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MUSICAL RECYCLING: MASHUP AESTHETICS AND AUTHORSHIP

Ragnhild Brøvig-Hanssen
University of Oslo

It is now ten years since Henry Jenkins (2006) wrote about an emergent “participatory culture,” alluding to a new consumer generation that embraces its unprecedented technological power to contribute to culture by rewriting and reshaping its media environment. This trend has continued to blossom, and remixed content is now regularly uploaded on the user-generated platforms of the Internet, to be in turn consumed by multitudes. User-submitted content encompasses innovative art forms and fresh entertainment media, and it functions as social or cultural commentary. As such, these remixes represent a novel mode of *communication* and a new means for contributing to the public sphere (Burgess and Green 2013, Habermas 1989). Today, however, this participatory culture is being threatened. While the Internet was initially perceived as impossible to monitor by the copyright industry—thus becoming a sort of paradise for remix artists—an increasing number of online service providers are implementing algorithmic filtering systems intended to block copyright-infringing content. While these systems obviously produce some constructive outcomes, they are also highly problematic, because they can undermine or eliminate harmless and culturally valuable content that in fact can be legally defended (see, for example, Zimmerman 2014 and Meyers 2009). As we trend toward greater censorship of user-generated online platforms, it is critically important to ask: What is the cultural value of the user-generated content that is blocked, and can a significant portion of this content be legally defended? We must, in short, question whether the consequences of emergent copyright policies regarding user-generated distribution platforms preserve or damage and deter that which copyright was in fact designed to promote: creative and culturally valuable art expressions.

This paper will focus on one particularly vibrant manifestation of what Aram Sinnreich (2010) has called “configurable culture”: the music that goes by the umbrella term “mashup.” While mashup music continues to increase in relative ubiquity and variety, its practice is generally characterized by the extensive use of samples from popular recordings, according to the principle that those samples reveal themselves as samples to the informed listener. Despite their mass popularity, mashups are often blocked by YouTube’s algorithmic system because of their extensive use of unauthorized and

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restrictively manipulated samples. This is unfortunate, because mashup producers depend on user-generated sharing sites such as YouTube. Mashup music is also banned from the commercial marketplace due to its much-disputed legal status, though there have been, to date, no verdicts against mashup music in court. In fact, the assumption that mashups, or similar artistic remixes, are illegal has been confronted by scholars from various fields of research (see, for example, Aufderheide and Jaszi 2011, and McLeod and DiCola 2011). When one considers whether or not an act of artistic appropriation is copyright infringement, two principal issues arise. One is the degree to which the derivative work is original or transformative, which involves, in turn, whether it is *different from* the original copyright-protected material that it samples or from which it derives. The other is whether the excerpt taken from the copyrighted material was appropriate in kind and amount (see, for example, Aufderheide 2015 and Lessig 2008). What transformative use means and what amount is appropriate can vary, of course, from genre to genre and case to case.

In this paper I will, through analyses of two so-called “A+B mashups,” argue that mashups are usually highly transformative, textually and (not least) contextually. Moreover, I will argue that several mashups can be identified as parodies and sociocritical commentary—categories that are protected by law in several countries. Mashups often mediate sociocultural meaning by deconstructing and reconstructing their content into a self-reflexive critical commentary. For example, mashups often consist of musical sources that are likely to be experienced as incongruous with one another, even as they introduce the possibility of a musical dialogue between them that associates them despite their differences. Such musical amalgams, which are at once incongruous and dialogic, often function as a dramatization or subversion of particular situations, power structures, or stereotypical and simplistic understandings related to identity, ethnicity, gender, sexuality, or musical genre, among other things. Accordingly, analyzing mashup music entails a close examination of not only the music itself but also the many social and culture-specific connotations within which each of the mashed sources is embedded. The motivation behind a mashup can also be simply to entertain, but even then, the humor or amusement is often provoked through an experience of social categories being subverted (see, for example, McGranahan 2010). As such, the mashups themselves, and listeners’ various responses to a given mashup (humor vs. provocation, for example), can teach us much about the unspoken social values, beliefs, predictions, and stereotypical attitudes or understandings that they tease out.

Mashup music can, of course, be seen as a new take on previous practices of musical borrowing or adaptation within other art forms. Derivative works often share some of the same mechanisms that attract us, such as the pleasure we find in intertextual game play, or our fascination with the simultaneous act of repetition and difference (see, for example, Hutcheon 2012 and Sanders 2006). Yet even as we acknowledge the importance of knowing mashups’ artistic roots, we must also delineate the specificity of the genre. Sensitivity toward the temporal, medial and generic specificity of mashup music is crucial to the production of new knowledge that can supplement, complicate, and diversify established theory on intertextual artistic practices. Furthermore, such insights can contribute to society’s self-understanding, including its changing conception of music-aesthetic values and authorship.

References

Aufderheide, Patricia. 2015. "Copyright and Fair Use in Remix: From Alarmism to Action." In *The Routledge Companion to Remix Studies*, eds. Eduardo Navas, Owen Gallagher, and xtine burrough. New York/Oxon: Routledge.

Aufderheide, Patricia, and Peter Jaszi. 2011. *Reclaiming Fair Use: How to Put Balance Back in Copyright*. Chicago/London: University of Chicago Press.

Burgess, Jean, and Joshua Green. 2009. *YouTube: Online Video and Participatory Culture*. Cambridge: Polity.

Habermas, Jürgen. 1989. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge: Polity.

Hutcheon, Linda. 2012. *A Theory of Adaptation*. New York: Routledge.

Jenkins, Henry. 2006. *Convergence Culture: Where Old and New Media Collide*. New York/London: New York University Press.

Lessig, Lawrence. 2008. *Remix: Making Art and Commerce Thrive in the Hybrid Economy*. New York: Penguin Press.

McGranahan, Liam. 2010. "Mashnography: Creativity, Consumption, and Copyright in the Mashup Community." PhD diss., Brown University. Available at: repository.library.brown.edu/studio/item/bdr:11071/ [01.02.2016].

McLeod, Kembrew, and Peter DiCola. 2011. *Creative License: The Law and Culture of Digital Sampling*. Durham, N.C.: Duke University Press.

Meyers, Brette G. 2009. "Filtering Systems or Fair Use? A Comparative Analysis of Proposed Regulations for User-Generated Content." *Cardozo Arts and Entertainment Law Journal* 26: 935–956.

Sanders, Julie. 2006. *Adaptation and Appropriation: The New Critical Idiom*. London/New York: Routledge.

Sinnreich, Aram. 2010. *Mashed Up: Music, Technology, and the Rise of Configurable Culture*. Amherst: University of Massachusetts Press.

Zimmerman, Diane L. 2014. "Copyright and Social Media: A Tale of Legislative Abdication." *Pace Law Review* 35: 260–284.