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RE-VIEWING ROCK WRITING

The Origins of Popular Music Criticism

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Interviewer: What makes your opinion any better than that of a cabbie out there on Sixth Avenue?
Lester Bangs: Nothing. Let him do it!
—From an interview in *Throat Culture*

POPULAR MUSIC CRITICISM has been canonized, organized around standard phrases and prosaic writing. As Mark Fenster claims,

> [R]ock criticism, at this point in its history and in the history of rock, is almost self-generating, as though there were a big CD-ROM somewhere in the vaults of *Rolling Stone*'s offices that can simply spit out various catch phrases and judgements, even for rock critics who miss [a] show. . . . [R]ock criticism is now more or less an exercise in pasting certain tried and true catch phrases and analogies to record reviews and artist profiles.[1]

One reason for the current state of popular music criticism, as described by Fenster, is simply that there is little left to write about, for aesthetic standards have changed little. Another reason is that many writers have left popular music criticism to write social criticism. The two had been intertwined in popular music criticism's heyday in the sixties and seventies, but had begun to unwind as, seemingly, youth itself sought to leave the political out of popular music.

This essay is in part inspired by John Pauly's notion that the New Journalism has become a "literary canon," removed from its origins.[2] Like the New Journalism, popular music criticism is

1. Mark Fenster, "Consumers' Guides: Pop Music Criticism and Pop Music Practice" (Paper presented to the annual meeting of the Popular Culture Association, Louisville, Kentucky, March 1992), 1–2.
2. John Pauly, "The Politics of the New Journalism," in *Literary Journalism in*

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disconnected from its evolution and history, a history that ironically is entwined with that of the New Journalism. As Pauly points out, the New Journalism "affirmed a generational identity" as well as "articulated a cultural identity."[3] Popular music critics were writing about both generational and cultural identity well before the term *New Journalism* came into popular use, and popular music itself is precisely about such affirmation, as the music's frequent use in advertising constantly attests.

Little exists in the way of systematic study of popular music criticism as it evolved in the press, as little understanding of its history exists among many popular music critics. An increasing number of academic studies of popular music are published each year, and there are several scholarly journals that serve as forums for popular music scholars.[4] Yet little has been published about popular music criticism in popular music scholarship, journalism and mass communication scholarship, or the works of critics themselves.

Journalism historians even seem to have overlooked the publications popular music critics wrote for, like *Crawdaddy*, *Creem*, *Musician*, and *Trouser Press* (to name the well-known ones), save for a handful of research articles on *Rolling Stone* magazine.[5] But although histories of *Rolling Stone*, a leading publisher of music criticism, offer glimpses into the publishing industry and the counterculture, musicologists and sociologists alike appear to have ignored popular music criticism as a site for academic study. Only Abe Peck's *Uncovering the Sixties*, a history of the underground press in the 1960s, situates the rise of magazines catering to a rock audience within the framework of cultural and political debate.[6] Indeed, the editorial *raison d'etre* of many underground periodicals (then and now) is to provide an audience with published music criticism. Underground periodicals have been particularly tied to popular music criticism because such periodicals have served as a "farm league" for many journalists who subsequently found careers in the mainstream or underground press.

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the Twentieth Century, ed. Norman Sims (New York: Oxford University Press, 1990), 110–29.

3. Pauly, "New Journalism," 119.

4. A number of publishers have begun popular music series. Among the most recent titles are: Sara Cohen, *Rock Culture in Liverpool* (Oxford: Oxford University Press, 1991); Robin Denselow, *When the Music's Over* (London: Faber and Faber, 1989); *World Music, Politics and Social Change*, ed. Simon Frith (Manchester: Manchester University Press, 1989); *Rockin' the Boat: Mass Music and Mass Movements*, ed. Reebee Garofalo (Boston: South End Press, 1992); and Steve Jones, *Rock Formation: Music, Technology and Mass Communication* (Newbury Park, Calif.: Sage, 1992). Among the most visible journals are *Popular Music*, published in England, *Popular Music Studies*, published by Bowling Green State University Press, and *Tracking*, published by the U.S. branch of the International Association for the Study of Popular Music.

5. The best history of *Rolling Stone* is Robert Draper, *Rolling Stone Magazine: The Uncensored History* (New York: Doubleday, 1990).

6. Abe Peck, *Uncovering the Sixties* (New York: Pantheon, 1985).

Pop music critics from the 1950s (pop's earliest days, for the purposes of this article) used the music press to do more than analyze music. Their writing carried the seeds of a post-war American cultural criticism based on the values, attitudes, and beliefs of the baby-boom generation. This criticism essentially recovered the aesthetic and cultural values of post-war youth and asserted the validity of their experience. Taking motion pictures, art, and music as their texts, critics helped blast a hole through the post-war social hardening of the 1950s—and through the journalistic conventions that the New Journalism came to question.

This essay seeks to establish and survey some of the dominant themes in popular music criticism. The aim is to understand the writing of those critics whose styles seem to have left the strongest imprint on popular music and popular music criticism, to trace the evolution of popular music criticism, not to build a critics' Hall of Fame. The critics whose work was chosen for inclusion in this essay—Nat Hentoff, Ralph Gleason, Robert Christgau, and Lester Bangs—are at the center of popular music criticism in part because they are simply fine writers, and in part because the themes they have mined remain the themes of popular music criticism. Many other critics have explored the same territory, with greater or lesser effect, but few have ranged as far as these four.

It should be noted at the outset that this essay focuses on criticism of popular music styles denoted by terms such as *rock*, *rock and roll*, *rhythm and blues*, and *pop*. Such criticism was published almost exclusively in fanzines and the underground press, and only later in the mainstream press. Other journalistic space for criticism simply did not exist for those wishing to write about popular music in the 1950s and 1960s, and the underground press owes some of its life to its many pages of popular music criticism.

One way of assessing the evolution of popular music criticism is to view it across the categories within which it has appeared. As Hoffman notes, one can find writing about popular music in fanzines, underground journals, music trade magazines, serious music journals, newspapers, general interest magazines, and books.[7] By this means, for example, David Sanjek discusses the ideology of authenticity among rock music critics. Yet such categorization causes Sanjek to overanalyze the publications and underanalyze the criticism itself.[8]

My approach is to analyze three intertwined themes found in popular music criticism—race, authenticity and mass culture. In reading popular music criticism one is likely to detect one or more

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7. Frank Hoffman, *The Literature of Rock, 1954–1978* (Metuchen, N.J.: Scarecrow, 1981), x.

8. David Sanjek, "Pleasure and Principles: Issues of Authenticity in the Analysis of Rock 'n' Roll" (unpublished manuscript, 1991). To Sanjek's credit, his paper does serve as a foundation for further studies to assess the influence of popular music publications among fans.

of these themes within the space of single articles, in a paragraph, occasionally even within one heavily weighted sentence.

Race, Records and Writing

Explaining why his writing shifted from music toward politics and cultural criticism, Nat Hentoff said, "You see the discrimination and injustice in the music industry and you naturally gravitate toward [social criticism]. Unless you're a totally aesthetic critic and that's a whole 'nother thing."[9] If nothing else, popular music forced critics to confront social issues and go beyond aesthetics, to explore the ways in which meaning is made from popular music. Popular music critics, as Patricia Bizzell has noted, wrote about "that part of human life which is constructed through shared language use, the life-in-language that connects us to various pasts, puts us in concert or conflict with contemporaries, and provides us with visions of collective futures."[10] That such collective envisioning should surface in popular music criticism is not surprising, since the music itself often seemed to have a similar purpose. Popular music was considered to have a meaning beyond the aesthetic, and consideration of that meaning—its construction, constitution, and communication—occupied many critics.

Popular music critics' examination of the urban music scene led them to write about racism and urban and moral decay. Since most music is recorded within and distributed from large cities, and since most "scenes" are labeled by the city in which they originated (the San Francisco Scene, the Liverpool-based Mersey Beat, the Minneapolis Sound, the Athens Underground), this connection seems natural. Even though many musical forms incorporated into popular music are born outside the city, many are inextricably linked to the inner city (in particular disco and rap music), and the city provides a context within which popular music incorporates elements of urban life (and vice versa). At first critics addressed these issues within the context of popular songs' lyrics. Later, they would address those issues without prompting from lyrics.

One of the first popular music critics to address race in his criticism was Ralph J. Gleason (1917–1975). Though he was sometimes excitable, even giddy, his writing was usually stately, and slightly ponderous. His extreme faith in the revolutionary promises held within rock and roll, gleaned perhaps from his association with San Francisco's psychedelic avatars, the Jefferson Airplane, during the late 1960s, is legendary. To Gleason, at least late in his life, rock and roll *was* the revolution. Gleason passed that way of thinking on to his disciple, Jann Wenner, and to a generation by way of their joint project (later Wenner's alone) *Rolling Stone*. To this day the magazine still features Gleason's name at the bottom of its masthead in tribute to his contribution to the lingering philosophy of the magazine.

9. Nat Hentoff, conversation with the author, Tulsa, Okla., 26 September 1990.
10. Patricia Bizzell, "'Cultural Criticism': A Social Approach to Studying Writing," *Rhetoric Review* 7 (Spring 1989): 229.

In 1960, Gleason began to look beyond the aesthetic criticism of jazz, for which he was known. Racism provided the spark Gleason needed to reinvent himself. In a "Perspectives" column in *Downbeat* magazine, Gleason related his anger and frustration at the scaling down of the live San Francisco jazz scene by city authorities who feared rioting (there had been fighting in the crowds of several jazz and rhythm and blues shows).

