INNOVATIONS IN CONTEMPORARY POPULAR MUSIC AND DIGITAL MEDIA, AND RECONSTRUCTIONS OF THE MUSIC INDUSTRY IN THE 21ST CENTURY

Sharadai Devi Amparo RAMBARRAN

Ph.D. Thesis 2010
INNOVATIONS IN CONTEMPORARY POPULAR MUSIC AND DIGITAL MEDIA, AND RECONSTRUCTIONS OF THE MUSIC INDUSTRY IN THE 21ST CENTURY

Sharadai Devi Amparo RAMBARRAN

Communication, Cultural, and Media Studies
Research Centre

School of Media, Music, and Performance
University of Salford, Salford, UK

Submitted in Partial Fulfillment of the Requirements of the Degree of Doctor of Philosophy, September 2010
# Table of Contents

List of Tables, Illustrations (figures), and Musical Examples iii

Acknowledgements iv

Abstract v

1. Literature Review, Theory and Methodology 1
   - Introduction 1
   - Literature Review 2
     - Literature Review I: Popular Music and Digital Media 3
     - Literature Review II: The Music Industry and Intellectual Property 19
   - Theory: Practices in Postmodernism 31
   - Methodology and Chapter Overview 79
   - Additional information on the chapters 88
     - Audio and Visual Tracks 88
     - Transcription 88
     - Reference 88
   - Conclusion 89

2. Digital Technology, the Law, and the Changing Face of the Music Industry: 91
   - Sampling and digital distribution 91
   - Digital Technology and Sampling 91
   - Sampling as Postmodern Art 96
   - Intellectual Property of the Composer and the Music Industry 101
   - Digital Distribution and the Music Industry 120
   - Conclusion 136

3. ‘99 Problems’ but Danger Mouse Ain’t One: The creative and legal difficulties of Brian Burton, author (?) of the controversial remix, 138
   - The Grey Album 139
   - The Development of The Grey Album 139
   - Downhill Battle 141
   - Cyberactivism 143
   - ‘Grey Tuesday’ 147
   - Copyright 149
   - Double codings and Différence 158
   - Bastard Pop and Deconstruction 162
   - Authorship and Ownership 165
   - Musical Analysis of ‘99 Problems’ 168
4. ‘Who is Gnarls Barkley?’: The concept of the group and the song

‘Crazy’ 182

Background 183
Musical Analysis of ‘Crazy’ 185
Spaghetti Western film music 186
The music in ‘Crazy’ 197
The vocals and melody in ‘Crazy’ 203
The Music Video of ‘Crazy’ 209
The Live Performances of ‘Crazy’ 216
Who is Gnarls Barkley? 225
Conclusion 231

5. ‘Feel Good’ with Gorillaz and ‘Reject False Icons’: The fantasy worlds of the virtual group, their creators and fans 236

Background 237
Hyperreal Gorillaz 245
Murdoc Niccals 248
2D 250
Russel Hobbs 251
Noodle 253
Demon Days: ‘Feel Good Inc.’ 258
Music 259
Music Video 270
Gorillaz: Live 278
Conclusion 281

6. Conclusion 284

Summary: observations, key points and implications 284
Further research 291

Appendix 1: Track listings for accompanying CD 300
Appendix 2: Track listings for accompanying DVD 302
Appendix 3: Glossary of terms 303

References 306
Books, Articles, and Websites 306
Recordings, Films, and Digital Media 343
# List of Tables, Illustrations (figures), and Musical Examples

## Tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Music’s copyright status</td>
<td>103</td>
</tr>
<tr>
<td>2.2</td>
<td>Music sales between 2005 and 2007</td>
<td>125</td>
</tr>
</tbody>
</table>

## Figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Picture of Gorillaz</td>
<td>236</td>
</tr>
</tbody>
</table>

## Musical Examples

<table>
<thead>
<tr>
<th>Musical Example</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Strings for ‘You’d Better Smile’ (provisional part only)</td>
<td>190</td>
</tr>
<tr>
<td>4.2</td>
<td>Choir excerpt for ‘You’d Better Smile’ (Tenor)</td>
<td>191</td>
</tr>
<tr>
<td>4.3</td>
<td>Three part male choir (‘Nel cimitero di Tucson’)</td>
<td>194</td>
</tr>
<tr>
<td>4.4</td>
<td>The bass part for ‘Crazy’</td>
<td>199</td>
</tr>
<tr>
<td>4.5</td>
<td>Choir part for the opening verse of ‘Crazy’</td>
<td>199</td>
</tr>
<tr>
<td>4.6</td>
<td>Strings and bass (chorus)</td>
<td>201</td>
</tr>
<tr>
<td>4.7</td>
<td>The vocal line of ‘Crazy’</td>
<td>206</td>
</tr>
<tr>
<td>4.8</td>
<td>Modified bass part</td>
<td>217</td>
</tr>
<tr>
<td>5.1</td>
<td>Bass line of ‘Feel Good Inc.’</td>
<td>260</td>
</tr>
<tr>
<td>5.2</td>
<td>Descending bass line</td>
<td>262</td>
</tr>
<tr>
<td>5.3</td>
<td>Vocal line of chorus (‘Feel Good Inc.’)</td>
<td>264</td>
</tr>
<tr>
<td>5.4</td>
<td>Vocal line of ‘Sunny Afternoon’ (The Kinks)</td>
<td>264</td>
</tr>
</tbody>
</table>
Acknowledgements

I wish to thank the following who have supported my research: Professor Derek B. Scott, Professor George McKay, Professor Sheila Whiteley, Professor Gareth Palmer, Professor David Sanjek, Dr. Timothy Warner, the Research Institute Support Unit (Faculty of Arts, Media and Social Sciences) at the University of Salford, and the staff at the University of Oslo (Department of Musicology).

I would also like to thank the following: My mother, and my brother Bobby.

To the memory of my father, my grandparents (Rambarran), and my grandparents (Siguancia).
Abstract


The thesis investigates how certain types of contemporary popular music have played a prominent role in digital media, aided by ICTs (Internet, digital music distribution, consumption), music technology (sampling, remix, MP3) and creative artistic technology (music video, performance, virtual groups). As these technologies lie behind many innovations in popular music over the last decade, the focus, here, is on specific artists and producers who have successfully employed such technologies to compose music, and whose reception has been mixed in terms of the reaction from the industry and consumers.

The dissertation, therefore, contains case studies of Danger Mouse, Gnarls Barkley and Gorillaz. The following all gained recognition from new media rather than the traditional radio plug: The Grey Album, the experimental and illegal mash-up of the Beatles and Jay-Z by Danger Mouse; ‘Crazy’ by Gnarls Barkley, which gained interest following a television advertisement; and Gorillaz, a virtual group, created by Damon Albarn of Blur. These projects were composed of a fusion of musical styles and visuals, and were made possible by digital technology. To understand the logic behind these projects, it is important to explore the contributions that assisted the success of the musicians in question.

The cultural-social context of the music is analysed and theorized: the music and the performer (involving postmodern features such as authorship and genre-blending); its impact on the music industry (copyright, digital consumption); and the reception of the audience (digital music consumption, distribution technologies, activism). This thesis argues that the internal and external aspects of the compositions and arrangements by Danger Mouse, Gnarls Barkley and Gorillaz constitute innovative examples of contemporary popular music facilitated by digital media, and that this helped to reconstruct the music industry in the twenty-first century.
Chapter 1

Literature Review, Theory and Methodology

Introduction

Chapter 1 will begin by presenting an outline of the thesis and its research questions. Following this is the literature review. This will be approached in two ways: material concerning popular music and digital media; and, texts on the impact current popular music has on the music industry and legal framework. Following this, a section on the theoretical framework for the thesis will be discussed which will focus on postmodernism and its practices such as those involving authorship and deconstruction. The final part of the chapter will be the methodology, showing how the research has been conducted.

The main objective of the thesis is to explore the extent to which digital media have had an impact on contemporary popular music practice in the music industry in the 21st century. Certain new technologies have contributed to popular music, which have arguably resulted in innovative pieces, yet caused various concerns that involve the creator, industry and consumer. For instance, sampling (inserting recorded text or sounds into a new work) is frequently used in composing and has raised questions on intellectual property rights by the owners of the original sound recording (such as the songwriters and music industry). Also, it is easier and cheaper to distribute music on the Internet, which is another concern for the music industry because of ownership issues that consequently affect the artists and consumers. Another important objective is to understand how and why the selected popular musical pieces, composed of a fusion of musical and visual styles, successfully worked over the last ten years. This objective will be explored by employing a socio-cultural
approach, as well as considering their musicality, and this deals mainly with aspects of postmodern theory.

Thus, two research questions will be investigated:

- how is contemporary popular music produced by digital technology to be perceived as innovative?
- what effects does innovative popular music have on the composer, music industry and consumer?

The first question is more about the impact digital revolution has on popular music from an aesthetic approach. The second research question is about the impact innovative popular music has on society, which includes the composer, industry and consumer. To assist in answering the research questions, a chapter on the legal framework of digital technology and popular music, which is followed with three case studies, will be presented. The artists and producers in the case studies (Danger Mouse, Gnarls Barkley and Gorillaz) have successfully employed digital technology to compose music (primarily based on hip-hop) and visual texts, though receiving mixed reactions from the industry and consumers. Before the case studies can be outlined in more detail, it is important first, to understand the relevant research material for the thesis.

**Literature Review**

Why does the literature review focus on the two topics of popular music and digital media and the music industry and intellectual property? This is to enable the reader to understand the complexity of digital technology’s relation with popular music. Other than playing or listening to various popular musical styles, popular music carries various functions,
including: its reliance on technology and the industry; its significance in popular culture and media; and, its legal position in terms of intellectual property rights involving the composer, industry and consumer. With the two topics, the reader will acquire information on existing and relevant literature that has supported my research. As well as the reader being introduced to the existing literary material that supports this research, I will be offering a critical evaluation on the chosen literature, which will include key authors and concepts, and when appropriate, I will identify the extent to which such material has met the needs of this research. The literature review on popular music and digital media will now commence.

**Literature Review I: Popular Music and Digital Media**

As noted, the sphere of popular music is not primarily based on its musical styles, it also incorporates various forms of media (such as music video or CD), and plays a major role in popular culture (such as film and television soundtracks, advertisements and many others). More importantly, a large part of popular music is supported by the music industry, via record labels, or to be precise, the companies that control, own and produce popular music. The record labels invest in artists and producers, and they and the music industry, earn profits through the sales of CDs, DVDs, MP3s, radio airplay, music video, television, ringtones, concerts and so on. For artists, musicians or producers who may be struggling to be employed by the music industry, it is still possible to gain recognition from a selected audience, although it may depend on the musical styles. For example, innovative music may still become popular because of particular social conditions and various methods of musical exposure to people. This is indeed very significant now in the digital age, because artists and musicians can now produce and distribute their own music without belonging to
a record company. Also, the public is finding it easy to access music illegally and legally because of the Internet and the MP3.

In terms of critical literature exploring the benefits and disadvantages of digital media, it is perhaps surprising that this is still a relatively thin field in popular music. In fact, though there are books and guides covering creative technology in popular music that cater for students, producers and sound engineers, there is little on the influence of digital media in popular music. To research aspects of digital media such as the Internet, one needs to refer to the subjects of Information Communication Technologies (ICTs) or media studies. Perhaps, the reason why such issues were not closely addressed during the early part of the last decade, is because the Internet and the MP3, or even the digital age, were still at an early stage. It was not until the mid-2000s, when the digital period was at its prime, and this was because of the MP3 revolution, as well as composing, distributing and sharing music on the Internet. It was from this moment that scholarly research focused on certain aspects of digital media in popular music began to emerge.

A significant author, who has influenced other academics on his thoughts and exploration on popular music and technology, is musicologist Paul Théberge. Théberge’s key works include *Any Sound You Can Imagine: Making Music/Consuming Technology* (1997), and various book chapters and journal articles. In *Any Sound You Can Imagine*, Théberge explores the relationship between technology and musicians, and how technology has an impact on music. Théberge approaches his thesis in various ways, from giving a historical overview on the musical instrument industry and formations of electronic instruments and

---

1 There were some exceptions however, popular musicologists who observed and wrote about the emergence of the MP3 and the Internet before and just after the new millennium included Paul Théberge (1997 and 2001) and Simon Frith (2001).
technology, to discussing how musicians consumes technology in their musical practice, and how it has contributed to new musical styles. Théberge particularly has a fascination on how the musical 'sound' can produce various musical effects and textures, not only through a musician physically manipulating the sound on the instrument (for example plucking strings on a violin or sliding a bottleneck on a guitar), but especially how manipulation be achieved by digital technology:

The importance of sound has been evident in the recording studio, especially since the rise of digital musical instruments. Digital instruments have become the means for both the production of new sounds and for the reproduction of old ones—the perfect vehicle for a music industry based simultaneously in fashion and nostalgia. (Théberge 1997, p. 213)

Théberge is arguing that the musical sound has been a major focus in music-making in the studio and the advent of digital musical instruments. Digital instruments, say for example, the synthesizer and sampler (a digital device/instrument that records, manipulates and edit sounds which become known as ‘samples’), have contributed to new methods of composition because they have enabled experimentation in music-making more possible. For example, more instruments are accessible because they have been pre-recorded into digital instruments. Also, the pre-recorded sound of instruments can be modified to produce new sounds. Théberge claims the digital instruments are useful for the music industry because to keep in line with the trends of music-making (or revisiting past styles), the required instruments (or their digital sounds) will always be at hand. This claim is useful for my research because I agree with Théberge’s comments about how musical sounds can be modified due to digital technology. What is also interesting about using digital technology as instruments is that any sound can be captured. By this I mean non-musical sounds which can be transformed into musical sounds. Also, with digital technology, it is
possible to capture rare sounds of instruments which can then be used in future music. Digital technology has contributed to the formation of musical genres and styles such as hip-hop and electronica, and has been relied on in pop music manufactured by the music industry. Therefore, digital technology is an asset for the industry which now has the instant and up-to-date equipment to produce any style of music, anytime, and to meet the demands and musical tastes of consumers. My response to Théberge’s claim leads to a later work of his which proves to be useful for the review: his book chapter “Plugged in’: Technology and Popular Music’ (2001). Here Théberge covers a wide range of technologies associated with popular music from the history of sound and recording, to current forms of distribution and consumerism. Although it appears that Théberge gives the reader an overview on the historical and present relationship between popular music and technology, he also demonstrates his understanding about the impact technology has on popular music and the conflicting interest it could bring when questioning the aesthetic and social value of the music. Despite the concerns that might surround popular music and technology, Théberge makes a strong claim about the significance of popular music incorporating digital media: ‘any discussion of the role of technology in popular music should begin with a simple premise: without electronic technology, popular music in the twenty-first century is unthinkable’ (2001, p. 3). Théberge’s statement is comprehensible: without ‘electronic technology’ (or music/digital technology), popular music is improbable in this century. Although this claim is simple and precise, many concepts can be drawn from his argument. Théberge provides a convincing and supportive statement for my own research because I argue that without such technologies, popular music would lack

---

2 It must be reminded here that this chapter is to review the current forms of digital media only. To see a brief chronological history of the variety of the technological inventions associated with popular music, please refer to chapter 2, p. 123, footnote 18.
innovation and not be widely acceptable or noticeable in any society—without the aid of technology, we would not be able to create or hear popular music. Théberge’s comment encourages the reader to think about how popular music relies on technology. For example, if a group wanted to perform ‘live’, they would need amplification to boost their instrumental sound (not forgetting the microphone that relies on electronic amplification), and will need to rely on lighting and sound technologies to enhance their performance. It also applies to a listener who needs to rely on technology to receive and listen to music. For example, the consumer will have to buy the music on the Internet as a digital format (MP3), and then transfer the virtual medium from the computer to a portable device such as an MP3 or compact disc player.

As Théberge’s strong but simple claim has enabled me to explore the different ways on how popular music relies on technology, there is another relevant author who has a similar opinion to Théberge’s argument, that technology in popular music is inevitable is musicologist Michael Katz. In Capturing Sound: How Technology has Changed Music (2004), Katz also explores the past and current forms on the relationship between popular music and technology. Like Théberge in “Plugged in”, Katz highlights the conflict of interest that popular music and technology may have when discussing social and aesthetic impact. Katz however, does not dwell on the downside of such issues because his aim of the book is to provide knowledge, understanding and appreciating the relationship of popular music and technology. Like Théberge, Katz also makes a strong claim when discussing the impact technology has on popular music but with a different approach. Katz explains that ‘the distinctive aspects of recorded sound have encouraged new ways of listening to music, led performers to change their practices, and allowed entirely new
musical genres to come into existence' (2004, p. 5). Katz claims that recorded sound which
was made possible with technology, has allowed musicians to adapt their compositional (or
even performance) skills to technology, and make innovative music. Here, Katz has a
positive approach because he draws attention to the productive aspects of popular music
and technology. For instance, when new forms of media develop, composers and
performers, should they wish to, may need to adapt to new types of technology which will
either effect or enhance their practices in music. As Théberge and Katz are musicologists
who both specialise in sound recording technology, it is perhaps understandable that they
should present their arguments with optimism. This particular observation however, mainly
applies to Katz because he avoids the negative aspects of digital technology in popular
music (such as copyright infringement) in order that the reader should not be distracted
from its creative potential. Keeping in line with Katz, I would like to offer a new point of
view to his claim. While I agree with Katz’s view about how musicians are enabled to
adapt to using technology, we do also have to be aware that the continuing development of
technology does not only affect the artists, but the industry and consumers too. The
industry needs to be informed or be quick to comply with the latest methods of technology
for purposes such as creativity or consumption. Naturally, this would affect the consumer,
who would by choice, also need to be become accustomed with the current methods of
listening to recorded music, especially now that, for example, the cassette tape is
unavailable as a musical medium, having been replaced by the MP3.\footnote{Arguably, the CD and vinyl are still accessible. While the vinyl tends to be consumed by DJs and collectors only, the CD is very much available in stores and on the Internet—but it may be a matter of time when the CD will be less popular, or be replaced by another (recordable) form of medium.} So: popular music
and technology does not only involve musicians, but also the industry and consumers.

There is an alternative approach to understand the inclusion of technology in popular
music. Jason Toynbee, a sociologist, effectively describes the combination of technology and popular music as a ‘technosphere’ (2000, p. 69). The chapter ‘Technology: the instrumental instrument’ in Making Popular Music (2000), Toynbee uses ‘technosphere’ as a description of the relationship between technology and popular music. He claims that technosphere is ‘an imaginary space of musical possibilities and constraints’ (pp. 28-29), and this statement suggests that music-making is limitless because of technology. Here, Toynbee is suggesting that anything is musically possible when composing with technology. While Toynbee emphasises that technosphere allows liberation of composition, I feel that he is acknowledging the importance of the composer or producer who makes the innovative music possible with the aid of technology. Toynbee uses the word ‘constraint’ (p. 29) when describing the technosphere, meaning that the person behind the music is controlling the sounds. This important statement informs my research because throughout the thesis I will argue that although music composed by technology may sound simple in terms of musical structure or the way it was fabricated (for example a basic set-up of technological devices to compose music), the composer or producer has a highly significant role when making music. To make their music sound successful, they have to control, experiment and manipulate the technology with care. I therefore feel that Toynbee has provided a beneficial statement. In contrast, there are academics who perhaps would be unconvinced or not agree with any of the statements made so far.

For example, there have been negative responses about digital technology in popular music as noted by Brian Longhurst (1995 and 2008). In Popular Music and Society (1995 and 2008), Longhurst senses that there has been a negative overview about popular music and technology. He claims that the technological impact in popular music leads to the decline
of musicianship, the end of true musical creativity and the development of “programmed”
music’ (1995, p. 84; 2008, p. 81). Here, Longhurst is arguing that creating popular music is
not entirely authentic as it is mostly digitally not physically-based. Although Longhurst’s
comment may be viewed as negative, it is actually useful for my research because it could
relate to an earlier point regarding artists who may have to adapt to new forms of
technology when composing music. I feel that his comment can be further explored, for
example, his observation questions the end of traditional compositional forms, such as
gathering session musicians to record or perform a composer’s work for a recording or live
performance, which is now being replaced by computerised music that is mostly conducted
by one person. Another way of approaching the observation is the rejection, or indeed the
‘decline’, of organic methods of composition where a composer would notate ideas or
experiment with instruments to create music; in the digital age, of course, this can be
achieved with one person and a computer (which may include software with pre-recorded
sounds of instruments and melodies). Although Longhurst’s statement corresponds to my
own research findings, there is one concern however, the idea that technology in popular
music is ‘the end of true musical creativity’ (ibid.). I disagree with this particular statement
because I believe that the combination of digital technology and popular music can produce
creative works. My concept is actually one of my main concerns in the thesis that popular
music aided with technology can be creative and this will be further explored both below
and throughout in the thesis. I do understand however that some may think it is impossible
to be genuinely creative if one uses digital technology to make music because of the lack of
organic practices as stated earlier. This is observed by popular musicologist and sociologist
Simon Frith in his 1986 article ‘Art versus Technology’. This article is a rare early piece of
work that discusses the technological impact on popular music (remember it was stated earlier that there are lack of resources that covered this topic especially in popular music), and in the period of the 1980s, early digital technology was popular. During the 1980s, digital technology consisted of synthesizers, drum machines, tape recorders and samplers, and Frith detected that these machines were ‘regarded as “unnatural” instruments in performance is simply because playing them takes little obvious effort’ (1986, p. 7). Frith is arguing that a machine such as a sampler is not considered as a proper musical instrument because it is not as technical as mastering an ordinary instrument such as a piano or flute. Although Frith wrote the article in 1986, his argument is still valuable today because it can be compared to current types of digital technology (such as music software), but there is a fallacy in this particular comment. This concept is misleading in my view because I consider a sampler and synthesizer to be fully recognised instruments, which are commonly used in creative music. Frith’s implication could displease some musicians who are interested in music technology, because they will know that using a digital sampler and synthesizer can take some time to learn, especially when mixing and manipulating sounds and samples. The same learning method could apply to amateur musicians who rely on computer software to create music, but it all depends on what type of computer program it is and the complexity or simplicity of it.  

Frith’s comment could however be interpreted in another manner which may be more acceptable by artists. For instance, in the past, musicians and producers had to learn their instruments or studio equipment and master the techniques of analogue and early forms of digital technology. Today, a person who has no musical background or sound engineering

---

4 Complex software (ranging from medium to difficult levels) may include Steinberg’s Cubase. Simple software may include Apple’s Garageband and eJay.
experience can achieve all of this on the computer. Of course, this has dissatisfied some musicians who used to spend an enormous amount of time creating and mixing a piece of work when nowadays it can be achieved almost instantly. The methods of composing music based on traditional norms such as notating the score first by ear, or improvising on instruments to gain ideas, are perhaps not practised anymore and more suited to the past before the current wave of digital technology came into place. My idea that traditional methods of composing music are perhaps more suited in the past because it now appears to be dominated by technology can be supported by Timothy D. Taylor (2001):

In those days and earlier, television, film, advertising, and indeed, all music was written by a person, perhaps orchestrated by another; parts were copied and distributed to orchestral musicians, often employed by the major television and film studios, and the music was recorded for each program and edited to fit the specific program. Now, however, this music can be realized by a single person with a home studio consisting of a computer and a few electronic musical instruments, and much of it is.

(Taylor 2001, p. 4)

Taylor provides a detailed view on the previous compositional process by using a film or television composer as an example. Here, Taylor gives a breakdown of the compositional process: the music is written by the composer and recorded and performed by musicians. These musicians and possibly the composer too, are employed by the film and television industries, and their jobs are to compose, perform and record music for films or television programmes. Taylor notes that the present role of the composer does not need to rely on musicians to play the music. This can now be achieved by the composer and his/her computer and electronic instruments. This is effectively cheaper for the industry because it is the individual composer who will get paid and not any group of musicians. Taylor’s point is a reminder about how much preparation and creativity contributes to the compositional process of the past, and confirms how music-making is now different. His
hypothesis may persuade other writers or traditional musicians, who may oppose the current methods of digital technology, to argue why a piece of music that has been entirely been composed on a computer should be classed as 'music' when no 'real' musical instruments were involved in the process. Although Taylor’s statement is certainly persuasive, credit should be due to digital technology, because it has arguably brought out innovative ways of creating music, such as the inclusion of intertextuality (to be discussed momentarily), which is achieved by sampling.

An alternative approach to Taylor’s argument would be to consider the rise of untrained musicians. The following observation claims that current types of digital technology have enabled people with lack of musical experience to challenge themselves to become amateur musicians: ‘We live in a particular, historical moment, with its environment, including the strategy of the avant garde and certain technology which becomes available, not only for the artist, but for others as well’ (Music magazine quoted in Marclay and Tone 2004, p. 44). The quotation emphasises the idea that, with current forms of technology, anybody can compose music regardless of musical experience. To continue from Music magazine, I would add that it is also interesting that digital technology is very accessible to the public, especially one who owns the computer and has the Internet with which s/he could build an instant MP3 collection or even remix music, because music is constantly available for up/downloading. This brings me to a persuasive idea suggested by music academics David Kusek and Gerd Leonhard that ‘music [is] like water’ (2005, p. 3), because like water, music is ‘ubiquitous and free flowing’ (ibid.). This statement suggests that current forms of digital technology enable accessibility, creativity and easy distribution of popular music—
anytime. This is a plausible statement because if one has access to the computer, MP3 player, smartphone and so on, and more specifically the Internet, s/he has access to any type of music. The availability of music in many forms and creations is also observed by other academics such as Andrew Blake (2007):

Thanks to the successful diffusion of recording and broadcasting technologies up to and including MP3 players and smartphones, we now live in a world characterised by the availability of music in almost all genres almost everywhere, whether it is being relayed through public address systems in the shopping mall or on our own mobile music players or telephones. Most of the music ever recorded is available, and more is being released, mashed-up, remixed, file-shared and playlisted all the time.

(Blake 2007, p. 33)

Here, Blake outlines other methods of accessing music other than the computer and media player, and expresses the view that music is virtually everywhere. He also observes that music is continuously being made available through websites, online shopping or file-sharing: from rare and present recorded works to new or remixed music. Blake makes a convincing case that popular music is a major part of popular culture, especially today, because it is everywhere (like water)—for example, on television, films, shops, and the Internet—and it is continuously being created in various ways and distributed mainly in virtual form. Although the accessibility of popular music may sound appealing, there are complexities surrounding it which are positive and negative.

As already noted, technology has a major role in distribution and consumption other than production in popular music, and can bring unexpected intentions or consequences. To support this statement, we revisit Théberge’s work because he points out:

---

5 The ‘music is like water’ reference is from an interview with David Bowie, who used this expression to describe the effects digital technology had on popular music (Bowie quoted in Pareles, 2002).
Pop artists and consumers have often used technology in ways unintended by those who manufacture it. In this way, pop practices constantly redefine music technologies through unexpected or alternative uses. (Théberge 2001, p. 3)

Théberge notes that music technology for artists and consumers have resulted in various methods and uses through experimentation than originally intended. I would cite as examples here, to confirm Théberge’s argument, the microphone and the turntable. The microphone was invented to amplify the voice, but later singers and musicians would experiment with the device such as using different vocal and sound techniques. The turntable, originally intended to play vinyl records, has been experimented with by the user (deejay) to produce various instrumental techniques such as record scratching. Théberge’s statement supports my research because he indicates that technology has its positive uses in popular music brought by the industry, through its unusual but creative uses brought by artists and consumers.

Observations on the positive uses of music and technology can also be found before Théberge’s works. For example, in 1977, Jacques Attali made a prediction about the future of music in *Noise: The Political Economy of Music*: ‘Today, a new music is on the rise, one that can neither be expressed nor understood using the old tools, a music produced elsewhere and otherwise’ (Attali 1985, p. 133). Here, Attali is expressing the view that making new music has transitioned from using ‘old tools’ to new methods. Attali’s remark is persuasive (and perhaps prescient) because with digital technology, musical fusion (‘genre-blending’, which I discuss below) and sampling has been made possible in popular music, as we have transitioned from the traditional methods of composing music especially as now we are currently living in a ‘rip, mix and burn’ culture (Lessig 2004, p. 24).
Nowadays, people who may or may not have a musical background have access to music-making software in which they can compose, arrange, re-arrange or remix existing recorded music.

So far, the topic has mainly concentrated on the compositional aspects of popular music’s reliance on digital technology, it is now time to focus on another area—that of distribution and consumption. The current methods of the digital distribution and consumption of popular music include the Internet and the current musical medium, the MP3 file. Here academics have been more active on the impact of technology on consuming popular music. For example, Andrew Goodwin develops an interesting discussion on how technology is used as an attempt to avoid the music industry by stating that ‘pop production and consumption should be interpreted as building resistance to corporate control and rationalization’ (2004, p. 148). Goodwin is arguing that the consumption and reproduction of popular music (which is achieved via technology) should be read as a confrontation to the music industry. It should be noted that Goodwin’s article was originally published in 1992 (but later re-published in another source in 2004), in which he was referring to the digital sampler and the distribution of cassette tapes. When he wrote the article, Goodwin was commenting on how the digital sampler has contributed to new formations on composing music at the musician’s discretion, allowing her/him to experiment in music. The musician can then distribute their music by giving away or selling tapes themselves, if they are not attached to a record company. Therefore, they can gain recognition and keep their profits at this stage (before the issues of copyright and royalties are highlighted). Also, the distribution of cassette tapes in the 1980s was extremely popular because it reduced the consumers’ spending into buying official music products accredited by the music industry.
For example, consumers would perhaps record music from the radio or copy from original recordings to distribute to other people. Although the timing of Goodwin's work was applied in the 1980s, his comment remains relevant today because the liberation of musical activity is very vigorous. My response to Goodwin's comment is concerning the Internet. The Internet is useful because it saves money to copy and distribute music, and if fortunate, the artist can sell the MP3 without belonging to a record company. Consumers can browse music of any style on the Internet, and choose to buy the MP3 or CD. There is of course, the downside, especially if one chooses to up/download the song illegally.

I would like to reintroduce Blake's work at this point, because he notes that 'the MP3 file has led to a newly networked sense of the sharing of music taste, largely through the explosion in illegal file-sharing' (2007, p. 28). Blake makes a persuasive claim that the distribution of MP3 files has facilitated people to share their preferential tastes in music through illegal file-sharing. Another way of reading this claim is to refer to the actual user, who may discover, share and distribute MP3 files to their friends. The reasons why consumers may choose the illegal method of obtaining MP3s include the fact that the consumer may just want to sample listening to the song before buying the CD, or perhaps does not wish to spend too much money because of its set pricing by the music industry. My reason can be linked back to Goodwin's comment in which the illegal method of distributing and obtaining MP3s is seen as a 'resistance' to the music industry. Obviously,

---


7 The Internet is a substantial group of computer networks within other networks. This system allows people to search for information stored on websites (Kitchen 1998, pp. 2-3). Anyone with a computer, modem, broadband/telephone line can access the Internet. Internet users can browse or 'surf' the Internet and shop, bank, research, exchange electronic mail (email), participate in group discussions in conferences or forums, send and run software, and more relevant to this discussion, transfer files such as the MP3.
this will raise concern for the music industry because of loss of profits, and, of course, also raise issues of intellectual property rights (themselves profit-related).

This has not been the first time that the industry has been concerned about digital media and consumption—the industry has previously been anxious about cassette tapes and CDs. This matter has been noted by Kembrew McLeod (2005b), but makes an interesting concept by calling this concern ‘ironic’ (2005b, p. 525). He makes a useful suggestion for this argument and overall thesis that ‘the music industry itself is responsible for ushering in the dark days of downloading’ (ibid.). Here, McLeod connects his reference to the failure of the expensive compact disc in the 1980s, when consumers preferred to buy cassettes and vinyl records because they were cheaper, and easier to copy and distribute. A tactic that the record companies later used was to slowly decrease the production of vinyl records and replace them with CDs, which meant that consumers had no choice but to transition to buying expensive compact discs, for their sound quality, accessibility and portability. McLeod’s statement is very accurate because when a majority of the consumers had to resort to buying expensive CDs, it is no surprise that they would eventually move to cheaper digital ways of consuming music by embracing MP3s. The MP3 file carries more advantages than the CD, it is very accessible, portable, and has better sound quality. With this point, I would like to reintroduce academics Taylor (2001) and Katz (2004), because they also observe the high sound quality, accessibility and portability of the MP3. With particular attention to its sound, they both argue that the MP3 became more popular than the CD because of its sound quality; it is a digital format; it can sound the same as the original sound recording; if it is copied, the quality will not degrade (Taylor 2001, p. 4; Katz 2004, p. 164). Another attraction of the MP3 is that it is always available, as long the
consumer is connected to the Internet. It is portable too, because it is stored on the Internet, computer, MP3 player, mobile phone and so on. Unlike a CD which is prone to physical damage, the MP3 will last longer, as long the computer does not crash or the MP3 device does not get damaged.

So far, the literature I have reviewed has discussed the constructive use of digital media in popular music as a form of compositional practice, distribution and consumption. As the practical methods of popular music and digital media have been discussed, the literature review will now focus on the impact popular music and digital media have on the music industry and intellectual property rights.

**Literature Review II: The Music Industry and Intellectual Property**

The purpose of this section is to explore the scholarly material on the impact popular music and digital media have on the music industry and intellectual property. To begin, it is useful to refer again to the works of Paul Théberge. As he is a significant researcher and writer on popular music and technology, he is a key example in this field because he highlights the positives and negatives of this subject. For example, he examines the issues that surround these technologies in which he claims:

> While it is in the interests of the record industry to use technology in ways that will enhance, rationalize or control the circulation of music, musicians (in the case of sampling) and consumers (with cassettes and MP3 files) have also used technology to disrupt the operations of the industry, if only temporarily.

(Théberge 2001, p. 24)

Théberge makes a useful point here because it is true that the music industry will adapt to technological changes to maintain control on the distribution of music. In particular, the industry will monitor illegal distribution of music and will seek ways of preventing illegal
consumption. The second part of Théberge’s statement in which he concentrates on the musician and consumer, connects to Goodwin’s argument in the previous section (as a reminder, Goodwin claims that music production and consumption builds ‘resistance’ to the music industry). Here, Théberge is referring to some musical practices adopted by musicians, and how consumers distribute and obtain music. By addressing the musicians first, Théberge is mainly referring to users of digital samplers. Sampling in popular music can lead to legal consequences if the original recordings of the samples are not cleared. If samples used in music are not authorised for copyright clearance by the music industry, certain parties may miss out on royalties. This is what Théberge means that musicians may ‘disrupt’ the industry. Théberge emphasises that the disruption is only momentary. This is because conflicting issues involving copyright tend to be resolved through law suits or new policies. If the matter has not been resolved, the industry will always find alternative ways of accommodating new musical practices that involves copy protected works. Théberge then addresses the consumers. As stated in the previous section, consumers will find alternative and cheaper ways of distributing and obtaining music, especially in the current wave of the MP3 file. While these methods are mainly illegal, and indeed disrupt the industry due to loss of royalties, Théberge states that this is temporary. This is because that the industry will again find ways of monitoring and controlling the distribution and consumption of illegal music, and of course, this may lead to consequences for the consumer. Despite the accessibility and appeal that people have to these technologies—whether it is to compose, sample, upload, distribute or download music—there are consequences for doing so. The consequences are usually brought by the music industry
and their associates (such as publishers and songwriters), and these issues usually involve intellectual property rights.

Another author who has observed the impact popular music and digital media has on the industry is Peter Martin and his work ‘On Changing Technology’ (2000) in which he states:

The record industry has been shaped by the need to cope with its volatile market, [and] its established practices and institutions have been constantly undermined by technological innovations which not only offer new and better ways of doing things but...have generally has the effect of increasing consumers’ choice at the expense of the industry’s ability to control the market.

(Martin 2000, p. 209)

Martin’s claim is fairly similar to Théberge’s argument but addresses more concern for the industry. Martin’s statement states that although the music industry does adapt to the changes of technology, these changes work in favour for the musician and consumer and not the industry, because they have more choice on how to compose and access music (illegally) in which the industry are struggling to control. This is a probable statement although I am not entirely convinced that the technological changes in making music and consumption should be viewed as a sympathetic concern for the music industry, as they always find ways of resolving issues. As stated previously, resolutions may include adapting to the methods of making music, taking legal action over copyright, or to encourage more legal polices to decrease illegal consumption of music. I do understand however how it affects the music industry through its worry over losing profits and ownerships and finding various solutions on challenging piracy, but as I will maintain throughout the thesis, the music industry will always find a solution. There are other writers who explore the impact popular music and digital media has on the industry. For
example, Simon Frith (2001), conveniently describes the digital technologies that have challenged the music industry as ‘musical storage’ (2001, p. 21). In his book chapter ‘The Popular Music Industry’, Frith is referring to digital technology that can store and retrieve music such as the CD, MP3, computer software and sampler as ‘musical storage’. Frith also gives three reasons as to how musical storage challenges the music industry through ownership, methods of composition and distribution (2001, p. 32). Regarding ownership, Frith argues:

...digital technology extends the definition of what can be owned: from work (the score) to performance (the record) to sounds (digital information): on the other hand, it therefore extends the possibility of theft, whether in terms of sampling...or piracy (digital copies are identical to the original and much easier to make and pass off).

(Frith 2001, p. 32)

Without giving complex information on the breakdown of ownership on who exactly owns what part of the music, Frith clarifies what is expected in ownership. As soon a piece of work is composed and recorded, there is a sense of ownership. Frith then introduces another concept since that ownership becomes questionable when the music becomes accessible due to technology; he refers to digital sampling and piracy. As he notes, as digital technology allows easy access to music, it is easy to sample or copy music without copyright permission, which makes it difficult for the music industry to monitor such practices. Consumers may take advantage of this because they may find ways of obtaining and keeping copies of MP3 files from the Internet for free. Frith’s second point concerns the compositional practices in musical storage:

It changes the nature of musical composition from writing to processing...the most obvious aspect of this change (already underway with analogue technology) is that we cannot easily distinguish the roles of musician and sound engineer, and the 1990s rise of the deejay as performer also mean a blurring of the boundary between consumption and production...

(Frith, ibid.)
Frith raises the issue that, though already happening to a lesser extent in analogue technology, roles in a musical composition or performance are profoundly blurred because of digital technology. For example, before digital technology became more implemented in music-making, the set-up in the recording process comprised of different roles such as the singer, musician, sound engineer, producer and so on. He also adds that there is perhaps lack of distinction on the role of the deejay. Before, the deejay would simply play records in a club or on the radio, and now, the deejay is seen as the performer, musician and producer, because of technology, s/he too can make music. Frith’s statement is mainly referring to computer technology, turntables and sampler. Again, Frith makes a factual case because if one has access to these type of technologies, one can record anywhere (in the bedroom for example), and will not have to pay money to hire a recording studio. Also, with such equipment, s/he can mix the recording themselves—again, this is cheaper than having to hire a sound engineer. This raises another concern for the industry, especially if they employ house musicians, producers and engineers, who may find themselves with less work because music is produced outside the industry. With regard to the role of the deejay, Frith raises an interesting point: in the past, the deejay would be seen as someone who simply plays other peoples’ records whether it is on the radio or in clubs. Of course this is debatable if you include hip-hop or reggae in the equation, because the role of the deejay is viewed from another perspective—the artist and producer. The creativity of record scratching and early physical forms of sampling (such as picking breakbeats) have contributed to other types of techniques (such as incorporating the DJ set-up with a mixer, drum machine or computer), and in its own right, turntablism is also recognised as instrumental performance. Therefore, the music industry may feel challenged because
musicians are finding cheaper ways to compose music, and because of technology, you will find that many works are composed and produced by one person only and not a group of musicians. This leads to Frith’s final point in which he questions distribution:

…digital technology makes possible the process that is described by the ugly word ‘disintermediation’, whether this means musicians sending their works to listeners directly (thus cutting out music publishers and record companies) or listeners downloading music from record companies directly (thus cutting out retailers).

(Frith, ibid.)

Again, Frith provides a convincing argument because the reason why buying music can be expensive is because distribution and retail costs are involved, as well as paying royalties to publishers, songwriters and so on. Musicians can avoid paying out the various fees and perhaps maintain most of the profits if they distribute MP3s on the Internet. The consumer would see this as value for money because they would also be avoiding the extra fees.

Frith’s arguments demonstrate how digital technology threatens the industry in terms of ownership, composition and distribution, and therefore is useful for my research. This review now leads to one of the major topics that concerns ownership, composition and distribution, which are intellectual property rights.

To review the scholarly material on this topic, we start off by revisiting Peter Martin’s work. Martin argues that:

…this constant stream of technical innovations has been a perpetual source of disruption and disturbance in the music industry, posing a threat to the established ways of exploiting musical materials to yield a profit. In fact, composers, publishers, and record companies have waged a never-ending war in order to protect or establish copyrights on their material and collect royalties from its use.

(Martin 2000, p. 210)

Martin’s claim therefore argues that because consumers are finding ways of selling music of recorded works through piracy, certain parties are affected because their protected works
have been violated and will have missed out on royalties. It should be noted that Martin’s article ‘Changing Technology’ was originally written in 1995, and he was mainly referring to cassette tapes, because during the 1990s piracy of tapes was popular (this ranged from the distribution of bootlegs to making compilation tapes for personal use). Despite the date of the article, Martin’s argument does resonate for us, especially on the distribution and consumption of illegal MP3 files. When MP3 files are illegally consumed, the composers, publishers and record companies will lose out on profits. Martin points out that composers, publishers and the record companies have been long arguing for the protection of their works and about the loss of royalties. This leads to the suggestion that the music industry is not only worried about losing royalties due to unauthorised access to music, but is also concerned for its artists and publishers too—who would normally receive a share of the profits. This suggestion however leads to another side of this argument concerning copyright. For example, Reebee Garafalo (2003), disputes the suggestion that the music industry is concerned for its artists and associates:

While the music industry often casts its policing actions in terms of legal protection for creative musicians... corporate bottom lines are a much higher priority. Aside from a long history of one-sided contracts—low royalty rates, unfair publishing arrangements, multiyear renewals that keep artists tied to a particular label, and advances-against-royalties that keep them perpetually in debt...

(Garafalo 2003, p. 41)

Garafalo accuses the industry of keeping a high interest on making profits rather than protecting its workers (musicians, publishers) by offering them unfair deals. These unfair deals, stated by Garafalo, include low pay (royalties), advanced or one-off fees, unfair publishing deals, and strict recording contracts (which recording artists may find it difficult to terminate). Garafalo makes a persuasive point that it is not only the music industry which is affected by the illegal use of digital technology, the artists/composers are also affected by
the digital issues that may concern them, as well as other problems they may face with their record company, such as missing royalties or contract issues. This becomes a very complex subject and leads to more queries about the music industry—is it really affected by the illegal use of digital technology in terms of piracy and borrowing (or stealing) samples? To what extent is it really losing money? The record label that deals with the manufacturing and distributing of physical forms of media may be affected, but the music industry that consists of marketing, press, artist and repertoire, publishing and so on, may not be entirely affected because they can gain profit from elsewhere. My argument on the music industry gaining profit from other sources can be supported by Frith’s article ‘Copyright and the Music Business’ (1988). Frith indicates that the music industry could also profit from other media (such as television programmes, films, videos, DVD, radio), and elsewhere (shopping centres, restaurants, sport events), and receive royalties from performing rights agencies (Frith 1988, p. 73). Despite the age of Frith’s article, his suggestion very much applies in today’s society. His suggestion also shows that although the consumption of technology had an impact on the music industry in the 1980s, the industry found ways of replacing loss profit by collecting royalties from other sources. Today, the music industry certainly has more opportunities of making profit as popular music is very evident now in popular culture, especially in the media, concerts, gigs and merchandise.

To follow from the arguments concerning copyright and royalty issues for the music industry, there is another dispute to note: how the music industry reacts to the consumers who may be involved in illegal file-sharing activity. Usually, the industry will try to impose sanctions by pursuing legal actions or to encourage the government to introduce new

---

8 One may think of George Michael and Prince as two high-profile artists who tried to disconnect themselves from the industry.
policies, in the hope that illegal file-sharing activity will decrease. This is observed by Rob Drew (2005):

The major on-line retailers’ formats all incorporate some variety of digital rights management that restricts copying and transfer of music... such restrictions assuage the music labels’ fears of furthering the file-sharing free-for-all, but they also raise labels’ hopes of quashing the MP3 format. MP3s have, of course, been a thorn in the music industry’s side for the past half-decade, and attempts to counter their distribution have included everything from copy protecting CDs to suing file sharers.

(Drew 2005, p. 548)

Here, Drew introduces some terms that the music industry enforces to combat illegal file-sharing activity, including ‘digital rights management’ (DRM) and ‘copy protection’ CDs, which are explored in chapter 2. Drew is claiming that the industry is finding ways to decrease and prevent illegal file-sharing activity, and to have control by imposing restrictions on consumers with DRM, copy-protected discs and court orders. Although this is true, Drew makes a suggestion that the industry place the restrictions in the hope of abolishing the MP3 format. Although I partially agree that perhaps before 2005 (when Drew’s article was published) the music industry were attempting to remove the MP3 as the record industry, which manufactures CDs and vinyl records, was in threat of losing profit. I have however already stated that the industry will find ways of resolving issues (in this case by introducing DRM and copy protection), and will eventually adapt to the new methods of music consumption. This leads to another interesting and perhaps conflicting point around Drew’s comments on the industry’s attempt to abolish the MP3 format: consumers may not know that the music industry is also at fault because the major record companies have encouraged the advent of the MP3 format. I was alerted to this suggestion when I read Gilbert B. Rodman and Cheyanne Vanderdonckt’s article ‘Music for nothing or I want my MP3’ (2006). They argue:
two of the four major recording labels are part of multinational conglomerates that manufacture digital recording hardware for the home consumer market—hardware that's a central component of the file-sharing phenomenon—which makes the industry’s opposition to file-sharing less than a principled objection to an allegedly unethical practice. As long Philips makes and sells CD players, and as long Sony makes and sells MiniDisc players/recorders, they're directly profiting from the very technology that they claim is hurting them, and neither company can claim the moral high ground in opposition to all those file-sharing ‘thieves’.
(Rodman and Vanderdonckt 2006, p. 253)

Rodman and Vanderdonckt claims that the major recording labels should not protest that they are losing out on profits due to illegal file-sharing activity, when in actual fact they invest in technologies such as playback and recording devices for consumers to play their music on (with the Sony label, now Sony BMG, and their Walkman and MiniDisc players being prime examples). Rodman and Vanderdonckt make a sound argument because they provide information that the consumers may not be aware of. Consumers should be aware of this knowledge, because they are not to be entirely blamed for the problems with file-sharing, the industry is also partially responsible for the problems. The cassette tape, CD and MP3 have all brought issues regarding piracy and theft. What about the artists who are accused of stealing music by the industry?

To discuss intellectual property rights concerning the musicians and music industry, I would like to refer to cultural theorist Siva Vaidhyanathan, who has been a helpful source for this research. His book Copyrights and Copywrongs (2003), covers all aspects of intellectual property (including its history) and argues how it pressures future artists who want to include pre-existing material into their works. Vaidhyanathan widened my understanding of intellectual property because he covered its history with examples, and talked about certain laws in the United States, and how it affects the producer and consumer. More importantly, he covered the topic of digital sampling and gave examples of
court cases involving hip-hop music. His general belief is that 'copyright should be for students, teachers, readers, library patrons, researchers, freelancer writers, emerging musicians, and experimental artists' (Vaidhyanathan 2003, p. 5). With this statement, Vaidhyanathan is arguing that copyright should not be restricted to established people of well-known products. This is a convincing statement because copyright affects most people. For example, when a person, say a student for example, composes a piece of music, the work is protected with copyright. To understand what copyright means, one can refer to Vaidhyanathan as he sums up the definition of copyright law neatly: 'Copyright law is designed to forbid the unauthorized copying or performance of another's work. Authorization means licensing. Licensing means fees. Violations bring lawsuits. Lawsuits bring settlements' (2003, pp.133-134). His flow-line is simple and clear: if one wants to copy another’s work, they must seek and if required pay for copyright permission from the owner. Vaidhyanathan’s definition also acts as a warning for future producers who may want to sample. There again, potential producers may defer sampling—they may not go beyond Vaidhyanathan’s first sentence because of the licensing fees. It may be affordable for the producer or musician to pay fees if they are signed with a major record company, but for those who are not, they may be unable to afford the fees. Vaidhyanathan, along with other writers and musicians, is aware of this, and the general advice is, if in doubt, do not sample.

Another author who has been useful for this research is Kembrew McLeod in his book Freedom of Expression (2007). Like Vaidhyanathan, he discusses the history and problems of intellectual property, especially now that we are living in the digital age. McLeod also
supports liberation in creativity, hence the title of his book. He offers a suggestion to record companies to resolve sampling and copyright issues:

...at the present moment our copyright regime cultivates a situation where legitimate works of art can be banned, regardless of their merits, just because they quote and transform sounds. A version of a compulsory-licensing system for sampling could solve this problem. Record companies will certainly resist such a change, even though it’s the right thing to do—but then again, when has the music industry ever done the right thing on its own?  

(McLeod 2007, p. 113)

McLeod is arguing copyright is sometimes not reasonable because works that are eligible to quote from another source can still be censored. McLeod then offers a suggestion: there should be a set licensing arrangement for sampling. McLeod makes a persuasive argument because he is thinking about whether a set fee for licensing would be fair for the musicians, as record companies tend to offer competitive and expensive fees. As musicians may not be able to meet the companies’ request, their creative idea would have to be scrapped in order to avoid possible court cases. McLeod questions the likely response from the record companies and claims that the industry is not able to be rational when dealing with copyright, licensing and creative works. McLeod is aware that such suggestions will not be considered by the record companies, but in reality, an act of some sort will have to be considered if sampling is still creatively employed in the future.

To summarize, this literature review discussed the creative, technological, industry and legal arguments that are to be presented in the thesis. The literature review focused on two topics: popular music and digital media; and, the music industry and intellectual property. This was to enable the reader to understand the complexity of popular music as it serves various functions. The functions of popular music include its reliance on technology and the industry, its significance in popular culture and media, and its position with regard to
legalities in terms of intellectual property rights involving the composer, industry and consumer. Drawing upon the findings of the literature review, the following factors are examined in this thesis:

1. Digital technology not only enhances the compositional and recording developments of popular music, but it is an essential requirement and method for distribution and consumption.

2. The music industry is not severely affected by the developments of digital technology. The music industry will always find a solution to collaborate with such developments or even channel it. The record industry however, is affected.

The next section will discuss the theoretical framework of the thesis and will focus on postmodernism and its practices.

**Theory: Practices in Postmodernism**

The theoretical approach that underlies this thesis is postmodernism. The reason for this approach is to explore and argue why the musical examples discussed in the case studies are innovative; to understand this argument, is to explore the socio-cultural aspect, the popular musicological side of the music. By exploring the theories of postmodernism, the case studies will be clearer to absorb, through the exploration of its texts, relevant history and if applicable, the whole package of the music (by this I mean identifying the role of the DJ, exploring the identity of the artist, reading the music video and so forth). To begin this section however, I will investigate the concepts surrounding postmodernism and its relation to popular music. It should be noted that this section will serve more as an exploration of postmodernism rather than a literature review.
My interest in postmodernism began in the final year of my undergraduate degree in popular music studies. Whilst researching for my dissertation (which was based on the role of the music video), I discovered that to understand my topic, I needed to employ certain cultural theories (other than music), such as postmodernism. Learning this theory proved to be challenging as critical theory was not a module at the time (the degree was still a new course in the late 1990s). Fortunately, some of my friends who were studying film and theatre studies were learning postmodernism as part of their degrees and invited me to join their lectures at Bretton Hall and University of Liverpool. By attending these lectures, I learned to enjoy, understand and appreciate postmodernism, which I applied to my dissertation with success. When I returned to higher education in 2004 to study for the Ph.D, I learned that postmodernism is not entirely appreciated or accepted by many academics. Although postmodernism is taught in many subjects, and now in some popular music degrees, I have found it difficult to present my research as an individual Ph.D researcher. Presenting the musical and sociological aspects of my research at conferences proved to be no problem, but to discuss my theories or my Ph.D in general was an issue. Usually, when explaining the postmodern methods I used in my research, the response I would receive would either include an awkward silence, or the following comments ‘there is no such thing as postmodernism’ or ‘postmodernism does not exist anymore’. These responses were not encouraging. The only moment where I felt my work and ideas were appreciated was at an inter-disciplinary conference dedicated to Jean Baudrillard in 2006, where postmodern academics such as Douglas Kellner and Hal Foster were present, and keen Ph.D researchers like myself could share ideas with others. Therefore, when I explore postmodernism in this section, I want to continue with the notion that I started with and that
is for the reader to gain a sense of appreciation and understanding of the subject. To achieve this, I will need to look at the issues surrounding postmodernism (including the reflection of the negative responses), and suggest ideas for the theory to be acceptable.

To begin with is to start with the definition of postmodernism. With this suggestion, many academics would instantly identify a problem already—postmodernism resists fixed definition. To gain a sense of definition, is to connect the term with a particular subject such as religion, sociology, film, architecture, design, fashion, literature and so forth (music is also included but as previously stated, it was at first very rare to study as a module).

There has also been confusion on whether the term ‘postmodernism’ is commendable of having a definition, or some sort of meaning, if it is to be conducted as a theoretical practice, or whether the term should be used as a form of expression or descriptive label when explaining something as ‘new’ (Newman 1989, p. 95; Best and Kellner 1991, p. 29; Featherstone 1991, p. 11; Anderson 1995, p. 45; Jameson 1998, p. 1). Another related issue in trying to define the word ‘postmodernism’ is that a time, place or movement cannot be located. Therefore, the origins of postmodernism appear to be confusing because the timing of its foundation varies (for example it has been noted that postmodernism started in the 1980s, 1960s or even earlier). To overcome this issue however is to argue that postmodernism should not be chronologically defined and should be used at specific moments when postmodernism is active (Eco 1995, p. 31; O’Donnell 2003, p. 15)—in other words, postmodernism can be evident anytime. This idea of having no set period associated to postmodernism is useful for my research because I am arguing that postmodernism is active now in popular music and in the digital age.
So far, defining and identifying postmodernism appears to be either ambiguous or confusing, and it comes as no surprise that academics who appear to embrace postmodernism, will at the same time, shy away from using the term or may find it difficult to contribute a positive and convincing approach to the subject (Butler 2002, p. 2; Hutcheon 2002, p. 1). This is a matter in which I have experienced myself, ever since the negative reaction I have experienced. Despite this experience, this discussion cannot detour away from the argument on that some form of definition or an overview of postmodernism still needs to be explored, and it is appropriate to start with an obvious way of approaching postmodernism—by associating the term with modernism. To understand modernism, an account of the term will now follow, which will then be supported with its groundings: modernity and Enlightenment.

The term ‘modernism’ is a movement that occurred between the late 19th and early 20th century. Modernism rejected traditional methods from the Victorian era of making and consuming products, and became a period of innovation. For example, technology was on the rise with the invention of electricity, petrol, transport (such as cars), telephone, typewriter and engineering materials such as aluminium (Appignanesi and Garett 1995, p. 6). Advent of mediums in the mass media such as the radio, cinema and gramophone also occurred (ibid.). Modernism however, also played a major role in the arts. For example, modernism rejected traditional compositional methods by inventing new forms and ideas in art (Bertens 1995, p. 3; www2.iath.virginia.edu). The arts included literature, art and music. One of the major aspects of modernism was that innovative ideas had to be continuously presented to keep in line with the present time (to remain ‘modern’). For instance, in the arts, modernism consisted of different styles and techniques such as expressionism (art and
music), impressionism (art and music), surrealism (literature, art and music), Dadaism (art),
cubism (art), futurism (art), steam-of-consciousness (literature), atonality (music), serialism
(music) and so forth. With a variety of styles and techniques presented in the modern era of
the arts, it was usual for artists to experiment with their ideas and works. Therefore, many
artists tended to be expressive and imaginative. Due to the liberation of being imaginative
and expressive, the outcome of the works were not always appreciated by the audience as
the works appeared to be fragmented or incoherent—therefore, it would have been difficult
for the audience to understand the artists’ works. To gain a sense of understanding and
appreciation of a modernist work (such as a novel or composition), it was usual for the
reader to gather knowledge on the artist and his lifestyle (www.artmovements.co.uk). Once
gathering knowledge and understanding of the artist, the reader would then be able to
interpret the artist’s work. Now that an account of modernism has been presented, it has to
be noted that modernism has been used with another term, modernity, which will now be
discussed.

Modernism and modernity share some similar concepts. This is because the period of
modernism came (or continued) from another movement known as modernity. For the sake
for this chapter, it is best to think modernism as an aesthetic period (when referring to arts,
technology, production and consumption), and modernity as a mode of thinking and
carrying a set of attitudes and ideas in philosophy and society. To gain a clearer
understanding on what modernity means, we can approach a definition addressed by
Richard Hooker (1996) who claims:

Modernity is simply the sense or the idea that the present is discontinuous with the
past, that through a process of social and cultural change (either through
improvement, that is, progress, or through decline) life in the present is
fundamentally different from life in the past.
Understanding Hooker’s claim is straightforward: modernity breaks away from traditions from the past and transforms new ideas and attitudes. If modernity did not exist then forthcoming movements would maintain the continuity of traditional methods from the past. Cultural theorist Stuart Hall (1996) states that the inspiration of a new movement (modernity) that consisted of free-thinking people, new ideas and attitudes came from other periods such as the Reformation, the Renaissance, and more specially for this argument, the age of Enlightenment (Hall 1996, p. 8). Therefore, modernity is associated with Enlightenment which existed in the 18th century. In the period of Enlightenment (also known as the age of ‘reason’), people (mainly from an elitist background) became more philosophical on how they viewed life and the world. For example, intellectual thinkers would apply reason on any area of life or world such as religion or politics. One of the key thinkers of Enlightenment and a believer in applying ‘reason’ was Immanuel Kant. In his essay ‘An Answer to the Question: What is Enlightenment?’ (1784), he demonstrates how a person can control his own life by being intellectual and not conforming to instructions and rules. Kant describes a person who cannot be encouraged to control his life and would prefer to follow rules and instructions as ‘immature’ (www.english.upenn.edu). To escape from immaturity, is to learn how to appreciate and think for himself (ibid.). Another way of participating in Enlightenment, Kant argues, is to have freedom (ibid.). This will increase the person’s mind to explore and think about life and the world that surrounds him. Here, the person can gain knowledge and challenge issues in politics, religion, technology and so forth. These thoughts from Enlightenment were significant in modernity as it encouraged people to be free-thinkers which set the basis of modernism—a period of innovation and experimentation. Before the discussion on modernism, modernity and Enlightenment can
conclude, a particular term that was used as a response to these topics needs to be discussed, and that is postmodernity. Postmodernity can be observed as a response or even a successor to modernity. Peter Brooker and Will Brooker (1997) argue that postmodernity occurred after the Second World War when modernity became threatened and replaced by new and rapid methods of technology (p. 3). With the increasing developments of technology at the time, people chose how to control their lives, by being influenced on the images presented by the media (especially when the television was invented), rather than to think for themselves. Postmodernity was not in favour on the ideals of Enlightenment or the attitudes of modernity (Ward 2003, p. 10). Postmodernity rejected the notion of optimism and was disillusioned on the thought on being more knowledgeable in life. Postmodernity however, carried the notion that work was innovative and encouraged free-thinking through a play of individual thoughts, established thoughts and by reworking existing technologies and arts. Now that modernism, modernity, Enlightenment and postmodernity have been discussed, the definition of postmodernism will be further explored.

