

Creative Circulation: Digitisation, Copying and Musical Practice: Methodological Lessons

The project started in October, and will be running for 15 months – we are just over 3 months into the research. So, it's early days. I was slightly disconcerted when I saw the 'methodological lessons' appended to my original title – but, it's been quite useful for provoking some initial reflections. So, I'll give an overview of the project – talk through the key issues that we are addressing and how we are approaching them. Then I'll identify an initial finding – if it can be called that at this stage of the research. Then I'll raise some methodological issues that have arisen as we have begun developing the project – whether or not these are 'lessons', I'm not sure.

The project title is 'Digitisation and the Politics of Copying in Popular Music Culture'. It's being researched by myself, John Street and Adam Behr. I'll say something about the 3 key issues through which we are exploring a wider set of dynamics.

The politics of copying – in the title of the project.

Digitisation – part of a longer history of technological change.

Musicians as the focus of the study.

First point: Copying. There are two aspects to copying here. First, copying in the creative process. And, second, copying for the circulation of the finished product – how tracks, songs, instrumentals are made available for others.

Copying in the creative process. There is a very long history of musicians copying from other musicians – as part of the influence and inspiration through which new music is created. This practice can be found in all manner of times and places, and in different types of music – it's in blues and folk traditions, it's in pop, and it's in western art music. Beethoven copied (and modified) passages from Mozart when composing his own work; John Lennon copied (and modified) passages from Chuck Berry - Beethoven didn't get hit with lawsuits, John Lennon did.

This dynamic has often been highlighted in legal disputes – since the introduction of recording technology, there is a well documented history of disputes involving allegations of musical plagiarism; many cases settled in court, a huge number (maybe the majority) resolved through out of court settlements. Here a long history of musical creative practice confronts modern laws about the ownership of ideas (sounds, words, melodies) and notions of originality.

Some of the questions we are asking: How does creative copying work today? Are there boundaries or limits? What is acceptable or unacceptable? Is formal copyright legislation perceived as a benefit or a hindrance? In what ways do musicians and other stakeholders experience copyright in action, as part of a creative process?

The second type of copying that we are interested in is copying for circulation – the varied ways that music is copied for circulation? There are some basic questions here about attitudes and approaches to circulation: Do musicians make recorded tracks available free – for circulation as part of a process of self promotion? Do they use creative commons licenses? If so, do they allow and encourage their tracks to be modified or remixed – is this part of a creative dialogue? Or, are the songs finished and not be changed?

How do musicians approach the idea of the album as a collection of conceptually sequenced tracks – what are their attitudes to unbundled, individual tracks being downloaded, circulated and shuffled? What is the attitude to streaming?

A further issue concerns the way musicians and producers approach their own creative work and use the work of others. Anecdotal evidence suggests that musicians may spend time and effort recording, mixing, and sequencing their own songs into albums - but may adopt a contrasting approach as consumers: They may shuffle or chose specific tracks from other musicians; they may pay for other musician's work or they may download music without making a payment, through peer to peer sharing or so-called pirate sites. DJ producers may seek to exert considerable control over the way their own work is copied, sampled and circulated. But they may adopt a rather looser approach to using the work of others. These are types of issues we're addressing ... How do musicians wish their work to be circulated and how do they negotiate this?

The politics of copying - If politics is about struggles over resources, values, practices (ways of doing things) – we are interested in what we might call the macro or formal, and the micro or informal aspects. We are interested in how musicians negotiate or deal with the laws that shape practices of copying. We also want to consider the everyday, less formal ways that musicians negotiate with other musicians, with people from the music industry and various other interested parties and stakeholders. This might include how the values and beliefs of fans impact on musician's attitudes and practices when it comes to copying. So, we are interested in institutional politics, and a more informal everyday politics of human interaction.

Second point - Digitalisation has clearly had a significant impact on the production and circulation of music.

Creative process – digitisation has made it much easier and quicker to copy by sampling other musicians recordings, and manipulating these recordings.

Economics – digitisation has impacted on revenues and revenue streams; income from sales of recordings to consumers has declined; revenues from the licensing of recordings, and synchronisation into films, adverts, televisions, ringtones and games has increased.

Circulation – digitisation has made it easier and quicker to circulate recordings without needing to manufacture artefacts and ship them from warehouses into shops.

Digitisation has facilitated new outlets for circulating and hearing music – social media (Facebook, Twitter, YouTube). These have put *discussion* about music on the same platform as the music itself – listeners (whether or not musicians) are aware of more music and are able to spot similarities that were not so apparent before digitalisation (particularly across territories, internationally).

Information – digitisation has led to the production of huge amounts of data, analytics about consumers and music. Information *about* the music and the music is stored in the same way.

