connections, for example, that Dr. Dre was able to release his milestone track "Deep Cover" on Sony and S.O.L.A.R. Records.

Knight also benefited from the connections of his legal expert, David Kenner, thanks to whom Michael Harris, also known as 'Harry O'- an incarcerated drug lord affiliated to the
Bloods (a notorious LA street gang) - invested money that helped to start off the label which would, within a few years, popularize G-funk and establish artists whose albums and sound would dominate the rap industry nationwide in the early nineties. Kenner, who became principal lawyer for Death Row in late 1994, represented, with much controversy,[62] its artists in a variety of civil and criminal matters (Brown 2002)[63].

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[62] "Former deputy DA disciplined in aftermath of rapper's case;" http://archive.calbar.ca.gov/calbar/2cbj/00nov/page20-1.htm retrieved on January, 28th 2014

[63] Jake Brown, *Suge Knight, the Rise and Fall of Death Row Records.* Phoenix: Colossus Books, 2002.

Even though these rap entrepreneurs, in the course of their partnership with seasoned music executives, gradually exchanged do-it-yourself methods from the underground economy to more conventional businesslike strategies to become hip-hop moguls, some of their tactics and business strategies, as well-documented allegations of extortion, coercion, and bullying have revealed, continued to be driven by what Berkeley sociologist Loïc Wacquant calls a *street habitus* – a set of dispositions shaped by their living conditions and social environment - or, put more simply, a way of doing things as they are done in the social space of the street hustle. From accounts of Black Production's owner Ray Chandler bullying and having his artists roughed up by notorious gang members to collect his share, or coerced into working back with their label (Fricke & Ahearn 70),[64] to Eazy-E planning on having business rival Suge Knight killed, [65] from its days as a loose-developing type of business to its heyday, the combination of an oppositional street culture and traditional music industry practices has been frequently entwined in the rap business.

Charlie Chase, for example, alludes to the unwritten rules of rap which characterized its early days and how one was likely to have problems when "going against the grain" (Fricke & Ahearn 174)[66]. Suge Knight, in the *celebrity* phase of rap, is rumored to have used violent threats to coerce rapper Vanilla Ice into signing over the publishing rights to his hit "Ice Ice Baby" and to coerce Eazy-E into releasing Dr Dre from his contract with Ruthless Records. Other strong-arming tactics have been brought to light, like the rumor circulating in the industry that Gangstarr's member, Guru and Dj Premier had visited their label's offices to settle a business deal with a handgun. (Ro 128)[67] These stories and allegations, while uncorroborated or subdued, nonetheless reveal how the street practices of the early days have lingered without hindering the development and blossoming of the rap industry. In their forays into the music industry, rap entrepreneurs have consistently garnered street forms of cultural capital (like what anthropologist Philippe Bourgois calls the" culture of terror") needed to

[64] Jim Fricke and Charles Ahearn, *Yes Yes Y'all: Oral History of Hip-Hop's First Decade*. Cambridge, MA: Da Capo Press, 2002.
[65] "Ruthless Records Co-Founder Jerry Heller Claims Eazy E Had Plans To Kill Suge Knight"; http://www.xxlmag.com/news/2013/05/jerry-heller-claims-eazy-e-had-plans-to-kill-suge-knight/ retrieved on January, 28th 2014
[66] *Ibid*.
[67] Ronin Ro. *Gangsta: Merchandising the Rhymes of Violence*. New York: St Martin's Press, 1996.

operate in the underground economy and transplanted them to the music industry. Their mastery of street culture that enabled them to administer their businesses successfully in the underground economy helped them, with the help and expertise of professional execs, to operate as legal rap entrepreneurs. They used strategic DIY and sometimes mobilized violence, coercion and friendship in a delicate balance that earned them consistent profits while guaranteeing them badges of respect on the street. The cases cited are particularly illustrative of this dynamic.

Discussion

Even though the rap business has undeniably reached its economic maturity in the conventional music industry, we argue in this article that it largely uses street practices and cultural capital to operate. Even though the seminal stages of any underground musical form are commonly characterized by off-the-books business operations, today's underground and well-established rap labels commonly use marketing strategies and utilize to their fullest tactics of guerilla marketing or street teams very much in line with the DIY of the early days of the movement. These methods present a certain degree of flexibility, and as we have seen, have high cultural value in a highly ghettocentric expressive form. As Keith Negus remarks, few musical genres can claim successful label owners who, like their artists, paint themselves "as "gangsters" or members of "criminal families," identity shifting, or at the least, identity layering" (Negus 680)[68]. Such reflexivity, where a musical form is characterized by its prominent criminal aesthetics and discourse while finding its constitutive principles precisely in the social space it portrays clearly singles out the rap business from other musical genres in the music industry. Ronald Morris certainly brought to light criminal ties between gangsters and jazz musicians during its *folk phase* (Morris, 1997)[69]. However, having transitioned from a traditional *folk phase* to a *fine art phase*, jazz no longer stands out as a music commonly sponsored by criminal enterprises and making money has rarely, as openly as rap music anyway, been voiced as legitimate a goal than it is for rap entrepreneurs and rappers, who state it outright in lyrics. Besides, as

[68] Keith Negus, "The Business of Rap: Between the Street and the Executive Suite." *That's the Joint: The Hip-Hop Studies Reader*, Eds Murray Forman and Mark Anthony Neal. New York: Routledge, 2012. 657-671.
[69] Ronald L. Morris, *Le Jazz et les Gangsters 1880-1940*. Paris: Editions Abbeville, 1997.

Mickey Hess notes, this motivation to make money alienates rap music from other genres "like punk or indie rock where monetary success is equated with selling out" (Hess 635)[70].

Although street culture is theoretically in direct contradiction to the conventional modes of social and business interaction that are essential for securing deals and thriving in the legitimate economy, the oppositional street-identity of the rap business, whose participants are well-versed in street culture styles, have functioned effectively. Although the informal economy activity of black ghettoes is commonly acknowledged as a criminal world peopled with devious street workers (drug-dealers, pimps, prostitutes, stick-up men…), the flourishing of the rap music industry demonstrates that the business skills and dispositions displayed by entrepreneurs engaged in irregular occupations and marginal trades, when coupled with conventional approaches (obtained through social capital) can be useful in the music industry even as their objective possibilities have expanded beyond those usually afforded by the streets of black ghettoes.

[70] Mickey Hess, "The Rap Career." *That's the Joint: The Hip-Hop Studies Reader*, Eds Murray Forman and Mark Anthony Neal. New York: Routledge, 2012. 634-654.

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THE GOLD DISC: ONE MILLION POP FANS CAN'T BE WRONG?

Richard Osborne

One million is the magic number, or is it 500,000, or 100,000 or 400,000? The record industry has a confusing relationship with statistics. On the one hand, sales figures are central to its operations. In the following I am going to explore the phenomenon of gold discs, awards that are presented to artists and industry personnel when specified sales targets are achieved. Although other cultural industries have their sales charts – the *New York Times* has been publishing its lists of best-selling books since 1931, and the box office returns of movies have been enumerated since *Birth of a Nation* in 1915 – the record industry is alone in offering trophies based on the number of copies sold. These sales awards are more than markers of success; they also provide a symbol of the record industry's preferred business model. This is a business in which the recording is central and numbers are the only game in town. Artists are paid in accordance with the sales figures they achieve.

On the other hand, the record industry is vague when it comes to calculating its returns. The sales charts for books give a clear indication of the number of items retailed, while movie box office returns signal the net income that a film has achieved. It is also usually possible to find out the production costs of a film and thus calculate its true box office worth. In comparison, *Billboard* in the US and the Official Charts Company in the UK do not publish a record's sales figures as part of their charts. The only indicator in both cases is a symbol to indicate that a record that has achieved a gold, platinum, silver or diamond award; it is as though any sales between zero and award status are of no significant worth. In addition, the record industry is reticent about disclosing the costs of any given recording, as well as the differing royalty rates that its artists receive.

It is perhaps obvious why the book and film industries do not hand out sales awards. The two art forms have a financial and generic diversity that would render the idea absurd. This obviousness should make us think about the opposite: is the recording industry really so homogenized that a sales award can work fairly for all? The rules for receiving a gold disc are

statistically rigid: all artists working within a territory have the same target to work towards; these sales targets are published freely; there is one local governing body that oversees them. At the same time, there is an elasticity about these awards that hints at the wider diversity of the record industry: the numbers needed to achieve them have differed between territories and have shifted over time. As such, the gold disc mirrors the twin tendencies of record industry statistics: its standards are both fixed and flexible. It is also reflective of another phenomenon. Record industry statistics can have counter-tendencies: rigidity can be a mask for flexibility, and flexibility can sometimes present a truer picture than rigidity.

In the following I shall highlight some of the variables relating to the gold disc. I shall look at the history of the trophy and examine the rules by which it can be acquired. I shall also examine the record company accounting that the sales award tends to obscure. In addition, I shall address the continuing use of the gold award in the digital age. Finally, I shall look at the musical culture that the gold disc endorses, examining its impact upon artistic creation and audience reception. To explore these themes I will address the record industries in the US and the UK. The sales awards are both local and global in nature: the International Federation of Phonographic Industries (IFPI) lists over 50 territories that operate an award scheme; it also acknowledges the different criteria that each territory utilizes.[1] Therefore, while much that follows can be applied broadly, regional differences should be borne in mind.

The Origins of the Gold Disc

In 1974 Joseph Murrells attempted to document each single and album that had received a gold disc in America. In the introduction to his book he states that 'The exact point in time when a golden disc was first given by a company to an artist has not been established'.[2] His own first candidate for the original recipient is the violinist Marie Hall, who in 1905 was awarded a 'presentation charm bracelet [that] was made of gold and pearls and displayed a minute violin, a tapered gramophone arm, and seven tiny *golden discs*, representing her seven best selling records'.[3]

Later awards have not featured miniaturized discs but instead have been

[1] IFPI, 'International Certification Award Levels', http://www.ifpi.org/content/library/international-award-levels.pdf
[2] Joseph Murrells, *The Book of Golden Discs* (London: Barrie & Jenkins, 1974), p.7.
[3] *Ibid*. Emphasis in original.

copies of actual records. The first award to bear a similarity to today's was presented on 10 February 1942 to mark 1,200,000 sales of Glen Miller's 'Chattanooga Choo Choo'. Miller was presented with the master copy of the record, which was painted gold and framed. Attached to the presentation box was a plaque that noted the sales that had been amassed.

Although Miller was the first artist to receive a gold disc, it was Elvis Presley who did most to institutionalize the award. Ed Ward has claimed that the singer received his first gold record in April 1956, stating that it was 'an award RCA invented especially for him'.[4] This is not true; RCA Victor was after all also Glenn Miller's record company. It is also unclear which recording Ward is referring to: he implies it is 'Heartbreak Hotel', which was the earliest record *released* by Elvis to achieve one million sales; other sources claim that the first award *given* to the singer was for 'Don't Be Cruel', a record that wasn't released until July 1956.[5] What is nevertheless certain is that Presley increased the currency of the gold disc. In 1958 he became one of the first pop artists to have his hits gathered together on a long-playing record. This release was given a significant title: *Elvis' Golden Records*.

There is a simple reason why Presley was RCA Victor's golden boy: he was selling a huge amount of discs. Five months after his first RCA Victor release he was responsible for half the company's popular music income and a decade later he was still making up a quarter of *all* RCA Victor's record sales.[6] More broadly, the rock 'n' roll era was the point at which the record industry gained a firm ascendancy over the music publishing industry. Reebee Garofalo believes that it was in 1952 that 'records finally surpassed sheet music as a source of revenue in the music industry'.[7] It was the success of Presley and his contemporaries that confirmed this change. This was the case in America, where in 'the new order of rock'n'roll, sheet-music sales and public performances followed a successful recording',[8] and in the UK,

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[4] Ed Ward, 'The Fifties and Before', in *Rock of Ages: The Rolling Stone History of Rock and Roll*, ed. by Ed Ward, Geoffrey Stokes and Ken Tucker (Harmondsworth: Penguin, 1986), 17-246 (p.120).

[5] Shannon Venable, *Gold: A Cultural Encyclopedia* (Westport: Greenwood, 2011), p.116.

[6] Ernst Jorgensen, *Elvis Presley: A Life in Music* (New York: St. Martin's Press, 1998), p.48; Steve Chapple and Reebee Garofalo, *Rock 'n' Roll is Here to Pay: The History of Politics of the Music Industry* (Chicago: Nelson-Hall, 1977), p.210.

[7] Reebee Garofalo, *Rockin' Out: Popular Music in the U.S.A.* (Prentice Hall, 2005), p.70.

[8] Andre Millard, *America on Record: A History of Recorded Sound* (Cambridge: CUP, 1995), p.257.

where *Record Mirror* reported that 'If there has been a decline in sheet music sales in 1957 then some of the blame must be laid at the door of the R and R craze'.[9]

The Record Industry Association of America (RIAA) formalized the gold award programme on 14 March 1958, when Perry Como's 'Catch a Falling Star' became the first single to receive their official gold disc. Their first gold album was the cast recording of *Oklahoma!*, which was given its award four months later. In 2008 the RIAA chose to celebrate the 50th anniversary of their award, not with these records, but with Presley's 'Hard Headed Woman', which on 11 August 1958 became his first single to receive the trade body-authorized gold disc. Perry Como was celebratory of his sales achievements – in 1958 he released *Como's Golden Records* – but RIAA have wished to associate their award with other forms of music. It was rock 'n' roll and not Como's easy listening that placed the record centre stage. While 'Catch a Falling Star' worked well as print music, 'Hard Headed Woman' did not. In 1957 the *Melody Maker* reported that 'the successful Rock-'n'-Roll numbers were only hits on a record and just didn't mean a thing so far as sheet music was concerned',[10] and in 1958 the publisher Bill Phillips stated 'Sure, rock sells records – *but not music*'.[11] More than other genres, it made sense to represent rock 'n' roll success with a gold disc. Rock 'n' roll initiated new forms of popular music for which the golden record could serve as a business model as well as an award.

It is the place of recording at the *centre* of popular music that IFPI is keen to perpetuate. In 2012 they published the *Investing in Music* report, which denigrates the importance live music income ('Some claim that artists can forge a career in music through live performance alone. There is little empirical evidence to support this argument')[12] as well as the ability of artists to go the DIY digital route ('The truth is that artists are generally much better served by a record deal. They want the funding and the specialist support that indie and major record labels provide').[13] In sum, the

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[9] Len Conley, 'The Big Trend: Return of the Ballad ... Sheet-Music Sales Back to Normal', *Record Mirror* (28 December 1957), 84-85 (p.84).
[10] Hubert W. David, 'Songsheet', *Melody Maker* (19 January 1957), p.10.
[11] Gee Nicholl, 'R. 'n' Roll Brings Sheet Music Slump', *Record Mirror* (16 February 1957), p.8. Emphasis in original.
[12] IFPI, *Investing in Music: How Music Companies Discover, Nurture and Promote Talent* (2012), p.5.
http://www.ifpi.org/content/library/investing_in_music.pdf
[13] John Kennedy and Alison Wenham, 'Introduction', in IFPI, *Investing in Music*, p.4.

report argues that 'if an artist wishes to sell their music in significant volume and attract large audiences, they need the support of a major or independent record company'.[14] The mention of 'significant volume' is important. IFPI lists some of its definitions of 'commercial success', the first of which is 'breaking an artist to Gold or Platinum status in an individual market'.[15] We need to examine what this status is, before considering why it is set so high.

The Gold Standard

The first thing to say about the gold standard is that there has been more than one. There is even confusion about the amount needed to acquire the first official awards. RIAA state that that 'In the beginning, there was only a Gold® album award for the sale of 500,000 copies'.[16] However, Murrells states that gold discs were first certified by RIAA for '1,000,000 single sales and a gross of 1,000,000 dollars for album sales'.[17] The difference in procedure for singles and albums is indicative of the fact that albums used to sell in fewer numbers but were more highly priced, thus it would be easier for them to achieve a million dollars in income than a million copies sold. This measurement nevertheless demonstrates that the numbers required to achieve awards have been liable to change.

Although they do not readily admit it, RIAA have shifted their standards several times. In 1976 the organization introduced its platinum award, which could be gained by achieving one million album sales or two million singles. To achieve a gold record for an album, an artist now had to sell 500,000 copies of their release. In 1989 the figures for single sales were halved. Artists now had to sell 500,000 copies to achieve gold status and one million for platinum. This reflected an overall downturn in the importance of this format in America. In comparison, album sales continued to grow. Consequently, in 1999 the diamond award was introduced, celebrating records that achieved 10 million sales.[18]

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[14] IFPI, *Investing in Music*, p.5.
[15] *Ibid*, p.11. The report gives two further definitions of commercial success. The first is that 'a campaign is only a success when the upfront advance has been recouped', the other is 'simply a satisfied artist and the bills paid'. As such, the report is indicative of an industry in which some measures of success are standardized (the sales awards schemes), while others vary widely (the amount of money that is required in order to satisfy a record company's accounts).
[16] RIAA, 'History of the Awards',
http://www.riaa.com/goldandplatinum.php?content_selector=historyx.
[17] Murrells, p.7.
[18] RIAA, 'History of the Awards'.

In the UK qualifying sales tallies have also changed. The British Phonographic Industry (BPI) was set up in 1973 and in the same year launched its own awards. At first, this award scheme shared the same split between singles (copies sold) and albums (gross income received) as the US. An artist would have to achieve sales of 500,000 singles to receive a gold disc and 1,000,000 for platinum. For albums they would have to generate £150,000 to receive a gold disc and £1m for platinum. The gross income target for albums shifted several times in the 1970s before being switched to a copies sold target in 1979, albeit that there were different quantities required for differently priced LPs: those with a dealer price below £2.24 had to sell 200,000 units to achieve gold and 600,000 to achieve platinum; for LPs priced above this the targets were halved. These dealer prices have been altered periodically and so has the tally for singles. In 1989 it was reduced to 400,000 to achieve gold and 600,000 to achieve platinum. Reflecting the fact that the UK is a smaller market than the US, BPI do not have a diamond award. They instead have a lower silver award, which artists could originally achieve by selling 250,000 singles or £75,000 worth of LPs. The latest tallies for achieving this award are 200,000 singles or 60,000 full price albums.

Writing in 1974, Murrells argued that the differing amounts between territories were derived by 'taking into consideration the total population of the country concerned, these being their equivalent of a "million" sales'.[19] Curiously, the figures *are* equitable between the US and the UK today: if we take the latest population figures, to achieve a gold album in each country that record would have to be bought by approximately 0.16% of the population. Nevertheless, the changing tallies throw into question any clear link between population size and the awards given out. These differing amounts also cast doubt on the idea that commercial success can be equated with 'Gold or Platinum status in an individual market'. This is because a record does not necessarily cost less to create and to promote just because you are in a smaller market. The record industries' economies of scale do not work in this way.

The Break-even Point

The crucial determinant in calculating the profitability of a record is its break-even point: the amount of copies it needs to sell to generate a profit. This is a factor that the gold disc has obfuscated. Looked at from one angle,

[19] Murrells, p.8.

it could be argued that it does not matter that record companies downplay this issue. What has been of importance is the amount of copies sold once a record has passed its break-even point, rather than the fixed costs of production of individual albums or singles. Simon Frith has noted that, although expenditure on recordings varies, 'The essential point about all these fixed costs is that once they are covered, once the breakeven point is passed, then record company accumulation of profit is very rapid'.[20]

When Frith made these comments it was easier to estimate the costs of production. Writing about the UK music industry in 1978 he suggested that 'The average single costs about £2,000 to make, the average album £15-20,000', while 'costs of promotion and advertising start from about £2,000 a record'.[21] This was an era in which artists used professional studios to make their recordings and the major record companies controlled the manufacturing and distribution processes. Consequently, expenditure on each release remained fairly consistent. Frith equated the break-even point for singles with Top 30 chart success, meaning that a 45rpm disc of this era would have to sell around 20,000 copies to achieve a profit. For albums he leant towards IFPI's model of equating commercial success with sales awards. However, he selected the lower silver award, which in this era was set at £100,000 in sales, or roughly 30,000 LPs.[22]

The late 1970s was nevertheless a period in which new business strategies were being employed. Some UK independent record labels were making records that were relatively cheap to produce and market. Dave Laing has suggested that 'By dispensing with the need for expensive productions, promotional staff and the other overheads of chart-oriented companies, Stiff and the other small record labels which set up from 1977 onwards to release punk rock and new wave material, could work to "break-even" figures which could be as low as 2000 copies for a single'.[23] This represents only 10% of Frith's target.

The reason for the discrepancy between Frith's and Laing's figures is the different business ideals that the major and independent companies were operating. While the smaller companies wanted (and needed) to achieve profitability with the majority of records that they released, major record companies adopted the 'mud-against-the-wall approach', i.e. if you threw

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[20] Simon Frith, *The Sociology of Rock* (London: Constable, 1978), pp.117-18.
[21] *Ibid*., p.117.
[22] *Ibid*., p.118.
[23] Dave Laing, *One Chord Wonders* (Milton Keynes: Open University Press, 1985), p.10.

enough mud against the wall some of it would stick. This policy reflected a fatalistic belief that 'There are no formulas for producing a hit record'.[24] Paul Hirsch noted that 'Under these conditions it apparently is more efficient to produce many "failures" for each success than to sponsor fewer items and pretest each on a massive scale to increase media coverage and consumer sales'.[25] This is not to say that the majors spent less money on promoting each individual record than the independent companies; the reverse is almost certainly the case. Estimates of the success rate ratio for the 'mud-against-the-wall' approach have varied, but the most commonly cited figure is one-in-ten.[26]

IFPI's *Investing in Music* report claims that in the last decade this figure has been reduced. It states that the 'most common' figure now cited by senior music company managers is one-in-five, 'reflecting a generally higher success rate than was previously the norm'.[27] This is nevertheless still a high rate of failure by most industries' standards. These ratios should also make us think again about Frith's 'essential point' about fixed costs. He was talking about the profits of an individual record that passes the break-even point. However, it is important to bear in mind the consequences of records that do not make this mark. As well as having fewer overheads than major record companies, the independent labels aim to have fewer failures that need to be paid for. Because the major record companies sign so many artists, they have to spend more money on promoting and marketing these artists to get them heard (ten times more than the indies, if Frith's figures are correct). This is not an industry in which the winner takes all, but one in which the winners pay for the losers.

The major record companies have used their failure rate tactically. It has been utilized to justify punitive policies, such as the labels' ownership of

[24] A record industry spokesman, quoted in Paul Hirsch, 'Processing Fads and fashions', *American Journal of Sociology*, 77/4 (January 1972), 639-59 (p.664).
[25] Hirsch, p.652.
[26] For example: 'If the Odds against having a hit are 10-1, what difference does a Beatle song make?', *Melody Maker* (27 August 1966), p. 8; Martin Cloonan, *Popular Music and the State in the UK: Culture, Trade or Industry?* (Aldershot: Ashgate, 2007), p.71; Simon Frith, *Sound Effects: Youth, Leisure, and the Politics of Rock* (London: Constable and Company Ltd, 1983), p.147; Paul Harkins, 'Extending the Term: The Gowers Review and the Campaign to Increase the Length of Copyright in Sound Recordings', *Popular Music and Society*, 35/5 (2012), 629-649 (p.35); Michael L. Jones, *The Music Industries: From Consumption to Conception* (Basingstoke: Palgrave Macmillan, 2012), p.101; Chris Rojek, *Pop Music, Pop Culture* (Cambridge: Polity Press, 2011), p.136.
[27] IFPI, *Investing in Music*, p.11.

sound recording copyrights and the high cost of CDs.[28] It has also set the criteria for success at an artificially high level for record companies who operate leaner economic models. A cheaply made record might be more profitable than a high-profile release even if it is selling fewer copies, and yet this means nothing when it comes to the charts or gold awards, which are both based on total sales only. BPI have even penalized independent record companies who have attempted to reflect their streamlined economic models with inexpensive records: those released by the Crass record label, for example, were ruled out of chart contention because they were deemed to be too cheaply priced.[29] The seemly democratic sales target of the gold disc hides a bias towards the major labels' way of doing things. Moreover, it is not just the bottom line for the record companies that it obscures; the award fails to give an indication of the share of sales income that an artist will receive.

The Artist's Income

There are two times in an artist's career when they are most likely to be photographed alongside record industry personnel. One is when they are signing their contracts; the other is if they are lucky enough to be presented with a sales award. The lack of evidence of interaction between these two parties at other times is telling. Few pictures have been taken of A&R staff or marketing teams in action, in particular it is unusual to see them working together with artists in the creation of the final product. This could in part be due to romantic ideals: the audience wants to feel that musicians and singers are the principal authors of the music. It could also be reflective of the high rates of failure. Responsibility for the product is placed squarely with the artists; unless the record happens to be a success, that is, at which point industry personnel re-enter the frame.