One way to define postmodernism is to link it with modernism. This seems to be a favourable starting point for academics that postmodernism can be seen as a successor to or a break from modernism. This statement can be supported by Hal Foster (1993) who argues: ‘Postmodernism signalled a need to break with an exhausted modernism, the dominant model of which focused on the formal values of art to the neglect not only of its historical determinations but also of its transformative possibilities...postmodernism was a disputed category’ (Foster 1993, p. 3). Foster claims that postmodernism was a signal for the end of modernism, and he reminded the reader what the movement was about: to escape from the set traditional modes of making art and to form new conventions. Past eras paved
the way for new formations of movements, therefore it is right to consider that modernism, as a set movement, had to retire or at least have a break. Another author who also agrees that to define postmodernism is to associate the term with modernism is E. Ann Kaplan (1988), who like Foster, argues that postmodernism should be thought as a cultural break from modernism (p. 1). Kaplan supports her claim by focusing on 'electronic technologies'. Here she reminds the reader that modernism was the advent of technologies that proved to be successful. The success of the original technologies was then 'drastically altered' (ibid.) which resulted in postmodernism. Here, one may think of the invention of typewriters which were design to aid writing whether if it was to type a letter or report. Now we are living in an age where many if not most people will have access to computers, which carry more features than an ordinary typewriter. Another obvious example would be the telephone. This form of communication has now expanded in various ways with mobile and smartphones being the obvious examples. These phones offers various methods of communication, such as making a phone call from any location with the same phone, participating in a video conference, or sending an email. To summarize Kaplan’s comment, we are living in an era where anything is possible with postmodern technology. Although ‘new’ forms of current technology (such as the mobile/smartphones) may appear as original, ‘modern’ and are indeed innovative, it should be considered as postmodern because the basis of the ideas (telephone), came from modernism. Umberto Eco (1995) can support my argument as he states that the ‘postmodernism reply to the modern consists of recognising that the past, since it cannot really be destroyed, because, destruction leads to silence, must be revisited…’ (p. 35). With this claim, Eco argues that postmodernism can be viewed as a continuation from modernism as well as a break, because in a postmodern
work, it will carry elements or characteristics of the past (modernism). In music for example, a sample would consist of an already established sound recording, which will have come from the past. Another key thinker but also a firm believer that postmodernism resulted from modernism is Fredric Jameson who claims:

Historically of course, it did begin as a reaction against the institutionalization of modernism in universities, museums, and concert halls, and against the canonization of a certain kind of architecture. This is felt to be oppressive by the generation that comes of age, roughly speaking, in the 1960s; and, not surprisingly, it then systemically tries to make a breathing space for itself by repudiating modernist values.

(quoted in Stephanson 1989, pp. 3-4)

Jameson identifies postmodernism as a reaction to modernist values concerning elitist culture. Before and during the modern period, distinction of classes was evident. To gain a high standard of education, or to experience art or live (at the time various types of classical) music, one would have to pay a high amount of money and these experiences were unaffordable for the lower classes. Jameson therefore is arguing that postmodernism (in which he specially states from the ‘1960s’) rejects modernist values, which makes certain things more accessible to anyone, regardless of class, should they choose to be involved in such activities. Jameson’s argument connects to his main contribution to postmodern theory in which he believes that modernism and postmodernism help to define the different stages of capitalism:

[Postmodernism is] a periodizing concept whose function is to correlate the emergence of new formal features in culture with the emergence of new type of social life and a new economic order—what is often euphemistically called modernization, post-industrial or consumer society, the society of the media or the spectacle, or multinational capitalism.

(Jameson 1998, p. 3)

Here, Jameson is referring to a new stage of capitalism that we are currently living in. He also describes this era as ‘late capitalism’ (ibid.). He is mainly focusing that the consumer
has a major part in capitalism in terms of consumption as well as production—marketing, selling and buying products which not only involve different kinds of technologies, but also indulging in a sphere of images produced by the media (p.19). This links to an earlier argument that consumers tend to be ‘controlled’ or choose to be influenced by the media on how to live their lives and view their surroundings rather than to think for themselves.

Moving away from defining postmodernism as a break from modernism, it is now appropriate to revisit the concern on why there is not one straightforward definition of this term and to consider other meanings. This will include optimistic and pessimistic concepts of the term.

A quirky but direct contribution on defining postmodernism is offered by Walter T. Anderson (1995):

The word “postmodernism” is floating around rather freely these days, and it means different things to different people. To some, it means funny architecture; to others, French intellectuals you can’t understand; to others, anything weird, campy, trendy or high-tech. Some people equate it with the idea that all values and beliefs are equal.

(Anderson 1995, p. 7)

Anderson’s convincing claim opens up the various arguments when trying to define postmodernism. For example, Anderson argues that the term ‘postmodernism’ tends to be openly used ‘these days’. Although the work was published in 1995, the word postmodernism has in fact been used at anytime when considered as appropriate. This suggests that although we have established that postmodernism is a successor to (or break from) modernism, there is no set period of postmodernism as authors would use the term to describe certain works of various times. In fact, if Anderson’s article was republished today, it would certainly fit with current society, especially with the issues that I will address later in the thesis. Anderson also observes that postmodernism has different
connotations. As stated earlier, various academic subjects will not carry an overall definition that anyone can follow (or at least agree on), but rather produce a definition that will suit their audience. The presentation of various definitions will of course, as previously mentioned, lead to confusion. The confusion of postmodernism is also addressed by Anderson in which he offers examples on how the term is interpreted. He raises an interesting point however, that all ‘values and beliefs are equal’ (ibid.). Here, a characteristic of postmodernism is identified: in postmodernism, there are no boundaries in values and beliefs, and all are treated fairly. The most common examples would include distinctions of classes and art. For instance, high (elite) art (or brow/class/culture) and low (or working /mass/popular) art (or brow/class/culture) are no longer separated, which makes postmodernism accessible to people regardless of background or beliefs. While this characteristic may be welcomed by most academics there are some who may not be in favour for this distinction at all. For example, Fredric Jameson calls the blurring of cultures as ‘distressing’ because he feels that high culture should remain preserved and separated from low culture (Jameson 1998, p. 3). I understand Jameson’s point that modernists’ works should maintain a sense of elitism and longevity, but would this be fair on the consumers who would like to have the choice to appreciate such works, but instead are denied from doing so because of lack of access? This is why postmodernism is significant now, because it is accessible to people regardless of background. This enquiry can be supported by Nigel Watson (2005) who notes that there is more flexibility in postmodernism, as ‘hierarchies’ of culture are no longer divided but can now be blended (Watson 2005, p. 37).
Another definition of postmodernism is offered by Kevin O'Donnell in which he claims the concept means ‘beyond the now’ where ‘something is always shifting, never static, anti foundational’ (O'Donnell 2003, p. 144). O'Donnell is arguing that postmodernism is in the present but at the same is imminent, because with postmodernism, it is constantly flowing and changing with constant ideas being presented or challenged. This approach to postmodernism, in my view, is acceptable especially today. One element of a postmodern work is that it may appear incompatible or futuristic, and this is made possible by technology (and of course the artist behind the idea). A similar definition is offered by postmodern theorist Charles Jencks, who simply defines postmodernism as ‘the continuation of modernity and its transcendence’ (Jencks 1996, p.15). His simple definition is clear, postmodernism is a continuation of modernism and not a rejection but a transcendence. He supports his argument even further by stating that postmodern works carry a characteristic: double coding. This term was actually coined by Jencks in 1978 (ibid.) and was used to describe the opposites that are presented in a postmodern work. The opposites or the double codes that are evident in a postmodern work are usually based on ‘new techniques’ and ‘old patterns’ (p. 30), such as the use of present ideas and ideas from the modern movement. Jencks offers reasons for the use of double codings: to send a mixed message of acceptance and critique; and, to remain committed to modernist techniques (p. 30). Jencks has identified a potential issue with a postmodern work which is that it results in optimistic and pessimistic responses. Like modernism, postmodernism is not instantly approachable or appreciated by the audience and will always serve some form of reaction, which could be positive or negative. This is not a bad issue, but is certainly serious as this is another reason on why some academics dislike postmodernism and find it confusing.
Although Jencks rightfully argues that double coding allows the artist to maintain the notion of modernist characteristics in the work, opponents of this thought would see this as disrespectful. One approach to the possible opposition would be that anti-postmodernists would not like the idea of a modernist work being reused and manipulated into a new work. I would argue for the anti-postmodernist to justify and understand why and how the artist devised a postmodern work and how it can produce a negative reaction but at the same time be accepted. To investigate this further is to search for other definitions of postmodernism, but this time, by focusing on some other characteristics that are used in postmodernism.

One characteristic of postmodernism would include the ‘decline of metanarratives’ (Strinati 2004, p. 209). Metanarratives (also known as grand narratives) are narratives based on knowledge and truth which are passed through generations and cultures with its practices and beliefs remain untouched. Postmodern works and thoughts are not in favour of metanarratives because it is argued that people would find it difficult to lead their own lives if they followed metanarratives (such as religion) especially in present times (Strinati 2004, p. 209). A postmodern thinker who firmly believes that the end of metanarratives is a characteristic (and practice) of postmodernism is Jean-François Lyotard (1984). Lyotard critiques that the ‘grand narrative has lost its credibility, regardless of what mode of unification it uses, regardless of whether it is a speculative narrative or a narrative of emancipation’ (Lyotard 1984, p. 37). He is arguing that because of postmodernism, metanarratives are no longer authoritative (in terms of ordering what is good/bad and true/false) or significant to people because in a postmodern society, people will choose how to run their own lives, what to believe, and if applicable, not to conform to set rules, but to consider various rules or implement ‘language games’ in their understanding of narratives.
Lyotard based his theories on Ludwig Wittgenstein especially on his theory on 'language games'. The term language games means to play, interpret with or manipulate established rules in order to gain clarification of the intention of the rules (p.10). Language games is an open system where there are no set boundaries within meanings, in other words, language can serve many functions and ideas at any time regardless on how incongruent these may seem. As metanarratives are not favourable in postmodernism, gaining knowledge from multiple sources or practices acting with language games suits postmodernism, as the play of various narratives is uncommitted, temporary and makes no set claim or solidity to knowledge and truth.

Another characteristic of postmodernism are the ‘confusions over time and space’ (Strinati 2004, p. 208). In postmodernism, time and space becomes distorted because it is not obvious to detect a particular period in a postmodern work. For the sake for this research it is better to link it with arts. For example, in most postmodern paintings, films, television or arts, a time, space or location cannot be located because there are various signs representing different periods or eras in the work. An example that comes to my mind is television advertisement, such as the old ‘Lilt’ advertisements aimed at the British viewing public. Here the public are exposed to images of the hot weather in the exotic location of the Caribbean, and its residents are enjoying a can of the tropical drink ‘Lilt’. The advent sends a postmodern signal to the viewer: to gain a sense of the Caribbean, drink a can of ‘Lilt’, when in reality, the viewer is experiencing gloomy weather with the dream of going on holiday. Here, double coding comes into force with the play of reality versus fantasy. Another example would be music videos. Perhaps the best example to demonstrate would be any of Madonna’s music videos, but I would like to suggest ‘Like a Prayer’ (1989),
because it is complex and easy to understand. From the beginning to the end of the video, the time, space and location is very confusing. From the start it seems that Madonna observed an attack on a female and saw the person (African-American) being wrongly accused and arrested. As the video progresses, it appears that Madonna is in the Southern States of America as there are signs of racial activity (the burning crosses at night for example). Then the space and location moves to a church where Madonna prays to the statue of Jesus to seek for help for gaining the courage to report to the police about the wrong accusation. Here the time (and narrative) becomes distorted when Madonna controversially kisses the (black) Jesus. To make the story even more confusing for the viewer (if they are trying to ‘read’ the video), but is indeed great for the postmodernist, is that when Madonna manages to secure the release of the wrongly accused man, a celebration is then followed on what appears to be a theatrical stage. When the video ends, the actors stand in front of the camera, bow to the audience and the curtains draws to a close. This is a good example on the confusions over time, space and location, because the video appeared to be set in a significant part of the States, trying to reflect a historical (and present) time, but in the end, it turned out to be a theatrical performance. This personal opinion on the confusions over time, space and location is presented as a neutral observation, and I would accept that this is indeed a characteristic of postmodernism. The idea of different times, locations and so forth in a postmodern work will enable the reader to be aware (or even study) the various historical and present periods, which will widen their own personal knowledge.

Another characteristic when considering postmodernism is to note the challenges of art and popular culture. Here, anti-postmodernists would regard postmodern art as not ‘art’, in the
sense of being modernist or elitist. Strinati argues that ‘if popular cultural signs and media images are taking over in defining our sense of reality for us, and if this means that style takes precedence over content, then it becomes more difficult to maintain a meaningful distinction between art and popular culture’ (2004, p. 207). Strinati is arguing that art and popular culture are no longer separated, as popular culture is influencing reality and consumption of style just like the modern movement. This should not be perceived as negative however as the combination of art and popular culture will draw audiences from various backgrounds and cultures, and as argued before, the art will also be accessible. For the critics however, they may argue that a postmodern work that contains a blend of (modern) art and popular culture will not be unique, individual or ‘new’ as the artist may have imitated or copied a past source that perhaps should have remained untouched. Perhaps also to the critics’ dismay, the work could have been blended with images of popular culture in which they would argue that the elitist value of the work does not exist. There is a slight but positive twist in this concept however. The original artists of the original source will benefit from the postmodern product if it were to be successful. To give a musical example is to focus on sampling. If a music track carries a sample from a past period which has modernist value, the original composer will receive royalties. Another example is that modernist music (say classical for example) has made its mark in popular culture by being present in television (in particular in car and bread advertisements), sport stadiums, and more recently, a British reality show involving (popular music) musicians participating in an opera competition. A final example is noted by Derek Scott (2005) as musicians of popular and classical music cross over to each other’s genres, with classical violinist Nigel Kennedy and blues guitarist Eric Clapton being prime examples (Scott 2005,
The combination of art and popular culture and the crossing over musical genres, should not be perceived as challenging but as a celebration because it allows the artist to experiment and discover other art; the audience to expand their appreciation and perhaps their knowledge of the art regardless of their social and cultural background.

The characteristic of the combination of art and popular culture, is associated with another element which is imitation and a blend of sources as observed by Steinar Kvale:

‘Postmodern art is characterized by pastiche and collage... Elements from epochs are elected and put together in an often ironical recycling of what is usable as decorum’ (Kvale 1995, p. 23). Postmodern art is produced by images or texts being chosen from past sources and ‘recycled’ to form new art. Kvale’s persuasive statement connects to earlier suggestions about the characteristics of postmodernism mainly involving double coding, in the form of a blend of cultures or styles of art which can result in collage. He also mentioned a term often used in postmodernism, pastiche—which is an imitation or copy of something else, whether it is an image, sound, text or drawing influences from other styles.

The term pastiche however often gets confused with a similar term, parody, and both terms lead to negative issues in postmodernism. Anti-postmodernists critique that postmodernism that uses imitation will not bring anything meaningful in the outcome of the works except for silence or dismay. To distinguish the two terms I will look at each word separately. As previously stated, pastiche simply means to imitate. In Italian, the word for pastiche is pasticcio which means ‘a medley of various ingredients: a hotchpotch, a farrago, jumble’ (cited in Lewis 2005, p. 114). This definition is associated to postmodernism because it implies imitating or borrowing existing texts and inserting them into new works. In postmodernism, when imitation is used, it is usually something that will be familiar to the
artist and viewer, because as Barry Lewis notes ‘everything has been done before’ (Lewis 2005, p. 115). This comment will be familiar to readers of postmodernism because they would view that solid new ideas cannot be achieved as it either already exists or has been accomplished before. This is not a negative claim as the inclusion of familiar sources will enable the viewer to learn more about the postmodern work, and should s/he wish to, explore on its origins. An example of pastiche would be to revisit the music videos of Madonna, with ‘Material Girl’ (1985) being a prime example. In the video she is imitating Marilyn Monroe and her 1953 film *Gentlemen Prefer Blondes*. In the music video, Madonna is imitating a particular scene from the film where Monroe sings the song ‘Diamonds are a Girl’s Best Friend’. For this particular scene in ‘Material Girl’, the video carries the same stage settings, characters, performance and of course, Madonna is a direct imitation of Monroe. The video simply imitates another source as a form of performance and entertainment for the contemporary viewer. It is postmodern because: there is a loss of time and space; there is a combination of music video and nostalgic film; there are different fashion styles from what would have been in the present (1980s) and past (1950s). While pastiche is simply an imitation of another source, academics would strongly disagree with its use in postmodernism as meaningless. We revisit Jameson’s work as he has strong views on imitation in postmodernism. His contribution involves both pastiche and parody, which both ‘involve the imitation or, better still, the mimicry of other styles and particularly of the mannerisms and stylistic twitches of other styles’ (Jameson 1998, p. 4). He describes pastiche as a ‘blank parody’ (p. 5) and an imitation of ‘dead styles’ which serve to receive no reaction at all. He is arguing that the use of pastiche is meaningless and there are no intentions of using imitations of ‘dead styles’ (past styles). His comment has been observed
by other academics such as John Storey, who gives his interpretation of Jameson’s work by stating: ‘postmodern cultural texts do not just quote other cultures, other historical moments, they randomly cannibalize them to the point where any sense of critical or historical distance ceases to exist—there is only pastiche’ (Storey 2005, p. 136). From Storey’s and my understanding of Jameson’s view on pastiche, he appears to be pessimistic. Jameson’s view on pastiche is that it is used in postmodernism without reason therefore it is meaningless and pointless. This concept is debatable because while I mostly disagree with Jameson’s concern, I can also understand his point of view. I agree that pastiche can sometimes be meaningless, but would offer a sympathetic approach: in some cases, the use of pastiche is simply an innocent imitation with no reaction intended. Where I would disagree with Jameson’s comment however is that there are some cases where pastiche can be intended to serve a reaction: such as a celebratory or playful tribute, or reminiscence to a known source presented in a postmodern work. I would like to revisit Jameson’s comment on pastiche being a ‘blank parody’. What does he mean by this definition? He is basically arguing that parody always serves a reaction of some kind, therefore pastiche should be perceived as a blank parody because it does not result in a reaction.

Let us explore parody further. The term parody is also a form of imitation, but one which usually mimics the original source which can result in a reaction. This definition is developed by Linda Hutcheon who claims that the ‘parodic reprise of the past of art is not nostalgic; it is always critical’ (Hutcheon 2002, p. 89). Here, Hutcheon refers the use of parody in art and past (or modern) art. She notes that parody is not nostalgic (unlike pastiche), and is always critical, meaning that the use of parody attracts attention (usually of
comical, satirical or shocking value). While Hutcheon’s comment is persuasive, Jameson also produces a similar definition on his version of parody:

Now parody capitalizes on the uniqueness of these styles and seizes on their idiosyncrasies and eccentricities to produce an imitation which mocks the original...the general effect of parody is—whether in sympathy or with malice—to cast ridicule on the private nature of these stylistic mannerisms and their excessiveness and eccentricity with respect to the way people normally speak or write.

(Jameson 1998, p. 4)

Jameson’s argument about the use of parody is persuasive: to use parody in a work, is to elect a certain feature of the original work (or even the artist, say personality or mannerism), and to ‘mock’ the original source. The reasons behind the use of parody varies, as Jameson implies, it is for the artist to show ‘sympathy’ or ‘malice’ for the original source, or perhaps even, an attempt to make the parodic work more better and attractive than the original source. The use of parody is very much evident in popular culture ranging from films to music videos. One may think of the North American singer ‘Weird Al’ Yankovic who has mimicked other pop stars’ songs which usually results in a comical value (imitations of artists include Michael Jackson and Coolio). There is the adult comedy show, South Park which parodies well-known figures or historical, socio-cultural events which can either receive a comical reaction or anger from the audience. In the UK, one may think of the comedy Bo Selecta! in which its main actor and comedian Leigh Francis parodies celebrities and their personalities by dressing like them and wearing disfigured rubber face masks to make a mockery of them. Although the show was of comical value, it did briefly enhance the career of one its characters, the former garage musician Craig David.9 Therefore parody shows that despite its aim to gain a comical,

---

9 Although this statement is true, Craig David later insisted that Bo Selecta! ruined his career even though that he appeared personally on the show (Iley, 2007). Perhaps the real reason on why Craig David is finding it
satirical or shocking reaction, it can improve the original work. We turn now to focus on another feature or to be more appropriate, practice, which concerns postmodernism, and that is some of the theories of poststructuralism.

Postmodernism is often associated with poststructuralism. This serves to be another symptom in understanding the concept of postmodernism because anti-postmodernists would prefer to keep the two theories divided, or even suggest that postmodernism should not be in existence as there is poststructuralism. This is when understanding postmodernism again appears to be confusing because in some people's view (mainly for postmodernism), they would either state that postmodernism is poststructuralism, or postmodernism is a reaction to poststructuralism. My contribution towards this argument is, as in favour of postmodernism and for the sake of the thesis, that postmodernism follows the theories and insert practices of poststructuralism into postmodern works. To gain an understanding of why and how the two theories are interrelated it is necessary to briefly investigate poststructuralism. Poststructuralism is a reaction to a linguistic theory, structuralism, which was pioneered by Swiss linguist Ferdinand de Saussure (Appignanesi and Garret, 1995, p. 56). In structuralism, the structure and meaning of language was theorized which led to a significant practise of language known as semiotics—the study of signs. Saussure argued that language can produce multiple meanings (signs) through a play of words, images, sounds and its contexts (signifiers and signifieds). This theory was mainly observed in France in the early 20th century, but became challenged when its analytical methods were questioned mainly by French theorists, which soon led to another theory known as poststructuralism (Sim 2005, p. ix). While poststructuralists were also interested in hard to reclaim success in the entertainment industry is because his original musical style, UK garage, is not popular anymore.
studying the structure of language, they were also concerned about the concept, context and division of language, text and meaning. Stuart Sim (2005) elaborates on this concept by stating that ‘whereas structuralists emphasized similarity and interconnectedness, poststructuralists emphasized difference and openendedness’ (Sim 2005, p. ix). Poststructuralists go beyond analysing ‘similarity and interconnectedness’ and firmness in language by exploring its differences and unlimited interpretations. This is one area where poststructuralism could be confused or associated with postmodernism: postmodernism also involves the exploration of differences and unlimited interpretations not only in language, but also text, image, sound, society, culture and so forth. Steven Best and Douglas Kellner explain further the relationship between poststructuralism and postmodernism:

Poststructuralism forms part of the matrix of postmodern theory, and while the theoretical breaks described as postmodern are directly related to poststructuralist critiques, we shall interpret poststructuralism as a subset of a broader range of theoretical, cultural, and social tendencies which constitute postmodern discourses. Thus, in our view, postmodern theory is a more inclusive phenomenon than poststructuralism which we interpret as a critique of modern theory and a production of new models of thought, writing, and subjectivity, some of which are later taken up by postmodern theory. Indeed, postmodern theory appropriates the poststructuralist critique of modern theory, radicalizes it, and extends it to new theoretical fields.

(Best and Kellner 1991, pp. 25-26)

Best and Kellner argue that postmodernism is related to poststructuralism through its use of concepts and practices. They argue that postmodernism follows the ideas presented by poststructuralism, and enhance and place the ideas into new perspectives when discussing or analysing postmodern works. Best and Kellner’s argument is useful as it clarifies for the reader the confusing and conflicting thoughts about why poststructuralism and postmodernism are associated. A selection of postmodern practices that have been drawn
and influenced from poststructuralism and its key thinkers now follows. The postmodern practices to be discussed are important as they inform the critical case studies of the subsequent chapters. The postmodern practices include authorship; deconstruction and *différence*; intertextuality; myth and the third meaning; simulacra; hyperreality; identity; and, authenticity.

One postmodern practice that is questioned in postmodern works is the role of the author. This concept was introduced by French cultural theorist, Roland Barthes (1925-1989), who wrote ‘Death of the Author’ (1977). Barthes argued that the owner or creator of a piece of work can no longer be the author because the work’s intentions, which is the meaning of the text, will be interpreted or used differently by other people, in which he referred to the ‘birth of the reader’ (Barthes 1977, p. 148)—this person could be the reader or the new creator of a postmodern work—therefore, authorship is challenged. Take a reader for example, when s/he views a work, they can construct their own interpretations of the work despite the author’s original intentions. Barthes would argue that the ‘author’ is dead because there is now no such thing as an author as ‘meaning’ has been captured and interpreted freely by another (the reader), although I would expect that the reader would acknowledge some kind of understanding of the author’s intentions. There is another approach to discuss Barthes’ argument, which will be appropriate for the chapters to follow—to see the reader as the creator. By this I mean the consuming musician as the creator of postmodern works, in particular the style of hip-hop and the input of sampling, drawing on existing music s/he is listening to. If one is to create a piece of postmodern music based on sampling, one would usually borrow and insert original sound recordings into the creation. The creator would usually have an intention about why s/he is going to
insert other musician's work, and therefore would have their own interpretation in mind—in other words, once the original recording is used, the original intention planned by its original composer (or 'author') is either lost or in some situations extended. Therefore it may be argued, particularly by Barthes, that a sense of authorship is lost. Another point to consider is that if there should be an author, who should gain the role—the creator or the original author? I would like to stress that in postmodern musical works, there definitely should be a sense of authorship, mainly directing at the creator, the person who carefully elected what recorded sounds to use to blend with his/her own compositional ideas.

Although Barthes' essay is debatable by suggesting that a sense of authorship has been lost (which is arguable, after all, in order to gain some sense of a work is to surely relate it to its author?) he is correct to raise awareness on why authorship is questionable especially in postmodernism. There are other approaches to the idea of the author, such as that offered by theorist Michel Foucault (1926-1984). In his 1969 essay 'What is an Author?' he is also aware that authorship is in decline and tries to encourage the continuation on the concept of authorship regardless on whether a piece of work has remained intact or been used in various ways by other people. He offers a set of beliefs to consider when trying to maintain the role of the author which is known as 'author function' (Foucault 1986, p. 108). He argues that the 'author function' is a characteristic of the existence, circulation, production and consumption of texts (ibid.) rather than its owner. By using the word owner, I mean the identity and writer of the text who would usually be referred to as the 'author'. Here, Foucault argues that the name and identity of the author is not significant. Instead, the author is the creator and reader of the text, where the text's significance lies on how the language was presented and interpreted as a narrative, not 'who' wrote it. Of course, the
Another postmodern practice to look at is deconstruction and its associate *différence*, which are poststructural concepts to consider when analysing texts. The terms were devised by Jacques Derrida (1930-2004), who recommends searching beyond the supposed intention of the text to see if any further meanings can be revealed. By this I mean, to deconstruct is to analyse the structure of the language and its text to view how the words are assembled, and to search for more meanings hidden in the text. In deconstruction, a reader must search within or outside its ‘transcendental signified’ to search for new meanings. To explore beyond its transcendental signified, is to ‘decenter’ its ‘center’ which can be the idea, origin or truth of the subject (Derrida 2001, p. 354). Another method of deconstructing a text is to search for binary oppositions. This term can be viewed as an opposition of two related signs such as female/man, hot/cold, high/low and so forth. Author Catherine Belsey (2002) describes its function of binary opposites in which ‘one term is highly valued, the other found wanting’ (Belsey 2002, p. 75). Belsey is stating that when deconstructing binary oppositions in a text, you will find that one opposition will be of greater value than the other: the reason for that will depend on its context and its relation to the other words. Deconstruction allows the marginalised opposite to control the text and permit other signs to be freely interpreted into multiple meanings (Derrida 2004, pp. 38-39). A

---

10 The transcendental signified is another concept devised by Derrida, with its meaning based on that the text can have one clear and stable interpretation only (Derrida 1997, p. 49).
deconstructionist method of the study of multiple meanings within a text is known as *différance*. Derrida argues that the meaning of the codes presented as words ‘differ’ and are ‘deferred’, because there are no set meanings to them, which implies that these codes may signify interchangeable, multiple or playful meanings, which could produce further related or unrelated signs. It is also a way of drawing oppositions together by the different meanings that they may produce in a given context of time and space (Derrida 1982, pp. 5-8). Therefore, Derrida’s use of *différance* has two purposes: to postpone the meaning of a text as new, further and related meanings (and signs) are identified; to differentiate a meaning if the binary oppositions and signs presented in the text are significant depending on its given context. Derrida’s deconstruction can be applied to popular music because creative works that are based on samples, different beats and a fusion of styles would have unintentionally employed the deconstructionist method.

Moving away from deconstruction but maintaining the theme of analysing texts is to look at another postmodern practice, intertextuality. Intertextuality is a poststructuralist term coined in 1969 by Julia Kristeva as a translation of Bakhtin’s ‘dialogic’, and is embraced by postmodernists (McGowan 2005, p. 244). Intertextuality means to insert a text within a text. The text is usually borrowed from another source such as a novel, film or music, which is then inserted as a quotation, citation or reference into a new work. The careful placement of the borrowed text would help to draw out further signs and meanings within the new text. The reason for using intertextuality varies, but the reason could include: to imitate other established works (pastiche or parody); to display homage; to reflect an intention of the present work; to enhance a new work for creative purposes; and to show one’s influences from another source. Derek Scott (2009) argues this further:
'Intertextuality acknowledges the circulation and interplay of meaning across numerous signifying practices' (Scott 2009, p.10). Here, intertextuality enables the use of borrowed texts to produce multiple meanings in works. Like some of the characteristics of postmodernism (such as double coding), intertextuality can also be a characteristic as well as a practice because of its use or play of past and present sources. The combination of texts can be searched within, or deconstructed, for signifiers of the new work. The use of intertextuality in postmodernism is significant as noted by Anthony McGowan:

'Postmodernism embraces an extreme notion of intertextuality, in which the play of meaning is infinite, in which anything goes. The limits of interpretation are set only by the boundaries of the imagination' (McGowan 2005, p. 244). McGowan’s statement draws a further understanding of postmodernism and intertextuality—where apparently anything is possible when producing a new piece of work because postmodernism allows the user to experiment, play and display influences of established works along with a mixture of styles and cultures. As intertextuality helps to produce meanings in a work, there are other practices to be aware of when searching hidden meanings such as Roland Barthes’ myth and the third meaning.

Myth and the third meaning are separate analytical tools devised by Roland Barthes. They can be useful for analysing postmodern texts. His collection *Mythologies*, which was originally published in 1957, is a collection of essays on French popular culture which helped the reader to understand the images and messages portrayed by the media by unpacking a myth in the second meaning of a text or sign. While the first meaning may carry an obvious connotation, in rare cases, a second meaning may carry a ‘falsely obvious’ one (Barthes 1993, p.11). In such cases, the second meaning will be unconvincing to the
reader because of the false intentions it may imply, and this is known as the 'myth'. The purpose of the myth, Barthes argues, serves two functions: it notifies us of something presented in the sign; and, it encourages us to understand the significance of the sign because it has been imposed on us (Barthes 1993, p. 117). The other analytical method is when the reader unpacks the third meaning (in rare situations), and its connotation becomes the real intention of the work. Barthes implies that there are three stages to check if there is a third meaning. The first stage is to unpack the text on surface, which is known as the 'informational' level. The second stage is to analyse the meanings of the codes found in the previous stage—this is known as the 'symbolic' level. With the combination of the codes found in the two levels, the reader will have to find the significance of the signs in relation to its socio-cultural context, and work out if there is a third meaning, the real intention of the text (Barthes 1977, p. 52-68). We turn our direction now to focus on other postmodern practices which will involve revisiting 'imitation' from a different approach by basing it on Jean Baudrillard's theory of simulacra and simulations.

In postmodernism, because many works are based on previous and present texts, the realness or authenticity of such works is questioned. It is argued that works are based on copies, imitation or representation of other works. These issues have been raised by theorists such as Jean Baudrillard (1929-2007), who argues that reality can no longer exist because we are surrounded by simulations of signs. Baudrillard believes that a majority of these signs are presented in the media. Baudrillard supports his argument by referring to

11 A musical example that I use in lecturing is The Shamen's song 'Ebenezer Goode' (1992), in which its first meaning suggests that it is about a certain character who makes the listener feel good, but then the second meaning reveals that the character is actually a drug representing ecstasy. Once the real meaning is discovered, the song implies that ecstasy is 'eezer goode' (E's are good), which is a myth because taking recreational drugs have dangerous effects on people. It is worth noting that the music was written during the rave scene in Britain, confirming the socio-cultural context of the song.
imitation as simulation. Unlike imitation which can be perceived as a copy of a text/sign, a simulation is a representation or reduplication or another text/sign. Simulation does not separate the 'real/original' and 'fake/representation' texts/signs as they are too similar in appearance. To relate this concept to music, a producer or DJ who remixes records or uses samples would be using simulations of the music, whether it is on vinyl, CD or MP3, and not the original. If an artist or group were to mime a performance for a music video or a television programme, they would be simulating a live performance. If a person wanted to make a copy of a CD, s/he will be making a simulation of the CD (the audio from the original source and the new source would be similar in terms of quality and therefore one would not be able to tell which CD is the 'original' or 'fake'). To support his argument, Baudrillard devised a theory called the 'Orders of the Simulacra' (the idea originated in 1976) which describes the various stages of the representation based on: 1) counterfeit, 2) production, and 3) simulation (Baudrillard 1993, p. 51). The first order (the counterfeit) is a fake imitation of the original in which 'it masks and denatures a profound reality' (Baudrillard 1994, p. 6). The first order of simulacra has been enhanced to look more attractive but at the same time, distort the image of reality. The second order represents a mass production of imitations in which 'it marks the absence of a profound reality' (ibid.). The second order of the simulacra is a direct appearance of the original model. It is not a counterfeit but a duplicate of the original. The third order of simulacra is the most significant of all because it is a major feature of my thesis, therefore I would like to discuss this order separately and link it with hyperreality.

The third order is 'no longer of the order of appearances, but of simulation' (ibid.). The order is dominated by simulations in which its 'original' cannot be detected. In the third
order, the representation of the simulation blurs the boundaries between reality and fantasy, and is usually digitally produced. Baudrillard believes in the third order of simulacra, reality does not exist (O’ Donnell 2003, p. 45). Here, Baudrillard takes simulation to another level: reality and fantasy, or real and unreal, cannot be divided as they have collapsed to each other. In Baudrillard’s view, there is no such thing as reality, he argues that we now live in ‘hyperreality’. In a world of hyperreality we are dominated and influenced by free-floating signs and are separated from reality. The hyperreal world tends to be more attractive than the real world because of the signs we are exposed to (Baudrillard 1994, p. 1). Therefore, Baudrillard likes to refer the hyperreal as ‘more real than real’ (Baudrillard 1990, p. 11; 1994, p. 144). The idea of experiencing hyperreality sounds appealing, and I believe if one indulges in it too much, it may come at a cost. For example, one experience of me participating in hyperreality would have involved going to the shopping centre Meadowhall in South Yorkshire during my undergraduate days. The first time I walked in I was mesmerized by the layout of the centre (I had never been to a shopping mall before, bearing in mind that in the 1990s there were only three main centres). I was drawn into this postmodern world because the furnishings were a mixture of Victorian and modern pieces, there were restaurants of different cultures including an imitation of a 1950s American diner, a cinema and a massive variety of shops. At the time, I was very excited because it felt like I was on holiday, and I was not in ‘student’ mode. For one day, I escaped from reality and got mesmerized by the floating signs and dreamy surroundings in Meadowhall and enjoyed walking around the centre. By the time I had to leave, I then realised that escaping from reality comes at a price: I spent too much money, missed the train back, and was indeed back in reality in gloomy Sheffield. Of course, I did
not realise that I was experiencing hyperreality back then but I can agree with Baudrillard's theory that hyperreality is better than reality, and that there is no distinction between reality and fantasy (although the only 'realness' in my example was that I spent money and stepped back into reality). Another example of hyperreality is watching the Manic Street Preachers' music video, 'Motorcycle Emptiness' (1992), where a majority of the scenes are hyperreal. Whilst the song is addressing capitalism and consumerism, the video is filled with neon lights, consumer attractions (entertainment and shopping) and consumers. The video is certainly postmodern because it is constantly filled with neon lights presented as signs such as advertisements or the fairground. The space and location is confusing as it is fused with shots of Tokyo and Paris. The time is also questioned which is led by scenes at the fairground where the Ferris wheel has a digital clock displaying non-linear time (of course in terms of production, this was probably an editing issue). There is also a scene of a hotel room where one of the group members is channel surfing on the television and is quickly consuming images and forgetting his surroundings. The only escapism from hyperreality for the group is a calming shot of Richey Edwards trying to connect with a tortoise in Japan. Although I am familiar with the video, there is always one scene that strikes me: the amusement arcade in Tokyo. This short scene is presented in the middle-eight of the song and is significant for this particular discussion. The attractive scene of being by surrounded by bright lights, décor, people and game machines allows the gambler to enter another (fantasy) world, to escape from reality, in the hope of getting rich quick. It reminds the viewer that in this particular situation, what lies behind this hyperreal world is capitalism and consumerism. Although this is not shown in the video, the attractiveness of going to a casino comes at a price: the gambler will have spent too much money and will
probably be facing debts when he is back in reality mode. This observation on hyperreality
and gambling can be supported by the works of Baudrillard and another theorist Umberto
Eco, each of whom observes this kind of activity in Las Vegas. Eco describes Las Vegas as
a hyperreal city totally made from signs and designed for entertainment and gambling. (Eco
1998, p. 40). Eco argues that this is a city made of simulations—buildings representing
other well-known features (such as the Eiffel Tower and Egyptian pyramids) situated in a
‘real’ world, but in reality, it is a city designed to make profit. A similar opinion is offered
by Baudrillard who describes Las Vegas as a ‘desert...bathed in phosphorescent lights’ and
for gambling (Baudrillard 1989, p. 127). He argues that gambling ‘is a desert form,
inhuman, uncultured, initiatory, a challenge to the natural economy of value, a crazed
activity on the fringes of exchange’ (Baudrillard 1989, p. 128). He is referring the desert as
‘desert of the real’ (Baudrillard 1994, p.1) where free floating signs such as the bright
lights, attractive buildings seem ‘more real than real’. The critiques of Las Vegas make an
interesting connection to the Manic Street Preachers’ video by confirming that if we choose
to, we can escape from reality and consume signs that are offered to us. Another direction
of hyperreality is virtual reality where technology can create computer-generated
environments and people (Griffiths 2005, p. 321).¹² Virtual reality is observed in films
(mainly in the genre of science fiction, with The Matrix being a commonly-cited example
as well as many others), and cyberspace, where the creativity of worlds, way of living,
virtually changing identities and bodies are apparently limitless, and permit users to escape
from reality and live in fantasy by experiencing another ‘real life’ temporarily. In
particular, postmodern bodies in virtual reality are presented as a mixture of machine and

¹² The term ‘virtual reality’ was coined by Antonin Artaud in his essay ‘The Alchemical Theatre’, which was
human, known as cyborg (cybernetic organism). Cyborgs became known in popular culture, in films like *Robocop* (1987), *The Terminator* (1984) and more recently *Avatar* (2009). Cyborgs are ways 'to escape the hitherto restrictive physical differences upon which cultural gender hierarchies (like woman/nature, man/culture) have been built (Woods 1999, p. 221). Therefore like postmodernism, there is a blurring of boundaries when constructing cyborgs: nature/artificial, real/unreal, human/non-human, biological/technological and so forth. Gender plays a part in cyborgs, where the gender and sexuality of a cyborg is usually distinctive (body parts may be accentuated). Females for example appear to be as strong and powerful as males and have 'greater capacity for violence, combined with enormous physical prowess' (Springer 1999, p.47). Annie Balsamo (1999) argues that female cyborgs are stronger than male cyborgs because they 'embody cultural contradictions which strain the technological imagination' (1999, p. 149).

In culture in general, there is a sense that technology appears to be more associated with the male rather than female because he is more competent in using such devices. This is reversed in cyborgs. The female cyborg appears to be highly experienced than the male when challenging humans. This reversal acts as a challenging response to the myths on the role of women in society. As already mentioned, cyborgs are usually presented in hyperreal films, and are slowly being included in 'real' life where humans can also choose to modify their bodies which leads to the questioning of identity.

Postmodern identity is usually associated with one's character or personality. A person who may not be able to identify his/her own individuality might look elsewhere for inspiration—this is when postmodernism comes into action. Popular culture and the media can help to shape one's identity through its exposure of signs. The exposure of signs is
available through television, magazines, films and so forth. Should the individual wish to, s/he could choose to adopt someone else's identity through image (fashion), lifestyle and personality. Mike Featherstone (1991) observes how the individual chooses a postmodern identity through three categories of process: consuming images and signs; by seeking information as methods of recommendation or inspiration; or, by attempting to adopt an artistic and 'original' identity by following certain trends in art, history and bohemian lifestyle (Featherstone 1991, pp. 95-97). The first observation of consuming images and signs refers to the core argument of this discussion on postmodernism in which we are constantly surrounded by images and signs. These images may include advertisements, films and so forth. Image is a major factor for the consumer because it is all about looks and owning attractive materialistic products. A celebrity that would fit into this category would be Madonna who is famous for her different identities and lifestyles. Madonna has been labelled the 'queen' or 'icon' of postmodernism because of the playfulness of her identities (McGregor, 1997; O'Donnell 2003, p. 18). Although she does a very good job of adopting various appearances (whether it is Marilyn Monroe or pretending to be Jesus Christ), I feel there is no particular reason for her play other than to look good, play a performance, and gain attention which leaves us unsure who Madonna really is. Another approach on understanding this category is to look at postmodern artist Cindy Sherman's works. Before Madonna, Sherman experimented with different images through photography. One particular work *Untitled Film Stills* (1977-80) was a collection of photographs based on disguising herself as different actresses portraying different roles (mainly female stereotypical types such as femme fatale and innocent girl). By consuming film-based images, Sherman is able to hide her real self by playing with her identity. Like
Madonna, we are unsure of Sherman’s real identity because every time she is exposed, she is disguised as someone else. Featherstone’s second category is based on being influenced by other people, usually a representative of such images and signs, who may have experienced, or reviewed the identities and lifestyles themselves. These people are usually in the media and can range from magazine editors to television presenters. These informers will usually notify and recommend the latest trends of lifestyle such as fashion, leisure, arts and media that could help consumers transform themselves and their lives. Examples of this category could range from telling the consumers the latest hair styles to follow or to copy an outrageous celebrity’s lifestyle regime (such as a new exercise, religion or diet). Featherstone’s final category involves an identity where everyday life and art are no longer separated (Featherstone 1991, p. 97). The person may choose to live an alternative lifestyle by basing his/her identity in an artistic manner. This type of identity is popular with musicians, where they base their look from bohemian lifestyles and artistic scenes such as Dadaism in the 1920s (ibid.). Musicians would lead an aesthetic lifestyle as ‘artist of life’ (ibid.) where image is not only focused, but their way of living, performances and music. David Bowie is a good representation of this category. Like Madonna and Sherman, he has reconstructed his identity many times. Bowie stands apart from the others however in that his multiple identities also matched his various lifestyles, styles of music and performances. With his performance art background, Bowie played at different roles, and fitted those roles with his image, fashion, music and theatricality. As people can choose to play or switch their roles by reconstructing their identities, this leads to the question on whether anyone can be regarded as authentic. Therefore authenticity is questioned in postmodernism.
In music, the ideology of authenticity is totally evident in early rock culture (Auslander 2006, p. 13). The authenticity of rock music is presented in the songwriting, music, singer/group, and their presence (as their true selves) in live concerts. Postmodern music partially meets some of the requirements of authenticity and can be approached in two ways: the music and the identity of the artist. A sense of authenticity could be identified in how the postmodern music was composed and how the vocals were delivered, for example, is there expression, emotion and intonation in the song? Authenticity however, could be questioned when discussing the musical texture (Wiseman-Trowse 2008, p. 41). For example, in traditional rock music, 'live' instruments are used therefore it is sometimes rare to include electronic based instruments such as the synthesizer (with the exception of piano and organ). If a string section is heard in the sound recording, it is usual that it is performed by instrumentalists in this field. The sound recording with support from the live string section could be perceived as authentic. If performed live however, the string section may be provided by a keyboard player in which, the authenticity of the music is either lost or questioned. Therefore, authenticity in popular music can question various departments concerning texture, songwriting, performing, maintaining self-identity and so forth. In postmodern popular music the music has been composed of different styles, ideas and sources, therefore it cannot be perceived as authentic. I do maintain however, that postmodern music serves some sense of authenticity, and my statement could be supported by Andrew Herman and John Sloop (1998) who both argue that there is logic of authenticity as free appropriation (p. 5). Here, they claim that this form of authenticity is 'far from being an act of piracy or plagiarism, appropriation is a gesture of respect and inspiration, where one uses an original source as a springboard for one's own creativity…'
(Herman and Sloop 1998, pp. 13-14). This persuasive claim helps to support my statement that postmodern works which relies on established sources are used within reason mainly as a form of respect and inspiration to its original artist, and encourages the present artist to expand his/her ideas and be more creative when forming a new piece of work. Another way of describing postmodern music having a sense of authenticity is to relate it to postmodern identity and the performance of the artist. This already raises concerns because one would argue that an artist who plays with his/her identity and portray different images in the performance should not be considered as authentic. While it could be difficult territory for me to argue that postmodern identity in music should have a sense of authenticity, I would however acknowledge ways in which the appropriation of images and one’s own creativity can form a new identity, and would argue for some sense of new creativeness, therefore it is perhaps better to illustrate this concept as ‘authentic inauthenticity’ (Grossberg 1988, p. 326). The concept was devised by Lawrence Grossberg who argues that there is no such thing as authenticity anymore as it has been replaced by authentic inauthenticity (in my view this can be seen as after-authenticity or postmodern authenticity). Grossberg continues that for an artist who appears to be authentic but is at the same time inauthentic, s/he must admit their inauthenticity before they can be acknowledged for their authenticity (Grossberg 1993, pp. 205-206). This could therefore confirm that a sense of authenticity in a postmodern work can be acknowledged but only if the artist first admits inauthenticity. Grossberg detects that authentic inauthenticity in popular music started to evolve in the 1970s (1993, p. 206) when the lyrical and musical content was not entirely significant anymore. Instead, visuals and performance (in a theatrical sense) started to become significant in popular music. One particular style of music in the 1970s that would be a
perfect representation of Grossberg’s comment would be glam rock. Glam rock was perceived to be inauthentic in various ways. Firstly, the style of the music was seen as a reaction to the seriousness and creativeness of psychedelic and progressive rock, and glam rock’s response was to revive rock and roll music with pop style lyrics. Secondly, glam rock broke boundaries in normal rock practices namely performance—mainly theatrical—a performance that would not have been practiced in late 1960s rock (Auslander 2006, p. 10). Theatricality in performance was a major factor when questioning authenticity in glam rock because in rock culture, a musician’s ‘real’ identity was important (Auslander 2006, p. 13). Philip Auslander (2006) argues that the way for rock musicians to stay true to their music and followers was for them to play live as themselves so that they would not differentiate themselves from the audience—the musician’s performance and his real identity must be alike (pp. 13 and 66). In glam rock however, musicians performed other, inauthentic identities by disguising themselves with make up, costume, wild hair styles, attitude and pose (Auslander 2006, p. 66). Glam rockers would therefore separate themselves from the audience (apart from look-a-like fans) with the idea of the audience focusing on the aesthetic visuals and enjoying the music on surface. Glam rockers would also mask their identity by performing under different pseudonyms (Auslander 2006, p. 67). This is allowing musicians the liberation to self-invent, a tactic observed in other genres such as hip-hop. I feel that musicians who reinvent themselves have the liberation to experiment with their music. A good illustration of this point is David Bowie (real name David Jones). Auslander argues that Bowie is a good representation of glam rock (especially in the character of Ziggy Stardust), because in his performances he ‘challenges to rock’s ideology of authenticity, [and] his desire to theatricalize rock performance’ (p. 138). As stated
previously, Bowie is known for playing with his identity. For example, as Ziggy Stardust, Bowie would wear heavy makeup, colourful body suits and have bright coloured hair. Bowie’s (or Ziggy’s) identity would be read as inauthentic because of his play of images, although it is arguable that a sense of being authentic was that he stood out from other musicians because of his identity. In a postmodern sense however, Bowie can be described as authentic inauthenticity because he is actually mixing originality with a playful of images and characters. He also broke boundaries in glam rock which had an effect on popular music and society (particularly in youth culture): he experimented with his gender and sexuality. The playfulness of his gender and sexual identity on and off stage can be considered as authentic because he opened the way for gender and sexuality to be more publicly acknowledged, which has previously been ignored in rock and society (Hebdige 1979, p. 61; Auslander 2006, p. 138). To conclude this particular debate, it is fair to argue that authenticity in postmodernism is certainly questionable because of its multitude of styles, signs, images, identities and so forth. Authenticity should not be entirely ruled out or be viewed as dead however, because there will be a sense of continuity or hint of originality in a postmodern work that will be revealed in the actual work or hidden behind the mask of the performer. Now the selection of postmodern practices has been discussed, it is appropriate to focus on the existing material concerning postmodernism in the specific cultural context of popular music.

Postmodernism in popular music was mainly addressed in the 1980s and 1990s by academics such as Andrew Goodwin (1993) and E. Ann Kaplan (1987). Although postmodern popular music can be traced back to the mid-1970s with the advent of hip-hop or even arguably as far back as the Beatles (Whitley 2000, p. 105), it is not explored.
enough in popular music, nor is there much reading material dedicated to this subject. Debatably postmodernism in popular music is more active than ever, due to contemporary digital technologies. Postmodernism in popular music can also be explored by focusing on the creator and performer of music, which raises questions on authenticity, authorship, identity and reality. The literature useful for the research on postmodernism and popular music is dated and does not always focus on music. To begin with is to look at one of the characteristics of postmodern popular music which is the collapse of high art/brow/culture and low art/brow/culture. Andrew Goodwin (1998) states that ‘postmodernism… often quite casually assumed that we are now living in an era where distinctions between art and mass culture have collapsed’ (1998, p. 406). Although this was written in 1998 there is still legitimacy in Goodwin’s comment as popular culture still seems to blur the opposites of high and low culture. In music for example, genres of various classes are crossing over. A current example would include the blending of opera and popular music sung by soprano singer Katherine Jenkins. A similar view to Goodwin’s statement is held by Taylor (2002) in which he calls the opposites of high and low cultures as the ‘great divide’: ‘What great divide? This is another much-discussed feature of postmodernist cultural production, and it concerns the blending of genres and the appropriation of “low” cultural forms into “high”’ (2002, p. 94). Taylor indicates that postmodern elements include mixing genres but then presents an unconstructive impression on the word ‘appropriation’, which suggests that, the combination of low and high cultures are not approved. The order of words that Taylor uses from ‘low’ to ‘high’ is interesting because it also suggests that low culture has more dominance in postmodernism. We can refer again to the example of Katherine Jenkins and her efforts to combine opera and popular music. The reason why the soprano singer’s
approach to popular music was successful was because she sang cover versions of well-known songs. This concept could be supported by Derek Scott (1998), who suggests ‘the ambitions of modernist music towards internationalism have been overtaken by pop, which has already become a more widely accepted international style’ (1998, p. 139). Scott’s remark is based on the high art of music (modernism), which came from Western Europe, and was considered as ‘popular’ for a few centuries (for example baroque, classical, romantic and so on). As modernist music was mainly consumed by people who could afford to attend live performances, it is not surprising that ‘pop’ successfully took over because it was more accessible to people as a commodity (to buy recorded copies of the music) and an activity (to hear and watch on radio and television). We can link the notion that low culture has dominated high culture or even all cultures are considered as equal by revisiting modernism. Nikolas Kompridis (1993) proposes that ‘postmodernism achieves a break with the modernist insofar as it gives all traditions and styles equal rights: no style or tradition is privileged over and above any others’ (1993, p. 9). Kompridis explains that unlike modernism, there is no dominance of low or high art in postmodernism, all styles are equally used. This will certainly apply to many works, but not all works, because of deconstruction, in which low or high art (or binary opposites), can unknowingly control the other. For example, this can be heard on mash-ups (when two records are remixed together and one song usually dominates the other).

A reaction to the creativity of postmodern music is offered by Jon Pareles (1989b) who writes that music is ‘quintessentially postmodern, drawing indiscriminately from high and low culture and past and present styles to create an all-encompassing, dizzying self-conscious pastiche’ (1989b). Pareles argues that postmodern music is based on a fusion and
imitation of cultures and styles. In my view, I would argue that Pareles presents almost an unconvincing version of how to understand postmodern popular music. He is correct when discussing a mixture of styles is evident in a work but it is confusing on what he means by ‘dizzying self-conscious pastiche’; it merely comes across that he is not in favour of this type of art. Why should the use of pastiche be uncomfortable in music? Is it because the music does not sound authentic? Pastiche does not serve to be ‘dizzying’ or ‘self-conscious’, but a form of imitation which would result in a natural reaction of some form of reminiscence. Pareles portrays postmodern music as a disorganized creativity. An indirect response to Pareles is offered by Richard Shusterman (1995) who welcomes the creativity in postmodern art: ‘appropriated things can be transformed in very original ways, and even the most original works relies on an intertextual tissue or background of prior works’ (1995, p. 154). Shusterman’s argument refers to postmodernism in hip-hop and remixing records. He argues that music created from past sources or other texts is innovative. I am sympathetic towards this statement because Shusterman argues that postmodern works which use intertextuality or past sources can be created and transformed into ‘new’ pieces of work, which therefore deserves some sense of authenticity and recognition, because the new work will draw new or enhance existing meanings as well as celebrating or acknowledging past sources. Other than researching writers’ reaction of postmodernism, what are their views on the postmodern characteristics present in popular music?

Garth Alper (2000) provides a very useful article on postmodern music and concentrates on a feature that is evident in the subject—genre-blending—a useful term when discussing a fusion of genres in music. In Alper’s article, he alternates between ‘genre-mixing’ and ‘genre-blending’, but both terms carry the same meaning: ‘the confluence of genres
previously thought incompatible’ (Alper 2000, p. 1). Alper’s definition is helpful because he claims that any previous attempt on combining genres was indeed impossible as styles were directly divided as a fear of a clash of styles or cultures. In postmodernism, the unity of styles and cultures in music gracefully allows the composer and listener to discover and have awareness on other types of music. Why is genre-blending possible? It is because of technology as Alper argues:

Technology has brought easy access to hundreds of styles from all around the globe. While baroque, classical, romantic and modern composers may have had access to some music from outside their own ethnic experience, such access cannot compare to the access that is presently available through recordings, the airwaves and the Internet.

(Alper 2000, p. 1)

Alper’s quotation carries the argument that popular music’s reliance on technology allows music to be more experimental because of its exposure and accessibility to various styles or genres. During the past periods of classical music, composers would have to travel to learn other styles of music (or be taught by other composers). Having exposure to different styles and genres will widen the existing musical knowledge of the composer, which will allow him to experiment with ideas and inspiration when composing new music. Jon Pareles (1989a) would presumably disagree with Alper’s comment because he implies: ‘Instead of honoring history by choosing allusions for all their accumulated connotations, rap and some avant-garde rock treat the past as a scrapheap of undifferentiated raw material’ (Pareles, 1989a). Pareles’s comment is mainly referring to the musical technique of sampling, and whether it should be considered as art. Pareles appears to be pessimistic about the use of genre-blending and sampling, in which he states that the creators do not acknowledge the heritage of past sources or treat them with respect. Pareles is arguing that creators treat the past sources as pieces of ‘scrap’. I disagree with his comment because using past sources to
enhance an existing work, as a method of intertextuality, is not seen as disrespectful or careless at all. The creator cannot just pick and mix past sources, they will have to search for the (musical) text they want (which may involve spending hours on listening to tracks), and carefully select which sections to use. This is the likely method that the true artist would follow, s/he would use selected samples for a reason. Of course, there is the possibility that someone may randomly choose a sample because it 'sounds good'. I do think however that Pareles is criticising sampling regardless of how it is employed (bearing in mind that the article was written in 1989, when hip-hop became very popular). Another reaction to Pareles's comment would be Jonathan D. Kramer's statement which describes the notion on the blend of genres and sampling as 'a current attitude that influences not only today's compositional practices but also how we listen to and use music of other eras' (2002, p. 14). Kramer's argument is convincing because, as indicated before, in most cases, samples do carry intentions in the music, and the creator needs to know the origin of the texts used. The methods of genre-blending and sampling is part of current compositional methods which have been made possible by technology, therefore, they cannot be rejected as they demonstrate the inspiration and appreciation of music of any style and culture.

Maintaining the focus on genre-blending and sampling, we need to explore postmodern practices slightly further. Genre-blending can be achieved through live performance and/or digital sampling. Ever since digital sampling was invented in the 1970s, there have been various issues surrounding the creativity of using such devices. Arguably, samples of instrumental sounds such as the breakbeat, bass line and guitar riff may be simply put into music to provide the accompaniment, but you will find in many songs, particularly in hip-
hop, that the samples are there to extend the meaning of the song. The meaning of the new song may or may not relate to the origins of the samples, but they can bring out new meanings. The same applies to sampling other forms of texts such as film scenes or everyday sounds. This concept can be supported by art theorist Nicolas Bourriaud, who refers to art made up of pre-existing works as ‘postproduction’ (2002), and when referring to digitally enhanced music, also supports the idea that samples have a role in creating a piece of music:

When musicians use a sample, they know that their own contribution may in turn be taken as the base material of a new composition. They consider it normal that the sonorous treatment applied to the borrowed loop could in turn generate other interpretations, and so forth. With music derived from sampling, the sample no longer represents anything more than a salient point in a shifting cartography. It is caught in a chain, and its meaning depends in part on its position in this chain. (Bourriaud 2002, pp. 18-19)

Bourriaud argues that the sample will produce more meanings depending on the context of the new production. This idea also applies to intertextuality in general, in which a borrowed text can draw more meanings in the context of the new work. Bourriaud’s statement confirms my argument that samples have a position in most types of music and that samples are not simply used for ornamental purposes. Bourriaud compellingly states that significant samples in one piece of music will relate to each other in that particular song and will also enhance the intentions of the music.

13 On some occasions, samples may not offer specific meanings (beneath the surface of the song) but instead offer another type of allusion to the listener, for example, to understand how samples can be crafted into a new piece of art (on surface). Examples of collage and fusion-based of samples crafted into a piece of music (on surface) are found in electrónica such as: M/A/R/R/S’s ‘Pump up the Volume’ (1987); Bomb the Bass’s track ‘Beat Dis’ (1988); and the censored Negativland’s ‘U2’ (1991).

14 An example of a current hip-hop song entirely based on samples to accompany the rapper’s ironic message of keeping music ‘traditional’ is Jay-Z’s ‘Death of the Autotune’ (2009).
Of course, there are other theorists who may have doubts about the creativity of sampling. For example, Andrew Goodwin (1994) has a different view when approaching sampling aesthetics: rather than using a moderate term such as 'borrowing' from other texts, he instead, uses the word 'theft' (1994, p. 260) when discussing intertextuality in music. It may not have been intentional, bearing in mind that in 1990 the legality of samples was highly questioned, especially in hip-hop music, and it was perhaps normal for academics, writers, and later lawyers to use the word 'theft'. Simon Frith (1996), also presents another view on the aesthetics of sampling, he sees intertextuality in music as 'imitative realism' (1996, p. 245). His view offers another understanding of the intentions of sampling as simply copying or borrowing from other sources in recorded form, and he argues, 'no sound, in short can no longer guarantee truth (no folk sound, no proletarian sound, no black sound)' (ibid.). This is not always true because this thesis will argue that samples can bring meanings while preserving their musical origins or performances. To understand the new or additional meanings, is to study the origins of the samples. An appropriate approach to describe intertextuality in music other than imitative realism, would be Katz's term 'performative quotation' (Katz 2004, p. 141). Katz explains that this is a sample that cites performances or a particular sound event (ibid.), and this type of pre-existing work becomes the setting or has a role in a new piece of music. Paul D. Miller (2008), argues that the use of samples can also portray historic events or assist the formations of current events (2008, p. 12). Miller, also known as DJ Spooky, endorses the use of electronic technology especially sampling as a form of art. He persuasively implies that sampling can bring out different meanings and connotations, and yet seeks the purpose and history of the samples.

15 An example would be Public Enemy's 'Fight the Power' (1990). Please refer to chapter 2, pp. 97-100, for more details.
used. This leads to another argument concerning popular music and postmodernism: the use of time. The context of the music may be confusing because of its blurring of time and place as argued by Robin Rimbaud (2008): ‘Using machines that allow us to replicate and duplicate familiar sounds by “sampling” them we are already experiencing notions of time and memory displaced from their reality’ (2008, p. 133). From Rimbaud’s remark, a piece of music that consists of samples could question if it is supposed to represent the past or even ask if the context of the origin of the sample is lost, which corresponds to Bourriaud’s idea that a sample would have to fit within the new context of the work. This thought is also challenged by Simon Reynolds (2004):

> With sampling, what you hear could never possibly have been a real-time event, since it’s composed of vivisected musical fragments plucked from different contexts and eras, then layered and resequenced to form a time-warping pseudoevent.
> (Reynolds 2004, p. 360)

Reynolds has an unusual approach when contemplating the effects that samples may have with regard to time and place. He argues that a new production is not a representation of a ‘real-time’ event because it does not exist. The reason for the non-existence of the production is because the music is composed of samples which belong to other styles, contexts and periods, which have been blended to produce an artificial sense of time. Perhaps this statement can be linked to the postmodern practice of hyperreality: I would offer here, the suggestion that postmodern works may produce no sense of time, but can fabricate a definitive time that neither represents the past, present or future. Although I do not entirely agree with Reynolds’s remark (mainly his uncompromising style of writing), he does offer an alternative method of how to understand the use of samples in music. This should not be a negative response however, because sampling is a creative method of experimenting, exploring and merging texts from the past and present, which transforms
into new music. A positive approach to sampling is provided by Tricia Rose (1994), who notes that because of the digital sampler, ‘millions of sounds, rhythms, and melodies are made fantastically accessible’ (Rose 1994, p. 89). Her valuable comment is a reminder about why the digital sampler is a remarkable instrument for the user. It is also a learning experience for the listener, because s/he has the choice to explore and gain knowledge on other styles and genres of music or texts that are presented in a work.