"What's behind this," Gleason wrote, "whether the people who make the decisions in such matters know it or not, is a fully functioning Jim Crow stereotype. . . . The fact that you can have a fight at a Guy Lombardo dance, the Harvest Moon Dance, or a football game between 22 Caucasians has nothing to do with it apparently. Some people can't think past their first impressions."[11] He goes on to blame schools and the education system partially, saying they do not encourage thinking and have made language "fuzzy" enough to allow words to mean many different things, apparently even that racism is okay, or that it is not even racism. "We are in the midst of a gigantic social upheaval in which the Newport Jazz Festival riot, the southern lunch-counter sit-ins, Elijah Muhammad, and countless other things are part of the whole," Gleason wrote in that column. "Patience, tolerance and, above all, compassion are needed everywhere. The protest inherent in jazz has always been a protest *for* good, *against* evil. Let us not allow it to curdle into hate."[12]

Later that year as the Civil Rights movement began to catch fire, many youths (as well as jazz musicians) saw themselves in a position to redirect the hatred of blacks. Gleason was beginning to adopt a more socially aware standpoint. Music was the tonic, he seemed to be saying. "[The 1960 Monterey Jazz Festival] proved many things," he wrote, again for *Downbeat* in an article that seems a turning point for Gleason's approach to criticism. "That a jazz festival devoted to music does not incite a riot; that American audiences can and will be patient, attentive, and sympathetic to the most exploratory of musical experiements; that, as in the words of Jon Hendricks sung by Lambert-Hendricks-Ross, 'everything started in the house of the Lord.'"[13]

In this article, Gleason seems to realize that there is a cultural significance to the music of which he writes—the slave songs, African music, "sexually symbolic" blues; but he still concentrates on the performances, on music, focusing on the quality of the sounds and power of their presence. "Communication was the key to both afternoon programs," Gleason wrote. "It might be said that

11. Ralph J. Gleason, "Perspectives," *Downbeat*, 15 September 1960, 38.
12. Gleason, "Perspectives," 38.
13. Ralph J. Gleason, "Monterey: The Afternoons," *Downbeat*, 10 November 1960, 18.

these two programs not only represented both sides of our society today but that they communicated directly to the audience with the same intensity with which the two sides of society burn. . . . But just as some can see the world of technology, of the Bomb, and of the giant shedding of skin of discrimination by black peoples of the world, with fascination and excitement and a kind of joy mixed with fear, so did this music communicate."[14]

A critic who quickly realized the social significance of popular music and often wrote about the connections between jazz and race is Nat Hentoff (1925–), today a prominent political journalist and columnist for the *Village Voice*. Less prone to out-on-a-limb blanket statements and more thoroughly logical than Gleason, the two were originators of popular music criticism.

Though younger than Gleason, Hentoff took a similar career path. Starting out as a music reviewer for such publications as *Downbeat* and the *Jazz Review*, he later contributed to *Playboy*, the *New Yorker*, *Commonweal*, the *Saturday Review*, and the *Reporter*, becoming in the process (like Gleason) as much a social as a music critic. He currently writes little about popular music, preferring political analysis for the *Washington Post* and frequent contributions to such publications as the *Village Voice*, *New Republic*, and *Progressive*.

Hentoff's early writing demonstrated his social concerns. He picked up early on the idea that jazz had much more to it than notes, charts, and scales, more than simple musical exploration. To Hentoff, much jazz was about rebellion, but he always seemed to bring the discussion back to the context of the music itself. Social concerns for Hentoff are a *part* of popular music, and his main concern is its authenticity.

As Gleason had in 1960, Hentoff began to write about racism in jazz. However, he was quicker to turn to popular music as a vehicle for social commentary than Gleason (and quicker to abandon it, too). In an article for *Commonweal* the connection to his earlier writing on jazz and racism becomes clear. He wrote that "being oneself, or trying to be, may mean being totally alone, and that prospect is for the most part unbearable. The overall context is somewhat similar to that in Southern cities where 'liberal' whites have become increasingly silent."[15]

Hentoff did not abandon writing about jazz at this early stage of his career, as Gleason did. However, his interest in the social issues surrounding jazz brought him more frequently to folk music and rock and roll. His attention, then as now, focused on protest, regardless of the medium within which he found it. In 1965, for instance, he wrote of Miles Davis and John Coltrane: "Neither makes speeches on prejudice in their music, but their jazz speaks from a position of strength in their self-images as creators who do

14. Gleason, "Monterey," 18.
15. Nat Hentoff, "They *Are* Playing Our Song," *Commonweal*, 6 May 1960, 145.

not have to—and will not—grin for the white man."[16] Since jazz is the full expression of the man playing, Hentoff writes, it is clear that modern jazz is more grounded in protest than it ever has been.

The folk movement of the 1960s provided Hentoff with a fertile site for examining American protest. In a 1967 essay Hentoff predicts the demise of several forms within the folk revival in what amounts to a quite impressive feat of extrapolation. Importantly, Hentoff's writing is again informed by his thoughts on race. For instance, Hentoff wrote that urban white boys trying, with admittedly good intentions, to reproduce the rural black blues sound to which they have no cultural connection are going to fail. There is no way for Paul Butterfield to sing and play real Delta blues as though he were born black and on the land a half-century ago. It is impossible to recreate someone else's history, Hentoff says, so if they are to survive artists must face the future more as themselves, and create more of their own material. His focus is still on the music, however, and the expression of race via music.[17]

By the late 1960s Hentoff left popular music criticism, but not before writing an article for *Parents* magazine that encapsulates his, perhaps essentialist, view of why popular music is important. Rock music, Hentoff tells the nation's parents, is a dialogue between young people. "It provides the quality of identification, what comes from knowing that your most urgent concerns and anxieties are understood by others who share them."[18] A central facet of the importance of rock music, the reason it seems to provide existential truths, Hentoff says, is because it is diversified culturally. "In a society increasingly divided by color and class, teenagers are able, at least through their music, to transcend those barriers."[19] They can dig Aretha Franklin, Otis Redding, Johnny Cash, Bob Dylan, and the Beatles with equal aplomb.

Returning to a theme from his jazz criticism, Hentoff writes that such diversity had not always been present. There were clearer geographic and ethnic lines only fifteen years earlier. There was hillbilly music for Southern whites, blues and jazz for blacks and some white aficionados, Broadway and show tunes for most of the white youth. Elvis Presley and Bob Dylan helped change that, primarily because both were equally indebted to white and black artists. By 1969, Hentoff suggests, the music was tearing down racial barriers.

Such faith was also exhibited by Lester Bangs (1948–1982), who since the 1970s has inspired many critics for the underground press. Like Gleason and Hentoff, Bangs was a fan of popular music. Unlike them, he began writing about rock, and stuck with it, though showing a taste for jazz and blues from time to time. Bangs's articles, particularly those written during his tumultuous

16. Nat Hentoff, "Jazz and Race," *Commonweal*, 8 January 1965, 144.
17. Nat Hentoff, "Jazz and Race," 144.
18. Nat Hentoff, "What Pop Means to Kids," *Parents*, May 1969, 46.
19. Hentoff, "What Pop Means," 46.

years as writer and editor at *Creem* magazine in the 1970s, were always an up-front challenge to his readers, to his editors, to his culture. At times he wrote to anger people and usually succeeded (certainly he succeeded in enraging Jann Wenner, who fired Bangs from the staff of *Rolling Stone* in 1971 for being disrespectful to musicians).

In his very first published piece, a review for *Rolling Stone* on the MC5's debut album *Kick Out the Jams*, Bangs sounded somewhat like Gleason or Hentoff, and his later writing hearkened back to the blues as an indicator of a "true" roots heritage. In every case, though, as with Hentoff, it was the music that most counted; but revolution counted too, and the MC5 were judged by their political stance as well as their music. Bangs found them lacking on both counts. There were hints of the coming bombast, the style that first took form in Bangs's review of the Count Five's *Carburetor Dung*:

> I suppose the best way to characterize the album would be to call it murky. Some of the lyrics were intelligible, such as these, from "The Hermit's Prayer": "Sunk funk dunk Dog God the goosie Gladstone prod old maids de back seat sprung Louisiana sundown junk an' bunk an' sunken treasures / But oh muh drunken hogbogs / I theenk I smell a skunk." Lyrics such as those don't come every day, and even if their instrumental backup sounded vaguely like a car stuck in the mud and spinning its wheels, it cannot be denied that the song had a certain value as a prototype slab of gully-bottom rock 'n' roll.[20]

Like Gleason, Bangs was sometimes excitable and giddy. And, like Gleason, Bangs had an extreme faith in the revolutionary promise of popular music as personal fulfillment and transcendence rather than as social revolution. Bangs was not troubled so much by racism as by the sheer nihilism of the rock generation he had grown up with, a nihilism that expressed itself in punk rock. In a 1979 *Village Voice* article titled "The White Noise Supremacists," Bangs scolded the New York punk scene for its racism:

> You don't have to try at all to be a racist. It's a little coiled clot of venom lurking there in all of us, white and black, goy and Jew, ready to strike out when we feel embattled, belittled, brutalized. . . . But there's a difference between hate and a little . . . gob at authority: swastikas in punk are basically another way for kids to get a rise out of their parents and maybe the press, both of whom deserve the irritation. . . . Maybe. Except that after a while this casual, even ironic embrace of the totems of bigotry crosses over into the real poison.[21]

20. Lester Bangs, "Psychotic Reactions and Carburetor Dung," *Creem*, December 1971, 63.
21. Lester Bangs, *Psychotic Reactions and Carburetor Dung* (New York: Knopf, 1987), 275.

Unlike other popular music critics, Bangs was extremely self-reflexive, and this is what sets him squarely in the ranks of the New Journalists. For example, in the same 1979 *Voice* article he wrote that "in Detroit I thought absolutely nothing of going to parties with people like David Ruffin and Bobby Womack where I'd get drunk, maul the women, and improvise blues songs along the lines of 'Sho' wish ah wuz a nigger . . . ,' and of course they all laughed. It took years before I realized what an asshole I'd been."[22]

But Bangs is less interested in the details than in larger cultural patterns:

> All I knew was that when you added all this sort of stuff up you realized a line had been crossed by certain people we thought we knew, even believed in, while we weren't looking. Either that or they were always across that line and we never bothered to look until we tripped over it. And sometimes you even find that you yourself have drifted across that line. . . . Most people think the whole subject of racism is boring, and anybody looking for somebody to stomp is gonna find them irrespective of magazine articles. Because nothing could make the rage of the underclass greater than it is already, and nothing short of a hydrogen bomb on their own heads or a sudden brutal bigoted slap in the face will make almost anybody think about anybody else's problems but their own. And that's where you cross over the line.[23]

Bangs's ire was induced less by individual acts of racism and nihilism and more by the big social picture he perceived, at the center of which was popular music: "[S]ince rock 'n' roll is bound to stay in your life you would hope to see it reach some point where it might not add to the cruelty and exploitation already in the world."[24] His writing often included sweeping, bittersweet speculations about the baby-boom generation, such as this one written just after Elvis Presley's death: "If love is truly going out of fashion forever, which I do not believe, then along with our nurtured indifference to each other will be an even more contemptuous indifference to each others' objects of reverence."[25]

What is conspicuously absent from Bangs's writing is the inherent sense of optimism that suffused popular music criticism. Gleason and Hentoff, for instance, did not so much champion popular music as divulge their faith in it as a force for positive social change. They were not convinced that popular music would end racism, but did seem to believe that popular music would bring it to a swifter conclusion among youth. In Bangs's writing such faith is present, but it is far from certain. It occurs as a marker of

22. Bangs, *Carburetor Dung*, 276
23. Bangs, *Carburetor Dung*, 280, 282.
24. Bangs, *Carburetor Dung*, 282.
25. Bangs, *Carburetor Dung*, 216.

change in popular music and the popular music audience, a change playing itself out still in the critical discourse concerning rap music, racism, and violence. The current broken, mass-mediated conversations between generations that find more disagreement than harmony in the popular music to which they cling represent Bangs's conviction: Popular music can bring people together . . . but it is just too late.