If one aim of the sales award photographs is to emphasize the industry's contribution to artistic success at the moment of triumph, another is to pronounce the artist's share of the company's success. The gold disc symbolizes an industry in which an artist's income is tied to the number of

[28] Ann Harrison, *Music: The Business: The Essential Guide to the Law and the Deals,* 5th edn (London: Virgin, 2011), pp.83-4; Monopoly and Mergers Commission, 'The Supply of Recorded Music: A report on the Supply in the UK of Prerecorded Compact Discs, Vinyl Discs and Tapes Containing Music' (1994), p. 4. http://www.official-documents.gov.uk/document/cm25/2599/2599.asp.

[29] Bob Stanley, *Yeah Yeah Yeah: The Story of Modern Pop* (London: Faber and Faber, 2013), p.312.

records they sell for their label. And yet, just as with the break-even point, this playing field is skewed. One thing that the original artist/company photographs fail to pick up is the small print of record contacts. Although gold disc status should at least ensure profitability, it does not mean that there is parity amongst recording deals.

One important discrepancy is royalty rates, which can vary widely. In the UK, some independent and production contracts put forward a 50/50 contract, whereby an artist gains 50% of the profits once costs have been recouped. In contrast, most artists who sign exclusive recording contracts with major companies will be getting half that percentage at most, with many receiving something like an 18% royalty, albeit that royalties can vary depending on product. Although this could mean that an independently signed artist will have a more profitable contract, in the 50/50 deal *all* costs have to be covered before royalties are paid. In contrast, exclusive contracts are restricted to recording costs, video costs and personal advances.[30] Moreover, it should not be forgotten that the majors are usually aiming for higher sales figures; consequently, in calculating income, an artist could set volume of sales against lower royalty rates.

Record contracts also differ when it comes to deductions and reductions. Money is deducted from artists' royalties in order to account for special packaging and to cover record companies in the case of breakages and faulty products. While the amounts charged are fairly standard, they can vary according to contract and product; they can also sometimes be removed.[31] Artists will be on a reduced royalty if their product is TV advertised or sold at a budget price. In many cases, they will have little control over these promotional decisions. Although these policies are adopted to gain a sales boost, the trade bodies pay little attention to them when handing out awards: RIAA and BPI are not particularly stringent when it comes to accounting for the budgeting of records by major record labels,[32] and they do not take into account product that is advertised.

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[30] Harrison, p.92.
[31] Harrison, pp.102-03.
[32] The RIAA merely stipulates that albums have a minimum dealer price of $1. It is, however, retail price that is more important when it comes to boosting sales. RIAA, 'Certification Criteria', http://www.riaa.com/goldandplatinum.php?content_selector=criteria. Bob Stanley has noted that, although Crass's inexpensive records were excluded from the charts, the BPI's 'sanctioned' major labels have been able to get away different promotional pricing practices: *Yeah Yeah Yeah*, p.312.

The award schemes have been criticized for the fact that they are based on the amount of records shipped to retailers rather than using sales-based evidence derived from barcodes.[33] In America the award calculations do factor in records that have been returned to record companies by retailers, thus rendering moot the old industry joke that a record has 'shipped gold and returned platinum'.[34] They do not, however, take into account the number of records that sit unsold on store shelves.[35] In Britain the rules are looser: to qualify, a record company merely has to provide evidence of 'firm invoiced sales to the trade'.[36] The trade organizations in the two countries are vague when it comes to factoring in promotional copies. RIAA's website states that their audit 'calculates what product has been shipped for sale, net after returns, versus product used for promotional purposes', [37] while BPI qualifying criteria make no mention of this factor. Record contracts are usually clear on this point, however, commonly deducting as much as 15% of a record's sales from royalty calculations to factor in a 'free goods' allowance.[38]

Record companies are able to request award certification quickly: in America sales of physical albums become eligible 30 days after a product is released; in Britain record companies are allowed to apply 'when the release in question has reached the appropriate level of sales'.[39] Awards can therefore be granted before the true retail profile of a record has been established. In comparison, when it comes to an artist's royalties, record companies will commonly hold a reserve against possible returns. Donald S. Passman provides the example that 'if a company ships 100,000 records of an artist, they may only pay the artist on 65,000 of these and wait to see if the other 35,000 are returned'.[40] Here, rather than establishing a sales record

[33] RIAA, 'How to Certify', http://www.riaa.com/goldandplatinum.php?content_selector=certification.
[34] Al Kohn and Bob Kohn, *Kohn on Music Licensing* (New York: Aspen, 2010), pp. 548-9.
[35] RIAA, 'How to Certify'.
[36] BPI, 'Certified Awards – Qualifying Criteria', http://www.bpi.co.uk/qualifying-criteria.aspx.
[37] RIAA, 'How to Certify'.
[38] Harrison, p.102.
[39] RIAA, 'How to Certify'; BPI, 'Certified Awards – Qualifying Criteria'.
[40] Donald S. Passman, *All You Need to Know About the Music Business*, 7th edn. (New York: Free Press, 2009), p.72.

after 30 days, the record company can wait up to two years to pay the artist the proportion of the reserve that has actually been sold.[41]

Despite the differences between recording contracts, all artists working within a territory are judged according to the same sales award rules. Moreover, as with the cost of recordings, little information about recording contrasts is made publicly available. The apparent simplicity of sales award criteria hides the complexity of record company's financial and contractual operations. Moreover, these operations have only grown more complex and diverse as the industry has entered the internet age. There are many oddities about the perpetuation of the gold disc in the era of digital downloads and streaming, and in some ways the sales awards are performing more of a cover up operation than they have done before. Nevertheless, because the awards have continued to operate on both a rigid and flexible basis, it is difficult to condemn their continuation out of hand. In the remainder of this article I will explore the gold disc's adaption to the digital environment; just as significantly, I shall look at ways it has remained the same. I shall close by looking at the reactions of artists and consumers to the golden ideal.

Adapting to Change in the Digital Era

When it comes to their awards criteria, RIAA and BPI have both made an effort to keep up with current trends. BPI has allowed downloads to contribute to sales figures since 2004. RIAA also incorporated downloads in 2004, introducing a new 'Digital Single Sales Award'. In May 2013 this was expanded upon, becoming the '"Combined" Digital Single Award'. RIAA now include 'on-demand audio and/or video song streams' as part of their total.[42] Whereas a paid download counts as one unit for certification purposes, streaming sites have to clock up 100 audio or video plays to contribute a single unit towards the tally.[43] In addition, 'only official label/company videos count towards certification, user generated videos do not'.[44]

These new criteria continue to hide as much as they expose. There is still no indication of profitability for either artists or record labels. Moreover, the discounting of amateur content hints at the separate digital world that escapes copyright and royalties. In other ways, the American awards do

[41] Passman, p.72.
[42] RIAA, 'History of the Awards'.
[43] RIAA, 'New "Combined" Digital',
http://www.riaa.com/goldandplatinum.php?content_selector=new-combined-GP.
[44] RIAA, 'New "Combined" Digital'.

now come closer to indicating the actual sales and usage of recordings. When it comes to downloading, no reserves can be held against sales, thus the tally that goes towards the sales award is more in sync with royalties that artists receive. In addition, the usage tally indicated by streaming sites helps to remove any doubts there might previously have been about the actual use value of a record. There are, of course, new problems to consider. For example, are YouTube videos clocking up viewing figures because of their musical content, or is it because they offer some mild curiosity or titillation to the consumer?

While the trade bodies have embraced digital formats, it can be argued that they have done so without acknowledging the major changes these technologies entail. They continue to honour both the sales and non-sales of intangible digitized music with an award that is physical and which celebrates mass reproduction.

Upholding Standards in the Digital Era

The gold sales award has become deliberately old fashioned. During the 1980s and 1990s most sales awards were based on framed compact discs, appropriately so as this was the leading format of the time. Today, despite the low sales figures for analogue records, vinyl records are once again being used for the awards. Many of the trophies look similar to those given to Elvis Presley 55 years ago: they feature vinyl discs that have been metalized, tinted and framed.

This design might look straightforward, but the gold disc has always been a complex representative object. During vinyl's era of dominance the trophy was at least based on the relevant sales format. However, this was a recording that could not be played: it was rendered inert by its coating and by the fact that it had been framed. In addition, it was usually the wrong record: the disc in the frame rarely corresponded with the disc whose sales were being honoured: a close look at its grooves would give away this fact. It could thus be argued that the duplicity of the sales award was reflected in its physical manifestation.

The award was at the same time a good indicator of power. One thing that was accurate about the sprayed records was the original label at the centre of the disc. Moreover, because the record was presented in its un-sleeved form, it was this element that gained prominence in the trophy's display. While record sleeves commonly feature portraits of artists or abstract images that sum up a record's themes, the standard design of a record label is dominated by the name of the record company and its

insignia.[45] In fact, these are usually the only elements that are visible from a distance. As a consequence, the design of the gold disc gave a telling indication of record industry dominance.

The record companies have had more involvement with the trophies than is perhaps commonly known. Although the trade bodies authorize the awards, they neither provide them nor pay for them. RIAA request notification from a label that a record has reached the sales threshold and then charge for an audit to confirm the fact.[46] BPI allow record companies to use their own sales calculations, merely requesting 'a letter of confirmation […] signed by (or on behalf of) a Chartered Accountant/Chief Executive/Managing Director employed by the applicant company'.[47] If accepted by RIAA or BPI, record companies can then decide whether or not to pay to have awards constructed, using one of the trade bodies' certified framers.[48]

As stated above, these framers are returning to the vinyl record as the basis for their awards. Analogue discs are even being given to artists to reward their digital downloads and streams. This peculiarity is being taken to extremes in America, where some artists are being awarded vinyl *albums* to mark the popularity of digital *single* releases.[49] The gold disc has always been a symbolic rather than a functional object, representing an industry that is focused on the sales of recordings and in which the record company is the locus of power. In the digital era its symbolic function has been extended: in its return to the vinyl record, the gold disc is implying continuity in a world that has changed.

Ignoring Change in the Digital Era

One striking thing about IFPI's definition of commercial success being 'breaking an artist to Gold or Platinum status in an individual market', is that it is being applied now. The awards are derived in concept and

[45] Richard Osborne, *Vinyl: A History of the Analogue Record* (Farnham: Asghgate, 2012), p.47.
[46] RIAA, 'How to Certify'.
[47] BPI, 'Certified Awards – Qualifying Criteria'.
[48] RIAA, 'How to Qualify', http://www.riaa.com/goldandplatinum.php?content_selector=goldplat_ordering_awards; BPI, 'Certified Awards – Framing Companies', http://www.bpi.co.uk/framing-companies.aspx.
[49] For examples see the website for the official framing company, 'Jewel Box Platinum': http://jewelboxplatinum.com/portfolio/.

appearance from the physical record and yet since the early 2000s sales of physical records have been in decline and recordings have formed a decreasing share of music industry revenue.[50] The latter transformation is, of course, one of the reasons why IFPI is upholding the sales award: they wish to perpetuate the idea that recording is at the centre of the popular music industry.

As record sales have declined in importance, their break-even point has become more variable. Although it was possible for Frith and Laing to suggest figures for break-even points in the 1970s there can be no such certainty today. Some records cost a great deal to create, while others can be made and distributed cheaply. However, because of the sheer openness of the digital environment, huge expenditure can be involved in trying to ensure that *any* new record is heard. According to IFPI, a newly signed artist can cost more than $1m to promote. In *Investing in Music* they add up artist advances, recording costs, videos, tour support, marketing and promotion for a 'significant project' and reach a figure of '$750,000 - $1.4m'.[51] If the average dealer price for an album were $8, this would mean that the artist has to sell between 93,750 and 175,000 copies to break even. Some records have to sell far more than this. For example, it has been claimed that Lady Gaga's *ArtPop* album cost Interscope between $25 and $30 million to produce and promote.[52] With such a figure it would be virtually impossible to earn back the recording advance through sales alone, even if reaching gold or platinum status.

The widely adopted 360° deal is indicative of the fact that record companies are searching beyond recordings for sources of income. In return for providing marketing, promotion and touring support for an act, the record company expects a share of an artist's profits from areas such as

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[50] In Britain the value of record sales, including downloads, has declined from nearly £1.18bn in 2005 to £795m in 2011: *BPI Yearbook 2013: Recorded Music in the UK: Facts, Figures and Analysis*, ed. by Christopher Green (London: BPI Limited, 2013), pp.8-9. Regarding overall industry income, in the UK the total value of recorded music income in 2011 was £1.1bn, as opposed to £1.6bn for live music and £1.1bn for business-to-business income. Moreover, while the value of recorded music has declined, the other two areas have risen steadily in recent years: PRS for Music, *Adding Up the Music Industry 2011*, http://www.prsformusic.com/aboutus/corporateresources/reportsandpublications/addinguptheindustry2011/Documents/Economic%20Insight%2011%20Dec.pdf.

[51] IFPI, *Investing in Music*, p.11.

[52] 'Fumbled Lady Gaga Release Could Cost Interscope $25 Million', *Hypebot* (18 November 2013), http://www.hypebot.com/.

merchandising, brand sponsorship and ticket sales. It is therefore across a broad spectrum of activities that record companies should now search for the break-even point. These 360° deals obviously affect artists' incomes: they might be earning money in more areas, but they are giving away shares of money from more areas too.

This isn't the case for all artists, however: some are gaining increased control of their careers. Here too, we can witness a turning away from a concentration on record sales. In 2007, Prince's album *Planet Earth* was not sold in record stores or via websites in the UK; it was instead given away free with the *Mail on Sunday*. In return Prince was reported to have earned £250,000 from the newspaper.[53] In 2013 Jay-Z distributed one million copies of his album *Magna Carta Holy Grail* for free to Samsung customers. His fee for doing so was a rumoured $5m from the company. While these 'sales' were ruled out of his *Billboard* chart placing, they were said to have earned him a 'multi-platinum award for his wall'.[54]

Some artists are reducing the bottom line. Released in 2007, Radiohead's *In Rainbows* was priced according to a 'pay what you want' basis. On these sales alone the album is reported to have turned a profit, largely because Radiohead had few production and distribution overheads, while the novel sales tactic generated large amounts of publicity.[55] In 2013 another innovative sales tactic received widespread attention. Amanda Palmer was dropped by her label for selling 25,000 copies of an album, a figure way below sales award status.[56] She was nevertheless able to generate large revenues for her subsequent album, *Theatre is Evil*, by approaching customers directly. Rather than buying a ready-made CD, they were asked to donate funds towards its creation; they would eventually get a copy when it was complete. Palmer managed to raise $1,192,793 using this method, constituting 'the biggest music crowd-funding project to date'.[57] The money came from 24,883 fans, roughly the same number that led to her being dropped.[58]

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[53] Eamonn Forde, 'Loss Leaders', *The Word*, 110 (April 2012), 38-39 (p.39).
[54] Billboard Reminds How Antiquated their Charts are with Rejection of 1m Jay-Z Samsung Albums, *Hypebot* (22 June 2013), http://www.hypebot.com/.
[55] Patrik Wikström, *The Music Industry: Music in the Cloud* (Cambridge: Polity Press, 2009), p.110.
[56] Amanda Palmer, 'The Art of Asking', *TED: Ideas Worth Spreading* (February 2013), http://www.ted.com/talks/amanda_palmer_the_art_of_asking.html.
[57] *Ibid*.
[58] *Ibid*.

It has therefore been possible for some artists to escape the gold standard. In some instances they don't need to sell their recordings to make money; in others they don't need to attain award status to generate profit. And yet, despite this, the sales awards remain prominent in record industry culture. They also continue to be embraced by the majority of artists who are in a position to receive them.

Golden Artists

In discussing the romantic ideology that has been common in popular music, Jon Stratton has outlined the tension that exists between artists and record companies. He describes the tendency 'for the artist to dislike the idea of his/her creation being viewed as "product" by the companies, while the companies *must* view those creations as product, at least to some extent, if they are to remain viable capitalist enterprises'.[59] In many ways the gold disc is the ultimate representation of art as product: sales success is the principal means by which creation is judged.

It is perhaps surprising, therefore, how little rejection there has been of the gold record ideal, even from artists who would otherwise be viewed as romantic figureheads. There have been a few instances of nonchalance: in *The Kids are Alright*, John Entwistle can be seen using his awards as clay pigeons to shoot at; in *The Great Rock 'n' Roll Swindle* film, Steve Jones of the Sex Pistols defecates on a *Never Mind the Bollocks* gold disc (this scenario is reprised on the back cover of the band's album, *Flogging a Dead Horse*); in the 1970s Led Zeppelin were pictured receiving awards in Sweden while a couple performed a live sex act in front of them.[60] And yet, despite these acts of rebellion against the industry, none of these artists chose to hide or turn down their awards. It is instead illuminating to witness the number of different acts who have vaunted their sales trophies. Hardly anyone has shied away from the artist/industry photography that marks the handing out of these awards. In addition, performers as diverse as Cliff Richard and Roxy Music have used gold discs as images for greatest hits LPs.

The acceptance of the gold standard continues. RIAA and BPI have Facebook pages for their awards, which list the latest artists who have been

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[59] Jon Stratton, 'Capitalism and Romantic Ideology in the Record Business' *Popular Music*, 3 (January 1982), 143-56 (p. 151). Emphasis in original.

[60] For a discussion of this photograph see Ledzeppelin.com: http://forums.ledzeppelin.com/index.php?/topic/20137-what-the-hell-is-this-picture-all-about/.

given trophies and feature photos of presentations.[61] Artists from all genres can be seen posing alongside industry personnel as they receive their coloured discs; there appears to be little tension in this relationship. However, although the modern sales awards photographs hark back to the past, this is another instance in which continuity can be revealing of change. The earlier award ceremonies are indicative of the fact that many artists were in fact comfortable with the cash nexus; they were happy to accept trophies that represented the commodification of their art. Today, the vinyl trophy signifies differently. This is due to the fact that the analogue record has been eclipsed. Vinyl has, to a large extent, been de-commoditized: rather than being regarded as product it is now valued as a fetish object.[62] When it comes to the sales award, it represents the tradition of recording itself, rather than the cash transactions related to a particular format. More generally, the modern award ceremonies could be regarded as an example of 'retromania', the indebtedness to the past that some have argued is pervasive in popular music.[63] Artists are not only mimicking the musical styles of their forebears, they are restaging their award presentations as well.

More charitably, it can be argued that there *is* some continuity in the music business and that there is some truth in IFPI's arguments. Although the revenue generated by recordings is declining in importance, recording itself remains primary in the music industry. In the vast majority of cases, live tours and merchandising follow on from the creation of new records, rather than the other way around. Moreover, it can be argued that there is still an artistic as well as a financial need for records to aim at gold status.

The Golden Audience

Although there is a strong romantic bent amongst artists, fans and critics of popular music, one that equates commercial success with 'selling out', there is also a strong tendency towards equating sales success with creative triumph, albeit that this a tendency that is often overlooked. Elvis Presley was certainly marketed this way: his records were compiled on the basis that they were 'golden' or that *50,000,000 Elvis Fans Can't be Wrong*. As a singer

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[61] 'RIAA Gold & Platinum Awards Programme': https://www.facebook.com/GoldandPlatinum; 'BPI Platinum, Gold & Silver Certified Awards': https://www.facebook.com/BPIPlatinumGoldSilverCertifiedAwards.

[62] Osborne, pp.81-6.

[63] See, in particular, Simon Reynolds, *Retromania: Pop Culture's Addiction to its Own Past* (London: Faber and Faber, 2011).

whose sales figures were vaunted as a measure of his worth, it is fitting that it is Presley with whom RIAA chose to celebrate the 50th anniversary of their gold disc.

The large sales (and streaming) tally required to receive a gold disc is, in part, a result of the low success ratios of the recording industry. This is a business that requires vast sales from its successful artists in order to offset losses from its failures. It is centred on hits, successful records that ideally garner sales awards on a global basis. When it comes to audiences, there are both pessimistic and optimistic ways of reading this situation. The pessimistic view is that the bigger a hit becomes, the more it is forced upon the public. As Martin Parker has pointed out: 'the higher a record is in the charts, the more media exposure it will obtain and thus the more sales, and so on'.[64] The recordings that receive gold awards are the ones that are most enmeshed within the capitalist system. What is selected for this process is music that, rather than challenging capitalist ideology, renders it safe. Classically, this is the 'hypodermic syringe' model of culture in which popular music acts as an opiate of the people.[65]

The optimistic way of looking at this situation is to suggest that the public is active in its response to popular music. In fact, it can be argued that the more successful a recording is, the more it becomes the people's music. Contrary to the belief that the public is injected with the biggest hits, it is only when a record attracts a large audience that it *escapes* the chicanery of the record and media industries. Although records can be hyped into the lower reaches of the charts, they can only become hits on a golden scale if they genuinely connect with the public. The radio producer Phil Swaren has sated: 'In truth I don't think that many records became massive hits because of manipulation; I do believe that if the public didn't like a record they wouldn't buy it, no matter what you did'.[66]

And what happens when a record receives a mass audience? Some artists have talked with enthusiasm about the ways their work is taken over and reworked by the public. Manfred Man has claimed 'the more people buy a record, the more successful it is – not only commercially but artistically', while Imogen Heap has stated 'unless somebody else hears it, music is like a

[64] Martin Parker, 'Reading the Charts – Making Sense with the Hit Parade', *Popular Music*, 10/2 (May 1991), 205-17 (p.208).
[65] Nicholas Abercrombie and Brian Longhurst, *Audiences: A Sociological Theory* of *Performance and Imagination* (London: Sage, 1998), p.5.
[66] *Pop Charts Britannia: 60 Years of the Top 10*. Dir. by Ben Whalley. BBC. 2012.

joke without a punchline'.[67] Artists have even suggested that the bigger the hit, the more it becomes public property. Stephen Spielberg is talking about his film *Jaws* in the following quote, nevertheless his sentiments have been echoed by musicians: 'I thought, this is what a hit feels like. It feels like your own child that you have put up for adoption, and millions of people have decided to adopt it all at once, and you're the proud ex-parent. And now it belongs to others'.[68]

This leaves us in a peculiar situation. The gold disc is reflective of a record industry that sets the bar for success at an artificially high level. And yet, when it comes to audiences, the consequences of this can be viewed positively. It results in artworks that have a dynamic public life. By the same measure, some of the newer business models cannot be viewed as being artistically successful. The album releases by Amanda Palmer and Prince, for example, are better known for their economic strategies than their music; they have had no public afterlife. The gold disc may be bogus, biased, duplicitous, capitalistic and out-of-date, but perhaps it also results in something good. What if the most interesting popular music comes from stars who are golden and whose record sales are huge?

[67] Frith, *The Sociology of Rock*, p. 202; Gemma Kappala-Ramsamy, 'Imogen Heap: "Unless Somebody Else Hears it, Music is Like a Joke Without a Punchline"', *Observer* (7 November 2010), http://observer.theguardian.com/.
[68] Peter Biskind, *Easy Riders, Raging Bulls: How the Sex 'N' Drugs 'N' Rock 'N' Roll Generation Saved Hollywood* (London: Bloomsbury, 1998), p.279.

PATRIOTIC PALACES OF PLEASURE? THE POPULAR MUSIC INDUSTRY IN 1900

John Mullen

Music was never simply music; songs were never simply songs. Both were produced and used by particular people in particular historical periods for particular reasons.[1]

If we want to know what music hall means, we must know how it works, for meaning is constructed in action and through relationships.[2]

The centre of musical entertainment in Britain at the turn of the 20th century was music hall. It is true that musical comedy was still in its heyday, that minstrel shows (though they had declined in number) still had considerable success, and that gramophone records were gradually picking up sales among the wealthier classes; but the cheapest, most popular, genre was the music hall. Around a million tickets a week were sold in London alone. The front page of local newspapers around the country advertised the week's programme at the local hall, while music hall stars were interviewed in the inside pages for the enjoyment of their crowds of fans.

A number of authors have uncovered the history of the Victorian music hall and the gradual emergence of a true entertainment industry[3]; there has been little work done, though, on early 20th century music hall[4]. This paper will try to sketch a portrait of the popular music industry in the one year of 1900, and the most important processes which were underway.

Two main dynamics have been identified in the Victorian music industry. Firstly, the concentration of capital, which meant the increasing domination of large companies, (music publishers and chains of variety

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[1] Peter Bailey (Ed.), *Music-hall, the Business of Pleasure*, Milton Keynes, Open University Press, 1986, p. VI.
[2] *Ibid*., p. XIX.
[3] In particular Peter Bailey *op. cit*.; Peter Bailey, *Popular Culture and Performance in the Victorian city*, Cambridge, Cambridge University Press, 1998 ; J. S. Bratton (Ed.), *Music Hall : Performance & Style*, Milton Keynes, Open University Press, 1986.
[4] Ronald Pearsall, *Edwardian Popular Music*, London, David & Charles, 1975.

theatres in particular), and the development of a national market for entertainment based on touring acts. Its corollary was, as in every sector of the economy, a more precise division of labour and a professionalization of many aspects of work which had previously been more informally organized.