To summarize this section, the concepts surrounding postmodernism were explained and explored, which drew influences from poststructuralism. This led to a review of critical material specifically on the relation between postmodernism and popular music. As expected, there are not many sources that are directly dedicated to postmodern popular music, and the sources that I have discussed were published in the 1980s (the rise of the music video and hip-hop), the 1990s (the rise of digital technology), and the early 2000s (the digital revolution). There is a need for more material to focus on both postmodernism and popular music, especially in the age of digital technology. This leads then to the articulation of a third research question to be examined in the thesis:

3. With the continuous developments of digital technology, postmodern popular music is more active today, but there are gaps in scholarship of the current condition to support this (with the exception of the existing scholarship, which was written years before).

I hope with my later arguments, postmodern popular music will also be considered as a significant subject, like one may find in religion, media, film and so forth.
Methodology and Chapter Overview

The methodology section outlines the approach used to question how innovative popular music produced by digital technology can be perceived as creative; it also explores what effect innovative popular music has on the composer (musician/producer), music industry and consumer. The two points will be examined throughout the remaining chapters, which are described here in overview form in order to illustrate clearly the links between the theoretical questions above, the methodology itself and the actual musical case studies that form the bulk of the thesis. The methods which will conduct the questions will be desk research mainly based on documentary evidence such as: academic books and journal articles; media based articles and literature (such as newspapers and music magazines); and, formal documentation such as law statutes and music press releases. To support the documentation, there will be three carefully selected case studies that will assist in answering the research questions. The qualitative methods concerning the case studies will involve listening to audio tracks (on CDs and MP3s) and watching visuals (such as music videos, films and attending live shows), and will result in a musicological and socio-cultural analysis which will include many of the postmodern practices that were discussed in the previous section.

The purpose of using documentary evidence is: to support the research; to complement other sources of evidence; and, to clarify and give more insight and understanding on the events and issues surrounding the case studies. To employ this method, my research will examine scholarly literature such as books and academic articles, and critics in newspapers and magazines. Examining such literature will lead to other reading material to clarify the arguments. For example, in chapters 2 and 3, the documents that aided the research led to
more complex issues surrounding intellectual property rights, therefore, these issues were more complicated than previously thought and I had to include legal documentation. Some information however was difficult to gain documentary evidence for, such as the confirmation of the Beatles not allowing other musicians to use their sound recordings. Although this appears to be a well-known fact, authors such as McLeod (2007, p. 110) and Kusek and Leonhard (2005, p. 49) stated the information but did not reference it. Approaching EMI records to verify the source for the thesis proved to be unsuccessful. The range of documents used was written by academics, journalists and representatives for the artists in question (such as supporters or authors of biographies). As previously mentioned, the academics ranged from various disciplines such as cultural studies and law as well as music. The academics used in the case studies generally discussed issues concerning popular music in the digital age and its issues such as copyright and activism, whilst some actually focused on the artist in question. The evidence used by the journalists and associates were directly focused on the artists in question, to investigate why the artists were gaining attention in the media as well as showing support for the music. With the exception of some of the postmodern theorists used to support the analysis, the existence of the works by academics and journalists occurred in the digital age when creativity and distribution issues were in question. Some writers even took part in some events such as ‘Grey Tuesday’ to show support for the artist (see chapter 3), with Kembrew McLeod being an example (2005a). Most of the writers referenced tend to be in favour for the artists because of their interest or defence for the artists which is beneficial for my research, because their opinions supports most of the arguments presented in the case studies. A description of the chapters now follows.
Chapter 2 will investigate how technology has affected the music industry, and sampling, intellectual property rights and the MP3 are the three main points of discussion. To begin with, there will be an overview of how creative music technology has developed over the last few decades. With its main focus on the digital sampler, this section will argue that it is a major contribution to the genre of hip-hop. It will argue about how and why sampling is postmodern art, and will discuss compositional techniques and ethics practiced by producers. It then investigates questions of the intellectual property rights surrounding the ownership of the samples. Here, copyright law will be explored in more detail which will be followed by a look at other statutes such as the Sound Recording Act in the United States. After this, the procedure and consequences of obtaining sampling licences will be investigated, and this will be followed by examining the fair use policy, in which a producer could use material if s/he could argue the composition is for commentary purposes and non-profit. After this, there will be an account of five court cases that involved copyright, hip-hop and sampling. Lastly the impact of the virtual medium of the MP3, and ways in which the Internet is used as a liberating and cheap way of distributing and obtaining music will be discussed. The advantages of the MP3 include high sound quality, better portability and transferability, and the fact that it is inexpensive. The disadvantages again concern copyright: as the MP3 is easy to up/download onto a computer, and it is simple to share music with other people, it is illegal because it is infringing copyright. The concluding part of the chapter will talk about the procedures that are in place to discourage the illegal use of distributing and consuming music on file-sharing networks, and these procedures include the Digital Millennium Copyright Act (DMCA) and Digital Rights Management (DRM).
Chapter 3 is the first case study, and focuses on the illegal mash-up The Grey Album by Danger Mouse. The chapter will explain why a major record company and associates tried to censor The Grey Album because Danger Mouse did not seek permission to use the sound recordings of the Beatles' White Album (1968). The study will discuss how the opponents of Danger Mouse first discovered the project after the mash-up was leaked on the Internet. The argument will then focus on how the incident encouraged more dispute after the supporters of The Grey Album argued that they should not be denied from hearing a piece of art, and this resulted in a cyber-protest known as ‘Grey Tuesday’. The theory behind cyberactivism and ‘Grey Tuesday’ are examined which will be followed by another discussion about copyright. Here, the intellectual property rights of all parties (including Danger Mouse) will be investigated, and its findings will reveal that this is a very complex issue because there are so many parties involved. There is a significant revelation: the research will reveal that EMI records in the United States, who originally raised this issue, could not sue Danger Mouse because the sound recording of the Beatles’ White Album was not copyright protected because such ruling did not exist until 1972 (the Beatles’ album was made in 1968). The discussion will then continue to argue that The Grey Album is a creative piece of art. The theoretical framework will draw attention to the postmodern practices of double coding, and Derrida’s différence and deconstruction, which will include a closer look on the musical style of the album—the mash-up. The chapter will argue that The Grey Album is based on double coding, through its play of oppositions such as past (The Beatles)/present (Jay-Z) and black/white (colour and title of album). The album should be considered as a deconstructive piece of work because of how the music was dissembled and (re-)assembled by Danger Mouse. As the album is a mash-up and relies on
samples, authorship and ownership will be questioned. This section will argue on who should be recognised as the author/owner of *The Grey Album*: The Beatles, Jay-Z or Danger Mouse? Drawing upon the theories on Barthes and Foucault, I will argue that Danger Mouse should gain recognition as the author of *The Grey Album*, but if the author is too strong a term to use, then the producer should gain a sense of recognition as the ‘creator’. To present an example of his creativity, the analytical section will illustrate on how Danger Mouse crafted and transformed the Beatles’ ‘Helter Skelter’ and Jay-Z’s ‘99 Problems’ into a new song. The ‘Grey Video’ will then be analysed to see how two amateurs created a virtual mash-up video of the Beatles and Jay-Z. The chapter will then assess the aftermath of the incident: how this event encouraged more experimentation in creative sampling; how the music industry consolidated with producers of the mash-up scene; and, how this incident helped Danger Mouse to have a successful music career as an artist and producer.

Chapter 4 will explore another project by Danger Mouse: Gnarls Barkley. After the non-commercial success of *The Grey Album*, Danger Mouse became affiliated with various record companies and collaborated with other musicians. For this new project, Danger Mouse collaborated with hip-hop musician Cee-Lo Green to form Gnarls Barkley. They were discovered by the media after their song ‘Crazy’ (2006) anonymously appeared on an advertisement. The appealing song brought speculation about the identity of the artist and followers of the track demanded it to be released. It later became one of the highest selling singles in 2006. The chapter will also examine how the liberated use of the Internet has given more control to artists over their music. For instance, Gnarls Barkley were responsible for their websites and the creativity of the music. The group even stopped the
distribution of future copies of 'Crazy', so that they could release other songs. The chapter goes on to analyse the music to discover why it became a popular song. It will use musicological analysis to explore how the musical accompaniment to 'Crazy', which is based on samples borrowed from a spaghetti western soundtrack, transformed into a genre-blended track. Furthermore, the analysis will be supported by the music video, which will help the reader to understand the song. The reader will discover that, as well as the song being postmodern because of genre-blending, intertextuality is also evident in both the music and video. I will argue that quoting (sampling) from another source for a creative piece of work is not a careless technique in composing. Instead, such fragments of pre-existing works are carefully selected and intended to signify more meaning within the new text. Intertextuality in popular music will help the listener to understand the music more fully. Serge Lacasse (2000) suggests that intertextuality 'can offer us a new perspective when looking at, and listening to, music: different pieces of music are linked in a number of ways; they thus share certain features' (2000, p. 57). Lacasse’s statement is evident in this chapter because the insertion of musical and visual texts in 'Crazy' helps to convey the intentions of the music and video. The final part of the chapter will focus on the postmodern identity of Gnarls Barkley. Part of the audience was unaware that Gnarls Barkley consisted of two members and not one, this is because the group’s name sounds like a person. Also Danger Mouse and Cee-Lo Green do not like to fully reveal themselves in videos and live performances, therefore authenticity will be questioned. Their argument on playing with their identity is to maintain some sense of authenticity: for the audience to focus on the creative music and not their appearance. The concept of partially hiding and playing with their identities will be examined, and how they present this in their live
performances of ‘Crazy’ will be discussed, involving the study of various recorded and live shows (one of which I attended in 2006).

Chapter 5 covers the virtual group Gorillaz, a visual and musical project by musician Damon Albarn and animator Jamie Hewlett. The chapter will discuss how Gorillaz made popular music innovative, visually and virtually. The chapter will explain the reasons why Gorillaz developed, out of Albarn’s and Hewlett’s critical view of the commercialised music and entertainment industries. The next point is to examine the formation of Gorillaz. This will be achieved by arguing that the virtual group should be perceived as hyperreal with reference to Jean Baudrillard’s theory of the simulacrum. Gorillaz live up to the expectations of hyperreality because the audience finds it hard to distinguish the group as real or non-real. Gorillaz are a simulation of a music group but with a difference: they are ‘more real than real’. The members of Gorillaz may appear incompatible to each other because of their: modification of their bodies; individual identity and personality; the diversity of the age range; and, historical and socio-cultural backgrounds. Their bodies appear in cyborg form because of their hyperreal bodies. The analysis of all members will include a description of their postmodern multiple identities which draws on popular cultural intertextual references and postmodern imagery such as anime, films (horror genre) and popular music. Next, their 2005 song (produced by Danger Mouse) and video ‘Feel Good Inc.’ will be analyzed musically. The theoretical framework is diverse in this chapter. For instance, the lyrical analysis will be based on Roland Barthes’ ‘Third Meaning’. The first and second meanings (information and symbolic levels) will be analysed in the lyrics and signs presented in the video. To understand the third meaning of ‘Feel Good Inc.’ the viewer will need to ‘read’ the video to discover the meaning of the song. After uncovering
the third meaning, Barthes' 'Myth' will also be employed, which is a critique on the music industry. The video analysis will also make reference to Baudrillard’s simulacrum and hyperreality, as the performance in the video has been virtually enhanced by technology. Intertextuality is also evident in the video which mainly references anime. After the analysis, the final part of the chapter will discuss the live performances and the audience’s reaction to the group. The investigation will discuss the various types of visual representations of the live performances, which has varied from virtual performances to staging real-life musicians on stage. The performances will be based on personal live experiences as well as referring to DVDs and the Internet. The chapter will conclude with a discussion on the fascination and virtual representation of the group, with particular reference to one of the creators, Damon Albarn. Here, authenticity and postmodern identity will be questioned. Albarn successfully created a virtual group to perform 'his' songs, but is his purpose for producing Gorillaz for entertainment value or, is he playing with his identity by masquerading himself by wearing multiple virtual faces of Gorillaz?

Now that the chapters have been described, there are other factors that concern the chapters: a combination of authorship and authenticity, with regards to ownership and creativity. It is evident that Danger Mouse, Gnarls Barkley and Gorillaz, or to be more accurate, Brian Burton, Thomas Callaway (Cee-Lo Green) and Damon Albarn wants to be in control of their music whilst employed by the music industry, but at the same time, maintain some sense of anonymity—with regard to visual appearances. Although the music concerning the case studies are genre-blended works, and creatively so, the composers have the right to have ownership and recognition of their compositions. This is a concern in popular music in general because, for an established musician who is signed to a record
company and may wish to be taken seriously for his/her music, the ‘seriousness’ may
diminish in the marketing process of the artist (which will consist of appearing in a music
video or performing a live show). Here, the artist may be instructed by the music industry
to present his/her image in order to make profit for the industry—therefore the sense of
authority and authenticity for the artist is lost—s/he does not have a choice on how to
present their music and themselves as they have to conform to the industry’s rules. By
apparently self-anonymising, the artists discussed, in particular, Burton and Albarn, have
now the freedom to experiment with their music whilst being employed by the industry.
They both experienced past difficulties that involved the industry such as copyright issues
(Burton) and restricting creativeness in composing (Albarn). Fortunately for them and their
artistic talent, they managed to gain musical freedom, but by concealing their identities. By
hiding out of the limelight and media (with the exception of giving press interviews), they
had the freedom to be creative within their music. To maintain the marketing side of the
music, and of course to keep the industry happy, they would visually present their music
through disguise: Burton (by playing with multiple identities) and Albarn (by hiding behind
a virtual group). They managed to bridge the gap in creativity of their music and acceptance
from the audience by maintaining control of their music and self-identities. This concept
has stretched to their music videos and live performances in which Burton and Albarn
would play in disguise, silhouette or behind screens. Their ‘performance’ would be
replaced by postmodern images which enabled audiences to focus on the creativity of the
music and appreciate the visual aesthetics, rather than drawing attention to Burton and
Albarn. My argument though is that Burton and Albarn do maintain a sense of authorship
and authenticity, ideas and practices which should be welcomed back in innovative
(postmodern) popular music, especially now that certain artists have control of their creativity which is aided with digital technology—a worthy contribution to their success.

**Additional information on the chapters**

*Audio and visual tracks*

To understand the arguments and analysis concerning the case studies, the thesis is accompanied by a CD and a DVD. The discs will provide instant access to the tracks discussed, and will be referenced in the chapters accordingly (please refer to appendices 1 and 2, and the list of references for more details).

*Transcription*

There are examples of musical notation to support the case studies in chapters 4 and 5. These examples will assist the reader in understanding the specific points made, such as identifying the harmony, shape and structure of the music, and some comparative features of previous works. The notation will not represent the sonics of the recordings because traditional notation will be applied. Instead, other musical features will be addressed accordingly in text form, in particular chapter 3, which will also be supported by the decimal time format (mm:ss:ddd) to identify significant points of the music. The transcriptions are my own interpretations of the musical examples.\(^\text{16}\)

*Reference*

It should be noted that if quotations are referenced with an author and the year of publication only, this may indicate that it is a web source. The source may consist of a website or magazine-based online article with no page numbers. Please refer to the list of

---

\(^{16}\) Sibelius 4 was used to transcribe musical examples. Cool Edit Pro 2.0 was used to identify the decimal time format for the song ‘99 Problems’.
references for details. Another point to add is that when describing various uses of digital technology, the structure of certain terms such as ‘web sources’ (or ‘Web sources’) have varied over time and in literature. The thesis will apply the following terms: ‘online’ (as opposed to ‘On-line’ or ‘on-line’), and ‘website’ (instead of ‘Web site’ or ‘web site’). Also, artists who are represented with stage names, will be referred to by their real names in the chapters, for example, Brian Burton (also known as Danger Mouse). A glossary of terms (mainly musical) is supplied in Appendix 3, and is optional for the reader.

Conclusion

To summarise this chapter, it first outlined the subject of the thesis and specific issues surrounding the research questions concerning innovative popular music, music industry and digital technology. This was followed by a literature review on the existing scholarship relating to popular music, digital technology and the music industry. The outcome of the literature review raised more questions to consider in the argument, such as: How does popular music rely on digital technology for production and distribution? Why does the music industry imply that they are in danger of declining when in reality, they are collaborating with the developments of technology and finding profit from other channels? The theoretical framework was then discussed, which was mainly focused on postmodernism. Here, the conflicting and confusing theories surrounding postmodernism was looked at. My main concern however was to seek a constructive view on postmodernism as I believe the theory and its practices are vital for my case studies. Therefore, a selection of postmodern practices were described to assist the analysis of the case studies and aid the answer to the research question about why popular music composed by technology should be heard as creative. The methodology followed, which
described how the research questions and case studies would be conducted. In addition to
the methodology section, there was a description of the chapters in order to brief the reader.
Chapter 1 has provided the background information for the thesis, and I will now explore
the arguments in more detail.
Chapter 2
Digital Technology, the Law, and the Changing Face of the Music Industry: Sampling and digital distribution

In this chapter, the impact of digital technologies on the music industry will be discussed. The three keys areas in question are: sampling, intellectual property rights, and MP3 file-sharing. To understand these practices, sampling in hip-hop will be explained, followed by a discussion on why such compositional methods and performances have been considered as postmodern art. Conflicts such as copyright will then be tackled by considering some aspects of copyright law associated with sampling and hip-hop as well as examples of historic court cases in the United States. Following that, another matter of concern will be presented: the current forms of distributing music. Here, digital technology, which includes the Internet and the MP3, raises more issues about the music industry, such as illegal file-sharing activity and, again, copyright infringement and piracy. The chapter will conclude with discussion of ways in which the Internet and the MP3 have affected the music industry, and how the industry maintains its business.

Digital Technology and Sampling

With the advent of digital technology in the early 1980s, three musical devices were invented: the drum machine, MIDI and digital sampler. The drum machine was useful for DJs who either preferred to compose or punch their own drum patterns or to add an underlying back beat (a click or guided rhythm) for the breakbeat. MIDI (Musical Instrument Digital Interface) was a major contribution to digital musical technology after

---

1 The drum machine was a popular instrument in the 1980s especially in the electronica genre and its style of synth pop (including, in Britain, groups such as Yazoo, Soft Cell, Orchestral Manoeuvres in the Dark). Its rhythmic sounds could also be played by synthesizers.
1983 (Théberge 2001, p. 17). The interface was designed for instruments and computers to connect and communicate with each other. A typical set-up would consist of a synthesizer, drum machine and computer. Eventually in the mid-1980s and early 1990s, you could also connect samplers, guitars, multi-track recorders via MIDI, which became a common procedure in composing and home recording. The logic of MIDI is for the composer to record different musical parts of a composition separately. The musician can edit and mix the parts afterwards (White 2003, p. 36). Although the equipment was expensive, it was favoured as a cheaper option than hiring a professional recording studio.

Nowadays, it is DAW (Digital Audio Workstation) that has enhanced MIDI. DAW is a current form of recording technology that consists of the following: computer, digital audio software and digital audio interface. The digital audio software is a virtual recording studio that is installed in the computer (common software packages include Cubase, ProTools, and ReWire). Instead of recording to the physical multi-tracked recording technology (such as a 24-track and 4-track), you can record directly to the computer, then edit and mix the sounds. To connect instruments to the computer, a digital audio interface is needed, to get sound in and out of the computer, and software. Another feature of DAW is a plug-in, a recording software application that provides extra features such as compressors and reverbs but more exclusively, virtual instruments such as synthesizers and samplers (Gallagher, 2008).

The digital sampler proved to be a major contribution to hip-hop music. As opposed to past analogue sampling methods based on *musique concrète*, the digital sampler was a computer device that allowed a limited number of sounds to be sampled and stored in the machine, which are then edited or manipulated (for example, tone, pitch, tempo, duration, rhythm,
sliced, chopped, looped, reversed) and transformed into new music. The first digital sampler from the late 1970s was part of an electronic instrument known as the ‘The Fairlight Computer Musical Instrument’ (George 2004, p. 438). This device proved to be popular with North American soul or disco bands such as Earth Wind and Fire, and British synth pop bands such as the Human League. It was, however, in 1981 that the E-mu Emulator, the first solo sampler was released in the United States (George 2004 p. 439). The Emulator was first used in hip-hop to sample drum beats, which was discovered by accident by producer Marley Marl (ibid.). Marl claimed:

I wanted to sample a voice from off this song with an Emulator and, accidentally, a snare went through...I was like “that’s the wrong thing” but the snare was sounding good. I kept running the track back and hitting the Emulator. Then I looked at the engineer and said “You know what this means?!”

(quoted in Eshun 1999, p. 20)

It was from here onwards that the DJ began to digitally sample breakbeats, which became an important feature of hip-hop music.

In other styles of popular music such as soul or pop, producers would sample to disguise the absence of a live instrument (George 2004, p. 439). If a producer wanted a particular sound of an instrument and could not afford to hire a session musician, s/he would sample the sound, manipulate and blend it with the music so it would sound natural. In hip-hop music, the context of using samples is different from other styles. In the early stages of hip-hop, many of the sounds captured would carry the essence of the original recording, and its sonic features would clearly indicate a sample that has been incorporated into new music.

---

2 Examples of composers who experimented with musique concrète include Pierre Schaffer and John Cage. Popular music musicians who experimented with analogue sampling include the Beatles. Also, analogue sampling can be traced back to a musical style of the reggae genre—version. The term refers to cover versions, mainly instrumental reggae records with all their musical parts modified and remixed but maintaining the feel of the original songs (Hebdige 1987, p. 12).
For example, breakbeats are the most common sounds to be sampled, but, as a quotation in a new piece of music, the attentive listener would identify other sonic features of the original source (recording) such as sounds from the material surface of the old vinyl records themselves (for example, scratches, glitches, noise and pops). Also, there are popular breakbeats that DJs and producers would use which are identifiable to musicians and listeners. Popular breakbeat samples include the late James Brown’s drummer Clyde Stubblefield, whose ‘Funky Drummer’ (1970) has been sampled many times in the music of Eric B. and Rakim, Public Enemy and George Michael (Schloss 2004, p. 36; McLeod 2007, p. 102; Borthwick and Moy 2004 p. 199); the instrumental drum section in The Winstons’ ‘Amen Brother’, which has been used in British electronica music, in particular in drum and bass, by, for instance, LTJ Bukem, SL2, and Goldie.

Everyday outdoor sounds such as gunshots, police sirens (N.W.A’s ‘Straight Outta Compton’) or broken glass (Grandmaster Flash’s ‘The Message’), were also popular early samples. A common form of intertextuality in hip-hop music is the samples that have been borrowed from pre-recorded music (for example bass groove, vocals, guitar riff and so on), which have been creatively transformed into new works. Unlike, for example, Jamaica, where borrowing other recorded music was an accepted practice (Barrow in Dub Echoes, 2009), the situation is different in the United States and most parts of Europe. As we will see, sampling has led to controversial matters involving intellectual property, in particular copyright. In the meantime, the reasons why DJs and producers use samples need to be explored more fully.

Digital sampling can be considered as a compositional tool, even an instrument in popular music. Sampling also helps to construct and develop the music. Chuck D, of the rap and
hip-hop group Public Enemy, who were known for sampling, articulated how he and the band viewed the sampler as an instrument: 'we thought sampling was just another way of arranging sounds. Just like a musician would take the sounds of an instrument and arrange them in a particular way' (quoted in McLeod, 2002). Like any other composer on gaining musical ideas, the DJ or producer has to think carefully about choosing a sample (a process which will be discussed later), and how it will create a new context for the music. A sample should be treated as a quotation that helps the producer and listener appreciate and understand the music. In some ways, samples can be traced back to earlier periods of music. It is possible to argue that, in classical and early modern music, a type of sampling, known as interpolation, was used. Interpolation is a segment borrowed from a piece of music, which is manipulated and played in a new composition. The difference between the sample and interpolation is that the latter is not a recorded sample but a performative (live) quotation. Examples of interpolation in classical and modern music include Gounod interpolating Bach’s ‘Prelude in C Major’ in ‘Ave Maria’ and Béla Bartók’s use of Shostakovich’s ‘Leningrad Symphony’ in his ‘Concerto for Orchestra’ (Katz 2004, p. 140). A significant work that draws upon music of many sources is Luciano Berio’s Sinfonia, which quotes from Brahms, Debussy, Hindemith, Mahler, Ravel, Schoenberg and Strauss. Interpolation has another difference from sampling as noted by Mark Katz: ‘quotations are only complete when performed’ (2004, p. 140). This means that interpolation in classical music relies on notation and that the performer must follow the score in order for the piece of music to work. Digital samplers have their own notation in the form of symbols (binary numbers: 1s and 0s), but the sampler plays the segment of the sampled music or sound. It is not actually playing the sample, but rather playing a representation (copy, simulation) of
that sound. What makes the sample remarkable is that it is not only the sound that is seized, but also sonic features surrounding the sound (as mentioned earlier). Sonic features may consist of reverberation, ambient noise and patina (Katz 2004, p. 140). Reverberation produces a sense of the time, place or space of the sample—the socio-cultural context of the original sound. Ambient noise or patina involves the timbre or texture of the original recording of the sample, such as the glitches, scratches and popping sounds of the vinyl record. Katz calls this a performative quotation: ‘[a] quotation that recreates all the details of timbre and timing that evoke and identify a unique sound event’ (p. 141). In other words, as opposed to earlier forms of interpolation that cite other musical works, samples cite performances—which may contain or bring out existing or new intentions in a piece of music.

**Sampling as Postmodern Art**

While Katz’s ‘performative quotation’ may bring out new intentions in music but still maintain its origins, the sample as a compositional device should be considered as postmodern art. The process of constructing a sample and turning it into art can be a lengthy procedure for the hip-hop DJ and producer. There are certain rules or ethics that the DJ has to follow (Schloss 2004, p. 101). A popular method is known as ‘digging in the crates’ (Schloss 2004, p. 79), where the DJ searches for rare vinyl records for unique beats or segments of music to sample. Once the sample is found, the DJ has to make sure that it has not been used already, otherwise s/he will be accused of ‘biting’ (stealing) by other DJs. The DJ or producer will then craft the sample into the new piece of music. As previously argued, sampling as an art form may produce new meanings in new music, but still maintains its history and originality. As already noted, a common but significant
example is the use of Clyde Stubblefield’s ‘Funky Drummer’ (Sanjek 1992, p. 613). It has been estimated that the two-second duration instrumental drum pattern has been sampled about 200 times and the ‘Funky Drummer’ has transformed numerous tracks into new contexts (Schloss 2004, p. 103). 3

There are numerous hip-hop works which have made significant artistic musical contributions in the genre, and in particular groups gained popularity in the late 1980s largely on the basis of this particular practice. Public Enemy and their production team (Bomb Squad) discovered techniques such as multi-layering samples in recordings or playing several samples at the same time (Beadle 1993, p. 96; George 2004, p. 439; Schloss 2004, p.39). Both of these techniques would involve the use of recording technology (for example multi-tracking and over-dubbing samples) or a group of turntablists to provide multi-samples. This particular developmental procedure transformed hip-hop into a popular musical style in the late 1980s, which was known as the ‘golden hip-hop’ era (Schloss 2004, p. 39). 4

Public Enemy was the ‘most aptly named group in the history of rap’ (Adler 1991, p.63). The group was infamously known for their controversial political rap, videos, dress codes, overt beliefs of the Black Panthers and the Nation of Islam, and ‘Black Power’ (George 2004, p. 440). Their music was also notable. Composed by Public Enemy member DJ Terminator and the Bomb Squad, the music on most of the group’s albums was purely

3 Mike Katz (p. 137) gives examples on how Clyde Stubblefield’s ‘Funky Drummer’ transformed other pieces of music. In Eric B. and Rakim’s ‘Lyrics of Fury’ (1988), the sample was in a faster tempo to match the intensity of the rap; Sinéad O’Connor’s ‘I am Stretched on Your Grave’ (1990) contained a slow tempo which was supported with a folk melodic sound suggesting Irish lament; Sublime’s ‘Scarlet Begonias’ (1992) has a reggae setting; and, George Michael’s ‘Waiting for the Day’ (1994) in which Stubblefield’s drum loop is played in a melancholy setting.

4 This era started with RUN-DMC, the first successful rap and hip-hop group to appear on MTV and gain chart success.
sample based. These samples consisted of musical and non-musical sounds. They were critically selective about the musical choice of samples and claimed to treat their preference of records as the equivalent of historical paintings (Chuck D in Dery 2004, p. 414). The musical samples would consist of the breakbeat (mainly borrowed from Clyde Stubblefield), bass groove, and rock guitar riffs. Non-musical samples were used to reflect their political lyrics. Examples included: uzi machine-gun sounds, sirens, radio and television commentary and speeches by historical African-American political leaders such as Martin Luther King and Malcolm X (Dery 2004, p. 408). Chuck D (Carlton Ridenhour), member of Public Enemy, argues that the sampler is an important instrument in music:

Deejays like [Jazzy] Jeff or [Terminator] X are able to play the turntables just like somebody else might play the guitar. These guys make an art out of what they’re doing; taking that basic sound and making it do strange new things. If you strum a guitar or play the keys, the real creativity lies in your ability to make those strings or those keys do something original. And I think the ability of myself and Hank [Shocklee] and the rest of our production team is to arrange individual sounds into a pattern, each one complementing the other to create something that’s a driving force.

(Chuck D in Dery 2004, p.410)

Chuck D here concurs with the argument about sampling as a form of postmodern art and music. Just as playing instruments requires technical skills to compose and perform music, the methodology of acquiring skills in sampling also applies. The digital sampler is an instrument. The instrument turns existing sounds into new sounds (performing quotations) but maintain their sonic qualities.

An example of Public Enemy’s work based on samples is ‘Fight the Power’, from the 1990 album *Fear of a Black Planet* (CD track 1). Over twenty samples have been used, sliced and spliced into the music. Along with a reversed sample of Trouble Funk’s ‘Pump me Up’, there are record scratches and a Brandford Marsalis saxophone melody. The beat is
provided by Clyde Stubblefield’s ‘Funky Drummer’. To maintain the feel of James Brown’s music, Brown’s famous grunts are quoted along with guitar, bass and other percussive sounds from his 1971 song ‘Hot Pants’. All of the samples are based on the introduction only—a trademark of Bomb Squad’s productions, which may sound overwhelming or confusing in which Katz rightly states, ‘one clearly cannot take it all in at once’ (2004, p. 152). Katz also states that the use of the introduction could be the equivalent of the ostinato or in the case of multi-samples, ostinati—a common musical device (2004, p. 153).

What makes the ostinati stand out in Public Enemy’s music from traditional uses in popular music, such as the use of one or two repetitive short melodic lines that act as memorable hooks for the listener, is that every part of the ostinati is competitively doing something different simultaneously. Three different hooks bring out the timbre of the music, and each sample is a representation of African-American history—musically and politically. All the samples bring out the song’s intention: fighting the powers that keep people suppressed by the government. The lyrics also encourage freedom of speech and celebrate the representation of African-American people, in particular Black Nationalism and Afrocentricity. It draws on African-American history, which is traced back to the slavery trade, the discrimination and segregation period and, importantly, the civil rights campaign in the protest and resistance culture of the 1950s and 1960s. The song accuses dead white popular culture icons such as Elvis Presley and John Wayne of being racist, while Public Enemy speak out in opposition to the white establishment—hence the title ‘Fight the Power’. There is a particular lyric that demonstrates the importance of the song: ‘Most of my heroes don’t appear on no stamps/sample a look back you look and find/Nothing but
red necks for 400 years if you check’. Here Chuck D is referring to postage stamps that have featured well-known celebrities or leaders who are white (but who are in Public Enemy’s view also racist). Their tribute to their African-American heroes is hinted in the line ‘sample a look back you look and find’—here, if you seek the origins of all the samples in this song, they are all performative quotations from significant African-American popular music figures. Other samples in this song include: Afrika Bambaataa (early electronic hip-hop), the Jackson 5 (Tamla Motown soul), George Clinton (funk), Bobby Byrd (jazz), Sly and the Family Stone (Psychedelic and space funk), Trouble Funk (funk) and of course, James Brown (funk and soul). All of these musicians have contributed to the development of popular music.

The mix of samples suggests an importance to their message which is to address social tension. Despite the frenzied background of samples, the words and messages are clear. The use of vocal intertextuality is also evident in ‘Fight the Power’. Members of Public Enemy use *Sprechstimme* for expressions of gospel and soul, such as ‘brother and sisters’ and ‘come on and get down’ in ‘Fight the Power’. They also quote, or interpolate, from other songs such as ‘I’m Black and Proud’ (James Brown, 1968) and ‘Freedom or Death’ (Stetsasonic, 1988).

The recreation of samples in a live setting is technically possible, but, this may prove to be costly and time-consuming in terms of equipment, DJs, musicians, and so on to recreate samples live. Recreating a sample live, however, may take away its notion of intention and may provide another context for the song. Joseph Schloss argues that recreating a sample live will lose its aesthetic value and authenticity (2004, p. 69). This is because it draws attention that the artist sampled is actually absent and, as mentioned earlier, the use of the
sample, along with its sonic qualities is important when incorporated in a piece of music because it acts as a performative quotation (Katz 2004, p. 155). Although Schloss’s and Katz’s statement are feasible, it is worth considering what effect the live recreation of samples has on a song, and this will be explored more in chapter four.

So far, the early stages of digital sampling have been focused on, as this prepares the ground for the next two chapters. Despite its aesthetic value in the art of sampling, this particular compositional technique raises turbulent concerns in terms of intellectual property and copyright. It is important to understand these areas first and the effect they have on musicians and consumers.

**Intellectual Property of the Composer and the Music Industry**

This section focuses on copyright in the United States and its issues with hip-hop because firstly, hip-hop music is without doubt a North American style and secondly, many legal cases occurred in the United States. British hip-hop does not have an intense musical appeal as in the United States and, when samples were used, the creators would go through the legal channels to obtain copyright clearance. The use of ideas, expressions in sampling and notions of intellectual property will now be explored.

The creator of the original recording from which the sample is taken legally owns it. The creator, such as the songwriter or composer owns the publishing rights of the sample. This is the person’s intellectual property which gives protection from others who may want to

---

5 For example, Tricky’s sample of ‘Bad’ by Michael Jackson; and Dizzee Rascal’s sample of ‘Big Beat’ by Billy Squier.

6 There are three types of intellectual property in the United States: Patent Law, Trademark Law and Copyright (Vaidhyanathan 2001, pp. 18-20). Patent law protects inventions such as Macintosh (MAC) and Microsoft computers. Trademark law protects products that have a specific signifier such as a logo and is globally recognised (for instance, Coca-Cola; KFC). Copyright protects artistic works.
copy the work without permission. Originally, the duration of a copyrighted work created on or after 1978 in the United States was the remaining life of the author plus fifty years after the author's death. Due to a successful campaign to extend copyright and to prevent works from entering the public domain, an Act was passed in 1998. The Sonny Bono Copyright Term Extension Act now protects works for 70 years after the author's death, or 95/120 years for anonymous/pseudonymous works or works made for hire (The U.S Copyright office 2009, p. 126). There is also the sound recording of the sample to consider, which is owned by the record company. The sound recording is protected under the 1976 Copyright Act, Title 17. This has led to court cases which involved hip-hop musicians not seeking copyright clearance. Any musician, regardless of musical style, who wishes to digital sample from a record, must bear the 1976 Copyright Act in mind. If the Copyright Act is ignored, it will lead to legal consequences. As well as the Copyright Act protecting the sound recording, it protects the composition. Therefore, if a musician does not seek copyright clearance beforehand, he is violating two types of copyright: the publishing rights (compositions), and sound recordings, better known as master rights (Schloss 2004, p. 175). Joanna Demers's table shows a definition of the two types of copyright (Table 2.1):

---

7 The Sonny Bono Copyright Term Extension Act is in Section 302 of the U.S Copyright Act. In the United Kingdom's Copyright, Designs and Patents Act 1988, Section 12 states 'The duration of copyright protection in the U.K is the remaining life of the author plus fifty years of the author's death—although the law may consider individual cases to be protected up to 70 years' (Dworkin and Taylor 1996, p. 227). There have been calls for copyright to be extended to 95 years as there were concerns that sound recordings such as the Beatles will be public domain from 2013 (BBC online, 2006a). Although this call was rejected in 2007 (Holton, 2007), in April 2009 the European Parliament passed an Act for UK copyright sound recordings to be extended for 70 years (European Parliament Press Release, 2009). There is also another campaign set up by UK musicians (Featured Artists' Coalition) to regain copyright ownership from the industry after the period has passed (as well as campaigning for other issues such as fair distribution of royalties).

8 The United Kingdom's equivalent of the copyright law is known as the Copyright, Designs and Patents Act 1988.
Table 2.1. Music's copyright status

<table>
<thead>
<tr>
<th>Type of musical entity</th>
<th>Legal definition</th>
<th>Who owns the copyright?</th>
<th>Scope of production</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compositions</td>
<td>An original work consisting of musical material (some combination of melody, harmony, and rhythm). Lyrics to nondramatic musical works are included in the composition copyright.</td>
<td>The author if s/he is self-published. Most publishing contracts require composers and songwriters to transfer copyrights.</td>
<td>Protects against unauthorized copying, distribution, derivative works, and performance. Mechanical reproductions of compositions are covered under a compulsory license, meaning that anyone can re-record a published composition as long as they give written notice to the Copyright Office and pay the statutory royalty rate on each record made and distributed.</td>
</tr>
<tr>
<td>Sound Recordings</td>
<td>Any work in which musical, spoken, or other sounds are fixated onto any medium (excluding sounds accompanying films).</td>
<td>Most record companies require control of a sound recording copyright as a condition for album release. The owner of a recording may or may not be the owner for the composition it contains.</td>
<td>Protects against unauthorized copying and distribution. Reuse of a recording is not covered under a compulsory license, meaning that licensing must be negotiated before the recording is appropriated into a new work.</td>
</tr>
</tbody>
</table>

(Demers 2006, p.22)

This table clearly shows the two distinctive types of copyright in music. What is not stated on the table but also important to note is that the Copyright Act supplies the copyright owners with six exclusive rights. The rights are:

1. to reproduce the copyrighted work in copies or phonorecords;
2. to prepare derivative works based upon the copyrighted work;
3. to distribute copies of phonorecords of the copyright work to the public by sale or other transfer of ownership, or by rental, lease or lending;

4. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;

5. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and,

6. in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

(The U.S Copyright Office, 2009, p. 21)\(^9\)

The copyright holders are entitled to the exclusivity cited above.\(^{10}\) This however, only applies to the publishing rights owner; the owners of the master recording are only entitled to the first three exclusive rights. Simon Frith and Lee Marshall (2004) note that ‘no-one but the rights holder is allowed to do these things without prior authorisation (not even the author if he is not the rights-holder)’ (2004, p. 7). Therefore the author of the song must be a copyright holder to maintain ownership and to have access to the exclusive rights. As a

---

\(^9\) Section 106 of the U.S Copyright Act. Paragraph 6 of section 102 was added by The Digital Performance Right in Sound Recordings Act of 1995 (The U.S Copyright Act, p. 107).

\(^{10}\) The owner of a copyrighted work in the United Kingdom has the exclusive right to do the following:

a) to copy the work;

b) to issue copies of the work to the public;

c) to perform, show, or play the work in public;

d) to broadcast the work or include it in a cable programme service;

e) to make an adaptation of the work or do any of the above in relation to an adaptation; and those acts are referred to in this Part as the ‘acts restricted by the copyright’.

copyright holder, they have the exclusive rights to allow other people to use their works by either selling their rights or licensing them (ibid.). There is one restriction to the protection of the musical compositions (publishing rights). An artist may record a 'cover' version of someone else's music without permission, providing the recognisable melody line or hook remains intact, and that the original artist receives royalties (Harvard Law Review 1992, p. 732). This does not apply to sampling as we already are aware that the compositional process involves lifting a segment from a sound recording, which is infringing copyright if the user does not seek permission. The illegal use of borrowing segments from sound recordings did not come into effect until 1971 when Congress passed an Act to protect sound recordings (Harvard Law Review 1992, p. 735).

Congress introduced the Sound Recording Act of 1971, in part as a result of music industry officials noting that there was a rise of piracy (illegal duplicates) of records and audio cassettes being sold. Performers, songwriters, artists, producers, engineers and manufacturers involved in a sound recording are protected under this Act (Sanjek 1992, p.618). The Sound Recording Act allows people:

To reproduce and distribute to the public by sale or transfer of ownership, or by rental, lease, or lending, reproductions of the copyrighted work if it be a sound recording: Provided, That the exclusive right owner of a copyright in a sound recording to reproduce it is limited to the right to duplicate the sound recording in a tangible form that directly or indirectly recaptures the actual sounds fixed in the recording: Provided further[,] That this right does not extend to the making or duplication of another sound recording that is an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyrighted sound recording; or to reproductions made by transmitting organizations exclusively for their own use.

(Section 1 of the United States Code)\textsuperscript{11}

This section is referring to protecting unauthorised copies of sound recordings. Basically the Act states that the copyright owner has the right to: rent, licence, reduplicate and distribute copies of sound recordings; maintain the wholeness of the recording (the representation of the original needs to be more or less the same)—in ‘tangible’ form—as long it is not an imitation of the sound recording replaced with new sounds. This Act was intended to prevent piracy. However, it does not mention the use of sampling or borrowing segments of a sound recording, because of course, the digital sampler was not invented in the early 1970s. David Sanjek notes that the Sound Recording Act of 1971 was meant to protect whole recordings to prevent piracy but not segments of them, and he goes on to suggest that the law should be updated to meet the needs of appropriating copyrighted sounds with the aid of digital technology (1992, p. 619). It is however up to the court judge to apply the 1971 Act and decide if a recording that illegally incorporated samples can be considered as infringement. After all, the infringement of copyrighted works regardless of the amount used is still considered illegal (unless ‘fair use’ is argued—to be explained shortly). A similar Sound Recording Act applied to some states before 1971. The Sound Recording Act of 1971 did not come to full effect in the United States until 1972. Therefore, this Act only applies to sound recordings made from 1972. With the different types of copyright and ownership to consider, one needs to know how to gain permission to sample before producing the composition.

If a musician wishes to sample from a recording, s/he must seek copyright permission from the owner of the publishing and master rights. The owners of the composition (songwriter, composer) and their publishing company own the publishing rights (Schloss 2004, p. 175). The sound recording of master rights is owned by the record company of the performer. In
the United Kingdom, a typical way of obtaining clearance is to approach the MCPS
(Mechanical Copyright Protection Society), as they will inform the requester who exactly
to approach (such as publishers, record companies). The requester will then have to
approach the publishers, fill in a request form stating the proposed record. The requester
should send a tape or CD with three tracks: i) the entire recording of the original track; ii)
the sampled extract; iii) a recording of the new composition in its entirety. If the request is
authorised, the user will receive an offer letter followed by an agreement contract. The
requester should also proceed to seek clearance for the master rights and follow the same
procedure when approaching from the record company (EMI Music Publishing, n.d.).
Seeking copyright permission of the master recording is not as easy as negotiating between
the musician and record company, and may involve a hefty fee for the licence including
future royalties—which may well of course demotivate the musician from sampling in the
first place. Methods that musicians tend to practice to avoid copyright confrontation are to
illegally sample and heavily manipulate into an unrecognisable format, produce their own
samples or use less popular samples (but they are still at risk of getting caught).

In general, there are misleading concepts and myths about what type of samples may need
licences. For example, where a musician manipulates a sample the source of which is
unrecognisable in the new work, the musician may only need to seek permission of the
master rights. Also, if the sample is *de minimis* (a tiny sample), the musician may think it is
acceptable not need to seek permission at all. It is important to stress that any recording
used is still copyrighted and it is at the musician’s risk if samples are not cleared.

Although copyright law provides the holder with a set of exclusive rights, the law does
recognise the need of copyrighted works to be used for commentary or research purposes.
The Fair Use policy (or Fair Dealing in the United Kingdom) allows for copyrighted works to be reproduced without infringement. Steve Greenfield and Guy Osborn (2004) explain why fair use is important when using copyrighted works. They state that ‘it is difficult to critique or review a work without copying at least part of it in some shape or form, and this is a legitimate defence of what would ordinarily or technically amount to a breach of copyright’ (Greenfield and Osborn 2004, p. 90). Therefore, to critique a copyrighted work, one would obviously need to quote directly from the source, to demonstrate an understanding and knowledge of the work to the reader. Although one is copying another’s work, it is not being transformed into a derivative or new work purely based on its original source. It is to critique and reference, which is quite rightly considered as fair use.

Therefore, the fair use policy diminishes infringement of copyrighted works if it is considered to be fair use. Fair use may be the argument for producers in order to avoid complications with regard to fees or rejected sample requests—but this is not always a successful route, especially in hip-hop music. The factors of using copyrighted works that would qualify for fair use includes the following:

1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit education purposes;
2) the nature of the copyrighted work;
3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and,
4) the effect of the use upon the potential market for or value of the copyrighted work.

(Section 107, The U.S Copyright Office, p. 23)

12 The use of ‘fair’ is also present in the UK Copyright Act 1988.
The first factor which refers to the commentary or critical value is known as ‘the purpose and character of the use’ of the copyrighted work (Harvard Law Review 1992, p. 737). If the sample is not for those reasons, including for educational and non-profit purposes only, then it would not be considered as fair use; it would be assumed that it is intended for commercial reasons. The second factor, for informational purposes only, refers to ‘the nature of the copyrighted work’ (Harvard Law Review 1992, p. 737). For a sample to be considered as fair use, the work must be used as information such as researching, educational or news reporting purposes. If the sample is imaginatively and creatively inserted in a composition then it is not fair use as it will be considered as a ‘new work’ and not a representation of the ‘nature’ of the copyrighted work. The third factor involves the size and amount used of the copyrighted work (Harvard Law Review, ibid.). If the sample is small, it may be considered as fair use. As stated earlier, the danger of a sample being de minimis may still lead to copyright infringement—particularly if the copyright owner recognises the sample and decides to detest it. The fourth factor concerns how the sample affects the market value of the original source (Harvard Law Review, ibid.). If the sample is likely to damage and decrease the market value of the original song or derivative works (for example, arrangements or remixes), then it would not be fair use. If the sample is likely to boost the sales of the original source, then it may be considered as fair use. Although the use of unauthorised samples in hip-hop music may attract the listener to research and appreciate its original sources, it is unfortunate to think that the transformative new work may not be considered as fair use. Therefore, arguing for fair-use policy in hip-hop music may be difficult. Despite the compositional tool of sampling and producing music into transformative works which has no effect on the commercial value of its original source
recording, the DJ and producer will always experience the difficulties of verifying fair use against the copyright holders. There has been one exception (concerning the hip-hop group 2 Live Crew) which will be explained later.

Another point to consider in music copyright is the notion of dichotomy (Demers 2006, pp. 32-37; Vaidhyanathan 2003, pp. 28-30). The musical idea in a composition is not legally protected. The musical idea could consist of the style, structure, timbre, tempo, or how the music was developed. The use of any of these has been naturally and freely passed on in music without any legal complexities as these are the traditional methods used when composing music. The musician is allowed to base his composition on a composer’s idea. The problem occurs when the idea is expressed in another medium and when recorded or performed, it will be legally protected. The concept that the idea is not protected but, rather, the expression, is mostly welcomed by the music industry and musicians. Digital sampling however, leads to confusion as it blurs the distinction between idea and expression. As sampling brings out new works entirely, the idea/expression binarism may not exist—although the creator may want to argue about this. If ideas were protected, Danger Mouse could have argued that The Grey Album was undoubtedly an idea. Also, he could have argued that The Grey Album is an expression of past works based on fair use. There is a lack of sources connecting the idea-expression dichotomy to digital sampling, perhaps because it would either lead to more disputes or because it simply does not exist in this context.

Now the types of copyright and related themes in digital sampling have been outlined, examples of copyright infringement in hip-hop music will be discussed. Seeking copyright clearance in hip-hop music was at first not a major concern, particularly with Public
Enemy. Their producer Hank Shocklee (Bomb Squad) comments that copyright clearance ‘wasn’t an issue. The only time copyright was an issue was if you actually took the entire song, as in looping...But [we] were taking a horn hit here, a guitar riff there, we might take a little speech, a kicking snare from somewhere else. It was all bits and pieces’ (quoted in McLeod, 2002). Unless the sample consisted of a full length breakbeat then it was not common to seek copyright clearance. While small samples were not issues at the time, some were cleared, as Shocklee also explains: ‘[sampling] was cleared afterwards. A lot of stuff was cleared afterwards. Back in the day, things were different. The copyright laws didn’t really extend into sampling until hip-hop artists started getting sued’ (quoted in McLeod, 2002). Shocklee’s comment on copyright not involving sampling may be linked to the Sound Recording Act 1971 which, as we have seen, applied to the whole recording and not segments of it and was effectively therefore legislation from the pre-sampling era. At the time, there were unofficial ways of obtaining licences. Procedures would include ‘buyouts’ or paying a set fee for samples. The liberation of the art of sampling, some free of cost or some for a small fee, helped three particular bands and their albums to be an excellent representation of the creative use of sampling. Public Enemy’s *It Takes a Nation of Millions to Hold Us Back* (1988), Beastie Boys’ *Paul’s Boutique* (1989), and De La Soul’s *3 Feet High and Rising* (1989), were all considered to be significant contributions to the ‘golden’ age of hip-hop (LeRoy 2006, p. 78).

The freedom to use samples did however come to an end due to significant court cases. For example, De La Soul used an unauthorised sample that resulted in a legal dispute. They sampled a twelve second sample of the Turtles’ song ‘You Showed Me’ in their track ‘Transmitting Live from Mars’. In 1991, the Turtles’ band members Mark Volman and
Howard Kaylan sued De La Soul for $2.5 million. An out-of-court settlement was reached at $1.7 million—that is, $141,666.67 per second of the sample (Vaidhyanathan 2003, p. 141). De La Soul’s case is an example of a common procedure for resolving unauthorised copyright allegations—by resolving the matter out of court. The next example was a significant court case that changed the production of hip-hop music.

In 1991 the Grand Upright Music Ltd. V. Warner Records court case took place. It concerned Biz Markie sampling Gilbert O’Sullivan’s ‘Alone Again (Naturally)’ (originally recorded in 1972) in his song ‘Alone Again’ (recorded in 1990). Markie interpolated O’Sullivan’s title and sampled the piano riff. O’Sullivan’s song was about a family loss, and Markie retained the feel of lament in his song. His song was based on the themes of finding friends, romance, and earning respect as a performer (Demers 2006, p. 93; Vaidhyanathan 2003, p. 141). After personally hearing the song, Markie does portray the elements of feeling sad and ‘alone again’ through his lyrics, the sampled piano hook and his attempt at singing the chorus—in Sprechstimme, where he speech-sings ‘Alone Again (Naturally)’ with grain. Here, he sounds pitiful and almost out of tune; he expresses aloneness, as if trying to hold back his emotions. The use of the samples brings out the meaning of the song. The samples however were unauthorised, making Markie’s song illegal. In fact, Markie and his record company (Warner Brothers) had sought copyright clearance previously but their request was rejected. Despite the rejection, Markie used O’Sullivan’s song anyway (Demers 2006, p. 93; Vaidhyanathan 2003, p. 142; McLeod 2007, p. 78). The song was included in his album *I Need a Haircut*. O’Sullivan proceeded with a court case demanding that Warner Brothers destroy and stop reduplicating copies of Markie’s album, and that they remove the song from the album. Markie’s lawyers unsuccessfully used two
strategies for defence. They claimed that O’Sullivan was not the copyright holder of the song, and that it was a common procedure to sample without permission in the music industry. The judge was not convinced by these arguments and stated that although the record company did seek copyright permission from O’Sullivan, the rejection of their request indicated that he is the copyright holder. Vaidhyanathan argues that Markie’s lawyers could have argued that their song was fair use (2003, p. 172). They should have argued that Markie’s song only used a small section of the original, and that it would not compete with or reduce the market value of the original song. The judge (Kevin Thomas Duffy) sided with O’Sullivan and presented a rhetorically judgmental statement in his ruling. Duffy referred to one of the Bible’s Ten Commandments ‘Thou shall not steal’ in his summary of the case. He stated that the defendants (mainly the attorneys) admitted that illegal sampling is acceptable in the music business and argued that they should be exempted from prosecution. Although it seemed that Markie’s attorneys and record company were not prepared enough to defend themselves (by carelessly stating that the use of unauthorised samples is acceptable rather than using the more sensible approach such as the fair use defence), Duffy saw their reason as stealing which ‘violates not only the Seventh Commandment, but also the copyright laws of this country’ (‘Grand Upright v. Warner Brothers’ 1991). Duffy’s judgment was stark, particularly when referring to the book of Exodus, chapter 20 verse 15, presenting the view that Markie stole the samples. It is unusual that Duffy did not consider fair use to rectify the situation, or if the (small) amount of borrowing samples should result in a hefty penalty including an injunction of Markie’s composition. Duffy also ignored Markie’s plea that he and Warner Brothers did attempt to seek copyright clearance by sending a demo tape to O’Sullivan’s agent. Markie’s
attorneys argued that despite the rejected request, it was Markie's record label Cold Chillin' Records, a subsidiary of Warner Brothers, which proceeded with the release, and therefore that Markie should not be entirely blamed for the unauthorised samples. Instead, Markie’s attorneys presented in court a letter that was sent to Cold Chillin’ Records stating that should any legal action arises due to their decision to release the album, the matter should involve the record label and not Markie as they proceeded to release the album without authorisation. Despite the evidence presented in court, Duffy maintained that the defendants were still guilty of violating the plaintiff’s rights and that ‘their only aim was to sell thousands upon thousands of records’ (‘Grand Upright v. Warner Brothers’). Duffy’s opinion offers a misunderstanding of the defendants’ arguments. They admitted to unauthorised use of the samples, but sent a demo to the copyright holder for permission. Despite the rejection, it was Markie’s label which released it. Why did Duffy not blame Cold Chillin’ Records? Duffy ordered a preliminary injunction of the record under the Copyright Act title 17 (section 506a) and 18 (section 2319). 13 Markie’s lawyers agreed to remove all copies of the album I Need a Haircut and compensated O'Sullivan. Markie avoided imprisonment and re-released the album the following year excluding the censored song re-titled All Samples Cleared! Although Duffy’s attitude was harsh and possibly showed a lack of knowledge of the genre and parts of the copyright law, the court case was a sign and warning that future sampling in hip-hop was never going to be so readily accessible and acceptable. To sample in a composition, one has to seek clearance and pay for fees and royalties. After this historic ruling in hip-hop music, it was clear that there

13 Section (506a) states that a person who infringes a copyright willfully for commercial purposes, is subjected to criminal infringement, and must be punished under section 2319 of title 18—which usually involves imprisonment (The U.S Copyright Office, p. 155).
could never be an album solely based on samples from popular hits again—it would be too expensive to gain copyright permission or pay compensation.

Hank Shocklee explains the process of buying sampling licences today, if one wanted to create an album like Public Enemy’s *It Takes a Nation of Millions to Hold Us Back*:

> It wouldn’t be impossible. It would be very, very costly. The first thing that was starting to happen by the late 1980s was that people were doing buyouts. You could have a buyout—meaning you could purchase the rights to sample a sound—for around $1, 500. Then it started creeping up to $3,000, $3,500, $5,000, $7,500. Then they threw in this thing called rollover rates. If your rollover rate is every 100,000 units, then for every 100,000 units you sell, you have to pay an additional $7,500. A record that sells two million copies could kick that cost up twenty times. Now you’re looking at one song costing you more than half of what you would make on your album.

(quoted in McLeod, 2002)

Although it is assumed that Public Enemy cleared most of the samples on *It Takes a Nation of Millions to Hold Us Back*, their musical direction changed after the 1991 court ruling. Shocklee stated that they simply could not use many samples due to costs. They had to change their style of making records and use fewer samples. Their later samples were composed: for example, they would play and record their own instruments and sample them to recreate the effect of the performative quotation. They did have their own experience of a rejected sample for their album *Revolverlution* (2002). They sampled the Beatles’ ‘Tomorrow Never Knows’ (1966) for their track ‘Psycho of Greed’, but the request for a licence was rejected, so they had to remove the track (*Illegal Art; Public Enemy*).14 It is worth considering also the case of the Beastie Boys, who allegedly paid a set fee of $250,000 in sample clearances for *Paul’s Boutique*. The album used over 300 samples. Like Public Enemy, the producers of *Paul’s Boutique* also stated that to reproduce the

---

album today would be too costly (see LeRoy 2006, pp.45-47). The Beastie Boys have also had legal problems involving sampling and copyright. In 1985, the single ‘Rock Hard’ sampled AC/DC’s ‘Back in Black’. AC/DC refused permission for the use of their song and ‘Rock Hard’ was deleted from the market (Illegal Art). The Beastie Boys were also involved in a court case which they actually won. In 1992, they sampled jazz flautist James W. Newton’s recording of ‘Choir’ for their track ‘Pass the Mic’. The Beastie Boys cleared the licence for the master rights but not the publishing rights (Toynbee 2004, p. 128). The cleared sample consisted of a de minimis of three notes, but Newton claimed that the sample was a substantial portion of the song and had grounds for copyright infringement. He sued the group in 2000. The Newton v. Diamond court case ended in the favour of the Beastie Boys as the court judge M. Manella ruled that the group did not infringe on Newton’s copyright. Manella stated that the Beastie Boys already obtained a licence for the master rights, and that the actual recording used and not the composition itself was the main issue (‘Newton v. Diamond’ 2003; Toynbee 2004, p. 128).

There is another question to consider when obtaining sampling licences. When licences are approved, who actually receives the royalties? The record company will most certainly receive the royalties but what about the composer(s)? As stated earlier, the master rights are owned by the record company, and the publishing rights (compositions) are owned by the publishing company. Royalties received by the publishing company are normally distributed between the publishers, songwriters and composers—as long it is clear that they are credited on the composition. Composers who contributed the melodic or instrumental parts are not often credited, which means they may not receive anything (although they may have been paid a one-off advance before the recording). Kembrew McLeod notes the
unfairness of this, which ‘ignores some “authors” who contributed an important section of a song—for instance, a session drummer or bassist who performed a funky breakbeat but didn’t get songwriting credit’ (2007, p.102). Here, McLeod is referring to Clyde Stubblefield. As stated earlier, Stubblefield’s famous two-and-a-half second breakbeat had been sampled numerous times in many styles of popular music. Stubblefield however is not in the receipt of any royalties as he is not credited on the James Brown track ‘Funky Drummer’ (Negus 1997, p. 187). Therefore the record and publishing company (including James Brown’s estate) will continue to receive royalties, but not the actual funky drummer himself, Clyde Stubblefield.

Another copyright topic involves the song catalogue of George Clinton, whose music has been sampled many times in hip-hop. Clinton, leader of funk bands Parliament and Funkadelic, supports sampling in music (Wu, 2006), and even released a compilation of samples taken from the music of Parliament and Funkadelic in 1993. Titled *Sample Some of Disc, Sample Some of DAT*, Clinton, as the songwriter of the songs, permitted any use of the compilation with an internal licence. The terms for using the licence include informing Clinton’s publishers about the title of the sampled track, the title of the new track and the record label of the user. What was considerate about this agreement was that no upfront fee was requested. Clinton’s publishers would only ask for royalties after the records are sold (Demers 2006, p. 122). Clinton can permit this because he owns the publishing rights and his label AEM obeyed his licensing terms. There was one problem however, the sound recordings were not owned by Clinton but by Bridgeport Music. Bridgeport, owed by Armen Boladian, allegedly stole the ownership of Clinton’s recordings (Demers 2006, p.
From 1991, Bridgeport Music found 800 counts of copyright infringement of songs by Parliament and Funkadelic, and sued the artists and their record companies including Clinton (Wu, 2006). Most of these cases were either dismissed or settled out of court except for one case in 2002: Bridgeport v. Dimension Films. N.W.A (Niggaz with Attitude) sampled Clinton’s ‘Get off your Ass and Jam’ for their track ‘100 Miles and Running’. The sample used from the Funkadelic song was a three-second guitar riff, which was manipulated into an unrecognisable format due to its change of pitch and tempo. The unrecognisable sample was meant to signify the sounds of a police siren, which suited the context of N.W.A’s song about police brutality. In 2005, the judge declared that any sample used whether it is *de minimis*, unrecognisable and without a license, is copyright infringement. The judge Ralph Guy stated unequivocally: ‘get a licence or do not sample’ (‘Bridgeport Music v. Dimension’ 2005; Demers 2006, p. 96). This supports the earlier statement that the artist has to be cautious and if in doubt, get the sample cleared regardless of its size and (un)familiarity. Ralph Guy also stated that a sampler that uses ‘a musical performance without hiring either the musician who originally played it or a different musician to play the music again...poses the greatest danger to the musical profession because the musician is being replaced with himself’ (‘Bridgeport Music v. Dimension’). This quotation seems ironic because it appears that the judge considers the needs of the original musician, when in fact the musician may not receive any financial recognition at all—just like George Clinton or Clyde Stubblefield.