Criticism, Mass Culture, and Commercialization

Mass media and mass culture remain prevalent topics in pop music criticism. Critics comment on pop culture itself, the aspirations and self-projecting fantasies of those within that culture, the dissolution of that culture, and in some cases "blueprints" for the improvement and preservation of that culture. Such commentary makes up a vast amount of Robert Christgau's work, as it did Bangs's and Gleason's.[26] Christgau (1942–) is one of the few contemporary rock critics who can boast of a career traversing popular music since the mid-1960s—and who can boast of a career as a rock critic without using *Rolling Stone* as a springboard.

Christgau's main concern has been the aesthetics of rock. After Christgau appeared on the scene as a columnist for *Esquire* in 1967, the face of the entire genre began to take on the features he gave his writing. He has called himself "the dean of rock critics," and while writers like Greil Marcus, R. Serge Denisoff, and Wilfred Mellers have displayed a more classically academic tone, Christgau is the professor of the popular critics. He may be the first to invent a theory about the job of the pop music critic in society, and his vision certainly has helped define the mainstream approach to popular music criticism as it now exists. Rock is art, Christgau says, nothing less, nothing more. And it is a powerful social force, magnified by its place in mass media.

In Christgau's writing, one finds a remarkable unity in his vision of popular music and popular music criticism, even if one can also discern a tendency to repeat things that have already been said. His intentions seem to have remained the same today in his "Consumer Guide" columns for the *Village Voice* as they were in his earliest "Secular Music" columns for *Esquire*.

In one of Christgau's earliest columns for *Esquire*, a review of folk singer Phil Ochs, one can find elements that still survive in his writing. There is a demanding sense of what makes music *musical* (a standard missing among some critics, notably Lester Bangs), a sense of political certainty, a sense of where pop music should be and what it should be saying to the culture or subculture it addresses. Unlike Jann Wenner, Gleason, and others who gathered under *Rolling Stone*'s masthead, one rarely found Christgau reeling with giddiness over the revolutionary promises of rock music. "Good intentions" he wrote, "are never good enough," and revolutionary promise had little influence on his musical taste.[27]

After five years as a rock critic, Christgau collected his writing in a book, *Any Old Way You Choose It*, in which he outlined his theory of criticism. He talks of formulating these theories as a college student, first impressed with the idea of rock as an "art form" (or "antiart" as he also terms it) after seeing a painting of a nude woman into which a radio had been installed. The radio was tuned to a pop music station. He declared an early penchant for jazz and literature, amplified by Motown and Phil Spector recordings (which inspired him to compile charts, precursors to his "Consumer Guide," a regular feature in the *Voice*). Later, when the Beatles rolled around, he says, he began to view the music through the "secular theology of new-critical literary analysis" he was studying: "I certainly didn't reject all art, and I didn't exactly decide that what is called high art is bullshit—I still don't believe that. But I did come to understand that popular art is not inferior to high art, and achieved a vitality of both integrity and outreach that high art had unfortunately abandoned."[28]

He dismisses much of his period with *Esquire*, saying that his attitude could be condensed to a phrase—"Hooray Little Richard, boo Jefferson Airplane," a phrase quite contrary to that asserted by West Coast critics (especially Gleason). But Christgau softened and learned to like the hippies: "Most important, they like mass culture: What was then called rock—popular music created by the counterculture—embodied my own personal contradictions."[29] His impulses were part pop-culture theorist and part bohemian, and these fused in his politics, he said. Both approaches were pragmatic, suggesting complementary modes of self-preservation. "Pop is really a system for beating the system, both perceptually, by aesthetic reinterpretation, and physically, by selective consumption. And bohemianism has always sought to shed the system's outworn, wasteful usages and uncover the true self."[30] Both, he wrote, are too insular on their own, and Christgau forged them into a course of critical action. He rejected the elitism of each approach, the pop and the bohemian, and claimed to have melded the two into a sensibility:

> I always resisted the term "criticism" to describe secular music—I preferred "amateur sociology" or "journalism" or just "writing," because the idea of criticism had been deracinated for me in college. As practiced by academics, it leeched life from works that had to survive, if they were to survive at all, not in some specimen

26. Though not included in this study, Marcus's writing is particularly relevant in comparison to Christgau's. Both critics achieve many of the same ends, though they begin in different places. Christgau's emphasis remains rooted in music, Marcus's in sociology. For a representative sample of Marcus's writing, see his *Lipstick Traces* (Cambridge: Harvard University Press, 1989).

27. Robert Christgau, "Secular Music," *Esquire*, May 1968, 19.
28. Robert Christgau, *Any Old Way You Choose It* (Baltimore: Penguin, 1973), 3.
29. Christgau, *Any Old Way*, 6.
30. Christgau, *Any Old Way*, 6.

> bottle but in the commerce of the world, and it separated the critic—or, anyway, the critic's student—from the pleasure that has always been the secret of art. . . . My understanding was that criticism should invoke total aesthetic response. . . . The richest and most useful kind of criticism respected the work as it was actually perceived, by people in general. . . . Any critic who wrote about the music as if he/she were no longer a fan—or who was no longer a fan—was shirking all the fun.[31]

Christgau here addresses not only issues of the mass culture debate, but also the critical discourse regarding those issues, a remarkable thing for a genre that was less than ten years old.

Toward the end of the sixties, Christgau took to keeping one eye on the records being released and another on the record companies releasing them, and in time his writing showed a savvy understanding of the music industry. Like Gleason, Christgau bemoaned the industrialization of rock and roll. It had, he believed, spread widely as a commercial force but thinly as an art form, and though he blamed the music industry he mostly blamed the popular music audience for its unwillingness to make aesthetic choices for itself. This is an interesting and somewhat ironic perspective for the author of the "Consumer Guide," which, it could be argued, itself has lead to the industrialization of popular music—or at least to the industrialization of popular music criticism, as many publications have adopted Christgau's one-paragraph review style and grading system.

Hentoff, too, turned an eye to the music industry. In an article in *Commonweal* he writes of being able to overcome some of his derision as a jazz fan for the simplicity of teen-aged rock and roll music, saying that there are adult reasons for the mediocrity of most rock and roll.[32] Although he quotes a claim by ASCAP (the American Society of Composers, Authors, and Publishers) that music's decline is due to the infestation of the young with rock and roll, he maintains that ASCAP's concern is less aesthetically based and more financially based, since its upstart competitor, BMI (Broadcast Music, Inc.), had signed the most rock acts, at considerable profit. Payola seemed to fill out the equation. Rock and roll was being selected and distributed on the basis of publishers' greed.

Gleason turned fifty at the height of the summer of love. He was too old to be accepted into the "now" generation but young enough to feel part of it anyway, and had begun to ponder the impact of rock music on American mass culture. He had seen it give voice to the frustrations of urban blacks through jazz; he was now aware of rock music giving voice to the frustrations of a much larger audience, American youth. With many other critics, Gleason at first saw the whole "Beatles-*Sgt. Pepper*-Airplane-Dead-hippy"

31. Christgau, *Any Old Way*, 7–8.
32. Hentoff, "Our Song," 143–45.

movement as an unbelievable utopia-in-creation. A generation was in motion, and rock music had propelled it.

It was exactly as Plato had predicted, Gleason would note. "Music, if Plato was right, might save us yet. Certainly no hippie, no folk singer, no long-haired guitar-playing rock musician is going to fry us all with napalm or blow us up with the bomb. This would be a better country with Zally [Yanovski, a member of the Lovin' Spoonful] as president, to say nothing of the thousands of others."[33] For Gleason it was the community that rock fostered that mattered, a community tenuously tied together by a variety of constructs: folk music, art, politics. As Frith claims, "Music is no longer commenting on a community but creating it, offering a sense of inclusion not just to the musicians, bohemian style, but also to the audiences, to all those people hip enough to make the necessary commitment to the music, to assert that it *matters*."[34] Gleason asserted just that. "I don't think music has lit up the world, so to speak," he wrote for *Rolling Stone* in April 1968. "But I do think the new music has established a kind of *Stranger in a Strange Land* head community, vibes in concert, thoughts and ideas and concepts changing together."[35] He predicts that 1968 might be the time during which the counterculture will find whether deviants within society might be accepted or squashed.

By December 1968, there were many clues about which direction the counterculture would travel. Assassinations, the party conventions, the election of Richard Nixon, escalation in Vietnam to five hundred thousand troops, drug busts of the Rolling Stones and Lovin' Spoonful, and a dissipation of spirit in the underground community were among the hints. Gleason was still committed to the idea of a youth rebellion, but now complained it was being sapped by Madison Avenue ads that could take the words "world revolution" and make them a pun on the revolving door of a Sheraton Hotel, sell Nehru shirts with the slogan "Meditate in '68," and make radio commercials that sounded like a drug pusher peddling the finest in Acapulco gold. It was then, also, that Columbia Records began an advertising campaign whose slogan was "The Man Can't Bust Our Music." Gleason was not pleased. "Neither Columbia Records nor any other entrenched privilege group is going to nurture any power which will obviously destroy it. The key word is obviously. As long as any point of view or doctrine is not considered a threat, it will be expressed and even encouraged because it proves the deification of the system was worthwhile."[36]

Having left jazz, Gleason now saw the co-opting of the counter-

33. Ralph J. Gleason, "The Final Paroxysm of Fear," *Rolling Stone*, 6 April 1968, 29.
34. Simon Frith, *Sound Effects* (New York: Pantheon, 1981), 88
35. Gleason, "Paroxysm of Fear," 28.
36. Ralph J. Gleason, "So Revolution is Commercial," *Rolling Stone*, 21 December 1968, 34.

culture occurring before his eyes, and predicted the total blurring of the line between rock music and commercialism, a line that he had helped draw earlier in the 1960s while writing about the San Francisco music scene. The greatest danger to the counterculture, and to youth rebellion, he said, is the ability of the established society to co-opt the leading elements and ideas. That it had not happened yet is no protection against that danger, he added. "They haven't figured out yet how to utilize all this power that's floating around, but you can believe that somewhere somebody is working on it. In fact, you'd better believe it."[37] It would have been most interesting if Gleason had lived to witness the similar implosion of the punk movement in the U.K., from the very co-optation it sought to control.

By March 1969 Gleason had constructed a theory of exactly how music works on its audience, and how music might be used as a cultural tool. He quotes Herbert Marcuse, to claim that public opinion is made by the media of mass communications. "If you cannot buy equal and adequate time," he quotes Marcuse, "how are you supposed to change public opinion in the monopolist way?"[38] By then he had moved almost completely away from the traditional music criticism he had written, based on reviews of performances and criticism, to a form of social and cultural criticism.