Secondly, the continuing obsession across society with "respectability", and the fear of "vulgarity" strongly influenced the content and structure of the entertainment, as well as ensuring a seemingly endless debate about the exact demands of respectability and moral uprightness. The year 1900 arrived as each of these two processes was well-advanced, but not yet exhausted.

I - The consolidation of a national industry

A - Centralization and profit

A survey of the industry in 1900 shows that there was a tremendous amount of money being made. The music halls (or "variety theatres"), now several hundred in number, were growing in size and in capitalization. The logic of major investment was gradually replacing that of the self-made music hall proprietor who retained the common touch.[5] As Peter Bailey notes:

Combinations of houses... produced the largest operation of its kind with the formation of Moss Stoll Empires in 1900 with a capitalization approaching £2 million and forty outlets nationally, subject to centralized management and nationally integrated programming. Something like a third to a half of all remaining halls were under some form of syndicate control, many of them booking their artists through Moss Stoll. [6]

In June, Oswald Stoll floated the Leicester Palace theatre on the Stock Exchange, as many other theatres had already been.[7] Regular notes in the trade newspaper, *The Era,* report the dividends being paid to shareholders. In June, the Grand Theatre of Varieties in Gravesend declared an interim dividend of 12 per cent. The Oxford paid 10 per cent.[8] The Palace theatre in

[5] Peter Bailey, "A Community of Friends" in Peter Bailey (Ed.), *Music-hall, the Business of Pleasure*,..., p.34.
[6] Peter Bailey, "Kipling's Bully Pulpit : Patriotism, Performance and Publicity in the Victorian Music Hall" in *Kipling Society Journal*, 85:341, 2011, p.28.
[7] *The Era,* 23 June 1900.
[8] *The Era*, 26 May 1900.

the West End made an annual profit of £31 300[9] and paid a final dividend of 18 per cent.[10] By far the highest profits were made in these West End music halls around Leicester Square, which were profiting from the rapid development of public transport.[11] The year 1900 may have been, though, the high point from the point of view of profitability: dividends paid out declined after this date, according to Andrew Crowhurst's detailed study.[12]
The theatre chains had many advantages: they could sign up top stars for an entire season, thus preventing competitors from using the big names in their advertising; they could by-pass theatrical agents and negotiate directly with the stars; and they could buy from foreign networks a monopoly of touring artistes from those networks. They were prepared to pay key stars high salaries. Marie Lloyd, in 1900, earned forty pounds a week, forty times the UK average wage.[13]

Smaller establishments often went to the wall. In September, *The Era* announced that the Marylebone was to be demolished after forty years as a music hall. The paper commented "those who understood the trend of events felt that such a small establishment as the Marylebone could not keep pace with the times."[14]

B - Building and refurbishment

The profitability of the sector led to the building of many grand new music halls. The London Hippodrome was opened in January, featuring hundred thousand gallon water tanks which could be filled for spectacular swimming shows. In June, the Earl of Euston laid the foundation stone of a new hall, the Euston. The establishment, blessed by the rector of Tooting at the founding ceremony, included a stage 47 feet deep and 54 feet wide.[15] The newly built Portsmouth Empire opened in the summer,[16] while in Bristol the

[9] £3.2 million in today's money. Multiplying by a factor of a hundred gives an approximate conversion to the values of 2014.
[10] *The Era*, 13 October 1900.
[11] Felix Barker, *The House that Stoll Built*, London, Frederick Muller, 1957, p.12; A detailed analysis of music hall profitability from 1890 to 1920 is provided in chapter 3 of A.J. Crowhurst's unpublished thesis: "The Music Hall 1885-1922", Cambridge, Cambridge University, 1992.
[12] Andrew Crowhurst, *op. cit*., p.163.
[13] Midge Gillies, *Marie Lloyd, the One and Only,* London, Gollancz, 1999.
[14] *The Era,* 1 September 1900.
[15] *Lloyds Weekly Newspaper*, 17 June 1900.
[16] *The Era*, 18 August 1900.

Colston Hall, destroyed by fire in 1898, was rebuilt by 1900 to hold between four and five thousand people.

The Era noted the increase in the number of suburban music halls, when they reported the opening in June of a new establishment, the Empress, in Walthamstow.[17] The following month, the London district of Balham also saw the opening of a new hall.

The trade press of 1900 abounds with reports of ambitious refurbishment, improvement and redecoration. The names given to the variety theatres of this time – the Alhambra, the Empire, the Coliseum – emphasized the grandness and the image of luxury. Red plush seats were a must, and each new establishment tried to outdo the others. If the theatres were meant to feel "home" to the audiences, it was an imagined, luxurious home. The Gaiety in Nottingham, when management added three additional boxes and transformed the balcony into "a grand circle and lounge", installed blue velvet upholstery throughout, a "lavish scheme of decoration in the Japanese style" and improved electric lighting.[18] For its part, The Euston selected decorations "in a very light buff, pink and gold, and in the renaissance style".[19] The Tivoli opted to build a new archway which we are told was "designed in harmony with the oriental architecture of the hall", as well as constructing a new annexe to the dress circle lounge "in the style of Louis XVI", but with electric fans.[20] The Cleethorpes Empire was also refurbished during the year, and opted to combine luxury and respectable patriotism. Its decor now boasted on one side a figure of the Queen and on the other the Prince of Wales. The Gaiety in West Hartlepool and the Hippodrome in Blackpool were just two among many others to close for improvements. All these trappings of "luxury" and of the "exotic" illustrate the reflection of Peter Bailey: "music hall was a site and occasion for liberality, profusion and plenitude".[21]

C - Rising professionalization

The industry was ever more professional, and theatres were tightly run businesses. The market was carefully segmented:

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[17] *The Era,* 2 June 1900.
[18] *The Era*, 11 August 1900. A very small number of its patrons could boast electric lighting in their own homes at this time.
[19] *The Era,* 1 December 1900.
[20] *The Era,* 11 August 1900.
[21] Bailey, *op. cit*. 1986, p.XVIII.

each section of the audience is directed to its proper place by pricing structure and the careful separation of the entrances, each mingling only with its own kind and all confined to seats of varying degrees of comfort.[22]

One important aspect of the intensification of labour and of venue use was the adoption of the "two houses a night" system. The days when the music hall evening lasted many hours and patrons drifted in and out over the course of the show were almost over.[23] Sadler's Wells Theatre in Islington used this system.[24] In May the Bedford theatre was taken over by new management and the "two shows a night" system was announced[25] while in September the Battersea Palace reopened on the same basis.[26] The Tivoli theatre company chain opened a new theatre in Birmingham, to add to their establishments in Leeds, Hull and Jarrow. All were worked "on the up to date plan of two performances an evening".[27] The two shows a night method as a commercial tactic was not always successful, however. The Empire in Bristol tried it in 1900, but was unable to sustain it and had to go back to the previous system.[28]

Inside the theatres, as the equipment became more sophisticated (revolving stages or huge water tanks) the division of labour was changing, with the invention of a series of new roles such as that of stage manager. Larger groups of workers found themselves subject to modern management methods.

Firstly the musicians: every music hall, cinema or opera house employed a house orchestra. Wages were not high, and working conditions could be hard for musicians playing up to four shows a day in addition to rehearsals for upcoming programmes, in a smoky auditorium. Damp in the halls contributed to tuberculosis, a frequent cause of death.[29]

The very first musicians' unions in Britain had appeared in the 1870s, with the foundation of the Manchester Musical Artistes' Protective

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[22] John Earl, « Building the Halls » in Peter Bailey , *op. cit.,* 1986, p.31.
[23] Bailey describes a show lasting five and a half hours, in 1885; *op. cit.,* p.42.
[24] *The Era,* 13 October 1900.
[25] *The Era*, 12 May 1900.
[26] *The Era*, 25 August 1900.
[27] *The Era*, 10 November 1900.
[28] Terry Hallett, *Bristol's Forgotten Empire- the History of the Empire Theatre*, Westbury, Badger Press, 2000, p.33.
[29] Voir www.musiciansunion.org.uk

Association, which soon opened a London branch.[30] These organizations only survived for a few years. Others followed, hybrids between friendly associations and trade unions, and often criticized by those musicians who refused to look at their position as artists from the point of view of the defence of working conditions. In the 1890s, a more stable trade union was established, the Amalgamated Musicians Union. The cost of joining was lowered, from seven and a half shillings a year in 1890 to two and a half in 1898, a sign of the desire to recruit all grades of musician. In 1894, the AMU affiliated to the Trades Union Congress.

Another important category were the stage hands, employed by each theatre and paid by the (57 hour) week, or by the hour; there were ever more of them as stage productions became more spectacular. Their trade union, the National Association of Theatrical Employees, had been set up after a strike in 1890. These trade unions had some considerable influence: in August 1900, the London Trades Council[31] announced that they would oppose the granting of entertainment licences to employers who were not fair employers in the view of the musicians' union and of the theatrical employees' unions.[32]

From an economic point of view, the artistes were in a contradictory position. On the one hand, one might classify them as independent artisans, who negotiated individually with their customers (theatres or occasionally record companies), and were in direct competition with others to get bookings or top billing. Some, heads of acrobat teams or magicians, were even small employers. However, the average artiste was often most concerned with earning enough to live on, and with that tiny but real chance of making it to stardom. The artistes had not yet formed a real trade union, though there existed various forms of associations for mutual benefit. The biggest of these was the Music Hall Artistes Railway Association. Since artistes were more or less permanently on tour, the negotiation of special fares, in particular for their sometimes impressive amounts of luggage, was not without importance. Throughout the year, the organization recruited new members and by December boasted 5 196 of them.[33] This organization

[30] Angèle David-Guillou, "L'organisation des musiciens dans la Grande-Bretagne du XIXe siècle: vers une nouvelle définition de la profession", *Le Mouvement Social*, 2013/2 n° 243, p.9-18.
[31] A council of representatives of London branches of unions from all sectors of the economy.
[32] *The Era*, 11 August 1900.
[33] *The Era*, 1 December 1900.

was to gradually extend its activities to become an embryonic trade union, not without vigorous polemics between pro- and anti- trade union members. It would be one of the contributors to the establishment of the Variety Artistes Federation in 1906, main organizer of the great London music hall strike of 1907.[34] Thus the centralization of capital and the transformation of entertainment into a national industry tended to push workers towards collective organization, even of the most individualistic sections of the workforce, the artistes.

The music publishing houses were the second pillar of the industry, along with the variety theatres. Half a dozen large companies such as Star, Feldman, or Francis, Day and Hunter, employed popular music composers and lyricists, published scores and owned the rights to the songs, which they sold to the singers. They also bought songs from freelance authors, and organized competitions in the hope of finding the next smash hit. Music publishing was big money. In 1900, one of the main companies, Francis, Day and Hunter, released 40 to 50 songs every month;[35] print runs were rarely under 25 000, and a hit song could sell hundreds of thousands of copies at sixpence[36] apiece. The presence of millions of pianos in Britain at this time made this business possible.

D - Continuance of pre-industrial processes and habits

At the same time as the powerful process forming a national industry, based on straightforward commercial methods, there remained a good number of customs inherited from the informal, locally based, traditions of earlier music hall; the music hall remained, to a large extent, "a socially intensive industry".[37] Though some lyricists and composers were salaried workers for the large publishing companies, for example, many songs were still bought directly from the writers by singers, in pubs or at the stage door, and this was an atmosphere which included many informal links and exchanging of favours. In the catalogue of influential songs put together by Michael Kilgarriff it is clear that a very large number of composers and

[34] See John Mullen, "Velours rouge et piquets de grève – la grève du music-hall à Londres en 1907" *Cahiers victoriens et édouardiens*, N° 67, April 2008, pp.457-472.
[35] James Nott, *Music for the People - Popular Music and Dance in interwar Britain*, Oxford, Oxford University Press, 2002, p.104.
[36] £5 in today's prices.
[37] Bailey, *op. cit.*, p.41.

lyricists wrote only one or two successful songs, which were no doubt sold informally.[38]

Another continuance of older traditions was the "benefits" system. If less central than it had been in the 1880s, it was very much alive, acting as a nexus of a gift economy.[39] These benefits were specific shows where the profits were not taken by the owners in the usual way. They could be organized for charitable purposes, a vital necessity in a country which lacked even minimal welfare provisions for most. The music hall benevolent fund, for example, a charity set up to hep widows and orphans of performers, would often hold benefit shows. In April 1900, a benefit was organized to raise funds for victims of the fire at the Grand Theatre.[40] There might be dozens of charity benefits presented every year in the larger theatres.

Other benefit shows were given, occasionally or annually, as a sort of "bonus" to add to the salary of particular employees, generally theatre managers. In April, Mr Fred Law took his annual benefit at the Standard, and Mr Joe Lawrence stage manager at the Empire took his first complimentary benefit, when "the house was packed at double prices".[41] Indeed, prices were often raised at these benefit shows, and they would be the occasion to return favours accumulated in the complex daily routine of show business. The same month George Sanderson, acting manager of the Belfast Empire, was accorded his first annual benefit under the patronage of the Lord Mayor of Belfast.[42] Benefits could also be held for popular stars, allowing people (in particular other stars) to show their appreciation. In February, Marie Lloyd was accorded a complimentary benefit.[43]

Annual works outings for the permanent staff of a music hall, another aspect of the old paternalistic atmosphere, flourished. *The Era* reported briefly on many of them. The staff of the Palace theatre went for a day out in Folkestone, while in September the staff of the People's Palace in Dundee were also treated to a day out at the seaside.[44] These events survived despite the hardnosed financial calculations which were now central to the industry.

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[38] Michael Kilgarriff, *Sing Us One of the Old Songs – a Guide to Popular Song 1860 – 1920*, Oxford, Oxford University Press, 1999.
[39] Peter Bailey, "A Community of friends", p.41.
[40] *The Era,* 14 April 1900.
[41] *The Era*, 14 April 1900.
[42] *The Era*, 21 April 1900.
[43] *The Era,* 17 February 1900.
[44] *The Era*, 15 September 1900.

II - Respectable leisure

A - The meaning of respectable leisure

Let us now turn away from the material dynamic, and look at one of the main ideological forces – the influence of "respectability".

Throughout the second half of the nineteenth century, working people gradually won increased access to free time, with the institution of Saturday half-day working, bank holidays, and the reduction of the working week to around 55 hours. This free time was accompanied by no shortage of ideas, often coming from the elite, as to how it might profitably be filled. The provision of public libraries, and public parks equipped with bandstands and boating lakes, and the organization of classical "penny concerts" in grand municipal concert halls were part of this tendency.

At first, elite campaigns for "rational leisure" for workers had often condemned music hall out of hand, but, by 1900, music hall was considered to be far more acceptable. Nevertheless, these working-class music shows were still looked upon with suspicion. When theatres needed their licence renewed, managers had to demonstrate to the committees that they were not allowing vulgar songs to be performed, that the women on stage were not too scantily dressed, and that the establishment's foyer or promenade was not being used by prostitutes to pick up clients.

Heavy investment in new theatres accelerated the tendency of the theatre chains to search for a better-off audience to occupy the more expensive seats in their halls. The frantic campaign to eliminate "vulgarity" should be seen in this context.

It seems likely that [managers were attempting] to install middle-class values or notions of respectability... in the music Hall, so that upwardly mobile sections of the lower classes would feel they could attend music hall without compromising their social aspirations.[45]

The move against vulgarity was also an effect of the social ambition of theatre owners and managers. By 1900, music hall managers might join the elite of local dignitaries, whereas previously the non-respectable image of their business would have prevented this.[46]

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[45] Paul Maloney, *Scotland and the Music Hall, 1850-1914,* Manchester, Manchester University Press, 2003, p.86.

[46] For a more detailed discussion of the meaning of respectability in late Victorian music hall see John Mullen, "Victorian Respectability, 'anti-social behaviour' and the Music Hall, 1880-1900" in Sarah Pickard (ed.), *Anti-social Behaviour in*

B - An obsessive campaign against "vulgarity"

Being seen to be opposed to "vulgarity" was, therefore, essential for theatre managers. Programme notes sometimes carried invitations to the audience to report any vulgarity the management had missed; artistes' contracts specified that vulgarity was grounds for immediate dismissal. "Vulgarity" itself was, of course, difficult to define. At this time it was a matter of suggestive, rather than bawdy, content, and the boundaries were highly flexible. In any account, the press seemed obsessed with the question. Occasionally, precise examples were cited: in November an artiste was sacked without pay because of one sketch. The artiste appealed to a magistrates court, but lost; according to the press report, the sketch had been "hissed and booed" by the audience, in particular when the woman character said she was a "Hyde Park kerb trotter."[47]

Far more frequently, the press featured general denunciations of vulgarity. A writer in the *Pall Mall Gazette* insisted that "vulgarity, at least, is as rampant as ever"[48] despite the protestations of a Member of Parliament that the London music halls had "wonderfully improved". A critic quoted in the *Edinburgh Evening News* exclaims: "I have listened to scores of songs sung, some of them by men earning huge salaries... which as regards their character could not be sung before any respectable and decent household... to what does it all add up? To the glorification of vice".[49]

Artistes advertising sometimes felt the need to state explicitly that their acts were not vulgar, as in the following examples:

Alexander Petrick, comedian, is the man to make you laugh without vulgarity (*Evening Telegraph,* 26 September 1900).

Prof Keswick, King of character interpreters. Fun without vulgarity (*Bath Chronicle and Weekly Gazette*, 24 September 1900).

Mr. Frank Coyle ... Six songs nightly... always a success, always first past the post, without war songs, blue songs or claptrap (*The Era*, 17 February 1900).

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*Britain: Victorian and Contemporary Perspectives***,** Basingstoke, Palgrave, forthcoming, 2014. See also Peter Bailey "Will the real Bill Banks please stand up? Towards a role analysis of mid-victorian working class repectability" in Peter Bailey (Ed.) *Popular Culture and Performance in the Victorian City* , Cambridge, Cambridge University Press, 1998.

[47] *Nottingham Evening Post*, 22 November 1900.

[48] *Pall Mall Gazette*, 16 May 1900.

[49] *Edinburgh Evening News*, 3 July 1900.

Wanted variety artistes ... Must be very refined (*The Era*, 21 July 1900). New song : "It'll Have to Come Off tonight!"... not a blue or political song (*The Era*, 13 January 1900).

The campaign against vulgarity will continue to be present for many years (during the First World War another major flare-up on the issue occurs)[50], and constitutes one of the specificities of British music hall as opposed to its French and German counterparts.

III - What is specific about the year 1900?

We have examined, then, the progress of the two main dynamics of music hall – economic and ideological. In the last part of this paper, I wish to look at the content of the music hall show, and particularly the songs of 1900, and at some of the conclusions which have been drawn from it, sometimes hastily.

A - Variety: a heady mix

The increased competition between theatres and between theatre chains affected of course the content of the shows. Almost anything was permitted to attract the customer. Extracts of "high culture" were more and more present, and this process was to accelerate in the years up to the First World War. In the summer of 1900, Bransby Williams had great success with his presentation of vignettes of characters from the novels of Charles Dickens.[51] Ballet remained extremely popular at music halls, especially in the centre of London. Ballet had fallen somewhat out of favour with the elite since it was not considered respectable due to the exhibiting of women's bodies. In February a short ballet presented as part of the evening show at the Empire was so popular it was extended.[52] The presentation in June, also at the Empire, of a new ballet "On the Beach" which was an updated version of the 1891 ballet "By the Sea" showed that the artistry of the ballet was not the only consideration. Seaside scenes were, above all, an excuse for the dancers to be more skimpily clothed.[53]

The insertion of "high culture" did not by any means eliminate the presence of acts from a circus tradition, or even a freak show tradition: the

[50]Mullen John, *La Chanson populaire en Grande-Bretagne pendant la Grande Guerre 1914-1918*: *The Show Must Go On,* Paris, L'Harmattan, 2012, p.30.
[51] *The Era,* 18 August 1900.
[52] *The Era*, 24 February 1900.
[53] *The Era*, 2 June 1900.

music hall evening was a heady mix. Half the acts were no doubt singing acts, but others included a donkey and baboon act at the Empire, and innumerable ventriloquists, jugglers and acrobats; a bareback riding turn shared the bill with a faith healer in Aberdeen,[54] while also on tour was "a man without arms or hands who knows how to do without them".[55] The man in question would "uncork a bottle and drink from it using only his feet", as well as play the violin. New technology was also getting in on the act and filmed "scenes from the relief of Ladysmith" were on tour. Cinema had made its debut in the music hall only four years earlier, and was rapidly to become a staple end-of-show turn.

B - Jingoistic music hall?

The year 1900 was a significant one from another point of view. Enthusiastic reactions at the music halls to Boer War victories have been taken as evidence of the depth of imperialist sentiments among the working class in Britain. In his influential 1901 book, John Hobson[56] considered that deeply felt patriotism was the norm among the "lower classes" and claimed a particular role for music hall in imposing imperialist ideology.

...among large sections of the middle and the labouring classes, the music hall and the recreative public house into which it shades off by imperceptible degrees are a more potent educator than the church, the school, the political meeting, or even than the press .... In ordinary times politics plays no important part in these feasts of sensationalism, but the glorification of brute force and an ignorant contempt of foreigners are ever-present factors which at great political crises make the music-hall a very serviceable engine for generating military passion.[57]

Another commentator, Laurence Senelick even goes so far as to say that:

Much of the energy the working man might have directed to ameliorating his own situation was rechanneled by the music hall to the advancement of [the British] empire.[58]

Andrew Thompson, however, in his study of the popular impact of imperialism, points out how difficult it is to characterize popular attitudes with any precision:

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[54] *The Era*, 11 August 1900.
[55] *Burnley Gazette*, 7 March 1900.
[56] John Atkinson Hobson, *The Psychology of Jingoism,* London, Richards, 1901.
[57] *Ibid*., p.3.
[58] Quoted by Andrew August, "A Culture of Consolation?" in *Historical Research,* vol. 74, 2001, p.22.

There are... real problems in reading from imperial propaganda - however widespread or commercially successful - public acceptance or approval of the opinions therein expressed.[59]

And he warns that

What the empire meant to the masses cannot simply be read from the words of a music hall song.[60]

Certainly the Boer war provoked demonstrations of enthusiasm among the working classes, but it is not easy to know how widespread or deeply felt these were.[61] This war, with the help of the rise of the popular press and increasing literacy, had been followed on a day-to-day basis by millions across the UK, but when a meeting of anti-war Members of Parliament in Scarborough was broken up by patriotic bands of vandals, public support for one or other of the parties is difficult to gauge.[62] A study of the most popular songs of 1900 shows that this year was exceptional, and that the attitudes expressed with regard to the war were not without ambiguity. Let us look first at events in the halls, then at the songs themselves.

The music halls were administered by managers keen to show their "respectability", a concept which included patriotic support for one's nation's armed forces. So it is not surprising to see *The Era* of the 2nd June report "The capture of Johannesburg was announced in most music halls Tuesday evening and the national anthem was sung with enthusiasm". It is impossible to say whether this reflects mainly the enthusiasm of the managers of the hall or of the audiences.

Collections and special shows to raise money for war charities certainly showed significant public support. In January, collections for the Daily Telegraph fund for war widows were held in music halls.[63] A matinee at the Stratford Empire raised £79, while various matinees and collections at the People's Palace music hall in Bristol raised £156, and in June £105 was raised at a special benefit organized by singing star Bransby Williams[64]. In May a special show to celebrate the relief of Mafeking attracted a full house at the

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[59] Andrew Thompson, *"The Empire Strikes Back", the Impact of Imperialism on Britain from the Mid-Nineteenth Century*, London, Pearson, 2005, p.39.
[60] *Ibid*., p.84.
[61] For the much more well-known case of public enthusiasm at the beginning of the Great War in 1914, Adrian Gregory demonstrates the immense difficulties involved in analyzing it. Adrian Gregory, *The Last Great War : British society and the First World War*, Cambridge, Cambridge University Press, 2008 pp.9-39.
[62] *Burnley Gazette,* 14 March 1900.
[63] *The Era*, 6 January 1900.
[64] *The Era*, 2 June 1900.

Alhambra.[65] It is to be noted though that the meaning of these warm responses is not homogeneous: willingness to contribute to the welfare of war widows is not in itself jingoistic.

What do the songs say? The repertoire had by this time a well-established tradition of commenting everyday life and major events in a comic tone. The sing-along element was crucial: only consensual ideas could be included in the chorus. At the beginning of the year, recitations of Rudyard Kipling's poem "An absent minded beggar" were highly popular, and the poem was then put to music by no less a figure than Arthur Sullivan:

When you've shouted "Rule Britannia": when you've sung "God Save the Queen"

When you've finished killing Kruger with your mouth:

Will you kindly drop a shilling in my little tambourine

For a gentleman in khaki ordered South?