We also want to think about the way approaches to copying are part of a longer history (we are concerned with more than sampling and digital rights management) – UK musicians using US r'n'b riffs when creating new material, songwriters using existing songs as models, or using existing lyrics or melodies. So, another question here: Does sampling technology actually represent a new set of issues and debates about the idea of originality and plagiarism? (continuities and changes).

Third point – professional musicians are the focus of our study (musicians who make some part of their living through music – clearly there is a continuum, but we are not, in this project, concerned with amateur musicians).

Studies of copying and copyright usually present the issues from the perspective of the music industry, foregrounding piracy, theft and loss of revenue – we are interested in focusing on the views, the beliefs, the values and the practices of musicians.

We know what some prominent musicians think of certain aspects of copying and copyright – Metallica and Napster, Cliff Richard on copyright extension, Thom Yorke on Spotify. But these are specific and partial. We don't know that much about how musicians approach copying in their own working practices and their beliefs and values with regard to copying. So, our aim is to speak with a range of musicians, and to get a sense of tensions, differences, and variations according to various musical and social characteristics.

We are interested in possible generational differences – do musicians of different ages and experiences have different approaches to the issues? Do approaches to copying vary by genre – rock, and electronic dance music/ DJ producers, acoustic singer songwriters. The project is also open to exploring other possible differences – is gender significant, for example? That's an open question. So, musicians are the focus of the project.

[POSSIBLE CUT for time: In practical terms, the research entails looking at a range of existing sources – writings, documents, and reported interviews. And, conducting interviews with musicians – that will be at the centre of the study. We hope the research will reveal a series of more subtle aesthetic and political values and working practices, and highlight different view points/ interests that are often less visible and audible in the debates about copyright. Despite continual modifications to copyright legislation, musicians continue to go to court to defend themselves or accuse others of misconduct. Project aims to illuminate how and why this is an issue for musicians. One of the criticisms of copyright legislation, and the problems posed by enforcement, has been that it has failed to reflect the realities of the creative process. Our research is designed to explore in more detail how that ideas of copying and originality operate in practice].

As I said, we are only 3 months or so into the project – completed 4 interviews and begun sifting through a lot of secondary material. I will give one tentative finding, and some methodological reflections on issues.

Musicians tend not to think about questions of plagiarism, copying, copyright theft up front prior to or when actually creating – during the process. They may be aware that they are using the work of other musicians – overtly sampling, or drawing on existing melodies, chords, lyrics from identifiable songs. Musicians will be often (not always) be aware of these influences. But, this all tends to occur in an ad-hoc, practical and pragmatic manner. It is only after the event – when they actually need to deal with the formal and informal issues. So, musicians create before they worry about copyright – that's a working finding.

However, we also sense that this is not straightforward and that this is changing due to (at least) two issues:

1. Due to the way that recordings from different times and places are becoming much more available – there is greater awareness of what is copied and where it's from.
2. Approaches vary according to the scale of a project. If a musician is working on a project with obvious commercial potential or wide reach, legal considerations about copyright will be considered much earlier in the project (or will be spotted earlier).

So, that's some sort of working finding – we do have quotes from interviews about this – and on some of the other points I have raised above (but time is limited).

Now two methodological issues.

1. Asking musicians to reflect upon creative practice. It is not easy to get musicians to reflect on creative practice. We are asking musicians to talk about something that they take for granted, an activity that they do intuitively (even though they have spent a long time learning their craft and skills and getting to the point when they can do it intuitively). It's a practice that feels natural, even though it's learnt. We also suspect that there is desire to protect its natural feeling qualities, to preserve the special quality of creating and to not analyse it away. There is also a practical aspect, one respondent spoke of how she worked on a session in a natural way and then, after the session, had to think about formal issues of ownership, possible royalties etc.

2. The interview with an individual. Our team has had some discussion about this, and we wonder if there is an overemphasis on the interview – even a fetishisation of the interview as a source of insight and knowledge. And, related, I wonder about the over-emphasis on the self – the individual subject as a coherent entity able to reflect on his or her own values, beliefs and practices. There are some big philosophical questions here about how we know ourselves as individuals, and how we are able to rationalise, explain and convey this to others. In practical terms, in this research, our question is: Is the interview with the creative practitioner the best way to get an insight into the dynamics of creativity and copying that we are interested in? Would it be more instructive, for example, to look at the records of court cases, or – if possible – to get access to the legal and artistic correspondence relating to cases of musical plagiarism? Legal disputes may give an insight into the values, judgements and arguments – the disputes about creativity and copying and how they are articulated. We are currently considering talking to expert witnesses (themselves trained musicians) that have been called in court cases – but, again, this will still be an interview (but, it will not be so dependent upon the individual reflecting on their own creative practice). So, perhaps our methodological question here (not so much a lesson): What is the place and value of the musician's voice and reflections in our study of musicians?