Much of his writing in this period begins to echo that of media critics. He wrote about understanding what makes news and how to get the news available to the media. He takes on issues of epistemology and the social construction of reality in popular culture. "When you accept 'Desolation Row' and 'Tom Thumb's Blues' along with 'Mr. Tambourine Man' and 'Rolling Stone' and the rest, you are accepting a definition of the world around you."[39] Despite the wildness of some of his theories (at times one wonders about his sanity, as he makes claims about Dylan and the Beatles having started "programs" to indoctrinate youth, which will begin when the time is right), he did make a particularly lucid prediction in the context of late 1980s/early 1990s political changes: "Gilbert and Sullivan may have made a government tremble, but I am convinced that rock'n'roll, in its total manifestations, will cause one to fall eventually."[40] In the light of changes in the political systems of eastern Europe, Russia, Germany, and the Tiananmen Square riot, his words are prescient.

For these and other critics the co-optation of popular music was to be guarded against, yet none wrote about the connections between commercialization and the popular music and underground presses. While seeking to preserve popular music's positive spirit, as with their writing about racism, popular music critics wrote for a mass medium, and the music articulated itself in a bundle of media texts: records, films, radio, books, magazines. Popular music fans, musicians, and producers have forever sought to retain (or create) that positive spirit in the name of authenticity or credibility. Only Christgau managed to extricate himself from the morass of glib pronunciations concerning rock's demise by noting in an essay on the Rolling Stones that:

> Only popular culture could have rendered art accessible—in the excitement and inspiration (and self-congratulation) of its perception and the self-realization (or fantasy) of its creation—not just to well-raised well-offs but to the broad range of less statusy war babies who in fact made the hippie movement the relatively cross-class phenomenon it was. And for all these kids, popular culture meant rock and roll, the art form created by and for their hedonistic consumption.[41]

License and Essence: Criticism and Authenticity

Authenticity is probably the most simultaneously invisible and opaque of the ideas that occupy popular music critics, yet it is referred to or implied in almost all popular music criticism. It is also the most frequently debated topic, and one that brings popular music's inherent elitism to the fore. Since the job of the music critic is, fundamentally, to convince readers that particular music is good or bad, and since standards are difficult to come by in popular music, critics often refer to authenticity as a measure of aesthetic soundness to bolster their opinions. In numerous ways critics claim music is either "authentic" or "inauthentic." Some of these claims are contradictory, and the examples given here probably represent only the most obvious of these approaches.

Sanjek defines authenticity as central to the ideology of rock music, writing that it is "the degree to which a musician is able to articulate the thoughts and desires of an audience and not pander to the 'mainstream' by diluting their sound or their message."[42] Music critics seem to use a similar definition. Frith argues that the importance of the music press is "not commercial . . . but ideological. Fanzines, fanzine writers (and the important critics in the mass music papers share the fanzine stance) are the source of the arguments about what rock means, arguments not only about art and commerce, but also about art and audience."[43] Consequently, discussions of authenticity went beyond the aesthetic discourse of earlier criticism and included elements apart from the music itself.

37. Gleason, "Revolution is Commercial," 34.
38. Ralph J. Gleason, "Songs Would Do More Than Books," *Rolling Stone*, 1 March 1969, 19.
39. Gleason, "More Than Books," 22.
40. Gleason, "More Than Books," 22.

41. Robert Christgau, "The Rolling Stones," in *The Rolling Stone Illustrated History of Rock and Roll*, ed. Jim Miller (New York: Random House/Rolling Stone Press, 1980), 196.
42. Sanjek, "Pleasure and Principles," 2.
43. Frith, *Sound Effects*, 177.

Thus popular music criticism can be understood as meaning-making, a way of continuing the discourse of popular music on a non-musical plane.

As most critics who are also fans do, Nat Hentoff started out his career as a critic with a sense that he had to try to protect the authenticity and validity of the music he reviewed. In an article published in the *Saturday Review* in 1956, Hentoff scolds the jazz audience for not being more responsive to jazz history, for allowing older jazz musicians such as Coleman Hawkins, Jack Teagarden, and Cootie Williams to become dispossessed as their styles fell out of favor. Many were having trouble even securing club dates. "If jazz is indeed an 'art form,' a fair majority of its practitioners and supporters ought by now to be expected to possess—and listen according to—an informed sense of the history of this young musical language."[44] As things stood, Hentoff wrote, there was little room for any jazz player who had reached forty or forty-five years of age.

The best of the modern jazzmen—Miles Davis, John Lewis, Tony Scott, Charlie Mingus—have a good sense of what has come before, Hentoff writes, "but had there been more modernists fully aware of from whence they swung, it's possible that the quality of some of the present-day experimental jazz might have been of higher quality with longer liklihood of fruitable durability."[45] Like many popular music critics Hentoff claims that a "return to the roots" signifies authenticity. History, in other words, provides a context without which one cannot claim to be authentic.

And yet in a 1967 essay on folk music Hentoff urged young musicians not to rely on history too much, to compose and perform more of their own material as a way to get in touch with their own history. "For the city young, in sum, 'ethnic authenticity'—as that term refers to someone else's past of whatever color or region—is the route to absurdity."[46] Hentoff claimed that the mass media had for the most part destroyed the possibility of "ethnic authenticity," even for rural youths, who would now hear Marvin Gaye on the radio and not Mance Lipscomb on their porches. "Influences will, of course, continue, but the quest for authenticity must be pursued from within," he wrote.[47] He extended this claim to encompass black youth as well, stating that as blacks adapt the roots of the music of their culturally native Africa, they will no longer be, technically speaking, culturally authentic. He pronounces that they will, however, be personally authentic. Hentoff's turn from historical authenticity, based largely on ethnicity and "roots," to

44. Nat Hentoff, "New Audiences and Old Jazzmen," *Saturday Review*, 15 September 1956, 30.
45. Hentoff, "Old Jazzmen," 30.
46. Nat Hentoff, "The Future of the Folk Renascence," in *The American Folk Scene: Dimensions of the Folksong Revival*, ed. David A. DeTurk and A. Poulin, Jr. (New York: Dell, 1967), 327.
47. Hentoff, "Folk Renascence," 327.

personal authenticity and self-expression, is thus clearly documented and delineated in one essay. It is as if, in the folk music movement, Hentoff determined that the ease of cultural assimilation provided by the mass media renders historical authenticity impossible.[48] Given the frequency and intensity with which he had written about authenticity in the past, he was forced to reconceive authenticity as a form of self-expression.

What is particularly interesting is that it is clear in his essay that Hentoff is still coming to terms with a new definition of authenticity. In some measure he contradicts himself by criticizing folk music for becoming less communal and more individualistic. And, still, his writing circles back to the music itself: "The message of the new folk can only be apprehended through the total medium—instrumental textures and ways of singing as well as the lyrics themselves. . . . To remain a markedly identifiable original—rising above the eddies of inevitable eclecticism—will require an order of imagination that may well make the survivors the true bards of the first international community."[49]

He also returns to the theme of the 1960 *Commonweal* article on jazz and rock. Rock, he says, is fundamentally a release of feelings—expressing the poignant loneliness felt at times by all adolescents, and their fear of becoming as emotionally grey as their parents appear to be. Hentoff adds a final note that rock is also Big Business, and will lose some of its credibility as its market expands, and as it becomes politically co-opted, introducing a point that Gleason argued and that within two years would, in the hands of other critics (and fans), become a key issue in the debate on authenticity in popular music.

Christgau, too, showed a propensity toward using popular music's history to determine its contemporary authenticity. In 1969 Christgau wrote a feature for *Stereo Review* entitled "A Short and Happy History of Rock." Rock had become "canonized" by the mass media after the *Sgt. Pepper* album, he argued, "making it the hottest item since the Lindbergh kidnapping."[50] Christgau reveals a prejudice for the rock and roll of the 1950s, detailing the criteria the music must pass in order to pass the "Christgau test." But first he tries to explain how rock ever got big in the first place: "The success of rock and roll was as much a rejection of contemporary popular music as it was an affirmation of the blues and the country-and-western music in which rock is rooted. The vitality of rock and roll . . . was the vitality of an oppressed subculture—all right, not that of urban blacks or hillbillies, but of the young, particularly the white young."[51] Christgau echoes Hentoff's claims

48. One wonders what Hentoff would think of contemporary "world music." Its authenticity is dubious and its pervasiveness makes the historical authenticity Hentoff writes of difficult to preserve.
49. Hentoff, "Folk Renascence," 330.
50. Robert Christgau, "A Short and Happy History of Rock," *Stereo Review*, March 1969, 80.
51. Christgau, "History of Rock," 80.

about rock music's ability to cross racial barriers, and refers to rock's "roots" in much the way Hentoff referred to authenticity. But, more importantly, he claims that rock's success is based on *musical* values and not political ones. Though he acknowledges the relation between social status, subculture, and rock's "vitality," he again keeps musical and political issues separate.

For Lester Bangs, authenticity was tied to fandom, and Bangs was, simply, a fan. As he once claimed, "My most memorable childhood fantasy was to have a mansion with *catacombs* underneath containing, alphabetized in endless winding dimly-lit musty rows, every album ever released."[52] What better evidence of fandom than the desire to be the ultimate collector?

For Lester Bangs gritty, grungy, gully-bottom rock and roll was the core of all rock and roll, the brutally honest, vulgar and savage core of his culture, one of the last brilliantly gleaming torches that culture had bothered to keep lit in its ascent toward extermination. Unlike Jann Wenner, who seemed to believe the torch would keep burning with an eternal flame fueled by "classic rock," Bangs struggled to discover new music that would keep the torch alight. As Christgau noted in Bangs's *Village Voice* obituary, Bangs kept "alive the dream of insurrectionary rock and roll as *Rolling Stone* turned to auteur theory and trade journalism," words that say as much about Christgau as Bangs, but sum up the direction that Bangs took upon leaving *Rolling Stone*.[53]

That path often led him to write about punk rock (he is credited with coining the term). He kept a close ear on New York's punk scene in the 1970s, and even traveled to England to view British punk first-hand. Bangs espoused a punk aesthetic long before it came to be associated with safety pins, and that aesthetic more than any other informed his writing. Indeed, as the following passage demonstrates, his core concept of authenticity was that inept, grungy rock was the only true rock and roll:

> It wasn't until much later, drowning in the kitschvats of Elton John and James Taylor, that I finally came to realize that grossness was the truest criterion for rock 'n' roll, the cruder the clang and grind the more fun and longer listened-to the album'd be. By that time I would just about've knocked out an incisor, shaved my head or made nearly *any* sacrifice to acquire even one more album of this type of in-clanging and hyena-hooting raunch. By then it was too late.[54]

Bangs was a critic whose main concern was always to keep the music aesthetically authentic, politics be damned, because, if the music became fake, there would be nothing left to grasp at to stem the tide of artificiality and hopelessness, of the existential nihilism

52. Bangs, *Carburetor Dung*, xi.
53. Robert Christgau, "Lester Bangs, 1948–1982," *Village Voice*, 11 May 1982, 75
54. Lester Bangs, "Psychotic Reactions," 59.