A number of other hit songs were patriotic in nature. The City Imperial volunteers were treated to their own hit song "Bravo CIVs!" Patriotic enthusiasm or canny marketing led the publishing house Francis and Day's to promise they would give a copy of the sheet music to this song to every member of this corps on their return to England.[66] Major star Vesta Tilley sang a new song about the navy "A little bit of England out at sea", combining humour with patriotism. Here are other hit titles of the year with a link to the war:

Baby's Name is Kitchener
The Baden Powell scout
The Boers Have Got My Daddy
Olde England and the Boer
The Girl in the Khaki Dress
The Heroes of the Transvaal war
Mafeking night
Mafeking's Hero
The Defender of Mafeking
Greater Britain
Oh the Kharki
Sing a Song of Victory
Victory, Victory!

[65] *The Era*, 26 May 1900.
[66] *The Era*, 13 October 1900.

Off to the War
When the Boys in khaki all come home

The *New York Times* commented on the plethora of victory songs:

The British song writers seem to fairly ransack the army in their desire to leave no kind of hero unsung. Aside from the merely patriotic songs, there are songs for the Irish, songs for the sailor, songs for the wounded, songs for the dead, songs for the private, songs for the officer, songs even for the war correspondent, the women at home and the children playing soldiers on the street.[67]

The journalist linked this wave of victory songs to the terrible defeats of the British in earlier years of the war.

It is important not to over-interpret these songs. The war was one theme among many. Slightly risqué comic songs like "Right on My Doodah" by Harry Champion, or "What Will the Neighbours Say?" continued to be cheered in the music halls. Clowning songs like "Stiffy the Goalkeeper" by Harry Weldon, or wry comments on modern life ("The Tupenny Tube" or "Whoa ! Backpedal!" built around two rising means of transport, for example) also had a great success. Other hit songs included:

Lunatic Bakers
You Can't Judge the Marmalade by the Label on the Jar
Knock the Two Rooms into One
Since I Came to London Town
Mulligan's Motor Car
Sing Us One of the Old Songs
A Thing You Wouldn't Know
Louisa
You Don't Know, They Don't Know and I Don't Know

Further, the presence of a couple of dozen very popular songs about the Boer war in 1900 cannot be taken to define the nature of music hall over a longer period. In Kilgarriff's catalogue, which aims to list the few dozen most influential song of each year, a quick perusal will make this clear. Of 22 hit songs listed for 1890, only one speaks of the army or the Empire. Of 51 hit songs listed for the year 1895, not a single one is on this theme.

There is one last, material reason that music hall's "patriotic songs" cannot be taken as evidence of generalized jingoism. Although songs like "The Heroes of the Transvaal War" read like straightforward propaganda

[67] *New York Times*, 14 October 1900.

songs, this was far from the case for many of the hit songs. The “Absent-minded Beggar” is about the need to help families of the soldiers out “saving the Empire”. Support for the Empire is take for granted in the song, but the central point is not glorification of the Empire. Songs, such as “When the Boys in Khaki All Come Home” talk of the war, without being imperialistic in tone; others again complain that veterans are badly treated. Songs such as “Another Little Patch of Red”, which directly celebrate imperial expansion, are very rare indeed.

Some hit songs are further still from jingoism. Marie Lloyd, one of the most popular stars of the time, put out a piece “The Girl in the Khaki Dress” of which the main point was mockery of those who are obsessed with the South African war, coupled with a suggestion that some women had been going beyond the bounds of respectability in showing their appreciation to the soldiers.

Pa's got a house at Regents Park, he had to have it repainted khaki
Whim of mine, and dear Papa consented well, of course
Smiled as sweetly as he was able
I've just been going through the stable
Won't let him keep anything except a khaki horse
Khaki sheets and blankets and, I declare
In every bedroom in the house we've khaki crockery ware
What say? Too much khaki? That's just where the fun begins
What about my sister, eh? Just had khaki twins!

In this context, the distancing of the narrator in the second line of the first verse should not be overlooked

I am a girl who's rather larky, always dressing myself in Khaki
Just the same as the men who claim to fight for their home and Queen

Notice that the song mocks the obsession with khaki, that is, mocks the excesses of war enthusiasm rather than patriotism itself. Another sign that Lloyd is treading carefully is that the sing-along chorus does not include the mocking tone. The choruses of music hall songs must be highly consensual, since if only half the audience wants to join in, that would be considered a flop. Here is the chorus of Lloyd’s song :

I'm the girl - the girl - the girl in the khaki dress
Fellows following me, so larky
Busmen hollering, 'Watcher, khaki'
Oh girls - their love they can't express
What oh. That's Flo! the girl in the khaki dress.

A second example, a hit by Charles Bignall called "The Baby's name is Kitchener" is also marked by a hesitant attitude to the war, "the blooming war," and mockery of the obsessed, in this case the wife of the narrator.

The War, the War, the blooming war, has turned my wife insane
From Kruger to Majuba she's got Transvaal on the brain
And when to christen our first child, last Sunday week we tried
The parson said, 'What's this child's name?' and my old girl replied,
Chorus: The baby's name is Kitchener, Carrington, Methuen, Kekewich, White
Cronje, Plummer, Powell, Majuba, Gatacre, Warren, Colenso, Kruger
Capetown, Mafeking, French, Kimberley, Ladysmith, 'bobs'
Union Jack and Fighting Mac, Lyddite, Pretoria, Blobbs.[68]'

In both of these songs, one might see the war more as a handy theme to sell a good pop song than a sign of deeply held popular opinions. In any case each of them joins long-time genre traditions: Marie Lloyd ends with a shocking suggestion about non-respectable relationships (illegitimate children in this case), whereas Charles Bignall produces a classic tongue twister chorus guaranteed to delight audiences trying to sing along in unison, as well as mocking his wife, a long-established favourite theme.

Conclusions

The aim of this contribution has been to try to bring to life the world of the music hall in 1900, and to flesh out some of the accepted theses about music hall development: the rise of respectability and the industrialization of entertainment. The evidence culled from the trade press and the songs of the time have also allowed us to open up further questions about whose voices are being heard in the music hall songs. Once the particular pressures towards consensus in the music hall are taken into account, we see there is a need to relativize the reputation of the halls as centres of reactionary jingoism, even in this year which was particularly prone to celebratory imperial ideology.

The pressure on the singer to please the entire audience who are present will strictly limit the types of discourse possible in the music hall song, unlike in later forms such as blues, rock or rap. Nevertheless the use of ambiguity will allow some dissenting voices to come across. It is the rise of the vinyl record, with the possibility of selling a song to a niche audience,

[68] An enthusiast of Boer war songs, John Stanley, has recently recorded a version of this song, which one can easily find on youtube.

which will open up new possibilities for hearing different voices in commercial popular music, although the influence of powerful "gatekeepers" will always act as a brake.

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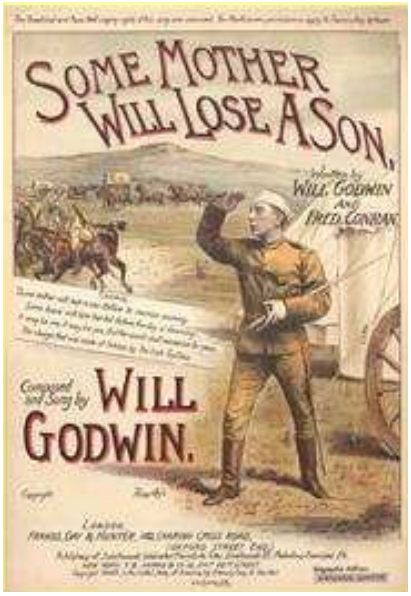
SOME MOTHER WILL LOSE A SON.
WILL GODWIN AND FRED. GODWIN
Composed and Sung by WILL GODWIN.

THE LIVE MUSIC INDUSTRY IN WALES: THE SUSTAINABILITY AND WORKING PRACTICES OF A NATION

Dr Paul Carr

According to a 2010 Performing Rights Society (PRS) report (Carey & Page, 2010)[1], the value of the UK music industry stood at 3.9bn in 2009.Within this total, live music revenues had increased 9.4%, to 1.5 bn, and although this increase was less than the previous year's 13%, it is still significant considering the UK was in the middle of one of the worst recessions in living memory. Additionally, this increase was seen to take place despite fewer performances, with the Carey & Page report indicating that the majority of major events were selling out, even with higher ticket prices. These figures corroborated statistics form Sunderland City Council (Debnam 2008),[2] The Arts Council of Wales (2005)[3] and Mintel (2002),[4] all of who confirmed the pervasive presence and economic importance of live music. Although recent data from the Performing Rights Society indicate that income from live music has reduced recently,[5] live music will continue to offer a potential significant income stream for the Welsh music industry, although the foundations for a long term strategy of ensuring a successful and economically viable live music sector in Wales is yet to be developed.

Within the global parameters of live music, 'Popular Music' is unquestionably the driving force behind the medium's success. A genre that up until relatively recently was gauged principally by record sales, the live

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[1] C. Carey, & W. Page, 2010. *Adding Up The UK Music Industry.* The Performing Rights Society.

[2] When investigating the viability of positioning Sunderland as a 'music city', Sunderland City Council cross reference research from a Creative Cultural Skills baseline report which confirmed that out of the 95,000 people working in the music industry, 45% worked in live music.

[3] Anonymous., 2005. Arts in South Wales 2005: Attendance, Participation and Attitudes. The Arts Council Of Wales.

[4] Which indicated that 44% of students regularly attend live performances.

[5] See http://www.prsformusic.com/aboutus/press/latestpressreleases/Documents/04%20April%202013%20-%20Financial%20results%20briefing%20paper.pdf

popular music industry not only offers considerable financial remuneration at the top end of the market, artistic development for emerging artists, and an authentic cultural experience for its consumers, but also, in a post 'social listening culture', arguably the most pertinent way of artists cultivating the cultural 'tribes' discussed by Seth Godin (2008)[6]. As indicated in the Arts Council of Wales' report 'Attendance Participation and Attitudes' (Anonymous 1, 2005)[7], 39% of its sample were seen to attend at least one popular music performance per year, with 11% attending at least one performance a month. When statistically compared to 13% for Classical concerts, 7% for Opera, and 11% for 'Folk, Traditional and World Music', Popular Music could be seen to clearly represent the most significant contribution to the Welsh economy, a fact that begs the question why it was described as 'Other' and attracted so little funding. Although a more recent publication by The Arts Council of Wales (Anonymous 2, 2010)[8] overtly states that it wishes to readdress this imbalance, with the introduction of the recent Music Industry Development Fund going some way to correct this anomaly (Anonymous 7, 2012)[9], to date (as of December 2013), there is still no exclusively funded popular music included in its 'Revenue funded Organisations' (RFOs), which are still dominated by the BBC National Orchestra of Wales and Welsh National Opera.[10]

When one considers the rural landscape of Wales, it seems apparent that taking advantage of the country's potential for hosting music festivals is a prudent way of providing a quality cultural experience, in addition to increasing the nation's share of the revenue live music currently generates. This cultural/economic balance could arguably be better negotiated if the 'festivalscape' of Wales included a philosophical structure that facilitates the three festival types outlined by Jaeger and Mykletun (2009)[11]: commercial/profit motivated, public orientated,[12] and non profit.[13] The

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[6] S. Godin, 2008. Tribes: *We Need You To Lead Us*. Piatkus Books.

[7] Anonymous 1., 2005. Arts in South Wales 2005: Attendance, Participation and Attitudes. The Arts Council Of Wales

[8] Anonymous 2., 2010. Renewal and Transformation: Building a Stronger Future for the Arts in Wales, The Arts Council of Wales.

[9] Anonymous 7., 2012. Music Industry Development Funding of the Consultation and our Responses, The Arts Council of Wales.

[10] Community Music Wales is included, but has a remit broader than popular music.

[11] K. Jaeger, R.J. Mykletun, 2009. "The Festivalscape of Finnmark" In. *Scandinavian Journal of Hospitality and Tourism*, 2-3, 327-248.

[12] Which are owned by municipalities or local authorities, and profit-making is subordinate to cultural value.

above mentioned 2010 PRS report estimated that Wales constituted 4% of the UK's live music revenues, the equivalent of £60 million. Although on the surface this appears to be a significant sum of money, by comparison, Scotland was estimated to constitute 11%, the equivalent of £165 million. Even taking the differences of population into account,[14] it is apparent that Wales was somewhere behind Scotland in the exploitation and retention of earnings from the live music industry in 2010.

It is also apparent that musician fees for small pub/club gigs have increased little in 20 years, with the 2004 Department of Culture Media and Sport report (DCMS) 'A Survey Of Live Music Staged in England And Wales 2003/4' verifying that some small pubs and venues were often stifled with high overheads and low returns (Anonymous 5)[15] – one of the factors that heralded the introduction of the 2003 Licensing Act. Although a later DCMS report (entitled 'Live Music: An Analysis Of The Sector' (Anonymous 6, 2009)[16] described the impact of the 2003 Licensing Act as 'Neutral', the now defunct trade magazine for public houses, The Publican, revealed that pub closures peaked at 52 per week in the first half of 2009, with a total of 2,365 closures by the end of that year (Wilmore 2010)[17]. Although the factors contributing to closures such as this were complex and not exclusively a result of the 2003 Licensing Act, it is something that resonated with closures of venues in Wales such as The Point in Cardiff, national festivals such as The Celtic Blue Rock Festival (near Llanfyrnach),l[18] The Square Festival (Ceredigion),[19] Castell Rock (Aberystwyth Castle), and events such as The Big Green Gathering (in Llanelli), and The Builth Wells

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[13] Which are implemented with or without the public sector, ran by non-profit organisations, and centred around the musical interests of the organisers.

[14] Wales is estimated to constitute around 5% and Scotland 8% of the UK's total population of 61,792,000.

[15] Anonymous 5., 2004. *A Survey of Live Music Staged in England & Wales in 2003/4.* The Department of Culture, Media and Sport.

[16] Anonymous 6., 2009. *Live Music: An Analysis Of The Sector*. The Department of Culture, Media and Sport.

[17] J. Wilmore, 2010. "Pub Closures Slow To 39 a Week". *The Publican,* http://www.thepublican.com/story.asp?storycode=66322 (accessed October 31st, 2010.

[18] See http://www.bbc.co.uk/news/10472549 This festival intends to continue next year, and in addition to offering refunds, cancelled tickets could be used at the Teifi Roc Festival in Cardigan (see http://www.westerntelegraph.co.uk/news/8318103.900th_birthday_festival_will_really_rock/).

[19] See http://news.bbc.co.uk/1/hi/wales/mid/8482972.stm

International Bike Show, many of which succumbed to the Act's emphasis on 'people power'.

As outlined by industry professionals such as Stuart Galbraith (2007)[20], Robert Sandall (2007)[21], Jackomi Mathews, (2010)[22] and Will Page (2007)[23], the industry has experienced an infrastructural shift over the last 15 years, with, despite a recent downturn, live music now being regarded not as a publicity vehicle for album sales, but a significant means of making money. Figures outlined earlier from the PRS corroborate this, and it is apparent that Wales as a music nation needs to be in a position to not only nurture the creativity that makes live music possible, but also to make certain that the necessary support mechanisms are in place to ensure that the practitioners working within this industry receive the necessary support, be it as a musician, sound engineer, venue, promoter, etc.

Ticketmaster's declaration in 2010 that its net income was down for the quarter ending September 30th [24] corroborated predictions that the global live music sector was slowing down, with a 2010 *Edison Research Survey* (Anonymous 3, 2010)[25] revealing that fewer 12 – 24 year olds were attending live music in America than in 2000. As indicated in a 2011 edition of *The Economist* (Anonymous 4, 2011)[26] much of this was seen to be related to the expediential increase in ticket prices over the preceding ten years (for major concerts, and 'secondary market' tickets), and it seems that future sustainability in the live music sector needs to focus on factors such as key stakeholders strategically working together, attracting inward investment, improving the promotion, accessibility and quality of Welsh music, and of

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[20] Galbraith, S., 2007. *Golden Age For Live Music Scene*. http://news.bbc.co.uk/1/hi/entertainment/6542871.stm (accessed October 31st, 2013.

[21] Sandall, R., 2007. *Off The Record*. *Prospect Magazine*, http://www.prospectmagazine.co.uk/2007/08/offtherecord/ (accessed October 31st, 2013).

[22] J. Mathews, 2010. *How Labels Prevent Start-ups From Succeeding*. Music Void Online, http://www.themusicvoid.com/2010/10/how-labels-prevent-start-ups-from-succeeding/ (accessed October 31st, 2013).

[23] W. Page, 2007. "Is Live The Future Of Music". *The Report*. Issue 181, pp.7-8.

[24] See http://www.hypebot.com/hypebot/2010/11/live-nation-down-in-q3-promises-more-social-future-.html

[25] Anonymous 3., Edison Research., 2010. Radio's Future II: The 2010 American Youth Study. Edison Research.

[26] Anonymous 4., Pricing the Piper: An Economic Lesson for the Concert Business. The Economist, January 20th 2011. http://www.economist.com/node/17963345 (accesed 30/11/13).

course the organisation of more quality concerts, as opposed to 'easy fix' customer price increases.

This article presents a synopsis of a report I conducted related to the live sector of the Welsh Music Industry, completed in 2011. This initiative related principally to how policies by public bodies such as the Arts Council of Wales, UK Government, in addition to national agendas relating to radio policy, education, transport and training/technical skills directly or indirectly impact the capacity of Wales to increase its share of profits generated from the UK Live Music Industry.

Brief Synopsis of the Welsh Music Foundation Report

The report conducted for The Welsh Music Foundation (WMF)[27] had a generic purpose of investigating a range of pertinent themes that resonate within the live music industry across Wales. Principle themes included: inward investment, training provision needs, examples of best practice and the Welsh language sector. The research methodology for the report included the implementation of an online questionnaire, a number of face to face interviews with industry stakeholders, and 4 focus group forum meetings – which took place in various parts of the country. As a means of summarising the current position of the Welsh live music industry in 2011, a SWOT Analysis was initially conducted – identifying the following points

Strengths

- Wales has successfully produced many internationally acclaimed artists over a number of decades.
- The country already has a small number of excellent venues in various parts of the country.
- There are already a range of good infrastructural and business support mechanisms in place.
- Many Welsh artists have a strong national identity which assist the publicity of the nation to the world.

Weaknesses

- Wales as a whole has a limited array of specialist music venues, in particular outside of the South.

[27] See http://www.welshmusicfoundation.com/

- There is a perceived lack of infrastructure to assist the promotion of popular music activity throughout the country.
- As outlined in by Owen and Rhisiart (2010), areas surrounding the exploitation and retention of copyrighted works within Wales is problematic.
- There is a tendency for too many skilled workers being 'imported' from England.
- Unlike many other small nations, there has been no fully funded mapping exercise of the Welsh music industry.
- Support for popular music from the Arts Council of Wales has room for improvement.
- Wales tends to be regarded as a 'region' of the UK as opposed to a nation in its own right.

Opportunities

- The development of similar Music Festivals to SWN, Green Man and Wakestock by working with organisations such as Welsh Assembly Government's Major Events Unit and the Arts Council of Wales's new Festival Fund.
- The *Cerdd Cymru* (Music Wales) initiative is a chance to align partners, in addition to consolidating many of the recommendations in this report, especially with international projects.
- The construction of an organisation similar to DF Concerts in Scotland (with Welsh Assembly Government support) to ensure industry skills are nurtured, finance stays in Wales, and career aspirations are realised.
- To ensure that more people take on the challenge of live music promotion.
- For government to encourage more research and post graduate study into the Welsh music industry.
- To explore the means through which it is possible to empower musicians and live music enterprises to take advantage of the 'micro loans' outlined in the Hargreaves Report (2010) recommendations.
- To develop a (potentially accredited) music promotion programme that teaches the necessary skill bases to promote music throughout Wales.
- To explore the ways in which technologies such as Wolfgangs Vault and promotional tools such as Songkick, Band Metrics, Music Glue and My Band can be used to monetize live music within Wales.
- To develop alternative funding models for promoting music in Wales, such as the profit share scheme being developed by The Absurd Festival.

- To nurture future live music audiences by encouraging alcohol free venues for young people.
- There is a large media base in Wales, and if more Welsh music was used, has the potential to positively impact the live sector.

Threats

- Various parts of Wales suffer from close proximity to English towns such as Bristol, London and Liverpool.
- Many participants in the Welsh industry give the impression that they reach a plateau in their career, after which they either change career or move out of Wales.
- The variance in local council infrastructures that encourage 'night time economies'.
- The practice of buying in technical skills for some music festivals.
- The shortfall in technical skills forecast by Creative and Cultural Skills (CCS).
- Depending on the local council and size of the band –the 2003 Licensing Act.
- Too much competition in small venues in Cardiff.
- Poor transport infrastructure in some parts of Wales.

Key Themes of Welsh Music Foundation Report

The 2011 recommendations of the WMF report were subdivided into sections directly related to the initial themes of the research. These included the ways in which the various stakeholders of the live music industry could work together, ways of attracting inward investment, training provision requirements, examples of good practice, and finally Welsh language issues. This essay will outline the key recommendations that were considered to be pertinent to improving sustainability and profitability from live music within Wales.

Working Together

As a means of facilitating more understanding relationships between the music industry and local councils, it was suggested that a 'live music information pack' was progressively developed with local councils throughout Wales. Although this is still in progress, it is gratifying to see that regular bi-monthly meetings currently take place between WMF and Cardiff council – with the ultimate objective of developing a music strategy

for Cardiff in the first instance –which could then be 'rolled out' to other parts of Wales.

A kite marking of standards for the live music industry (for smaller venues in particular) was considered essential in the online survey conducted as part of the research. It was suggested that this could potentially be co-ordinated by the WMF, with criteria developed in conjunction with stakeholders such as Creative and Cultural Skills, UK Music, local councils, The Musicians Union and of course the venues themselves. 63% /75% of the English/Welsh Language venue samples believed a minimum standards scheme for live venues would by default increase networking opportunities, in addition to improving factors such as 'pay to play', 'health and safety', 'general professionalism of staff', 'equipment quality of venues', 'public liability' and 'quality of publicity/marketing'. This is something that could initially be addressed by ongoing training schemes, possibly in association with the Musicians' Union and or a local university. It was also considered that venues in similar locations needed to work more strategically together and not 'compete' (too much). Numerous individuals involved in this research regarded this practice as an important means of ensuring local markets are not saturated (for example – the practice of local bands performing at venues within the same location within days of each other) and that a varied mix of music is ensured in the various music centres of Wales.

The formation of funding to facilitate under 18s to attend live music events was considered an important conduit to safeguard live music as a cultural activity for future generations. Although such events can be considered an essential means to build future audiences, they often by default have poor profit margins, with many venues therefore understandably displaying a lack of enthusiasm to facilitate their implementation. It seems that this offers an opportunity for financial support from either The Arts Council of Wales, or the Welsh Assembly Government.

Not for the first time, a pan-Wales touring circuit was considered an important way of facilitating experience for emerging and established Welsh artists, in addition to enabling international artists to remain in the country for longer than a one-off visit to Cardiff. This is something which could be potentially implemented via Welsh Universities, or possibly via 'Revenue Funded Organisations' such as Welsh Theatres – which could potentially be made into multipurpose venues. A publication by The Arts Council of

Wales (2010)[28] highlights the importance of developing a 'dynamic network' of performing arts venues throughout the country, and it was proposed that this offers an opportunity to address some of the music related 'venue issues' either directly (via subsidising a dedicated 'mid size' popular music venue in mid Wales for example), or indirectly by making theatres 'multipurpose' at the planning stage, enabling the venue to professionally accommodate a wide range of artistic events, both philosophically and physically. Despite the shortage of venues, it is apparent that the theatres outlined as part of the Arts Council 'core network' alone has the potential to partially address the need for a popular music touring network, in addition to providing performing space for emerging local artists. There is however much more consideration required before a touring network can be implemented. As opposed to reinventing the wheel, it was suggested that careful consideration is given to the touring network implemented by Community Music Wales over a decade ago. Originally a private venture in conjunction with regional local authorities, the initiative evolved to attract substantial European Social Fund finance and 'New Deal For Musician' monies. The initiative was largely focused on subsidising local bands to play in venues throughout Wales, essentially assisting both parties to build audiences. The programme also offered training for emerging artists and venues, with the ultimate aim of enabling them to become self financing. When questioning one of the organisers of the initiative, it was suggested the tension between the perspectives of popular music being subsidised, or simply being a product of market forces was a problematic grey area for many stakeholders to negotiate at the time, and it appears that this is something that is still an issue today. This leads to the issue of whether live popular music initiatives are considered a *business initiative* with an associated economic impact, or an art form that requires *long terms subsidy* – such as Opera and Classical Music. As one of the key issues raised in discussions with some stakeholders was the dangers of subsidising a 'false economy', it is essential that funding is strategically targeted, with realistic, identifiable and accountable outputs. It was suggested that has to be taken into account when considering the subsidisation of any touring network. Although the Arts Council was not providing any direct funding for popular music creativity in 2011, a 2010 document 'Renewal and Transformation: building a stronger future for the arts in Wales' does

[28] Anonymous 2., *2010. Renewal and Transformation: Building a Stronger Future for the Arts in Wales*, The Arts Council of Wales.

highlight three initiatives for further consideration: a) a re-drawing of the Welsh Assembly Government's IP fund to provide smaller or seed investment funding; b) an examination of the case for well-judged public support for popular music events in Wales; c) to conduct research into physical infrastructures to see if existing facilities should be enhanced or extended. The consequent Music Industry Development Fund which commenced in 2012 should prove an important support mechanism for the Welsh music industry, as it provides important start up funding which is so important for new businesses gaining momentum.