Although Bridgeport Music made accusations against copyright infringers and received compensation for the use of Clinton’s music, George Clinton won back his master rights for

---

15 Boladian admitted this statement by saying that he faked Clinton’s signature in a contract so Bridgeport would be the owners of his music. This happened in 1983 (Wu, 2006).
only four of Funkadelic’s albums in 2005. Although Clinton is entitled to claim compensation for lost royalties and licensing fees, at the time of writing, he is still in the process of claiming back master rights of all his other works from Bridgeport Music (Leeds, 2005).

An extraordinary case that was cleared from copyright infringement was Campbell v. Acuff-Rose. In 1994, the controversial Miami bass hip-hop group 2 Live Crew sampled Roy Orbison’s ‘Oh Pretty Woman’ (1964) in their song with the same title. The 2 Live Crew’s version was a parody of the original and included new lyrics. Group member Luther Campbell sought permission from Orbison’s publishing company to use ‘Oh Pretty Woman’ but was refused—but Campbell still used it anyway. Acuff-Rose Music Inc. (Orbison’s publishers) took Campbell to court. Campbell used the fair use policy as his defence. At first, the United States district court was in favour of 2 Live Crew stating that the song was a parody and fair use. After an appeal by Acuff-Rose, the Sixth Circuit Court of Appeals found in favour for the publishing company, stating that 2 Live Crew used a substantial amount of the original track and the song was intended for commercial purposes. Finally, the United States Supreme Court stated that the appeals court did not consider the fair use policy properly and went in favour for 2 Live Crew (‘Campbell v. Acuff-Rose’ 1994; Vaidhyanathan 2003, p. 146). The main argument ruled by the Supreme Court Judge (Justice Souter), was that 2 Live Crew’s version consisted of parody. While Acuff-Rose argued that 2 Live Crew ruined the main hook of the song (the guitar riff), Justice Souter stated that for a parody to work, it must include well-known sections from its source (Sanjek 2006, p. 278). In a sense, it is perhaps a parody due to the reaction of its lyrical content. Although, personally, I am not a fan of this particular track, there is some
humorous lyrical content, but the rest of the song is explicit and offensive to women. David Sanjek (2006) raised the point in conversation with the author that a song may bring out different emotions or reactions each time it is played.

Although the court cases mainly involved hip-hop, there have been similar cases in other styles of popular music. The exploration of the above court cases that involved early hip-hop music sets the scene of the next chapter. Perhaps the style that relates to the next chapter is the mash-up—a remix of two well-known songs, either constructed via turntables, computer software or both. As well as sampling and copyright infringement having a negative affect on the music industry (in particular the record labels acting as the defendants), there are other technological developments that are affecting the industry—in particular, the digital distribution of music.

**Digital Distribution and the Music Industry**

The current methods of digital musical creativity are known to be a concern for the music industry. The music business, however, has found solutions for these problems. The record company will present a legal case to the artist and the company in question especially when copyright infringement is concerned. Other problems that the music business may have

---

16 Copyright issues in the United Kingdom: In 1989, the British electronic group the Beloved sampled 8 notes from a medieval composition by Abbess Hildegard in their track ‘The Sun is Rising’. The original source was borrowed from a classical compilation album owned by Hyperion Records. A preliminary hearing stated that Hyperion Records could proceed with a full trial against the Beloved and their label WEA. Hyperion Records felt that they were not financially prepared to do so and the case was dropped (Beadle 1993, p. 200). In 1987, the controversial group the JAMM (Justified Ancients of Mu Mu) also known as the Kopyright Liberation Front—KLF—released 1987 (What the Fuck's Going On?) purely based on unauthorised samples from the Monkees, the Beatles, Whitney Houston and ABBA. KLF were threatened by ABBA of copyright infringement. KLF’s response was that they travelled to Sweden and stood outside ABBA’s record company, Polar Music, and burnt copies of 1987. They also hired a prostitute to dress as a female member of ABBA, who received a fake gold album which stated ‘For sales in excess of zero’. One of the members of KLF, Jim Cauty stated that the demonstration was to present their side of the story and see if Polar Music would drop the charges—which they did. KLF then agreed to delete copies of their album (Smith, 1987; McLeod 2009, p.10).
found difficult to control or resolve are the increasing developments of ICTs and the piracy of digital music: for example, illegal distribution and consumption in music on the Internet, and amateur artists producing and distributing their own music on the Internet. For a decade, the illegal consumption and distribution of music (via MP3 files) has been an increasing concern to the music business. Also, due to computers and music-making software, amateur artists can compose and distribute their music on the Internet, especially on social networking sites, without the aid of belonging to a record company (although the main aim of this free exposure may be discovered and signed by a record company eventually). The latest methods will be discussed and how they have affected the music business.

The major corporations of the music business, comprised of four global record labels (EMI, Sony-BMG, Warner Brothers and Universal), were at first mainly concerned with ways in which innovations in digital technology could lead to reduced profits from distributing and consuming music, as noted by Renee Garafalo: 'The music industry is terrified that computer users sharing and downloading music tracks for free over the Internet will seriously cut into the sales of compact discs, still the centrepiece of the industry’s business model' (2003, p. 30). Perhaps the industry’s A&R departments were also worried about not being the first to discover new artists or music, as this job has been replaced by the consumers because of the Internet. These claims may, indeed, be overstated, as music is part of popular culture and it is unlikely that the music business would no longer benefit. Besides, labels have found ways to resolve these issues to the extent that their businesses are thriving more than ever. Due to illegal methods of distributing and consuming music, and the decline of CDs, record companies now sell MP3s in Britain via their websites and
online music stores such as iTunes, Amazon, eMusic and Tesco. CDs are still popular and
in demand but are currently being sold at competitive prices. For instance, cheaper CDs are
likely to be found at supermarkets or online stores rather than traditional music stores such
as HMV. Although the demand for CDs remains buoyant, sales have declined due to MP3s.
To compensate for the loss of recorded music revenue, labels are returning to the event and
paraphernalia of the live performance: gigs, concerts tours, music merchandise such as
USB sticks, SD cards and ringtones (Dangerfield, 2007). Also, labels also rely on licensing
fees for profits, as music is continuously heard in the media.

Yet one issue that cannot be ignored is the decline of sales in vinyls, cassettes and CDs.
The music business is comprised of different sectors (such as marketing, production, sales,
publishing, administration, business, finance, media, and so on), and it is the physical
distribution sector that is most at risk. Although surprisingly, the CD is still the most
popular product to buy (IFPI, 2008), it is likely that eventually it will be the MP3 (or
perhaps a future physical medium) that will replace the CD. As soon as the MP3 replaces
the CD, jobs may be lost (distributors’ and manufacturers’). The CD may eventually be a
specialised product, just like the vinyl record—which DJs tend to buy in independent
record shops. As stated earlier, CDs are now distributed to various websites and
supermarkets at competitive prices in hope to maintain profits. Another interesting method
is to collaborate with newspapers and distribute free CDs (such as The Mail on Sunday
newspaper with a Prince CD in 2007, or The Mirror newspaper with another new Prince
CD in 2010). It is the MP3 however, that has had both a negative and positive impact in the music business, including the record industry which will now be explored.

MP3 stands for Motion Picture Experts Format Group I, Layer 3, but it is also known as the ISO-MPEG Audio Layer-3 or MPEG1 (Katz 2004, p. 160). The MP3 was developed by the German Frauenhofer Institute. The digital file format was invented to compress audio and video files whilst maintaining good sound quality. The MP3 was also designed to be used in multimedia devices but tends to be associated with the Internet, piracy, fraud and corruption. The MP3 or MPEG1 is comprised of three different layers: 1, 2 and 3. Each layer represents the quality of its file and sound. The first two layers have high sound qualities and are meant for state-of-the-art-technology (such as film-making, animation). The third layer is of lower standard, more accessible and used in computers. It is more associated with the MP3, the abbreviation of MPEG1 Audio Layer 3 (Sellars, 2000).

The MP3 started to become popular due to the Internet in the 1990s. The attraction of the MP3 is its accessibility. The digital audio files are virtual music copies and can be sent

---

17 The artist or record company will receive royalties from the sales of the newspapers.
18 The development of recorded mediums in chronological order is as follows:
1877- Thomas Edison invented the phonograph (Cox and Warner 2004, p. 399). It was a 10” 78rpm record limited to three minutes per side. It was also commercially known as a gramophone.
1935-German company AEG invented the magnetic tape recorder (Cox and Warner 2004, p. 400).
1948- Advent of LP (Long Playing) records was released by Columbia Records (Théberge 2001, p. 18). The records consisted of full length tracks, known as albums at 33 1/2 rpm.
1948- RCA Victor records introduced the 7” 45 rpm record as a light and portable alternative to the long playing format (Katz 2004, p. 35; Théberge 2001, p. 18). This became known as the single.
1963- A Dutch company ‘Philips’ invented the cassette tape.
1975-12” singles were released by RCA to accommodate extended mixes of disco songs which were played in clubs (Straw 2001, p. 167). The 12” vinyl record also became associated with dub, remix and later house.
1979- The Sony Walkman, a portable cassette player was released (Blake 2007, p. 28).
1983- The CD (Compact Disc) was released on the market by Sony and Philips (Théberge, p. 18).
1992- The MP3 was invented (Katz 2004, p. 160). The mini-disc was also invented.
1998- The first MP3 player branded the ‘Diamond Multimedia Systems Rio PMP 300’ was released (Blake 2007, p. 39).
19 The equivalents and rivals of the MP3 are MP4 (devised by Mac) and WMA (Windows Media Audio).
20 Duran Duran were the first group to release a single, ‘Electric Barbarella’, as an MP3 in 1997 (Simon Le Bon in Something for the Weekend, 2010).
anywhere on the Internet in seconds. If used illegally, the MP3 is free; otherwise, it is considered cheaper to manufacture than a physical medium such as the CD. The MP3 is virtually invisible and does not need to be presented in any packaging such as plastic cover or inlay card. Information such as songwriters, record company, photo of artist are stored on the MP3 and are accessible to the user at any time. The user may then listen to the MP3 on his or her computer, transfer it on to a portable device like an iPod, or burn it on to a CD.

A specific technique was used to distribute MP3s. MP3 users would ‘rip’ CDs on their computers and compress the digital audio files into MP3s. They would then upload the MP3 on the Internet for others to download. A particular networking source called peer-to-peer (P2P) was a popular way of file-sharing on the Internet, and the most popular P2P site that emerged in the late 1990s was Napster. Developed by Shawn Fanning a university student, Napster allowed users to share MP3 files stored on their computers (Katz 2004, p. 161; Marshall 2004, p. 193). It was free, accessible, and became a popular service to use. At the same time, the process of sharing music files was illegal and infringing copyright—because music was downloaded without the permission of the copyright holder, and without royalties being transacted for the artist. In 2000, the record industry, including bands like Metallica, sued Napster for file-sharing and copyright infringement (Demers 2006, p. 3). As a result, in 2001, Napster was shut down, but resurrected in 2003 as Naptser 2.0, a commercial subscription service for users. A portion of the fees are royalties and distributed to music businesses and publishers.21

21 Other well-known P2P file-sharing networks are Gnutella, Kazaa, Limewire and Livewire.
The record industry opposes the grassroots gratis fan-led distribution of MP3 music files on the Internet, arguing that CD sales are affected and in decline. Although this statement is true, it is a fact that CDs are still a popular product to buy. Judging by the following statistics of CD sales over the past few years, the CD still thrives as a commodity despite its decreasing level of sales each year:

### Table 2.2 Music Sales between 2005 and 2007 (based on U.S $ Million)

<table>
<thead>
<tr>
<th>Year</th>
<th>United States Physical</th>
<th>United States Digital</th>
<th>United Kingdom Physical</th>
<th>United Kingdom Digital</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>6,376.0</td>
<td>636.0</td>
<td>2,302.3</td>
<td>76.2</td>
</tr>
<tr>
<td>2006</td>
<td>5,542.0</td>
<td>1,094.2</td>
<td>2,086.0</td>
<td>132.2</td>
</tr>
<tr>
<td>2007</td>
<td>4,559.1</td>
<td>1,476.0</td>
<td>1,743.8</td>
<td>169.5</td>
</tr>
</tbody>
</table>

(IFPI 2008, p. 23 and p. 44)

The popularity of buying MP3s (as well as obtaining illegal copies) has contributed to the decreased amount of CD sales. Due to this, independent and major record stores (most notably former Virgin’s Zavvi which closed in 2009) have struggled to maintain high physical sales. Competitive businesses however, like supermarkets and online stores, have successfully maintained physical music sales due to reasonable prices. Another point to consider is that the digital download is legally becoming popular due to the MP3 player and mobile phone. From 2005, the portable MP3 player (such as the iPod) started to gain popularity, and today there are many competitive models on the market, while many mobile phones have an MP3 facility so the user can download music (and share music easily via wireless technologies like Bluetooth).
There is another reason that the CD is still successful. Illegal or legal MP3 files offer the listener the opportunity to search and discover music from anywhere. Although the options of music streaming such as ‘Spotify’ or watching the video on ‘YouTube’ are available, you cannot keep the music unless you have the music files. Amateur groups and artists may give away free MP3 files to showcase their music in the hope of gaining fans and eventually a record deal. All these methods of discovering new music have tended to make the listener yearn for more. For example, a fan who obtained an MP3 track might watch the artist perform live or in a video. If the fan likes it, s/he is more likely to buy the CD and associated merchandise such as posters, T-shirts, and this is clarified by the late Tony Wilson: ‘we’re all buying online…I buy singles online. If I like the band, I go and buy the physical album’ (quoted in Young, 2006). The music business is profiting from these sales and perhaps should not be entirely threatened by MP3 freeloaders, as it considers some fans. As copyright is a strong subject, the music business is successfully searching and shutting down P2P networking sites and their illegal users. Even Internet Service Providers (ISPs) are involved in finding users engaging in illegal downloading activity by tracking their personal IP addresses.

Whilst record companies accuse illegal downloaders of stealing or copying music without permission, Mark Katz makes a reasonable point that consuming music on the Internet has a different aspect from buying the music physically. Katz argues that downloading MP3 files is not theft as it is not physically stealing music. Instead, it should be seen as copying and not stealing (2004, p. 178). The user who downloaded the MP3 (illegally or legally), does not technically ‘own’ the product—it is not a physical medium. Further confusing

22 In Australia, a record company offers free MP3s to consumers if they click and read their advertisements first on a computer or mobile phone before having access to the music (Atkinson, 2007).
issues are drawn from here: a person who buys a CD, owns it, but if someone steals it, they are likely to claim the product as their own. The CD is both a copy and a music product. Can one own an invisible but virtual product? If users are accused of downloading illegal MP3 files as ‘theft’—how is that stealing? They are not stealing from someone else—that someone else placed the MP3 files on the network for others to download. Once the MP3 is downloaded, is the user now the owner of that file? If the MP3 is transferred onto a portable device such as the iPod or CD, should the user be considered as the owner? If yes, is it still considered as theft? The use of the MP3 is based on the file itself not the actual music and lyrics, because that would be considered as infringing copyright. If the intention of illegally downloading MP3 files is to sell as CDs, then it should rightfully be considered as piracy and stealing.

How far also is there an issue for academic research? What if researchers need access to MP3 files that are banned by the music industry? If they have access to those files and if caught, will they be accused of stealing? For this thesis, I had to download Biz Markie and more importantly, *The Grey Album* purely for research purposes. What would happen if I was accused of theft? Would I be able to apply the fair use policy as defence despite the music being censored anyway? What exactly would I be accused of? Illegally copying or stealing the music? Bill Thompson (2009) raises an obvious point on why many users download illegal MP3 files, stating ‘I turned to the file sharing networks because the music I wanted to listen to was either completely unavailable or so locked up with the restrictive terms as to be effectively inaccessible’ (Thompson, 2009).

Using the Fair Use policy as defence seems feasible—but only in the United States. Its equivalent policy in the United Kingdom, Fair Dealing, is more complicated. As stated
earlier, using a copyrighted work is considered as fair use if it is for a commentary and non-commercial purpose. In the United Kingdom however, ‘sound recordings and broadcasting have no provision for fair dealing based for the purposes of non-commercial research or private study’ (British Academy, 2006). Annette Davison raises a point that in the United Kingdom ‘the distinction between commercial and non-commercial research is equally hazy’ (2007, p. 11), which leads to suggestions that if copyright holders knew that I obtained copies of the banned music used in the thesis and they decided to prosecute me, I may not be able to use fair dealing as my defence, as non-commercial use is not protected in the United Kingdom. Resolving this worse case scenario could result in seeking copyright permission or withdrawing my case studies and transcriptions from the thesis.

Although the British Academy’s Guidelines on Copyright and Academic Research states that the academic does not seek copyright permission if no more than five percent of the source is used, I need to bear in mind that the musical works I have obtained for discussion and quoted from are illegally sourced. Sheila Whiteley makes a sound point that ‘we are not ‘stealing’ musical works; rather our concern is to bring them to the attention of our students’ (Whiteley, 2009). I would argue this reason as my defence, but it is unfortunate that at the time of writing, fair dealing or copyright law in general, states that liberal use of consuming and quoting music for non-commercial research purposes is not acceptable.

Continuing the discussion on copyright, this chapter has so far discussed the issues on the subject’s impact on music compositional methods (sampling); its affect on the music industry acting as both the claimants and defendants on the use of prohibited copyrighted works; the distribution and consumption of illegal digital music files and their affect on the

21 For more information see Copyright and Research in the Humanities and Social Sciences Report 2006 paragraph 13, published by the British Academy.
record industry; and, the impact on researchers whose reliance on digital methods to obtain music for research purposes may or may not be considered as fair use. There are recent regulations that were revised in the Copyright Act of the United States, which further complicate the use of digital protected media and works: the Digital Millennium Copyright Act (DMCA) and Digital Rights Management (DRM).

The DMCA, embedded in section 1201 of the Copyright Act, was introduced by Congress with the aim of halting copyright infringement on the Internet and via other forms of digital media such as computer software and DVDs. The DMCA was also a response to the 1996 World Intellectual Property Organization Copyright Treaty (EFF, 2005 and 2008, p. 1). The WIPO devised the treaty to copyright digital media (Demers 2006, p. 149). Examples of infringing copyrighted digital media include decrypting and unlocking watermarks or security locks on devices that make it more accessible to copy and distribute on the Internet, transfer onto a physical format such as CD or DVD, and saving a hard copy as back up on a computer. The DMCA was not only a response to the WIPO’s treaty but also to the copyrighted owners’ fears of their work being pirated on the Internet. The DMCA contains two prohibitions: a ban on acts of circumvention, and a ban on the distribution of tools and technologies used for circumvention (The US Copyright Office, pp. 234-246).

The prohibition does not allow the act of circumventing a technological measure, such as a security lock or watermark, devised by copyright owners to access their works. A common example is copying a DVD. The digital medium is copy-protected and cannot be duplicated on to a computer, MP3 player or recordable DVD. There are methods to bypass this: computer software designed to decrypt and rip DVDs is a common and illegal method. Another example involves transferring CD onto the computer. Like the DVD, some CDs
are layered with copy-protection which makes it impossible to transfer to the computer. The 'tools' prohibition does not allow the manufacturing, selling, and distributing tools that make circumvention possible. These include software designed to decrypt, rip and copy DVDs, CDs as well as capturing and storing streamed media. The violation of the 'act' and 'tools' prohibitions are subjected to court action and criminal penalties (EFF, 2005).

There are concerns however that the DMCA has not worked in the interests of fair users. Kembrew McLeod and others describe the DMCA as a 'terrible law' (McLeod 2007, p. 4). Although the aim of the DMCA is to protect digital media, it does not prevent unauthorised copies of copyrighted works in file-sharing. Also, the DMCA has been imposed on people who would normally be considered as fair users. Siva Vaidhyanathan argues that the DMCA 'puts the power to regulate copying in the hands of the engineers and the companies that employ them. It takes the decision-making power away from Congress, courts, librarians, writers, artists and researchers' (2003, p. 174). This means the copyright owners who have implemented the DMCA into their works, have the right to refuse others from accessing their work for commentary or research purposes. The DMCA also does not allow unauthorised access to works for fair use purposes. This is because copyright owners believe that any type of accessing protected works can be prone to piracy—this also applies if the intention is fair use. The Copyright Office is entitled to grant DMCA exemptions, but has been known to refuse proposals for fair use on many accounts (EFF, 2005). If a user manages to hack and access works for legitimate fair use, the user is liable for civil and criminal action under the DMCA (Vaidhyanathan 2003, p. 175). One method

---

24 At the time of making the final preparations for the thesis, there has been a new ruling that now allows researchers to be exempted from the DMCA and use copyrighted works for fair use purposes (DVD only). Users are allowed to break the encryption code on the DVD and quote sources in their own projects for commentary purposes only (Aufderheide, 2010).
of threatening the user is to present a cease and desist letter to remove the copyrighted works otherwise traffic to the user’s website or, worse, Internet access will be removed by the Internet service provider. Another method is to threaten the user with court action. An example of a user illegally accessing a protected file is the copy-protected CD. In 2005, Sony-BMG released fifteen million copy-protected CDs in the United States. It was then discovered that there were security vulnerabilities on the CDs. The copy-protected CD would install hidden software inside the user’s computer. This became known as the ‘rootkit’ scandal, rootkits being a form of malicious software devised by virus hackers (Ward, 2005). This type of malicious codes only affect Microsoft’s Windows operating system (not Mac or Linux), and alters its registry. The malicious code is known as Extended Copy Protection (XCP), and is unidentifiable by most anti-virus software. XCP allows three copies of an album to be made. It also only allows the CD to be listened on a computer on its own media player (not Windows media) which is installed by the CD. This is when the XCP hidden files are installed. If the user tries to uninstall the XCP, s/he may, if discovered, be prosecuted under the DMCA. What is even worse is that if the user successfully uninstalls the XCP, the computer’s hardware will be modified. For example, the computer will not recognise its CD drive. This is due to the alterations made to the registry of Microsoft’s Windows made by the XCP; it alters the way device drivers work (Thompson, 2005). Sony-BMG argued that they installed this device to stop people making copies of music files from the CD to prevent making the music available online. Sony-BMG were threatened with a court case, and agreed to remove the XCP software (BBC online, 2005a).

---

25 XCP was developed by UK software company ‘First 4 Internet’.
Other types of copyrighted CDs prevent the user converting the medium into digital files, making it difficult to transfer music onto iPods, CDs, and other devices. As stated earlier, making cassette and CD copies of albums is not unusual; it is intended for fair and private use. Unfortunately, this concept does not apply to copy-protected CDs. The users may resort to other methods of obtaining access either by decrypting the CD or downloading an illegal MP3 file—after all, why would the consumer buy the same music twice if the original copy is in perfectly good order?

Another problematic matter relating to DMCA is Digital Rights Management (DRM), which is a system of technologies that allows copyright owners to enforce terms on consumers of their products (BBC online, 2007a). DRM mainly applies to digital music files such as the MP3. The file is encrypted with DRM and only authorised users can unlock it. When a digital file is bought on the Internet, it stores the user's name and password. If the file is transferred elsewhere—say to the user's iPod—only the user has access to that file.26 The purpose of DRM is to prevent piracy on the Internet. This again raises difficulties for consumers. For example, certain MP3 online stores such as Apple iTunes only sell music that is compatible for iPods and not other devices. This also means that if a consumer updated his or her MP3 player, transferring the existing digital files may be incompatible. If a user bypasses DRM to transfer one MP3 track to another, he or she is liable to be prosecuted under the DMCA.

Although the music industry believes that protecting digital music files with DRM is a good protection of preventing piracy, the Jupiter Research study revealed that two-thirds of

---

26 This is common on iTunes and iPod players. A former colleague of mine installed some music from his iTunes library to my iPod. I tried to transfer the music to my iTunes but the program would not let me unless I enter my ex-colleague's password.
music industry executives think that if such files did not contain DRM, consumers would feel more comfortable buying music online (BBC online, 2007b). The analyst of the survey, Mark Mulligan, revealed that executives think that ending DRM would encourage download sales (BBC online, 2007b). The realisation of the turbulent concerns involving DRM brought some significant changes in 2007. Steve Jobs, the chief executive of Apple Macintosh computers and iPods, argued that DRM has not worked and that consumers would prefer buying digital music from any online store which is compatible for any MP3 devices (Fildes, 2007). Apple’s version of DRM, FairPlay, was a disadvantage for its consumers. The music bought from iTunes can be transferred to iPod or iPhone, but if the tracks are burned on a CD, the sound quality is weakened. Steve Jobs proposed to remove DRM from digital music files but received negative responses from three major record labels: Sony-BMG, Universal and Warner Brothers. EMI agreed with his proposal and in April 2007 decided to sell music free of DRM (BBC online, 2007c). The only downside of buying of an MP3 that is DRM-free is the higher cost, but the sound quality is better.27

In 2008, Warner Brothers and Universal decided to sell music free of DRM in Europe and North America (on Amazon and 7digital.com). In the same year, Sony-BMG, offered a DRM-free service but only in the United States (BBC online, 2008a, 2008b). As record companies are now offering DRM-free music via selected online stores, this means that consumers will be able to shop around. Perhaps the drawback is the cost. If the consumer feels that to pay 99 pence for a music track is expensive, the user may still be tempted to search elsewhere on the Internet for a better or free deal. Whether MP3 files are obtained illegally or legally by the consumer, the user will need to be cautious about how the tracks

27 On iTunes a DRM-free track is 99p or 79p with DRM.
are used due to the DMCA and DRM. The following section will continue to explore ways in which copyright and the music industry’s restrictions on using MP3 files affect the consumers.

As previously mentioned, file-sharing, the current form of distributing files over the Internet, is the main method of obtaining music. For a user to share music on a P2P network, s/he will have to install a program in order to connect to the network. Once installed, the user can upload his/her music collection and allow others to search and download tracks (the same procedure also applies to films and computer games). Popular P2P networks include eDonkey, Kazaa, Gnutella and Pirate Bay. Other methods of obtaining free music are to search for links on blogs, chat rooms or websites. These links will give access to download files.

Although consumers are of all ages, most of the users are the youth—known as the ‘Net Generation’ (Tapscott, n.d.). The ‘Net generation represents people born between 1976 and 1998. This new wave of ‘baby boomers’ are equivalent to the boomers of the 1950s, the youth and television generation, but today’s boomers have the Internet. This generation is surrounded by digital media technology and is familiar with email, instant messaging, and mobile phones. This also includes the web, video games, CDs and DVDs (Kusek and Leonhard 2005, p, 99). With file-sharing however, the ‘Net generation claim not to be aware or are not taught of the consequences of sharing illegal files such as music. Indeed, one reason why the youth depend on file-sharing networks is because it is easy to search for music. Also, as argued earlier, the users may want to preview the music first before investing in the CD and merchandise. Another point is that the youth can easily swap music digitally with friends (in the past, the youth would exchange tapes or records). Having
access to ‘free’ digital music is an incentive for the youth. In particular, teenagers who rely on pocket allowances may benefit from not having to spend on MP3s. In my day (during the 1990s), a CD would cost at least £14 therefore I could only afford cassette tapes. Today, teenagers have the chance to preview music and then the choice to buy the CD for a reasonable cost.

Indeed, the 'Net generation are not the only ones file-sharing. People of any age who have access to the Internet also have the choice to use file-sharing networks. Users can exchange recommendations on music with other users or even comment or chat on forums or bulletin boards. Such virtual communities may share links to other downloadable music. Although the user's musical knowledge has expanded due to the Internet, s/he may even invest in the physical product—the CD—for the incentive of the album cover and extra features such as video. Of course, for copyrighted material any kind of file-sharing activity is illegal, and the users are at risk of being enforced with the DMCA in the United States or European Union Copyright Directive (EUCD) in Europe. In the United Kingdom, the British Phonographic Industry (BPI) has teamed up with some Internet Service Providers to monitor their customers for illegal file-sharing activity. The BPI proposed a policy known as ‘three steps’ but is better known as ‘three strikes’. The BPI monitors and detects file-sharing networks by identifying IP addresses and informing their ISP (BBC online, 2008c). The user will be sent a guidance letter (first warning) that states that continued illegal activity would result in a suspended Internet account. If ignored, the user will be informed with a second warning. If ignored again, the Internet account will either be terminated or result in legal court action (Taylor, 2008). There have been incidents where users were caught and prosecuted. In 2006, police arrested a man in Teesside to crack a suspected
music piracy website—in which its site’s servers were traced in Amsterdam (Robins, 2008). In 2007, the Recording Industry Association of America prosecuted a thirty-year-old mother for uploading 24 songs on Kazaa. Jamie Thomas had to pay $9,250 per song—a total of $222,000 (Robins, 2008). More recently, the founders of the P2P network Pirate Bay were imprisoned for illegal file-sharing activity. There have not been any comparable major cases in the United Kingdom: since 2004, the BPI brought 150 cases to court, mostly resulted in a relatively modest £2000 fine, compared to the over 20,000 cases in the United States. The three-strike policy is also is in place in France, where it was introduced by President Sarkozy, although at the time of writing, there are proposals to abolish it (Gibson, 2008). Despite such legal innovations and crackdowns across different countries, illegal file-sharing activity remains very popular.28

There are other reasons why users participate in illegal file-sharing activity. Other than consuming music for pleasure, review or research, users may partake in such activity as a form of protest against the music industry. The protest may involve arguing against the costs of MP3s or censored music. As chapter 3 will show, in 2004 supporters participated in a one-day cyber protest ‘Grey Tuesday’, by illegally up/downloading Danger Mouse’s *The Grey Album*.

**Conclusion**

In this chapter, the origins of digital technology used in hip-hop were discussed. Its main compositional method, sampling was also discussed as this is still a current practice in

---

28 2010 update: A new Act concerning reducing illegal file-sharing activity has been passed into law in the United Kingdom. The Digital Economy Bill should be finalised under the new government. It is expected that the bill will include a code of conduct for illegal file-sharing users. If such users fail to obey the conduct, their ISP provider may suspend their Internet service (BBC online, 2010). This development occurred during the final stages of writing up this dissertation and cannot be further discussed here.
popular music. Other techniques and sources (such as MIDI and DAW), were introduced to further the understanding of current musical practices. These contributions led to an examination on why such creativity is a form of postmodern art, with new and old musical and sonic sounds being brought together via digital technology. The legalities were discussed as they cannot be ignored. Through this, the intellectual property concerning copyright was explored. Copyright law has affected compositional methods particularly in sampling, and mainly in the United States. Historic court cases in the United States were examined which restricted the use of sampling as an art form in the early 1990s. Today, there are set procedures of obtaining sampling licences which can either be permitted or rejected by the copyright owner(s). The rights of the copyright owner(s) were also investigated by discussing their exclusivity in sound recordings and compositions. The music industry was also examined in terms of copyright and the digital revolution of the Internet. The music industry is in fear of losing profit and control due to illegal consumption of digital music. As music forms a very large part of popular culture, there is still a call for the music industry to be active and responsible for all future musics. Industry workers know that despite upcoming artists depending on cheap methods to distribute and make music, the artists are using this procedure to gain notice and eventually be signed by the industry. The music industry realises this and have found ways of collaborating with professional, amateur artists and consumers by releasing digital music on various devices, mostly now with fewer restrictions and by depending on marketing techniques (such as concerts). Although the industry is still concerned with piracy, they are consistently and successfully finding ways of preventing illegal activity. All of these issues have set the ground for the following case studies in the subsequent chapters of the thesis.
Chapter 3

‘99 Problems’ but Danger Mouse Ain’t One:
The creative and legal difficulties of Brian Burton, author (?) of the controversial remix, *The Grey Album*.

‘...if it wasn’t for the technology we wouldn’t be having this conversation...’

(Tim Simenon, early 1990s)

This chapter examines how a major record company and associated parties tried to censor Brian Burton (also known as Danger Mouse) and deny his authorship of *The Grey Album*, a mash-up (when two popular records are mixed together) of the Beatles’ *White Album* and Jay-Z’s *Black Album*. The chapter describes how *The Grey Album* was distributed on the Internet and how it was illegally downloaded by consumers. Specifically, this chapter examines the reasons why EMI and Capitol Records, the owners of the Beatles’ *White Album*, tried to halt the distribution of illegal copies of *The Grey Album* by asserting that Burton did not seek copyright permission of the *White Album*. The reaction to the resulting confrontation between Burton and EMI is also examined by exploring how consumers and supporters of *The Grey Album* opposed EMI’s instruction to destroy and stop downloading further copies by staging a one-day cyber protest. Copyright is the vital component of the argument between Burton, consumers and EMI, therefore, this chapter reviews this issue.

---

1 Tim Simenon of Bomb the Bass was referring to the creative studio technology that contributed to his success as a DJ and producer. This quotation originally appeared in *Future Music* magazine in the early 1990s, and was confirmed for me in personal email correspondence with Simenon in 2010.

2 Parts of this chapter have been presented as research papers at conferences such as the IASPM (plenary session), Art of Record Production and MeCCSA.

3 Please note that Capitol Records is a US label owned by EMI. To avoid confusion, this chapter will mostly refer to EMI only.
and other legalities affecting all parties involved, and explains why EMI could not legally present a court case in North America.

The chapter also discusses the creativity of *The Grey Album* by examining various postmodern devices that are presented in the music: double codings of elements displayed in the cultural, social and musical context of the Beatles and Jay-Z; deconstruction of *The Grey Album*; and its musical style, mash-up. These postmodern elements lead to the discussion of authorship. This section argues why Burton should be acknowledged as the author of the innovative *The Grey Album*. The chapter then analyses a song and video taken from the album, to support Burton’s creativity. The chapter concludes on the aftermath of *The Grey Album*: musical developments in the remix culture; revisions of digital rights including EMI’s easing the access of copyright; and interestingly, how this event provided Burton with a successful career as a music producer.

**The Development of *The Grey Album***

Information and communication technologies (ICTs) have increased rapidly due to the digital use of MP3s, computer software, and the Internet. In particular, music technology has become more accessible to people, and anyone can make music in the current ‘rip, mix and burn’ culture (Lessig 2004, p. 24), whether or not formally trained as a musician, composer or producer. The music created (especially if sampling is involved) may bring unexpected consequences—thereby questioning the creativity and authenticity of the product, as illustrated in the example discuss below.
In 2003, the rap and hip-hop artist Jay-Z marketed his alleged ‘final’ album. The *Black Album* was saturated with input from significant producers, such as the Neptunes, Timbaland and Rick Rubin. To coincide with the album, there was a ‘final’ music video, a ‘farewell’ tour (*Fade to Black*) and an autobiography (*The Black Book*). There was also an *a cappella* version of the *Black Album* as an invitation to professional and amateur DJs, musicians and producers to remix his work. Therefore in 2004, a daring idea that occurred to one of them was to make a collage of Jay-Z’s and some of the Beatles’ work; this person was, of course, Brian Burton. At this time, Burton was beginning to gain attention as an underground DJ and hip-hop producer and was signed to Waxploitation Records.

After genre-blending or mashing-up the Beatles’ self-titled 1968 album (better known, of course as the *White Album*), and Jay-Z’s *Black Album*, the original title for the resulting album was *The Black-White Album*, but subsequent media interest was responsible for the change of title, and it became better known as *The Grey Album*. Burton was aware that he needed permission from EMI and Capitol Records, to use the Beatles’ sound recordings (Howard-Spink 2005, p.2), but he strongly suspected that his request would be rejected; therefore, he kept his underground project a low profile by sharing his ideas with DJs and musicians ‘to impress people who were really into sampling’ (quoted in Klosterman, 2006).

After pressing and distributing 3,000 copies on CD, it appeared on the Internet (presumably uploaded by fans) and was swiftly consumed by the public. Due to the easy access of the illegal download, which occurred mainly through peer to peer file-sharing networks, the

---

4 Jay-Z’s real name is Shawn Corey Carter. In the tradition of hip-hop, it is common for the artist to return to the music scene at a later stage by releasing more albums under another identity or by keeping the stage name. In the case of Jay-Z, after the *Black Album*, he collaborated with other artists (such as Linkin Park, and Kanye West), produced for other people and eventually in 2006, Jay-Z resurrected himself with his comeback album *Kingdom Come*.  

---
media, including both music and news press such as *The New York Times* and *Rolling Stone*, obtained copies of the album and praised it extensively.

After being quoted as saying that ‘every kick, snare, and chord is taken from the Beatles’ *White Album* and is in their original recording somewhere’ (United Press, 2004), Burton was challenged by what is known in legal terminology as a ‘cease and desist’ letter from EMI. The record company stated that Burton had not obtained copyright permission for use of the Beatles’ works, and ordered him and distributors to destroy all copies. Burton asserted that his project was an artistic expression of his admiration of the Beatles and Jay-Z (DJ Danger Mouse, press release 2004), but regardless of that, he obeyed EMI’s instruction. The supporters of the project, however, opposed EMI’s instruction, arguing that the record company had failed to see the creative artistic value of the music and the benefits that it could bring to the business (for example, earning high income from the product and to contemplate whether Burton could be an asset as a producer in the industry). In particular, an Internet music activist organisation called Downhill Battle decided to stage its views by organising a one-day cyber protest, which became famously known as ‘Grey Tuesday’.

**Downhill Battle**

Downhill Battle is a North American non-profit organization that aims to support the liberation of artists’ and consumers’ choices of accessing art and music for their own purposes (for example, for creative work or leisure). Its activist members believe that music should be ‘free for all’ (Downhill Battle, 2004), though this is not quite the anti-capitalist position its rhetoric suggests: in Downhill Battle’s view, music should certainly not be ‘free’ as in ‘free of charge’ or ‘freebie’, but rather freely accessible to musicians and
audience at a reasonable cost. Downhill Battle argues that a majority of consumers are
being misled into spending money to possess copies of music: this, they claim, only
increases the economic growth of the music business and returns musicians no more than a
tiny profit. Also, artists are required to pay for sampling licenses but there is no set price for
the fee. The decision about the fee is negotiated by the copyright holder, and it is most
likely that the charge may be unaffordable for small record companies or amateur
musicians. Downhill Battle’s argument is to request record companies to reduce their fees
or perhaps construct a set price for licensing, so it would be reasonable and affordable for
musicians and fellow industries. They also support composers of projects confronted with
legal or music censorship problems. Downhill Battle offered a base for the supporters of
The Grey Album to express their opinions about the music industry by mounting a protest.
The main purpose of the protest was to demonstrate ‘how the major record labels stifle
creativity and try to manipulate the public’s access to music, and it’s the perfect way to
explain to non-experts why the copyright system needs to be reformed…’ (DJ Danger
Mouse, press release, 2004). It was a call for copyright laws to be reconsidered to allow fair
use of other people’s work for creative and artistic purposes. In the meantime, if such
access to other people’s music is denied then ‘artists are being forced to break the law to
innovate’, said Holmes Wilson, co-founder of Downhill Battle (Downhill Battle, press
release, 2004). Nicholas Reville, another co-founder, raised the concern that ‘EMI is
censoring a work of art […] not only they are telling musicians the kind of music they can
or cannot create, they’re trying to tell the public what we can and cannot listen to’ (Moody,
2004). If an artist is deprived of chances of having his or her work recognised, then a large
audience is effectively prevented from hearing it. An unexpected but fortuitous reaction
was that the media helped illegally to develop awareness of *The Grey Album*. Rebecca Laurie, also from Downhill Battle, commented on this: ‘if music reviewers have to break the law to hear new, innovative music, then something has gone wrong with the law’ (Downhill Battle, press release, 2004).

While Burton accepted EMI’s order to stop duplicating copies of *The Grey Album*, his supporters and Downhill Battle challenged the record company with the ‘Grey Tuesday’ protest, which is a form of cyberactivism. Before ‘Grey Tuesday’ can be explored, cyberactivism and other various types of cyber protests will be explored first, to gain an understanding of these subjects.

**Cyberactivism**

‘Grey Tuesday’ was not a typical protest that took place in a street or in the city, and it did not include a rally or a sit-in demonstration, ‘Grey Tuesday’ took place in cyberspace. This method is similar to those described by Tim Jordan and Paul Taylor as ‘the most direct attempts to turn ‘traditional’ forms of radical protest, such as street demonstrations, into forms of cyberspatial protest’ (2004, p. 68). Known as cyberactivism, Michael D. Ayers (2006) described its connection with ‘Grey Tuesday’ as a ‘day where symbolic, cultural, and political protest are conveyed in the virtual’ (2006, p. 127). This particular cyberactivism was symbolic because ‘Grey Tuesday’ brought global awareness on concerns by supporters, which led to a cyber protest. Although it would seem that the issues of *The Grey Album* would most likely concern the value of the music, Ayers pointed out that ‘Grey Tuesday’ was also a cultural and political protest. It was a cultural protest because it could be assumed that the virtual participants of ‘Grey Tuesday’ who had Internet access, could
have consisted of any cultural and social background. The accessibility of the Internet makes it easy to participate in activism as explained by Sandor Vegh:

Activists now take advantage of the technologies and techniques offered by the Internet to achieve their traditional goals. Their strategies are either Internet-enhanced or Internet-based... In the latter case, the Internet is used for activities that are only possible online, like a virtual sit-in or hacking into targets.  

(Vegh 2003, p.72)

With the different forms of social activism available in cyberspace, the Internet is the only tool that makes cyber protest possible as suggested by Martha McCaughey and Michael D. Ayers: ‘The Internet is immediate, even more immediate than a daily newspaper. It can be more interactive than TV […] and the Internet is still predominately in English, it is increasingly accessible’ (2003, p. 4). As mentioned before, anybody of any background (and easiest for those who read English) who can access the Internet can choose to be involved in cyberactive communities—regardless of location. It is straightforward to join an online community as explained by Gurak and Logie:

The highly specialized virtual spaces on the Internet make it easy to join a community and quickly understand and assume this community ethos; a newsgroup focused on computer privacy, for example, is most likely to be inhibited by participants who are concerned about privacy and want to protect their rights. Often, participants do not have to spend time making introductory remarks or defending the premises of their statements. This ‘instant ethos’ makes it easy to reach many individuals of similar values in short order, and, when combined with online delivery, allowed for both protests to focus quickly. 

(Gurak and Logie 2003, p. 31)

By this, it is implied that there are no complications or requirements to join a community; it is assumed that the participation in a group is congregated because of the prevailing ethos and support for the issue in question. Participants also have the essential time to decide if they are in support of the issue or not, as they have all the information they require in front of them. In other words, the information needed is on the Internet without the reliance on
leaflets, newspapers, and such. It is also possible to search for additional resources such as web links, as it is easy to gain information on the espoused cause as Sam Howard-Spink explains:

Such mainstream attention is designed not only to broadcast the concerns of the activists to a larger audience, but also to direct traffic to its own Web site. It is at this point that online protests reveal another special quality: the importance of links. A Web site is a more valuable tool than a magazine or flyer because it can instantly link interested parties to other resources, thereby widening that range of topics that a visitor might respond to.

(Howard-Spink 2005, p. 9)

People feel that they are liberated to join causes on the Internet without being pressured, subject to violence, or having to go through other channels to make their voices heard. More importantly, there is less commitment, you do not have to travel for demonstrations or make other arrangements—the online protest can be dealt with efficiently and more quickly in cyberspace. There are different methods of presenting a protest in cyberspace. For example, the types of online activism that took place on 'Grey Tuesday' included websites and weblogs (or ‘blogs’). Weblogs are like online diaries that anybody can produce and, here, the ‘blogger’ can post personal thoughts and issues anytime such as discussing their tastes in music. Ayers explains the role of the weblog as an activist device:

First, they are passive in how they present their information and rely on an audience to seek them out. Second, the creator or owner of the blog must use hyperlinking as the primary source of information—by this, I mean that via their writing, their arguments are backed up by hyperlinking to another portion of the web that in turn should validate what they are discussing. Third, because blogs are updated frequently, they occur in “real time” as opposed to newspaper sites, which have to go through editorial processes...

(Ayers 2006, p. 131)

Therefore, as well as going to the websites directly to download *The Grey Album*, the protestor can also go and visit a weblog, gain more information, click on the hyperlink to
retrieve more consistent information and download the album. All these pathways would have counted in the monitoring of the number of ‘hits’ or downloads that took placed on ‘Grey Tuesday’. The accurate number of downloads would have been recorded instantly as it was in ‘real time’ online, a time saving procedure that does not depend on paper or physical activities which would have made the time for collecting and presenting results much longer.

With the different methods discussed there are also different types of actions to consider in cyberactivism. The categories that apply to ‘Grey Tuesday’ are ‘Non-Violent Direct Action’, ‘Mass Virtual Direct Action’, and ‘Electronic Civil Disobedience’ (Jordan and Taylor 2004, pp. 68-79; McKay 1998, p. 15; Vegh 2003, p. 72). The term ‘Non-Violent Direct Action’ (NVDA), refers to a non-violent protest which directly addresses the issue to the bodies that the activists are protesting against. In cyberactivism, the ‘violence’ that can take place is to send viruses, break into or parody the targeted websites (known as ‘hacktivism’). However, one needs to be responsible and vigilant when participating in a NVDA protest as such action may draw consequences for the participant (McKay 1998, p. 18). On ‘Grey Tuesday’, the participants involved were all at risk of being sued by EMI. Most of the participants who uploaded the album would have also received cease and desist letters from EMI. Regardless of the warning, the participants took responsibility for the consequences that would have occurred if EMI had decided to take action.

Another technique is MVDA—‘Mass Virtual Direct Action’—a combination of direct action and symbolic protest. As mentioned earlier, a symbolic protest is to highlight an issue or belief as a protest. The symbolic protest is combined with direct action, to optimise the possibility that a change, compromise or surrendering from the opponent will be
achieved (Jordan and Taylor 2004, pp. 68-69). The next choice of action is ‘Electronic Civil Disobedience’. This is similar to civil obedience, in which protesters are involved in ‘creating blockages’ to a targeted source For example, by sitting down to block the entrances of buildings or roads (Jordan and Taylor 2004, p. 74), or locking themselves in houses that are about to be demolished (McKay 1998, pp. 15-16). Electronically, the norm is to interfere with a targeted website by hacking it, crashing it, and preventing its clients from gaining access—this strategy is associated with anti-globalization movements. As civil disobedience involves playing with the authorities, government, or the law, this can be easily related to the activities on ‘Grey Tuesday,’ since its participants were subject to legal action for infringement of copyright. With these various methods of cyber protests in mind, ‘Grey Tuesday’ can now be explored.

‘Grey Tuesday’

On Tuesday 24th February 2004, cyber activists uploaded *The Grey Album* onto their websites or weblogs in order to allow others to download it. The alternative action was to turn the colour of their web page grey for the day to symbolise the album (Ayers 2006, pp. 131–132). Prior to the event, many of the participants (including Downhill Battle) received ‘cease and desist’ letters from EMI and Capitol Records. Many of the participants also received DMCA ‘take down’ notices from Sony Music and ATV Publishing. Despite the pressure from the record companies and publishers, over 200 websites participated, and more than 100,000 people downloaded *The Grey Album* on ‘Grey Tuesday’ (Patel, 2004). The amount of ‘virtual’ downloads is ‘equivalent to more than one million digital tracks’ (Lim 2004, p.372) and would have been comparable to the album achieving a number one

---

5 A list of websites that participated in ‘Grey Tuesday’ can be accessed at: <http://techlawadvisor.com/blog/2004/02/grey_tuesday.htm>
position in the music charts, if it had been sold as an actual physical release (digital downloads were not introduced to the charts until 2005).

Although the topic was covered by the media, Burton wondered if the majority of journalists were really backing his music at all; his uncertainty about their support is evident in his comment, '[the media] weren't really interested in that [The Grey Album], they just wanted to know about if I was going to get sued and try and get some good quotes about me talking about EMI' (quoted in Lowe, 2006). Burton felt gratitude for the genuine support he received as a creative artist from Downhill Battle and others but one cannot help but think if some of the consumers (excluding supporters and curious people) may have seen the project as an incentive as a free product and took advantage of downloading the album. If this was true, the Beatles, Jay-Z and their associates would have lost out on royalties anyway, including Burton himself (if not in income or profit but with recognition).

Burton insists that The Grey Album was an experiment and argues that the title should not have been changed from The Black-White Album to The Grey Album, suggesting that it 'was mainly a linguistic coincidence. If everyone referred to the Beatles 1968 double album by its proper name [The Beatles], none of this would have ever happened' (quoted in Klosterman, 2006).

To sum up the discussion so far, this chapter has explained Burton's concept of The Grey Album, how it was distributed, and more significantly, EMI's and Burton's supporters' reaction to the product which resulted in the 'Grey Tuesday' protest. The following section is an in-depth discussion on copyright—the main cause of the argument.

---

6 EMI has been labelled as 'Every Mistake Imaginable' and the Sex Pistols recorded a song called 'EMI' as a response to their infamous relationship with the company in 1977.
Copyright

This section explores Burton's decision not to seek copyright permission, which he has stated was due to expensive licensing fees of all musical parties involved. Following this, is a focus on EMI's persistence that Burton should have sought copyright permission; however, the argument reveals that EMI could not sue the producer as the *White Album* was not copyright protected by federal law in the United States. This section also reviews how and why Sony Music and ATV Publishing could have presented a case against Burton, as their ownership of the songs and music on the *White Album* is protected under federal law. It then examines how protesters in favour of *The Grey Album* could have challenged EMI's threat of a court case as they were protected by the fair use policy. Some protesters were taken to court by Sony Music and ATV, who invoked the DMCA (Digital Millennium Copyright Act) on them. The section concludes with the owners of the *Black Album*, and their reasons for not imposing copyright infringement on Burton and the protestors.

There are reasons why Burton did not seek copyright permission: EMI would more than likely have prohibited the project, but if permission was granted, the cost of the licensing fee would have been very expensive. Another point to consider is the royalties that he would owe. As discussed in chapter 2, the normal procedure of obtaining licences is to approach the copyright holder for the sound recordings and compositions. In brief, Burton would have to approach the copyright holder of the master rights (sound recordings), and the owner of the publishing rights (compositions). To gain a sense of the legal complications involved, the owners of the master and publishing rights are as follows:

1) EMI and Capitol Records (owners of the sound recordings on the *White Album*),
2) Sony Music and ATV Publishing (owners of the compositions on the *White Album* and Lennon and McCartney's Northern Songs catalogue),

3) The Beatles and Apple Corps Ltd. (which may involve other channels such as the estates of Harrison and Lennon),

4) Harrisongs and Wixen Music Publishing (owners of George Harrison's compositions),

5) Roc-A-Fella Records (owners of the *Black Album*), and

6) Owners of the compositions on the *Black Album*.

Note here that Burton only used the *a capella* version of the *Black Album*, therefore the audio samples that Jay-Z used may have been exempted. Jay-Z did, however, use interpolation in his vocals. For example, one of the songs from Jay-Z's *Black Album* titled 'Justify My Thug' carries the same melody line as Madonna's 'Justify My Love' (only the third word changes from 'Love' to 'Thug'). Like sampling, interpolation of other texts needs to be cleared for copyright, therefore Burton would need to obtain permission to use 'Justify My Thug' from: a) Jay-Z's record label and songwriters; b) Madonna, her record label, Lenny Kravitz (co-songwriter) and his record label.  

If Burton was granted copyright access, the companies' fees and royalties would have been expensive. Fredrich N. Lim (2004) argues that the copyright holder's requests are not realistic as 'most small artists such as Burton cannot afford the exorbitant fees required to sample copyright works of well-known artists…' (Lim 2004, p. 377). Jonathan Zittrain states that if Burton had copyright permission, it would have been normal for him to contribute more than fifty percent of publishing rights to the copyright holder (cited in

---

*A law suit was filed against Jay-Z for the song 'Justify My Thug'. Incidentally, the case was not brought by Madonna and co., but Bridgeport Music, accused Jay-Z of using unauthorised samples in the song.*
As there are many parties involved, Burton would have to contribute more than 100 percent of his publishing rights to those groups as well as paying for the licenses (Werde, 2004). The only way that Burton could have avoided this situation was to interpolate or record cover versions of the Beatles' songs, either by himself, or by hiring other singers and musicians.

Regardless of the musical direction that Burton would have taken to create *The Grey Album*, there was still a major barrier—EMI Records. There are conflicting research findings on whether EMI would have allowed Burton to make *The Grey Album*. The senior vice president of corporate communications for EMI (North American division), Jeanne Meyer, insisted that the company supports music sampling and that Burton never asked permission from them for copyright clearance (Ganz, 2004; Moody, 2004; Patel, 2004; Romero, 2004), which suggests that Burton may have had his request granted—if he had asked. There is a known claim that the Beatles do not allow sampling of their music (Powers, 2004; Romero, 2004; Walker, 2004; Werde, 2004). Contrary to this statement, the Beastie Boys were allowed to use five samples of the Beatles' music in their 1989 album *Paul's Boutique*. Reasons may include the fact that the album was also owned by EMI and Capitol Records, and that digital sampling was still young at the time; therefore, copyright restriction was not strict until the significant court case of Grand Upright Music, Ltd v. Warner Bros. Records, Inc. 8

The Beatles were no exception either, as they had debatably employed sampling or proto-sampling techniques with the analogue tape-looped technology used on 'Revolution Nine' 8

---

8 The cost of copyright clearances for 300 samples (including 5 samples of The Beatles) used on *Paul's Boutique* was a quarter-million dollars (LeRoy 2006, p. 45-46).
(1968). They did not have to pay for sampling fees, however, since it was EMI's material and thus belonged to their record company—yet, perhaps what counted most was that they were THE BEATLES (being this celebrated band was an extreme advantage). There are no valid sources to support the suggestion that the Beatles did reject the use of samples of their music. There is no confirmation of this statement from the Beatles nor have any of the remaining members of the band commented on *The Grey Album*. There is no verification from EMI either—at the time of writing, access to their archives is denied. 9 Whether the statement was presented in Burton's cease and desist letter remains unknown as it was not officially released to the public.

While the uncertainty of non-permitted use of the Beatles' sound recordings is unverified,* The Grey Album opens up other issues concerning copyright as explained by the Electronic Frontier Foundation. Also known as the EFF, this is a non-profit legal organisation of lawyers, policy analysts, activists and technologists, whose aims are to protect and defend artists and consumers who need legal representation for issues concerning digital rights (such as use of creations, inventions, free speech, privacy, consumer rights) (EFF, 2004). 10 The EFF paid particular attention to Burton's case and presented a list of the parties involved in this debate:

1. Owners of the rights to the sound recording ("master") for the Beatles' White Album. That's EMI.
2. Owners of the rights to the musical works (songs or "compositions") that appear on the Beatles' White Album. For the Lennon and McCartney songs, that appears to be Sony Music/ATV Publishing, a joint venture between Michael Jackson and Sony. 11

9 I have contacted the EMI archives in Middlesex to ask if it possible to access legal documents concerning the Beatles but have been unsuccessful.
10 The EFF's objectives are to educate the media, policy and the public on all legalities regarding digital technology (EFF, 2004).
11 This would also include other publishers such as Harrisongs.
3. Owners of the rights to the sound recording for Jay-Z's Black Album.
4. Owners of the rights to the musical works that appear on Jay-Z's Black Album.
5. And, possibly, the owner of the rights to The Grey Album (presumably DJ Danger Mouse).

(EFF, 2004)

This provides details on who owns which recording involved in The Grey Album. This confirms that EMI are not the only channel to go through in order to seek copyright clearance. In US law however, federal copyright protection does not apply to sound recordings made before 1972; therefore, even though EMI owns the original sound recording, it is not protected under federal copyright, since the White Album was made in 1968 (EFF, 2004). There are some states that have separate copyright statutes for sound recordings made before 1972, and there are some states that do not—such as California, where The Grey Album was produced (Lim 2004, p.375). It is possible therefore that EMI could not have a case at all in the United States. Nevertheless, under current UK law, mechanical copyright protection (MCP) still applies to the White Album until the year 2018. Sony Music and ATV Publishing could have presented a case against Burton and supporters, as their ownership of the songs and music are protected under the federal law. The EFF, however, claimed that for Sony and ATV to proceed would have involved the following:

First, Sony/ATV will have to show that the samples used in The Grey Album took enough to infringe the rights in the Lennon-McCartney compositions. In Newton v. Diamond, the Ninth Circuit [claimed] that the use of a small snippet of a particular composition, even where sampled and looped repeatedly throughout a track, does not infringe the underlying composition unless it takes a substantial portion of it. The court described this as a question of fragmented literal similarity: ‘Fragmented literal similarity exists where the defendant copies a portion of the plaintiff's work exactly or nearly exactly, without appropriating the work's overall essence or structure’. Consequently, Sony/ATV will have to persuade a court that The Grey Album songs appropriated a substantial portion of each of the Lennon-McCartney compositions that they claim have been infringed. Second, Sony/ATV will have to
overcome any fair use defense offered by the Grey Tuesday protesters.

(EFF, 2004)

The above citation clarifies that the smallest sample (known as *de minimis*) appropriated in *The Grey Album* is not considered as infringement under the laws governing Fair Dealing (UK) or Fair Use (USA), unless a 'substantial' amount of samples was identified. The terms *de minimis* or 'small snippet' are misleading because regardless of how small or unrecognisable the sample is, it is still protected by copyright (Schloss 2004, p. 176). It is at the artist's risk of not requesting a license from the owner (master) of the sound recording. There have been legal cases where plaintiffs accused defendants of copyright infringement on the basis of *de minimis*. Furthermore, the word 'substantial' is also ill-defined: this can certainly lead to complexities (whether it means quantitatively substantial or qualitatively substantial). If Sony and ATV wanted a tight legal case, they would have to spend a considerable amount of time analysing which sections of Lennon and McCartney’s compositions were actually used and how they were used, and work out if a 'substantial' amount was sampled. Burton would probably be accused of copyright infringement for using a substantial amount of samples as Matthew Rimmer states a little naively:

> The Grey Album is not a minimalist piece of sampling; on the contrary, it is a maximalist appropriation of the work of the Beatles and Jay-Z. It is doubtful that a court would dismiss the amount of copying of the artists as merely trifling. Indeed, it would be likely that The Grey Album would be considered to use a substantial part of the musical works and sound recordings.

(Rimmer 2005, p. 44)

Rimmer’s statement encourages the notion that Sony and ATV had the right to take Burton to court and also the opportunity to decide whether or not to accuse the 'Grey Tuesday' protesters of copyright infringement. As mentioned earlier, many participants in the 'Grey Tuesday' action received cease and desist letters from EMI and Capitol Records. The
participants were informed that if they distributed *The Grey Album*, they would be liable for copyright infringement because of the following:

1) Willful Infringement—the infringer who copies the music knows that it has copyright protection.

2) Unfair Competition—the infringer falsely uses advertising of the product which may confuse the public.

3) Unjust Enrichment—the infringer receives money for the product.  

The defence of the protesters, as suggested by the EFF, would have been that they were protected by 'fair use' policy. Siva Vaidhyanathan acknowledges that the fair use of a copyrighted work includes recognition that 'the nature of the original work is important to public discussions or concerns...[and] your use did not significantly affect the market for the original work...' (Vaidhyanathan, 2004). This means that the protesters could argue that their intention of using *The Grey Album* was for non-profitable purposes only and to encourage receptiveness of Burton's creativity. This is explained by the EFF:

1. The posting of The Grey Album is for a noncommercial purpose.
2. Downloads of The Grey Album do not substitute for purchases of the White Album or other recordings of the Lennon-McCartney songs on the album.
3. A copyright owner is unlikely to license a work for use in a protest that is critical of the copyright owner itself.
4. The Grey Album is a transformative use of the White Album, not a wholesale copy.
5. The posting of The Grey Album is intended as part of a commentary on the use of copyright law to stymie new kinds of musical creativity.  