he believed was already smothering his society. If his ideas of what made music authentic were extreme and unapproachable, he still defended them with the passion and eloquence of a writer one would never think of finding in the pulp pages of an underground fanzine. For instance, in 1979 in a fanzine called *Stranded* he wrote that

> [Van Morrison's] *Astral Weeks* would be the subject of this piece—i.e., the rock record with the most significance in my life so far—no matter how I'd been feeling when it came out (Fall 1968). But in the condition I was in, it assumed at the time the quality of a beacon, a light on the far shores of the murk; what's more, it was proof that there was something left to express besides nihilism and destruction. . . . It sounded like the man who made *Astral Weeks* was in terrible pain, pain that most of Van Morrison's previous works had only suggested; but like the later albums by the Velvet Underground, there was a redemptive element in the blackness, ultimate compassion for the suffering of others, and a swath of pure beauty and mystical awe that cut right through the heart of the work.[55]

Bangs scoured records for transcendence, for anything that raised music (and thus Bangs) beyond everyday-ness. As he wrote in a review of a Captain Beefheart LP, "He's no more or less valid [than others], but [it is] simply that in an age of pervasive artistic negativism, we have in Cap a new-old man refusing to discard the heart and humanity and essential innocence that Western culture has at least pretended to cultivate for three thousand years and which our electrified, relativistic generation seems all too willing to scrap as irrelevant sentimental bullshit."[56]

In Bangs's writing self-reflexiveness counts. Self-parody counts as well, and self-knowledge most of all. He displayed all three, chronologically, as his style developed. More than any other popular music critic Bangs summoned authenticity from within himself. Like Norman Denzin's ideal interpretive interactionist, Bangs "moves outward . . . from [his] personal biography to those social settings where other persons experiencing the same personal trouble come together."[57] Only for Bangs those settings were most often records. Yet there is little doubt that his writing resonated not because of any claims he made in regard to the authenticity of the music he wrote about, but because of the authenticity he evoked by way of his interacting with experiences familiar to the popular music audience. To claim that Bangs was consciously practicing interpretive interactionism is absurd, but not pointless;

55. Bangs, *Carburetor Dung*, 20.
56. Lester Bangs, "Lick My Decals Off/Captain Beefheart," *Creem*, March 1971, 76.
57. Norman K. Denzin, *Interpretive Interactionism* (Newbury Park, Calif.: Sage, 1989), 126.

he achieved what most critics seek, to understand "how this historical moment universalizes itself in the lives of interacting individuals."[58]

Criticism and the Experience of Modernity

The themes examined in this essay—race, commercialization, and authenticity—together illuminate the problems with which popular music and its audience have grappled. What sets popular music criticism apart is its tendency to venture beyond the particular work being criticized. Popular music criticism has served as a springboard for social discourse on many levels.

More importantly, for the purposes of this essay, the history of popular music criticism and the underground press are intertwined. Frith claims that "underground papers were important as the source of what became the dominant ideology of rock."[59] Underground papers were also the forum within which popular music critics could work, not only because editors selected them but because those publications delivered—and needed—an audience eager to read that writing. Few of the more prominent music magazines (*Rolling Stone, Creem, Musician*, for example) differed much from a formula followed by other media fan magazines. As Frith notes, "Music papers and record companies work together not because the papers are 'controlled' by the companies' advertising, but because their general images of the world, their general interpretations of rock, are much the same.[60] This connection between the music industry and the music press is compelling. But it is not by necessity a connection between the music industry and music critics. One could rework Frith's statement about music papers and record companies and claim that music *critics* and the underground press had a similar "general image of the world," and it is that image that the critics maintained long after the publications for which they wrote ceased to exist or matter.

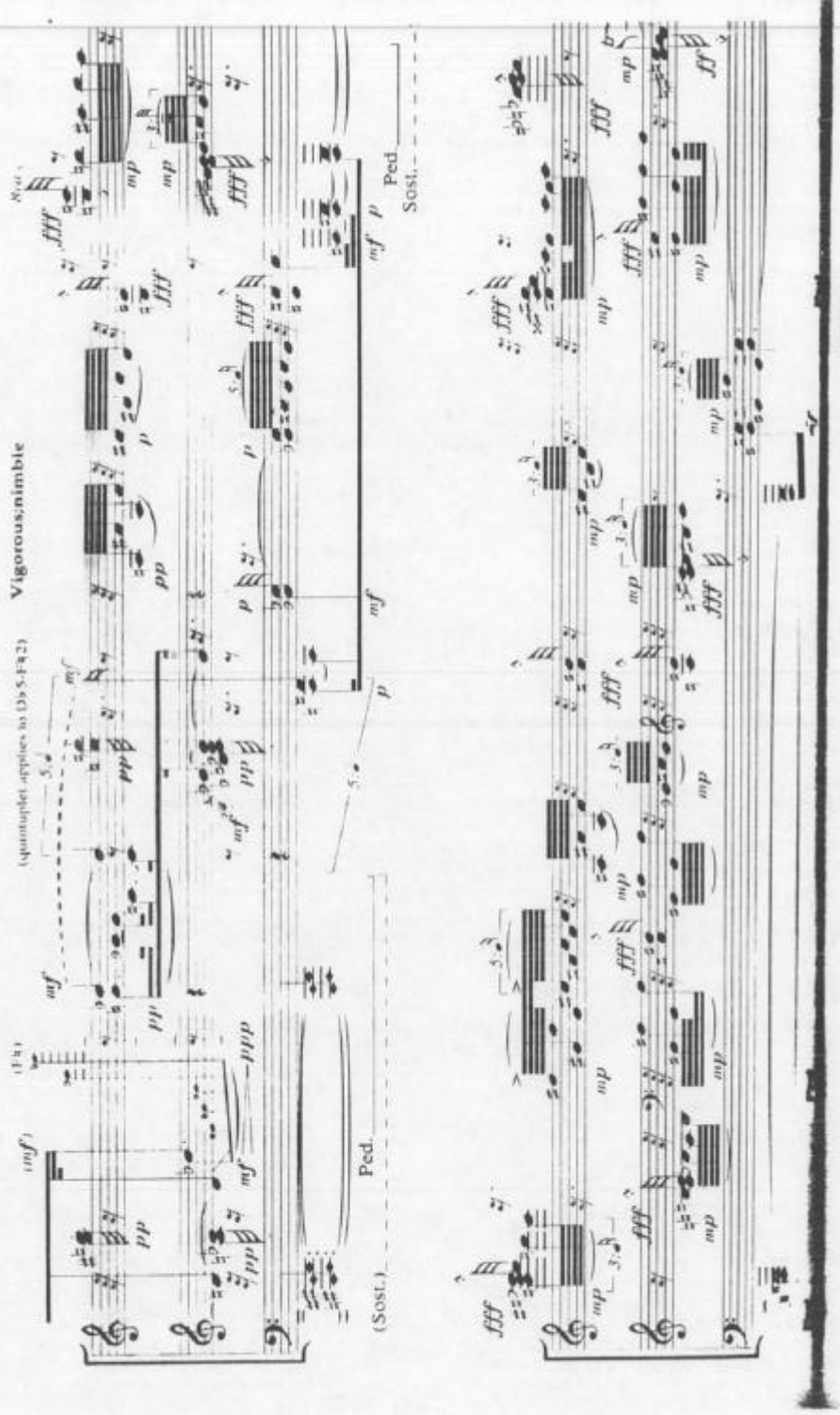
The "general image" created by music critics strikingly resembles the discourse about media and modernity that Joli Jensen has analyzed.[61] The "tensions and contradictions" that Jensen identifies are present in popular music criticism as well, and give that criticism its poignancy. According to Jensen, the recurring themes of the modern discourse about media are "seduction, transgression, pollution and doom."[62] These themes are found in popular music criticism, too, from groping for an end to racism and decrying the pollution of "pure" music by commerce, to searching for redemption and transcendence in "authentic" rock and roll. The cultural arguments Jensen examines—about essential worth, the lowest common denominator, egalitarian elitism, contamination, blurred boundaries, the pure and the polluting—are at once present in popular music criticism and in the critics. Not only do critics reflect on these "tensions and contradictions" in their writing, but they reveal their own belief in popular music and in youth. Consequently, popular music criticism is another arena within which the "modernity story," as Jensen aptly calls it, might be told.[63] Popular music criticism reveals a sense that a promise of social development based on progressive ideals has been betrayed.

58. Denzin, *Interpretive Interactionism*, 139.
59. Frith, *Sound Effects*, 169.
60. Frith, *Sound Effects*, 173.
61. Joli Jensen, *Redeeming Modernity* (Newbury Park, Calif.: Sage, 1991).
62. Jensen, *Redeeming Modernity*, 176.

These same "tensions and contradictions" gave rise to the New Journalism, too. David Eason argues that the New Journalism emerged from "cultural criticism focused on how the self might find its bearing in a society characterized by a breakdown in consensus about manners and morals and by the permeation of everyday life by a mass-produced image-world."[64] Eason describes two approaches—realism and modernism—by which New Journalists responded to that "breakdown in consensus." "Both . . . reflect an absorption in aesthetic concerns. . . . In realist reports, the dominant function of the narrative is to reveal an interpretation; in modernist reports it is to show how an interpretation is constructed."[65]

Popular music criticism has attempted both strategies, sometimes within the same article. It has also stretched journalistic conventions, as did the New Journalism, in ways that foregrounded meaning-making. In terms of its importance to popular music, criticism is one of those areas within which "rock and roll organizes, not the meanings we give to the world, but the ways we are able to invest and locate energy, importance, even ourselves, in those meanings."[66] Popular music criticism was from the start concerned with the struggle over meaning. As a literary form, it grew up side by side, often page to page, with the New Journalism.

63. Jensen, *Redeeming Modernity*, 59.
64. David Eason, "The New Journalism and the Image World," in *Literary Journalism in the Twentieth Century*, ed. Norman Sims (New York: Oxford University Press, 1990), 191.
65. Eason, "Image World," 199.
66. Lawrence Grossberg, "Rock and Roll in Search of an Audience," in *Popular Music and Communication*, ed. James Lull (Newbury Park, Calif.: Sage, 1992), 160



Steve JONES

CRITICAL LEGAL STUDIES AND POPULAR MUSIC STUDIES

INTRODUCTION

FOUCAULT ARGUED THAT THE IDEA OF THE AUTHOR (and, with it, of authenticity) is a fundamentally discursive practice, and this is certainly so in popular music.[1] But within that discourse are rooted also fundamental notions of power; authorship and copyright (and, along with those, authenticity) are part of that power structure. As Kash notes about the origins of copyright law, "copyright was intertwined with political censorship laws,"[2] effectively fixing not only who owned the rights to copy a work but who could and could not publish it.

