

The Politics of Authenticity in Postmodern Rock Culture: The Case of Negativland and *The Letter 'U' and the Numeral '2'*

Andrew Herman and John M. Sloop

□—*Based on recent concerns with the notion of authenticity and effective politics in contemporary popular culture and scholarship on culture, this essay uses a case study of the legal and popular controversy surrounding the Negativland recording, "The Letter 'U' and the Number '2'." The analysis points to the organic development of alternative logics in the changing landscape of popular culture. Moreover, we point to the relationship between the "pastiche" style of the Negativland recording as a metaphor for authenticity and justice in postmodern rock culture.*

I have often recalled with fondness and admiration what Kant has said about ethics and the stars. Nothing so filled Kant with awe than the starry skies above and the moral law within, the stars being for Kant (and Aristotle too) obedient to the highest and most surpassing lawfulness, and Law being for Kant a kind of star to guide us through the swirl of appearances. . . . To suffer a disaster is to lose one's star (*disastrum*), to be cut loose from one's guiding or lucky light. Laying claim to neither the *logos* nor the *nomos* of the stars, I suffer a disastronomic, disastrological, deconstructive setback. . . . It is not a question of knowing what to put in their place, but of

just getting along without such a place, of conceding that things are just "decentered," "disseminated," "disastered." Still, I would say, obligation happens, the obligation of me to you and of both of us to others. It is all around us, on every side, constantly tugging at our sleeves, calling on us for a response. In the midst of a disaster.

—John Caputo (1993, p. 6)

Keep Reaching for the Stars!

—Casey Kasem

Our U2 was a spy plane full of secrets intruding into the self-righteous and complacent image-world of the polite pop of the stars. We did it as an example of something not being what it seems to be. We did it because we are all subject to too much media image mongering. We did it because tricksters and jesters are the last best hope against the corporate music bu-

Andrew Herman is assistant professor of sociology and cultural studies at Drake University. John M. Sloop is assistant professor of communication studies at Vanderbilt University.

reaucracies that have all but killed the most interesting thing in popular music—grassroots inspiration. We did it for laughs. We did it so you could read this.

—Negativland. “Negativland’s First Press Release, November 10, 1991” (1995, p. 24)

The Stars Down to Earth: Postmodernity, Authenticity and the ‘Ground’ of Judgment

IT has become almost axiomatic in discussions of contemporary post (-structural, -Marxist) theory to bemoan the inability of the academic political left to make judgments tied to affirmative social change. Dubbed the “crisis of authority” by Lawrence Grossberg (1992), the crisis is said to be a condition in which those who make “post” assumptions expend their energies refuting the viability of any essential ground (personal or Archimidean) upon which to make judgments. The academic and political right, on the other hand, has no need for such persistent self-reflection, and hence its views gain currency as it posits a stable space for authority in a fragmenting world. As Elspeth Probyn (1993, p. 58) notes, “As the left continues to attack itself from within, a growing public discourse of ‘new traditionalism’ actively articulates care and community to the New Right. . . . Transparent as it may seem . . . the right’s reclaiming ‘fundamental’ values constitutes an appealing platform.”

One avenue into a discussion of the demise of “author-ity” would certainly be the theoretical and critical line that has traced out the links between changes in media and reproduction to transitions in authenticity and aura. From Walter Benjamin’s (1936/1968) concerns with the undermining of aura and authenticity in the age of mechani-

cal reproduction to Jean Baudrillard’s (1983) more recent celebration of simulation and cultures of excess, “authenticity” and the possibility of a politics of meaning have been intimately tied together. More recently, Grossberg has placed his focus on “authenticity” within the fandom of (post)modern rock culture. As he (1992, 1993) notes, the so-called “ideology of authenticity” has provided the basis for aesthetic and political judgment in rock culture since its emergence in the 1950s. This ideology worked implicitly and explicitly to produce a *topos* of alterity and difference, a map of intersubjective and collective identity for postwar youth culture. The ideology of authenticity has provided the ground for a practice of judgment through which musicians, fans and critics were able to distinguish between “authentic rock,” which was transgressive and meaningful, and “inauthentic rock” (or “pop”), which was co-opted and superficial. Inauthentic rock was mere commercial entertainment; authentic rock was “something more—an excess by virtue of which rock can become a significant and powerful investment” of pleasure and meaning in everyday life (1992, p. 202). To paraphrase Grossberg, authentic rock made a difference in everyday life precisely because it enabled members of the rock community to evoke and conjure a place of difference from mainstream culture, a culture which made no difference to the alienation, terror and boredom of postwar youth.