To date, there are minimal examples of the Welsh music industry working together with the academic community on joint research projects. It is apparent however that this is not the case in other nations. For example, although not all are conducted by university departments, it is apparent that a number of small nations have already conducted mapping exercises into their respective music industries. Examples include: Denmark (Frederiksen & Lorenzen),[29]Trinidad and Tobago (Henry, 'The Music Industry in Trinidad and Tobago', date unconfirmed)[30], Senegal (Pratt, 'The Music Industry in Senegal: The Potential For Economic Development', 2004)[31], and Scotland (Cloonan and Williamson, 'Mapping The Music Industry In Scotland', 2003)[32]. Although these mapping exercises include research into the music industry as an entity as opposed to exclusively live music, they serve as useful exemplars of how Wales could conduct research into live music. It was therefore considered important that a research grouping which involves industry and university stakeholders, which specifically focuses on live music in Wales was implemented. The main issue with this suggestion appears to be who would lead it, and this is something that has still not been decided.

The development of new business models was considered essential to facilitate venues, promoters and artists can work together in ways which reflect the realities of the modern music industry. It was suggested that particular emphasis should be placed on audience funded models such as

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[29] L. Frederiksen, M. Lorenzen, 2003.*Mapping the Danish Pop Music Industry*. Copenhagen Business School.
[30] R. Henry, A. Daniell, The Music Industry in Trinidad and Tobago.
[31] A. Pratt, 2004.The Music Industry in Senegal: The Potential For Economic Development. European Audiovisual Observatory.
[32] M. Cloonan, J. Williamson, 2003. *Mapping The Music Industry In Scotland*: A Report.

those being pioneered by My Major Company and numerous others.[33] Although many of these companies are serving a similar purpose, it still seems logical to conduct a thorough review of how technology could assist the industry in Wales. On a more local level, when discussing the future of The Absurd Festival, the organisers touched upon an interesting alternative funding model. It compromises of the following factors. a: The festival has free use of the host venue (*Theatre Clwyd*) throughout the duration of the festival. This offers the venue an opportunity to develop its demographic and introduce new art forms and musical genres. b: Alongside the festival organisers, all artists are offered a 'profit share' scheme as opposed to the usual fee. Although this could be regarded as a greater risk for artists, it does help assure the event takes place, in addition to providing an incentive to ensure performances are well attended.

Interestingly, 92% of the online survey suggested that many people working in the Welsh music industry already considered themselves to be working with colleagues in related professions. The reasons why individuals in the industry worked together ranged from the expected need to interrelate with promoters (national and international), artists, agents, sound/lighting engineers and venues to organise gigs, to the less common liaisons with schools (for outreach work and teaching) and government bodies (for obtaining or sustaining funding). The most common sub sector that responders believed they would like to work with was 'government bodies (18%), followed by 'marketing' (12%) and 'booking agents' (12%) – statistics which reflect the need for the Welsh music industry to be more aware of government legislation and funding initiatives. It is important to point out that the lack of 'need' for roles such as marketing and booking agents that were previously undertaken by other parties may also be indicative of the structural shift towards a 'do it yourself' model that has emerged in the music industry globally. From speaking to musicians it

[33] For example *Songkick* (http://www.songkick.com/), *Band Metrics* (http://www.bandmetrics.com/index.html), Gigmasters (http://www.gigmasters.com/), *Live Music Machine* (http://www.livemusicmachine.com/), *Gigmaven* (http://www.gigmaven.com/), *Gigwish* (http://my.gigwish.com/en/about.php), *Sonicbids* (http://www.sonicbids.com/), *G2FM* (http://g2.fm/), *Online Gigs* (http://onlinegigs.com/), *Gig Finder* (http://www.reverbnation.com/main/overview_artist?feature=gigfinder), *Split Gigs* (http://splitgigs.com/), *Gigs Wiz* (http://www.gigswiz.com/app/index), *Indi On The Move* (http://www.indieonthemove.com/), *Reverbnation* (http://www.reverbnation.com/), http://www.ticketfly.com/#, http://bandapp.com/.

appears that there is an increasing requirement for musicians to undertake these roles themselves in the current climate.

Inward Investment

If Wales as a nation is to strategically target live music as a means of generating income and gaining a larger percentage of the UK total, it seems essential that government funds are disseminated to finance a dedicated 'live music officer' –who has a nationwide responsibility is to ensure Wales exploits emerging opportunities. Additionally and in relation to this, in congruence with countries such as Australia,[34] it seems appropriate for Cardiff Council to investigate the viability of empowering a specialist music officer to provide strategic expertise and advice to the various components of the live music industry, in addition to acting as an important link to external bodies such as the tourist industry.

It was also suggested that money needs to be made available to ensure that Welsh artists are provided with opportunities to ensure they are aware of the factors that make their act 'export ready', in addition to being able to access finance in order to travel internationally to support their careers. This is something which is now being facilitated via Cerdd *Cymru* (Music Wales).[35] With this in mind, it was suggested that the provision of information on Welsh music (live and recorded) outside Wales needs to be consolidated, possibly under the *Cerdd Cymru* banner. This initiative could be modelled on something similar to Events Scotland[36] or part of a more comprehensive 'Music Information Centre',[37] such as the much applauded Finnish Music Information Centre.[38]

On a more fundamental perspective, postering in Cardiff was and is considered as problematic by some local promoters, something that local councils could assist with by facilitating subsidised space. It is important to point out that a cost effective one stop 'production to postering' service is available in Cardiff, and represents a model suitable for other cities in Wales. Organised by City Centre Posters,[39] (and also available in Edinburgh, Glasgow and Sheffield), the company works in conjunction with local councils to present a format that suits their needs, and offers a 50%

[34] See http://aprap.apra-amcos.com.au/vol-9-2013/live-and-local-live-music-office/
[35] See http://www.wai.org.uk/europe/wales/4879
[36] See www.eventscotland.org
[37] Currently charged to www.tycerdd.org in Wales
[38] See www.fimic.fi.
[39] See http://www.citycentreposters.co.uk/

discounted scheme on media costs for small and medium sized businesses who have been trading for at least 12 months. It is important to point out that the online questionnaire highlighted a potential lack of understanding between the music industry and some local councils, with the closure of private events such as The Blowout Festival and venues such as The Point[40] cited as examples where constructive discussion may have rectified closures. This was complemented with suggestions such as the potential development of more council supported venues,[41] more leniency with noise abatement notices, the potential sponsoring of artistic talent, url links from council websites to assist promotion, and subsidised venue hire. It was quite rightly stated that the impact of the recession had the potential to negatively impact the ability of councils to engage with the promotion of live music, a factor which places more importance on other stakeholders working together as outlined. As stated above, it is anticipated that the regular dialogue which now takes place between the WMF and Cardiff council will go some way to alleviating some of these issues.

Discussions with stakeholders suggested that the construction of an 'organisation' similar to Scotland's DF Concerts, Regular Music, or CPL Entertainment Group (Cathouse) would represent an important contribution the Welsh government could assist with. If an organisation such as this was developed, it would potentially have the impact of keeping more money and intellectual property within Wales, with the nation effectively getting a greater percentage of the profits from performances, in particular from larger venues. Such a body would also prevent the exportation of key industry professionals leaving Wales to work in England and its consequence – the importation of expertise from England to Wales. For example, some local promoters reported 'reaching a plateau' in their career, with the only solution being to move to London to carry on their trade. Although the organisational structure may be different, an equivalent of a DF Concerts in Wales would ensure that there is a means of ensuring important skills and contacts are maintained within Wales' borders, in addition to assisting the career aspirations of those considering leaving the country. It is important to state that in order to ensure local promoters do not feel isolated by the idea of a 'national' Welsh promotional body, such an organisation would possibly need to comprise of a number of

[40] Which closed in January 2009 due to noise complaints.
[41] Like the *Norwegian Church* in Cardiff for example.

promoters/members that meet a specific set of criteria such the number of years trading, regional reputation (via references), size of company, etc.

When asked if more venues would stimulate or threaten the market, the vast majority of responses (83.1%) indicated that there was a need for more venues. Although this opinion is obviously dependant on location, popular reasons included the development of a greater variety of musical styles, a range of venue sizes to enable more acts to play in (south) Wales, more venues for artists to perform in, healthy competition, and the creation of a live music culture. The type and quality of venue was also strongly highlighted, with many participants verifying the importance of developing a 'venue with a stage' in mid Wales. Some responses also suggested how mid and larger venues have the potential to stimulate the market, with pub level activity seen to be already saturated. Larger venue types would also partially assist the long standing issue of many touring acts simply bypassing Wales when undertaking UK tours, in addition to offering support act opportunities for local bands.

Finally, by far the most pervasive theme outlined in an Aberystwyth based forum meeting was transport issues in mid Wales. It was suggested that many of the suggestions outlined in the WMF report would be meaningless unless the means of getting to venues is rectified. As an indicative example, one participant living near Aberystwyth outlined that it is easier to get to a gig in Birmingham than to get to and from some parts of Wales (including Cardiff), and this issue needs serious consideration prior to or alongside any consideration of a touring network

Training Provision

Although Training Provision needs are specifically and comprehensively discussed as part of a separate piece of research I conducted for the Higher Education Academy (Carr, 2012),[42] it is important to point out that the research did consider that an annual training event focusing on how governmental decisions impact live music was implemented. This event, could be included as part of the current series of events WMF organise or part of a university public lecture scheme, and should aim to empower and co-ordinate the music industry within Wales to take advantage of specific

[42] P. Carr, 2012. 'The Relationships Between Higher Education and the Live Music Industry'. The Higher Education Academy. Available at http://www.heacademy.ac.uk/assets/documents/disciplines/ddm/HEADDM-Carr%282012%29PlayingWales.pdf

opportunities, such as those inherent within the Welsh Assembly Government's Major Events Strategy and Arts Council for Wales initiatives. It was also considered important that Creative and Cultural Skills worked with WMF and the academic community to ensure that the general public are clear regarding the nature and content of training such as Creative Apprenticeships and Foundation Degrees in particular (both of which are industry-focused). Taking into account the governmental imperative to develop these courses, both forum discussions and interviews revealed a lack of clarity regarding what these courses were, in addition to the means through which interested parties could go about undertaking them.

The Welsh Language Sector

The coexistence of Welsh and English language sectors in Wales was by far the most complex issue associated with the research, and something which I have commented on extensively in an essay published in Popular Music History (See Carr, 2010)[43]. At the time of writing the report for WMF, it was considered essential that any recommendations were not only related to the English Language sector, but able to resonate across the entire music industry of Wales –although it is accepted this is difficult to achieve.

The live music scene in North Wales is principally based on a collective of pub venues which are not solely for the purpose of live music. Having said this, some pubs do use live music as a substantial source of income. For example in addition to actual music venues in Gwynedd such as Y Cell and Hendre Hall, establishments such as Railway Club Bangor and *Ty Newydd Sarn* are considered to be very well suited to live music. In the summer months, small festivals are seen to be transient, with consistency proving difficult to maintain. For example: *Sesiwn Fawr* at Dolgellau was one of the main festivals on the calendar to showcase Welsh language talent, with styles ranging from folk to hip hop. Since 2008 this festival has been cancelled each year but was revived in 2011 after a successful funding application to the Arts Council of Wales, with its emphasis on reverting to its traditional folk roots. As with other parts of Wales, facilities can vary in quality, with some venues perceived as being more active in booking Welsh language acts than others.

[43] P. Carr, 2010. 'National Identity Versus Commerce: An Analysis of Opportunities and Limitations with the Welsh Music Scene for Composers and Performing Musicians', *Popular Music History*, 5/3, pp.265–285.

Discussions with stakeholders in the industry revealed a difference of opinion regarding both the quantity and quality of Welsh language music, with one side believing the pool is very small and the other feeling it is 'growing'.[44] As opposed to using funding to create new events, the general view with Welsh language promoters was the need to emphasise funding aimed at catalysing growth and sustainability of *existing* festivals. Having said this, it was considered important not to provide funding exclusively to large organisations, but smaller existing ones who are attempting to establish themselves.

It was also considered important that the Welsh Assembly Government should subsidise rehearsal facilities outside of the Cardiff periphery as a way of enhancing the quality of live music. As an indicative example it was stated that the Caernarfon/Bangor creative hub lack a low cost rehearsal facility. Based largely on anecdotal evidence, it is expected this is the case throughout Wales.

As with the English-speaking scene, it was also considered important to improve networking between venues, promoters, and artists in order to open up increased opportunities for musicians to work in Wales. For example, one promoter based on North Wales verified how many artists looked to English cities such as Manchester, London and Leeds to get work because there simply was not enough work within Wales. It is important to point out that inconsistency of audience numbers was considered a real issue with some promoters in North Wales. One promoter believed that audience preference for shows such as The X Factor and major arena tours to be a major concern throughout the grass roots sector of Wales.

Regarding data from the online questionnaire, the general opinion concerning the need for promoters to focus more on Welsh Language music displayed differences of opinion between the data collected in the English/Welsh Language questionnaires. In all a total of 19% of the English language survey believed more focus was required, compared to 81% of Welsh Language. This discrepancy is obviously due to simple priorities of the respective sectors, and this is something that needs to be negotiated if the Welsh music industry is to move forward as a single entity. Both Interviews and forum meetings suggested that the Welsh language sector in particular required entrepreneurs who were prepared to promote, but as

[44] The only way to verify this point would be to audit all bands that have reached a particular level of success (for example radio plays, tours, recordings etc), and calculate which incorporate the Welsh language. This data could be cross-referenced against national trends.

outlined earlier the association of this scene with smaller pub gigs (and the consequent lack of money) may put interested parties off due to poor profit potential.

The recent Performing Rights Society (PRS) readjustment of the formula for composers and music publishers that rely on *Radio Cymru*[45] airplay was deemed by some as having a negative knock on effect on the Welsh language live music industry. Composers that also perform on a regular basis reported a substantial drop in income, which consequently had an effect on the volume of activity.[46] As expected, this issue was language specific, with

83% of English language responses indicating that it was not an issue (or 'were unsure'), as opposed 63% of Welsh Language responses highlighting it as a major issue. A number of 'themes' were highlighted as suggestions to improve some of these issues, including the development of a communication line between Welsh language bands and English speaking fans, a greater awareness of the issues associated with the perception of some young Welsh- speaking bands performing on national radio too early, and the potentials of funding English- speaking Welsh bands to get their work translated into Welsh. It is apparent that even in strong Welsh language areas, most young people are often exposed to the same musical influences to those in other regions of the UK. Consequently, if parents don't introduce young people to *S4C*[47] or *Radio Cymru*, then some children's exposure to Welsh language music is limited.

Conclusion

This article has highlighted a number of issues which are idiosyncratic to the Welsh live music sector. However, it is important to point out that the need to develop initiatives such as Kite Marking, coherent city based music policies, profitable touring networks and targeted government support are pervasive issues that arguably require small nations such as Wales working constructively with countries such as Finland, Australia and indeed France – in order to share and disseminate good practice. Following in the footsteps of nations such as Scotland and Australia, it is important that the live music industry in Wales develops more strategic partnerships with the academic community, not only to work on knowledge exchange research initiatives

[45] Wales' only national Welsh-speaking radio station.
[46] For more information on this area, refer to ap Sion *et al.* (2009).
[47] Wales' only national Welsh-speaking TV station.

(that facilitate practitioners from both sides to spend time in industry/academia), but also to develop joint research into infrastructures that have both cultural and financial impact for the live music industry.

As the music industry continues to redefine itself over the next few years, the development of new business models that ensure live music is not only monetised, but also that intellectual property and skill bases remains within Welsh borders is essential, in particular for a small country such as Wales – as the dialogic relationship of these two factors is the only way the nation will be able to increase its percentage of the total the UK live music industry currently generates. As suggested in this chapter, the live music sector in Wales needs to ensure that not only 'non musical' factors such as these are developed, but also that the life blood of its industry, the musicians, are fully equipped to serve both the Welsh and international music scenes. If artists are to get to the stage where they are considered to be 'export ready', they need to be fully informed not only of aspirational expected standards –but also how Further/Higher Education and governmental/arts council funding can assist them to achieve these objectives.

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OFFLINE AND ONLINE: LIVENESS IN THE AUSTRALIAN MUSIC INDUSTRIES

Sarah Keith, Diane Hughes, Denis Crowdy, Guy Morrow and Mark Evans

1. Introduction

From the second half of the twentieth century, the production, distribution and consumption of recorded music has been central to widely-held understandings of `the music industry' (Barnet and Burriss, 2001[1]; Wikström, 2009[2]). With the recorded artifact so prominent in everyday Western musical practices, live music has been subordinate to its recorded instances than in more traditional, high-art scenes, such as classical music. Live music has been used by contemporary artists as a means to promote the sales of recorded works (for example, by selling CDs at live shows) and, conversely, for recordings to support and promote subsequent tours (Hughes *et al.*, 2013[3]; Martin and Cloonan, 2007)[4]. As such, even where live performances form the core of audience engagement, motivations steering many contemporary music practices are recording-centric. The digitisation of music, alongside the development of the Internet and file-sharing, has destabilised the role of recorded music in artist incomes and, as a result, the significance of live performance in their careers. Simultaneously, changes to live venue legislation have affected performance practices, and artists have responded to these challenges in a number of ways. Furthermore, the increased availability and declining cost of music production and listening technologies has decentralised music practices to the extent that what it means to be 'live' and 'present' has been reframed.

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[1] Richard D. Barnet & Larry L. Burriss (2001), *Controversies of the Music Industry*, Greenwood Press, Westport, CT, USA.

[2] Patrik Wikström (2009), *The Music Industry: Music in the Cloud*, Polity Press, Cambridge, UK.

[3] Diane Hughes, Sarah Keith, Guy Morrow, Mark Evans & Denis Crowdy (2013), 'What constitutes artist success in the Australian music industries?' *International Journal of Music Business Research* (IJMBR), 2(2), pp.61–80.

[4] Martin Cloonan (2011) 'Researching live music: some thoughts on policy implications', *International Journal of Cultural Policy*, 17:4, pp.405–420. doi:10.1080/10286632.2010.544728.

From online vs. offline to online supporting offline

The central research question of this article is, how has live musical performance adapted to the growing consumption of digital music and media, diminishing opportunities for live performance due to venue restrictions, and online technologies? In particular, we consider the duality of 'online versus offline' performance, and investigate how both online technologies and 'offline' performances are used simultaneously by artists to engage with and establish new opportunities for live performance. Audience engagement can now transcend the acoustic performance, overlapping with interactions on social media, the perception and reception of artist blogging, and participating in collective crowdfunding. It can be, in essence, a cyclic liveness where online interaction supports offline activities.

The research underlying this article is part of a larger project,[5] examining career trajectories of artists and other industry practitioners within the new music industries. Our findings are drawn from semi-structured interviews and focus groups undertaken with over 50 participants in 2012 and 2013 throughout the Eastern states of Australia. Participants include artists, artist managers, digital/online strategists, music publishers, and representatives of government agencies.[6] This study focuses on the Australian context in particular; related research, particularly in regard to live music policy, has been carried out in the UK (Cloonan, 2011[7]: Frith et al, 2010[8]).

2. Defining 'live'

The definition of 'live' performance has long been problematised by technology. Auslander (2008: 56)[9] notes that the term 'live' arose in response

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[5] Career development strategies for new musical industries, funded by a Research Development Grant from Macquarie University.

[6] For the purposes of this paper, our focus group participants have been de-identified, and are represented by category (where A=artist, I=industry) and number.

[7] Martin Cloonan (2011) 'Researching live music: some thoughts on policy implications', *International Journal of Cultural Policy*, 17:4, pp.405–420. doi:10.1080/10286632.2010.544728.

[8] Simon Frith, Matt Brennan, Martin Cloonan, and Emma Webster (2010), 'Analysing live music in the UK: findings one year into a three-year research project', *Journal of the International Association for the Study of Popular Music*, 1:1, pp.1–30, doi:10.5429/2079-3871.

[9] Philip Auslander (2008), *Liveness: Performance in a Mediatized Culture*, Routledge, Abingdon, UK.

to the development of recording technologies, and was used to identify 'that which is not recorded'. Nonetheless, Auslander recognises that recording and live performance are by no means conflicting categories, pointing out that the earliest recordings were intended to preserve live performances (ibid: 59)[10]. He states, "As recording technology brought the live into being, it also respected and reinforced the primacy of existing modes of performance. Live and recorded performances thus coexisted clearly as discrete, complementary experiences" (*ibid*.)[11].

The congruence of live performance and recorded artifact, however, has diminished as recording technologies have developed. Sonic manipulation rose in prominence to the point where many recordings of the late twentieth century were unperformable using the traditional musical tools, skills and techniques of the preceding era. Prior to digital editing or to even analogue multi-tracking facilities, studio recordings were performed 'live', as Brophy (1987)[12] explains:

Studio work music was recorded 'live' in the studio. Of course this doesn't mean that reality was automatically encoded as realism in the recording process, but that the performers would generate a spatial-temporal event that was recorded as a fusion of sounds in real-time. Multiple miking [sic] may have fractured the space into a complex of listening focal points, but their recorded signals would be mixed together into a composite documentation that effected the original spatial-temporal occurrence as a singular event (*ibid*.: 2)[13].

Subsequently, live recordings — that is, recordings of performances to an audience — have come to represent their own live status more overtly. For example, the development of in situ sound capture and amplification technologies have enabled the recording of audience responses and other ambient sound. The perception of a live event in such recordings remains a priority; as most music can only be "retrieved" through or in performance (Frith, 1996, pp.226–227)[14], maintaining the element of liveness in recorded performances (or takes) typically remains the focal point for applied effects,

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[10] *Ibid*.
[11] *Ibid*.
[12] Philip Brophy (1987), 'You are there: Notes on live music', Third Degree 4, accessed 3 January 2014 at: http://www.philipbrophy.com/projects/rstff/YouAreThere_M.html
[13] *Ibid*.
[14] Simon Frith (1996), *Performing Rites: Evaluating Popular Music*, Oxford: Oxford University Press.

enhancement, editing or spatial placement. An example is contemporary congregational music, such as albums released by the Hillsong church; although these originate as live recordings, they are subject to substantial studio intervention to the extent that the majority of the finished work is re-recorded, while maintaining key markers of liveness such as audience response (Evans, 2006)[15].

Concurrently, the encroachment of technology into the live performance space, such as the use of screens and pre-recorded sound and audiovisual material, has altered the conception and construction of live performance. Referring to this tendency, Auslander notes how the "perceptual experience of the live [is made] as much as possible like that of the mediatized" (2000: 7)[16], further problematising the differentiation between 'live' and 'recorded'.

Despite the manifold possibilities for editing, altering, and programming music within the studio, and the mediatization of performance, the enduring prevalence of what are termed 'live' recordings — whether audio-only or audiovisual, professionally captured or amateur — demonstrate the continuing value of the live, and the ongoing association of the performed and recorded artifact.

Why perform live?