(EFF, 2004)

Therefore, the 'Grey Tuesday' activists would have had a case to present, as they had a 'credible fair use defence' and it was in their interest to defend their opinion that *The Grey*
Album should not be threatened or mistreated. Despite Sony and ATV not taking legal action, they did make use of the Digital Millennium Copyright Act (DMCA) in their fight against copyright infringement. Some participants of ‘Grey Tuesday’ received the DMCA ‘takedown’ notice from Sony and ATV (EFF, 2004). Participants were ordered to remove their posting of The Grey Album on their weblog or website. Failure to do this would mean that traffic to their site would be blocked, and they would be unreachable on search engines, such as ‘Google’. As a precaution, some of the sites received legal representation from the EFF and moved their sites to a ‘free speech’ Internet service provider such as the ‘Online Policy Group’ (Illegal Art, 2004).

Although Jay-Z and his record company were not legally involved in this debate, their views must not be overlooked. The genre of rap and hip-hop is popular because of its use of appropriating, sampling and remixing other recorded works. Therefore, copyright infringement has been a major issue in most cases of hip-hop (including other styles of music), and the resolutions do not always work in the favour of the accused artists.

There are three common ways of resolving copyright infringement issues. The settling of legitimate claims outside the court is the most popular solution, with De La Soul and their song ‘Transmitting Live from Mars’ (1991) being a prime example. The second way is to remove the sample from the song or the whole song entirely. The classic example is the Grand Upright Music, Ltd v. Warner Bros. Records, Inc. court case (as previously stated in chapter 2). The third way is to interpolate other songs, a common element in hip-hop. As mentioned earlier, Jay-Z used interpolation. A more significant example however, is Dr

---

13 As a precaution, some of the sites received legal representation from the Electronic Frontier Foundation.
14 EFF (Electronic Frontier Foundation) is a non-profit organization that deals with the digital rights of the consumer as well as copyright, censorship and other legal issues.
Dre, former member of N.W.A and now a well-known music producer, who is known for using interpolation, especially in his pioneering album *The Chronic* (1992).

The methods of resolving copyright issues may suggest that Jay-Z and Roc-A-Fella Records understood Burton’s situation and perhaps decided not to get involved. This suggestion is supported by academics such as Todd Boyd (2004) who stated that ‘Jay-Z...claimed that it would be hypocritical to oppose remixing’ (quoted in Norman Lear Center’s meeting notes, 2004). Nicholas Reville received feedback from Jay-Z’s record company about the album and announced, ‘[Jay-Z] loves *The Grey Album* and everyone at Roc-A-Fella loves the album. They haven’t intervened legally. They’ve been much smarter than EMI...because I think they understand the issues more’ (Patel, 2004). It is understandable why Jay-Z and Roc-A-Fella Records did not pursue a case against Burton, as they are very much aware that their music genre (rap and hip-hop) is known for its complications regarding sampling and copyright.

With the success of ‘Grey Tuesday’ and *The Grey Album*, there are other questions that need considering: To what extent was the success or notoriety of *The Grey Album* based precisely on its aura of illegality, on the simple premise that Burton did not have copyright clearance? One suggestion could be that because the album was originally an experiment, it would have been a ‘hit or miss’ situation, but it is likely that it would have received honourable recognition. The original idea of mixing two very well-known works is distinctive and it would not be surprising if other producers would have liked to create *The Grey Album* themselves. This is indicated by the reaction of hip-hop artist Bootie Brown, better known as ‘Pharacyde’: ‘Even if you didn’t hear the music, the idea of actually doing
it and pulling it off I think it’s an incredible thing, it’s one of those things of damn, why didn’t I think of that?’ (quoted in Lowe, 2006). Another point to consider for the favourable consideration of The Grey Album was the ‘Grey Tuesday’ protest. If the album was legally and commercially released, it would have increased profit and income for all parties involved (maybe not for Burton). Although Danger Mouse (Burton) is not as popular as the Beatles, EMI were probably wary of losing profit if they did grant permission to him (or maybe the Beatles did not allow samples of their music to be used). But what if a popular artist such as Jay-Z had asked? Would the situation have been any different? Or what if a DJ remixed or sampled The Grey Album; would Burton receive royalties? Some of the questions may remain unanswered for now as no legal action was sought after ‘Grey Tuesday’. EMI announced that no damage was caused by this event (Howell, 2006).

To summarise, this section has explored: the parties that Burton would have to seek copyright clearance from; why EMI could not sue Burton in the United States (but Sony and others could); how protesters would have challenged EMI’s, Sony’s and ATV’s threat of legal action (via the DMCA), as they were protected by the ‘fair use’ policy; and the reasons on why the owners of the Black Album were not involved in this debate.

**Double codings and Différence**

This section focuses on the creativity of The Grey Album through the exploration of certain postmodern devices that are presented in the music. Beginning with the cultural, social and musical context of the Beatles and Jay-Z and their connection with The Grey Album, this examination is based on double codings and différence. The section will then discuss the musical style of The Grey Album and one of its components, deconstruction. This will lead to another major issue of The Grey Album, authorship.
The Grey Album’s postmodern use of collage should be considered a celebration of two well-known records of different musical styles and eras. It should be admired for the technological manipulation of sound, and its play of oppositions and double codings, such as past and present, and analogue and digital music. Burton also employs a familiar trope of postmodernism in the combination of high and popular culture in popular music. I recognise that the use of these terms may be debatable here, but they relate to the Beatles’ artistic status being recognised and absorbed by the high cultural establishment at the time of their success (Sgt. Pepper received an Arts Council award, and Professor Wilfrid Mellers of the University of York championed their music). Although it may be argued that the Beatles included some postmodern features (or the groundings of) in their music, especially in their experimental albums (such as Sgt. Pepper, Revolver), they remain one of the bands situated within modernist ambitions in the popular music of their time.\(^{15}\) Jay-Z’s music has contributed to the awareness of social problems (by expressing views against crime and drug culture), and the style of the music (hip-hop) is postmodern (due to sampling and other elements), such as that heard and seen in popular culture, such as television, film, fashion and advertisements.

While the obvious oppositions have been clarified between the Beatles (past, high culture) and Jay-Z (present, popular culture), there are other signs to consider such as the equal use of double coding. The Grey Album certainly appears to illustrate the equality of the Beatles and Jay-Z—but does it? To begin with, various assumptions and the relevance of the oppositions that lie within The Grey Album need to be explored.

\(^{15}\) Fd Whitley (2000), argued that the Beatles’ White Album is postmodern because of genre-blending. For example, ‘Ob-La-Di, Ob-La-Da’ has elements of pop and calypso, and ‘Martha My Dear’ contains music hall (Whitley 2000, p. 111).
This section will attempt to show that the Black, White and Grey albums are forms of *différence*. The musicians involved all have their own significant meanings, due to the historic circumstances in which those albums were produced. The very title of *The Grey Album* suggests the deconstruction of a black and white binary opposition rather than a synthesis. Grey challenges us to say at which point it might turn into black or, alternatively, white. The meaning of the grey is deferred; it is not simply a question of its differing from black or white, which is why Derrida's concept of *différence helps us to recognise the play of meanings*. From a musical and not a racial sense, the colours may possess symbolic reference to the musicians and music. Jay-Z's *Black Album* signifies the death and the end of his persona: this is evident in his music video '99 Problems', in which he acts out the story of his life before playing out his own death. It is interesting that Jay-Z's record cover is in black and is thus a negative pastiche of the *White Album*, which is famous for its white record sleeve. While the *Black Album* signified the end of Jay-Z, the *White Album* signified the beginning of the end of the Beatles due to their solo projects and issues that arose during its recording. In 1967, the Beatles went to a spiritual retreat in Rishikesh, India, to escape from the pressures of celebrity and the psychedelic lifestyle; it was also known that the Beatles' relationships with each other were deteriorating. At first, the retreat seemed to help the Beatles relax, and they were composing songs together. Then an incident occurred that involved their spiritual leader Maharishi Manesh Yogi. It left the Beatles shocked and confused; therefore, they continued to drift apart. Ringo Starr left the band, but quickly returned. George Harrison felt neglected as a member and as if he had become more of a session guitarist, so he decided to focus on his song writing. As it was

---

16 The record sleeve was designed by Pop Art artist, Richard Hamilton.
17 It was alleged that Maharishi Manesh Yogi was accused of rape (Quantick 2002, p. 36).
the ‘psychedelic’ era and the time of the ‘hippie’ counter-culture, John Lennon was experimenting with recreational drugs. It was also around this time that he met his controversial partner, Yoko Ono. Paul McCartney tried to keep the Beatles together and wrote the popular Beatles’ singles for the next few years (Quantick 2002, pp. 36-42). Despite the commercial success of the *White Album*, the album also represented the Beatles’ relationship as a band. The title of the album itself is significant as the colour ‘white’ in India can signify ‘death’, which supports George Harrison’s statement that ‘the rot had already set in’ (quoted in Lewisohn 1988, p.163), marking the Beatles’ final years.

While the *Black* and *White Album* portrayed the ‘demise’ of Jay-Z and the Beatles, *The Grey Album* proved to be a challenging period in Burton’s musical career. The cover of *The Grey Album* (designed by the organisers of ‘Grey Tuesday’) paid tribute to both the *Black* and *White* albums by simple virtue of being grey. The album however, did not signify a particular element of Burton’s personal life; it was made in the age of digitalization, and it was an experiment. The outcome, however, did affect his musical career—whether he liked it or not. This time, indeed, could be considered the ‘grey’ part of his career, since his future was ‘unpredictable’—especially if he was to be sued by the owners of the *White Album*. While the concept of the colour and word ‘grey’ describes Burton’s unpredictable future in the music industry, the context of ‘grey’ also describes the current state of music as Ayers suggests:

Grey not only is a shade of black and white but it is also a descriptive term that signifies ‘fuzzy’ or ‘unclear’. The significance of calling the work ‘grey’ is an example of how this musical work makes a statement about the state of music in general. Genres are not cut-and-dried spaces, nor have they been historically. Often, music consumers pick and choose different genres to listen to, depending on one’s tastes.

(Ayers 2006, p.132)
Ayers brings awareness of how consumers’ tastes in music are not limited to one or few but many genres. For example, when jazz and jazz-related dance music (such as swing) first became popular in the early twentieth century, it was not difficult for the audience to ‘choose’ the kind of music they preferred to listen to. Today, styles and genres of music are so diverse that the choices seem unlimited. Because we now have access to all kinds of musical styles, most consumers can no longer define their personal taste in terms of one particular style—therefore our sense of personal choice may be described as non-specific, or ‘grey’. As the term ‘grey’ questions the uncertainty of Burton’s career and music, The Grey Album continues to challenge his creativity by its genre.

Bastard Pop and Deconstruction

The Grey Album is a type of ‘bastard pop’ (Morley 2003, p.205), which is comprised of illegal music and uses unauthorised samples and does not operate from within an established record company. A more popular term for this style is ‘mash-up’ which became popular from 2000 (ibid.). A mash-up is when two famous records are mixed together and one song usually dominates the other. As a kind of ‘bastard art form created by illegitimate appropriation’ (Gunkel 2008, p. 489), Paul Morley points out its origin as a home-based product:

It’s from ‘the home’, which is nowhere in sight, unless it’s your own, that the art of the bootleg mix appears, whereby anonymous raiders of the twentieth century, or ‘bastards’, armed with a decent hard drive, a lust for life, a love of music that borders on the diseased, and a warped sense of humour mash up tracks taken off the Internet, twist genres across themselves, and rewrite musical history in a way musicians would never think of.

(Morley 2003, p. 205)

This brings us back to earlier remarks that, due to the latest technologies, anyone can become an ‘instant’ musician, whether trained, self-trained or untrained. As Morley
suggests, people who have access to such technologies and would mash-up music tracks, genre-blending becomes even more complex if not extraordinary. A significant highlight of a mash-up is when *a capella* vocals blend in with the ‘other’ music, as on *The Grey Album*. Accessing the ingredients of a mash-up is not difficult as it is very easy now to search for the original recorded vocals as well as the music on the Internet. As Morley suggests, ‘[a]ccess on the Internet to *a capella* [sic] vocals and instrumental backing tracks means that homebodies, who are all in the mind, can ignore legalities and logic and all manner of niceties and splice together any music that takes their fancy’ (2003, p. 205). Of course, if the potential musician is caught, as Burton was, they may have a warning presented to them for copyright infringement. Mash-ups however, have become popular and have been given exposure on television and radio, such as MTV and XFM. Because of the technology involved, Kembrew McLeod (2005) states that ‘mash ups couldn’t have happened without the digital distribution power of the Internet and file-trading networks such as Kazaa, Livewire etc.’ (McLeod 2005a, p.83).

Critics have frequently claimed that *The Grey Album* is a mash-up, but actually, it is debatable. If the listener is unaware of the Beatles’ music then s/he would not be able guess which song had been sampled. Sasha Frere-Jones raises this point:

> Occasionally compelling, “The Grey Album” is not a great example of a mash up, because the musical bed is processed so radically that its source is sometimes not clear. One of the thrills of the mash-up is identifying two well-known artists unwittingly complementing each other’s strengths and limitations...

(Frere-Jones, 2005)

Frere-Jones states that both sources used in a mash-up should instantly be recognised. As most of the Beatles’ tracks on *The Grey Album* are not easy to identify, the album is perhaps more suited to the remix—which still maintains the idea that the album is a form of
remixology. Kodwo Eshun (1998) explains that the words ‘remix’ and ‘remixology’ have not always been popular: ‘[it] is blasphemy for altering the tapes, for derealizing the realtime of the song’ (1998, p. 160). From a creative sense, Eshun describes remixology as ‘the science of the sequel and the art of the drastic retro fit, the total remake, the remodel’ (1998, p.74). Following Eshun, the chapter argues that *The Grey Album* is the sequel to the *Black Album* and *White Album*, and an art of the ‘drastic retrofit, the total remake’, ‘the remodel’ and a ‘reincarnation’ (1998, p. 165). *The Grey Album* is a remix and creative artefact, formed through a praxis of ‘deconstruction and reconstruction’ (Moody, 2004).

Paul D. Miller said that DJ-ing is a form of writing that allows you to ‘always squeeze something out of the past and make it become new’ (2004a, p. 56). This is similar to Eshun’s comment about the remix being a ‘reincarnation’ of past music.

To create *The Grey Album*, Brian Burton deconstructed the two albums. In Derrida’s words, such an activity becomes a ‘double writing...a writing that is in and itself...called...a double science’ (Derrida 2004, p. 38). Burton took both albums apart (in particular the *White Album*) and analysed, dissembled and reconstructed them as a new listening experience. Burton unknowingly followed ‘the deconstructionist method, whereby a text is pried open, and drained of the meanings intended by the author’ (McLeod 2005a, p. 83).

Deconstruction normally works within an opposition, an opposition which tends to dominate the other. Derrida explains: ‘to deconstruct the opposition [...] is to overturn the hierarchy’ (2004, p. 38). That may be disappointing to supporters of the autonomy of art, but one needs to realise that without the aid of the older work, the new product would never have come about. Because of the Beatles’ success, they represent the ‘hierarchy’ (in popular music), the controlling term of the opposition; therefore Burton ‘overturned’ their
dominance musically by giving Jay-Z's vocals priority. What is fascinating is that although Jay-Z maintains the lead role on *The Grey Album*, his vocals rely on the music of the Beatles for the remix to work—is the hierarchy (Beatles) secretly dominating the opposition (Jay-Z) which may contradict Derrida's theory of deconstruction? No.

Deconstruction is an on-going and almost improvisational (if not spontaneous) process. McLeod explains that when you deconstruct a text, you do not think about what you are going to do, you just do it as 'it cannot really be understood in the abstract because it is first and foremost an activity' (2005a, p.84). Therefore, when Burton made the album, he would not have realised how peculiar it was that Jay-Z's vocals relied on the Beatles' music in a deconstructive manner.

Deconstruction and *différance* both add new meanings and relations between oppositions. The *Black Album* and *White Album* are two completely unrelated sources, but there are similarities in the music, for example, some rock influences, use of sampling, and guest musicians.¹⁸ The albums would have appealed to people of different generations at different times. For that reason Burton may not have realised that the record he had created was a deconstructive piece of work. The next question is, who should be considered the author of *The Grey Album*?

**Authorship and Ownership**

Common sense dictates that Burton is the author of *The Grey Album*, but when sampling and copyright issues are involved, this may cause concerns about authorship. Derek B. Scott (1998) explains that certain types of postmodern popular music raise questions about the actual authorship of the product, especially if the music is designed creatively using

---

¹⁸ Guest musicians included: *Black Album*-Pharrell Williams; *White Album*-Eric Clapton.
music technology ‘which allows existing sounds to be recorded and reused or manipulated at will [and has] a major impact on ideas of originality, creativity and ownership’ (1998, p. 144). For example, when you hear a song that has simply been remixed, you may think of the original artist or if you hear a song that has been cleverly remixed, you may want to know the creator of the record. It is arguable that The Grey Album belongs to Jay-Z; after all, his vocals are evident from start to finish. Alternatively, it could be argued that it belongs to the Beatles because it is based on their music. Yet, Burton’s creation is a form of improvisation and the product bears his name and musical fingerprints, as Miller describes:

The DJ acts as the cybernetic inheritor of the improvisational tradition of jazz, where various motifs would be caused and recycled by various musicians of the genre...the DJ combines the musical expression of other musicians with their own and in the process creates a seamless flow of music.

(Miller 2004b, p. 350)

As Miller points out, the DJ can create ‘a seamless flow of music’ through improvisation. The DJ is an instrumentalist, and has the ability to improvise when creating music. The techniques would mainly be based on technological manipulation (sampling, beat-matching, mixing and scratching records as examples). Composing and improvising music is developed from the individual’s own mind, in other words, the composer does not simply borrow other music to insert in his or her composition; thought and passion would have been carefully considered on why such motifs, samples or techniques are used. As a musician myself, I have incorporated improvisation and samples in compositions. I was the one who used specific techniques, carefully picked and manipulated samples that aesthetically contributed to the music. For this reason, I would claim that I am the author of my own projects. It is however, important to understand that improvising, composing, writing and other creative acts are influenced by (traditional) past sources and this could
indicate that there is no such thing as authorship. I do think however, that a degree of
ownership of a product should be recognised or honoured. Although Roland Barthes
claims, ‘the writer can only imitate a gesture that is always anterior never original’ (1977,
p. 145), Michel Foucault contends that regardless of any work produced, the text ‘must be
received in a certain mode and that in any given culture, must receive a certain status’
(1986, p. 107), suggesting that there should be a limited sense of authorship. The White,
Black and Grey Albums were made and released at different times and in different social
and cultural contexts. Only the Black and White Albums gained a ‘certain status’ with their
established authors (Jay-Z and the Beatles). The author of The Grey Album should, from a
Foucauldian perspective, be ‘a name [who] permits one to group together a certain number
of texts, define them, differentiate them from and contrast them to others…it establishes a
relationship among the texts’ (Foucault 1986, p. 107). In this case, Burton could be
regarded as the author because he was responsible for blending these two works of different
genres and bringing out a refashioned awareness of their music. What is also important
about Jay-Z’s and the Beatles’ works is that ‘they are unique [and] have produced
something else: the possibilities and rules for the formation of other texts’ (Foucault 1986,
p.114), meaning that the combination of styles has produced a further progression of the
remix—the mash-up. The Grey Album should also be understood as an illustration of ‘the
way you pick up language from other writers [and] remake it as your own’ (Miller 2004a,
p.57), which links to the earlier discussion on improvisation. The album is certainly
controversial, but Foucault insists an author should:

...neutralize the contradictions that may emerge in a series of texts: there must be—
a certain level of his thought or desire, of his consciousness or unconscious—a
point where contradictions are resolved, where incompatible elements are at last tied
together...
This is relevant to Burton, since he put incompatible elements together through the means of the digital technology that had only recently made it possible. Therefore, it is fair to say that the careful intelligence controlling this intertextual combination of two famous records should allow Burton to be recognised as the author of *The Grey Album*.

**Musical Analysis of ‘99 Problems’**

The most interesting and important piece of music to emerge from *The Grey Album* is ‘99 Problems’. The track, a mash-up of Jay-Z’s ‘99 Problems’ and the Beatles’ ‘Helter Skelter’, was Burton’s most challenging song to mix. The analysis of ‘99 Problems’ will discuss the difficulties in making this track, and how Burton’s belief that ‘mixing two records takes discipline and creativity’ (Tyrangiel 2005, p.70) made ‘99 Problems’ become the most momentous song of the album. Before the analysis commences, it is crucial to understand the history behind the records that formed ‘99 Problems’.

**Jay-Z**

Jay-Z’s song ‘99 Problems’ highlights his life as a drug dealer before he achieved success as a rap artist (CD track 2). The main hook of the song is the chorus and is an interpolation of Ice-T and Brother Marquis’ ‘99 Problems’ (1993), which is sexually explicit and unrelated to the present discussion. After Jay-Z’s opening line, a heavy rock guitar riff is heard throughout the song, which is due to its rock and hip-hop producer, Rick Rubin, of Def Jam Records. When Rick Rubin worked with Russell Simmons on Def Jam, his general modus operandi was to contribute elements of rock to hip-hop music and on ‘99 Problems’, there are two power chords which are sampled from Billy Squier’s ‘Big Beat’
The breakbeat on '99 Problems' is also from the same song and has been used by other groups such as the British electronica group, the Prodigy. A sample of Mountain’s ‘Long Red’ (1972), is also included. Therefore, this song is made up of beats, percussion, guitar and vocals (with additional record scratching and effects) to produce what became a significant song in Jay-Z’s musical career.

The Beatles

‘Helter Skelter’ is a rock song that, in the opinion of Jeff Russell, featured ‘the heaviest sound that the Beatles produced’ (1982, p. 95). The song was inspired by the Who and written by Paul McCartney (CD track 3). The line-up comprised of drums, guitars, bass, saxophone, trumpet and backing vocals. Originally recorded for twenty-five minutes, it was edited to a shorter length to fit on the White Album. The song has a hint of blues, although it does not follow a typical blues structure. Lennon and McCartney both shared lead guitar and bass parts and McCartney’s voice has a loud and aggressive tone to suit the style. Its title referred to the fairground slide, but the song subsequently became notorious in connection with Charles Manson and the ‘Family murders’ in 1969 (Quantick 2002, p. 138). Lennon testified in court that ‘Helter Skelter’ was about the fairground slide and not a message to murder people (Russell 1982, p. 96).

‘99 Problems’ for Danger Mouse

Burton used to employ a basic set-up with an 8-track and a mini-disc to create the final mix. The production of The Grey Album however, entailed a basic set-up of a computer with Sonic Foundry Acid Pro software, Pro Tools for the final mix, and computer speakers as

---

19 Manson wrongly interpreted ‘Helter Skelter’ as a message to murder people. Manson and his recruited family went on a rampage to kill people and this included the ‘Tate murders’ (actress Sharon Tate and her friends) (Quantick 2002, p. 138).
The set-up is a form of 'DJ Tools' and, as Miller explains, 'stuff that people are meant to mix, and the technologies to do it become important, but they have to leave enough room, for people to check them out in their own way' (2004a, p. 24). This is exactly what Burton did as he spent two-and-a-half weeks in his bedroom to create *The Grey Album*. He had listened to the *White Album* four times searching for music he could use (Greenman, 2004). To avoid mixing records together without any thought or passion, Miller advises that the mixing 'should be really wild...anything else is boring' (2004a, p.24). Miller's comment applies to producers and DJs who want to gain a good reputation within the music community and industry. His comment can also reflect Schloss's concept that choosing and manipulating samples 'is an opportunity to display one's skills as a producer' (Schloss 2004, p.149). This proved to be challenging for Burton, as he had to be careful not to create a mix that would disrespect the Beatles, Jay-Z and their supporters, as well as ruining his chances of becoming a fine producer. Schloss also comments that one of the ethics of sampling (especially in hip-hop) is 'one can't sample records that one respects' (2004, p.120), as it is disrespectful to the original artist and that 'good' music should simply be left alone. Although Burton lists the Beatles and Jay-Z as his favourite musicians, it is fair to say that along with the other arguments presented in this chapter, Burton certainly took a few risks when creating the album, particularly '99 Problems' (CD track 4). To illustrate, the use of 'Helter Skelter' is a significant track of the Beatles due to its characteristics of hard rock, and perhaps the only song from their music catalogue that represents this style. Therefore, Burton had to be cautious about which

---

20 This is now known as 'Sony's ACID xPress'.
21 It took Burton 200 hours to create *The Grey Album*. 

170
segments of ‘Helter Skelter’ would act as samples, and how the samples would interact with each other including Jay-Z’s vocals.

On ‘99 Problems’, there are five distinct samples borrowed from ‘Helter Skelter’: Backing vocals, bass guitar, lead guitar, unidentifiable high pitch sound and drums. Before these samples are analysed, the first step that Burton had to do was to beat-match Jay-Z’s vocals and the music of ‘Helter Skelter’. Burton explained: ‘It would have been easy to slap the vocals over music of the same tempo... but I wanted to match the feel of the tracks too’ (Greenman, 2004). The original tempo for Jay-Z’s ‘99 Problems’ was 95 bpm, and the Beatles was around 83 bpm. Burton’s version kept Jay-Z’s tempo, and increased the tempo of ‘Helter Skelter’ while retaining the original pitch. With a tempo increase, the pitch would also be expected to shift, but one of the features of ACID software is that it keeps the original key at any given tempo, otherwise known as time-stretching. Unlike the other tracks on The Grey Album, a problem that Burton encountered was the rhythm on ‘99 Problems’. It is the norm to have drums to set the tempo and carry the rhythmic structure of the piece (especially in hip-hop music), but the technique of ‘locking up’ a beat (making or sampling a breakbeat pattern for looping) from ‘Helter Skelter’ was tricky for Burton. Reasons may be that the drums on ‘Helter Skelter’ has a straightforward 4/4 drum beat throughout the song, and that the simple drum pattern is not clear enough to sample—as the drums were overpowered by the lead vocals, bass and guitars. To overcome this problem, the bass line keeps ‘99 Problems’ in time. The short bass riff is sampled from the first verse of ‘Helter Skelter’. The original bass riff on ‘Helter Skelter’ stands out because it has been doubled (one track on normal level, and the other set in high treble which makes the bass sound louder and sharper). Burton manipulated the sample by boosting the low pass filter
(to remove the treble effect on the bass as well as diminishing the rest of the music and unwanted sounds), and by compressing it for the bass to sound fuller, groove-like and louder. The bass groove repeatedly finger picks the note E, acts as a ‘loop’ and more importantly, accents the beat to keep ‘99 Problems’ in time.

Although ‘99 Problems’ is carried by the bass line, there is a non-overpowering drum pattern. As previously mentioned, it is difficult to sample a drum fragment in 4/4 time. Burton did create, however, a fresh drum pattern based on samples taken from ‘Helter Skelter’. Burton sampled a part of a very short and clean drum fill at the end of the first or second chorus (maximum of four hits), and individual drum sounds (bass/kick, snare, tom-tom, hi-hat, crash cymbal). After applying compression and low pass filter on the drum sounds, Burton created a simple rhythmic and timbral breakbeat to compliment (but not overshadow) the bass line. Burton also used the Beatles’ harmonies as backing vocals in certain parts of ‘99 Problems’, especially in the choruses. The ‘ahh’ sample has been manipulated with compression and the high pass filter (to drown out the bass and drums), to provide a bright and crispy effect to the vocals. Another sample used is a dynamic high pitch sound that occurs throughout ‘99 Problems’. It sounds like an alarm, similar to a klaxon, and is heard at the end of each chorus on ‘Helter Skelter’ (possibly played by trumpet). To maintain its rock element, as in the original version, Burton sampled lead guitar fills from ‘Helter Skelter’, and added them to appropriate parts of the music, fill-in sections and to support Jay-Z’s vocals. The original lead guitar sample has a descending scalar sequential pattern and has two roles in ‘Helter Skelter’: to feature as the ‘response’ to the lead vocals (‘call’), and to represent the helter skelter’s slide. In ‘99 Problems’, the high pass filter is applied to the lead guitar parts to filter out the bass, drums and other
instruments to achieve a clearer sound. Although the five samples (bass, drums, ‘ahh’, high-pitch sound and lead guitar) are the main elements of ‘99 Problems’, there are other samples used. These layers of samples are evident at the start and end of ‘99 Problems’, when Burton uses parts of the original and remixed tracks from both sources to underlie the music, employing a high pass filter.

The following section will analyse the first verse and chorus to acquire an idea of how the samples are layered in ‘99 Problems’. The introduction begins with the main leitmotif or theme of the song, the hook (or chorus) of ‘99 Problems’. The style of the vocals is Sprechstimme and is supported by the ‘ahh’ sample (backing vocals of the Beatles) on the words ‘99 Problems’ (0 mm 03ss 350ddd - 0mm 05ss 980ddd). The bass line sample enters when verse one starts (0:06.000). As mentioned earlier, the bass line is structuring the rhythm and keeping the music in 4/4 time. The bass achieves this by accentuating the first and third beat of each measure (or bar) in swift quaver movement. The solo feature of the bass helps to build the music until the drums and the lead guitar enters at the end of the line ‘I got the rap patrol on the gat patrol’ (0:10.980).

The bass and drums are then heard (0:13.590), which provides the core music of the song. A hint of the ‘alarm’ sample (high pitch sound) is heard at the end of line eight (‘You’d celebrate the minute you was havin’ dough’), and is quickly and loudly heard in the following line (‘I’m like fuck critics, you can kiss my whole asshole’, 0:21.730-0:23.880). At this point, the alarm is the only sample used (there is no bass and drums), and is followed by a quiet drum fill. This is followed by the ‘ahh’ sample only which helps to make the line ‘If you don’t like my lyrics, you can press fast forward’ stand out (0:23.920).

The bass and drums return in the line ‘Got beef with radio if I don’t play they show’
(0:26.004), and continues to provide the music until it is replaced again by the alarm sample in the line ‘Well I don’t give a shit, SO!’ (0:35.680). The bass and drums returns and are joined by the alarm in the line ‘so advertisers can give ‘em more cash for ads, fuckers!’ (0:35.680). This is followed by guitars and drums (no bass) in line fifteen that signifies the bridge of the song. Towards the end of the first verse, the main hook of the song is supported by the samples ‘ahh’ (‘I got 99 problems, but a…’, 0:44.660), alarm only (‘bitch ain’t one, hit me!’ 0:45.953), which is followed by the lead guitar and a drum fill which leads to the chorus. The chorus includes the ‘ahh’ sample which supports the words ‘99 Problems’ which is musically responded by the lead guitar (‘bitch ain’t one’, 0:48.374 - 0:49.404 and 0:51.504 - 0:52.224). The drum and bass supports the second line of the chorus (‘If you havin’ girl problems I feel bad for you son’), but vanishes when the ‘ahh’ sample returns to support the main hook of the chorus (‘I got 99 Problems, but a bitch ain’t one’). The chorus ends when Jay-Z shouts ‘hit me!’ with no musical backing (0:56.680 - 0:57.130).

The layering of the samples is generally the same throughout the song, and audio-wise (as opposed to technicality), is not musically challenged. It should be noted however, that the ‘ahh’ and alarm samples do have prominent roles. As mentioned earlier, the ‘ahh’ sample provides the backing vocals (almost in a cappella) on the words ‘99 Problems’ which helps the hook stand out. The alarm sample features throughout the track and tends to highlight specific words (mainly derogatory terms) or expressions to support Jay-Z’s emotion in the song. Although the samples may sound simple in the recordings, the musical and technical arranging of the samples and song would have been time consuming and challenging for Burton.
‘The Grey Video’

Later in 2004, a mash-up video taken from _The Grey Album_ was released on the Internet (DVD track 1). It was not affiliated to Brian Burton but, instead, was composed by a creative artistic group called ‘Ramon and Pedro’. It was made clear on ‘The Grey Video’ that it was for experimentation only and was not intended for commercial use.

The video is a collage of live footage of both the Beatles and Jay-Z cleverly created by computer-generated technology, and the song used from _The Grey Album_ was ‘Encore’. On the album, Burton remixed Jay-Z’s song ‘Encore’ with the Beatles’ ‘Glass Onion’ and ‘Savoy Truffle’. On the video itself, the Beatles footage was taken from their film _A Hard Day’s Night_ (1964), and the scenes cut and pasted were taken from the following performances: ‘Tell Me Why’, ‘If I Fell’, ‘I Should Have Known Better’ and ‘She Loves You’. It is a performance-based video and is dominated by the Beatles (in contrast to the demands concerning deconstructive strategy discussed earlier in this chapter), with Jay-Z appearing in the background in what was originally a ‘large electrical sign’ (Glynn 2005, p. 81), but which is now a big screen on stage. The whole video is in black and white.

The video begins with the crowd (fans of the Beatles) screaming in anticipation while waiting for their favourite ‘boy’ band to perform. The hysterical crowd was known as ‘youthquake’ or better known as ‘Beatlemania’ (Carr, 1996; Glynn, 2005; Mundy, 1999). In the sound and television control room (also known as the television gallery), the editors are monitoring all cameras and operators through their mixing desks and screens. The television director has difficulty communicating with one of the camera technicians but, nevertheless, the Beatles start performing ‘Glass Onion’ and it seems that the performance and transmission are both running smoothly. During the song’s introduction, the monitor
screens are signally interrupted or ‘hacked’ into by Jay-Z’s performance, which is being transmitted on a big screen on the stage with the Beatles and the television network. While Jay-Z is performing, the lyrics are being projected on the big screen, and the Beatles, in this case, are performing as backing singers and group. Before the actual verse begins, there is a close up of the Beatles’ audience, then it focuses on a modern, hip-hop fan (recognisable by her image), who is phenomenally blending in with the crowd of the 1960s. When Jay-Z’s face returns on the big screen, the ‘live’ crowd appears again, but this time it is a hip-hop crowd, which again gradually blends with the Beatles’ audience. Then the scene is focused on the Beatles’ drummer, Ringo Starr, whose drum set turns into a DJ set with the label ‘DJ Danger Mouse’ on it. Ringo Starr’s cymbals then turn into vinyl records, and he starts mixing and scratching the records. The video continues to develop with footage of John Lennon singing to the crowd, but he is shot from behind—it is not him, it is a double imitating him. When the Beatles’ music changes to ‘Savoy Truffle’, the ‘other’ John Lennon is approached by two females, supposedly from the present decade and they remove his jacket. The ‘real’ John Lennon starts break dancing (which developed in the early days of hip-hop), and Paul McCartney and George Harrison are replaced by the two women. Ringo Starr remains DJ-ing on stage, John Lennon continues to break dance while Jay-Z is rapping. The women are dancing in the style of hip-hop, and start showing a hand gesture called the ‘Diamond Cutter’ which is used by Jay-Z and his fans. While all of this is happening, the fans of the Beatles and Jay-Z are still united and the control room personnel are left in shock. The music and video ends with John Lennon doing head spins and back flips, and then all the performers leave the stage. The big screen returns to the original large electrical screen with the initials ‘R+P’ (the video directors) illuminated on it.
This latest form of digital technology made 'The Grey Video' 'more' than postmodern. With the genre-blending of the videos of different times, the added extras (such as the scenes of the Beatles, Jay-Z, the audiences and the added actors), a loss of history or sense of timelessness is certainly created. At first, we are led to believe that the video is set in the 1960s owing to the Beatles' performance, their audience, and the fact that it is shot in black and white, suggesting that this video is from the past. We are then misled by the 'futuristic' images of Jay-Z and his audiences and dancers, therefore the actual time and space becomes debatable. The codings of the video mainly involve intertextual images of Jay-Z, the Beatles, and the audience. What is also fascinating is that Jay-Z appears in a screen (the big screen), within the screen (the main television network and the cameras). This prompts many questions relating to reality, fantasy and the hyperreality theory of Jean Baudrillard. For example, which of the scenes are 'real', those of Jay-Z or the Beatles? Of course, they are either recorded or simulations of live performances, but both are intended to look 'real'. Yet, if the historical specificity of the whole performance is questioned, it may be assumed, following Baudrillard, that the whole collaborative performance of the Beatles and Jay-Z is 'hyperreal'—more real than real. The signs that represent the Beatles and the 1960s period have already been remarked upon, but the other connotations that appear in the video are signs of hip-hop: the dancers, the style of dancing, the fashion, the DJ set as well as the music, and of course Jay-Z. As mentioned earlier, another sign is the hand gesture made by the dancers known as the 'Diamond Cutter', which is meant to signify Jay-Z's record company Roc-A-Fella. This symbol is evident because Jay-Z gestures with this sign on his album covers, and his fans also use it to communicate with each other.22

22 There was also a live 'Grey' performance which was non-affiliated with Burton. In February 2006, there was a live performance at the North American 'Grammy' awards between Jay-Z and the rock and hip-hop
Conclusion

The chapter has discussed Burton’s concept of *The Grey Album*, with a focus on how it was illegally distributed on the Internet and consumed by interested parties (such as the public). This was followed by an explanation of why EMI and Capitol Records alerted Burton to not seek copyright permission of the Beatles’ *White Album*, and how these businesses unsuccessfully tried to stop distribution of *The Grey Album*. EMI’s and Capitol’s rejection to appreciate the creativity of *The Grey Album*, their failure to acknowledge Burton as the author, and to prevent his album of becoming a (legal) success, was overshadowed by the support he received. The chapter explained how the supporters of *The Grey Album* held a one-day cyber protest (‘Grey Tuesday’), to demonstrate why EMI and Capitol Records should not censor *The Grey Album*—but instead to grant copyright access to the *White Album*, and to allow people to appreciate the creativity of the product. The discussion of the protest led to further arguments about copyright. This section examined the licensing fees and royalties that would be owed by Burton (to various parties), if he was allowed to legally release *The Grey Album*. The section then revealed why EMI could not present a legal case against Burton in North America. The section also discussed the consequences of the supporters’ involvement in ‘Grey Tuesday’ if record companies including publishers pursued a case against them.

---

*group Linkin Park (EMI, 2006). They both performed a live mash-up of Jay-Z’s song ‘Encore’ and Linkin Park’s ‘Numb’. Later in the live performance, Sir Paul McCartney appeared on stage, and started to blend the vocals of ‘Yesterday’ in the mash-up. It is also interesting to see that Jay-Z was wearing an immaculate ‘white’ suit with a black t-shirt with John Lennon’s face printed on it. This performance was not affiliated to Brian Burton, but it could be suggested that it was due to the awareness of *The Grey Album* that this performance took place. Although it is known that Jay-Z and his record company approved of *The Grey Album*, there are no reports if Sir Paul McCartney did. It is known that he supports creative and experimental music as demonstrated in this live mash-up and throughout his musical career.*
After the detailed exploration of the legalities of *The Grey Album*, its creativity was explored in the second half of the chapter. This was achieved by analysing the postmodern values of the codes that are presented in *The Grey Album* and its cultural and social significance regarding the Beatles, Jay-Z and Brian Burton. Genre identity and the deconstruction of *The Grey Album* were investigated, which led to another problematic issue of authorship. Here, it was discussed why Burton is the author and owner of *The Grey Album*. To reiterate: the concept of *The Grey Album*; the recognition of the project via the Internet and ‘Grey Tuesday’; the cultural-social meanings to evolve from the album; and the construction and deconstruction of *The Grey Album*—should entitle Burton to be acknowledged as the author. These reasons are supported by an analysis of Burton’s remixed version of ‘99 Problems’ to demonstrate his talent. This was followed by an analysis of a mash-up video, ‘The Grey Video’, a project inspired by *The Grey Album*. The topics discussed have shown how Burton and *The Grey Album* generated positive and negative outcomes concerning issues of copyright, technology, creativity, and authorship.

In a legal sense, Burton should have gained copyright permission; but, knowing the likely outcome of such an application, we might now have been in the position of never having heard the results. It is intriguing that successful mash-ups and other forms of remixes were introduced after the awareness of *The Grey Album*. David Bowie held a competition based on mashing up his album *Reality* (2003). The winner was to have the track featured on an Audi car commercial (Blake 2007, pp.122-123; Howell 2005, p. 28). A CD-ROM titled ‘Jay-Z Construction Set’ was released on file-sharing networks to encourage more remixes of the *Black Album* (McLeod 2007, p.154). More importantly, in 2004 WEA records released a live mash-up album of Linkin Park and Jay-Z. As ‘Grey Tuesday’ was a cultural
protest to call for a change in copyright and to allow reasonable access to music, this episode could have also been seen as an unusual marketing tactic—without the aid of the music industry (Walker, 2004), but even so, this day was a success and EMI and others would have benefited from *The Grey Album*, as the 100,000 downloads on 'Grey Tuesday' showed. Another point to consider is did the Beatles really oppose the use of samples from their compositions? There was no reaction from the Beatles about *The Grey Album*. If the reports about the issues surrounding the Beatles and sampling are untrue, then why were EMI at first being uncooperative with Burton and the supporters? As suggested by David J. Gunkel it is possible that EMI the ‘traditional powerbrokers...now co-opt the revolution and transform the innovation to serve their own interests’ (Gunkel 2008, p.490), as they unexpectedly brought more awareness about making copyright permission accessible, 1) as a consequence of their first legal mash-up album and, 2) through their decision to be the first to sell MP3 downloads free of Digital Rights Management (DRM). There is still however, hesitation from EMI to authorise sampling of the Beatles' music. In autumn 2007, the Wu Tang Clan was approved by Apple Corps Ltd. and the Harrison Estate to interpolate a song from the *White Album* (Montgomery, 2007a)—it was rumoured that the hip-hop group’s original request to sample the song was rejected.23

To conclude, the current familiarity of Bastard Pop and the use of inexpensive technology, mean that people will find it easier to sample music of any style. Hopefully, Burton will be recognised as the author of *The Grey Album* since he blended two well-known works, which was described by *Rolling Stone* magazine as 'an ingenious hip-hop record that

---

23 'The Heart Gently Weeps' is based on George Harrison’s song 'While My Guitar Gently Weeps' and it features Harrison's son Dhani, on guitar. Wu Tang Clan has agreed to pay royalties to the Harrison Estate, Harrisons/Wixen Music Publishing and Sony/ATV publishing (Montgomery, 2004b).
sounds oddly ahead of its time' (The Grey Album CD sleeve, 2004; Gitlin, 2004). The Grey Album also brought more Beatles and Jay-Z fans for both types of the music it referenced and ‘both expressed admiration for the project’ (Demers 2006, p. 141). As Damon Dash, head of Jay-Z’s record label, said: ‘I think it’s hot. It’s the Beatles. It’s two great legends together’ (Moody, 2004). Despite the concerns that Burton encountered, he has become a popular producer and DJ in the industry. For example, Damon Albarn of Blur, was so impressed with Burton’s skills that he approached him to produce the Gorillaz’ second album Demon Days (2005), which is, ironically, owned by EMI Records. Burton has proven that The Grey Album is a powerful record and, as he said, ‘it may get me into trouble, but if I had thought about that I would never made what I thought turned out to be one of the best things I ever did’ (Graham, 2004).

---

24 Burton was drawn into another legal dispute with EMI in 2009. The record label refused to release Dark Night of the Soul, a collaboration with David Lynch and Sparklehorse’s lead singer Mark Linkous. Instead, Burton released the album himself as a limited edition CD package (which included a photograph book and a blank CD). The purpose of the blank CD was for the user to illegally download the tracks and burn onto the CD (Sisario, 2009). As of spring 2010, when Mark Linkous committed suicide in March, EMI have finally agreed to release the album (Fullerton 2009, p. 11). The album was released in July 2010.
Chapter 4

‘Who is Gnarls Barkley?’:
The concept of the group and the song ‘Crazy’

‘It’s not just a great song, but it’s a little piece of history too…’

(Zane Lowe, DJ, on BBC Radio One, 2006)

In the autumn of 2005, a television advertisement promoted a show for the BBC Radio One DJ, Zane Lowe. The featured track ‘Crazy’ attracted many listeners who demanded the identity of the artist and the release of the song. Months of radio-play followed and, in April 2006, this song became the first number one to enter the UK Official Charts through the sales of downloads, a week before the actual physical release of the single. ‘Crazy’ was the best selling single of 2006 in the United Kingdom (Yates, 2006).¹ The artist responsible was revealed to be named Gnarls Barkley, an outfit eventually revealed as a duo consisting of Cee-Lo Green (Thomas Callaway) of the southern rap and hip-hop group Goodie Mob, and Danger Mouse (Brian Burton).

Continuing the discussion of digital technological concerns that were raised about The Grey Album, this chapter will demonstrate how Brian Burton inadvertently continued to displease much of the music business by this event, which made the audience, consumers and UK music industry ‘Crazy’ in the summer of 2006. This will be verified with reference to the ongoing rise of digital consumption of downloads and social networks (which will be recapped and summarised in the conclusion). The music will then be explored as Burton artistically turned the original piece of spaghetti western music into a classic neo-soul record that included the blended-in timbre of Green’s affectionate vocals. This will be

¹ In 2006, ‘Crazy’ was also the most downloaded song of the year on iTunes (Gibson, 2006).
followed by investigating the visual and performance aspects of the group involving their music video and live appearances. The final discussion will explore the multiple identities of Cee-Lo Green and Danger Mouse and will revisit the familiar question concerning the group—who is Gnarls Barkley?

Background

The song ‘Crazy’ gained recognition without the aid of the usual primary promotional tool: that is, the use of image. Indeed, some of the audience would have known the creators behind Gnarls Barkley, but what about the remainder? They did not judge a picture cover or music video—there were no visual devices to evaluate. The song ‘Crazy’ first achieved notice through a television advert. Certainly, it is not the first time this procedure has worked: one thinks of the one-hit-wonders used for Levi Jeans (such as Stiltskin’s ‘Inside’ in 1994, and Babylon Zoo’s ‘Spaceman’ in 1995), in which the audience became more well-disposed towards the song than to the actual jeans; hence, they would never know who the artist was until the actual physical release of the song, which would then be followed by a music video. For Gnarls Barkley, the only difference was that the advert was for a DJ show on Radio 1. Of course, as soon the song was heard, other radio stations started to play the track and then listeners demanded its release. The song was available as an illegal download in autumn 2005, months before its actual release, which was April 2006.

The illegal MP3 distribution alerted the music industry and Official Chart Company (OCC) to rethink the singles structure and to recognise chart sales of downloads only. Due to the rapid illegal distribution of ‘Crazy’, Gnarls Barkley’s record company, Warner Brothers, were the first record company to comply with the new regulations and issue the digital format of the song a week before the actual physical release (Brown, 2006). This was
successful as 'Crazy' instantly made the number one chart position, thus making Brian Burton very popular again through the aid of the Internet. HMV claimed it was the quickest selling download in music history (BBC online, 2006b, c), and the Official Chart Company confirmed that the track has since gone on to become the UK’s biggest-selling download in 2006 (Lyons and Bennett, 2006).

A few weeks later and while still at number one in the UK charts, Gnarls Barkley almost visually revealed themselves as Danger Mouse and Cee-Lo Green. They released four different promotional videos and for their live shows and promotional photos, Gnarls Barkley were imitating comic and film characters. Also, after nine weeks at number one, Gnarls Barkley—yes, Gnarls Barkley and not their record company—decided to have their song deleted (Lyons and Bennett, 2006). They did not want the song to be number one anymore: firstly, in case the audience became bored with it and, secondly, to allow them to release their next single. Eight months later, there was a slight twist, the OCC again revised the charts regulations and allowed 78% of all kinds of downloads that were bought on the Internet (which could be dated back to the 1950s, or even earlier) to be eligible for the charts. Its director Steve Redmond commented:

January 1 2007 marks a dramatic development in the history of the Official UK Charts. For the past 54 years a single was a track selected by a record company to be pressed on plastic and distributed to stores on a particular date. From now on a single can be any track currently available as a download—even an album track or a golden oldie—as well of course as the established physical formats of CD, DVD, seven and 12 inch vinyl.

(Redmond, 2006)

This meant Gnarls Barkley re-entered the Top 40 charts in January 2007 with the song ‘Crazy’ through sales of Internet downloads (BBC online, 2007d). Gnarls Barkley were also interactive with their audience which expanded their popularity. Before the popularity
of the Internet, it was difficult to contact an artist owing to the industry's restrictions—they saw their artists and groups as their 'property'. Now, with the digital revolution, artists can have an input regarding their status as well as releasing music. Before, it was the individual website for a particular group; now there is the revolutionary form of social networks found on interactive websites such as *MySpace* and *Facebook*. On the Gnarls Barkley site on *MySpace*, 'you can listen to the song, contact the band, find out where the latest gigs are and even download a mobile ringtone of Crazy' (Cowing 2006, p. 22). More importantly it is free for the group and fans to join. Indeed the record label will have an input, but it is the band that presumably has control because, in their weblog section, the group and associates can post diary entries to keep their news up to date for their audience and the media. The audience can also communicate with other people and search for new music.² An analysis of 'Crazy' now follows in an attempt to explore its musical and lyrical content.³

**Musical Analysis of 'Crazy'**

A majority of the musical accompaniment of 'Crazy' were based on samples borrowed from a spaghetti western film soundtrack. To understand how this was transformed into a song consisting of gospel, hip-hop, pop and soul, the analysis will be presented in three parts: Spaghetti western film music (to understand the origins and context of the samples); the music (how the samples were used in 'Crazy'); and the vocals (how the melodic and stylistic structure of Callaway's vocals completed the transformation of the samples).

---

² In 2006, the UK charts had entries of songs discovered by users of *MySpace* and, for some, it was before the artists were signed by a record label, for example the Artic Monkeys and Lily Allen.

³ A majority of the analysis of 'Crazy' was presented as a research paper at the IASPM biennial conference in 2009.
Spaghetti Western Film Music

The instrumentation of ‘Crazy’ may at first seem simple. It sounds creative, but not as complex as in a typical pop song, which would normally consist of multi-layering of tracks and multi-effects. Burton based the instrumentation on samples, taken from an Italian film score of 1968 called Preparati la Bara! (translated as Prepare the Coffin). The title of the particular track was ‘Nel cimitero di Tucson’ (‘In Tucson Cemetery’), composed by two Italian brothers Gianfranco and Gian Piero Reverberi. The musical style of the film is suited to its genre, the Italian western (better known as spaghetti western). To assist the musical analysis of ‘Crazy’, it is essential to understand the origins of the musical style and film genre of spaghetti western.

Spaghetti western originated from the American film genre of ‘Western’, and was made popular by Italian film director Sergio Leone. Leone made spaghetti western more popular than the American western because he introduced the excessive use of violence in the films (Liehm 1984, p. 187; Bondanella 1994, p. 255), and the genre was known for its distinctive musical soundtrack. Leone collaborated with Italian composer Ennio Morricone, to compose the music for his films. Morricone’s spaghetti western music has been heard in film sequences, prologues, opening titles, end credits, themes for the individual characters and sound effects. The music was represented by whistles, trumpet solos, cries, strings, brass, flutes, rhythm section (mainly kettle and snare drums), Baritone guitars, Fender Stratocaster guitars and choirs. Music was significant in the spaghetti western because it

4 The title of the film has varied globally such as: Django und die Bande der Gehenkten (Germany); Get the Coffin Ready; and Viva Django.
5 Ennio Morricone was noted for creating distinctive main reoccurring themes (leitmotivs) for the main characters, for example: Clint Eastwood as Blondie in The Good, the Bad and the Ugly (Il Buono, il Brutto, il Cattivo, 1966); and, Charles Bronson as Harmonica in Once Upon a Time in the West (C’era una volta il West, 1968).
informed inattentive viewers of the moments when they should be attentive such as the violent scenes (Wagstaff 1992, p. 254). It was the collaboration of Leone’s film artistry and Morricone’s compositions that inspired other Italian film directors to produce films of similar qualities, for example, *Preparati la Bara!* directed by Ferdinando Baldi—the relevant film for this discussion.

*Preparati la Bara!* features a popular Italian actor Terence Hill. His character, Django, is an executioner (a hangman), who intends to seek revenge on his former boss and friend (David), for killing his wife. During the film, Django fakes the executions, and gathers the innocent criminals to form his own gang, with the hope that they will seek revenge on David. When his gang are killed by an irrational fellow member, Django manages to seek retribution on his former boss by shooting David and his bandits with his machine gun that was kept in a coffin. With this brief synopsis, it is the soundtrack that needs to be drawn attention to, because one of its compositions was used in ‘Crazy’. Although ‘Crazy’ sampled from one track, the music itself is actually the leitmotif of Django, which occurs in various variations throughout the film. Therefore, to investigate how a spaghetti western soundtrack, and in particular a leitmotif, was transformed into a modern pop record, it is important to understand the context of Django’s theme and variations that is heard on the film and ‘Crazy’. In particular, three musical pieces will be focused on: ‘You’d Better Smile’, ‘Il carico d’oro’ and ‘Nel cimitero di Tucson’.

---

6 Terence Hill’s real name is Mario Girotti. It was common for Italian actors and directors to have pseudonyms of English names, so the films would appeal to English speaking countries.

7 The leitmotif is important in film music. The idea of using a leitmotif to represent a character was introduced by German composer Richard Wagner, who was known for scoring long music dramas (operas). To help the audience to understand the story, Wagner gave the characters their own musical theme. Better known as the leitmotif, the audience will instantly identify the character by its individual reoccurring theme. This technique was adapted in film music, especially by composers such as the late John Barry, who composed the famous leitmotif for *James Bond* in 1962. Others include John Williams: *Jaws* (1975), *Star Wars* (1977), *Superman* (1976) and *Indiana Jones* (1984).
The opening title and credits of the film, is the theme song ‘You’d Better Smile’ sung by an Italian singer, Nicola di Bari (CD track 5). Apart from the leitmotif featured in the song, it is not identical to ‘Crazy’. The lyrical content however, has some similar features to ‘Crazy’ such as the emotion of pain and loneliness portrayed by the singer. The song also resembles the characteristics of a spaghetti western soundtrack. David Huckvale (1990) suggests the main title of a spaghetti western film would contain the following characteristics: ostinati (rhythm based), countermelodies (supplied by strings and brass), and the cowboy theme (leitmotif) (p. 28). ‘You’d Better Smile’ meets this formula with the added vocal melodic line. What is perhaps different from a typical spaghetti western soundtrack, is the rhythm section. Usually, in soundtracks such as the music composed by Morricone, the rhythm section is provided by kettle and snare drums. In ‘You’d Better Smile’, there is a full drum kit, which provides a fusion of spaghetti western and 1960s pop music.

The purpose of having the opening music of the title sequence, according to Huckvale, is to address the audience as follows:

1. to announce, in a fully developed manner, the principal musical ideas;

2. to consolidate the genre of the film by means of well-established musical signs.

(Huckvale 1990, p. 28)

‘You’d Better Smile’ meets the above criteria. The first musical sign that signifies a spaghetti western film is the ostinati rhythm of a galloping horse. This is introduced straight

---

8 Nicola di Bari was a popular singer in the 1960s and 1970s. He has the same musical style as Tom Jones and Julio Iglesias.

9 At the time of writing, there are no documents on Brian Burton to suggest why he used this particular soundtrack and its musical style of spaghetti western. It is likely that he has an interest in spaghetti western music because he also uses the style in the Broken Bells’ song ‘Vaporize’ (2010).
away by the sudden introduction of the song. Almost similar to 'Crazy', there is no formal musical introduction to the piece, instead, the song (verse one) starts after the one beat anacrusis, accompanied by the fast driving galloping rhythms of bass and guitars (there are no drums in this section).\textsuperscript{10} The vocals are heard on top of the rhythm and the lyrics address the main character, Django, as observed in the first verse:

\begin{quote}
Smile, you’d better never cry
A man like you should never shed a tear
Smile, each time you’d better smile
When things go wrong, so wrong
You wish to die, to die
\end{quote}

The lyrical content is referring to Django’s loss of his wife. The viewer, however, is unaware of Django’s loss as this scene has not been shown yet. Instead, the viewer gets a hint that Django has suffered some sort of loss, which all makes sense when the story develops.\textsuperscript{11} It is clear however, that Nicola di Bari is addressing Django and not the viewer with his authoritative and sorrowful vocals. Beneath the vocals, are the sounds of the galloping horse (as previously mentioned), and the introduction of low pitched strings, hinting the leitmotif of Django, the cowboy theme, which again signifies that the song is focusing on the main character (Ex. 4.1):

\textsuperscript{10} The musical feature of a galloping horse is also evident in Morricone’s compositions. For example, in the main theme in \textit{A Fistful of Dollars}, the rhythmic galloping sounds are played by kettle drums, strings and guitars. In \textit{For a Few Dollars More}, the steady rhythms of a galloping horse are played by tambourines, snare drums and brass. In \textit{The Good, the Bad and the Ugly}, the fast rhythmic galloping sounds are played by snare drums, strings and guitars.

\textsuperscript{11} The murder of Django’s wife is revealed in a flashback scene.
Example 4.1: Strings for 'You'd Better Smile' (provisional part only)

The cowboy theme is the main musical idea of the film. The first statement of the cowboy theme played by the strings, subconsciously introduces Django's leitmotif to the viewer as s/he will be reminded again of this theme in various variations during the film. From the third line of the first verse, the low pitched strings are replaced by high pitched strings, playing a decorated variation of the cowboy theme (Django's leitmotif). The strings in the first verse are sustained notes, with a semi-tremolo feel, which is another feature of spaghetti western music. After the first verse, the chorus enters:

I know it's hard to smile the day
Your girl has gone away
And you're alone

The chorus stands out because of its thick texture which is aided by its upbeat tempo. The entry of the drum section accompanies the upbeat tempo, together with the bass and guitars. There is also the entry of the solo trumpet which supports the main vocal line as a countermelody (and countersubject in other variations of the cowboy theme), which is in the style of mariachi. 12 The tone of the vocals changes in this section with a gradual crescendo throughout the chorus ending with fortissimo on the last line of the chorus. The ending of the chorus is signalled by four quick triplet feels by the trumpet to highlight the peak in the section. A drum roll rounds off the chorus which is followed by the middle

1 Mariachi is traditional Mexican folk music.
eight. The break hears the return of the galloping theme that enters with another hint of the cowboy theme (Django’s leitmotif), which this time, is provided by a male choir (Ex. 4.2):

Example 4.2: Choir excerpt for 'You'd Better Smile' (Tenor)

Here, the choir sounds distant which again subconsciously tells the viewer that this melody is Django’s leitmotif. The distance of the choir sound also acts as an accompaniment to a clean Fender lead guitar solo, which mimics the melody heard in the opening line of the first verse. The role of the guitar solo is a major characteristic in spaghetti western films. The timbre of ‘twangy’ and *laissez vibrer* sounds implies suspense and the humble heroism of the main character (Tagg and Clarida 2003, p. 378), and also performs as a form of a narrator as if it is also telling the story. In this short break, the guitar plays various roles by: representing the suspense of Django which is supported by the leitmotif; acting as the narrator by briefly taking over the singer’s role; and, by musically playing a leading passage to the next section which is verse two. After the second chorus, the recapitulation of the first verse and leitmotif returns straight after the chorus in a thin texture and quieter musical setting, which suggests that the song and the opening credits of the film are about to end. The lyrics for the final section are:

Smile, each time you’d better smile

---

13 The use of a clean Fender guitar sound opposes the common use of distortion heard in popular music in the late 1950s and 1960s: rock’n’roll (Chuck Berry) and rock/pop (The Beatles). Other bands who used the clean Fender guitar sound in the 1960s included the Beach Boys (part of ‘surf music’), and the Shadows.

14 Other clean Fender guitar solos can be heard in Morricone’s compositions: *A Fistful of Dollars, For a Few Dollars More*, and *The Good, the Bad and the Ugly*. Incorporated with the clean sound of the guitar, are the ‘twangy’ and *laissez vibrer* sounds. It has been suggested by Tagg and Clarida (2003) that the ‘twang’ sound in popular music, originated from musician Duane Eddy, who was noted for his use of twang on his 1959 album *Twang’s the Thang* (p. 367).
For you get lost and wander home, alone, alone, alone, alone

In this section, the galloping sounds are presented together with the final vocals and the leitmotif (sung by the male choir). The leitmotif represented by the choir is different to the previous break, because the voices do not sound distant. Instead, the voices are loud and powerful, and balancing the volume level of the main singer (Bari), which signifies the presence of the main character, Django. Bari overcomes the powerful choir by singing louder on the final words and ending on a fortissimo. As he sing those final words ('alone'), the strings supports the vocals, along with the return of the solo guitar which plays a mini riff to signify that Django, suspense, thriller and the film are about to follow. The timbre of the guitar is interesting because the texture of such a distinctive sound in this musical style is thin, along with the twang and laissez vibrer. The sounds produced, is usually identified with the main character (such as Django), but its melodies are not as extravagant as you would expect in other films (such as the main theme for the hero, ‘Indiana Jones’, composed by John Williams). The music to represent this character, is reflected in the thin texture and timbre of the guitar.\(^\text{15}\)

Django’s leitmotif is fully developed in the scene when his wife gets killed in the cargo.\(^\text{16}\) The title of the track that represents this scene is ‘Il carico d’oro’, which means ‘The Gold Cargo’ (CD track 6). The music played during the burial of his wife consists of a Baritone guitar (playing the bass), strings, male choir and trumpet.\(^\text{17}\) The overall expression of the music is in funereal tones because of its grave tempo, and the lament style of the bass, choir

\(^{15}\) The distinctive guitar sound is also associated with other genres such as spy films and their main characters who are independent and lonely agents (with James Bond being an example).