Of course, the imaginary boundary dividing and distinguishing authentic and inauthentic has always been fluid and mobile; today’s transgressive band, genre, style, label or subculture is tomorrow’s co-opted “sell-out.” Indeed, as Grossberg points out, this instability of specific definitions of authenticity

has been central to rock culture's vitality as a source of meaningful difference in popular culture and everyday life: "[rock] must move from one center to another, transforming that which has been authentic into the inauthentic, in order to constantly project its claim to authenticity" (1992, p. 209). However, Grossberg and others (cf. Bloomfield, 1993; Jones, 1993) argue this constant re-territorializing of the *topos* of authenticity within rock culture has been problematized by the postmodern mediascape within which the distinction between a surface of representational images and the "depth" of reality has collapsed. For Grossberg, the advent of postmodernity spells the end of the ideology of authenticity as a resource for resistant judgments within rock culture, because differences between forms of rock as cultural practice are now understood and embraced as nothing more than differences in artifice, style and pose.

Indeed, according to Grossberg, the dominant form of cultural practice and judgment within postmodernity is what he terms a "logic of authentic inauthenticity." As Grossberg explains this logic, authentic inauthenticity is

indifferent to difference. It does not deny differences, it merely assumes that since there are no grounds for distinguishing between the relative claims of alternatives, one cannot read beyond the fact of investment. To appropriate, enjoy or invest in a particular style or set of images no longer necessarily implies any faith that such invests will make a significant (even affective) difference. . . . If every identity is equally fake, a pose taken, then authentic inauthenticity celebrates the possibility of poses without denying that is all they are. . . . Authentic inauthenticity, then, undermines the very possibility of a privileged marginality which can separate itself from and measure itself (favorably) against

an apparently homogenous mainstream. It marks the collapse, or at least the relevance, of the difference between the authentic and inauthentic. It signals the absence of alternative spaces; we are all in the same space, co-opted (1992, pp. 225-227).

In other words, since in the postmodern we are always already co-opted, rock as a cultural practice can no longer be excessive or the site or scene of resistant judgment in any efficacious way apart from the transitory pleasures of the moment a pose is struck. Or, to use Grossberg's words, with the postmodern collapse of authenticity,

Rock can only produce an endless mobility, spaces without places, a paradoxical strategy by which people live an impossible relation to their own lives. Rock will, by placing you within its own spaces, free you from the moment, but it will not promise any alternative spaces" (238).

The question posed, then, and the one this paper investigates, is that of authenticity and judgment. If, as Grossberg claims, the logic of authenticity has given way to a logic of authentic inauthenticity, on what basis are judgments made in everyday life, if they are at all? Has authenticity as a concept been evacuated or its meaning simply transformed? What is the impact of potential transformations? In order to investigate these questions, we offer a material study of a struggle over the concept of "authenticity" as it arose in the discourse surrounding the lawsuit that barred the release and manufacture of "sound artists" Negativland's single, "The Letter 'U' and the Numeral '2'."

One of our guiding methodological assumptions is that to understand "authenticity" and judgments made on the basis of authenticity, especially resistant judgments, one must turn away

from treatises about judgment and construct a theory of authenticity out of its material use. In other words, one must create a materialist "conception of authenticity."¹ In *Against Ethics*, John Caputo (1993) argues that in spite of our constant writing and rewriting of the obituary for judgment in contemporary culture, "obligation happens" (6). As he provocatively suggests in the above epigram, the postmodern entails the loss of transcendent and absolute basis for judgment as the shining stars of law and satellites of logos have disappeared from the heavens. Yet in spite of this "disaster," "obligation happens, the obligation of me to you and both of us to others. It is all around us, on every side, constantly tugging at our sleeves, calling on us for a response" (1993, p. 6). And as obligation requires a sense of authenticity, so too does authenticity happen. It is this ubiquity of obligation, authenticity, and judgment which constitutes the seams of the deontological materiality of everyday life.

Again, we will utilize the legal and public case that emerged as a result of the release of Negativland's single "The Letter U and the Numeral 2" as a location for the study of the materiality of authenticity. Rather than producing traditional "music" recordings, Negativland takes samples of various sounds from the media landscape and mixes them together along with their own voices and sounds to produce what could best be described as parodic collages of various spectacles of contemporary culture. In the case of the single that initiated the discussion which surrounded this case, "The Letter 'U' and the Numeral '2,'" Negativland pulled together samples of the U2 single "I Still Haven't Found What I'm Looking For," small quotations of interviews

with U2 band members, a vocal and sound parody of the U2 single, studio outtakes from Casey Kasem's "American Top 40" (many of them discussing U2), and various other sounds in order to comment on the popularity of U2 and the rock music industry in general. The recording was then released by SST records in a sleeve that prominently featured the letters "U2" and a picture of the famous American spy plane of the same name. This artwork was blamed for leading some U2 fans to purchase the single when they incorrectly assumed that it was a single by U2. Only weeks later, both Island Records and Warner-Chappell Music (U2's label and music publisher) filed suit against both Negativland and SST records demanding that SST stop producing the single and that all existing copies of the recording be turned over to Island. When the case was settled, SST and Negativland were compelled to pay more than \$90,000 in legal fees and damages and attempt to remove all copies of the single from circulation.