The vestiges of that origin are still with us. Copyright is still a form of censorship, if only insofar as copyright owners determine the uses to which a work is put. Frith[3] and Jones[4] identify copyright in popular music as control, and establish technological change as a driving force behind shifts in the interpretation of copyright laws and exploitation of copyrights. However, it is more to the point that a technology that is at loggerheads with copyright law (an argument frequently made in reference to digital sampling and recording). The ability to use a machine for a particular purpose is not what creates difficulty vis à vis copyright; it is that technology calls into question exploitation itself. On the one hand, the structures built by copyright law continue to maintain that free expression of ideas is of paramount importance, implicitly (at least) exhibiting a modernist view of "progress." But it is the ideas that are supposed to be free; their expression can be copyrighted. This dualism is artificially constructed and difficult to maintain, for, on the other hand, the techniques embedded in audio technology are an instrument of expression that at once commodifies and mass (re)produces *both* ideas *and* expression. Put another way, exploitation in the marketplace is acceptable and taken for granted, within the legal, economic, and social systems surrounding popular

music practice as those have been constituted commercially. But artistic exploitation, which is perhaps what sampling is at heart, is unacceptable to copyright holders. Such exploitation forces a wedge between the dual meanings of property/propriety (the dual interpretations of "work") to be discussed later in this essay and exposes the idea/expression duality. The contradictions between commerce and art, at the fore in popular music to begin with, are embodied in the establishment and exploitation of copyright and need to be examined critically as they are embodied within the technology used in service of copyright's exploitation.

Popular music studies lack a framework for understanding popular music practice in such a way as to be able to account for authorship and authenticity as multifaceted constructs arising from the interstices between musicmaking, music-owning, and music-hearing. (A particular challenge to popular music studies is to perform the kind of "genealogy" that Foucault seeks of literary property in terms of popular music.[5]) To borrow from Bettig,[6] the creative subject is constituted socially in popular music as regards popular music's consumption and constituted legally as regards popular music's production. As regards the study of popular music, the creative subject appears to be constituted according to theoretical boundaries of a study. The creative subject is situated differently depending on whether a study is musicologically or sociologically grounded, whether it is the study of text or context. It is rarely understood as a discursive practice. Consequently, popular music studies often assume the immutability of copyright and proceed to understand popular music practice as it is shaped by copyright law and concomitant restrictions, reinforcing Gagnier's claim that deconstruction may be "ultimately a conservative practice."[7] Analysis of censorship struggles has been less occupied with analysis of the law and more occupied with analysis of social and economic implications arising from censorship attempts.

Popular music is made to be reproducible, not merely technologically, but socially (via discourse, dance, and other means of interaction), and its mode of existence lies in reproducibility. And it is reproduction and playback, rather than recording, as is often claimed, that is problematic for copyright owners. Popular music scholars themselves seem to subscribe to a Romantic notion of authorship, if only because it is the legal consequences of infringement that are most visible and thus other conceptions of copyright (as censor, "structuring" structure, etc.) are less easy to see. Or, perhaps, they mythologize authorship by embedding it in performance. It is as if popular music studies implicitly and uncritically subscribes to the notion of authenticity, officially decrying infringement because it tramples the rights of "authors," mapping genealogies of music that seek to resurrect its "true" origins, and omitting from consideration the social construction of the author in the context of popular music and in the very work of popular music scholars.

LITERARY PROPERTY AND CRITICAL LEGAL STUDIES

THESE ISSUES HAVE BEEN ADDRESSED BY CRITICAL LEGAL scholars using literary criticism and literary theories on legal discourse in a fashion that begs popular music scholarship to follow suit. In particular, literary criticism has engaged questions of authorship and authenticity in recent years by historicizing the "author" and "authorship" and understanding the resultant ties to the structure of legal systems of copyright. Indeed, in literary studies authenticity (in particular the rise of a discourse of "originality" and the "new" or "unique") is often problematized by way of authorship. For instance, Jaszi has argued that "'authorship' has been continually revived and redeployed, sometimes under very unusual circumstances, in debates about . . . copyright."[8] Jaszi claims that authorship is "a culturally, politically, economically, and socially constructed category rather than a real or natural one,"[9] an idea particularly appropriate to popular music studies since it can be claimed that authorship and authenticity are likewise constructed in popular music yet made to seem natural as part of the creative "work" of musicmaking.

Along with theoretical interventions into the concepts of "authorship" and the "author," critical legal studies (CLS) is often predicated on the history of publishing and the concomitant economic and legal environments of publishing. Such connections tell much about the way copyright has come to be thought of in the music industry and provide several avenues for CLS to engage popular music studies.

First, authorship is bound up with ownership. The roots of property law, and even the roots of the word "property" itself, are derived from the Latin *proprius*, meaning "one's own." Literary property is dependent on the idea of "real" property, which itself derives from *proprius*. Not coincidentally, the word "propriety" is derived from the same root. Ownership and use are conjoined, a point that is particularly important in the popular music industry. As Rose claims, "the distinguishing characteristic of the modern author . . . is that he is a proprietor."[10] To play further on language, it should be considered that there are (at least) two meanings to the term "work." In one instance it refers to that which is copyright, the author's "work." In another instance it refers to that which is "worked," processed, effected, exploited. These twinned meanings confuse popular music copyright, especially insofar as copyrights in the music industry are not perceived as protection so much as commodities to be bought, sold, and exploited by way of licensing agreements, publishing, airplay, and other royalty arrangements.

A strain is placed on literary definitions of property when they are applied to popular music, since such definitions are historically linked to "real" property. In popular music, it is difficult to define what the "real" property is, as each attempt to fix the definition brings contradictions. Written notation is not the same as performance; sound, though it can be recorded, is evanescent, and so on. Moreover, the property that is exploited takes the form of the "song" but can be exploited in many ways independent of the song's structure, sound, and written form.

Second, the development of copyright is inextricably bound to Jaszi's "metamorphoses of 'authorship,'"[11] a claim important to the study of popular music as it problematizes the notion of a "songwriter." Jaszi argues that "it is not coincidental that . . . the articulation of many doctrinal structures that dominate copyright

today"[12] arose during the heyday of Romanticism, a time when authorship was used to signify "an extreme assertion of the self and the value of individual experience,"[13] a claim mirrored in the discourse of authenticity in popular music. As Bloomfield puts it,

> *The illusion of the availability of the singer as artist is spelt out . . . as an ideology of authenticity. It is a discourse that takes over key elements of Romanticism to structure the listener's common sense into a (naive-) realist (proto) theory of song production and consumption.*[14]

Bloomfield historically situates the songwriter and identifies the Romantic era as the moment of formation of modern ideas about the song by way of preoccupation with self-consciousness and subjectivity.

Third, as Eisenstein argues in *The Printing Press as an Agent of Change*, reproduction moves the work from the artist's studio to the printer or publisher.[15] As a result, it is the publisher who gains a vested interest in the work. It is important not to elide what Bettig identifies as "the separate interests of authors and publishers."[16] This is a particularly fertile area for the study of legal structures and institutions in the music industry, because determination of Bettig's "creative subject" (upon whom are conferred the rights of ownership) is a political struggle—and an understudied area. In film studies and literary studies, Bettig notes, such work has been under way.[17] The exploitation of novelists and screenwriters has been examined as it engages issues of copyright and control and is amenable to forms of literary criticism. Such work has only recently begun in popular music, but there is a long way to go.[18]

Foucault's work on authorship can form a basis for much theoretical work in popular music studies, especially his exploration of the "author function." The popular music industry clings obstinately to the author, as do fans and scholars.

MUSIC, PROPERTY, COPYRIGHT, AND AUTHORSHIP

COPYRIGHT IN POPULAR MUSIC HAS TRADITIONALLY BEEN discursively positioned as an author's legal protection against the copying and pirating of music. But in practice, copyright is the primary means for record companies and music publishers, who usually own the copyrights to songs, to insure income during periods of low sales (since copyright is tied to a variety of royalty mechanisms that are not directly related to sales), and to control the manufacture and distribution of recordings. This is particularly important since the music industry has come to rely less on sales of recordings as a means of generating income for several reasons. First, the audience for popular music is an older audience and thus less prone to impulse buying. Second, it is an audience with less discretionary income.[19] And third, synergistic arrangements within integrated media companies provide for easy exploitation of rights.[20]

Shifting technologies have forced concomitant shifts in the ontological status of music and sound. Copyright law for sound recordings has not easily followed those shifts. Musical notation first externalized musical memory. However, written notation is not a medium of hearing but of sight. Writing can be considered a means of fixing sound by converting it to sight.[21] But musical notes on a page represent music, not sound: that is, the sound will be variable according to the instrument, articulation, and the like, chosen by the person who makes heard what is written. Evan Eisenberg writes:

> *Perfect preservation is a matter not simply of technology, but of ontology as well. A defect of preservation is a defect of reification, and this is the trouble with clefs and quavers. They aren't music; they just represent it. The music itself is sound.*[22]

Audio recording presents a means of notating, of fixing, sound. Cutler writes:

> *[Recording] "remembered" actual performances; more importantly, it could equally well "remember" any sound that could be made, whatever its source. Thus, through the medium of recording, all sound became capable of musical organization and therefore the proper matter of music creation.*[23]

One can then determine some connections between authenticity and authorship within the framework of Romanticism. Popular music since the 1960s can be considered as carrying on Romantic ideals; placing emphasis on instincts and feelings, de-emphasizing the intellect, exalting individualism, naturalism and simplicity. If writing music divides the composer and performer, then, as Cutler argues, recording enables the (potential) "reunification of composer and performer." We may there locate the musician's desire to record, since one is able to perform one's own composition. Eisenberg put it well:

> *What are the causes of this impulse to create records? . . . Marks on paper can be misinterpreted. . . . When the composer is the performer, what the recording records is nothing less than the composer's intentions . . .*[24]

As a result, we have a connection to Romanticism by way of establishing that a recording is "one's own" work, and a connection to copyright as recording enables the commodification of what is "one's own." In this light, it is necessary to do for musical copyright what Jaszi, Rose, Woodmansee and others have done for literary copyright: critically dissect its evolution.

The United States government has provided a means of copyrighting music since passage of the Copyright Act of 1909. In 1972, an amendment to the Copyright Act provided for copyrighting of "sound recordings." Four years later, the 1976 Copyright Act provided copyright protection for both published and unpublished sound recordings. The 1976 Copyright Act defines sound recordings as:

> *works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work, regardless of the nature of the material objects,*

> *such as disks, tapes, or other phonorecords, in which they are embodied.*[25]

Consequently it is not only music but sound that is copyrighted, a conjuncture that points up the evolution of popular music's publication. It is necessary, especially in an age of sampling and digital reproduction, to protect and exploit not only the music but also the sound. The principal mediation (publication) of popular music is not by means of written notation but by means of reproduction of recordings, that is, publication of sound. Thus, traditional musical ideas that base the concept of authenticity on performance are misdirected in popular music. It isn't what one writes, it is how one *sounds* that is of most importance in popular music. Consequently, sound recording copyright is critical in popular music, as it lays claim to ownership not only of music but of sound. This point is crucial for understanding the controversies arising from digital audio sampling.