Despite the widespread availability of recorded music, and the increasing availability of recording and production technology to artists, liveness (in its various definitions) is still sought after by musicians and fans alike. Contemporary music performances are typically couched in, and representative of, an extant original body of work, such as the artist's albums. As such, artists may perform live as a pragmatic exercise, to gain publicity or sell merchandise. Performance is also viewed as an essential marker of authenticity in particular genres of music. For instance, rock records "are made to sound like performances that could have taken place, even if they really didn't (and couldn't)" (Auslander, 1998: 3)[17]; simultaneously, a widely-held belief is that "rock's core beliefs in energy and

[15] Mark Evans (2006), *Open up the Doors: Music in the Modern Church*, Equinox Publishing, London, UK.
[16] Philip Auslander (2000), "Liveness, Mediatization, and Intermedial Performance", *Degrés: Revue de synthèse à orientation sémiologique*, No. 101, pp.1–12.
[17] Philip Auslander (2008), *Liveness: Performance in a Mediatized Culture*, Routledge, Abingdon, UK.

community can only be celebrated in concert" (Frith, 1986: 268)[18], and that "live performances allow for spontaneity, for performers' direct responses to their audiences" (ibid)[19]. Pop, on the other hand, is viewed as less 'truthful' than rock, whose "raw sounds are more authentic than cooked sounds" (ibid)[20]. Middleton (2000: 40)[21] likewise asserts that the rock recording "almost always presents itself as performance [...] even if [recordings] have taken many studio hours to produce". It should also be noted that other contemporary genres have specific liveness traditions, such as improvisation in jazz, melismatic variations in pop vocals, and storytelling in nu-folk styles (Dunaway and Beer, 2010: 168).[22]

The themes of community and audience connection in Frith's descriptions are worth noting. Artists and audiences alike are plainly both gratified by this connection; however its relationship to the actual production of sound is less clear. Perhaps the most illustrative example of how connection, or shared experience, functions as a marker of liveness separate from the physical production of sound is provided by electronic music performance. The deprioritisation of actual sound-producing to the live experience is exemplified by the widespread practice of laptop DJing, where the performer's musical actions are obscured. This lack of "an overt link between cause and effect, or between physical gesture and sound, especially in digital forms, continues to generate concern amongst cultural commentators" (Vandemast-Bell, 2013: 247)[23]. Meanwhile, audiences of such performances value the communal experience and the enacting of performance by the DJ[24]. Burnard (2012: 101)[25] argues that 'liveness' in DJ performances is "displaced from the stage to the dance floor" which

[18] Simon Frith (1986), 'Art versus technology: the strange case of popular music', *Media Culture Society*, 8, pp.263–279.
[19] *Ibid*.
[20] *Ibid*.
[21] Richard Middleton (2000), 'Rock singing', in Potter, John (ed), *The Cambridge Companion to Singing*, Cambridge University Press, Cambridge, UK
[22] David King Dunaway and Molly Beer (2010), *Singing Out: A History of America's Folk Music Revivals*, Oxford University Press: New York, USA.
[23] Paul Vandemast-Bell (2013), 'Rethinking Live Electronic Music: A DJ Perspective', *Contemporary Music Review*, 32:2-3, pp.239–248.
[24] The importance of enacting (or 'acting out') performance is demonstrated by the technology used in DJ Skrillex's 2011/2012 tour, where a motion capture system was used to amplify and project his movements on a large video screen; this did not reveal how sound was produced, but allowed his gestures to be seen from afar.
[25] Pam Burnard (2012), *Musical Creativities in Practice*, Oxford: Oxford University Press.

establishes collective 'partying' as the primary location of the live experience. Hesmondhalgh (2013)[26] likewise recognizes how the communal and social dimension of musical listening is often, but not necessarily always, found in live performance:

This feeling [of excitement or sadness] can be especially strong at a live performance, but it is just as possible when seeing someone perform on television or on YouTube. Listening to music through headphones as you wait for a bus, you might, however semi-consciously and fleetingly, imagine others — a particular person, or untold thousands — being able to share that response. (ibid: 2)[27]

Defining the live experience

Liveness, in its myriad interpretations, requires a communication of some kind between the artist and the audience in order to create this sense of community. Apart from the obvious musical transmission taking place, the communication of the artist's presence, or aura (after Benjamin, 1968[28]), can also be considered an important aspect of the live. In contemporary and popular music, an artist's branding and their developed persona is crucial to their audience appeal. Live engagement with an audience therefore incorporates not only the musical aspect, but also interactions which promote and reflect the artist's identity. These audience interactions may be carried out in a musical setting — for instance, the artist enacting certain behaviours or gestures in concert — but may also be separate from it, using non-musical platforms such as social media to reinforce an artist's identity through communicating with fans.

Concepts surrounding 'liveness' in the contemporary music context are changing, so a precise definition is complex. Traditionally defined 'live' performance, as in concerts or gigs, is currently undergoing significant changes within the Australian scene due to changing regulations, opportunities, music consumption habits, and the affordances of the Internet; this is discussed in the following section. Meanwhile, the construct of 'live performance' has long been problematised with regard to recorded

[26] David Hesmondhalgh (2013), *Why Music Matters*, Wiley-Blackwell, Sussex, UK
[27] *Ibid*.
[28] Walter Benjamin (1968), 'The Work of Art in the Age of Mechanical Reproduction', in Hannah Arendt (ed), *Illuminations*, London: Fontana, pp.214–218.

music and related technologies (see Auslander, 2000[29], 2008[30]: Frith, 1986[31], 1996[32]). 'Liveness' itself is thus not reducible to the physical production and transmission of sound within a particular space; it defines a participation in a shared imaginary. This liveness arises from the transmission of an artist's presence and the construction of an audience community as an event; whether performed in real-time, recorded, online, or offline.

Drawing on participant interviews, the following explores how contemporary artists and industry personnel perceive and incorporate liveness into their career trajectories, and use online tools and DIY approaches that support and create opportunities for live performance.

3. The Australian live music industry

Australia's live music scene is comparatively unique in that Australia possesses one of the least dense populations in the world. With a population of 23 million inhabiting a land mass which forms the sixth largest country in the world, major metropolitan cities are located along the coast at considerable distances from each other, with smaller regional cities and towns located inland. Touring nationally or regionally is therefore more expensive and time-consuming compared to more densely populated countries. Different cities also offer different opportunities for performers. While Melbourne is well-recognised as a particularly thriving city for live music due to the number of venues available, participants noted that it has an oversupply of musicians, leading to "artists lining up to play in pubs for nothing" (I 2), while another stated, "it seems that venues will pay you less because there are so many [musicians]" (A 3). Several other issues arising over the past ten years have hindered live music scenes across Australia (Johnson and Homan, 2003)[33], leading to fewer live music venues and thereby reducing live performance opportunities for artists.

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[29] Philip Auslander (2000), "Liveness, Mediatization, and Intermedial Performance," *Degrés: Revue de synthèse à orientation sémiologique*, No. 101, pp.1–12.

[30] Philip Auslander (2008), *Liveness: Performance in a Mediatized Culture*, Routledge, Abingdon, UK

[31] Simon Frith (1986), 'Art versus technology: the strange case of popular music', *Media Culture Society*, 8, pp.263–279.

[32] Simon Frith (1996), *Performing Rites: Evaluating Popular Music*, Oxford: Oxford University Press.

[33] Bruce Johnson & Shane Homan (2003), *Vanishing acts: an inquiry into the state of live popular music opportunities in New South Wales*, Australia Council & the NSW Ministry for the Arts, Sydney.

Touring and venues

The reasons for contemporary artists performing live are several. As stated at the outset of this article, live performance is often viewed as a way to promote or to supplement an income from recorded or broadcasted works. As one interviewee stated; [Live music] is great if you are a touring artist, but [...] you should be able to rely on your other royalty streams as an ongoing income if your works are being played somewhere. (I 2)

The comparative cost to venues of live performance, in comparison to pre-recorded music or other forms of customer entertainment (such as video poker machines), is one factor inhibiting the viability of live music in Australia. Artists also need to negotiate potential 'grey areas' between artists and venues, such as which party should assume responsibility for publicity, with one participant citing the common situation of "wrong band for the wrong pub on the wrong night" (I 2).

Aside from venues, participants noted that rehearsal spaces are becoming prohibitively expensive for both owners and artists, and that this affected performance skill, with one stating, "A lot of bands don't have anywhere to rehearse and become a proficient performer over the years [...] [Rehearsal studios are] not a viable business".

The lack of viable performance opportunities, and increasing competitiveness of live performance, was also identified as changing artists' career trajectories. One participant noted that,

"it's [diminishing] the opportunities for new and emerging artists to actually make a living through touring early. If you don't have the best booking agents or the best managers and [national radio station] triple j or some kind of way to make venues and festivals want to book you, you haven't got a hope in hell of building a live touring income in Australia." (I 8)

Another participant with decades of professional experience in traditional live performance contexts was adamant that liveness begins in traditional performance. Citing and lamenting the closure of live music venues in Sydney, the participant called for:

[a return] to live music. Then from live music, the whole online presence makes a whole lot more sense for me. Without live music, we don't actually know if the people we like online can actually connect with us when we're in a live group situation (I 15).

Live music legislation

Wider legislative and regulatory issues are also recognised as a problem facing live performance, and reliable performing opportunities for artists are perceived as diminishing. One participant noted the decline of live music venues, particularly in South Australia and Western Australia (I 5). A number of organisations have formed in response to the multiple problems surrounding live music in Australia.

In Victoria, Fair Go 4 Live Music (FG4LM) was formed in 2003 in response to conflicts arising from live music and nearby residents; as their website states,

"It happens all too often…people move in near an established music venue, and then start complaining about the noise. Sadly, this can lead to the loss of music from the venue, or even closure of the venue." (Fair Go 4 Live Music, 2013)[34]

FG4LM has subsequently lobbied against other legislative changes arising due to a perceived connection between live music, alcohol consumption, and violence. Also originating in Melbourne, SLAM (Save Live Australia's Music) has since 2010 advocated for changes to regulations which make live music prohibitively expensive for venues. The group has since expanded to respond to issues both in other states and federally (SLAM, 2013). Meanwhile, in early 2013, the City of Sydney assembled a Live Music Taskforce to address concerns over the pressures faced by live music in performance in Sydney, including the lack of venues and performance spaces, poor building standards and soundproofing, and conflicts between venues and neighbours (City of Sydney, 2013).

Most recently, the National Live Music Office, launched by the Prime Minister in mid-2013, has been formed specifically to increase opportunities for live music by addressing regulatory barriers at a federal level (APRAP, 2013)[35]. Co-director Dr Ianto Ware explains that the Office aims to "establish a bench mark of 'best practice' for regulation that supports cultural activity, rather than the current situation which actively discourages it" (ibid)[36]; this

[34] Fair Go 4 Live Music (2013), Fair Go 4 Live Music: Noise complaints, accessed 9 January 2014 at: http://fairgo4livemusic.com/noise.html

[35] APRAP (Magazine of the Australasian Performing Right Association) (2013), Live and Local: Live Music Office, 1 October 2013, accessed 9 January 2014 at: http://aprap.apra-amcos.com.au/vol-9-2013/live-and-local-live-music-office/

[36] *Ibid*.

encompasses matters such as a review of building code 'red tape' in order to make live music in small bars more feasible.

In response to such legal issues faced by venues, combined with increasing competition for live performance opportunities, there is a growing recognition that conventional touring is less viable, in terms of financial reward and merchandise sales, than it has been previously. Although merchandise sales at performances are still viable for some artists, participants noted that demand for CDs and physical media is declining; one however noted that sales on services such as iTunes can increase after a show, stating, "they didn't want to take the physical copies of the CD, but I see people get out their list and write down to buy the CD and they've gone and done it" (I 8).

This last comment illustrates how live performance has expanded beyond the constraints of venue and time. In place of stable commercial transactions between artist and venue, or artist and audience, one new function of live performance is to build a relationship with the audience which carries through to online settings. As one participant noted, "[Live shows are] where you gather snaps and likes — if you have a signing at a merch desk, all of a sudden there are 30 photos uploaded to Instagram with your artist which you wouldn't get if you didn't have a gig" (I 8). The participatory and sharing-based nature of current social media means that fan-created material — photos, discussion, video, and so on — are a valuable commodity in terms of gaining a fan base and, subsequently, popularity and revenue through online media. Although the successful use of social media within artist's marketing strategy is complex, and can even backfire if used incorrectly, the live event can provide a useful starting point for generating online content.

This cultivation and increasing importance of online presence demonstrates the symbiotic relationship between the live event as a physical occurrence, and its mediatised and online forms. The performance, rather than the sole 'live' event, can be considered as part of a broader ecology of liveness — where interactions between fans and artists propagate and sustain communities, and where recordings or live-streams of events are increasingly possible.

4. Online technologies supporting live performance

The comparatively recent changes to the live performance environment discussed above — regulatory barriers, the decline of physical media and merchandise as a source of income, and increasing competition — have led

artists to explore new methods for promoting and supporting their live performances.

In response to the dearth of traditional performance venues, house parties[37] have arisen as a way for artists to perform live. One participant described this "emerging underground scene" as an alternative to mainstream venues, which is currently succeeding due to its unregulated nature. (I 5). The direct-to-fan relationship now possible through social media has enabled these types of events, to the extent that they are, for some artists, a much more profitable alternative to 'traditional' venue-based performances. Describing an acquaintance, one participant noted, "she only does house parties, for the last couple of years — she goes out on tour, but she goes to her fans and asks "who wants to do it?" Busking is likewise an alternative to traditional venue-based performance which can be promoted online; this formed part of the career strategy of one participant (A 3), who describes it as "great for CD sales and meeting people, creating or getting new fans". Another participant noted more generally how the distribution of music online via platforms such as triple j unearthed (the Australian Broadcasting Corporation's program focused on new user-generated youth music), in conjunction with the accessible and unregulated nature of house parties, is increasing informal opportunities for live performance, stating; "You can pretty much make a song, put it online and then have a house party" (I 6). This viewpoint reflects the perceived synchronicity between contemporary liveness and the recorded or online artifact, as a music manager confirmed:

I think it all still starts with the recorded music… and that's the thing that everything else is built off. So if you don't have the recorded music or it's not of the quality, then you can't get shows, you can't develop the audience online, that's kind of where it starts for us (I 14).

Social media is unsurprisingly viewed as an integral part of artists' live strategies, functioning as 'word of mouth' publicity "even though it's electronic, through Facebook" (I 12). Online tools were described as particularly important in an environment where recorded music is seen as a less viable income source; one participant stated, "it is not about developing an audience that buys CDs, it's about developing a solid fan base who will follow you on Instagram or like you on Facebook or will drum up some

[37] In contemporary parlance, a house party refers to a performance which takes place at a house or other unregulated, 'unofficial' location which does not fulfil legal requirements for a performance venue such as safety regulations or alcohol licensing. Typically, admission is charged and performers are paid.

social media hype — then they will come to shows" (I 9). Creating a 'buzz' can also arise from the live event itself, as audiences share images, video, and social media updates. Other participants however noted that the ability to promote and engage online does not necessarily match the ability to perform live in an offline context, with one suggesting that "creating a buzz online, getting fans to buy tickets to a bunch of shows, that doesn't mean that you're any good at putting on a live show (I 6)".

Online strategies such as Facebook 'likes' were also identified as offering potential labels, performance venues and promoters the ability to ascertain a level of artist popularity. One participant noted that labels view Facebook 'likes' as "a barometer [...] we're trying to achieve a balance of what sells tickets and what's hot" (I 9). In this context, fan numbers, in conjunction with their geographic location, are taken as indicative of the viability of organising and securing offline performances for artists. On a larger scale, social media has allowed artists such as Ed Sheeran, who was considered a lesser-known artist with comparatively little mainstream presence in the USA, to sell out large arena venues such as Madison Square Garden (Billboard, 2013)[38].

Artists can also leverage social media to support live performances in other ways; one participant, in discussing organising publicity posters for an upcoming show, recounted:

"I was going to do the poster run [but] I really just didn't have time, I had so many other tasks to do, and so I just went on Facebook and asked someone to help and within half an hour I had 8 people, like a street team" (A 8).

As Baym discusses, online audiences of musicians can be considered, in part, as "relational partners" (2012: 313)[39]; online engagement can be described as "connections in which partners expect support, resources, companionship, and so on" (ibid: 312)[40]. The ability to reach an audience more directly online has firstly popularized newer modes of performance such as the house or warehouse party, as organizers can directly approach

[38] Billboard (2013), How Newer Acts Like Ed Sheeran, Passion Pit, Weeknd Are Selling-Out Top Venues, Billboard, October 29, accessed 9 January 2014 at http://www.billboard.com/biz/articles/news/digital-and-mobile/5770678/how-newer-acts-like-ed-sheeran-passion-pit-weeknd-are.

[39] Nancy K. Baym (2012), 'Fans or friends?: Seeing social media audiences as musicians do', *Participations: Journal of Audience & Reception Studies*, 9:2, pp.286–316.

[40] *Ibid*.

and liaise with artists, and vice-versa; furthermore, these events can be promoted directly and inexpensively to relevant fans. Artists themselves, as well as booking agents or other industry personnel, can also take advantage of social media to view metrics on popularity such as audiences' geographic location and the extent of their engagement with posts and updates, or to organize a support network enabling live performance.

5. Online technologies documenting live performance

Aside from the use of social media to promote and organise offline live performances, online video and audio material documenting live performance is another means for artists to engage with audiences. Aside from providing 'shareable' material that can be used for artist promotion, such material also reinforces the authenticity discourse in contemporary music (see Auslander, 1998[41]: Frith, 1986[42]). Furthermore, live-streaming events online can function as an 'event' where audiences gather at a particular time, if not a shared location. As Holt states, despite the fact that some characteristics of live 'offline' performance are lost in mediated online performance, "notably the multisensory experience of presence in the time and place of performance" (2011: 55)[43], online broadcasts can nonetheless allow audiences to participate in a shared cultural occasion. Duffett (2003: 312)[44] similarly argues that web-casting can be considered as live performance, asserting that it represents a logical development in the ever-increasing mediation of the live experience.

This type of online performance, where a performance is simultaneously streamed online, is increasingly common. In 2013, the Sydney Opera House commenced its 'Live at the House' series in partnership with YouTube, which live-streamed selected concerts online, including artists such as Neil Finn and Paul Kelly, Wilco, Tegan & Sara, and Empire of the Sun. Recording and online broadcast of 'studio sessions', rather than public performances, is also a common practice. For instance, audio streaming service Spotify has

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[41] Philip Auslander (2008), *Liveness: Performance in a Mediatized Culture*, Routledge, Abingdon, UK.
[42] Simon Frith (1986), 'Art versus technology: the strange case of popular music', *Media Culture Society*, 8, pp.263–279.
[43] Fabian Holt (2011), 'Is music becoming more visual? Online video content in the music industry', *Visual Studies*, 26(1), pp.50–61.
[44] Mark Duffett (2003), 'Imagined Memories: Webcasting as a "live' technology and the case of Little Big Gig', *Information, Communication & Society*, 6(3), pp.307–325.

produced "Spotify Live Sessions", where artists are invited to perform in-studio (occasionally to a small audience); these exclusive recordings are made available via the Spotify service. This practice takes precedence from 'live in the studio' sets for television and radio such as Australian national youth broadcaster triple j's 'Like A Version' segment, where artists perform a cover of a song of their choice. One participant noted that these mainstream performance opportunities were diminishing, particularly for television, stating, "there aren't the opportunities to get your artists on television to perform anymore" (I 14). The participant went on to state, "the video is essential these days [...] you can put it on a TV show [...] but you get more exposure online through YouTube" (I 14). By using a platform such as YouTube, artists are able to facilitate continued access to live recordings, enabling a a global audience reach that is available indefinitely, can comprise both audio and video, and be shared among fans. More specific websites such as Stageit (www.stageit.com) offer a streaming performance service, which provides an "online venue where artists perform live, interactive, monetized shows for their fans directly from a laptop, offering fans unique experiences that are never archived" (Stageit, 2013)[45]; the service also includes an online chat room for artists and spectators, as well as a facility to 'tip' performers with virtual currency.

Lower-profile artists without mainstream recognition can also adopt aspects of these practices. One participant (A 3), referring to their recently successful crowd-funding project, discussed how a range of incentives for contributors were offered, including a personal concert via Skype. Other contribution tiers included such as a private (in-person) concert, a personally written song, and an in-person guitar lesson. The participant also discussed their recently recorded 'live in the studio' album, using ten hours of studio time to produce an album's worth of material. Reasons for this approach were partly due to expense, but also as a response to what they perceived as excessive production and technological intervention on their previous album.

Documenting live performance is also reasonably achievable for lower-profile artists. One participant specifically mentioned the widespread ability to produce high-quality video material, stating, "I can go out and shoot a video in HD on my mobile phone [...] most things are getting cut on very basic Mac software, you can even do edits on iMovie, it's pretty easy" (I 1).

[45] Stageit (2013), Stageit | A front row seat to a backstage experience™, accessed 21 January 2014 at http://www.stageit.com

Online video and audio recordings can also permit collaborations between artists, or artists and fans, using video- and audio-sharing services or more specific websites such as myonlineband.com. Another participant discussed how the use of video recordings of performances for promotion, stating, "We do some live clips and upload them to our Facebook page, and get more likes and promote our gigs and residencies" (A 4). From an artist's perspective, the relative ease of self-producing live recordings also allows more control. Whereas artists and management typically do not get to approve live broadcasts on television and radio, or events such as Rdio's live-stream of the ARIA (Australian Recording Industry Association) Awards, self-produced material allows a greater degree of influence over both production values and creative content.

Another participant mentioned using online video more informally to share candid moments during studio rehearsals, describing his online strategy as "trying to maintain relevance and look interesting and post these stupid little videos on YouTube [...] for people to interact with." (A 1). The use of performance video as a way to maintain audience engagement was noted by another participant, who stated, "releasing videos between releasing EPs is really important, even if it is just an acoustic video" (A 7). Whereas previously mainstream contemporary artists may have adhered to a two-year album cycle, focused around the recorded product and involving strategically-timed live performances, the fluidity of the online space has led to live performance forming an ongoing part of artist-fan engagement rather than an occasional event.

Fan-created video is a further aspect of documenting performance. Lingel and Naaman (2011)[46] discuss the uploading of fan-videos of music performances to sites such as YouTube. They note that the practice functions as a way for fans to "[establish] contact and collaboration between music enthusiasts" (ibid: 341)[47] as well as a "co-operative act of production" between fan and artist (ibid: 342)[48]. One participant discussed how a fan filmed them busking and uploaded a montage of her performances, stating, "it's kind of freaky but it's really well done [...] it's closeups, and he gets to experience me a bit more personally, walking away, catching the train, walking home or whatever." (A 3). Online video thus serves as both a

[46] Jessa Lingel & Mor Naaman (2011), 'You should have been there, man: Live music, DIY content and online communities', *New Media Society*, 14(2), pp.332–349.
[47] *Ibid*.
[48] *Ibid*.

documentation of the performance as well as a way for fans and artists to continue building a 'live' relationship in the online space, by creating and sharing their works.

6. Social media as live performance

A key part of live performance for contemporary artists is engaging with the audience at a personal level. One participant noted the necessity of being a performer who "talks to the audience and says 'I'll meet you after the show', at the merch stands, signs CDs, shakes peoples hands, takes photos" (I 3). Online, social media has enabled artists to interact more directly and more frequently with an audience; as one participant stated, "The best thing about social media is that fans can get to a one-on-one level with the artist, what they're listening to, where they're off to next, what is happening on tour" (I 1). Beer (2008: 231)[49] describes how a musician participating in an online discussion brings a crucial sense of 'livingness' to their image, suggesting that such interactions reconfigure previous relationships between performers and audiences. Instead, "the 'rock god' or 'popstar' becomes an ordinary member of the network as that enigmatic distance is breached and they become a 'familiar friend' (and we know, or can find out, all about them)" (ibid: 233)[50].

For artists, embodying the 'familiar friend' role requires substantial investment in developing a relatable online presence, with frequent and appropriate messages, updates, and media releases. Additionally, this role should be — or appear to be — a genuine one, initiated by the artist themselves. Although online and offline presence is related artistically and musically, more business and organisational skills are required for effective online strategies. Developing and maintaining these skills raises issues for DIY artists, who are often time-poor as a result. Several participants noted online strategies for aiding visibility and presence such as linking various social media or to advertising, or buying 'likes'. However, one participant noted that successfully communicating an online presence when representing an image or a brand is achieved through maintaining control, and by being constantly engaged:

The key to social media for me has been that you have to live it, it has to be part of your being, you can't just post once a week. I post all the time, I

[49] Beer, David (2008), 'Making Friends with Jarvis Cocker: Music Culture in the Context of Web 2.0', *Cultural Sociology*, 2(2), pp.222–241
[50] *Ibid*.

have got Facebook, Twitter, Instagram [...] What I post on Facebook automatically goes on Twitter, so I am automatically capturing both markets at the same time (I 7).

In this context, liveness is seen in the act of doing and in the level of engagement. However, another participant expressed concern about having to be constantly 'present' and engaged:

I tried a bit of a Facebook campaign, in terms of status updates, I wrote out a two week plan, posting one thing every day, but different times of the day, to see who I connect with and how, that sort of thing, but I tend to struggle in the mornings, and I tried saying different things as well. Not always crapping on about me, but I like how you involve other people, you congratulate other people, or you put a picture up (A 3).

The continuous cultivation of an involved and actively participating community is a key responsibility for many contemporary artists. The idea of maintaining a steady 'momentum' was raised by one participant, who stated, "you can keep [the fans] informed throughout, you can keep the momentum going, you can keep the progression, you can keep the fans engaged" (I 1). As these interactions happen live, artists can be considered to be performing directly to an online audience in order to maintain this level of engagement; though rather than a musical performance, they are curating images, video, and text, continually reinforcing and portraying their identity and brand and creating shared events.