Since Island/Warner Chappell first filed suit in November 1991, the case has acquired a good deal of notoriety as an interesting example of copyright and trademark infringement in the age of sampling and digital reproduction.² Most useful to our interests, however, is the fact that the case generated a great deal of discourse by fans and litigants. With access to the World Wide Web, a virtual community was created around the case that allowed for the distribution of numerous legal documents, the single itself, and numerous spaces for fan discussions of the case and, consequently, of the notion of authenticity.

We utilize the case of the Negativland single and the lawsuit and conversations that it spurred to investigate a

material discussion of authenticity and judgment. Ultimately, we will argue that the case illustrates the construction and deployment of a transformed notion of authenticity fitting the needs of a postmodern epistemology. While Negativland initially attempted to defend itself using the logic of romantic authenticity (the artist as free-standing author of his/her own ideas, created solely by him or her), this logic was certain to fail as it could—and was—effectively deployed against the band's own practices, given that their performances are reassemblages of fragmented discourses. Hence, Negativland's ultimate defense came through a construction of a logic of authenticity as free appropriation. "Authenticity" continued to function as a key term (albeit transformed) despite Grossberg's (and others') obituary of the concept.

We will begin below by engaging in a close reading of the documents pertaining to the Negativland case in order to illustrate the employment of the Romantic notion of authenticity. Second, after reviewing the failure of their use of the Romantic notion, we will focus on the construction of an authenticity of free appropriation and the implications this logic calls for that differ from those of Grossberg's authentic inauthenticity. Finally, we end with a discussion of how these different logics can function in contemporary culture.

Even Better than Real Thing: The Acrobatics of Authenticity and Appropriation

Bono: (reading from magazine ad) "When was the last time you saw anything so authentic look so good." Look at the state of white rock n' roll: It's never been so retrogressive. What is described as "alternative" is no more than raw bass, drums

and guitar—that mix again. And these rituals, like smashing instruments on stage, they ring so hollow now, they feel so dated. That's why I stopped thinking of U2 as a rock band because what that's become I can no longer relate to. We feel more affinity with hip-hop groups; they're seizing the technology and bending it to their own use. That's one of things we are most excited about Zoo TV: Music is mutating into audio-visual forms, and as the ground gives way underneath us we're excited, we want to go sliding, sliding down the surface of things.

William Gibson [author of *Neuromancer*]: So, do you have any favorite contradictions?

Bono: Art and commerce. . . . (Gibson, 1994, p. 66)

Artists have always approached the entire world around them as both an inspiration to act and as raw material to mold and remold. Other art is just more raw material to us and to many, many others we could point to. When it comes to cultural influences, ownership is the point of fools. . . . We claim the right to create with mirrors. This is our working philosophy. (Negativland, 1995, p. 23).

As we have noted, the ideology of authenticity, and its concomitant notion of authorship, has long been a vexed issue within popular music studies as well as within rock culture itself. As Bloomfield (1993) and Jones (1993) have explored in some detail, this ideology has its origins in eighteenth and nineteenth century Romanticism along with the emergence of the modern, bourgeois form of the song.³ According to Bloomfield (1993, p. 17), the Romantic ideology of authenticity consists of several elements which serve to construct a profound intersubjective communion between author and audience. First, it foregrounds the creativity of the artist in terms of being able to powerfully and sincerely articulate and

evoke the inner subjective experience of the individual; second, this experience is put into the form of the song, which, third, is disseminated through performance, and, fourth, resonates with and enhances the emotional experience of the listener. Thus, the Romantic ideology of authenticity entails an affective and symbolic economy of production, consumption, and exchange within which artist and audience are sutured in an imaginary locus of common identity.

Of course, as Atalli (1985) has argued, this ideology effaces two central social facts that have shaped the development of popular music since the Romantic era: the displacement of live performance by audio recording and the commodification of music by the capitalist culture industry. As Jones (1993) argues, in the age of audio reproduction, authenticity is not grounded in what one writes or performs, but how one sounds. Moreover, the process of producing, recording, and distributing sounds is highly complex and institutionalized, thus further displacing the Romantic author as the origin and creator of musical experience. Finally, with the development of a music industry and its constituent legal discourses of copyright and trademark, not only have proprietary rights of ownership over creative work been transferred from the artist to record and publishing companies, but the very image itself of the artist as authentic author becomes the property of the industry.