That point is also particularly important because it makes clear that copyright leads to income from sources other than just musical performance of copyright works. Indeed, the music industry derives income from several sources. In no particular order, these are: royalties from the sale of recordings, royalties from music used in recordings, royalties from the performance of recorded music, sampling of copyrighted recordings, and performance rights in recordings. Each form is based on the ownership of copyright in music *and* sound recordings.

In some ways, this arrangement is pernicious. The industry is moving away from royalties from the sale of recordings as a primary source of income and toward exploitation of rights as a stable source of income.[26] Through this process, the idea of the author or star is more strongly invoked; as a result, one sees artists like Madonna or Michael Jackson setting up micro-organizations that mirror the royalty-exploitation structures in the industry but now have the artist's imprimatur. It becomes necessary to do so for marketing purposes, because Romanticism is most strongly evident among mass media audiences in the conversations fans have about stars' likes and dislikes, about feeling, soul, inspiration, and originality. It is audiences who care passionately about authors, who seek confirmation that individuals are expressing their own thoughts and feelings through their chosen medium.

Put another way, there needs to be a way of fixing a work's creative existence. As Martha Woodmansee put it, "as creative production becomes more corporate, collective, and collaborative, the law invokes the Romantic author all the more insistently."[27] It is necessary to have an author to lend credibility and authenticity to a work, and that is why image creation and maintenance are of paramount importance in the entertainment industries. How does one market an "authorless" creation? The author is, of course, still necessary in economic terms, because without an author it is hard to lay claim to copyright.

This is particularly important to attend to, since artists with recording contracts are frequently viewed by the law as employees of the record company and/or music publisher with whom they are signed, and thus their creative output falls in the legal category of a "work-for-hire," essentially giving over rights in an employee's work to the record company and/or publisher that acts as employer. The creative subject therefore is not only constituted within the legal structures of the industry but becomes the "property" of the record company and/or music publisher. The owner of the rights in such cases has interest in establishing artists not as employees but as what Jaszi terms the "Romantic 'author-genius'"[28] before the audience, to exploit its interest in rights ownership to the fullest. A similar situation occurred in the eighteenth century according to Mark Rose, who claims that London booksellers invented the "author" to boost sales.[29]

ROSE'S ANALYSIS MAKES FOR A CLOSE LINK BETWEEN the "author" and the star system, a link made even stronger by Richard Sennett in a discussion of the rise of personality in the nineteenth century:

> *The . . . relationship between performer and text was embodied in Franz Liszt's famous remark, "The concert is—myself." The specific actions of the artist, the note or musical line beautifully shaped, were now thought the product of an artistic personality rather than a highly skilled worker.*[30]

The clearest cases illustrating the points made by Rose and Sennett and the intricate web of relations between authorship, copyright, and authenticity involve Vanilla Ice and Milli Vanilli. Vanilla Ice, a white rapper, achieved a number-one album and number-one single in 1990, overshadowing MC Hammer and other black rappers who had been in the charts. Ice's single, "Ice Ice Baby," sampled from a collaboration between the group Queen and David Bowie (not James Brown, P-Funk or other artists black rappers often sample), caused many critics to denounce Vanilla Ice as a pretender, as inauthentic.

But what was more troubling to the audience was that Vanilla Ice's background as constructed by his record company didn't check out. SBK Records wrote in press releases, and Ice himself claimed in interviews, that he was from the same Miami neighborhood as 2 Live Crew's Luther Campbell. The intent was to provide some sort of "back-up" to a white rapper whose credibility was sure to be questioned. Journalists subsequently discovered Ice was a middle-class kid from Dallas. The industry was nevertheless elated, because, as *Billboard* reported,

> *The numbers generated by this latest "black music in a white wrapper" opened a wide window of opportunity for white artists and music industry entrepreneurs entertaining platinum aspirations.*[31]

The industry's reaction unsubtly exposes the motivations for classic Marxist alienation: taking something as essentially human as one's biography and commodifying it for potential profit.

Similarly, Milli Vanilli, who were stripped of a Grammy Award when it became public knowledge that they were lip-synching to

tapes, present an example of what Christopher Martin has called "an enduring romanticism for the artist as the authentic author of his/her music."[32] The matter came to a legal climax in a Chicago court when a class-action lawsuit filed by two dozen plaintiffs was settled. The plaintiffs claimed to represent:

> *All persons in the United States who, prior to November 27, 1990, purchased . . . or received by gift, any of the following: any recordings by the entertainment group Milli Vanilli, any tickets to a Milli Vanilli concert, or any merchandise . . . bearing the words "Milli Vanilli". . . .*[33]

Interestingly, Milli Vanilli are here defined as an "entertainment group," and not as musicians, performers, or composers, to signify their inauthentic position (entertainment as opposed to art) within popular music. Even more interesting is the fact that the suit includes purchase of items other than recordings. This signifies a denunciation not only of the music but of the inauthentic author constructed as Milli Vanilli.

Moreover, the defendants in the suit were not only the lip-synching duo of Pilatus and Morvan, but also managers, producers, and record companies. In the suit, it is stated that "BMG/Arista (Records), among other other persons," were to blame for the misrepresentation of Milli Vanilli's concerts and recordings. BMG/Arista were the only ones to deny wrongdoing, but they are the ones holding copyright in the material commodities associated with Milli Vanilli (music, T-shirts, and so on). There is no mention of the creation of Milli Vanilli concerts and recordings, no mention of production decisions, staging, and so on. Therefore, it is the *representation* of authorship that is the crux of the issue, the claim (however implicitly made) that Pilatus and Morvan sang on recordings and at concerts, and not authorship itself.

To illustrate the connections to copyright and its practical use in the music industry, the clearest case is that of California-based musical group Negativland. In 1991 they released a recording titled "U2," essentially a parody of the group U2 that makes use of digital samples from Casey Kasem and a disco rendition of U2's "I Still Haven't Found What I'm Looking For." The recording, on SST Records, an independent record company, sported a cover with the logo "U2" prominently displayed. Within weeks of the album's release, U2's record company, Island, brought suit against Negativland and SST and succeeded in having SST and Negativland remove the recording from circulation and pay $25,000 plus half the wholesale proceeds from copies of the recording that were sold and not returned.

The Negativland case is important for several reasons. First, it points up the degree to which control and copyright are intertwined in the service of constructing authorship. For Island, copyright translates directly to exploitation, as this excerpt from its suit against Negativland makes plain:

> *[Island has] the exclusive rights to publish and administer the copyrights in U2's musical compositions. [Island is] exclusively entitled to use the band's well-known name and mark "U2" in connection with the exploitation of those rights.*[34]

This assertion is a clear illustration of Gaines' indictment of Foucault's author-function as "not the convergence of meaning but the point of entitlement."[35] This is true not only in the heretofore practical terms mentioned but as regards the audience's conception as to who has the "right" to interpret a work's meaning. The audience typically seeks interpretation from a designated author, someone "entitled" to make claims about a work's meaning and origin.

Second, the Negativland case does not primarily and directly involve claims of copyright infringement of music. Instead, it claims deceptive use of packaging intended to boost sales of Negativland's recording. Island's suit does claim that about a minute's worth of U2's version of "I Still Haven't Found What I'm Looking For" is sampled within Negativland's recording. However, the problem for Island has less to do with infringement and more to do with Negativland's recording being "replete with expletives, curses and scatological language . . . (as result of which U2's) image will be tarnished."[36]

Third, Island's lawsuit was instigated without U2's knowledge, an indication of the degree to which entitlement is taken. One of the members of U2, "ambushed" in an interview by members of Negativland, put U2's position thus:

> *[Island] felt that . . . in a pure business sense, nothing about art . . . their attitude was "Well, look, OK, we're not gonna look for damages but we, we're not about to swallow our own legal costs." I think we would have reacted in a different way, but the lawsuit was not our lawsuit. Although we have some influence, we weren't in a position to tell Island Records what to do.*[37]

The record company is protecting its rights, wherever and however those rights may be acquired (through direct purchase or through work-for-hire).

Fourth, the ironic twist to the whole matter is that U2 themselves employed many of the same techniques as Negativland during their Zoo TV and Zooropa concert performances, sampling audio and video from broadcast satellites.

CONCLUSION

THE ABOVE EXAMPLES ILLUSTRATE PARTICULAR CASES that highlight the tensions involved in music copyright issues and those issues' relations to authorship and authenticity. They are hardly the only ones. But it is significant that even ones like these, publicized as they have been, go generally unexamined in most popular music scholarship. Perhaps this is because scholars have generally focused on production and consumption of popular music without accounting for the bounded, over-determined assumptions about creativity and the music business. One reason for that focus is that in popular music prior to rock 'n' roll it was interpretation of songs and not songwriting (i.e. authorship) that engaged the attention of scholars and fans (though the industry's

attention was elsewhere, particularly on song "mills" like Tin Pan Alley[38]). Copyright exploitation may have lent force to that focus, insofar as sales of sheet music were a major source of income for the music industry before the rock era. The star system had not evolved to a point where authorship "counted" to establish sales, and indeed it was generally not until the Beatles earned a reputation as songwriters and folk music established devotion to the songwriter that authorship, identity, and the star system merged in popular music.

The subsequent rock era has been characterized by what Simon Frith has called

> *the rock* auteur, *(who may be writer, singer, instrumentalist, band, record producer, or even engineer) [who] creates the music . . . . For many fans it was this sense of individual creation that first distinguished rock from other forms of mass music.*[39]

However, it is only a "sense of individual creation" that is at play in popular music. As noted earlier, it is at least as difficult to define the rock auteur as it is to define the auteur in film, for, as Frith continues,

> *All musical texts are, in fact, social products . . . . Rock's claims as art are based not on the cultural form itself but on the achievements of a handful of disparate individuals—artists* despite *their means of cultural production.*[40]

Frith's words alluringly beg comparison to the idea of the author as a discursive invention. The traditional understanding of copyright mystifies the "author-function," because copyright in popular music rarely serves to protect an "author's" rights. As Thomas Streeter points out in an analysis of BMI's and ASCAP's struggles with the NAB in the 1940s,

> *[C]opyright's role is less formal and more like a functional standard: copyright acts as a general bureaucratic guideline, signifying the general goals of the system (capitalist profitability and expansion) to those inside it. The specific implementation of those goals depends less on boundary-setting than on bureaucratic arrangements that keep the system running, even if boundaries are allowed to grow quite blurry in the process. The question of who in the final instance authored a broadcast song, or more importantly who owes whom what for it, is often left open, but this is unproblematic as long as the general goals of the system are served and as long as the industries involved are profitable, expanding, and relatively stable.*[41]

Reliance in popular music studies on Romantic notions of authorship obscures better understanding of digital sampling and industry responses to its use, and slides by the question of how artistic and legal decisions are linked in some instances and not others.