\(^{16}\) The scene shows Django’s stagecoach which is carrying pots of gold being raided by robbers (David’s men).

\(^{17}\) The Fender Bass VI is an alternative to the Baritone guitar: both instruments produce low tones but their instrumental bodies are different.
and trumpet. The piece begins with the bass and male choir, with a sorrowful timbre and a thin texture because of its low pitch tones. The sounds of the choir and the repetitive bass line will be recognisable to the listener who is familiar with the song ‘Crazy’, as these melodic features are heard throughout the track (but the actual sample used will be discussed shortly). After the eight-bar introduction, the solo trumpet enters and plays a morbid melody, which signifies Django’s loss of his wife and her burial. The style of the trumpet is mariachi, with its distinctive tones of high pitch, brightness (as in clarity), and vibrato. The trumpet melody is supported by the bass and choir, and as the piece develops, the melody is harmonised by the strings. The strings then overtake the music by playing the trumpet’s melody, and here, the texture starts to sound thicker. At this particular moment, as the piece begins to crescendo, the trumpet returns with the main melody, and gradually the dynamics for the instrumentation are loud—to fully represent Django’s pain and grief. After the full development of the loud section, the texture thins out by becoming quieter and the strings disappear, leaving the trumpet to play its final melody. After the final melody, the bass and choir rounds off the music. Although ‘Il carico d’oro’ is heard in the funeral scene, the importance of the music is important. As well as representing Django’s grief, the music is also his leitmotif. The lament sound of the leitmotif may not be heroic, but it is strongly identifying Django’s character: the humble cowboy, who saves innocent criminals, and his purpose of doing so, is to seek revenge on his wife’s murderers. The viewer watching Preparati La Bara! will understand the reason of the leitmotif because s/he will be reminded of this theme by hearing various variations and watching scenes mainly associated with Django and death.¹⁸

¹⁸ There are many scenes that contain the leitmotif such as ‘Nella sierra’ (In the mountains) and ‘La mitragliatrice’ (The Machine gun).
As well as the reoccurring motif of Django’s theme which is played throughout the film, its epic version is heard in the main scene, ‘Nel cimitero di Tucson’ (CD track 7). This is the fighting scene, when Django finally takes revenge for the murder of his wife by killing David and bandits with his machine gun. The instrumentation and musical structure is the same as ‘Il carico d’oro’, but the tempo is slightly faster. Despite its slight quick tempo, the mood of the piece is still lament. As this is the epic moment of the film, the music reflects the emotional fighter Django, by playing intense (proposing revenge) and sorrowful music (in memory of his wife). The full length of this piece is stretched throughout the scene, from when Django prepares a grave for David and by removing his machine gun from a coffin, to the end of the fight scene when he finally achieves his mission. The musical accompaniment for the scene begins with the Baritone bass guitar and a three part male chorus reciting the chords as ‘oohs’ with a mixture of crescendo and diminuendo. The set-up of the male chorus which consists of bass, tenor and countertenor was perhaps inspired by Morricone, who also used a three part male chorus in his spaghetti western soundtracks (Ex. 4.3):¹⁹

Example 4.3: Three part male choir (‘Nel Cimitero Di Tucson’)

This particular section will sound familiar to someone who has heard ‘Crazy’, as this was sampled by Burton, and was used as the main musical accompaniment for the song. The

¹⁹ In Morricone’s spaghetti western scores, the male chorus, I Cantori Moderni (The Modern Singers), was led by Alessandro Alessandroni (Pirari, 2007).
introduction is followed by the mariachi trumpet melody (as heard in ‘Il carico d’oro’), but this time with an intense tone. This type of timbre (which consists of a strong bright vibrato sound) and melody is representing *El Degüello* (‘no mercy’), a call for the enemy to surrender otherwise they would die.\(^{20}\) The mood of the trumpet suits the film scene neatly, because Django has no intention of losing to David. Underneath the trumpet solo, the constant bass line and male chorus is a reminder of Django’s loss and his hunger for revenge. The musical style of *El Degüello* accompanies the scene of Django digging and preparing David’s grave. When Django is confronted by David and his fighters, the music intensifies when it is accompanied by the strings. When the characters realise that they will never resolve their differences, the trumpet melody gradually gets louder, signifying that Django is about to take his revenge. The strings then takeover the music by imitating the solo trumpet in a lament but yet, at the same time, in a powerful manner, in which its dynamics tells the viewer that Django is about to take his revenge. The dynamics also tell the listener that this is the emotional section of the music. To confirm that this is the emotional part of the piece, the choir sings the leitmotif behind the strings an octave higher, which doubles the intensity of the music. Coincidentally, this particular string section is also the sample used in the chorus of ‘Crazy’. The timbre of the strings, along with the prominent bass line and choir, again reminds both the listener and viewer of Django’s leitmotif—and it is this moment in the film, when he grabs his machine gun that marks the start of the gun fight. During this battle, the trumpet rejoins the music and is playing an interactive melody with the strings, and its accompanying scene shows Django successfully killing his enemies with his machine gun. The music at this point is very loud and continues

\(^{20}\) Historically, this type of force was used in Mexican civil wars (Harrell, Gaustad and Griffith 2005, pp. 414-415). It has also been adapted in spaghetti western films.
to get louder as Django shoots, and the music suddenly halts when Django shoots David.\textsuperscript{21}

After the silence, the music returns quietly without the strings, and while the trumpet plays its concluding melody, the scene shows Django slowly riding away from the cemetery. After the trumpet has finished playing, the music gradually gets slower, and the male chorus finalises the achievement of Django’s mission, by relinquishing the leitmotif and ending on a major chord.

The purpose of explaining the genre of spaghetti western and its music was to gain prior knowledge and understanding of the samples used in ‘Crazy’. The film genre was briefly discussed first, to gain an insight of the structure of common storylines, which was followed by remarks on how its successful director, Sergio Leone, quickly inspired other Italian directors to imitate his films, or direct their own. After the discussion about the film genre, its accompanying music was explored together with the main subject in question, the film \textit{Preparati La Bara!} The musical style of spaghetti western was pioneered by Ennio Morricone, who blended his classical music training with features of popular music in his soundtrack. Like Leone, Morricone inspired other Italian film composers to base their spaghetti western scores on his style, such as the Reverberi brothers, the composers of \textit{Preparati La Bara!} Here, certain musical characteristics and elements used in the soundtrack were discussed, in particular, the importance of the cowboy’s leitmotif. The theme and specific variations of Django’s leitmotif were explored, to identify how the music represents the personality, emotions and intentions of Django. With the meaning of Django’s cowboy theme in mind, the leitmotif used in ‘Crazy’ can now be analysed.

\textsuperscript{21} The music in this particular scene halts briefly, but not in the soundtrack.
The music in ‘Crazy’

As previously explained, the sample used (‘Nel cimiteri di Tucson’), fits in the context of a spaghetti western film, but somehow, the music and the mood of the song also fits in ‘Crazy’, which is in no way a ‘cowboy’ song (CD track 8). Instead, Burton transformed the original version into a song consisting of gospel, pop and soul by transposing and time stretching the sample up by one tone (from B-flat minor to C minor), and by making the tempo slightly more upbeat. Three parts of ‘Nel cimiteri di Tucson’ were sampled: the introduction (the bass and choir), the strong string section and a short choir part singing a B-flat major chord (to perform the transposed C major chord of verse 2, 3 and the ending in ‘Crazy’). Although the Baritone bass, male choir and strings are prominent features of spaghetti western music, Burton removed the trumpet part, which is also a major characteristic of the style. The removal of the trumpet enables ‘Crazy’ to be a different song entirely, apart from the moods of both tracks that carry the same emotions of a lament: aloneness, grief and pain. What also distracts ‘Crazy’ from being a spaghetti western style is the inclusion of the hip-hop beat and of course, the vocals—which are specially sung in a different musical style. Like a hip-hop record or a modern pop song, where a song is placed over a sample, the inclusion of the rhythm and vocal style helps the music to be

22 The drumbeat for ‘Crazy’ is:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bass Drum</td>
<td>Cymbals</td>
<td>Snare Drum</td>
</tr>
<tr>
<td>H H H H</td>
<td>H H H H</td>
<td>H H H H</td>
</tr>
<tr>
<td>H H H H</td>
<td>H H H H</td>
<td>H H H H</td>
</tr>
<tr>
<td>H H H H</td>
<td>H H H H</td>
<td>H H H H</td>
</tr>
</tbody>
</table>

Although ‘Crazy’ consists of various styles, it was perhaps natural for Burton and Callaway to add a hip-hop element to the song because of their musical backgrounds.
transformed into a new piece of work. Arguably, it is more to do with the vocals and melodic structure of ‘Crazy’ that makes it sound different from ‘Nel cimitero di Tucson’. Callaway’s vocal stylistic melody of gospel and soul, does not bear any resemblance to the *El Degüello* trumpet melody, and it is his musical style that helps to transform the music. In traditional spaghetti western music (mainly referring to Morricone as an example), vocals mainly consisted of sounds or non-words such as scat. For example, a featured solo singer who would improvise (such as the female singer on ‘A Fistful of Dynamite’, 1971), a choir would sing ‘oohs’ and ‘ahhs’, and vocal sounds would consist of grunts and whistles. The continuous ‘oohs’ and ‘ahhs’ sung by the choir in ‘Crazy’ provide a different setting for the listener, by simply being the accompaniment or backing singers to Callaway, which now sound like gospel. The feature of the Baritone bass guitar also has a different role in ‘Crazy’, which will now be discussed.

Unlike in the original source of the sample, where the bass is a characteristic for its distinctive sound, the bass in ‘Crazy’ is simply acting as an accompaniment and a guide for the music. The bass still sounds very clear but it has been manipulated for it not to sound dominating (like in ‘Nel cimitero di Tucson’), and has been equally balanced with the rest of the musical accompaniment. Like the original source, the simple bass line consists of four notes only: C, E-flat, A-flat, and G (Ex. 4.4).

---

23 Examples of modern pop songs that relies on a sample as an accompaniment include: Craig David’s ‘Hot Stuff’ (2007), in which the sample is based on David Bowie’s ‘Let’s Dance’ (1983); Mutya Buena ‘Real Girl’ (2007), based on Lenny Kravitz’s ‘It ain’t Over ‘til it’s Over’ (1991); and, Madonna’s ‘Hung up’ (2005), based on ABBA’s ‘Gimme Gimme Gimme’ (1979).
Example 4.4: The bass part for 'Crazy'

As the bass notes are clearly evident throughout the track and interact with Callaway's voice, it seems as if they are musically leading each other in the song (though Callaway is clearly in control), when really, the bass simply acts as a guide for the music—it helps to form the musical structure of the song. With its non complicated melodic pattern, the bass gives the impression to the listener that there are four plain chords in the song. The sampled choir section (Django’s leitmotif) reveals that this is not true as two chords are decorated with added suspensions (Ex. 4.5). The chord pattern is: C minor, E-flat major, A-flat suspended second, A-flat major, G suspended fourth to G major.

Example 4.5: Choir part for the opening verse of 'Crazy'

As noted above, the vocal arrangement is in male chorus format. There is vocal counterpoint taking place, and voice-leading in the countertenor and tenor parts ensuring smooth progression to the next chord. For example, in the A-flat suspended second chord, the note B-flat is sung by the countertenor and this appoggiatura is resolved in the next bar. The same happens again with the G suspended fourth chord, but this time the countertenor
sustain a G, while the tenor below resolve to a B-natural, at which point the chord turns into an unexpected G major. The choir in general acts as backing singers by singing a mixture of ‘oohs’ and ‘ahhs’. During the verses, the voices are soft and emotional with some added crescendo and diminuendo. In the chorus section, the choir sings an octave higher to help the chorus melody (the hook) stand out, and this increases the tension and the power of the song. The choir section in the chorus however, may be misleading to the listener. In the chorus of ‘Crazy’, it does sound like there are female singers in the song (such as alto and soprano), but this is because of the transposition of the sample. In the original version, falsetto is evident in the choir section, so naturally, falsetto in the male chorus is present in ‘Crazy’. The countertenor does however, go beyond its range in the chorus (it sings a high G), which again may suggest that there is a soprano present, but when in actual fact, it is a sample. Overall, the continuous vocal sounds of ‘ohhs’ and ‘ahhs’, act as backing vocals, which lends a ‘gospel’ spiritual feeling to ‘Crazy’. The presence of Django’s leitmotif is still clear, in terms of mood and emotion (aloneness, pain and grief), and this is more evident in the string section (the chorus).

Like the original version, the string section only appears in the emotional part of the music, and in ‘Crazy’, it is the chorus. As well as providing the emotional tone to the chorus, the strings also help to bring the chorus out by harmonising with the choir in the accompaniment, and by acting as a countermelody. The opening notes of the string part (which are notes C and D), have been removed from the sample, and if listened to carefully, the beginning of the melody does not sound neat. Instead, it sounds obvious that it is a sample and that some notes were removed (this is clearly evident in the instrumental version, CD track 9). Burton does however seek to disguise this fault by adding white noise
effects. Also Callaway's dynamical vocals distract the listener from the minor fault.

Despite the removal of the opening notes, Django's leitmotif is still recognisable in 'Crazy', but still manages to avoid the spaghetti western style. Like the choir, it blends in with the 'soul' song, and it is a reminiscent of the Motown tracks that used a lot of string arrangements. The melodic part consists of five notes—C, D, E-flat, G, A-flat—with the note 'D' creating an E-flat major seventh harmony. The strings provide a thick texture to the chorus because of its forte dynamics and slight delay effect. Its timbre maintains the force and tension of the chorus by helping the vocals stand out, as you would expect in any hook or chorus. The excerpt below is not based on the full string section, but its outstanding melody gives an idea of its pattern (Ex. 4.6):

As mentioned earlier, there is a short sample which in its original source consisted of a B-flat major chord. The sampled chord, which is now C major is introduced in certain parts of the song (verse 2, 3 and the ending), although in the original version, it acts as a Picardy third. This hint of a short lived modulation is confirmed when the G major chord that is

24 When I saw Gnarls Barkley at the Manchester Apollo in November 2006, a string quartet introduced 'Crazy' by playing Django's leitmotif which included the original opening of the two musical notes.
always played before the C major appears in the progression of V to I, making it a perfect cadence; but this major feel quickly evaporates when the tonality returns to C minor, and the other chords remain the same. The progression of the chords work smoothly as it is Callaway’s distinctive voice and bass line that keeps the song together.

The majority of the music in ‘Crazy’ is based on samples, which act as the accompaniment to the song. The accompaniment is indeed very minimal (bass, choir and strings), which is normal to hear in modern pop, r’n’b and hip-hop, because it is the structure of the vocals that has the main role of the song. The feel of the original style, spaghetti western, was transformed into a gospel, pop and soul record because of: its manipulation and transposition of samples; removal of certain musical elements of the previous style; and, the inclusion of the hip-hop beat and soul vocals. What is also significant is that the leitmotif is just as important in ‘Crazy’ (especially the chorus) as in ‘Nel cimitero di Tucson’, but in different contexts. Although the sounds of the bass, choir and strings are very distinctive in both tracks, the original is more suited to spaghetti western because of its musical characteristics, and ‘Crazy’ is more suited to current popular culture because of the fusion of popular music styles. It is probable that if one heard the leitmotif today, s/he is most likely to instantly relate it to ‘Crazy’. Although the re-working of the leitmotif was transformed into a genre blended style of gospel, soul, pop and hip-hop, Burton however, left a very faint sign of spaghetti western in the music, perhaps as a reminder, tease or statement to the listener of its musical origins: sampled gunshots are heard at the end of each chorus.25 Arguably however, it is the melodic, stylistic and vocal structure that completes the transformation of the song, which will now be analysed.

25 You will need a good pair of headphones to hear this, even in the instrumental version.
The vocals and melody in ‘Crazy’

According to Brian Burton and Thomas Callaway, ‘Crazy’ is simply about creativity being linked to craziness (Soderbergh 2008, 132). Burton exploited the myth that to be a creative artist, you have to be ‘crazy’ when gaining ideas (Soderbergh 2008, 132). It is a narrative song and this is especially evident in the lyrics of the chorus. As a homophonic piece, and as previously mentioned, the instrumentation is minimal, it is Callaway’s vocals that dominate the delivery. After the four-beat introduction, Callaway starts singing straight away in the key of C minor and the melody hovers around the note middle C—he instantly attracts the listener with his voice with the first line of the verse ‘I remember when, I remember I remember when I lost my mind’.

In contrast to many pop songs of today which consist of multi-tracked recordings of the artist’s vocals (for example, Britney Spears and Madonna), ‘Crazy’ consists only of one vocal plus some reverb. The solo voice is distinctive because it is the timbre of the vocals that helps to carry the music. Such a distinctive voice and its role as the main provider of the music reminds us of Robert Walser’s comment: ‘we’ve heard this sort of voice before… and its power lies in its projection of sincerity, honesty, directness’ (Walser 2003, p. 28). Callaway’s vocals have not been technically manipulated to sound like a false build up of emotion, instead, he is providing the emotion for himself or his character, which makes his intentions of the song sincere. Also, the style of the voice represents gospel, early soul and Motown music. The power of Callaway’s vocals suggests he might be preaching to the audience or even to himself. The first line of the song, ‘I remember when’, represents him reminiscing, as he recollects ‘when he lost his mind’. He sings this line gently, and raises

---

26 It should be noted that there are no evidence to suggest that ‘Crazy’ was a lyrical response to Django or the song ‘You’d Better Smile’.
the pitch lightly on the word ‘mind’ to suggest that he is displaying seriousness or communicating a revelation. There is a hint of Callaway’s traditional vocals in the second line ‘there was something so pleasant about that place’, which is southern rap: here, he is quickly singing the words and not rapping, which is a characteristic feature of that style. The third line ‘even your emotions had an echo, in so much space’ still hints at the southern style of hip-hop but, the lyrics represents, perhaps, the character’s alienation and breakdown. He is singing about his alienation and breakdown, suggesting that moment was personal for him (‘significant about that place’), and that the ‘echoed’ emotions were a despairing cry for help or catharsis while being in ‘so much space’, a phrase suggesting solitude. Here the words ‘echo’ and ‘space’ have reverb, which adds to the emptiness and silence surrounding the character during this episode. This reminiscence quickly returns to the soul style, and he hums at the end of the third line, which offers another sign that he is reflecting introspectively.

In the pre-chorus, the line ‘when you out there without care’ is almost a recitative in staccato form, which can be traced back to the historical roots of Callaway’s singing; it blends quickly back to soul in the next line ‘yeh I was out of touch’, when the staccato disappears and he almost releases (but resists) his emotion on the word ‘touch’. The character then defends himself, by singing with some force: ‘But it wasn’t because I didn’t know enough’. Then, with a decrescendo to his voice, he innocently sings, ‘I just knew too much’, followed by a short and soft ‘hum’, indicating that the chorus is next.

While the verse is in the lower range in the key of C minor, the chorus bursts out in a higher tessitura, and Callaway changes from controlling his voice between his head and throat into a ‘falsetto soul’ style, as he sings the question: ‘Does that make me crazy?’.
falsetto soul usually expresses joy or in this situation, demand and grief in singing, sighing and shrieking (Bernays, 2010). As shown in example 4.7, the word ‘crazy’ is emphasised by singing the preceding word ‘does’ on a staccato quaver followed by ascending dotted quavers that climax on the main word of the song, when Callaway accents both ‘cra’ and ‘zy’ by employing a forceful timbre which is sung in a shrieking manner and results in a distinctive vocal grain. The word ‘crazy’ is sung with two syllables in the form of lengthened dotted crotchets in order to make the title and main subject of the song noticeable. Stressing important words in a song by using emotion in conjunction with musical elements such as those mentioned above is significant in soul singing, as Rob Bowman explains:

Such an approach not only signals the emotional involvement of the performer, it implicitly demands the emotional engagement of the listener, bringing the two into a continuous closed circuit of heightened emotional intensity.  

(Bowman 2003, p. 117)

Immediately, the intensity of Callaway’s vocals in the chorus will affect or attract the listener’s attention. The effect of the listener’s reaction to the vocals is likely to create the experience of emotion, such as feeling catharsis or the character’s moods, because of how Callaway is expressing the chorus. Arguably, however, this type of attention is usually expected in the chorus or hook in any song, in which the particular section is intended to grab the listener’s attention. The style of singing in ‘Crazy’, also hints at the performance practice of the ‘classic’ gospel period, with Callaway acting out the role of the lead front man singing emotive words with passion supported by a choir of backing singers.

Callaway’s solo voice remains, with no vocal harmony added to his singing, since the choir

27 The concept of grain is how language is expressed by the singer, which can be displayed via the voice and/or body. This concept was devised by Barthes (1977), and he argues that the grain can bring out the music more and build a relationship between the performer, music and listener (Barthes 1977, pp.179-189).
contributes only ‘oohs’ and ‘ahhs.’ He repeats the same question, but this time the word ‘crazy’ is in a calm and sighing tone and in sequential movement and it is not as powerful as in the dynamic and rhythmic previous line. It is like a form of internalisation, as if he is puzzled and confused, and asking himself and the audience if he is ‘crazy’. He repeats the question again with emotion and dynamic force, so that his message will be heard. He confirms the question to himself by gradually becoming softer on the final word of this section, by playfully stretching and reducing a mixture of ornamentation such as sliding blue notes, melisma and vibrato on a descending melodic line (Ex. 4.7):

![Example 4.7: The vocal line of 'Crazy'](image)

The role of the chorus section provides the main hook or important part of the song. ‘Crazy’ has mesmerizing, powerful and playful vocals of Galloway, the intensity of the choir and the touching backing provided by the strings. It provides a scene where ‘[a] chorus of other voices chimes in periodically, affirming, as choruses often do, that the singer’s insights and feelings are widely shared’ (Walser 2003, p. 28). Here, the choir presents its support of Callaway’s statement by projecting high pitched, loud vocal sounds with a strong emotional expressivo and lament. The same applies to the strings.

The second verse now indicates strongly that the character is focusing on the audience by singing ‘And I hope that you are having the time of your life’ in a dolce (sweet) and honest
manner. This very short and uplifting mood is supported by the brightness of a C major chord, as this piece is based predominantly in the key of C minor. The character then becomes more concerned with the audience: ‘But think twice, that’s my only advice’, which suggests that he is back in the role of preacher. This is expanded with the following line and its repetitive questioning, ‘Come on now, who do you, who you do, who do you think you are?’ which contains a rise of pitch and a hint of rasp singing on the last three words ‘think you are’. This presents Callaway’s character as a preacher singing in a gospel choir, yet retaining the soul influence as a means of reaching out to people. It is confirmed by the next line, ‘Ha ha ha, bless your soul’, which at first features laughter then a calmer response, and his presence is clearly interactive with the audience—a typical feature in 1960s soul music, associated with Sam Cooke, Marvin Gaye and many others. Callaway continues his relationship with the audience but this time sounds doubtful when he ends the second verse with the question ‘You really think you’re in control?’ The indicator for the arrival of the second chorus occurs when Callaway sings ‘well [pause] I think you’re crazy’, with the same texture and dynamics as before, but this time accompanying his claim that the people are ‘crazy’ just like him.

In the third verse, there is no reverb but, instead, dry vocals. There is a mixture of confused dark and irrational thoughts, which suggests that the character has returned to introspection. The first line, ‘My heroes had the heart, to lose their lives out on a limb, and I remember, I want to be like them,’ implies that the character’s heroes lost their lives in high-risk or suicidal situations and that he looks up to them as role models. The next line recalls the character’s ambition to be a strong person and hero: ‘ever since I was little, ever since I was little it looked like fun’. He reflects on his progress in life and the strength that he achieved,
singing ‘it’s no coincidence I’ve come, and I can die when I’m done’. Callaway emphasises the word ‘die’ by rasping his voice, another technique used by past soul singers (Bowman 2003, p. 117), and he also adds vibrato to the word ‘done’, which again imitates the style of soul. It indicates that once the character has achieved all that he wants to do, he can die gladly, and this leads to the final chorus and thought, ‘maybe I’m/you’re/we’re crazy…probably’, suggesting that he is also singing on behalf of his audience. The song ends with Callaway improvising a melisma over the given chord structure in a fashion typical of soul, and he again descends the scale, becoming softer as he approaches the tonic.

Overall, Callaway stretches his vocals throughout the song, and contrasts the verses and choruses by singing in a low range in the verse, and a high tessitura with falsetto in the chorus. The vocal phrasing throughout the song has a mixture of increasing and decreasing timbral inflections and also vocal stress (whether delivered loudly or softly) on the strongest word (which appears at the end of each line). With the exception of the chorus, it is Callaway’s voice that carries the emotional delivery of the song through the use of different dynamics and timbres in each phrase of his vocals. As the majority of the musical accompaniment was based on spaghetti western samples, it was reworked with technological manipulation and the inclusion of hip-hop beats and sound effects (such as vinyl crackling and popping). More importantly however, it is Callaway’s vocals that complete the transformation of the spaghetti western soundtrack into the styles of pop, gospel and soul. The next part of the investigation is to analyse the visual representation of ‘Crazy’.

---

28 Rasp is a vocal technique (sometimes associated with throat singing). Rob Bowman offers a neat definition: “‘rasp’ refers to the practice of harmonic distortion in the overtone series brought about through lateral pressure on the vocal chords” (2003, p. 117).
The Music Video of ‘Crazy’

The main music video for ‘Crazy’ was directed by Robert Hales who has directed videos for Oasis and Nine Inch Nails (DVD track 2).\textsuperscript{29} The images of the video show signs of spaghetti western. The viewer familiar with the films directed by Sergio Leone may recognise some similarities between the music video and the film \textit{The Good, the Bad and the Ugly} (1966). The film and video share moments of inkblot images transforming into different pictures. For example, the opening title sequence of \textit{The Good, the Bad and the Ugly} shows red coloured blots hitting the white background, which plays in sync to the popular leitmotif, the coyote howl (‘ay-ee-ay-ee-ay’). In ‘Crazy’, the introduction of four black dots plays in sync with the four-beat music introduction. Continuing with Leone’s film, different artistic techniques are used to reveal images and credits. For example, a combination of paint brush strokes and spray paint transforms shades of red or white into images of the main characters. Also, inkblots are used frequently to show still images of characters. There are also signs of gun shots, which show blots (a possible representation of splats of blood), again transforming to images of characters. This is also observed in ‘Crazy’, when inkblots transforms into images, and in particular, still images of Brian Burton, similar to the pictures in \textit{The Good, the Bad and the Ugly}. There is also a scene of a pistol in ‘Crazy’ (shooting out heart shapes), which again shows signs of the film genre, but in this context, it is also the logo of Gnarls Barkley. These connections, may be considered as minor similarities however, because the video also resembles another subject, the Rorschach inkblot test.\textsuperscript{30}

\textsuperscript{29} There were three other promotional videos for ‘Crazy’, but the one discussed is the main one.
\textsuperscript{30} It is also possible that the video was inspired by Andy Warhol’s \textit{Rorschach} paintings (1984). There is another music video that contains imagery of the Rorschach inkblot test, which is titled the ‘Frontier
The inkblots are based on the well-known psychological test by Swiss psychiatrist, Hermann Rorschach. Rorschach’s method of analysing thoughts was to present ten different pictures of inkblots to patients, who would then be asked what their thoughts were, or what they could sense from the blots. There were no right or wrong answers to the pictures, but the psychiatrist analyses whatever is interpreted in order to understand the patients better. Only ten different pictures were devised in the test and the inkblots consisted of dropping ink in the middle of a piece of paper and then folding it to reveal a symmetrical picture or pattern (Britannica, 2007).

The music video is symmetrical and is based on inkblots all the way through. There is unlikely to be one interpretation of the video, because if this was an actual Rorschach test, there could be many ambiguous results. One thing to note is that the video is aimed at the viewer, so it is up to individual on what s/he might discover. There are signs in the video that can be shared as meaningful by everyone, such as features concerning the group, pictures of objects and insects, and so forth. Therefore, it is probably more productive to concentrate on the odder characteristics. The video has computer-generated images (based on animation and graphics) that are constant throughout: there is no break; the images are continuously changing. What is interesting is that the images of the band always change into something else, whether it is into each other, insects, a pattern, or all three.

At the beginning of the video, there is a blank white screen and as soon as the music starts, four black dots of ink are splashed in unison with the four-beat introduction. The first verse is in black and white and, as Callaway sings, there is a close up sideview shot of his face

Psychiatrist’ by the Avalanches (directed by Geoff McFetridge in 2000). This can be viewed on the Internet: <http://www.youtube.com/watch?v=H86TKkPA3QI>.

The inkblots for ‘Crazy’ were created by freelance designer Bryan Louie. Examples of picture boards and sketches can be viewed on his website: <http://www.hellalouie.com>.
with his head back to back, due to the mirror reflection and symmetrical caused by the inkblot. This is followed by distant shots of the same images of Callaway when he sings ‘there was something so pleasant about that place’, which confirms that he is reminiscing. A double close up shot of his face is then featured with his eyes looking downwards when he sings the line ‘even your emotions had an echo’. He finishes the line by closing his eyes and concentrates while humming a melody. In the third line (‘When you’re out there’), Callaway appears sideways in a butterfly-shaped pattern, with Burton in the middle of the image facing the camera. The scene is still ‘blotchy’ with ink, and the image turns into a sack that bursts into fast-moving spiders. During the last line of the verse, Callaway looks sad and there is a close-up of his face.

When the chorus begins, it is represented by four colours only (red, purple, green and blue). In the first line of the chorus, Callaway is looking sideways; then, there is a blend to a full shot of his face. As stated in the musical analysis, he sounds confused in the second line of the chorus; this is represented in the video, when he starts to sing that line, then stops halfway and his eyes looks down confusedly. At the same time, Burton appears, but it is a still shot of his face while Callaway is in motion. A mixture of different face shots then follows before Callaway concludes the first chorus.

The second verse remains in colour and there are quick almost subliminal images of Burton with the ears of a mouse: this signifies his better-known identity in music as Danger Mouse. In the line ‘think twice’, Callaway’s head turns into Burton, who is surrounded by centipedes crawling in and out of his head. When Callaway asks the question ‘who do you think you are?’, a conversation with himself follows as he becomes ‘they’, i.e. a double of Callaway, but ‘they’ take turns to respond to each other, almost in a schizophrenic way.
Then the two faces become one as he turns into a devil with red horns when he sings the haunting line: ‘Ha ha ha Bless your soul’. At the end of ‘you’re in control?’ Callaway turns into flying bats.

In the second chorus, there is a mixture of black, white and colour images. Callaway is becoming more emotional with the music and is presenting hand gestures as if he is accusing the spectators of being crazy just like him. The still shots of Burton continue to appear on the screen and blend with the motion images of Callaway in the chorus. In verse 3, the Gnarls Barkley’s logo is featured on the screen, consisting of a gun firing the shape of a black smoky heart instead of a bullet. As this happens, Callaway appears in the gun, saluting his ‘heroes’ (‘my heroes had a heart’), but when he sings ‘I want to be like them’ all the images turn into flying black crows. At the line ‘I can die when I’m done’, Callaway’s head explodes which corresponds to the lyric. The imagery of the explosion transforms into another set of images for the final chorus. There are mirror shots of Callaway with almost a still tear on his face, and the sides of his face merge together, resembling a cross between a sad Pierrot clown and the photograph ‘Tears’ by Man Ray.32 This image dissolves into many other images such as a cranium, and the final line of the chorus has Burton turning into beetles. In the outro, there are rapid movements of different segments but these are more focused on Gnarls Barkley, which are still presented in inkblot and symmetrical motion. The quick flashes of images include Burton in his mouse costume and Callaway imitating the ‘crazy’ sign by pointing at the camera with the suggestion that

32 It also reminds me of the music videos by David Bowie’s ‘Ashes to Ashes’ (1980) and Visage’s ‘Fade to Grey’ (1980). Here, both David Bowie and Visage’s Steve Strange are dressed as Pierrot clowns—which was also part of the New Romantics fashion in the early 1980s. The rock band Placebo released a lament song based on and titled ‘Pierrot the Clown’ in 2006.
the viewer is crazy. The video ends and turns back into a blank screen when the music stops.

Overall, the video shows dark themes of alienation, irrational thinking and death, and this correspond to the subjects presented by the inkblot tests and song. The signs that represent some of the themes have already been mentioned such as Satan, skull, gun shots and Callaway’s head exploding. There are other signs that appear to be striking: images of fast moving creepy insects, animals and birds appear. The choice of the insects (spiders, centipedes, beetles), bats and crows which are included in the video, are sometimes linked to death. Also, the connection has been made to literature and films, such as the genre of gothic horror. With ‘Crazy’ however, there are two intertextual references of two novels in the video: *Naked Lunch* (2005) and *The Metamorphosis* (1996). One insect in particular that grabbed my attention when analysing the video is the scene that contained centipedes. This scene brought back an instant reminder of a song ‘Bug Powder Dust’ by electronica group Bomb the Bass (1996). The song title is a metaphor for drugs and makes references to William Burroughs’s novel, *Naked Lunch* (originally published in 1959). The track also makes references to insects, in particular centipedes, which Burroughs often mentions in his novel.\(^{33}\) The novel, which tends to be in a non-linear style, expresses obsession with surreal experiences of drug use (mainly heroin). It also, obsesses on creatures, in particular centipedes (hence the title of the Bomb the Bass song ‘Bug Power Dust’). By interpreting Burroughs’s input of centipedes in the novel, it grimly signifies contributing to or meeting one’s death. For example, in the chapter ‘Black Meat’ (Burroughs 2005, pp. 43-47), which is a signifier for fake drugs, the drug traffickers are described as a ‘giant aquatic centipede’, who sells bad imitative addictive drugs to users which eventually, would cause them to fall

\(^{33}\) For example, read Burroughs’s *Naked Lunch* pp. 45 and 88 (2005).
to their deaths (p. 45). Although there are no sources from Gnarls Barkley and others to state whether the video was inspired by Burroughs, the images of centipedes seem to offer a connection with ‘Crazy’, because the song and video exposes signs of death.

Another intertextual link is Franz Kafka’s *The Metamorphosis* (originally published in 1915). The images of beetles in ‘Crazy’ was brought to my attention, because the main character in Kafka’s novel, Gregor Samsar, mysteriously transformed into a beetle overnight (Kafka 1996, p.11). Samsar, who was a struggling salesman but was able to provide for his family, suffered from anxiety. One night, he suffered a bad lapse of anxiety and when he had to get up for work, he found that he was transformed into a beetle. The transformation made him lose his communication skills (verbal, in particular), but his anxiety and irrational thinking increased. Indeed, the beetle could be a metaphor for a breakdown, because anxiety, irrational thinking and loss of communication are symptoms of a breakdown. Samsar’s family could not cope with his transformation (or rather his mental health issues), so they kept him locked in his room. Despite his transformation and health problems, he sensed the negativity and neglect from his family because he felt alienated and isolated. The painful rejection from his family and his loss of will to recover led him to his death. The non-direct intertextual reference in ‘Crazy’, are the beetles, which is a reminder of the character Gregor Samsar. Like Samsar, the beetles in the video are representing subjects of alienation, anxiety and death.

One final intertextual reference links to art, in particular the images of crows which are found in Vincent Van Gogh’s painting, *Wheatfield with Crows* (1890). It is suggested that the images of crows flying under the dark clouds and over the wheatfield represented the final weeks of Van Gogh’s life (www.vangoghmuseum.nl). Van Gogh (1853-1890), an
established artist, was known to suffer from mental health problems. During his final weeks, he suffered from depression, and presented his emotions in his final painting, *Wheatfield with Crows*. The crows, dark clouds and cut-off path all signify death, because not long after Van Gogh painted the picture, he killed himself. This coincides with the video of 'Crazy'. As stated earlier, there are crows flying in the video of 'Crazy', and not long after the scene, Callaway’s head explodes at the end of verse three (when he sings about dying). These intertextual findings help to broaden the understanding of the dark themes of alienation, anxiety and death which are presented in the 'Crazy’ video.

Moving away from the main themes of the video, there is also another point to make: the way Burton is presented in the video. While Callaway is always in motion, Burton is always represented via montage or in still shots; the only time he moves is when he is wearing his mouse costume—it is as if he is reminding the viewer of who he is, as if he is the trademark of the music. This is like the CD and video covers of hip-hop music that include stickers, adverts or announcements about who the producer or director is (for example, ‘Timbaland presents Missy E’ or ‘Hype Williams presents...’). The videos often include the producer as a ‘special guest’, for example, producers such as Timbaland or David Guetta appear in their videos. Nowadays, it is the producers who are the ‘pop stars’ as they release albums under their names with guest or session singers to sing their songs (for example ‘Timbaland featuring Justin Timbalake’ or ‘The Neptunes featuring Jay-Z’). This indicates that the producers are now considered to be as important as the singers.

Even though Callaway’s and Burton’s presence are evident in the video, they are not physically fully exposed because of the illustrative style of the music video. This is part of

---

14 This also applies to DJs and producers in other musical styles such as dance.
the agenda of being Gnarls Barkley: not to fully reveal themselves. This is observed in all of their performances of ‘Crazy’ and the music videos from their debut album St. Elsewhere (2006), in which the group will use different characters to represent themselves. Along with the multi-play of characters, Gnarls Barkley brings a different musical version of ‘Crazy’ in their live performances, which will now be explored.

The Live Performances of ‘Crazy’

When ‘Crazy’ became a popular song in 2006, Gnarls Barkley would play different live versions of their song. The different live versions still strongly featured Django’s leitmotif in some form, and it maintains the argument on how such a leitmotif can be transformed in various variations because of technology. There have been many versions of the song which range from a slow ballad to rock, and the instrumentation still holds the string sounds and backing singers, and depending on the chosen variation, there were some minor alterations. Each version presents a different context, which is connected to Gnarls Barkley’s identity—which will be discussed shortly. Although every performance cannot be discussed in this chapter, three outstanding performances, along with the musical arrangements, will be explored.

The first performance to be discussed is a slow rock version of ‘Crazy’ (DVD track 3). The line-up consist of a drummer, guitarist, bassist, two keyboardists (of one being Burton), three backing singers, a string quartet (two violins, viola and cello), and Callaway. In the performance setting of the group, they are all dressed as scientists, and are placed in a

---

35 This was performed on ‘T4’ on Channel 4, United Kingdom in 2006. This footage is available on St. Elsewhere DVD version (2006).
television studio which has an infinite space of the colour red. The introduction of the song is different to its original. Instead of the quick four-beat introduction, the instruments all begin together and stretch out a long opening for the song. This is achieved by a distorted electric guitar strumming the chords and an organ playing the relevant chord, with a stabbed feel, in the second beat of each bar (this arrangement is generally heard throughout the song). This instantly gives the feel of a rock ballad. Adding to the musical arrangement, is a simple rhythm section in which the drums play a straightforward 4/4 time signature and is certainly different to its original version. The bass line is also different because its rhythms is a mixture of semiquavers and quavers (Ex. 4.8):

Example 4.8: Modified bass part

The new rhythm pattern of the drums and bass along with the additional features of electric guitar and organ, plays an eight beat introduction in a soft rock style, with a moderate tempo. Burton adds decoration to the introduction by adding sound effects (white noise) on top of the music. During the song, Callaway maintains the melodic structure of the song which has no alterations and is supported by an arpeggio sequential melody based on the chord progression played by the keyboard. As always, he is also supported by a three piece choir, which for the purpose of the live version, should be noted as backing singers. As previously mentioned, the male singers in the original sample were transposed to give the feel of falsetto or female singers. In the Gnarls Barkley line-up, the three backing singers

---

36 The group portray the image of scientists because of their white long coats, smart clothing (checked shirts, red bowties), and large thick framed spectacles.
37 This version is slightly slower than the original recording.
consist of two females and one male, maintaining the melodic structure as heard in the original version, with the exception of verse 2 and 3 which has one minor alteration in the vocals when the melody descends. There are also some alterations of all voices in the choruses, which may not be noticeable to the listener. Callaway forcefully rasps on the word ‘Crazy’, to maintain the main hook of the song. The backing singers appear to sing their parts at normal pitch and an octave higher as heard in the original version.

Realistically, the backing singers are supported by the transposed sample which is heard in the original recording which: provides those high pitched sounds; doubles the sound of the backing singers; and, intensifies the vocal support for Callaway. With the exception of the different musical style and minor alterations of all the vocals, the main melody of the song remains the same and memorable to the listener.

Overall, this live version is a very controlled and concentrated performance. Considering the theme of the performance in which the group are dressed as scientists, they perform in a conscientious manner. Their look may come across as ‘nerdy’, which is also displayed in their appearance, because they appear to be hard at work in their performance through their controlled presence. The two keyboardists are working back to back and are surrounded by synthesizers and organs; their performance resembles undertaking a research laboratory experiment, because they are deeply involved in their roles. The choir keep their hands in their pockets throughout the performance and sing in Callaway’s direction, as if he is the authoritative person of the group (the ‘professor’) — after all, he is the lead singer of the group. The members of the string quartet keep their heads down (as in the traditional orchestra), and are alerted when it is their turn to play. With the exception of the guitarist and bassist who both cannot resist but dance in the choruses, the instrumentalists are deeply
concentrating on their parts with lack of facial expressions. This also applies to Callaway, who also has a concentrated performance. He never looks at the camera or releases any body gestures—sometimes he would alternate his hands by keeping them in his pocket or use one to hold the microphone stand. His face displays some expressional moments, by rolling up his eyes when hitting the high notes and showing disappointment when he sings ‘who do you think you are?’. Although it seems that there is lack of performativity in Gnarls Barkley, it is of course, Callaway’s vocals and the music that stands out, not their uniforms, which almost makes their presence non-existent—which is arguably their intention of doing so (this concept will be discussed shortly).

The second performance to be discussed was held at the ‘MTV Movie Awards’ in 2006 (DVD track 4). To keep in the theme of films, Gnarls Barkley dressed up as characters from Star Wars. The line-up of the group, as far as I could judge, included the same musicians as in the television performance on T4.  

The line-up and their characters are as follows: ‘Chewbacca’ (drummer); ‘Stormtroopers’ (bassist and guitarist); ‘Starfighter Pilots’ (backing singers); ‘Imperial Officers’ (string quartet); ‘Bounty Hunter’ (keyboardist); ‘Obi Wan Kenobi’ (Burton on the Wurlitzer); and ‘Darth Vader’ (Callaway).

The stage setting of the performance is dark with a galaxy feel, with black infinite space and stars to give the feel that the performance is set in space. The music, again, has a different introduction. This time, the string quartet start the introduction by playing Django’s leitmotif in full, and this sends a powerful emotion to the audience. As the strings play, Darth Vader makes a dramatic entrance by walking on stage, then his mask is gently pulled off, only to reveal that it is the lead singer, Callaway. The strings’ opening is

---

38 It was the dancing of the guitarist and bassist that helped me work this out.
instantly followed by the original quick four-beat introduction played by the drums and bass. The tempo of the song is allegro, which is slightly faster than the original recorded version—which suits the hyped mood of the audience, who are seen to be dancing to the music. As before, Callaway never looks at the camera but, instead, at the audience, and lacks body movement—along with the other members (apart from the string quartet), which is probably because of their costumes. It is noticeable that Callaway sings very close to the microphone, perhaps in a way to project his relationship with the audience, so they can feel close to the song. The audience also sing or mime the words with the aid of the lyrics projected on the screen behind the group, which is in the style of the prologue to Star Wars. As always with chorus, Callaway projects his falsetto on the word ‘Crazy’, and the backing singers are again supported by the sampled male choir. In verse 2, Callaway closes his eyes when he sings but opens them and looks up with a smile as he jokes ‘ha ha ha bless your soul’ to the audience, which is decorated by Burton’s arpeggio sequential melody played on the Wurlitzer. In verse 3, he sings in the style of gospel, as if he is preaching to the audience, and decorates the vocals by adding sliding notes. He is supported by the string quartet, which plays a legato soft accompaniment to Callaway’s vocals (this feature is not on the original recording). He then removes himself from the preacher’s role and addresses himself in the lyric ‘it’s no coincidence I’ve come’, by singing with thought and contempt. Here, he ad-libs quickly and points to himself as he accents and rasps on the words ‘I die’. Callaway’s progressive strength of his emotional vocals contributes to the build up of the final chorus. Here, he really sings the chorus in a loud and shrieking manner in which you can sense catharsis, which again, is heard in the strength of his vocals, and observed in his
facial expression. After the chorus, he ad-libs and Burton plays an additional melody with a wah-wah effect on the Wurlitzer as the music ends.

The performance appears to be of a novelty type because of the theme of the awards show, but also the different costumes mentioned so far is also a group's criterion which will be discussed shortly. The show is also a treat for the audience as they watch and enjoy Gnarls Barkley's performance and experience hearing a well-known popular song. On the performance itself, the cameras tend to focus more on Callaway and the drummer (which could be because of his remarkable 'Chewbacca' costume). The fast tempo of the song suits the lively atmosphere of the large audience, and helps them to enjoy the song in their own personal way. I have noticed that this particular musical version is reserved for large audiences, in particular concerts and festivals, for the reasons that I have stated. I observed this personally in 2006, at the Manchester Apollo, where they played exactly the same version.39

The most unusual, but perhaps their outstanding performance is their first live appearance in the United Kingdom, when they performed the song on Top of the Pops (DVD track 5). The musical line-up is almost identical, except that the string quartet are replaced by six violinists, and all the musicians (except Burton and Callaway) are different people. The stage settings of the performance include a small stage with a mixture of blue and white lighting, and the group are dressed as a flight crew (this coincides with the blue and white lighting which represents the sky). Callaway and Burton stands out as they appear to be the pilots. Callaway is dressed in full uniform (including the cap), which suggest that he is the

39 Other examples of this musical version include: Radio One's 'Big Weekend' festival in the summer of 2006, when the group are wearing pyjamas (can be accessed from: <http://www.youtube.com/watch?v=vV-XSXkhCP0>); and, the New Years Eve party at the USC Galen Center in New York (2006), when the group are dressed as mechanics (can be accessed from: <http://www.youtube.com/watch?v=lm3cKkAeMe8>).
captain (or pilot in command), and Burton (also in full uniform), suggests that he is the co-
pilot (or first officer). The rest of the men, are in uniform but without the cap and jacket,
which may suggest that they are part of the flight crew, and the women are seen to be flight
attendants which may suggest they are part of the cabin crew. 40

Apart from their roles, it is the musical style of the song that stands out. This rendition of
‘Crazy’ is a slow version of the song with a military feel to it. The musical arrangement is
different to the original (with the exception of the string section and some parts of the
backing vocals). The slow military style of the music reminded the listener that ‘Crazy’ is a
lament, which suits the blue lighting. There is a very short introduction when Burton begins
to play staccato chords on the Wurlitzer. After the second staccato chord, Callaway begins
to sing, in which he is joined by the quiet backing singers, soft strumming electric guitar,
bass (which plays the notes in semibreves), organ, and the drums, which plays a soft
military beat in triplets on the snare.

Callaway has very good posture when he sings, but again lacks physical movement and
avoids looking at the camera. He maintains the first verse the same as the original version,
and as he approaches the chorus, the drummer softly bangs on the tom-toms and gradually
builds the rhythm to lead the group into the chorus. During the chorus, Callaway sings in
falsetto, supported by the backing singers and not the sampled choir. Here, the backing
singers, which again consist of two females and one male, are gently loud but very distant
so that they will not overlook Callaway’s vocals. The bass plays its semibreves while the
Wurlitzer maintains its staccato crotchet chords, and the organ plays a sustained chord
sound—in which the combination of the keyboards (the electric piano and organ) give the

40 To complete their look, they are all wearing Ray Ban Aviator sunglasses.
feel of a laidback jazz-fusion style. The electric guitar changes its structure in the chorus by bringing back the spaghetti western ‘twang’ which is incidentally, played on a Fender Stratocaster. The guitar plays a soft variation of the choir and the guitar solo of ‘You’d Better Smile’, but also acts as the countermelody and response to Callaway’s vocals. The string section plays as normal in an attentive and dramatic style. The drums helps to strengthen the intensity of the chorus by playing random drum rolls blended with military snare patterns. Although the drums appear loud, the dynamics are actually controlled by padded drums to produce a dampened feel, and the sticks used have no tip which also contributes to the controlled sound.

After the chorus, Callaway begins to use hand movements, in particular he raises and shakes his finger on the line ‘but think twice...’ as a directed gesture and a form of advice to the audience. When he sings the line ‘Who do you...’, he looks at the audience in three different directions to sync with the lyrics, as if he is addressing and asking the audience ‘who do you think you are?’ He looks up when he sings ‘ha ha ha’, then faces the audience on ‘bless your soul’, and nods when he says ‘you really think you’re in control?’ The facial and head expressions of Callaway are helping to build his performance into a loud and powerful second chorus. In this section, the grain of his voice shrieks out the loud chorus directly to the audience, as if he is accusing them of being ‘Crazy’. Again, he achieves the emotional intensity of the chorus without body gestures, and has the support of the musical accompaniment. He draws attention to himself in the final verse, when he sings with a high head voice in a reminiscent manner. When he sings about his ‘heroes’, he accents on the word ‘thinking’, points to himself on ‘I wanna be like’, and softens on the word ‘them’.

---

41 Jazz fusion is a blend of jazz and funk music.
which gives an insight to his emotional thoughts, because his grain in this section, makes him sound very emotional as if he is crying. The final chorus is the same as before, with a united assertion because he addresses the audience that we are all ‘crazy’. Along with the dramatic final chorus there is a minimal groove played by the bass. Callaway's gentle ad-lib ends the song, which is supported by Burton's slow improvisation played on the Wurlitzer with wah-wah effect, that acts as the final contribution in the gentle but emotional atmospheric version of ‘Crazy’.

Like the other performances discussed, the body movements of the group are very limited, except the movement they need to play their instruments. However, the backing singers, do sway their arms sideways throughout the performance. Perhaps the lack of body movement makes an unusual contrast with the idea of being ‘crazy’—the control of the body may intensify the feeling of breakdown in being ‘crazy’. Also, perhaps this lack of body movement is to remind the listener and viewer to pay attention to the music and not the performers. The music itself certainly does add interest because the accompaniment is different to the original. This time, the drums stand out with the vocals and not the bass or backing singers. The military style played by the drums provides a different musical setting to the song. The mood is still lament, but it is even darker. The blue and white lighting, angelic distant backing vocals, marching rhythm, jazz-fusion sounds of the Wurlitzer and organ, dramatic strings and Callaway's emotional vocals, give the sense that the group are preparing to march towards their death—the music certainly portrays the feel of funereal tones.42

42 The fight crew theme was performed again at the Grammy Awards in 2007. This time it was a glamorised and expensive performance (with a full piece orchestra and a full piece choir), but it did not carry the mood and creative musical setting as observed on Top of the Pops (except for Callaway's vocals). For example, the
It should be stressed that it appears that Gnarls Barkley never visually challenged the theme of spaghetti western. Perhaps it was to distract attention from the origins of the musical source's film genre. There are no particular reasons as to why Gnarls Barkley prefer to play live variations or cover versions of their song. One can suggest however, it is to display Burton's musical skills and to state that a sample of one song is capable of producing different styles of music. Callaway's distinctive vocals and the different musical variations bring out different moods and interpretations of 'Crazy' for the group and their listeners. Whatever reaction it may bring to the listener, there is one mood that is always present in the live variations of 'Crazy', and that is the emotional connection with Django's leitmotif—'Crazy' shares the feelings of grief, loss and death plus Gnarls Barkley's addition of alienation, anxiety and irrational thinking. The song may not be a response to 'Nel cimitero di Tucson', but it maintains the themes of the music. Although this is achieved in the recorded version of 'Crazy', the instrumentation of the choir, strings, and Callaway's expressive vocals in live performances (especially on the Top of the Pops edition), results in the endurance of Django's leitmotif, but only within Gnarls Barkley's control. Also, it seems that Burton and Callaway prefer the audience to listen to their creative renditions of 'Crazy' rather than concentrate on their appearance, which will now be the next discussion.

**Who is Gnarls Barkley?**

Although it is known who are responsible for Gnarls Barkley, their identity is never revealed on stage or in their music videos (with the semi-disguised exception of the 'Crazy' Fender Stratocaster reference of spaghetti western did not occur, instead, strummed chords were heard. Also, the drums were neither dominating nor attentive to the audience. The funereal setting of the music was lost. It was clearly a novelty and a visual performance for the show. The performance can be viewed on: [http://www.youtube.com/watch?v=woFpaSBKpk].
video). They only show their real identity in magazines or interviews. This could be traced back to Brian Burton’s past as a solo DJ, when he performed his set wearing a full-bodied mouse outfit. Today, in Gnarls Barkley, Burton and Callaway play at masquerade, using different images in pictures and performances, whether mimicking or paying homage to certain characters of well-known films (selected examples include: Star Wars, Gladiators, Grease, Austin Powers, A Clockwork Orange, The Wizard of Oz, Zelig, and The Matrix), or pursuing an image of a particular occupation (for instance: airline crew, mechanics, chefs, tennis players and astronauts)—for example, when I saw them at the Manchester Apollo in 2006, the group were dressed as a glam metal band. The play of appearance bears similarities with other artists who are famous for portraying deconstructive, fragmented and multiple personae, such as David Bowie, Madonna, postmodern artist Cindy Sherman, or even the art movement, Dadaism, in which artists such as Hans Arp may have started the artistic trend of playing with identity. What relates Bowie, Madonna and Cindy Sherman is that they have played on their gender and sexuality (especially Madonna who went far beyond this and experimented with controversial images of her gender and sexuality). With Gnarls Barkley, it is more to do with their surface images rather than their performativity. The different so-called self-portraits of the band however, do raise the question, who is Gnarls Barkley?

43 At this performance, Burton was dressed in a leopard print spandex and blonde wig, and Callaway was dressed in a blonde wig, fluorescent pink leotard and tight fitting cycle shorts. The group opened the show with a cover version of Guns ‘n’ Roses’ ‘Welcome to the Jungle’.

44 Another good example of Gnarls Barkley playing different roles is observed in their ‘Smiley Faces’ video. In the video, the main leitmotif is the question ‘Who is Gnarls Barkley?’ In the video Burton and Callaway are playing different hyperreal characters taken from the popular cultural history of the United States. They signify a particular period by the way they look: Prohibition (early mafia gangsters), Swing Era (jazz musicians), Beat Generation (beatniks), Woodstock Festival (hippies), Pop Art (a painting of Burton and Callaway based on Andy Warhol’s Marilyn Monroe Diptych), and so forth.
The question of their identity lies under the group name Gnarls Barkley. Indeed, this sounds like a name of a person in which people may lead to believe that the music is represented by one singer (it comes as no surprise that Callaway has been mistaken to be Mister ‘Gnarls Barkley’). It is now widely known however, that it is a band name, maintained by two main members: Burton and Callaway. The clues of why they may have (purposely) misled people into thinking that this is an artist’s name or a one man band lies in their live performances: for the audience to pay more attention to their music. They have achieved this through disguise. This has also been achieved in their music videos—with the exception of their semi-appearance presented as a deconstruction and montage of themselves in ‘Crazy’. Indeed, this is certainly not the first time a group has taken this approach. For example, French electronica group, Daft Punk, tried to make a statement of hiding their identities by wearing masks and by not appearing in their videos.\textsuperscript{45} Thomas Bangalter and Guy-Manuel de Homen Christo of Daft Punk stated that they disguised themselves for anonymity and to have control of their music (James 2003, p. 264). This statement may be compared to Burton’s and Callaway’s agenda of protecting their real identity by, like Daft Punk, playing with their identities (including their hip-hop pseudonyms, Danger Mouse and Cee-Lo Green), but at the same time, they maintain control of their musicality. Callaway explains why Gnarls Barkley disguise themselves: ‘Sometimes an outfit goes with the group and makes a statement about them. We wanted to defy and denounce those orthodoxies and have people focus on the music more than us people’ (quoted in Yates, 2006).

\textsuperscript{45} Perhaps the most memorable music videos of the noted non-appearance of Daft Punk are from their album \textit{Discovery} (2001).
Therefore, Gnarls Barkley prefers the audience to pay attention to the music rather than their appearance; but what they are also offering, is performance art. It is already arguable that their music is already artistic, but also their disguised presence in performances, promotional photographs and videos. The way Gnarls Barkley present themselves is a form of appropriation art, a simulation of images presented in popular culture, which is portrayed by the mass media and recognised by the audience. We are already aware that Gnarls Barkley present themselves as film characters and certain occupations, but why? Are they paying homage to the characters, are they only role-playing or both? If paying homage and role-playing, Gnarls Barkley are extracted from their real identity by disappearing into the adopted representations of themselves. Their adopted representations or simulations of their characters are the group’s way of having anonymity, and of distancing themselves from the media. From the perception of the audience, it is presumed that they would have noticed a pattern emerging or a theme on why Gnarls Barkley plays with their identity. Indeed, some would interpret it as a novelty factor, but for others, they would understand Gnarls Barkley’s agenda—to remain anonymous.

Why does Gnarls Barkley want anonymity from the media and perhaps the audience? The answer is related to the earlier suggestion that refers to Daft Punk—so that people will focus on the music, and not judge on their appearance. In a sense, this is postmodern, because these groups give the impression that they are authentic and original because they are not conforming to the music industry’s custom of manufacturing (pop) artists as products—which is focused on appearance (such as idols, boy/girl bands). Today, pop stars and other entertainment products are based on image—which includes style, cosmetics and use of designer products—and are constantly displayed by the media. Particular audiences,
especially the youth, would be inspired by such images, and would forge their own identities by choosing to invest in adopting those looks. Groups such as Gnarls Barkley do not want to be seen as consumer goods to their audiences, which is why they distance themselves from the media’s expectations and stand out from other artists by playing with their identities. Callaway expresses his request for the listeners to focus on the music of Gnarls Barkley:

Gnarls Barkley isn’t anything, and yet is everything at the same time. Being Cee-Lo Green or being Danger Mouse is a lot more formal, a lot more personal. Gnarls Barkley was able to generalise and involve so many more others than just being ourselves. We want people to be concentrating on themselves more than us.

(Callaway in Barton, 2006)

In Callaway’s statement, he is suggesting the audience should pay attention to Gnarls Barkley’s music in a personal way, as if it was written for them. If the audience can interpret Gnarls Barkley’s music in a personal manner, they would hear the music as a form of art but at the same time, relate the music to their own lives. Therefore, the multiple identities of Gnarls Barkley express the need for the audience to focus on their creativities and themselves. Gnarls Barkley also sends out another message, however, which involves critiquing the music industry and media.

As stated earlier, the group prefer to simulate images of film characters and occupational roles rather then revealing their real identity. Indeed, the appropriative role could simply be seen as homage or pastiche to the original character, but yet at the same time, it is also parodying the music industry and media. As previously stated, the anonymity of Gnarls Barkley is not to be treated as a product or to be judged by their appearance. Callaway argues that they are reacting against the industry by not conforming to these methods or to be controlled:
The system’s aim is to oversee and contain and control. Also, we were talking about a wider context than just the music industry, because the industry mimics the governmental system. We don’t wish to be classified—we wish to just be. When someone sees fit to analyse or categorise us, our artistic nature just disagrees with that. That said, I don’t think anyone really wants to control us; as long as we continue to succeed, they grow in optimism regarding what we’re doing. (Callaway in O’Connell, 2008)

As long as Gnarls Barkley are still successful with their music, they can maintain control of their group. They achieve this by displaying their reaction through their multi-identities, and are a deconstruction of stereotypes normally expected by the industry and media: the artist as a product which is based on their body, image and style, rather than their artistry to be appreciated. The manufactured artist shows lack of control of their identity, image and music because they are meant to meet the current scenes and trends in society, which is constantly monitored by the media. The anonymity of Gnarls Barkley’s identity and their play of images display a message to the industry and media—that they have the power of their creativities. They are not selling themselves as a traditional product, but are stating to the media that their music, rather than what they look like, is what should be taken seriously. The display of power is heard and seen in their musical creativity and in their choice of ‘identities’. The display of power is easy to identify in their live performances.

For example, Callaway and Burton adopts characters in the group by referring to superior film or occupational roles such as: pilots on *Top of the Pops* or Darth Vader and Obi-Wan Kenobi from *Star Wars* which clearly states their authoritative presence in the group and performance.