A final consideration of the social nature of contemporary online performance concerns the artist's moral rights in performance. One participant recognised how an artist's online media represents a constant live presence that is often beyond their control, stating:

Your audience is everywhere now, there's no traditional boundary anymore, whereas before you would go to a corporate gig or a pub gig and that was your boundary. Whereas now, somebody in your crowd could video you and you're on YouTube without you even knowing. You don't really know where your audience is coming from (A 5).

Whilst labels have often disregarded artists' moral rights to control their creative outputs, it is evident that fans may also ignore artists' rights in posting unauthorised recordings online, limiting the artists' ability to control their own image and 'liveness'. This depiction of the audience as a collective which inhabits both the online and offline space, and which can access and upload an artists' presence at any time, reinforces the nature of 'performance' as a practice which happens not only in live 'offline' contexts, but also in online and mediated situations outside of the artist's control.

7. Conclusion

The participants interviewed for this study were unanimous in recognizing the constant need for engagement with an audience via online and social media platforms. 'Live performance', in a contemporary environment, is overwhelmingly accompanied and/or complemented by online promotion, engagement with a fanbase via social media, and video or audio of live performance (either fan- or artist-created). The offline performance itself forms only one aspect of this model, and more audiences may be reached via the online context of its existence — such as through artist-fan interactions, or subsequent recordings — rather than the in-person experience.

Just as the notion of a singular music 'industry' has been challenged in favour of discussing a plurality of industries (Williamson and Cloonan, 2007)[51], live performance can be considered to include a multiplicity of live performances. 'Live performance' can be considered a transmedia occurrence (Jenkins, 2006)[52], where an artist's presence "unfolds across multiple media platforms, with each new text making a distinctive and valuable contribution to the whole" (ibid: 95)[53]. Though the online space can be considered as having simply absorbed some functions of non-digital media, such as printed music magazines and broadcast television, it is evident that rather than simply replacing these forms, artists use online technologies to extend their 'live' presences and to reach new and wider audiences in innovative ways.

Faced with a multitude of challenges to live music economies, distribution, legislation, and promotion, artists have redefined live performance by engaging with digital network technology. In the same sense that the understanding of liveness has expanded in relation to the increasing prominence of recording through the notion of the 'live recording', so liveness continues to expand, mediated by new technology and tethered by a collective need to communicate and participate in social relations musically.

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[51] John Williamson & Martin Cloonan (2007), 'Rethinking the music industry', *Popular Music*, 26(2): pp.305–322.
[52] Henry Jenkins (2006), *Convergence Culture: Where Old and New Media Collide*, New York University Press, New York, USA.
[53] *Ibid*.

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"BEHIND THE SCENES": A BIOGRAPHICAL STATEMENT ON THE FRENCH AND NORTH-AMERICAN MUSIC INDUSTRIES

François Hugonnier

This article is a biographical statement on the music industry, derived from my own experience as a singer-songwriter for the French rock trio NOVELS. Contrary to widespread and misleading preconceptions, putting together a band is not just a question of music. Indeed, my additional activity as an international tour booker, enriched by several years of Modern Music Management teaching at the University of Le Mans, forms an essential part of the story which follows.

Largely influenced by Anglo-American culture, our band has travelled back and forth between France and the USA, playing a hybrid genre that might be qualified as pop-punk-rock-noise-metal. Our experience of the music industry is itself hybrid, wavering between mainstream and DIY. Many professionals and non-professionals have been involved in this collective project. They have followed the long-winding road of gigs, self-promotion and partnerships, leading us to the release of several albums and performances worldwide, to audiences varying from a single person to six thousand people.

This "behind the scenes" report features tour anecdotes as well as recent facts on the French and North-American rock music scenes, aiming to highlight their similarities, differences and changes (production costs, marketing strategies, grants, club and festival booking, pay-to-play venues and openings, technical riders and salaries). After focusing on the music *and* the industry, underlying their paradoxical yet vital equation, I will present alternatives to the industry stemming from our DIY undertakings. Finally, I will examine the rise and revolution of new technologies, including digital streaming, fanfunding and the quintessential role of social networks.

The music and the industry

First the collocation "music industry" needs explanation. Speaking of music as an industry connotes popular music, reproduction and consumption which are too often, though not always, opposed to music as a true art form. It is worth emphasizing that there is no clear-cut line between so-called "commercial" music on the one hand and artistically or politically significant acts on the other. To the extent that there is a distinction, it hinges on aesthetic and ethical issues which cannot be excluded from consideration. A personal approach to how and why you play music is a prerequisite for any given rock band. Creating music is synonymous with taking action, basically taking your songs outside the four walls of the rehearsal space.

Yet, sounding good is not enough. Because music is an industry, a professional musician is not just a musician. Performing in a band requires many different skills, some of which were completely alien to us in the first place. Jamming, writing and rehearsing are part of the creative process. But this initial impulse will not be heard if you do not seek out a public environment for your music. The first steps are playing live and recording your songs. Soon, an important question is raised (at least since the sale of CDs plummeted and digital streaming changed the goalposts): are we sharing or selling our music? Should we give away our demos or try to sell them? Once the music is recorded, it is reproduced as a CD, a vinyl or simply as a digital file. Music that can be bought as a product—whatever its content—is part of the music industry. Underground rock musicians tend to wrestle with these issues most keenly because they often feel like outsiders, for social, esthetic and economic reasons. Today's underground rock music owes punk its freedom, and its alternative perspective. What is more, lesser-known acts can get off the ground, in record stores, on I-tunes and Deezer. In other words, they are on the fringe of the music industry, contributing to it economically and artistically, with each band having its own hues.

As far as NOVELS is concerned, since our early teens the songs have always been there, but we did not get to understand the tricks of the trade until much later. The thing we absolutely ignored was the paramount importance of other factors, including the band's image (name, pictures, looks, logo, art work, music videos), the building-up of a fan base and the need for a solid crew which, in the final analysis, is central to the success of an independent DIY band. Speaking of the music industry and DIY underlines a paradox which our band, given its relative insignificance, modestly embodies. We do things entirely by ourselves, and enjoy complete

artistic freedom. We are truly DIY in the sense that we manage to make our *uncompromised* music independently. But there are other factors which impinge on a band's career. We did not care much about them when we began. That, I believe, was our weakness.

The role of the fan base is essential, and manifold. They are artistic guides and sustain the growth of the band, both humanly and economically. The more you play live, the more musicians, artists, fans, reviewers and chroniclers you meet. That expanding nexus contributes to the building up of a band's identity and reputation. The more the band is heard about, the further it will go. But music is just *part* of this phenomenon. Hang around the local bars and venues, meet the fans, have fun, and your music will be heard. This, even unconsciously and disinterestedly, is a form of promotion. Being nice to the audience is a form of self-promotion. Being an "asshole" publicly is part of it too. Either way, it gets people talking about your thing. I am inclined to think that bands should find their own balance between their music and their self-promotion. Even RADIOHEAD's not-wanting-to-communicate is a potent kind of self-promotion. Their rejection of consumerism and mass media did not prevent them from coming up with a groundbreaking e-marketing strategy based on free fan-funding when they self-released *In Rainbows*.[1] Such revolutionary ideas are viable for prominent bands like RADIOHEAD, with their established fan base, but what about non-professional bands who are just getting started?

By any means, the music needs to get to the hands and ears of people in the business. Let me draw from our own experience as a rock-metal band. In March 2010, a few months prior to the release of our first full-length record *Savior*, we managed to get the personal address and phone number of one of the organizers of HELLFEST, the biggest alternative-metal festival in France, through one of their partners, who submitted our band as an opening act. After listening to our latest songs, the programmers nevertheless hesitated, and almost refused to sign us up: as an extreme music festival, some of NOVELS' softer songs would not match the audience's expectations. The Metal Corner stage, especially on Thursday nights, would require something tougher. Little did they know how seriously loud our band sounds on big stages. As we knew the address of one of the programming directors, Fred, our guitar player, literally hand-posted a letter in his personal mailbox (150 miles away from our hometown). It featured a live

[1] Radiohead, *In Rainbows* (MP3 album download), October 10, 2007. Thanks to this unprecedented device, fans could choose the amount of money they wished to donate for the download.

video shot a few days before during an on-stage rehearsal, as well as a copy of our first EP *Picture Perfect*, containing louder songs. We added a brief note to the effect that obviously we would not play acoustic songs at such a festival.

And we made it. On June 17, 2010, we got there. Upon arrival, a few minutes before line-checking and blasting the ears of 6,000 people in what turned out to be a *perfect* show, we got a bit nervous. The previous band was a Belgian death-metal act, and we were to play before American headliners Valient Thorr, at 10.30 pm. I remember our sound engineer going "hey guys, are you sure you still wanna play?" The weird thing is, our mid-tempo heavy power-rock-grunge-metal-and-what-not seemed to give a new lease of life to this wild audience. Admittedly, the beer we gave away for free might have helped too. Anyhow, we had an encore. Our show pleased the audience as much as us, and a few days later, we found our band's name on the website blog, in the "bands you would like to see again next year" section. Put the music in the right hands, and thousands of ears will listen to it. Nevertheless we made a strategic blunder that night: we did not hire a guy to film this once-in-a-life-time moment. A few amateur shots do exist, but we entirely missed such a crucial moment in terms of *image*. Such a show, well-recorded and filmed, could have been a key to further exposition and recognition of the band. This is something our friends from 7WEEKS and BUKOWSKI, when they opened at HELLFEST the following years, handled successfully from a purely marketing view point.

The organizers of HELLFEST, as any other major festival, are well aware of the *value* of such openings. Some bands agree on a low-paid contract, others play for free. In many prestigious venues and festivals, openings are even for sale. Promoters actually sell the openings of major acts, sometimes for huge amounts of money. This is the reason why we did not open for GOJIRA in Le Mans for instance, and shared the stage with MASS HYSTERIA instead (March 23rd, 2013). Some well-known bands buy such opening slots in order to gather a wider audience, strengthen or rejuvenate their current fan base. Fame is for sale, and it is an endless quest. MOTÖRHEAD's openings are for sale provided the band is good or famous enough. In other words, though most people in the audience ignore this, the pay-to-play system is just an ordinary form of investment. Even though it has now become commonplace on the Paris scene (I have in mind pay-to-play rental venues such as the Scène Bastille) it is relatively new elsewhere in France. But this business strategy, widespread in huge cities around the world, is a common phenomenon in the UK and the US, which is where it

began—in Los Angeles in the 1980s. Think of the NIRVANA song "Stay Away", whose original title was "Pay to Play".[2] I remember understanding the true meaning of the title during our first US tour, while heading south to Portland after playing a memorable show in Seattle (at the mythical club El Corazón, where most of our favorite bands, including NIRVANA, had played before). The next day, we were to play at the Cat Club, Hollywood. It was the last show of the tour, and it turned out to be a once-in-a-life-time disaster.

We performed at 8 pm sharp, in front of a single person and a ridiculously haughty bartender. In truth, this was a pay-to-play venue, and it was the first and last one we've ever played at. Just as in many Paris clubs, the owner and former member of the Stray Cats makes a living by ripping off young bands from all over the world. We bought a 30-minute opening slot for 120$, and were followed by three other bands who had paid the same sum, and finally by the headliners, the all-star cover band STARFUCKERS. But no one cares about them on the strip. The next band had cancelled the show, and we played in front of nobody. The managers of the outfit knew it. And they did not care. They did not even postpone the beginning of the show. As if to emphasize the failure, we were fined 150$ for parking the car on a lane closing after 5 pm in front of Guitar Center. Nice rehearsal. Welcome to Hollywood.

Whatever the ups and downs, the fan base of an indie band gets bigger with each show. The better you play, the more merchandising items you sell. This is an absolute rule, provided your stall is not out of the way. Lately, following the release of our records in 2010 and 2013, we have noticed that the audience tends to buy more merchandizing than they used to. Somewhat paradoxically, this trend may be linked to the dematerialization of the music industry, and, I believe, to the fact that fans want to help the bands by buying directly from them at the end of the show. Some will not use the CD or Vinyl as an audio medium, but the object becomes a relic of a great evening: a signed souvenir in sounds, words and pictures. For others it springs from the will to support diversity, which is threatened by mainstream narrowness.

Therefore, what a rock band needs is an overall community, in which everyone is either a musician, an artist, a music lover and a follower, or all

[2] Nirvana, "Pay to Play", demo version of "Stay Away" from *Nevermind* (DGC, 1991). Written by Kurt Cobain, published by EMI Virgin Songs, Inc. Recorded by Butch Vig at Smart Studios in August 1990.

these things at the same time. Together they share a common goal, and create a strong alternative to the music industry.

Alternatives to the industry: towards a collective project

The hardest thing for a band to do is to start from scratch. It needs to work hard both at music and at marketing, which underscores the need for a musician's polyvalence and creativity in a given context. Today, our band is surrounded by a team including labels, distributors, tour bookers, managers, sound and light engineers, guitar technicians, graphic designers, photographers and film directors. Needless to say, this crew was not built up overnight, and we, as musicians, have taken part in some—if not all—these activities as well. Looking back, most non-professional members of our extended crew are former fans. Many professionals were part of the audience too. They have been fans or friends of the band at some point. Some professionals need to surround the band to help them build up their project. But more often than not, the musicians on stage provide the salaries of a few full-time professionals. Associations, partnerships, independent labels and companies offer a multi-faceted alternative to the music industry, and it might be the only long-term solution for a DIY band.

Our first record was physically distributed by a small independent label (Yr Letter Records), an average independent distribution company (Anticraft-MVS), and a worldwide independent digital company (Believe). Yr Letter Records was the mainstay of the project. As for Anticraft, it was a small team working for five hundred bands at the same time. They have been supportive, and believed in our artistic potential. Physical distribution gives—or rather *used to* give—the band its official status. It enhanced its credibility. Nevertheless the CDs which are displayed in shops have been chosen by shop managers, and therefore current activities, including tour and media support, help to convince them to buy into a particular band's production. The influence of small companies like Anticraft is limited, and the band members themselves need to go in the shops and check whether the CDs have been delivered on time. They also need to advertise the release of the record by their own means.[3]

[3] The retail price of our digipak was 12 €, out of which the store, the distributor and the producer (us) each collected roughly 4 €. The sum is quite small, especially knowing that we had paid for all the production costs (recording, mixing, mastering, artwork, pressing, and part of the promotion).

Given the collapse of the CD market, fewer and fewer bands even think of pressing their music altogether. Our latest record, *Mirror Dog* (March 2013), was thus released exclusively digitally. Still, physical copies were pressed in order to be sold during the shows, on the band's websites, and in a few stores. We hesitated before releasing the new record physically through Anticraft, and unfortunately for them, a few months later, the company was actually facing liquidation. On January 2, 2014, they sent us the following official statement, which illustrates the crisis some victims of this fast-changing industry have faced: "the company Anticraft-MVS Distribution is going into liquidation. Despite all our efforts, the drop in sales in the music industry got the better of us" (my translation). As we had sensed prior to the release of *Mirror Dog*, selling CDs is no longer profitable. Other alternatives must be found: a band must play live and adjust to these perpetual changes in order to survive.

With a new ethic of sharing, partly derived from the economic crisis and the democratization of social networks, other opportunities are emerging. Before NOVELS, at the end of the 1990s, our first gigs were promoted through posters, flyers and the occasional media appearance. When we started the new band, in 2006, the music industry was at a crucial turning point. Emerging rock bands still believed in mainstream contracts with major labels, a path we almost followed at that time.[4] Myspace and Facebook were the social networks where a band's community could expend swiftly, not only locally and nationally, but worldwide.

In April 2007, we were to release our first EP after a few openings which had made us quite famous locally. On the 21st we opened for DOG EAT DOG and GLEN MATLOCK (SEX PISTOLS). A few years before, such a

[4] In 2007, upon hearing our first demo, Maleko, a producer who worked for the major company Sony BMG, proposed us a 360 deal. This was at a time when the market had not yet undergone fundamental transformations, and we had discussed a tremendous deal including a 50,000€ advance per musician. We were inexperienced, but some professional musicians told us it was a dream deal. However, as it turned out, Maleko gave the wrong song to one of the international artistic directors. He made him listen to an old song of ours which was blatantly inspired by NIRVANA ("Journey's End"). The song Maleko was really interested in was "Color-blind", which weaves ethereal vocals and loud guitars. He loved the song but did not dare to use it as a demo because he feared it might be too heavy for mainstream airing. As French radios would not play French artists singing in English back then, he asked me to write a song like "Color-blind", but in French this time, which I was unwilling to do. Despite his best intentions, our approach was the very opposite of his, and we were not made for music on demand.

show could well have gone unnoticed nationally. But in 2007, most musicians and professionals visited the Myspace pages daily, and discovered new bands this way. That's how we received an email from the French guitar magazine *Guitar Part*, making us the self-produced "band of the month"[5] following the release of our EP *Picture Perfect*. Our song "Restart" was to feature in the sampler of this national magazine. A few weeks later, DJ Darkside contacted us in order to air our songs on BreakThru Radio (BTR, New York City).[6] Little did we know that this was the first of many airings and tours in the US, which were made possible thanks to social networking and e-booking.[7]

As I had been planning a trip to the United States in the fall, DJ Darkside's enthusiasm enticed me to give it a try on the other side of the Atlantic. After a GOES CUBE show in New York, I met the band and told them I really enjoyed their music. They checked our own music on the internet. "Pretty rad", they said. David Obuchowski, the lead singer of GOES CUBE, was the original spark. He asked which dates would suit us, and managed to book NOVELS in downtown Manhattan right away. This is how my work as an international tour booker got started. I did not think about it in so many words at the time, of course, but that is actually what happened. As a student and assistant teacher at the University of Maine at Farmington, I travelled a lot in the US, met people, played and sang on various occasions and realized that our music was meaningful to North Americans. Rock music was, and still is, at the core of their identity and culture. Following a solo acoustic gig during a festival in Maine, I told my band mates in France that we might be able to put up a whole tour. From then on, NOVELS was online night and day (my brother Fred at night – which was daytime in France – myself during the day). We talked to everyone from music fans and bands to promoters and clubs. I put up the tour while Fred and our new drummer David rehearsed and sent me the demos, which I would play in my dorm room to practice the songs out loud.

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[5] "Novels : Renaître de ses cendres", ("Band A Part" interview, with sampler CD featuring the song "Restart"), *Guitar Part*, n° 162, September 2007, (p. 28 / track 1).

[6] DJ Darkside's profile on BTR features a few words on his "vision for change within the music industry" (DJ Darkside, (BTR), <http://www.breakthruradio.com/#/djprofile/?id=13>, [January 15, 2014]).

[7] Contrary to France, in 2007 and 2008, many venues in the US were already refusing physical music. An Electronic Press Kit (EPK) was welcome, but a mere web link would do. Be it in France or in the US, musicians and promoters do not like to read detailed biographies. One needs to go straight to the point in the music industry.

It would take a whole book to put our US tours into words, so I will quickly select some elements which I judge particularly relevant to this article. One of them took place during our first days in New York (Spring break 2008), when we arrived at our friends' from the indie rock band OBJECT. We were to share the bill with them in Manhattan. On the day of the show, I bought the *Time Out New York* magazine, which featured an article on OBJECT.[8] Honestly, I was both glad for them, and disappointed to see our band's name listed quickly. But a few minutes later, we checked our emails. The Fox News website invited us to have a look at their American "Gig Guide": we clicked on the link and saw Julie Garcia presenting "NOVELS, a frappuccino of grungy electric guitars […], tonight in the Big Apple."[9] The report included live images of the band and an extract from the song "Restart". Regardless of how the journalists had come across our music, none of this could have happened without the help of two New York bands: GOES CUBE, who helped us with the promoters, and OBJECT, who offered hospitality without knowing us in the first place. This was no battle of the bands. It was the beginning of a new way of making music, by surrounding ourselves with other artists and musicians who shared a common vision.

We toured in several states, in all kinds of venues. Following GOES CUBE's impulse, and thanks to OBJECT's assistance, I managed to book all the dates through promoters, venues and bands, who provided for the backline and even let us play on their amps. Most American venues are open daily and feature four bands on the bill each night, with an average thirty-minute slot. Consequently, the venues are well-equipped, which enabled us to travel light, bringing along merely our guitars and cables, snare and sticks; in cars and cabs, on Greyhounds and planes. We rented a hotel room only once, in Seattle. We slept in OBJECT's underground rehearsal space in Brooklyn, in buses and airports, and even outdoors one afternoon, in a Providence park.

We discovered a very different *milieu* than the one we had known back in France: musicians were always on the road, playing daily. Due to the lack of social resources and infrastructures, American bands could only rely on themselves and their fan base in order to get some gas money, or a meager salary at best. But individualism is very paradoxical in the United States. For instance, most New York venues poll. They ask each person in the audience

[8] *Time Out New York*, n°655, April 17-23, 2008.

[9] Julie Garcia, "Gig Guide", *Fox News*, Thursday, April 17, 2008 <http://www.foxnews.com/topics/gig-guide.htm?&start=-10> (January 11, 2014).

what band they have come to see or support. This was bewildering to us as a French band. The Trash Bar in Williamsburg, Brooklyn, where we have played a couple of times, is archetypical in that respect. In France, if several bands play in a *café concert*, or a *salle de musiques actuelles*, most of the time they will be paid in accordance with a specific contract,[10] or get the door money and share it as they wish. Unless the headliner is prominent and costly, bands will get a decent salary, or an even share of the money, in small venues and bars. But many American venues poll, with the first forty or so tickets for the guy who polls and the sound engineer, and the rest for each band, according to their draw (you get paid starting from the eleventh fan you draw). Even if on the whole, the clubs' stages are functional in the US, and the sound engineers highly efficient; the owners, who may or may not be promoters, do not really care about backstage facilities, food and *per diem*. The musicians tend to adjust to the venue's specificities—not the other way round. Even large clubs like El Corazón, which has a small backstage area, will not ask for your technical rider. The bands sometimes have to wait with their gear by the stage, in front of the audience, before opening for a bigger act in huge venues. We actually experienced that at Crocodile Rock Cafe, Allentown, one of the biggest clubs in Pennsylvania.

Yet, I am not claiming that this is a typically American pattern. To a lesser extent Paris and several major French cities have taken a similar turn. If the Ferrailleur, in Nantes, is a nice and welcoming state-of-the-art venue, promoters and bands can either rent it or play for free, which is halfway between French and American rental policies. Whether in the US or in France, there *are* exceptions and alternatives. The AS220 in Providence, Rhode Island, for instance, offered an equal share of the door money and comfortable backstage areas including computer access and a helpful crew. Their artistic and political activism is rare in New England though, and they proudly claim it on the home page of their website.[11] Facing a tough music industry, where competition verges on absurdity (countless musicians and hipsters live in Williamsburg, where even the guy working in the bagel shop is tattooed and looks ten times cooler than your own touring rock band),

[10] The musicians and/or producer must sign a *Contrat de cession* or a *Contrat d'engagement*, depending on the musician's professional status (in France, full-time musicians need to obtain the *intermittent du spectacle* [entertainment worker] status, which provides unemployment benefits).

[11] "AS220 envisions a just world where all people can realize their full creative potential" (AS220 [home page], 115 Empire Street, Providence, Rhode Island, <http://www.as220.org/>, (January 11, 2014).

while the States seldom participate financially, alternatives are being found by the musicians and artists themselves.

As opposed to the individualist methods and the rivalries we have repeatedly noticed in New York, we have been given the totality of the door money by the other bands on the bill in New Jersey. The musicians knew how hard it was to be touring in a foreign country, and they helped us simply because we "deserved it" after our "great show".

Such generosity was incredible. It highlights the fact that music can live on thanks to the musicians and the fans belonging to the same community. When we returned to France, with new projects going on (we went on tour in the US again later on, recorded a song in Brooklyn and mastered our first record at Sterling-Sound, NY), we realized we had learned how to make it not only by ourselves but also thanks to others.

Since then, we have teamed with other French promoters and bands, including our brothers in arms from NOÏD and our booking agency Syncope Management. The rise and revolution of social networks and fan funding have confirmed this way of making and sharing music on the margins of an unadventurous industry.

The rise and revolution of new technologies: from instant sharing to fan funding

The concomitant growth of new technologies and direct-to-fan strategies has greatly contributed to the bypass of the major record label model. According to Mike Lang, digital music has "encouraged consumers to become participants in the creative process", as they are "interacting with music in revolutionary new ways".[12] Digital streaming and distribution offer instant access to global music. Music fans will find new material in a few clicks, whether from underground artists or mainstream bands. Comparatively, the physical market looks like prehistory to young audiences. Why would you go to a record store if it takes several weeks to order a CD, and if you do not even use CD players? As teenagers in the 1990s, we recorded our first demos on tape, and had them played in the local rock venues. Releasing a CD was a big project, which was inaccessible to most local bands. We discovered new music on community radios, in record stores and fanzines. They were the backbones of indie music. You

[12] Mike Lang, "*The Digital State: The Devolution of the Music Industry and the Democratizing Effects of Digital Music Markets*", Indiana University, 2009, <http://www.indiana.edu/~hightech/papers/Lang.htm>, (January 5, 2014).

would borrow CDs from your friends, listen to them or copy them on tape. Mainstream audiences bought expensive two-track CDs massively (while a full-length digital record is cheaper today). Then came slow and sketchy CD burners. It felt like a revolution. Now it feels like prehistory. Well, the Middle Ages rather. As a rock band, our vision was limited to the people we met on a local scale. Our vision was narrow because we were young as well, but it was indeed harder to advertise your music back then.