Yet something more is at stake for the study of popular music. Demand for authenticity in popular music is a particularly false request, because such a demand is made with the assumption that music exists in some pure form. Frith's suggestion is closer to the mark:

> *The flaw . . . is the suggestion that music is the starting point of the industrial process—the raw material over which everyone fights—when it is, in fact, the final product. The "industrialization of music" can't be understood as something that happens* to *music but describes a process in which music itself is made—a process, that is, which fuses (and confuses) capital, technical, and musical arguments.*[42]

It is, I believe, primarily the *technical* that, by organizing *sound*, organizes our thinking about authenticity.[43] The reproduction of sound incorporates signifying structures associated with the interpretation of authenticity. Put another way, popular recordings bear the stamp of their creators (throughout the collaborative process). They bring an "immediacy," as Frith calls it. He writes that "what a performer could sell . . . was his or her unique *approach* to songs."[44] Frith locates the essence of the approach in the human voice, particularly after the advent of electrical recording in the early part of the twentieth century. Indeed, if we understand voice here to mean an expressive sound, we can apply Barthes' use of the term *signifiance*, the "grain of the voice," as a means of identification by way of sound.[45] Consequently, Frith's use of the term "approach" can be supplanted with the word "sound." Recording allowed the degree of control over sound necessary to achieve such expression. More importantly, recording enabled these personal, expressive qualities to be mass mediated, and it thus enabled mediation of authorship.

For many rock fans, *signifiance* is translated as the idea of "feeling," and it is at the heart of experiencing rock music. But it will take some hard work before popular music scholars can discover how fans determine who is real and who is fake, what competing definitions of "feeling" are, and how those definitions constitute discursive and ideological practices in the consumption of popular music (and constitute determinants of authorship and authenticity).

Apart from *signifiance*, the claim to authorship as a signal of authenticity in popular music has increasingly turned toward claims to control. Dick Hebdige makes this point clearly:

> *When looking at Two Tone [Records], the point to remember is not that it was, as some rock and reggae purists have suggested, a "media-created hype" (less "authentic" than the original 1960s ska movement) . . . what's important about Two Tone is that Jerry Dammers realised that when dealing with the popular music industry, the important issues for the artist have less to do with staying "honest" and "authentic" and refusing to "sell out" than with grabbing and retaining control of the product at every stage and in all its forms.*[46]

Hebdige is less concerned with what is and is not authentic than with *who* is responsible for the creative activity. Yet this is not a return to *auteur* theory, at least insofar as it demonstrates not *artistic* control but *commercial* control (perhaps a consequence of digital recording/reproduction rendering music as information, as something inherently controllable and commodifiable). As in the Negativland/U2 case, analyses of copyright and its deployment in the popular music industry can tell much about control and the legal structures that establish boundaries enforcing relations between artists, record labels, recording studios, broadcast outlets, music publishers, and distributors.

Frith's reformulation of the pop æsthetic is a necessary step for popular music studies. He asks scholars to consider "how music works to construct a people, a culture, an æsthetic . . . (how) it creates our understanding of what popularity is."[47] The goal, then, should be to discover what sources *outside* music musicians, fans, critics, and so on, go to in search of establishing authenticity and credibility. Though this may simply be further removing us from the issue at hand, or substituting one constructed text for another, it is important to recognize the whole range of influences working within popular music generally, and the music industry specifically, that are organized for the creation and maintenance of credibility and authenticity. One example of this process may be a band's performance of "cover" versions of songs as close to the original as possible, or from an "accepted" canon of songs, to establish credibility before they themselves have any hits. Likewise, live performance in and of itself may be a means for a musical group to establish credibility as musicians and performers. It is particularly interesting to note instances, such as Vanilla Ice's recordings, or Public Enemy raps, that make use of sampling as a means of importing authenticity. Such quoting establishes a connection that builds authenticity, a kind of italicizing that identifies the author, *by means of* authorship, as it undoes it.[48]

STEVE
JONES

NOTES

[1] Michel Foucault, "What Is an Author?" *Textual Strategies: Perspectives in Post-Structuralist Criticism*, ed. Josue Harari (Ithaca, New York: Cornell University Press, 1979).

[2] M. Ethan Katsh, *The Electronic Media and the Transformation of Law* (New York: Oxford University Press, 1989) 174.

[3] Simon Frith, "The Industrialization of Music," *Music For Pleasure* (New York: Routledge, 1988).

[4] Steve Jones, "Ban(ned) in the USA: Popular Music and Censorship," *Journal of Communication Inquiry* 15.1 (Winter 1991).

[5] Foucault, "What is an Author?" 117.

[6] Ronald Bettig, "Critical Perspectives on the History and Philosophy of Copyright," *Critical Studies in Mass Communication* 9.2 (June 1992).

[7] Regenia Gagnier, "Liberalism, CLS & Cultural Studies," *Stanford Humanities Review* 1.2/3 (Fall 1990), 78.

[8] Peter Jaszi, "Toward a Theory of Copyright: The Metamorphoses of 'Authorship,'" *Duke Law Journal* (1991): 457.

[9] Jaszi, "Metamorphoses" 459.

[10] Mark Rose, "The Author as Proprietor: *Donaldson v. Becket* and the Genealogy of Modern Authorship," *Representations* 23 (1988): 54.

[11] Jaszi, "Metamorphoses."

[12] Jaszi, "Metamorphoses" 456.

[13] Jaszi, "Metamorphoses" 455.

[14] Terry Bloomfield, "Resisting Songs: Negative Dialectics in Pop," *Popular Music* 12.1 (January 1993): 17.

[15] Elizabeth L. Eisenstein, *The Printing Press as an Agent of Change: Communications and Cultural Transformations in Early Modern Europe* (Cambridge and New York: Cambridge University Press, 1979).

[16] Bettig, "Critical Perspectives" 149.

[17] See Richard Fine, *Hollywood and the Profession of Authorship, 1928-1940* (Ann Arbor, Michigan: UMI Research Press, 1985).

[18] See particularly the forthcoming volume *Music and Copyright*, ed. Simon Frith (Edinburgh: Edinburgh University Press, forthcoming).

[19] Sal Manna, "For Les Bider, Success is Measured by More Than the Bottom Line," *BAM Music World* (Summer 1993). Also see *Words, Music, and Dollars*, Report of the Special Senate Committee on Mass Media (Ottawa, Ontario: Information Canada).

[20] Joseph Turow, *Media Systems in Society* (White Plains, New York: Longman, 1992).

[21] Walter Ong, *Orality and Literacy* (London: Methuen, 1982).

[22] Evan Eisenberg, *The Recording Angel* (New York: McGraw-Hill, 1987) 13.

[23] Chris Cutler, *File Under Popular* (London: November Books, 1985) 95.

[24] Eisenberg, *Recording Angel* 129.

[25] All references to US copyright law are based on the *1976 Copyright Act of the United States of America* 17 USC 101 and subsequent Congressional revisions.

[26] Particularly since such exploitation is less at the mercy of market forces and more in the control of vertically integrated media that can initiate cooperative activities to enhance such exploitation.

[27] Martha Woodmansee, "On the Author Effect: Recovering Collectivity," *Cardozo Arts & Entertainment Law Journal* 10.2 (1992): 292.

[28] Peter Jaszi, "On the Author Effect: Contemporary Copyright and Collective Creativity," *Cardozo Arts & Entertainment Law Journal* 10.2 (1992): 297.

[29] Rose, "The Author as Proprietor."

[30] Richard Sennett, *The Fall of Public Man* (New York: Vintage, 1978) 199.

[31] Deborah Russell, "White Rap Starting to Find Its Way," *Billboard*, 28 Sep. 1991: 1.

[32] Christopher Martin, "Blame it on Milli Vanilli: Authorship, Authenticity, and Style in Postmodern Rock and Roll," 1992 (unpublished manuscript) 16. Martin not only provides an excellent analysis of the cultural debate surrounding Milli Vanilli but also situates the debate historically in popular music.

[33] Siegel *et al.* v. Pilatus *et al.*, 90 CH 11439 (Cook County Illinois Cir. 1991).

[34] Island v. SST *et al.*, CV 91-4735AAH (C.D. Cal. 1991).

[35] Jane Gaines, *Contested Culture* (Chapel Hill, North Carolina: University of North Carolina Press, 1991) 33. It is useful to extend the notion of "entitlement" to the audience. In the 1970s and 1980s the music industry fought unsuccessfully against home taping, the practice of copying prerecorded music to cassettes and other media. In studies of consumer taping behavior, it was overlooked that many consumers felt "entitled" to copy music once they bought it. For a good study of consumers and home taping, see U.S. Congress Office of Technology Assessment, *Copyright and Home Copying* (Washington, DC: U.S. Government Printing Office, 1989).

[36] Island v. SST *et al.*

[37] Mark Hosler, Don Joyce, and R.U. Sirius, "U2 Can Sue a Sample Simon," *Mondo 2000* 8 (1992): 58.

[38] Excellent histories of Tin Pan Alley and the Brill Building have been written. See David Ewin, *The Life and Death of Tin Pan Alley* (New York: Funk and Wagnalls, 1964); Charles Hamm, *Yesterdays: Popular Song in America* (New York: Norton, 1979); John Shepherd, *Tin Pan Alley* (London: Routledge, 1982).

[39] Simon Frith, *Sound Effects* (New York: Pantheon, 1981) 53.

[40] Frith, *Sound Effects* 53-54.

[41] Thomas Streeter, "Broadcast Copyright and the Bureaucratization of Property," *Cardozo Arts & Entertainment Law Journal* 10.2 (1992): 580-581. The ideology Streeter describes leads to claims such as the one by Les Bider (see Manna, "For Les Bider,"), CEO of Warner/Chappell Music, who believes that instead of helping set up a copyright system in emerging markets, he is "educating them about the concept of paying for music."

[42] Frith, "Industrialization" 53-54.

[43] Steve Jones, *Rock Formation: Music, Technology and Mass Communication*, (Newbury Park, California: Sage Publications, Inc., 1992).

[44] Frith, *Sound Effects* 16-17.

[45] Roland Barthes, *Image, Music, Text* (New York: Hill and Wang, 1977).

[46] Dick Hebdige, *Cut 'n' Mix* (London: Methuen & Co., Ltd., 1987) 107.

[47] Simon Frith, "Towards an Æsthetic of Popular Music," 1985 (unpublished manuscript) 6.

[48] Joseph F. Loewenstein, "*Idem*: Italics and the Genetics of Authorship," *Journal of Medieval and Renaissance Studies* 20.2 (Fall 1990).