To summarise, the majority of the music business and media manufactures a certain image or presentation of the artist in order to help sell the music. This extends from wearing cosmetics and designer clothes, to losing weight and to making exclusive music videos, therefore, one may wonder if the actual music is important anymore. Gnarls Barkley seek to
avoid the trap of conforming in order to sell an image by remaining faithful to their passion—the music—and by trying to enforce power and control over their music through anonymity. Gnarls Barkley may not be as successful as Britney Spears or Girls Aloud, instead, it is for the creativity of their music in particular ‘Crazy’ that they will be appreciated and respected, rather than what or who they look like, which answers the original question of this section on ‘who is Gnarls Barkley?’ As suggested by the two music professors featured on the ‘Smiley Faces’ video: ‘there is no such thing as Gnarls Barkley’ (‘Smiley Faces’ video, 2006).

Conclusion

In this chapter, the continuing achievements of Burton’s career were discussed by focusing on his musical project, Gnarls Barkley. Their song ‘Crazy’ was the main subject of the chapter because it broke boundaries in popular music, the music industry and the Internet because it became the first digital medium, the MP3, to enter the number one position of the UK charts alone. The song itself was then analysed by studying its musical development: by drawing out influences and material borrowed from the past. The genre of the samples in question was spaghetti western. Here, the musical characteristics of the film genre spaghetti western were investigated to gain an understanding of the origins of the samples used. To gain understanding, the soundtrack and a brief synopsis of Preparati la Bara! was studied, in particular, the leitmotif of the main character, Django. This aided the analysis of how spaghetti western samples were transformed into a contemporary pop song. The transformation of the samples used in ‘Crazy’ was analysed by describing its arrangement of the significant bass, choir and string sounds, which was blended with popular musical styles such as soul, gospel, southern rap and hip-hop. The complete
transformation of the song was provided by Thomas Callaway’s vocals, originally a southern rap artist, but also a remarkable soul and gospel singer as demonstrated in ‘Crazy’. The combination of past and present musical styles in this song makes it difficult to define it as one particular style. With this in mind, the musical influences evident in the song along with its memorable hooks and choruses, may have appealed to a non-targeted audience (that is a non-specific age range or group), which may explain why this became one of the most successful songs in 2006.46 The video was then analysed, which was based on the ideas from a method of psychological inquiry and intertextual images of literature and art, and was crafted digitally by using distorted multi-images and effects that resulted in a well-received video. Specific live performances were questioned as to why Gnarls Barkley did not want to refer to their original recorded version of ‘Crazy’. It was concluded that the different versions of ‘Crazy’ display creative versions of the song whilst maintaining its main themes of lament and irrational thinking. The live performances were designed by Burton and Callaway by allowing the spectator to pay attention to the music. The group also achieved these themselves by solely focusing on their musical roles, especially Callaway, who continuously brought out the intention of the song through grain. However, their identity was also questioned because in the media representations of the group, there was no constant or recognisable image of Gnarls Barkley. This led to the familiar question of ‘who is Gnarls Barkley?’ The reason why the group disguise their identities was: an attempt to remain anonymous; to control their own music; to critique the manufactured music industry and media; and, to convince the audience by focusing on the music only. The anonymity of Gnarls Barkley has enabled other artists to take advantage of

46 When I saw Gnarls Barkley at the Manchester Apollo in November 2006, I noticed that the audience consisted of many different ages and were not part of a particular group or scene.
'Crazy' by performing cover versions of the song, which like any pop song, has become a popular standard—not forgetting that Gnarls Barkley has also performed their own 'cover versions'. This was their method of maintaining control of their creativities, and while Gnarls Barkley exist, they will continue to do so.

An important contributory factor that should not be forgotten is why Gnarls Barkley had success with their song in the first place; it is because of the digital revolution, which has continued to make rapid developments in the way people consume music. As mentioned in chapter 2, certain music and retail companies are willing to sell MP3s in order to help decrease the use of illegal downloading. It is likely that the music industry will always find solutions for gaining profit, but how far they will consider the artist’s demands will always be debatable. The question of who discovers new music now is a challenge, too, because with the aid of the Internet, it is advantageous for the listener to discover new talent before the music industry does, such as Zane Lowe, the DJ responsible of playing ‘Crazy’ to the public. Other musicians, too, are finding ways of distributing music prior to or without the involvement of the music industry. For example in 2007, Prince and the UK newspaper The Mail on Sunday, distributed free copies of his album Planet Earth as well as giving it away at his London concerts. Prince said that ‘it’s direct marketing and I don’t have to be in the speculation business of the record industry which is going through a lot of tumultuous times right now’ (BBC online, 2007f). Although this resulted in upsetting his record company Sony BMG (they responded by not selling the album in the UK), it has boosted the sales of other Prince’s albums (BBC online, 2007e). Also in 2007, the group Radiohead sold their album In Rainbows on their website for any price between £0 to £100.

Other artists who have covered ‘Crazy’ include: Texas, Greg Dulli, The Kooks, Bryan Adams, Pink and Billy Idol.
Ian Young (2007) commented that 'Radiohead’s pay-what-you-like idea may be a one-off gimmick, or it maybe the future of the industry. But maybe the digital revolution has given the bands a bit too much power' (Young, 2007), and this certainly suggests that this whole debate will continue for a while longer yet.

To close this chapter on Brian Burton, the study has covered different issues that reveal a postmodernist dimension not just to the music but also to the external issues that surround him. As a reminder: he was the producer of The Grey Album, which may be considered a virtual album; Gnarls Barkley, who is really a fictional character (Dee, 2006); and the producer of the animated virtual group Gorillaz, which is discussed in the next chapter. It is outstanding that Burton’s musical career was almost in doubt after the illegal downloads of The Grey Album, and then two years later, his group became the first to have a number one download single in the charts. Needless to say, he works on other projects under the name of Danger Mouse, and the music that he has produced so far has made him a popular producer in the music industry.48 Burton however wants to class himself as an auteur in the sense of the creative music producer. He is much inspired by the film director Woody Allan, explaining that ‘[Woody Allen] did his thing, and that particular thing was completely his own. That’s what I decided to do with the music. I want to create a director’s role within the music’ (Klosterman, 2006). Burton insists that when he produces and composes for other musicians, he wants them to be in his ‘world’, as he wants to be in control of the music:

I don’t like making someone else’s songs better, I’m not interested in that…I have to be in control of the project that I’m doing. I can create different kinds of musical worlds,

---

48 Danger Mouse has also produced for Jemini, The Black Keys, The Good, the Bad and the Queen, Beck, Dark Night of the Soul and Sparklehorse. His current project is Broken Bells, collaboration with James Mercer of The Shins.
but the artist needs the desire to go into that world... What I want is for the leader of a
group to come to me, and then I lead that person.

(Klosterman, 2006)

Summarising the consequences of the turbulent Grey Album, it came out with outstanding
support from the audience, and thus enabled Burton to further his musical career with
success and, importantly, to produce for people that he wants to work with. He has gained
control of his own music productions, and he is still known as Danger Mouse—even
though we have not yet identified who the 'real' Danger Mouse is. Although he is semi-
identified in the 'Crazy' video, he is still disguised by animated effects; when he is
performing on stage, he is camouflaged by costumes, and, as for his music, the listener is
still bewildered about what his intentions are. Tom Browne of Lex Records (Danger
Mouse’s label in the UK) describes his character succinctly: ‘He’s like an outsider [...] he’s
a bit different to everybody else, he can keep that mystique and he can hang out with the
cool kids or hang out with the nerdy [...] no one has quite summed him yet’ (quoted in
Lowe, 2006).
Chapter 5
‘Feel Good’ with Gorillaz and ‘Reject False Icons’:
The fantasy worlds of the virtual group, their creators and fans

Figure 5.1 Picture of Gorillaz (Photobucket, 2010)

From left to right: 2D, Noodle, Russel and Murdoc.

In a world where everything is a virtual copy of itself, where there’s nothing but image, where publicists have publicists and where celebrity is bleakly industrial, it’s inevitable that ‘image’ starts to collapse on itself…

Gorillaz are a project created by Damon Albarn and Jamie Hewlett.¹ Their idea of creating a virtual pop group was a response to a period of celebrity and reality television culture associated with manufactured pop music. This chapter will explore the current state of the commercialised entertainment industry, followed by Albarn’s and Hewlett’s concept of phases one and two of Gorillaz.² Their concept will be supported by exploring Albarn’s musical past as a popular artist (which he was later highly critical of). An overall critical view of Gorillaz will then be offered, arguing they are hyperreal by examining their

¹ Damon Albarn is best known as the lead singer of Blur. Jamie Hewlett is an animator who created comics and films such as Tank Girl (1995).
² The different stages of Gorillaz’ musical career are marked by phases. Phases one and two were between 2001 and 2006 with their debut self-titled album in 2001 (‘Phase One’), and Demon Days in 2005 (‘Phase 2’). At the time of finalising the dissertation, Gorillaz are currently in ‘Phase 3’ with their current album Plastic Beach (2010).
multiple identities with reference to body, cybernetic organism and popular culture. A song and music video (‘Feel Good Inc.’) will be analysed, and a main reading of its lyrical intention will be based on Roland Barthes’ ‘Third Meaning’. Finally, there will be a discussion of the ways in which the ‘live’ performances of Gorillaz are presented by musicians and in a virtual setting.

Background

Over the past decade celebrity and reality television culture have had a major impact on both media in general and in the specific context of popular music. The current wave of successful popular music has been based on manufactured or ‘standardised’ pop, which has encouraged live television competitions in many countries (such as Pop Idol and The X-Factor). For example, the television competition Pop Idol, searches for the next ‘pop star’. The winner will be transformed into a ‘brand’ (Fairchild 2008, p. 96). Charles Fairchild argues the notion of the ‘pop idol’ as a product:

“Idols” are explicitly developed as brands. They are acquired the way a corporation might acquire any brand. They are purchased as contracted labor and gradually fitted into a pre-existing, pre-formatted communications campaign. These new brands are tested in the marketplace, altered to fit consumer requirements, and are eventually replaced through an inevitable process of planned obsolescence. The key thing that distinguishes “Idol” is that its producers make the entire process unbearably public.

(Fairchild 2008, ibid.)

Therefore, the ‘pop idol’ is not only about the music, but what is packaged around the singer: image, style, personality, and other associated products such as fashion, concerts and other media appearances (such as magazines and fan websites). It does appear that the pop idol package tends to be supported by global brand names (Pepsi Cola for example), which aides in the promotion and publicity of the pop idol. Fairchild makes a good point in
the above quotation on how the process of searching for the next pop idol is made public. The public observes the auditions, which sometimes ends with humiliation, but yet, the public are also involved in the process because they get to choose their favourite pop idol candidate (in which they will not only take the candidates’ singing into consideration, but also their personal background and their emotional plea to be voted).

The public’s insight to the candidates’ personal lives through television is part of reality television culture. Jon Dovey (2000) argues that reality television has become a ‘crucial component of the fabric of popular culture’ (2000, p. 78). The television circuit now seems to be overpopulated with reality programmes which deals with the following subjects as suggested by Hugh Dauncey (1996): everyday dramas of courage; talking about feelings; and, civic action (cited in Dovey 1996, p. 79). For instance, there are programmes which deal with (aside from singing competitions): real life and death situations (such as Animal Hospital); conflict of classes (Come Dine with Me); resolving family issues on talk shows (such as Trisha or Jeremy Kyle); documentaries about occupations (such as Police, Camera, Action or Airline); or competitions where candidates searches for their dream job (with The Apprentice as an example); or, to win money and become a celebrity (Big Brother).

With these varieties of reality programmes in mind, the public have the choice of engaging in the activities of the characters’ or celebrities’ lives, or even choosing their future pop idols. It is seriously noted, however, that it has become problematic for many musicians to be acknowledged for their music alone because their personal lives seem to be highlighted more by the media, and not their art. The concept of being known as celebrities and not as professional musicians has upset some established artists. In particular, Albarn and Hewlett
so disliked this concept that they decided to experiment, participate and create an unusual or if not, remarkable contribution in popular music—the creation of the virtual group Gorillaz.

Gorillaz may not be the first virtual group to appear on television or music video (one may remember Alvin and the Chipmunks and, more endurably, The Monkees as predecessors of the virtual bands), and like the other successful virtual groups, they have acquired both celebrity and musical success. To describe the group as ‘virtual’, suggests that Gorillaz have an almost human reality, but exist only in the innovative form of computerised 2D graphics (or 3D in a live performance). As well as being promoted in digital form by their record company and the media, Gorillaz have continuously enhanced their status by performing ‘live’, collaborating with well-known artists and producers, starring in music videos, and, establishing an international fan base. Before the virtual members and music of Gorillaz are explored, it is important to gain an understanding on the concept behind the band.

Albarn and Hewlett’s concept of the band was presented as a reaction to trends of celebrity, reality television culture and manufactured pop music. Hewlett argues that their intention was to ‘replace order with chaos’ (quoted in Phase One: Celebrity Take Down, 2002), referring to the current state of pop music. Albarn continues this argument: ‘The centre aspect of it is how uniformed it makes everything, it doesn’t celebrate how the

---

3 It is uncertain why Albarn and Hewlett called the group ‘Gorillaz’, though one strong obvious theory is that Gorillaz are a parody of virtual group The Monkees. Other virtual bands that have existed include The Beatles (in the film ‘Yellow Submarine’ and on the Sgt. Pepper’s Lonely Heart Club Band album), Spinal Tap, The Wombles, Zig and Zag, Aphex Twin and the robots representing the music of Kraftwerk. There has been unsuccessful rivalry between Gorillaz and the following virtual groups: Prozzac (Canada), E Cyas (Germany), Kyoto Date (Japan), T-Babe (Scotland) and Kukani (England).
4 Artists and producers include: Danger Mouse, Dan the Automator, Ibraham Ferrier, Roots Manuva, Shaun Ryder, Ike Turner and others.
individual pop culture should be, constantly pulsating new ideas, new approaches and new
manifestos’ (quoted on *Pop Britannia*, 2008). He is arguing that the current methods of
manufactured pop, with the aid of televised talent competitions, results in the same
mechanisms of formulating pop music in the industry: for the singer to have a certain
image; a likeable factor; and to sing digestible and fashionable pop music. Albarn also
argues that it is difficult to maintain individuality in today’s culture. Albarn elaborates:

> We – I mean – they [Gorillaz] are a complete reaction to what is going on in the
charts at the moment, everything is so manufactured these days, and pop stars seem
to be lacking in character and personality. Gorillaz are different. They may only
appear in cartoon format but believe me, they are larger than life. Anyone who is
bored with music today will love Gorillaz.

(quoted in Duerden, 2001)

It is interesting that the truth in Albarn’s statement is evident in pop music. Manufactured
groups seem to be based on criteria which currently transform unknown, usually physically
attractive people into pop stars— if they can sing well, it may be considered as a bonus.
Louis Walsh, a music manager, raises a common concern for the music industry when a
highly successful manufactured artist decides to create his or her own music (Louis Walsh
on *Pop Britannia*, 2008). It is an idea commonly rejected by the industry as it is in their
interest to keep producing standardised songs to keep the targeted audience satisfied. The
desire for manufactured artists to experiment and control their own music also applies to
major recording acts representing certain types of popular music who may wish to
experiment in other styles. Albarn argues that it is frustrating when bands are not allowed
to experiment with their music:

> They do an amazing thing, but then the whole weight of the celebrity and money
destroys it, and they can’t come astray from a single hit. It becomes an isolated
statement that goes unfinished. I think that is true of so many things in our culture these
days; no one is given a chance to experiment.
One cannot help but notice that Albarn may be referring to himself and reflecting on his own musical career with leading Britpop group Blur. Britpop was a musical reaction to North American grunge music in the 1990s. Britpop consisted of kitchen-sink lyrics, a mockney vocal delivery, Victorian music hall, influences of British 1960s music, including the mod scene, and other aspects of British pop culture. Britpop became a very popular style which led to the media intruding in musicians’ private lives, especially Albarn’s. The media would highlight his feuds with rival bands such as Oasis, and his relationship with Justine Frischmann of one the very few female fronted Britpop bands Elastica (Phillips, 2001; Garratt, 2001). Albarn’s former band mate Dave Rowntree emphasises how being a celebrity can destroy the individual:

> It always comes suddenly and ferociously. One day you’re no one, the next you’re on the front of all the newspapers. It’s not something that human beings are designed to deal with. If you’re going to be a pop star, they should let you know in advance so you can prepare for it. But [for Blur] it happened overnight. The morning after we won four Brits, we were pop stars and the paparazzi were chasing us around.

(quoted in Lester, 2003)

Indeed, the pressures of pop star status affected Albarn more than the other members of Blur because of his role as lead singer. He also felt that the pressures began to restrict his musical career when he wanted to experiment with other musical styles, but could not because of the hyped media attention on Britpop. As Albarn put it: ‘It taught me that it’s very difficult in this country to be experimental. I went through six months where I couldn’t walk down the road in Britain without people stopping their cars, opening the doors, or changing the record in the shop to Oasis’ (quoted in Phillips, 2001). This affected Albarn strongly especially after Britpop had peaked when Blur were finally portrayed as ‘arty
middle-class pretty boys’ as opposed to their rivals Oasis, who were known for their ‘dubious working-class authenticity’ (Garratt, 2001). In 1998 Albarn and his flat mate at the time, Hewlett, devised an idea to break boundaries in popular music and the music industry. Their aim was to create what Tony Wadsworth, former chairperson and CEO of EMI Music UK and Ireland (from 1998-2008), described as the ‘ultimate manufactured band’ (in Phase One: Celebrity Take Down, 2002). This enabled Albarn to work behind the scenes and compose music while Hewlett concentrated on drawing the characters of Gorillaz. Creating Gorillaz as the ‘ultimate manufactured band’ is perhaps seen as a parody in the context of what we hear today (such as Girls Aloud). Gorillaz are an imitation of a pop group but yet, serve a reaction at the same time because of, as John Richardson (2005) suggests, ‘an effortless combination of “serious” and more playful strategies’ (2005, p.4). Hewlett continues this claim by stating that ‘we feel like maybe we’re giving a younger audience something cool to get into instead of all this rubbish that they have to listen to’ (Phase One: Celebrity Take Down, 2002). Albarn and Hewlett both believe that they can produce a mainstream act with an agenda—to have control of the group in terms of artistic and musical creativity. Albarn certainly had an advantage with his connections with the music industry, which undoubtedly contributed to the success of the project. What is also interesting however, that there was less pressure on Albarn, because the nature of the project enabled him to avoid media attention. It safely allowed him to move away from his ‘trademark’ Britpop sound (although the scene was ‘dead’ by this time anyway), and to be experimental in other musical styles. Albarn comments on the need to experiment: ‘more and more cultural groups are cross-pollinating, and we’re getting much more interesting as a result. Being in Blur has allowed me to travel and hear music that’s being made all over
the world’ (quoted in Gaiman, 2006). The music of Gorillaz consists of dub, reggae, pop and hip-hop. There are fewer boundaries on composing music for Gorillaz, a situation which Albarn views as directly related to the virtual format of the band:

I think the idea of it not having a human face immediately freed up the process. I just went in the studio and had a different idea everyday. Sometimes, I’d spend a couple of hours on one track, and then completely lose my train of thought and go off on another tangent. There was some sort of serendipity going on in there.

(quoted in D’Angelo, 2001)

To try to guarantee that the project would be a success, Albarn and Hewlett were careful in choosing their collaborators, as Albarn explains:

If you like the concept, you work really well with the people who are involved. And it’s because it’s never meant to be; there is no emphasis on a celebrity. The people who work on Gorillaz are there because they love the idea and the idea of experimenting in the mainstream. You’ll never see anyone who worked on the album; all you ever see is the band.

(quoted in Baltin, 2001)

Early collaborators on the debut album from 2001 included Tina Weymouth of Talking Heads, Miho Hatori of Cibo Matto, rapper Del Tha Funkee Homosapien, and the late Cuban singer Ibrahim Ferrier. The album was produced by hip-hop producer Dan Nakamura aka Dan the Automator, who explains the genre-blending and process of creating the album:

We weren’t going for the hardcore hip-hop end of things – more of a good fusion of what is going on today, a bit of hip-hop, a bit of dub, a good melody, some of the traditional strengths of pop, and then put it all together and make a really interesting song.

(quoted in Browne 2006, p.42)
The fusion of styles is evident, particularly in a track like ‘Clint Eastwood’ (2001), a genre-blend of hip-hop, dub and spaghetti western.\(^5\) It was the fusion combined with the visual representation of the music that appealed to the audience.

After the concept of creating a virtual band publicly emerged, Albarn and Hewlett were subject to something of a media scramble, as the press were keen to know more about this new experimental project. This added pressure on Hewlett and animation company Passion Pictures, because they had to produce a music video for the track ‘Tomorrow Comes Today’ within three weeks (Bananaz, 2009). The video consisted of real images of London and animated characters of Gorillaz. The blurring of reality and fantasy is evident in the video because the members are singing, driving and walking. The video was possible to create due to the developments in computer-generated technology. A 3D compositing software ‘Inferno’ was used to create the video. Compositing, an animated film technique, enabled Hewlett to collage visuals from different sources, to give the illusion that all images and animation is one scene (Browne 2006, p. 56; Patmore 2003, p. 62). The video was welcomed by the audience and media, and Albarn pledged that Gorillaz were not a bubblegum cartoon or common manufactured pop act. In fact, he argued that ‘this is not novelty…we see Gorillaz [as] a complete subversion of current trends’ (quoted in Duerden, 2001), by which he meant televised singing competitions and the commercialised music industry. Therefore, one may argue that image is more important than the music in order to achieve sales. In contrast, Gorillaz’ looks are not considered as attractive, instead, it is the peculiar animated modification and semi-mutilation of their bodies along with their distinctive personalities that make the band appealing to the audience.

\(^5\) The title of the song refers to both Clint Eastwood the Hollywood actor (noted for his western films), and Clint Eastwood the Jamaican toaster.
Hyperreal Gorillaz

It is necessary to understand the background of the virtual group and the various roles they play. We are already aware that the group are a simulation of a pop band, and because of their virtual presence, they belong to the category of the hyperreal. In Baudrillardian terms, Gorillaz fall into the third order of simulacra. The members are replicas of human beings, but they are not fully presented as robots or automatons. Instead, they are generated as would-be human beings through the aid of digital technology, which in this case enables the group to be perceived as cybernetic or virtual beings who are all 'neither real or unreal' (Baudrillard 1994, p.125), but 'more real than real' (Baudrillard 1990, p.11; 1994, p. 144). They could be perceived as the death of a 'real' band: Gorillaz are not a manufactured product formed by the music industry that is dependent on the over production of idol singers and boy/girl bands with similar images, personalities, lifestyles and music.6

Another issue to raise is that Gorillaz are simulacra because of their lack of origin and reality (Baudrillard 1994, p.1). Instead, they are composed of relevant information and signs, which Baudrillard refers to as the 'signifier of reference' (1993, p. 56). The third order of the simulacrum implies that the simulation has total control of its purpose or role (Baudrillard 1994, p. 121). This can be portrayed from two different angles when studying Gorillaz. Firstly, as the chapter will show, Gorillaz are in control of the image, personality, videos, performances, lifestyles and music. Secondly, it is indeed obvious that it is actually Albarn and Hewlett who are in control of Gorillaz. Albarn, in particular, controls the musical and media direction of the group and can arguably be compared to a music manager and producer. The difference, however, is that Albarn never experienced such

---

6 Theodore Adorno's pseudo-individualisation (Adorno 2006, p. 78) may be applied here, in which the music producer uses various crafting and recording techniques to make the pop music sound 'individual' and competitive against rivals, and appeal to the mass market.
control in his earlier musical career. This raises another question about Albarn's intention in Gorillaz: could the liberation of Albarn's musical creativity and control of a virtual band be a representation of himself? Are Gorillaz, in particular 2D the lead singer, the (virtual) alter-ego of Albarn? Albarn teases the audience with this concept by suggesting he is like the character Leonard Zelig in Woody Allen's Film *Zelig* (1983), who changes guises depending on the situation, but at the same time he dismisses the idea that 2D is his alter-ego (Lester, 2003). The suggestion has not been confirmed, as Albarn's position has always remained the same: to play against but at the same time consolidate a place in the music industry.

Still, one cannot wonder about this concept when decoding one 'signifier of reference' of Gorillaz. The main sign is that Gorillaz are a virtual band who control their own music. This however, could be read as a 'myth' based on Roland Barthes' second level of meaning (Barthes 2000, pp.114-115). The myth could imply that the hyperreal band is in fact signifying real human beings—a real pop band. To understand the myth, the order of signs needs to be analysed. In the first level of meaning based on Barthes' model (refer to chapter 1), the signifier visually represents the members of the band. The signified represents the mental concept of the group which is that they are hyperreal and in control of their success. This includes creating their music, managing their publicity, and running their careers from cyberspace. The first 'sign' representing Gorillaz' independency then transforms into a new signifier, which becomes part of the second level of meaning. The mental concept of the new signified is that the music and promotion of Gorillaz are being controlled by real human beings. Therefore it could be argued that the resulting sign in the second level is a

---

7 This concept has been suggested by journalists including Paul Lester (2003).
‘myth’ because Gorillaz are representing a real band. This is reflected in Albarn’s on-going argument on gaining musical freedom. He argues ‘making music and art that are pure products of our influences while not having to let the whole celebrity side of it get in the way’ (Gaiman, 2006). This again questions if Gorillaz are based on real life people. For example: the lead singer 2D is representing Albarn; Murdoc the bassist, is representing Hewlett and certain rock stars based on their ‘rock ’n’ roll’ lifestyle; Russel the hip-hop drummer is based on Del the Funky Homosapien; and, Noodle could be representing the Japanese-American artist Miho Hatori. The binaries of human and virtual beings, real and unreal have collapsed. Based on Michael Gane’s interpretation on the simulacrum, it may be argued that the ‘distinction between the real and representation begins to be effaced’ (Gane 1991, p.101). The blurriness of such distinctions make Gorillaz hyperreal, which neatly confirms that they are the third order of simulacra.

The fascination of hyperreality mainly lies within their postmodern bodies. The fragmented plethora of the animated 2D computer generated bodies raises questions of cybernetic organisms and identity. To further understand the hyperreality of Gorillaz, it is important to explore the identity of each member, as the animated characters are given extensive biographical narratives in their fictional biography book The Rise of the Ogre (written by Cass Browne in 2006), on their DVD documentaries Phase One: Celebrity Take Down (2002) and Bananaz (2009), and on their website ‘Gorillaz.com’. During the investigation of the characters, their given background will be appropriately sourced with its relevant reference, and it will include my analysis as well, by studying the various popular cultural signs that are presented in their caricatures, biographies and interviews.

---

8 On the first album Gorillaz, Albarn provides the vocals for 2D; Del the Funky Homosapien provides the rap for ‘Del the ghost rapper’ (who lives inside Russel); and, Miho Hatori provides the vocals for Noodle.
Murdoc Niccals

Murdoc Niccals, the bass player of Gorillaz, is explored first because, in the accompanying original narrative created for the project, he was the 'founder' of the group (Bananaz, 2009). Also, the representation of his body appears to be more accurately human in virtuality than the other members. Murdoc was born on 6th June 1966 in Stoke-on-Trent. The place of birth is an instant reminiscence of the former boy band member of Take That, Robbie Williams. The bassist is tall, slender, has black shaggy hair and green skin. He also wears dark clothing which suggests a metal and rock image (for example: black tight trousers and opened button shirts). What would separate him from being 'human' are his green skin, green teeth and eyes, which are composed of two colours (one black, one red). Regardless of these features, he appears to be more human than the remaining members of Gorillaz. Particular attention is paid to his date of birth, as it may explain his unusual facial features. In numerical form, his date of birth is: 06/06/1966. This relates very much to Murdoc, as he claims to be a Satanist (Phase One: Celebrity Take Down, 2002). Indications of Murdoc's admiration for the devil includes: his middle name Faust, which he legally changed from Alphonce; his love for metal music especially Black Sabbath; and, his favourite book Pacts with the Devil by S.J Black and Christopher S. Hyatt (Browne 2006, pp. 14-15). He reveals that when he wanted to pursue his dream as a musician, he made a 'pact' with the devil, in exchange for a successful music career. To confirm that deal, 

---

9 Coincidently, Black Sabbath was from the same region as Murdoc - the Midlands. Metal music in England originated in some parts of the country, but was very popular in the Midlands. The early stages of metal (mid-late 1970s), were mainly associated with young men. The male audience were usually troubled by the social climate at the time (such as dealing with unemployment, or only able work in factories because of lack of qualifications) (Dunn in Metal: A Headbanger's Journey, 2006). Birmingham for example, is one of the cities which influenced the genre. The city was known to be 'bleak' because its industry was 'heavy and dirty'; its canals were contaminated with oil and waste; and, its chimneys were covered with soot and dirt (Sharp-Young 2001, p.13). The male audience who were dissatisfied with their own lives would listen to metal music as a form of catharsis and escapism (Dunn in Metal: A Headbanger's Journey, 2006).
Murdoc changed his middle name from Alphonce to Faust (Browne 2006, p.15). He also has demon eyes, one black and the other red. Perhaps surprisingly, for someone with such strong tastes in satanic or occult music genres such as metal this style does not feature in the music of Gorillaz. As the founder of Gorillaz, Murdoc explains that he furthered his taste in music by listening to styles like punk, dub and reggae (Browne, ibid.).

Murdoc’s dialogue confirms his rock star masculine excess, while including the odd in-joke for fans. For instance, a reply to a journalist’s question about ‘keeping it real’ brings forth: ‘That’s just the type of secondhand, meaningless arse offering I’d expect to hear from a middle class, West London tit in a pair of Levi’s, buying the latest Snoop Diggidy Dog album on import while shouting down his Nokia 7110 to his retarded East End, media, coke, flip-flop whore of a girlfriend’ (Phillips, 2001). When asked a very postmodern self-referential question, about whether the Gorillaz suffer from smudging in the rain in the way that Dick van Dyke’s pavement art does in the film Mary Poppins, Murdoc replies in equivalent self-referential mode, mocking the Blur ‘mockney’: ‘The only problem with Mary Poppins was Dick Van Dyke’s awful cockney accent. The only one I’ve ever heard worse than that is Damon Albarn’s’ (quoted on BBC online, 2002). Murdoc’s attitude, metal image and rock star lifestyle shapes Murdoc as a perfect rebel towards the media. Despite his unattractive looks and foul attitude, he acts as the representative of the group because he conducts many interviews. As the founder of the band, he first recruited the singer 2D to join Gorillaz.

---

10 Satan is strongly associated in metal music as it symbolises rebellion (Weinstein 2009, p. 26).
11 Demons in popular culture are spirits from the devil which come in different categories and are distinguished by the colour of their eyes. As demonstrated in the North American drama, Supernatural, a spirit with black eyes is a low level demon who can only gain power while in possession of a human being.
2D (real name Stuart Pot) was born on 23rd May 1978 in Crawley. His body appearance is almost human form, but he has 'natural' blue hair and striking black eyes. The construction of his appearance is traced back to his teenage years. When he was younger, he fell from a tree and lost all his bodily hair. When the hair grew back, his head hair was azure blue as opposed to the original colour brown (Browne 2006, p.18). As a teenager, his hobbies included watching horror films directed by Lucio Fulci and George A Romero, and listening to music by The Specials, The Clash and the Human League (Browne, ibid.). 2D used to enjoy experimenting with electronics and keyboards; he was influenced by his father, who was a mechanic and engineer. They would both customize instruments and compose new sounds. 2D employed a moog, stylophone, drum machine and a Casio VL-tone as part of his musical set-up (Browne 2006, p.19). His music hobbies eventually led him to working in a music shop. It was here when he was discovered by Murdoc. In 1997, Murdoc and his friends raided the music shop by driving into the building. The stolen car hit 2D’s face and pushed his left eye inward. Due to his head injuries, 2D was left paralysed. Murdoc was arrested and was sentenced to community service, which involved caring after 2D (Browne 2006, p.20). Unfortunately, this led to another incident when Murdoc was driving very fast and crashed the car, again. Inside the car was 2D, who crashed through the window and landed his face on a kerb. He lost his second eye. The accident however cured his paralysis, but suffers from long term headaches and various mental health problems (Browne 2006, p.21). His mobility appeared to be affected as well. Murdoc noticed that 2D walked like a zombie with no eyes but two black holes (Browne 2006, p. 22). It was here when Murdoc allocated 2D as the keyboardist and lead vocalist in
Gorillaz. Murdoc also changed his name from Stu to 2D 'in honour of the two dents that he now sported in his head because of the two car accidents' (Browne 2006, p.23).

2D's physical body does resemble a zombie from a horror film. As already stated, 2D's hobbies include watching horror films—especially films with a supernatural theme, such as George A Romero's *Dawn of the Dead* (1978). 2D appears to be in a semi-zombie state in his videos. He walks like a zombie (with legs wide apart), and has lack of direction—which is probably because of his visual impairment.

Along with 2D's musical skills and his laidback style, it was his unusual but attractive features that enabled Murdoc to recruit him as the lead singer. Their friendship resembles a brotherly love-hate relationship, which instantly resembles the Gallagher brothers of Oasis. Murdoc is known to humiliate 2D in interviews. Sometimes they would argue, and in other times, they appear to be best friends. When they do have a fight however, it is quickly resolved by their mediator, the third recruited member—Russel Hobbs, the drummer.

**Russel Hobbs**

Russel Hobbs, an African-American, was born on 3rd June 1975 in New York City. He was sent to England for his own safety after his friends were shot dead in a drive-by shooting (Browne 2006, p.23). Despite Russel's large body, he was not shot. Instead he suffered a much more terrifying experience. Soon after his friends were killed, he saw the

---

12 Hewlett has expressed his homage to horror films, including *Dawn of the Dead*, being his favourite. The horror genre was his main influence when creating Gorillaz (Gaiman, 2006).

13 It could be Albarn's mocking reference to Oasis. Blur and Oasis were major Britpop rivals during the 1990s.

14 He is not affiliated with the kitchen appliances brand 'Russell Hobbs'.
Grim Reaper. The Grim Reaper put the spirits of his dead friends into Russel's body. After he was possessed, his eyes turned white. Also, due to his dead friends' musical talents, Russel instantly became a musician (Browne 2006, p.25). He plays the drums and one of his inner ghosts, Del, raps. Russel has also experienced an earlier possession by a demon when he was a teenager. This incident happened while he was attending The Xavier School for Young Achievers (Browne, ibid.). After the incident, Russel went on a rampage and murdered students by mauling and throwing them across the school (Browne, ibid.). As a result, Russel suffered from anxiety which sent him into a coma for four years. Russel was cured after he was exorcised by Father Merrin (Browne, 2006, p. 27). He attended a new school where he discovered his love for hip-hop music, and he was taught how to drum, MC and DJ. After the crew got killed in the shooting incident, Russel's parents sent him to England for his safety (Browne, ibid.). He ended up working at a record shop in Soho and it was here when Murdoc discovered him, and recruited him as

---

15 The Grim Reaper represents death. The image of the Grim Reaper is a skeleton with a hooded cloth and carrying a scythe.
16 The ghost rapper that lives inside Russel's body, Del, is featured in music videos such as 'Clint Eastwood'.
17 The name Xavier is featured in popular culture: anime and comics. The Japanese anime series *Samurai Champloo* is about three main characters learning about the history of Japan. In episode 19 ('Unholy Union'), it follows the story of a villain who tries to exterminate the residents in a village occupied by Christians. The villain claims to be 'Xavier the Third', the 'grandson' of St. Xavier. The Spanish saint was a Jesuit who brought Christianity to Japan. St. Xavier helped to covert atheist people into Christians (The Daughters of St. Paul 1958, p. 1057). The second association of the name Xavier, is the school featured in the Marvel comic the *X-Men*. Known as the Xavier’s School for Gifted Youngsters or the Xavier Institute for Higher Learning, this school is a training site for producing mutants, otherwise known as X-Men.
18 This incident resembles a horror film and comic: *The Prince of Darkness* (1987). A group of graduates go on a field trip to study a pre-biotic green liquid located at an old church. The green liquid is discovered as the 'Prince of Darkness—son of the devil', which gets released and kills some of the students. The dead students then turn into zombies and kill their colleagues. Russel resembles the huge African-American student turned zombie, Calder. The transformation of Russel’s character is also connected to another Marvel comic *The Hulk* (also known as *The Incredible Hulk*). The Hulk is the alter ego of the scientist Dr Banner. The latter ego was the result of being exposed to a self invented bomb. The exposed chemicals from the blast transformed Dr Banner into a gigantic monster (Hulk), who carried a physical strength and power. After the incident, Dr Banner appeared vulnerable, but if he is emotional, he would turn into the hulk. Once he is the Hulk, he would go on a rampage and kill people.
19 This also reflects another horror film *The Exorcist* (1975). It is about a girl who gets possessed by a demon who is eventually exorcised by a priest, also called Father Merrin.
the drummer of Gorillaz. Like the other members, Russel’s physical appearance is striking. Other than horror, his identity resembles the hip-hop genre, because he always wears baggy jeans, trainers, designer sported/street wear tops and a baseball cap.

**Noodle**

Noodle, a Japanese guitarist, joined Gorillaz when she was ten years old. Like Russel, she has an appealing character and body. She resembles an anime character along with her sharp oriental looks and cyborg features. In fact, her gender is uncertain due to her performativity being coded as masculine. Noodle was recruited to the group in an unusual way. After Murdoc placed an advertisement for a guitarist in the *New Musical Express* magazine, a freight container from the courier company FedEx arrived straight away. Noodle was discovered to be inside the box. Once removed, Noodle demonstrated her musical skills on her Les Paul guitar (Browne 2006, p.29). During ‘Phase One’ of Gorillaz, Noodle’s personal background was unknown, and the only word she could say was ‘Noodle’ (Browne, ibid.). Her personal life unfolded in ‘Phase Two’. In 2002, Noodle went back to Japan to search for her history. Her memory returned when she entered a peculiar restaurant and found her mentor Mr. Kyuzo, an army officer. He revealed that Noodle suffered a memory loss. She learnt that she was one of twenty-three children who trained as part of an elite military team for the Japanese government. Mr. Kyuzo taught the children martial arts, languages, mechanics and technologies. Each child was also taught an individual skill for example, Noodle trained as a classical musician. Although the different activities sounds appealing, the real reason behind the training was to produce a junior

---

20 This story is similar to the controversial Japanese film *Battle Royale* (2000). The film is about a group of unruly students who are ordered by the government to participate in a violent game called ‘Battle Royale’, which involves killing each other until only one student is left.
armed force and for them to bring mass destruction. To enable mass destruction instantly, it would have to be activated by a password. The plan, however, was stopped by the government who ordered an envoy to destroy all evidence including the children. All the children apart from Noodle were killed. For her safety, Mr. Kyuzo erased her memory, removed all of her skills (except musical), and dispatched her to England. Upon regaining her memory and discovering her past, Noodle remembered how to speak and write English—this was beneficial for the second album because she wrote most of the tracks. She does, however, maintain the secret password. She has the power to cause a mass destruction anytime by activating the password (Browne, pp. 163-173). The super solider background of Noodle shapes her identity in terms of her look, style and body.21

The most obvious cultural sign that identifies Noodle is her name. Noodles are one of the main food staples in Japan (Rawthorn 2005, p.30). It has not been revealed what her real name is. Her trademark style in ‘Phase One’ is based on Japanese culture such as a gakuran (military) jacket, mini skirt (or shorts), cloth covered sandals and a radio helmet with headphones. She also has a gorilla tamagotchi as a pet.22 In photographs and videos, Noodle displays signs of her cultural origins. Signs of the rising sun symbolises the Japanese flag which is found on her t-shirt and badge, represents her patriotism. Cultural signs displayed other than clothing and nationalism include carrying a nihontō (sword) on her back. She also displays various symbols on her clothes. She carries the symbol ‘Mun’ on a badge attached to her clothes (the shoulder). ‘Mun’ has been renamed from Mon which is the symbol of a family or company crest. Warriors would usually carry a mon as a form

21 Super soldier is term to describe someone with many skills (warrior, assassin, killer, soldier, ninja, action hero and others).
22 A gakuran jacket is a military style school uniform for boys. It is usually a dark jacket with a standing collar with closed buttons. A tamagotchi is a robot/animal toy.
of identity (Poitras 1999, p. 89). In Noodle’s situation, there is no design, logo or symbol on her mon. Instead it has been renamed as ‘mun’, to represent the original word and not to confuse its meaning with the western society. There is however another mon that Noodle proudly displays on her clothes, the initials of the Battle Royale (‘BR’). This symbol is strongly connected with her past and present as a super soldier. The name ‘Battle Royale’ suggests that this was the camp where Noodle trained, which also confirms its connection with the controversial film bearing the same name and mon. Another mon that Noodle sometimes displays is the word ‘Ran’. Ran is a Japanese word for ‘chaos’, which suits Noodle’s character nicely, as it is her intention to bring chaos to the world one day.23

Popular cultural signs of Japan, as represented by Noodle, are perhaps more appealing to the younger audience of Gorillaz because they are fun to look at. These include influences of anime, with Noodle’s radio headphone helmet being the main example. The hat is associated with science fiction anime films such as Mach Go Go Go (Speed Racer), and Uchu Senkan Yamato (aka Star Blazers), where cyber futuristic radio helmets are used as a form of communication. Noodle’s helmet is seen as a novelty that the audience would perceive as being trendy. Japan is known for producing novelty products such as gadgets and toys which are aimed at a non-targeted market.24 Noodle, however, does not carry the facial features presented in anime. The most prominent example would be that Japanese women in anime have large eyes. This feature was inspired by Disney films. The look was

23 The word ran has different definitions in Japan depending on the order and structure of its kana and kanji strokes in the character (letter). There is also a popular Japanese film called Ran (1985) but was globally known as Chaos.

24 Novelties in Japan are a major contribution in popular culture, and it has influenced anime and manga. The inspiration of creating images, iconic pictures or gadgets such as ‘Hello Kitty’ or the tamagotchi is traced back to the end of the Second World War. When people of Japan suffered the effects of Hiroshima and Nagasaki, and war defeat, the North Americans tried to boost their morale by giving them simple novelties from the United States such as films, comics and chewing gum. It was these simple things that influenced Japanese comics and anime (Melvyn Bragg in the South Bank Show 2006).
adopted by Tezuka Osamu, the inventor of manga. This look is associated with cuteness and innocence (Poitras 1999, p. 102). Noodle does not have large eyes. Instead, she has small oriental eyes. It is the shape of her eyes that contribute to her look in contrast to the other members where it is the colour of their eyes that is more focused on. Noodle is, however, cute and ‘innocent’ because of her age. The ‘cutismo’ factor in Noodle is displayed in all of her performances.25

While developing an understanding of the formation of Noodle, there are other significant qualities to consider that question her postmodern character. An example is her gender. She carried a tomboy image in ‘Phase One’ and ‘Phase Two’. She has been mistaken for a boy, which is due to her uniform and short hair. Noodle’s tomboyism was derived from her military upbringing. Noodle’s female masculinity relates to another anime style, mecha (mechanical), which confirms Noodle as a cyborg. Mecha is associated with robotic-type characters. Technology plays an active role in mecha, and it is not surprising that Noodle is a cyborg. Arguably, Gorillaz are all cyborgs due to their technological creation of the group, but the embodiment of Noodle puts her in a sharper position than the other members because of her multiple identities. The cyborg in mecha has ‘power…and technological competence’ (Napier 2005, p. 86), and this statement again refers to Noodle’s history. Noodle’s military past has constructed her identity as a cyborg whose eventual mission is to kill and destroy the world. This raises one final question on Noodle. What is her ‘natural’ origin in terms of family? So far, Murdoc, 2D and Russel have mentioned their family background, but not Noodle. We are aware that she joined the camp straight from birth. One theory suggests that Noodle was constructed by organisms and machines which would

25 Cutismo is a young Japanese girl or woman innocently displaying cuteness (Condry 2006, p. 165).
make her a true cyborg. Donna Haraway’s theory that ‘the cyborg does not expect its father to save it through a restoration of the garden [of Eden]’ (1991, p.151), confirms that the part animal-human-machine creature does not have parents. Therefore, it is considered that Noodle does not have parents. It is Mr. Kyuzo who acts as her parent. Now she has accepted her identity, her concern is to concentrate on Gorillaz, and when appropriate, to carry out her deadly mission.

Like the other members of Gorillaz, Noodle has a likeable personality and is appealing to the younger audience. The media described the guitarist as a ‘ten year old Japanese axe maiden’ (Kirkcaldy, 2001) and a ‘genetically engineered killing machine’ (Johnstone 2006, p.33). Other than her warrior skills, Noodle is very shy and enjoys being an independent and hardworking shōjo (young girl). She values the other members of Gorillaz as her adopted brothers especially Russel. Participating in interviews was a problem in ‘Phase One’ as she could only say the word ‘noodle’. After regaining her memory (plus multilingual skills), she has become the spokesperson for Gorillaz in ‘Phase Two’. For example, she gives an interesting comment on the iPod:

> The iPod is one of the most important inventions to happen in the history of music...the ability to create portable playlists coupled with downloads, means that creatively the audience now expects a much higher quality of music...it has changed the way people listen to or select music, and therefore how it is created.

(Noodle in Browne 2006, p.220)

This demonstrates her ability to provide intellectual conversations as well as showing an understanding of her musical knowledge. Although Noodle seems to be the quiet member of the group, she is the most interesting postmodern character of Gorillaz (with Russel

---

26 The suggested ‘birth’ of Noodle is observed in popular culture: *Ghost in the Shell* (1995) and *Avatar* (2009). Both films show cyborgs being created in laboratories.

27 Haruka Karoda is the voice over for Noodle.
being second). Her body (shōjo, cyborg), image (super soldier, tomboy, cultural signs of Japan), and text (signs, history and skills) integrate the construction of her infinite multiple identities.  

Evidently, Gorillaz are composed of a multitude of references to popular culture, which would not be possible in virtual form without technology. With their distinctive identities, one might wonder how they are compatible with each other, but this has become possible because of technology, and of course, 'anything goes' in the animated and virtual worlds. The group also falls into the ‘five man band’ in animation (TV Tropes website). Obviously, Gorillaz can only comply with four characters of the group (hero, lancer, smart guy and big guy). Each member has their own archetype and unique skill, but somehow, they all complement each other. The leading character of the group is the ‘hero’ because of his charisma, seriousness and attraction. 2D neatly fits into this category. His ‘love-to-hate’ best friend, Murdoc, is the ‘lancer’, the anti-hero and rebel. The ‘big guy’ is Russel, the toughest member of the group. The ‘big guy’ is usually best friends with the ‘smart guy’, in this case, Noodle, who is young and intelligent. The analysis of ‘Feel Good Inc.’ now follows.

**Demon Days: ‘Feel Good Inc.’**

The second Gorillaz album, *Demon Days*, was released in 2005. The themes on the album appeared to be dark and melancholic, which resulted from Gorillaz’ temporary break after the success of their debut self-titled album. *Demon Days* was ‘Noodle’s vision’ (Russel in *The Raft*, 2005). Noodle’s vision of the album was ‘to describe the way we feel about the

---

28 The word ‘infinite’ is used as a precaution, because it is likely that her character will be developed further in ‘Phase Three’.
times we live in ... it’s a reflection of our environment’ (East 2005, p. 25). Here, she refers to her travelling experience in Northern China, where she saw the devastation of land because of over-farming and rubbish (Browne 2006, p. 181). Noodle’s aim was to portray the trauma and terrors of life and nature, but to also bring hope. To make this album succeed, she hired Danger Mouse as the producer for his ‘creative attitude and artistic bravery’ (Browne, p. 183). The album consisted of hip-hop, gospel, dub, pop, electronic, Arabic and Latin music. ‘Feel Good Inc.’ was the first single to be released. As the concept of Gorillaz has been established, the next step is to investigate how the group present themselves as a visual representation of their music and performance. The song may offer different readings to listeners and spectators, but the following will perform an accommodating understanding of appreciating Gorillaz.

Music

To understand the video, the informational and symbolical levels need to be analysed first in the music (CD track 10). The song proposes the intention of the song and that is to ‘feel good’. This is signified at the start with the sounds of mechanical or fairground laughter. The emotion of the laugh is an uneasy mixture of feeling happy or evil, which opposes the sign of the title as it confuses the listener about how the song will develop. The words ‘feel good’ are heard which ends the laugh and brings the music in. The bass line which begins the introduction has a major role in the music because it acts as an ostinato, and is one of the main instruments. As observed in Stan Hawkins’ (1992) analytical methods, an

---

29 This story is based on Albarn’s personal experience of travelling to Northern China (Gaiman, 2006).
30 Albarn hired Brian Burton as the producer because he was a fan of The Grey Album (Perez, 2005).
31 A majority of the analytical findings of the music video was presented as a conference paper at a conference dedicated to Jean Baudrillard conference in 2006.
32 The laugh sounds similar to cartoon character ‘Mr Magoo’, which he would use in malicious circumstances. The laugh in the song was recorded by Maseo, a member of De La Soul.
instrument that has a prominent role in a song 'functions as a dominant textural and harmonic centre...[which] symbolises the common point, the locus, which integrates all of the harmonic parts' (1992, p. 332). This applies to the bass line in 'Feel Good Inc.' because it lays the groundings of the song, which is harmonically and textually layered by the other instruments and vocals. The tonality of the bass line (and whole song) is based on the key signature of E-flat minor. The cyclic pattern of the bass line is structured in two parts:

Example 5.1: Bass line of 'Feel Good Inc.'

The first part acts as a call in which the authoritative bass line ascends a short melody with unusual minor 6th (musically, it sounds that it should play a D-flat), which quickly resolves to the B-flat. The A-flat plays a semi-sequential response to the first line and ends on its tonic (E-flat). On some occasions, the last note of the bass line is repeated an octave higher as a brief ornamentation (see example 5.1, second repeat). The groove is supported by a simple 4/4 drum beat, and this combination is a memorable external hook for the listener. Another external hook in the introduction is the phrase 'feel good' which affirms the song’s title. The words are sung by 2D in falsetto. Based on Ueli Bernays’ study of falsetto, 2D is suited to the category of ‘falsetto mannerism’ (2009). 2D’s falsetto expresses pain and vulnerability which reflects his character (he suffers from anxiety). Like the laughter sound, the words ‘feel good’ and falsetto mannerism conflicts the apparent meaning of the song. Apart from the uplifting bass groove, the vocals are signifying a negative emotional song. The words ‘feel good’ correspond with the bass line, and the introduction is layered with internal hooks: guitar and vocal percussive sounds. While the guitar provides a repetitive
descending melody, based on the E-flat minor scale, 2D whispers a percussive sound in the style of scat. Towards the end of the introduction, another vocal is provided by 2D. Here, the slightly distorted and filtered vocal gradually crescendos into the first verse.33

The first verse hears a soft *Sprechstimme* melody by 2D. His laid back expression presents an observation as demonstrated in the first two lines:

City's breaking down on a camel's back

They just have to go 'cos they don't know whack

The lyric refers to a biblical reading of the 'Rich Young Man' story (Matthew 19. 16-50), in which Christ states that it is easier for a camel to enter the Kingdom of God than a rich man. A similar situation occurs in the song when 2D thinks people are trying to leave their city in order to have a better life (we will return to this concept later). The second line reads that the people 'have to go' because they do not know anything ('whack'). 2D then sings in second person:

So all you fill the street it's appealing to see

You won't get out of the country because you're bad and free

He is telling the people there is no point in leaving because they are free to do whatever they want regardless if it is good or bad. 2D continues:

You've got a new horizon it's ephemeral style

A melancholy town where we never smile

---

33 The word featured here is difficult to identity but it sounds like 'touch it'.
Here, he is suggesting that the people’s prospects of leaving their lives are temporary and that they will be stuck in their melancholy city forever. 2D finishes off the verse in first person:

And all I wanna hear is the message beep

My dreams they gotta kiss because I don’t get sleep no

It seems that 2D too, wants a better life, but at this particular point of the song, he wants his dreams to go away because they deprive him of sleep. The timbre of 2D’s vocals is quite distorted, which signifies a sense of disillusion. There is a lack of dynamics in his voice which may suggest calmness, apart from the last line of the verse, when he starts showing signs of distress because he is feeling tired. As before, the bass maintains its groove along with its quiet guitar playing a descending melody. Another guitar joins in as a high-pitched countermelody, and plays against the vocals. The guitar is heavily equalized, which creates a detuned sound. This corresponds with 2D’s emotion of feeling disillusioned. When the bass line plays the higher E-flat, the note is supported by a stabbed synth brass chord (E-flat minor first inversion) with a pitch bend effect, which again signifies a cynical emotion in the music. The bass line finishes the verse by descending on an E-flat pentatonic scale:

Example 5.2: Descending bass line

![Descending bass line](image)

The bass line still asserts its presence by ending the verse and leading on to the chorus.

There is also a second signifier. In example 5.2 (see above), there is an added note in beat 2...
of the second bar. This note represents a ‘message beep’ which signifies that the next section (chorus) is a telephone answer message.

The chorus (which does sound like a telephone answer message), is the dreamlike message that sends 2D to sleep. The timbre of the message is slightly uplifting because 2D is singing. The first five lines are:

Windmill, windmill for the land
Turn forever hand in hand
Take it all in on your stride
It is sinking, falling down (live version: It is falling, calling)
Love forever love is free

These lines suggest that 2D is metaphorically wishing for the windmill to overtake the land, because he believes that it will bring happiness. The last line of the song (‘is everybody in?’): he is questioning who will support him on his request? The music is certainly interesting, as 2D’s ‘alter-ego’ voice, Albarn, really stands out. As stated before, the timbre of the voice sounds uplifting; its qualities lie within Albarn’s original style of singing—Britpop. The tonality of his voice shows a hint of mockney, a Britpop characteristic for which Albarn used to be known and often criticised. In the past, he was criticised for mocking a cockney accent when in fact, he was innocently simulating existing representations of cockneys (Scott 2008, p. 195). In the chorus (example 5.3), he briefly reintroduces mockney again, this time without a negative reaction from the media—probably because the vocal line is being presented as being sung by 2D rather than Albarn. The representation of Albarn’s musical past is also supported by the phrasing of the chorus (the first two lines), because it contains a code known as a musical ‘retro signifier’ (Scott
The phrasing structure is reminiscent of the Kinks' 1966 song 'Sunny Afternoon' (example 5.4 and CD track 11):

Example 5.3: Vocal line of chorus ('Feel Good Inc.')

Male voice (an octave lower)

Wind-mill wind mill for the land, turn for-ev er hand in hand,

Example 5.4: Vocal line of 'Sunny Afternoon' (The Kinks)

Male voice (an octave lower)

The tax man's taken all my dough, And left me in my state-ly home,

The retro signifier displays musical awareness of British 1960s music, in particular the Kinks who inspired the Britpop movement. As observed in the above notation, there is a similar shape and pattern in both vocal lines. Although the rhythm of 2D/Albarn's vocals is different to Ray Davies's line, the direction of the melody sounds very alike. Bars 1 and 2 shows that the melody in both songs are singing the same ascending direction, but begins to break away in bars 3 and 4, when 2D/Albarn takes his melody away in contrary motion. There is also a connection with the lyrical content. While Davies is singing his desire to leave 'his luxury of life', 2D/Albarn has a similar lyrical subject but with a darker approach. The similar melodic structure that 2D/Albarn pursues is simply a homage to his musical influences and not a direct imitation. The lyrical content of the chorus has a phantastical setting. As we are already aware that 2D is wishing for the 'windmill' to overtake the land, his wish is accompanied with a cosmic-type of music. Apart from the
guitar strumming chords, another guitar is picking a two note down step semi-ostinato supported with percussive clap sounds. There is also an atmospheric and heavenly string pad sound which plays the chords E-flat minor second inversion, B-flat minor and A-flat minor in the background. The strings bring out the phantastical setting of the chorus. When the drums re-enter in ‘love forever’, 2D gives an expressive crescendo to his vocals and ends the chorus with harmonisation. There is a key transition in the chorus when the tonic key (E-flat minor) moves to E-flat Aeolian (natural minor), because 2D’s introduces D-flat in the vocal line, and ends the chorus with a D-flat major chord. As stated earlier, the chorus is in the form of a telephone answer message. This is because its sonics carry telephone crackling sounds in the background (possibly sampled from an old vinyl needle groove). 2D’s legato vocals and chorus are layered with the crackles to simulate the hissing and telephone vocal sounds in a phone conversation. This section acts as a response to the first verse because the chorus implies it is a recorded message.

The next section is a rap featuring the hip-hop group De La Soul. The mood of the music takes a dramatic turn because its timbral qualities are aggressive, frenzied and loud. The lyrical setting is even darker because of its harsh response to 2D’s words. In the music, De La Soul expresses their way of escaping reality by indulging in drugs:

Laughing gas these hazmats, fast cats
Lining them up like ass cracks
Ladies, homies at the track
It’s my chocolate attack
Shit, I’m stepping in the heart of this here
Care bear bumping in the heart of this here
Watch me as I gravitate
Hahahahahaaa
Yo we gonna go ghost town
This Motown
With yo sound
You’re in the blink
You gonna bite the dust
Can’t fight with us
With yo sound
You kill the Inc.
So don’t stop, get it, get it
Until you’re cheddar header
Watch the way I navigate

The first four lines describes the experience of ‘scoring’ drugs, which is to be read as:
‘These hazmats, fast cats’ (dangerous gangstas), are making the ladies, homies queue up to
buy their ‘laughing gas’ (drugs) for their ‘chocolate attack’ (drug fix), at the ‘track’ (place
to buy drugs). The next three lines describe the effects of taking drugs which invokes the
thoughts of violence. The drug user is ‘stepping’ (challenging) for a fight with a ‘care bear’,
who threatens to ‘bump’ (kill) him. This is the sign of a possible bad drug experience due
to the violent thoughts. This particular line contains southern rap because of its delivery of

---

34 ‘Track’ is short for track worker (drug dealer).
35 A ‘care bear’ was a branded cuddly toy in the 1980s. The slogan was ‘bears who cares’. ‘Bumping’ is a
slang to kill. ‘Heart’ is based on ‘heart-stopper’ which means to shoot someone.
rapid speech. The fast talking rap is also a sign of taking drugs. The rapper then calms down when he raps ‘watch me as I gravitate’. The direction of the rap then focuses on 2D when De La Soul tries to discourage him from dreaming for a better life. They make reference to the ‘melancholy town’ by stating that they are going to ‘ghost town’, which is in ‘Motown’. This reference alludes to the industrial metropolis Detroit. They warn 2D that he will be disappointed (‘blink’) because he will lose (‘bite the dust’), if he pursues his idea. If his idea came to effect however, he will ‘kill the Inc.’ (the enemy: De La Soul and population). The rap finishes when they maliciously encourage 2D to chase his dream (‘get it’), but only whilst high on drugs (‘cheddar header’). They also encourage 2D to observe their way of escaping reality through ‘navigating’ and by laughing.

The loud burst of laughter heard at the end of the rap, signifies a psychedelic drug experience. The disoriented sound images and emotions which reflect drug experiences in music create a ‘disembodied, hallucinatory impression of the threat of madness’ (Whiteley 1992, p. 105). The laughing in ‘Feel Good Inc.’ shows signs of madness because its sound images display a mixture of excitement, fear and paranoia. These sounds images of laughter instantly overtake the music with its loud dynamics. Whiteley (2003) notes that with psychedelic coding in music that signifies a trip, its ‘sheer volume of noise works towards the drowning of personal consciousness’ (2003, p. 242). The laugh sounds even more manic because it becomes thicker and louder which successfully overpowers 2D’s vocal return of the high-pitched leitmotif ‘feel good’. The listener becomes more drawn to the

---

36 Some drugs such as amphetamines can cause rapid speech.
37 ‘Gravitate’ means to ‘come down’ from drugs.
38 ‘Ghost Town’ may refer to The Specials’ song bearing the same title. Gorillaz have collaborated with the lead singer, Terry Hall, in the past.
39 Detroit is famous for its motor industry and the first African-American music industry, Motown.
40 ‘Cheddar header’ means being high on cocaine.
41 To ‘navigate’ means playing computer games while getting high on marijuana.
laughs than 2D’s voice, because of the gripping, rhythmic vertigo effect and loud dynamics.