The Internet gives bands access to unlimited resources around the world, including band mates, fans, venues and webzines. A whole community is connected daily. As Joshua Smotherman puts it, "This is one thing that the Internet has definitely accomplished for indie musicians — the ability to be found by anyone at any random time on this planet."[13] The beginning of our new project with NOVELS coincided with this revolution, thanks to social-networking websites like Myspace, Facebook and Deezer. To some extent, the physical release of our first album in 2010 followed the archaic guidelines of an obsolete model. Physical music has not totally disappeared, but it has become a secondary aspect of the industry, a means rather than an end. Even if the artistic director who signed NOVELS on Believe Digital told us right away that digital sales might just pay for a cheap meal, this has actually been pure benefit. Conversely, the weaknesses of the CD industry are the incompressible production cost and the delays of stock management and shipping.

From a purely musical view point, the major drawback of the dematerialization of music is the deterioration of sound quality. Music files undergo compression, and mastering is now mostly concerned with squeezing the files, cutting frequencies in order to put great music into low-fi yet fancy smart phones. Listening to MP3 files with hi-fi headphones is a common paradox in 2014. Mainstream music is turned into ringtones which require specific mixing and mastering work. Following their own needs, DIY bands also have to adjust to the market's evolution and requirements, which are mirrored by production costs.

Independent projects require clever investment on cheap sound and videos. A fun idea will bring you more views than great music. This is something we are not doing with NOVELS. Partly because we are musicians and think about the music first, and partly because we just do not know,

[13] Joshua Smotherman, "My Best Advice for Bands Using Social Media for Marketing in 2014", *Middle Tennessee Music*, Empowering Independent Musicians Online, <http://www.midtnmusic.com/my-best-advice-for-bands-using-social-media-for-marketing-in-2014/>, (January 5, 2014).

and do not want to know, how to do it. The Facebook and YouTube revolution calls for other forms of talent. It has to do with buzzing. To put it in a nutshell, what will bring more views, the ten-second cat-in-the-toilet home video, or a twelve-minute musical improvisation?

Anyhow, instant sharing is the key to the building-up of a strong fan base. A band needs to keep in touch with the fans and keep them updated on their activities. However, like Virginie Berger,[14] Joshua Smotherman insists on the need for an effective and sensible use of social networks. He advises bands to "start building a tribe one supporter at a time", yet to "stop paying so much attention to social media and get out more. The relationships you develop offline are way more valuable."[15] Web socialization is just part of a larger process. As a result, musicians using social networks as redundant or uninspired marketing tools will lose their audience. The fans need to be involved in the project. They do not want to view impersonal ads. This activity is time-consuming, but it has become one of the skills DIY musicians need to work on.

The *topos* of a rock band's crazy project, which was epitomized by funny movies like *Wayne's World* (1992) and *Tenacious D in The Peak of Destiny* (2007), is an apt way of caricaturing the familiar dilemma: how to raise cash in record time? A few weeks before the release of *Mirror Dog*, which had been delayed due to insufficient funds, we turned to fan funding solutions. As we had decided to work on our own, without a label (after the death of our regretted Mathieu Bierne aka Matt Showman, head of Yr Letter Records), we faced new difficulties. Recording the album and shooting the music video for "Left for Dead" cost approximately 11,000€. Voluntary work and partnerships helped us to reduce our expenses to this relatively low budget. But months went by and we could not pay for other expenses, including merchandizing products (CDs, shirts) and promotion, which were necessary items for a successful self-release.

In France, many grants (on local, regional and national scales) are provided for aspiring and professional musicians. It had covered half the budget of our first record. But with *Mirror Dog*, some of these trump cards

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[14] Virginie Berger, "Introduction", *Music and Digital Strategies (Marketing, promotion, monetization and mobility)*, e-book, trans. Fabien Burnol, preface by Dave Kusek, Paris: Irma, 2012, 23-32.

[15] Joshua Smotherman, "My Best Advice for Bands Using Social Media for Marketing in 2014", *Middle Tennessee Music*, Empowering Independent Musicians Online, <http://www.midtnmusic.com/my-best-advice-for-bands-using-social-media-for-marketing-in-2014/>, (January 5, 2014).

had already been played, and we found ourselves paying for 90% of the production costs. The money we earned by playing live was not enough. We wrote to our fans and invited them to contribute to the release of the album via a fan-funding website.[16]

We had no idea of the sum that could be raised that way. The extent of a fan base and the potential participation of "true fans" is hard to figure out.[17] There were hardly three weeks to go before the release of *Mirror Dog* on March 23, 2013. Our drummer David, who is in charge of the band's artwork, created a page which explained the project. Not knowing where we were going, we agreed on a timid 1,200€, which would cover plain jewel-box CD pressing, as we could not afford digipaks. As with most fan-funding websites, the project would have been cancelled if the money had not been collected on time. However, the goal was reached in a few days, and by the end of a fortnight, it was overtaken (1,635€). Hence the money raised allowed us to pay for CDs and T-shirts. People had made online donations in exchange for certain products (signed CDs, backstage access for the release party, etc.). We added funny deals, like playing live in people's homes, fully dressed or stark naked (with or without "sox on cox" in the Red Hot Chili Peppers fashion). To our greatest amusement, we got an email from two unknown fans from Paris and Lyon: "are you serious about playing live in our basement?"

We ended up playing at their parents' house, which was located only a few miles from our rehearsal studio. We agreed on the date and time, and at 4 pm sharp on Saturday, August 3, 2013, we rung the bell of a suburban house. We looked at the surrounding houses thinking, are we really going to make it in here, with all our gear and a PA system? They opened the door and we stood there, with our loaded van parked in the alley, ready to make it for real in their garage. We soon learned they had decided to throw a little party and offer the show as a present to their father. We felt like special guests in an intimate reality TV show. We played from 8 pm to midnight, alternating between live sets and starters, mains and dessert, all the while engaged into endless talks. It was halfway between a family reunion and a small festival, with access to the garden from the basement. By the end of the evening we had become friends and exchanged a hundred stories. We took pictures, signed the freshly painted basement walls and hugged. We

[16] « NOVELS souhaite sortir son album Mirror Dog en mars 2013 », <https://www.oocto.com/novels>, (January 13, 2014).

[17] Virginie Berger speaks of "three different types of fans": "casual fans (passive fans)", "regular fans (committed fans)", and true fans (super fans)" (Berger, 39-40).

realized that one of the guys played in a band too. I had actually heard of their music in the past. I was really impressed by what people in your little community were ready to do for you. Our host Gaylord tried Fred's guitars and started playing one of our latest songs, "Left for Dead". He had learned how to play it beforehand. We rehearsed with him quickly and played it live together as an encore, while Fred, our guitarist, was now one of the spectators.

We did not expect such a reaction from our fans, and decided to rethink our marketing strategy altogether next time. Fan funding will be at the heart of the creation of our new record, as it will involve our audience more directly. We have always loved music for purely human reasons, and it seems to me that indie music cannot live on without the involvement of a whole community made of musicians and fans who help each other out for the sake of artistic freedom and diversity.

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If well-managed, social networking might contribute to the reshaping of the way music is exchanged and practiced, offering freer means of expression and creation. Before the music industry takes yet another turn, we will keep building a world of our own from our tiny corner of the earth, through our idiosyncratic artistic lens, all the while getting ready for further upheaval. As for now, I will conclude by following Smotherman's advice, which illustrates the vital equation between the music *and* the industry in the digital era. According to him, time-consuming marketing questions should not overshadow the essential activity of a DIY band, which is "**Making Great Music** while you find a balance and a social media strategy that works FOR YOU, not against you" (original emphasis).[18]

[18] SMOTHERMAN, Joshua, "*My Best Advice for Bands Using Social Media for Marketing in 2014*", Middle Tennessee Music, Empowering Independent Musicians Online, <http://www.midtnmusic.com/my-best-advice-for-bands-using-social-media-for-marketing-in-2014/>, (January 5, 2014).

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ABSTRACTS

CROWDFUNDING MUSIC. THE VALUE OF SOCIAL NETWORKS AND SOCIAL CAPITAL IN PARTICIPATORY MUSIC PRODUCTION

Milena Cassella and Francesco D'Amato

The participatory architecture of the web has enabled new possibilities both for interaction and for the sharing of contents and resources, which in turn have allowed many different practices articulating in new ways music production and circulation. One of such practices consists in *crowdfunding*, that is – generally speaking – in fund raising campaigns managed through the web, aimed at financing various types of music projects.

Taking into considerations quantitative and qualitative data from the analysis of four case studies, and comparing them with the results of past research on the same subject, the article investigates how emerging young musicians manage and experience crowdfunding campaigns, especially in relation to the search for backers and the promotion of the financing of their projects, pointing out some of the relevant factors that may explain differences in the results obtained by apparently similar bands.

DOWNLOADING IS KILLING MUSIC: THE RECORDING INDUSTRY'S PIRACY PANIC NARRATIVE

David Arditi

Since the late 1990s and the arrival of the file sharing program Napster, the recording industry has been using a "piracy panic narrative" in an attempt not only to prevent file sharing, but also, to change the basic parameters of copyright law. In this piracy panic narrative, major record labels and their representative trade associations have made the argument that file sharing is piracy, piracy is stealing, and this stealing hurts recording artists. In this paper, I argue that the Recording Industry Association of America (RIAA) has used this narrative in the United States to change public opinion on file sharing with the ultimate goal of changing the copyright policy regime. By placing the recording industry in the position of a victim, the piracy panic narrative appeals to the average person's common sense understanding of the political economy of the music industry.

THE LIVE MUSIC INDUSTRY IN WALES: THE SUSTAINABILITY AND WORKING PRACTICES OF A NATION

Paul Carr

This article presents a synopsis of a previously unpublished analytical report conducted by the author into the live sector of the Welsh Music Industry, highlighting a number of infrastructural issues which are idiosyncratic to the Welsh live music sector (such as slow ticket sales, relationships with local councils and the need for government and Arts Council support). In addition for the need to constructively share good practice with other nations, the article proposes that the Welsh music industry requires more strategic partnerships with the academic community, not only to work on knowledge exchange research initiatives, but also to develop joint research into infrastructures that have both cultural and financial impact for the live music industry. As the music industry continues to redefine itself over the next few years, the article also proposes the development of new business models that ensure live music is not only systematically monetised, but also that intellectual property and skill bases remains within Welsh borders

AN ODD BLEND OF TWO CULTURES: RAP MUSIC'S STREET CULTURE AND THE MUSIC INDUSTRY

David Diallo

In this article, we argue that although the rap business has undeniably reached its economic maturity in the music industry, its marketing strategies and operations are profoundly marked by the informal culture that birthed it. Through a sociohistorical study of the economic development of rap, we aim to demonstrate that contemporary rap labels (both underground and established) commonly combine business tactics very much in line with the DIY of the early days of rap with conventional approaches, and continue to be driven by street culture.

OFFLINE AND ONLINE: LIVENESS IN THE AUSTRALIAN MUSIC INDUSTRIES

Sarah Keith, Diane Hughes, Denis Crowdy, Guy Morrow and Mark Evans

This article explores the concept of musical liveness, and seeks to clarify how digital technologies are changing conceptions of live performance. It draws on research into contemporary music industries in Australia.

Discussions of live music performance, and liveness, are often equated to the real-time performance of music by a musician in front of an audience.

However, such performance opportunities are diminishing (Johnson and Homan, 2003) due to a number of factors, including changes to venue and live music legislation. In response to this decline, a number of action groups such as SLAM (Save Live Australian Music) have formed in opposition to such policies and are reviving live music communities in certain areas.
In the absence of consistent performance options, online and DIY approaches have allowed artists to connect with audiences, engage in one-on-one interactions with fans, and showcase their performance abilities outside of traditional performance contexts. Strategic uses of social media allow artists to attract audiences to non-conventional spaces (such as busking performances or house parties); while online videos, whether they are created by artists themselves, impromptu or candid videos, or unauthorised videos created by fans, allow online audiences to participate in the live music experience and to connect with the artist.
Research findings indicate that digital technologies are crucial in both promoting and sustaining a live presence for musicians. Musical liveness is no longer confined to offline physical performances; online technologies develop the concept of a technologically mediated 'liveness'.

"BEHIND THE SCENES":A BIOGRAPHICAL STATEMENT ON THE FRENCH AND NORTH-AMERICAN MUSIC INDUSTRIES

François Hugonnier

This article is a biographical statement on the music industry, derived from my own experience as a singer-songwriter for the French rock trio NOVELS. Largely influenced by Anglo-American culture, our band has travelled back and forth between France and the USA, playing a hybrid genre that might be qualified as pop-punk-rock-noise-metal. Our experience of the music industry is itself hybrid, wavering between mainstream and DIY. Many professionals and non-professionals have been involved in this collective project. They have followed the long winding road of gigs, self-promotion and partnerships, leading us to the release of several albums and performances worldwide, to audiences varying from a single person to six thousand people.
Contrary to widespread and misleading preconceptions, putting together a band is not just a question of music. It takes many other skills which will be discussed here. This "behind the scenes" report features tour anecdotes as well as recent facts on the French and North-American rock music scenes, aiming to highlight their similarities, differences and changes (production costs, marketing strategies, grants, club and festival booking, pay to play

venues and openings, technical riders and salaries). After focusing on the music and the industry, underlying their paradoxical yet vital equation, this paper presents alternatives to the industry stemming from our DIY undertakings. Finally it examines the rise and revolution of new technologies, including digital streaming, fan funding and the quintessential role of social networks.

DIY NOISE AND COMPOSITIONAL HORIZONS: INDIE MUSICIANS AND PROMOTERS IN THE AGE OF DIGITAL REPRODUCTION
Billy Geoghegan, Kevin Meehan
We explore the extent to which Jacques Attali's utopian projections about musical practice, encapsulated in an emerging paradigm he termed composition, have been realized during three and a half decades of change marked by the rise of digital audio reproduction and the proliferation of social networking. Based on analysis of music industry trends, recent polemical exchanges among high-profile musicians, and our own survey of seventy-one independent musicians and promoters, we conclude that "compositional horizons" are most evident in DIY noise produced at the low end of the power and money spectrum. Attalian composition is more contained the further in musical industry hierarchies one looks and listens. The increasing bifurcation between itinerant working musician roles in the DIY sector versus massive wealth for a few at the top suggests music may herald wider social inequality and a trend toward refeudalization in the age of digital reproduction.

THE MUSIC INDUSTRY IN BRITAIN IN 1900
John Mullen
In 1900, it was already possible in Britain to be a national pop star, with top billing and sometimes sponsorship deals from clothes brands or bicycle manufacturers; large amounts of money could be made in the industry and fierce competition forced many companies out of business; the three-minute song was already one of the most important products. Yet gramophone records were marginal, and almost all the money was made by selling music hall tickets (25 million tickets a year in the London area alone) and sheet music (a top hit could sell a million copies).
This contribution aims at describing the structure, the dynamic and the atmosphere of the music industry in Britain in 1900 : the different actors (music publishers and gramophone companies, artistes, songwriters or theatre managers, stage staff, musicians and dancers) and the various

priorities (respectability, entertainment and profit). I will also look at how the commercial, technological and other constraints affected the type of song produced, in the year which is often taken as a symbol of popular enthusiasm for the British Empire.

RECORDINGS, RIGHTS AND RISKS: INTERMEDIARIES AND THE CHANGING MUSIC INDUSTRIES

Keith Negus

The new millennium has seen a proliferation of intermediaries working within, across and out from the music industries, and a rich variety of new working practices and relationships in response to changes in music commerce brought about by digitalisation. Historically, since early in the twentieth century, the music industry has been undergoing a process of adaptation from one core revenue-generating product (recording) towards a system of interdependent commodities whereby market value is realised relatively and cumulatively through connections that link various musical commodities (recordings, still and moving images, dramas, books, games, experiences, events, merchandise, services and so on). As the revenues from direct sale of recordings to consumers has declined and the importance of rights revenue has increased, older risks and uncertainties about musicians and their listeners have been reconfigured, compounded by the cultural consequences of digitalisation, and the waves of data produced via digitalisation. Within this context, music companies have been devolving responsibility for risk by allowing interventions from nation state, civic and commercial intermediaries and drawing into the networks of music production a wider range of investors, regulators, stakeholders, entrepreneurs, activists and beneficiaries.

THE GOLD DISC: ONE MILLION POP FANS CAN'T BE WRONG?

Richard Osborne

In this article I explore the record industry's primary sales trophy: the gold disc, as well as its later derivatives platinum, diamond and silver discs. The gold disc sets a standard for which artists should aim. It has also been used a measure of commercial viability. And yet, despite the gold disc's supposedly fixed targets, its standards can be deemed unfair. On the one hand, they have not remained the same: they have differed between territories and have shifted over time. On the other hand, their rigidity masks the diversity of record industry practices: they do not take into account the differing business models of record companies or the range of

artist's recording contracts. In this article I aim to uncover some of this diversity and how the gold disc helps to obfuscate it. Despite its basis in the mass reproduction of analogue recording formats, the gold disc continues to be awarded in the digital age. I shall explore ways in which the sales award has been adapted to this new environment, as well as its use as a symbol of continuity. Finally, I shall address the golden ideal that the sales award perpetuates and the impact this has had on artists and audiences.

'THE MORE THINGS CHANGE, THE MORE THEY STAY THE SAME': WHERE POWER LIES IN THE TWENTY-FIRST CENTURY MUSIC INDUSTRY

Dr. Jim Rogers

The music industry is widely conceived as being in a state of turmoil, and crisis rhetoric has dominated music industry discourse since the late 1990s. However, despite the changes that have occurred with the shift to digital, the most interesting and under-researched aspects of the evolution of the music industry over this period relate to the strong strands of continuity that underpin its core power structures. While many media and academic accounts of the digital music economy (dystopian and utopian in equal measure) point to its radical transformation at the hands of online developments, this paper rejects such technological determinist perspectives. Rather, we must recognise that the widespread adoption and appropriation of radical technological innovations such as the internet is accompanied and facilitated by a diverse set of 'matching' innovations. Here, in the context of the music industry, this means that we must pay special attention to one particular area of conflict and struggle over matching policy innovation – that related to the intellectual property rights (IPR) regime. Drawing upon a recent Irish-based empirical-level study, this article thus illustrates how the established music labels and artists have reconfigured themselves around an intensified 'rights-based' model in order to bolster and sustain revenues against the backdrop of a contracting record sales market. By emphasising how the major industry actors have evolved strategies for licensing the copyrights, trademarks and brands under their ownership across the broadest spectrum of both traditional and new media platforms (and beyond), the paper demonstrates how close scrutiny of IPR developments is crucial to a more thorough and holistic understanding of the evolution of the music industry in recent times. Moreover, the article demonstrates how such strategies hold significant implications for long-established standards for authenticity in rock and folk music culture. It also

illustrates how such developments relate to a fundamental re-conception of the recording artist as an intellectual property 'device', employed and exploited in new ways in order to bolster existing power relations in the music industry.

LES RAPPORTS ENTRE LES LABELS INDEPENDANTS ET LES MAJORS

Pierre Roujou de Boubée

Au cours du XX^{ème} siècle, l'évolution de l'industrie du disque est marquée par la floraison de microstructures tentant de percer au travers des grandes multinationales de la production phonographique. C'est dans cette organisation oligopolistique du marché, que les labels indépendants entretiennent des rapports, tant tendus d'un point de vue économique, que juridique, avec les trois grandes majors de l'édition phonographique. L'absence de régulation et l'inadéquation de la réglementation en la matière au regard des enjeux technologiques a conduit le ministère de la Culture et de la Communication à intervenir ponctuellement, notamment en commandant à Pierre Lescure un rapport sur une éventuelle modernisation du droit de la Culture. Rendu en décembre 2013, il est l'occasion de dresser un bilan sur les rapports entretenus par les labels indépendants et les majors.

BIOGRAPHIES

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Dr. Jim Rogers is a Research Fellow and Associate Lecturer at the School of Communications, Dublin City University, Ireland. His core research interests include the political economy of the media, techno-social relations, the evolving role of the intellectual property rights regime, and the production and mediation of popular music. His first book, *The Death and Life of the Music Industry in the Digital Age* was published by Bloomsbury Academic in 2013

David Diallo is an Associate Professor at l'Université de Bordeaux. His research interests focus on African-American expressive forms, sociology of art and contemporary social theory. He has been a Visiting Research Scholar at the University of Pennsylvania, Memorial University of Newfoundland and New York University and contributed to the *Journal of American Folklore* and *Ethnologies*. He is the author of the Dr Dre and Snoop Dogg article in *Icons of Hip Hop and Encyclopedia of the Music, Movement and Culture* (Greenwood, 2007) and of the Bronx and Los Angeles entries in *Hip Hop in America: A Regional Guide* (Greenwood, 2010).

François Hugonnier holds a Ph.D. in American literature from the University of Paris Ouest Nanterre, France. He has published several articles on Paul Auster's early poetry and post-9/11 fiction. He is also a singer and songwriter performing in the French rock band NOVELS. Their latest records include *Savior* (Yr Letter Records/Anticraft/Believe, 2010) and *Mirror Dog* (Believe, 2013).

Paul Carr is Reader in Popular Music Analysis at the ATRiuM, University of South Wales, in Cardiff. His research interests focus on the areas of musicology, widening access, the music industry and pedagogical frameworks for music related education – publishing extensively in all of these areas. Indicative publications include 'An analysis of post 1970's electric guitarists who have fused the jazz

aesthetic with other music forms' (Book chapter in De – Canonizing Music History. Cambridge University Press, December 2009), 'Researching the Development of a Foundation Degree in Musical Instrument Retail Management: A Case Study Partnership between Glamorgan University and Roland UK' (Journal of Applied Research in Higher Education. January 2010) and 'An Autocratic Approach to Music Copyright?: The potential negative impacts of restrictive rights on a composers legacy: The case of the Zappa Family Trust' (Contemporary Theatre Review, 2011). He is also an experienced performing musician, having toured and recorded with artists as diverse as The James Taylor Quartet and American saxophonist Bob Berg. His most recent publication is an edited collection for Ashgate – Frank Zappa and the And: A Contextual Analysis of his Legacy (2013).

David Arditi is Assistant Professor of Interdisciplinary Studies at the University of Texas at Arlington. He is currently working on a manuscript entitled *iTake-Over: the music industry in the digital era*. His research explores the relationship between music and technology, and the way that relationship effects music and society.

Billy Geoghegan is a Music Doer for Brown Paper Tickets, a not just for profit/fair trade company. He has spoken and given workshops at New York University, La Métisse (Paris), and Le Centre Musical Barbara (Paris). He is the creator and host of "One Night Only," a short video series profiling independent artists and venues worldwide. He also directs the "Lunch Money Label Project," which helps schools set up independent labels to produce and distribute school and community creative content.

Kevin Meehan is professor of English at the University of Central Florida, author of *People Get Ready: African American and Caribbean Cultural Exchange*, a semi-pro working musician, and a member of the American Federation of Musicians Local 389 in Orlando, FL.

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Associate Professor Mark Evans is Head of the Department of Media, Music, Communication and Cultural Studies at Macquarie University. He is series editor for *Genre, Music and Sound* series (Equinox Publishing), considering the role of sound in various genres of feature films, and has research interests in film and television sound, religious music, spatiality and popular music.

John Mullen is a lecturer and researcher at the University of Paris East at Creteil, France. He has published research in both on the history of British Trade Unionism and on the history of British popular music. His book on popular song in Britain during the First World War was published in French in 2012 by L'Harmattan, Paris, and will be published by Ashgate in English in early 2015. Other recent publications have included "Anti-Black Racism in British Popular Music 1880-1920", as well as articles on Irish songs in Victorian and Edwardian music hall, and on the Notting Hill Carnival as it has reflected, over thirty years, questions of immigrant identity.

Keith Negus is Professor of Musicology at Goldsmiths, University of London. He previously taught at the Universities of Leicester, Puerto Rico and South Bank. He has written books on Bob Dylan, the music industry, and creativity, and articles on various topics including musicians on television, globalization, narrative and the popular song, music genres, and cultural intermediaries. He is currently researching 'Digitisation and the Politics of Copying in Popular Music Culture' with John Street and Adam Behr. He is also working with Pete Astor, researching and writing about songwriting.

READING COMMITTEE