2D’s leitmotif continues to send out mix messages: Are these words a ‘good’ drug experience or 2D’s desire for happiness? The overall rap is *Sprechstimme*, with certain words signifying the trip; the violent hallucination experience combined with fast rapping; and, the word ‘navigate’ which gives a sense of motion. The music carries the same rhythm, guitar parts, stabbed brass synth sounds, and bass groove (with an added combination of filtered, resonated and squelchy bass sound that acts as an echo for the last two notes of the groove). The overall timbre of the rap is aggressive, frenzied and loud pitched, which is ironic for a group like De La Soul, traditionally known for their alternative/poetic jazz rap. They used to speak against drugs, crime and violence. They used to appear as mellow, softly spoken and would promote their messages including Afrocentric values through their music and psychedelic videos. Their second album *De La Soul is Dead* (1991), was a teasing attempt to break away from their reputation of being nice (and the temporary end to their art of sampling). Overall they were seen as a friendly hip-hop group. Their feature in this song turns away from their original sound and indulges in ‘gangsta’ rap. If this new approach was not a ‘play’ for the song, then De La Soul may as well be dead.

De La Soul’s rap is followed by a short instrumental break. The interval begins with a high-pitched choir pad which plays a two-note riff. The airy choir sound is quietly supported by the strings. Still maintaining its heavenly sounds, the texture of the strings is thicker with some delay added to emphasise the peaceful atmosphere (as opposed to the previous timbre in the rap section). The choir’s short melodic riff is then imitated by the guitar. The repetition of the chords (strings) and short melody gradually gets louder and sounds
hypnotic. This section is decorated with white noise and jet sounds to add to the phantastical atmosphere. The chorus and drums gradually joins the music. The vocals of 2D are doubled tracked with some added harmonies. The chorus reprises the role of the main hook by sounding fuller. After ‘is everybody in?’, the word ‘everybody’ and guitar are morphed together as a sample and manipulated with a filter sweep controlled by envelopes which produces an ascended tinny sound. This sound leads to the finale of the song—a concluding rap. De La Soul returns, along with the bass and 2D’s scat. The concluding rap reminds 2D how to chase his dream. The return of the laughter concludes the song.

The informational and symbolical levels have been identified and analysed by decoding the music. Apart from commenting on how the instruments complement each other, there is one musical element evident throughout the song: timbre. This element is consistent in the various vocal parts from the introduction to the end of the song. Every section expresses different tonal colours. Hawkins insists that when timbre has a key role in a song, ‘it soon becomes clear that continual variations in the vocal nuances and gestures hold a critical clue to delineating codes of meaning within the song’ (1996, p.25; 2002, p. 110). This is heard in ‘Feel Good Inc.’ where vocal nuances and gestures have consisted of falsetto, scat, telephone voice, Britpop, gangsta and southern rap, and not forgetting the memorable laugh. All of these qualities have brought out different tonal colours (disillusion, calm, aggression), which help to convey the song. The intention of feeling good as suggested by the song title is conveyed in two ways: to dream for it (wishing), or to fake it (drug taking). There is another reading of the song, however, which can only be observed in the video—the third meaning.
The music video (DVD track 6) shows Gorillaz trying to escape their troubles by locking themselves in the 'Feel Good Inc.' tower, but the question that returns throughout the video is: have they managed to escape at all? The start of the video focuses on a run-down earth that suggests a post-apocalyptic or dystopian world, due to its gloominess, troubled noises and industrial setting. The laughter sound is heard which leads to the image of a very tall and thin tower that stretches from the ground to the sky. On the tower, there is a sign that states 'Feel Good Inc.' which suggests escapism from the world below. The structure of the tall and thin tower could easily imply two biblical references: the Tower of Babel and the eye of the needle. The Tower of Babel is a narrative from the Old Testament about people attempting to build their own tower 'that reaches to the heavens, so that we may make a name for ourselves and not be scattered over the face of the whole earth' (Genesis 1. 1-5). This is what Gorillaz are trying to do, to separate themselves from the world. The thin tower has an entrance that consists of a tiny gap that may signify the 'eye of the needle', a metaphor familiar from the New Testament, in Christ's warning that 'it is easier for a camel to go through the eye of a needle, than for a rich man to enter the Kingdom of God' (Matthew 19. 24). This trope concerns the difficulty some will encounter in trying to enter heaven because some people, especially those who are wealthy, may find it difficult to leave their possessions behind. As mentioned earlier, the opening lyric 'city's breaking down on a camel's back' suggest that people are trying to go through the needle's eye to escape. As a reminder, 2D tells them not to bother leaving as they have the liberation of

42 The shape of the tower is influenced from the tower featured in anime Spirited Away by Hayao Miyazaki.
43 In the Bible, the tower never got completed because God put a stop to the construction. The tower is also known as a broken city due to its incompleteness. Also, Babel is a Hebrew word for 'confusion'. God wanted the people to have their own minds, so he made them confused by making them speak in different languages which resulted in mixed communications and, the incompleteness of the tower.
choosing on how they live whether they are wealthy or ‘bad’. So, metaphorically speaking, if a camel can squeeze though the tiny eye of a needle without any possessions, and is prepared to leave everything behind, does this mean that the camel can easily enter the world of eternal bliss? Not in the case of Gorillaz. Once the viewer has entered the tower, it stereotypically looks like hell because of its profoundly dark and grim features.

There is another concept of the tower, and its clues lie in its sign ‘Feel Good Inc.’ The tower signifies a form of incorporation—which belongs to Gorillaz. The reference implies that Gorillaz are trying to escape the music industry by building their own tower—their own music industry. This is to allow Gorillaz create their own music without any interference from music moguls. This relates to the original concept of the group, and may speak on behalf of mainstream acts—to react against the commercialised industry. Building a high tower is showing a clear message that Gorillaz want to be separated from the industrialised world below. This idea may be compared to Baudrillard’s concept of the Twin Towers (1993). He implies that the Twin Towers were non-identical from the other buildings to put an end to capitalist rivals, simply by not being involved in the competition, and instead, focusing on its monopolies. Like the (once) World Trade Center, the ‘Inc.’ tower is not the same breed as other industries because ‘they no longer challenge them nor compare themselves to them’ (Baudrillard 1993, p. 70). The World Trade Center ‘had no facades or communicating vessels which blocked them from the outside world’ (Baudrillard 2003, p.29). The Inc. tower makes its presence known by not conforming to the other towers (industries), by being individual in terms of design and purpose, resisting communication from the outside world.
The camera zooms into the tower which reveals a theatre. There are crowds of people (audience) who appear motionless—they seemed to be worn out or dead. The only people who are in motion are three members of Gorillaz: 2D, Russel and Murdoc. It is here that they start playing their song, or to be precise, simulating a live performance. At the start of the music, 2D is sitting on a chair and affirming the words ‘feel good’ to himself. He sings with his head down which may signify that he is suffering from one of his mental health problems such as anxiety or depression, he certainly does not look well. Another reason may be that he is simply playing the role of the lead singer, because with many bands the front-person is the narrator of the song and usually acts out the emotions with expression and catharsis. Alternatively, if 2D were to be compared with Albarn, this thought would be an example of the ironic manner in which he presented his lead role emotions. For the video only, and in contrast to the other members of Gorillaz, 2D appears to be staging an anti-theatrical performance of the song. He preaches through his megaphone to the ‘melancholy’ town below by saying to the people who are filling the streets and waiting to join the tower will not succeed, because they are ‘bad’ and ‘free’. 2D then focuses his attention on the pop music industry. He accuses the industry that they have a ‘new horizon, it’s ephemeral style’, referring to the manufactured pop industry which produces music like fashion for the ‘town that never smiles’ (mass market). Before the end of the first verse, 2D drops his megaphone and makes his way to the barred window. He expresses his dreams of musical freedom to come true so he can get some ‘sleep’. As this section ends, he gazes at his dreams through the window, and the ‘beep’ sound signifies that the chorus is to follow.

44 The design of the window is very similar to the castle’s window (where its main character Sheeta is imprisoned) in Miyazaki’s Castle in the Sky.
As we are aware, the tone of 2D’s vocal changes and he begins singing in the style of Albarn with a telephonic sound. As argued before, this is heard as an answer message. The sound effects of the chorus are important because it contradicts 2D’s desire to be free. Instead, signs of him giving into conformity are implied because the ‘answering machine’ may be associated with marketing consumption—such as downloading music on to mobile phones. Lars Eckstein (2009) observes the connection when he noticed that 2D used his mobile phone during a performance at the MTV Awards (Eckstein 2009, p. 23). In the chorus, 2D sees a windmill on a colourful floating piece of land through the window, as opposed to the warm and dark colours (mainly black, red and orange) inside the tower. This scene pastiches Hayao Miyazaki’s anime feature Laputa: Castle in the Sky (1986). On this colourful land, there is a windmill and Noodle. She is happily playing her guitar and seems very peaceful. 2D is yearning to join her because he thinks he will be free. This would be his ideal way and final stage of escaping from both the world below and tower, and this land would be his (musical) heaven. After the chorus, the video returns quickly to the post-apocalyptic world below, and two black helicopters are strongly featured, which raises the thought that the world is being monitored.

Back in the tower, the blocked communications from the outside are hacked when images of De La Soul are being transmitted on several large screens. It seems that they are being broadcasted from the world below. They are presented as a hyperscreen, a screen within the main screen, which neatly puts them in a powerful position because 2D is indulging in their

---

45 If this concept is true however, it would have made more sense if 2D actually used his phone to play the answer message (the chorus) in the live performance.

46 Hewlett, who designed the video, is a great admirer of Miyazaki’s works (Gaiman, 2006). Castle in the Sky is about a floating island which contains powers that could destroy the world. The beautiful island has a secret dome which contains technology capable of causing mass destruction. The main character, Sheeta, is the one who can prevent a future disaster.
performance. Though it may look like a special guest appearance, De La Soul have an important role. Here, Baudrillard’s *Ecstasy of Communication* (1988) comes to interact with hyperreality, as 2D is being seduced by De La Soul with their obscene messages—they are the media. On a metaphorical level, their drug-related rap brings out more significance in their critique of Gorillaz and society. They are implying that the music industry is producing pop music to satisfy (‘chocolate attack’) the mass markets (‘ladies, homies’). De La Soul are representing commercial music and media with their gangsta rap, and they warn Gorillaz that they are killing the ‘Inc.’ with their views and music. They warn them that they will not succeed in escaping from the industry. They encourage the public to carry on buying music until they cannot get enough (‘don’t stop, get it get it, until you’re cheddar header’). As previously known, this section ends with laughs. This is a negative response that Gorillaz are never going to escape. 2D tries desperately to resist the seduction by rejecting these false icons and their invasion of his space. He attempts to resist this by dancing, jumping and reflexing his hands as a form of comfort, and begins to re-affirm ‘feel good’ to himself. Multiplane camera effects are used to accompany these images, which corresponds with De La Soul’s presence. The combination of the camera sweeping movements of 2D and De La Soul results in a dizzying experience for the viewer, which is suitably accompanied by the laughter.

Further to the earlier argument regarding De La Soul, they are a simulation of themselves. Their presence in the video illustrates Michael Gane’s contention that ‘each phase of representation of a former, dominant conception of the “real” is taken as the reference model of “current” reality already out of date’ (1991, p. 95). In a postmodern sense, De La Soul are a parody of the ‘real’ De La Soul. They are no longer the colourful group, because
in the video they are in monochrome (in a blue and grey haze). Even the lighting effects
used on their appearance (lens flare, shutter and strobe), enhances their new ghostly,
distorted, tough and powerful identities. Also gone are the soft tone vocals of the group,
and in their place are the aggressive and loud-pitched timbres, who glorify commercial
music with their gangsta rap. The ironic twist continues because they are 'neither real or
unreal' (Baudrillard 1994, p. 125), like Gorillaz, they are hyperreal. In the rest of the video,
De La Soul remain visible on the television screen and have no desire to leave Gorillaz
alone—just like the media.

When the short interval enters, the magical atmospheric music nicely supports the return of
Noodle strumming her guitar on the floating land. The land may be seen as a little piece of
heaven because of its utopian feel—the colourful depiction of nature, which includes green
pasture, a tree and blue sky. There are other themes that are a pastiche of the imagery found
in Miyazaki’s film *Castle in the Sky*:

- **Floating Land** – which is very colourful and looks peaceful.
- **Windmill** – is the equivalent of the castle.
- **White butterflies** – which are equivalent to the white doves that are in the film (and
  are best friends with Pazu, the main character). In the video, the white butterflies are
  Noodle’s best friends.

The shape of the land bears a similar structure to *Castle in the Sky*. The island is in the
shape of an airship—one of the main modes of transportation in the film. The castle

---

47 The composition of the De La Soul and television screens are based on the following horror films: 1. *The
Ring* (1998)—the colour of the film is in monochrome, also in a blue and grey haze. The fuzzy television
screen is also a textual reference used in 'Feel Good Inc.' 2. *The Poltergeist* (1982)—the visual effects used in
the television screen and paranormal scenes are evident in the music video. Passion Pictures (who made the
video) stated that De La Soul were body-rigged onto the camera to produce distorted images of themselves
consists of three layers: a castle protected by a gigantic tree top; a dome where the deadly technology is held; and, the lower portion of the land, where the earth (mud) is crumbling away. The video’s equivalence is the windmill, the pasture and the crumbling earth at the bottom. It seems that Noodle has secured her future on the land, and is hoping to attain contentment. This accords with Baudrillard’s views on Disneyland, which he states ‘exists to hide the “real world”’ (1994, p. 12), and is ‘concealing the fact that the real is no longer real…’ (1994, p.13). Noodle has managed to gain a place in the ‘real world’ by leaving the industry and the post-apocalyptic world behind. There are no obvious signs on the land to suggest it is a threat to the world below, but it does raise issues about technology. It seems that Noodle has escaped from the world of technology, which is another feature of Miyazaki’s films. Miyazaki is not entirely in favour of world dominating technology. Although he needs it to create his masterpieces, he wants to encourage the viewer not to run their life with technology but, instead, to educate themselves with nature, literature and general knowledge (McCarthy 2002, p. 101; Cavallaro 2006, p. 58). Miyazaki does not want technology to be more powerful than humans. So it seems that Noodle has escaped to appreciate her new environment—but has she escaped?

A significant feature not yet discussed are the two white butterflies flying around Noodle in parallel to the two black helicopters. It appears that Noodle’s identity may have been exposed by the government. One of the main themes in Castle in the Sky is technology—could Noodle be the equivalent? If the government are aware of her identity and deadly mission, then the helicopters are monitoring her.48 In this context, the butterflies signify the protection of Noodle in opposition to the mechanistic.

48 There is a very similar scene in Castle in the Sky where Sheeta is being monitored by government planes.
After Noodle’s scene, 2D recites the final chorus through the window. As 2D moves away from the window, a close-up shot of a concentrated Russel enters as he re-starts the drum beat. After the chorus, De La Soul conclude their rap by restating their authority. 2D this time ignores them, steadily walks back to his chair, lowers his head and continues to affirm ‘feel good’ to himself. Murdoc emphasises his role as bassist by maintaining his rock star image, by appearing semi-naked and shaking his backside—perhaps the only positive moment in the video (apart from the floating land). Maseo, a member of De La Soul, completes the song by laughing, and the video ends with the two helicopters monitoring the floating piece of land.

The third meaning of the video analysis uncovered the group’s real intentions in the song, to escape from the commercialised music industry and media, but it seems that they were not very successful. Indeed, in the perception of a young audience, the video may not have been regarded as an escapist illusion, but unlike their other videos, the spectators were not drawn to the illusion of the performance. There was no illusion. The so-called performance was anti-theatrical in form, especially in the case of 2D. Its structure accords with Baudrillard’s statement on the illusion, that ‘the scission between stage and audience is abolished’ (Baudrillard 1990, pp. 62-63). The experience is that the spectator is no longer separated from Gorillaz as ‘theatre goes into everydayness’ (Baudrillard, ibid.), and can relate to or sympathise with their issues. Whether searching for a better life for the viewer or musical creativity, there is one drawback—and that is the authoritarian power depicted in the video. The controllers in the video (the industry, government, and De La Soul,) are trying hard to prevent Gorillaz chasing their dream by threatening them and monitoring Noodle. It seems that the only way that they would release Gorillaz is to let them go, which
is concluded in the video of the third single ‘El Mañana’ (2006): the government catches up with Noodle on her land and kills her. The next section will now concentrate on the live performances of Gorillaz.

**Gorillaz: Live**

Live performances of Gorillaz have varied over the last decade due to rapid developments of technology. A typical early performance consisted of four large screens, with each member projected on it. The virtual figures would be accompanied by silhouetted musicians behind the screens. It was obvious who is playing in the background—Albarn—which raised questions about how Gorillaz might be perceived as a real band. Albarn has always been defensive of this claim by stating, less than convincingly, that his band are playing behind and are not Gorillaz (*Phase One: Celebrity Take Down*, 2002). Despite this distinction, it will be obvious to most of the British audience on who is exactly ‘behind’ Gorillaz, as John Richardson argues ‘a shadowy presence is a presence nonetheless, which in this case points directly to a prominent figure on the British musical landscape, whose solo escapades have received substantial coverage in the UK music press’ (2005, p. 6). For the reason that the media are keen to highlight Albarn’s involvement in Gorillaz, his ‘presence’ is even more eminent in ‘Phase Two’. During this phase, Gorillaz performed live in two ways: by being represented by musicians (including Albarn); and, in virtual form.

---

49 In 2010 (‘Phase Three’), Noodle was resurrected into another cyborg made by her DNA from her body remains (Davis 2010, p. 52). This was personally observed at a Gorillaz concert in London, April 2010: A short animated clip of Noodle’s transformation from her destroyed body into a new cyborg was shown. The footage has been uploaded on the Internet and can be viewed on: <http://www.youtube.com/watch?v=kT4YTLPwpCU>.

50 The idea of performing behind a white screen on stage was inspired by the group Public Image Limited (Browne 2006, p.69).
In November 2005, Gorillaz were scheduled to play at the Opera House in Manchester. Due to a double booking, Gorillaz ‘hired’ musicians to perform the *Demon Days* album, which was of course fronted by Albarn. I was fortunate to attend the debut performance. The stage consisted of many screens and one projection screen. Before the show started, (pre-recorded) 3D images of Murdoc and 2D were shown sitting in the royal box. They introduced the night in the style of ‘The Muppet Show’. When the music started, the large screens became colourful behind what looked like a shadowy band. This time the musicians were not behind the screens, but in front, and blacked out, to give the impression that they were shadows. The instruments consisted of drums, backing singers, percussion, bass, guitars, string section, piano, keyboards, gospel choir and turntables. It was easy to detect Albarn by his head movements and singing. It was only the special guests who were featured (such as Ike Turner and Shaun Ryder). During each performance, animated images of Gorillaz and animated themes of the album were projected on the screen, except for ‘Feel Good Inc.’ which displayed the cover of the single. A sample of Maseo’s laugh led to the introduction of the song. During this section, the screens were green and blue, but turned to pink during the chorus. The crowd cheered when two members of De La Soul appeared (Posdnuos and Dave). While the two artists wore a camouflaged outfit and a simple plain t-shirt and jeans, De La Soul got the crowd dancing at the seated theatre. Whilst rapping against the flashing blue and green lights, I noticed they changed the word ‘cheddar’ to ‘cracker header’. Overall, the show was spectacular due to the musical arrangement and setting of the album. On a personal level, it was a nostalgic moment because my favourite artists were on stage. On a research level, it was disappointing that 2D, Murdoc, Russel and Noodle could not be there in virtual form. Although Gorillaz’

---

51 Albarn, Hewlett and colleagues were only given a one month’s notice to produce the show. It would have
lack of presence was obvious to the children, they, like the adults were not left disappointed. This was perhaps due to the recognisable 2D's vocals, and possibly that they were aware of the special guests, due to their parents' taste in music.

In February 2006, a spectacular event occurred at the Grammy Awards in the United States, which would have delighted fans of postmodernism. Gorillaz performed a mash-up with Madonna (DVD track 7). To make the visual collaboration possible, the theatrical illusion technique known as 'Pepper's Ghost' was used. This enabled Madonna to perform and interact with Gorillaz (who were in 3D). The performance starts off with the virtual images of Gorillaz on stage singing 'Feel Good Inc.' They are very life-like as 3D performers, as they appeared to be the size of humans (except Russel). After De La Soul's section, Noodle walks on the stage and starts to play the guitar (Russel then starts to fall asleep). Madonna walks on the stage and blends her song 'Hung Up' with 'Feel Good Inc.' This hyperreal performance continues the longevity of postmodernism by blending postmodern artists and music. Madonna is known as the 'queen of postmodernism' (McGregor, 1997) because of her chameleon appearances and personalities, and continues her postmodern play by performing with a virtual band. What is interesting is that in the performance, she is hyperreal herself which raises the question who is more real: Gorillaz or Madonna? The argument of what is real in the performance draws further insight to De

taken a considerable amount of time to create a 3D show.

52 Pepper's Ghost is an optical illusion technique that originated in London in the 1860s. Invented by John Pepper and Henry Dircks, the illusion was to trick audiences into seeing ghosts or holograms. The technique originally consisted of a large sheet of glass placed on an angle in two rooms, and the object or person is illuminated in which its reflection would be on the glass (Barras, 2009; Musion website). For the Grammy Awards, the setup of Pepper's Ghost was provided by UK company Musion Eyeliner System which consisted of: Eyeliner Foil (thin membrane foil—this replaced the glass); video projector; hard disk player; 3D set/drawings; lighting; audio; and, show controls (Johnson, 2006).

53 Madonna's performance was pre-recorded three weeks before the live show (Johnson 2006, p.10; Browne 2006, p.268).
La Soul’s role in the show. They are also hyperreal because in hip-hop style, they are meant to be ‘dead’. Yet they are back and have been reincarnated into gangsta rappers. The rap, hip-hop beat, pop, Albarn’s vocals, soundscape music and the sample of ABBA’s disco song ‘Gimme Gimme Gimme’ (featured in Madonna’s song), shows a perfect combination of genre-blending. Postmodern artistic practices are constantly thriving with new ideas and developments, and the hyperreal performers and musical bricolage of this performance confirms this.

Conclusion

This chapter has discussed the concept and fascination surrounding the virtual group Gorillaz. It focused on its creators, in particular, Damon Albarn. Known for his loyalty in the Britpop scene in the 1990s, but also his dislike of the entertainment industry, it may have come as a surprise that Albarn challenged his own musical career by focusing on this project. It was his plea for individual artistic freedom and to challenge the commercial music industry, especially now, in the current wave of celebrity and reality television culture. With his friend and artistic collaborator Jamie Hewlett to support his creative ideas and critique of the industry, Hewlett designed Gorillaz and Albarn composed the music. Indeed, Gorillaz are, in a sense, manufactured themselves. The only difference is that they were created by a musician and an artist, and not the music industry. Other virtual bands created by the industry have failed (with the exception of the Monkees and Alvin and the Chipmunks), whereas Gorillaz have been successful in selling music. The appeal of Gorillaz having their own archetype as opposed to the formula of a boy/girl band attracted the audience with their multiple identities inspired by history and popular culture. This chapter investigated each character by exploring their background, personality and style,
and argued that they were a hyperreal group. The exploration of their personal lives was followed by an analysis of the music and video ‘Feel Good Inc.’ Hidden and obvious signifiers in the music were decoded by using three levels of meaning, in which its third meaning was revealed in the video. Its initial meaning was about escaping from reality in hope for a better life, but its metaphorical message was a critique of the entertainment industries. The genre-blended music, timbral qualities of all vocals, performativity, and influences of anime and horror assisted to decode the third meaning through the visual representation of the group and song. The next question was to inspect how a virtual group would perform live. The current technology and high rated musicians made virtual performances possible. Past gigs have consisted of Gorillaz being projected on the screen, with a live band shadowed in the background. In 2005, musicians performed the *Demon Days* album on behalf of Gorillaz. In 2006, Gorillaz historically performed ‘live’ with Madonna in 3D, which led to thoughts that postmodernism in popular music is still strong and active.

Gorillaz are the simulacrum of the manufactured band. The success of the group has resulted in five top ten singles and a number one album in the charts; winning 7 music awards out of 25 nominations. Apart from earning musical accomplishments as a virtual group, they also made a historical achievement with the song ‘Feel Good Inc.’, which entered at number two in the UK charts, based on both the sales of downloads and physical media (BBC online, 2005b; Dowling, 2005). Of course, the band behind the band concept cannot be ignored as Albarn, Hewlett and colleagues made the achievements possible. Surely it is also Albarn’s status that contributed to the success of Gorillaz, and by staying
out of the limelight he has also succeeded in other music projects. It may be understood that this was his comeback at the music industry for ruining the creativity of his former band Blur, which ironically, has sold fewer records than Gorillaz. If rumours of 2D being Albarn’s alter ego are true, then he had a completely different attitude during the Britpop scene. This also questions his identity as he played different roles in all of his projects. This reminds the viewers who Gorillaz really are: Albarn and Hewlett, along with the guest/session musicians, animation team, web team, creativity team and others. Hewlett’s acceptance speech for a MTV award reminds the viewers, ‘Gorillaz Best Group—and we don’t even exist’ (Browne 2006, p.260). Certainly, none of this is real, it is ‘only virtual…but it feels real as real can get…’ (Irwin 2002, p. 235).

---

54 Albarn’s other musical projects include: a Mali music project (2002); The Good, the Bad and the Queen (2007); and, a Chinese musical called Monkey (2008).
Conclusion

Summary: observations, key points and implications

The objective of this thesis was to explore ways in which contemporary popular music has made an impact on the music industry with the aid of digital media. As explained in the abstract and chapter 1, certain technological methods have contributed to popular music, which have arguably resulted in innovative pieces, and caused a range of concerns that involves the creator, industry and consumer. To examine why contemporary popular music has made an impact on the music industry with the aid of digital media, two research questions were proposed:

- how is contemporary popular music produced by digital technology to be perceived as innovative?
- what effects does innovative popular music have on the composer, music industry and consumer?

To answer the above questions has involved exploring certain musicians and their music, but before this could be achieved, a literature research (chapter 1) was undertaken to gather established material that would aid my questions. The main topics that supported the research questions were based on digital technology (sampling, Internet and the MP3), legal framework (intellectual property rights) and socio-cultural theory (which was based on postmodernism). The reason why the three topics were the main inquiries was because the three case studies that were conducted all involved innovative compositional methods based on digital technology, and somehow, the outcome of each project affected the composers, music industry and consumers, positively and negatively. Chapter 1 provided a
better understanding of the topics that surrounded the research questions, and presented more thought that would assist the two research questions:

1. Digital technology not only enhances the compositional and recording developments of popular music, but it is an essential requirement and method for distribution and consumption.

2. The music industry is not severely affected by the developments of digital technology. The music industry will always find a solution to collaborate with such developments or even channel it. The record industry, however, is affected.

3. With the continuous developments of digital technology, postmodern popular music is more active today, but there are gaps in scholarship of the current condition to support this (with the exception of the existing scholarship, which was written years before).

Before the research questions could be explored, more theoretical background was examined to support the legal framework of the composer, music industry and consumer, including digital technological methods that will be applicable to the case studies. These issues were introduced in chapter 2.

Chapter 2 provided an in-depth understanding on the developments of the music industry and digital technology over the last ten years (2000-2010), when the Internet became a major influence of the digital age. Here, the chapter provided an understanding of the consequences of sampling and distributing music, digitally. The chapter studied the rights of the music industry, composer and consumer if such consequences occurred for any of the parties. The legal issues, which mainly involved copyright, brought some unfair results for composers and consumers which suggest that the music industry maintains power and control over sound recordings and compositions. This finding proved to be interesting.
because although the composer and consumer are entitled to 'fair use', the industry, law
and government are successfully introducing or proposing new methods, such as the DRM
and the newly formed Digital Economy Bill to decrease illegal use of composing with the
input of using pre-existing works without permission, and the distribution and consumption
of music. Despite the issues raised by the industry—not least that companies have claimed
to be in decline due to losing out on royalties—the chapter found that they are always
finding solutions to resolve the issues, such as re-structuring the charts and working with
artists such as Danger Mouse and Damon Albarn to produce more innovative music.
Despite the resistance that these artists may have at first encountered, their liberation of
creating music and control of their project has now been accepted by the music industry.
The consumer however, still faces consequences with the industry, even if s/he and others
'discovered' the new music in the first place. The industry claimed that due to illegal file-
sharing, the physical sales are in decline, which has been confirmed in the latest IFPI music
report (p. 6, 2010), but it should be understood, that developments in technology are
constantly changing, therefore, it would be no surprise if the CD did disappear in the near
future and be solely replaced by the MP3, or even a new physical format. Then again, as
chapter 1 revealed, Rodman and Vanderdonckt (2006) claimed that the industry is always
informed with the latest developments of technology before it reaches out to the consumers,
therefore, the industry may have unknowingly (or even knowingly) instigated the later
problems on which the consumers took 'advantage' of their products. The record industry is
perhaps in decline, but like the music industry, they will find methods of maintaining
business through other channels. Aside from the issues of maintaining royalties, ownership
and profit of music, perceiving music as creative art rather than a commodity seemed to be overlooked by the music industry, which was demonstrated in chapter 3.

In chapter 3, *The Grey Album* by Danger Mouse was a powerful and notorious contemporary example of ways in which popular music now relies on digital technology. In order to assist in answering the research questions, *The Grey Album* proved to be innovative music because Danger Mouse genre-blended two pre-recorded works from different eras into a mash-up, which was made possible by digital technology. The research of this case study helped to understand why *The Grey Album* was innovative because of the thought of mixing two incompatible works and turning it into a piece of art. To understand its art, the postmodern aspects of *The Grey Album*, such as deconstruction and *differance*, were investigated. This helped to gain information on the socio-cultural contexts of music and artists of the *White* and *Black* albums. The findings on the history of the albums helped to appreciate *The Grey Album* as a piece of art because it brought more awareness of the music of other genres and significant musicians, and, the album resulted into a whole new composition. The creation of *The Grey Album* was indeed appreciated by those who were attracted to the composition, but they (the consumers), and Danger Mouse, almost had to face consequences by the music industry. The result of the illegal experiment almost resulted in censorship and a court case because Danger Mouse did not seek permission to use the sound recordings of the Beatles' music, and of course, the consumers obtained illegal copies of the album. Although EMI’s attempt to censor the album failed, which is because of the cyber protest, ‘Grey Tuesday’ (made possible by digital technology), this led to an extended research on whether the owners of the Beatles’ music, could have sued Danger Mouse and his supporters. It was discovered that although the Beatles and
associated publishers could have presented a court case, EMI in the United States could not precede because of the Sound Recording Act that was implemented in 1972 and not before, because the *White Album* was released in 1968. Chapter 3 went on to reveal that EMI admitted that the outcome of *The Grey Album* and ‘Grey Tuesday’ did not affect the music company at all (Howell, 2006). Although it would seem that Danger Mouse won the conflict, it would be in fact, all parties who gain success from *The Grey Album* because, Danger Mouse is now affiliated with various record companies; the record companies have recognised the musical talents of Danger Mouse and allowed him to be creative with his compositions; and, the consumers can still download *The Grey Album* today, illegally. The transformations of the music industry continued to develop, because of digital technology and unintentionally, Danger Mouse and his next project Gnarls Barkley.

Chapter 4 saw another development in the transformation of the music industry, particularly in the United Kingdom. The song ‘Crazy’ by Gnarls Barkley, gained instant recognition by the media and consumers after it was showcased on a television advertisement. After consumers managed to illegally download MP3 copies of the song, the demand for the release of ‘Crazy’ was high, therefore, the UK record charts were reorganized to allow the digital sales of MP3s to be included in the charts prior to the release of the physical formats. This regulation was welcomed by the music industry, in particular Warner Brothers, the record company representing Gnarls Barkley, in which they were the first to take advantage of the new ruling. ‘Crazy’ became number one in the charts and later the best selling single (and download) of 2006. The idea of a record company such as Warner Brothers, supporting its artist (Danger Mouse), was a sign that the company are observing the advantages on what future artists could bring for the music business. Despite
the issues Danger Mouse experienced regarding *The Grey Album*, his talents are now recognised by record companies, in which they allow him to be creative with his music and gain control of his publicity. For example, chapter 4 stated that Gnarls Barkley provided an interactive fan base via social networking websites, and that the group made the decision to stop further physical copies of ‘Crazy’ from being distributed. The song proved to be an ongoing successful track because it broke further boundaries in the music business, when it became the first song to re-enter the charts when a new regulation allowed digital sales of music of any period (as well as new releases). The success of ‘Crazy’ led to the research question on why the song was perceived to be innovative.

Again, the postmodern elements of genre-blending and intertextuality were evident. Here the intertextual references of spaghetti western music, literature and paintings based on one’s state of mind brought out the lyrical content of the song and video of ‘Crazy’—which again, was made possible because of digital technology. Digital technology enhanced the samples of spaghetti western into a transformation of a new song consisting of gospel, soul, and hip-hop. The art within ‘Crazy’ enabled Gnarls Barkley to be more experimental with their live cover versions of the song. This was achieved by performing different stylistic arrangements of the songs, and for Gnarls Barkley to play with their identity to aid their attempt to (partially) preserve anonymity, and for the listener to appreciate the music. The success of ‘Crazy’ was due to the music industry meeting the consumers’ demands of legally obtaining and appreciating the song. The success of the song benefited the record company, Warner Brothers and their associates (in terms of profit); enabled Gnarls Barkley to have control of their identity, performances and music. Another project Danger Mouse was affiliated with, unintentionally again broke boundaries in popular music.
Chapter 5 saw the final case study involving innovative popular music and digital media. Gorillaz are a musical and visual project visualized by Damon Albarn and Jamie Hewlett. The concept of the project was a response to the commercialized music and entertainment industries, celebrity and reality cultures, and Albarn’s attempt to be musically creative in which he was previously restricted to do when he was in the acclaimed group Blur. Gorillaz were perceived to be innovative because of their genre-blended music, and mostly because, of its members, who were virtual. Gorillaz proved to be the next successful virtual group, other than Alvin and the Chipmunks, because of digital technology. The record company EMI allowed Albarn to ‘manufacture’ a virtual band and create their music. The result led to pioneering music videos and live performances. The fascination with Gorillaz drew on their postmodern bodies which were composed of various aspects of popular culture such as horror films and Japanese anime. The research argued that they were a hyperreal group because they were ‘more real than real’, where each member had their own individual personality and history. Music-wise, Albarn composed genre-blended music (such as dub and hip-hop) for the group, which removed him from his Britpop status. By keeping out of the public eye, Albarn was free to experiment with his compositions and collaborate with other established musicians. Around the time of ‘Feel Good Inc.’, the popularity of buying MP3s was very high which led to a new chart regulation—to allow the sales of downloads and physical formats to be included in the charts at the same time. Gorillaz were the first band to enter the charts based on the highest sales of downloads. The success of Gorillaz was mainly due to the creativity of Albarn. Although Hewlett is also an established artist, Albarn is more of a popular figure in the media. The project was Albarn’s attempt to keep out of the public and to be experimental of his music, which was approved by his record
company. The record company’s approval enabled Albarn to work with other musicians, play with different musical styles, and have the results presented by a virtual group.

The two research questions were approached in various ways as demonstrated in the summary above and in the actual case studies. The answers have shown the centrality of digital technology to all the case studies. The music discussed all consisted of genre-blending and samples, which was made possible because of technology. The current methods of distributing popular music raised issues with the industry and consumers, which involved illegal distribution of music, and meeting the consumers’ needs of buying music. Although the music industry was at first harsh in responding to artistic ideas, the artists in question unintentionally helped the industry to transform ways of producing, distributing and selling music. The music in question raised awareness in the industry because of the creativity. The creativity involved in the music discussed in the thesis is innovative and postmodern which may sound clever and unusual at the same, and was made possible because of digital technology. Innovations in contemporary popular music gives exposure of other musical styles as well as understanding the postmodern craft, socio-context, and artist’s intention of the music.

Further research

While the answers to the research questions have been achieved, there are a number of areas that would require further research, to continue to widen our understanding and knowledge of contemporary popular music, the music industry and digital media. Further research is needed because developments concerning the industry and digitally based compositions are regularly changing, and continues to affect all parties involved—the industry, composer and consumer.
One area of research is to continue monitoring the reconstructions of the music industry. As digital technology has made an impact on music creativity and consumption, it has also reconstructed the music industry, and continues to do so. This has involved the industry updating and modernizing itself by adapting to the shifts of control, ownership and creativity caused by the wave of digital culture. This statement may still be debatable especially by managers or officials who are involved in the industry and argue that the main concern lies within piracy. As stated previously, the IFPI report has confirmed that illegal file-sharing has affected physical sales of music, but arguably, it has also affected the industry through loss of profits. The chairperson and chief executive for IFPI, John Kennedy, has stated that ‘digital piracy remains a huge barrier in market growth… we have to address piracy both on P2P networks and in other forms’ (cited in IFPI 2010, p. 3), which suggests that the music industry does not have total control over the distribution of music. In Kennedy’s view, the only way to solve this problem is for the government to set strict rules on the digital consumption of illegal files (IFPI 2010, p. 3). His concern around digital piracy is supported by music manager of U2, Paul McGuinness, who argues that ‘the digital revolution essentially made music free. For years we (and by “we” I mean the music business, musicians, creative industries, governments and regulators) have grappled with this new concept of “free”. One minute we have fought it like a monster, the next we have embraced it like a friend’ (McGuinness, 2010). His argument reflects the various arguments presented in the thesis about how the music industry responded to the musical works in question, which have resulted in mixed reactions and inconsistent positions and resolutions from the industry, as outlined in particular in chapters 2 and 3. A positive reaction by the industry is offered by the chairperson of BPI, Tony Wadsworth, who argues that despite the
increased activity of digital piracy, the industry is continuously finding methods of offering legal digital music to consumers: ‘There are now 59 ways to get music online in the UK. It’s hard to think of that many different branded outlets for anything. There are five major supermarkets, five major high street banks, four major petrol retailers, five major ISPs. Don’t tell the music industry that we have the problem with adapting to the digital age!’ (Wadsworth, 2010). Wadsworth’s comment would correspond to my argument that the music industry is being reconstructed by slowly meeting the artists’ creativity needs; by finding legal ways of selling music online; and, by imposing more control over music by influencing the government to place more rules and Acts over music consumption—which leads to the next area of research.

This is to keep up to date with, and where possible inform, the latest developments in legislation and copyright. Although the DMCA and Fair Use are in place, the Acts are not always implemented but if implemented, it does not always seem fair for the artist and consumer. A current example is a North American amateur DJ called Girl Talk (real name Gregg Gillis), who is famously known for mashing up well-known tracks—illegally. He is known by established artists and music companies, but remains independent. He has played at festivals (such as Coachella) and sells his music as a recorded format such as his 2008 album Feed the Animals. At the time of writing however, he has not been sued, although he is prepared to implement fair use as his defense if he does get threatened (Levine, 2008). It makes one think on how one person who famously remixes plenty of music without permission can continue to do so, where as others such as Danger Mouse was not so lucky? Is the music industry slowly accepting liberation in creativity? Or are the music industry and artists (whose works are used as samples) avoiding another conflict such as ‘Grey
Tuesday’ to avoid bad publicity, because, as ‘Grey Tuesday’ proved, there was more support for Danger Mouse and his supporters. What about the artists who are not that successful and are threatened by the industry? What if the consumer who may want to hear music for free for preview purposes? Or what if a lecturer or student wants to freely download music for fair use purposes (especially if the music is hard to obtain)? A call for clear and much fairer rights is needed: for the composer to be creative with pre-existing works (and if successful, agree to pay royalties); the consumer to be allowed to discover new music; and, the researcher to freely obtain music, especially censored and rare music, for fair use purposes (this comment could also be applied to books and films). Although there have been some recent developments in the DMCA in the United States (see chapter 2: p. 90, footnote 23), the recent addition only applies to researchers and the fair use of DVDs. It will be interesting to observe if this new regulation will be later applied to the use of audio tracks. In the United Kingdom, the new Digital Economy Bill will soon be active and it will be interesting to monitor how it will affect the consumers. Most of all, it will be interesting to see if the Digital Economy Bill will reduce illegal file-sharing activity of virtual formats such as the MP3. As experienced computer users are always finding new ways of obtaining illegal files, it may mean certain Acts and regulations may need to be regularly reconsidered, or set formal rules with consequences.

For the composer, it seems like only established artists are given the freedom and control to experiment with music and receive (financial) backup from their record company, but not always. Although Danger Mouse was lucky to be later affiliated with the music industry because of the attention he received for The Grey Album by supporters and other musicians such as Damon Albarn, he yet found himself in another conflict with EMI records in 2009
(see chapter 3: p. 181, footnote 24). Although the reasons for this particular conflict were unknown, and it has been now resolved, another area of research will be to follow Danger Mouse’s musical projects and monitor if he will unintentionally make further conflicts with the music industry with regards to his creativity.

This leads to another point to monitor: authorship and creativity. We are now living in a digital age where we have exposure to all kinds of cultures, music, literature, films, paintings, signs and images which we can remix into any kinds of art because of digital technology—but who would be the author? This draws on the earlier discussion about authorship regarding *The Grey Album*, and, more recently, Girl Talk. Brett Gaylor (2009) supports the idea that the creator of a remix should be acknowledged as the author. He uses his favourite artist, Girl Talk, as an example. In his documentary, *RIP! A Remix Manifesto*, he asks the viewer who is the author of a mash-up that features the Jackson 5 and Queen? The answer given is Girl Talk. Gaylor argues that in today’s digital age, the creative process is more important than the product because the consumers, such as Girl Talk, are now the creators—which was made possible because of digital technology. Gaylor also argues that creators who share creative ideas based on existing works should have ‘copyleft’ protection (as opposed to copyright), which should involve the protection of public domain works to ‘ensure free ideas and the future of art and culture’ (cited in *Rip! A Remix Manifesto*). This is an interesting point made by Gaylor because he highlights the existing argument that copyright needs to be revisited and reformed to protect future creators in the digital age. Everybody should have the choice to freely create art.

As well as Danger Mouse (and now possibly Girl Talk), another established musician to monitor is Damon Albarn and his project Gorillaz. As the original concept of Gorillaz was
a response to current commercialized culture, and for Albarn to work behind the virtual
group and hide his identity, Gorillaz have certainly progressed over the last 10 years.

Chapter 5 mainly discussed phases 1 and 2 of Gorillaz. At the time of writing, we are in
phase 3 of Gorillaz. With their third album *Plastic Beach* (2010), the music is more
experimental and postmodern with its stylistic features based on trip-hop, dub, Syrian
traditional music and grime. From a visual perspective, all the characters have developed
with darker personalities and, due to the continuous changes in technology, their videos are
hyperreal (for example the actor Bruce Willis appears with Gorillaz in ‘Stylo’). At this
stage, further research will need to be conducted on the group and find the intention of
phase 3, as the group have presented dark themes within themselves, their music and home.
Phase 3 also seems to be heavily focused on live performances. As they have embarked on
the third stage of their *Plastic Beach* tour in 2010 it seems that Albarn is more comfortable
with being present on stage. As personally observed at a gig in London in 2010 (the second
stage of the *Plastic Beach* tour in April), the gig seemed to be more focused on the
musicians, especially Albarn. Although there was a large projector screen showcasing the
latest images and videos of Gorillaz, it was difficult not to focus on Albarn as he was
dominating the stage and interacting well with the audience. It seems that as Gorillaz
develop in phases, Albarn does too, and it will be interesting to research on why he is ready
to let the audience know that he is one of the creators of Gorillaz. Questions that need to be
considered include: is Albarn freely presenting himself in the public eye as form of
retrogression? Is he moving away from the aesthetics of Gorillaz and trying to increase his
economic power by making himself marketable? Although Albarn argues that he would
prefer the Gorillaz to appear on stage in 3D, it would be difficult because they would need
advanced technology to make this possible. He explains that the virtual performance with
Madonna was a one-off because of time management and that the bass frequencies of the
music interfered with the visuals (Buskirk, 2010). As the group is well established, they
will embark on a stadium tour in the autumn of 2010, and it would be interesting to see if
Albarn’s request for new technology will materialize so that Gorillaz can virtually appear
on the stage like they have on the television. At the time of writing, Gorillaz may have a
rival—Major Lazer—a virtual character created by two producers, Diplo and Switch.¹ The
character is a Jamaican soldier and spy, who has a laser arm and fights against zombies,
vampires and pimps (Frere-Jones, 2009). The music acts as the soundtrack for the character
and is a genre-blend of dub, dancehall, trip-hop and drum ‘n’ bass (with samples borrowed
from traditional reggae songs). Like Gorillaz, the music videos are animated or computer
generated images but on stage, the live performances are dominated by Diplo and Switch.
Although there could be some possible similarities between Gorillaz and Major Lazer in
terms of musical styles and virtual characters, the themes of the songs and shows are
perhaps not aimed at the younger audience, as the subjects surrounding Major Lazer are
usually about drugs and sex. It will be interesting however, to monitor the musical
progression of Major Lazer and whether he will become as successful as Gorillaz.

One final area of further research is to return and explore one of the original research
questions in more detail (how contemporary popular music produced by digital technology
can be perceived as innovative?). Here, what can be further explored is the degree to which
contemporary popular music has been extended to other formats such as live performance
(how performances are enhanced by digital technology through music and visuals, such as

¹ Diplo and Switch were music producers for the singer and rapper M.I.A.
Gorillaz, or the late Michael Jackson's 'This is it' concert rehearsal), music video (again digitally enhanced productions such as Gorillaz' 'Stylo'), a video channel on the 'You Tube' website (showcasing artists' interviews and video performances), and mobile phone applications or widgets as found on iPhones (which gives direct access to artists' websites or other multi-media such as a novelty computer game), all due to the aid of digital technology. Here postmodern theory will be applied in more detail to support the creativity of the music. This method will enable the reader to understand the music more and appreciate its creativity. There is a need for more critical material based on postmodernism and current forms of popular music. There is also a need for it to be taught as a subject in order for the reader or learner to understand and appreciate the art, and uncover intentional and accidental meanings, similar in the way students would learn on how to analyze films, art history and literature. Certain postmodern terms could be investigated such as genre-blending, intertextuality and imitation because these terms are evident in current forms of music. As stated throughout the thesis, many songs and videos include samples or catchy hooks from past sources. The signs presented in music and videos help the reader to widen their knowledge by exploring other musical styles or research on the information that has been inserted in a medium. Again, the mixture of information presented in music regardless of its origins help to build the socio-context of the song, and this is made possible because of digital technology.²

To conclude, we live in a digital age—or perhaps even, because we are exposed to different cultures and popular cultures, and are able to remodel them via digital technology, a remix

² An appropriate and current example to represent this argument would be Beyonce's song for her husband Jay-Z 'Why Don't You Love Me' (2010). The genre-blended song (electronic pop, soul, African polyrhythmic rhythms, funk and pop) and layout of her vocals were made possible by digital technology. The song was enhanced more with the postmodern video, which includes loss of time and intertextual references to popular cultural female icons (imitated by Beyonce) and films.
age—and this particularly applies to popular music. Although the music industry may well continue to feel challenged by the ongoing developments and effects of post-production works by artists and amateur-consumer creators, the digital present is also our foreseeable future, therefore the industry will need to find ways to maintain its role in society. The industry will also continue to tackle digital piracy and to digitally meet consumers’ needs. After all, as Gorillaz have sung, ‘the digital won’t let me go…’ (in ‘Tomorrow Comes Today’, 2001).
Appendix 1

Track listings for accompanying CD

   Written by C. Ridenhour, H. Shocklee, K. Shocklee, and E. Sandler.
   Released on *Fear of a Black Planet*. Def Jam. 523446-2.

   Written by S. Carter, R. Rubin, N. Landsberg, F. Pappalardi, J. Ventura, L.
   Weinstein, W. Squier, T. Marrow, DJ Aladdin.

   Written by J. Lennon and P. McCartney,
   Released on the *White Album*. Apple Records.

   Remixed by B. Burton. Written by J. Lennon, P. McCartney, S. Carter, R. Rubin, N.
   Landsberg, F. Pappalardi, J. Ventura, L. Weinstein, W. Squier, T. Marrow, DJ
   Aladdin.
   Released on *The Grey Album*.

   Written by G. Cassia, G. Reverberi and G.P Reverberi.
   Released on *Preparati La Bari*. BGM Ricordi Music Publishing Spa. CDDM092.

   Written by G. Reverberi and G.P Reverberi.
   Released on *Preparati La Bari*. BGM Ricordi Music Publishing Spa. CDDM092.
   Written by G. Reverberi and G.P Reverberi. 
   Released on Preparati La Bari. BGM Ricordi Music Publishing Spa. CDDM092.


    Written by Gorillaz and D. Jolicoeur. EMI Records. 07243 869882 2 5.

    Written by R. Davies. Pye Records.
Appendix 2

Track listings for accompanying DVD


   Released on St. Elsewhere. EU: Warner Music UK Ltd. 25646 3267 2.


   Available from: <http://www.youtube.com/watch?v=zZeiUwgWu_I>


   Available from: <http://www.youtube.com/watch?v=jwQ1yV2Grqc>
Appendix 3

Glossary of Terms

**Allegro:** A fast and lively tempo.

**Appoggiatura:** An accented note that moves in step to a harmonic note.

**Arpeggio:** A type of broken chord which involves the tones of a chord playing in a fast sequence.

**BPM:** Beats per minute.

**Breakbeat:** A repetitive and upbeat drum pattern.

**Compression:** To control the dynamics in an audio signal.

**Counterpoint:** The blending of two or more melodies playing at the same time. Also known as countermelody.

**Crescendo:** To gradually play the music louder.

**De Minimis:** ‘The minimum’ (or smallest) amount when borrowing a text (or sample) and inserting it into a new piece of work.

**Decrescendo:** To gradually play the music quieter.

**Delay:** A sound effect in music involving the repetition of a sound but played at set times rather than continuously.

**Diminuendo:** To gradually soften the music.

**Download:** To obtain a file (such as an MP3) from another source on the Internet.

**Duration:** The length of a note or piece of music.

**Dynamics:** The volume of music.

**Envelope:** The shape of a level of signal or sound over time.

**Expressivo:** To play the music with expression.

**Forte:** Loud dynamics.

**Grave:** To play the music in a slow tempo.

**High Pass Filter:** A filter that eases frequencies below its cut-off threshold.

**Homophonic:** A musical texture based on a melody and chordal accompaniment.

**Hook:** An attractive musical and repetitive phrase in a piece of music (such as a chorus).
**Interpolation:** A physical sampling technique that involves inserting and changing a musical reference or text with minimal manipulation—such as changing a musical note or word.

**ISP:** Internet Service Provider. The service or company that provides the Internet to the user.

**Laissez Vibrer:** A musical term translated as 'let vibrate'.

**Legato:** A musical instruction to play the music smoothly.

**Leitmotif:** A short melodic theme or motif that repeats in specific parts in a piece of music.

**Loop:** A repetitive short melodic or rhythmic phrase (such as a bass groove or breakbeat).

**Low Pass Filter:** A filter that eases frequencies above its cut-off threshold.

**Mash-up:** A bootlegged remix of two popular songs.

**Melisma:** A vocal technique that involves singing several notes sung to one syllable.

**MIDI (Musical Instrument Digital Interface):** A digital device that captures and stores sound, which can later be manipulated or played by electronic instruments (such as a sampler or synthesizer).

**Musique concrète:** An earlier form of physical sampling, involving the manipulation of recorded sounds or noise. The term was coined by Pierre Schaeffer (Cox and Warner 2004, p. 413).

**Ostinato:** A repetitive and short melodic phrase in a piece of music.

**Overdub:** A practice in studio recording which involves recording a track over another track.

**Parody:** An imitation of another sound or text which results in satire or some form of reaction.

**Pastiche:** An imitation of another sound or text.

**Picardy third:** A major third in a tonic chord of a piece in a minor key.

**Recitative:** A vocal technique that imitates speech in a piece of music.

**Remix:** To re-mix or re-arrange a popular sound recording into an extended or different version of the original music.

**Reverb:** A sound effect that gives the notion of space and depth in a room.

**Rip:** To transfer the sound of a physical medium (CD) into a computer file (MP3).
Sample: A digital recording of a sound which can be manipulated and inserted into new music or played by electronic instruments.

Sprechstimme: A vocal technique based on sung-speech.

Staccato: Short and detached musical notes.

Timbre: The tone colour of an instrument.

Tempo: The speed of music.

Tessitura: The most used part of the range in an instrument.

Texture: The thickness or thinness of a piece of music.

Turntablism: A type of musical instrument consisting of record decks. The term was coined by DJ Babu (Cox and Warner 2004, p. 416).

Upload: To place a file on the Internet to allow users to view or download.
References

Books, Articles, and Websites


Available from: <http://www.artmovements.co.uk/modernism.htm> [Accessed 20th December 2010]


BBC online. 2007d. Changes to Top 40 countdown. 2 January.
Available from: 
<http://news.bbc.co.uk/player/nol/newsid_6230000/newsid_6239600/6239675.stm?bw=bb &mp=rm>
[Accessed 4 January 2007]

BBC online. 2007e. Are free CDs killing music? 13 July.
Available from: 
< http://news.bbc.co.uk/go/em/fr/~1/hi/magazine/6897178.stm >
[Accessed 6 October 2007]

BBC online. 2007f. Newspaper gives away Prince CDs. 15 July.
Available from: 
< http://news.bbc.co.uk/go/em/fr/~1/hi/entertainment/6899478.stm>
[Accessed 6 October 2007]

BBC online. 2007g. Radiohead album set free on web. 10 October.
Available from: 
< http://news.bbc.co.uk/go/em/fr/~1/hi/entertainment/7037219.stm >
[Accessed on: 11 October 2007]

BBC online. 2008a. Sony drops locks on music albums. 7 January.
Available from: 
<http://news.bbc.co.uk/go/pr/fr/-/1/hi/technology/7175338.stm>
[Accessed 23 February 2008]

BBC online. 2008b. Warner drops locks across Europe. 4 April.
Available from: 
<http://news.bbc.co.uk/go/pr/fr/-/1/hi/technology/7277884.stm>
[Accessed 4 September 2008]
BBC online. 2008c. Warning letter to file-sharers. 3 July.
Available from:
<http://news.bbc.co.uk/go/pr/fr/-/l/hi/technology/7486743.stm>
[Accessed 4 September]

BBC online. 2010. The Digital Economy Bill. 9 April.
Available from:
<http://news.bbc.co.uk/go/pr/fr/-/l/hi/technology/8604602.stm>
[Accessed 9 April 2010]


[Accessed 24 February 2010]


Available from: <http://observer.guardian.co.uk/omm/story/0,1756651,00.html>
[Accessed 24 April 2006]


*Bridgeport v. Dimension* (2005) 410 F.3d 792 (6th Cir)
Available from: <http://cip.law.ucla.edu/cases/case_bridgeportmusicstillinthewaterpublishing.html>
[Accessed 9 September 2009]

Britannica Encyclopaedia. 2007. s.v Hermann Rorschach.
Available from: <http://www.britannica.com/ebc/article-9377171>
[Accessed 8 May 2007]

Available from: http://www.britac.ac.uk/reports/copyright
[Accessed 9 September 2009]


Available from: <http://www.guardian.co.uk/technology/2006/apr/01/netmusic.arts>
[Accessed 12 April 2006]


Available from: http://www.wired.com/underwire/2010/04/gorillaz/all/1#ixzz0wsByXe7L
[Accessed 30 April 2010]


*Campbell v. Acuff-Rose* (1994) 510 U.S. 569
Available from: <http://cip.law.ucla.edu/cases/case_campbellacuff.html>
[Accessed 9 September 2009]


[Accessed 2 March 2005]


[Accessed 9 September 2009]

Cowling, E. 2006. The latest spin. The Scotsman, 4 April, p. 22.


Available from: <http://www.mtv.com/bands/archive/g/gorillaz01_7q/> [Accessed 8 April 2005]


Available from: <http://www.thefirstpost.co.uk/index.php?menuID=4&subID=523&WT.srch=1>
[Accessed 28 April 2006]


Available from:
[Accessed 2 October 2004]

Available from:
<http://www.eff.org/IP/DMCA/copyrightoffice/DMCA_rulemaking_broken.pdf>
[Accessed 8 September 2009]

[Accessed 8 September 2009]

Available from: <http://emimusicsample.co.uk/Sampleclearance/guide1FS.htm>
[Accessed 28 April 2008]

Available from:
[Accessed August 2006]

Available from:
[Accessed 14 September 2009]

European Parliament. 2009. *Music copyright to be extended to 70 years for performers* [online].
[Accessed 14 September 2009]


Available from: <http://news.bbc.co.uk/go/pr/fr/-/hi/technology/6338603.stm>
[Accessed 8 September 2009]


Available from: <http://www.newyorker.com/archive/2005/01/10/050110crmu_music>
[Accessed 2 March 2005]
Available from: <http://www.newyorker.com/arts/critics/notebook/2009/06/08/090608gonb_GOAT-notebook_frerejones>
[Accessed March 2010]

Available from: <http://mcs.sagepub.com/content/8/3/263>
[Accessed 6 March 2010]

[Accessed 4 February 2007]


Available from: <http:cip.law.ucla.edu/cases/cse_grandwarner.htm>
[Accessed 9 September 2009]


Available from: <http://www.newyorker.com/printables/talk/040209ta _ talk _ greenman >
[Accessed 9 March 2005]


Available from: <www.gorillaz.com>
[Accessed between 2005 and 2010]

Available from :< www.greytuesday.org>
[Accessed February 2004]


Available from:
[Accessed 6 September 2006]

[Accessed 10 October 2004]


Available from:<http://www.nytimes.com/2005/06/07/arts/music/07funk.html?>
[Accessed 9 September 2009]


Available from: <http://www.guardian.co.uk/music/apr/25/artsfeatures.shopping>
[Accessed 8 May 2005]


(2002) No. 02-10015.cc (11th cir)
Available from: <http://www.timwu.org/bridgeportjayz/malbiz-v-boladian.html>
[Accessed 9 September 2009]


Available from: <http://www.facingthechallenge.org/madonna.php>
[Accessed 15 March 2010]

[Accessed 4 September 2010]


Musion. 2006. *Peppers Ghost history* [online].
Available from: <http://www.musion.co.uk/peppers_ghost_history.html>
[Accessed 28 November 2009]


Available from:
[Accessed: 8 October 2005]

Available from:
<http://www.timeout.com/london/music/features/4481/Gnarls_Barkleys_Danger_Mouse>
[Accessed 6 April 2008]

Available from:
[Accessed 2 March 2005]

[Accessed 16 October 2004]

[Accessed 16 October 2004]

[Accessed 9 March 2008]

Available from: <http://www.rushes.co.uk> [Press release]
[Accessed 14 May 2005]

[Accessed 2 March 2005]


Public Enemy. 2006. *Public Enemy’s website* [online].
Available from: <www.publicenemy.com>
[Accessed 2 February 2006]


[Accessed 10 January 2007]


Available from: <http://dx.doi.org/10.1080/09502380500495734>
[Accessed 23 February 2008]

Romero, D. 2004. Coachella Mighty Mouse: In this year of the postmodern mash-up, the real superhero is DJ Danger Mouse. *LA City Beat* [online]. 29 April.
[Accessed 8 May 2005]


Available from:
[Accessed 12 June 2009]

<http://www.libraryofmu.org/displayresource.php?id=52>
[Accessed 9 April 2009]

[Accessed 9 October 2008]


Available from: <http://news.bbc.co.uk/go/pr/fr/-/1/hi/technology/44001148.stm>
[Accessed 8 September 2009]


[Accessed 2 October 2004]


Available from:
[Accessed 4 March 2005]


Available from: <http://www.slate.com/id/2153961>
[Accessed: 8 September 2009]

Available from:
<http://www.guardian.co.uk/music/2006/dec/10/gnarlsbarkley.dangermouse>
[Accessed 7 January 2007]


Available from: <http://news.bbc.co.uk/go/pr/fr/-/hi/entertainment/4872228.stm>
[Accessed: 6 April 2006]

[Accessed: 15 October 2007]
Recordings, Films, and Digital Media


Gorillaz. 2005. Demon Days. EU: EMI Records. 07243 474407 0 0. CD Album and DVD.


Morricone, E. 2006. 50 Movie Theme Hits. UK: Eden. 0166272ERE. CD triple album.


Pop Britannia, Episode 3, Two Tribes. 2008. BBC 2. 18 January. 22.00.


SAzeroKAL. 2009. *Crazy Gnarls Barkley MTV’06* [online].
Available from: <http://www.youtube.com/watch?v=wTs41zOeOro>
[Accessed 5 January 2010]

*Samurai Champloo, Episode 19. Unholy Union.* Directed by Shinichiro Watanabe. [Video recording].


*Something for the Weekend.* 2010. BBC 2. 19 December. 11.00.


VisageVevo. 2009. *Visage Fade to Gray* [online].
Available from: <http://youtube.com/watch?v=VMPC8QJF6sI&feature=au2n>
[Accessed 8 December 2009]