Yet in spite of these contradictions, the ideology of authenticity and Romantic notions of authorship has remained fairly hegemonic within rock culture. Not only do fans invoke their understandings of authenticity as a discriminating axis of judgment, but so

too, to use Jones's words, does the "popular music industry cling obstinately to the author" (1993, p. 80).⁴ In the *Negativland/U2* case, these contradictions exploded, and in this explosion, a gap was found between the romantic notion of authenticity and the works produced via new media technologies. Perhaps what is most fascinating about the case is that it demonstrates that there is not a single, unitary ideology of authenticity operative in rock culture. Rather, there is a heterogeneous ideology with multiple meanings and contradictory connotations of "authenticity," with dominant and transgressive articulations, which entail different material and symbolic economies of musical production, consumption and exchange. What we see in the case is, so to speak, an acrobatics of authenticity as the parties rhetorically deploy and combine different notions of authenticity in order to construct a ground of judgment upon which to stand and act. Below, then, we will examine the dominant legal discourse of authenticity as embodied in the initial suit filed by Island Records and Warner/Chappell Music against SST records and *Negativland*, showing here the way that authenticity is constructed in as an element of the commodity. Second, we will illustrate the way in which a Romantic notion of ideology is rehearsed and then rejected by *Negativland* as its arguments are shown to work as easily against, as in support of, their case. Next, we will investigate *Negativland's* articulation of a logic of authentic appropriation. Rather than rejecting authenticity for an authentic inauthenticity, the legal case, because it centers on notions of ownership, forces the maintenance of some sense of artistic ownership and authenticity. The logic that emerges is

one fitting the postmodern mediascape, holding implications for the logics of postmodernity.

Desire, Anxiety, and “Goodwill”: The Authenticity of the Commodity

When Negativland recorded *The Letter U and the Numeral 2*, they had every intention of subverting the symbolic economy of authenticity so dear to mainstream pop music culture.⁵ The titular and substantive subject of their parody was a band whose commercial and popular image signified artistic integrity, emotional passion, and political commitment. Indeed, it was this reputed authenticity of the band which was highlighted in Island Records' promotional campaign for the album, *The Joshua Tree*, in which U2 was given the moniker “The Conscience of Rock and Roll.” Moreover, their very choice of a U2 song to satirize and deconstruct was an indicator of their subversive designs. Not only was “I Still Haven't Found What I'm Looking For” U2's first American Top 40 hit, it was also an archetypal example of the invocation of the ineffable ground of soulful rock and roll sincerity and authenticity, the gospel-blues song.⁶ Finally, as they were to later admit, their choice of cover design (a large “U2” superimposed over an image of the U2 spy plane) was meant disrupt the connotation of the band's name as a signifier of authenticity. When considered as a whole, Negativland was to argue that “Our U2 was a spy plane full of secrets intruding into the self-righteous and complacent image-world of the polite pop of the stars. We did it as an example of something not being what it seems to be” (Negativland, 1995, p. 25). Yet what the band did not under-

stand at the time was how inextricably linked the dominant affective and symbolic economies of authenticity are with production and circulation of cultural commodities. In other words, Negativland was seemingly naive to the fact that, to the culture industry, authenticity is more than simply affect and meaning; it is a form of private property.

It is of course the function of trademark and copyright law to discursively construct and institutionally enforce particular notions of authenticity as property right. As Jones insightfully points out, this function is grounded in the very etymological roots of the word “property”:

Derived the Latin *proprius*, meaning “one's own,” the word *property* was a doublet of *propriety* in More's Utopia. In current usage the former is used make reference to ownership, the latter refers to a standard of behavior, and Copyright law intertwines the two, harkening back to the Latin *proprius* and its derivative *proprietas*, meaning proper signification with words. What is negotiated when one enters into a licensing agreement based on copyright is, in essence, proper signification, as determined by the copyright holder (1992, p. 118)

As Gaines (1991) and Coombe (1993) explore in some detail, what is true of copyright law in this regard is also true of trademark law. Both operate so as to construct a proprietary right of the owner of a cultural commodity's copyright and trademark over its potential meaning and interpretation. Proper signification of the symbolic value of the commodity, in turn, forms the basis for what the legal discourse of copyright and trademark term the “entitlement” of the owner to fully “exploit” the exchange value of the commodity in the market place by ensuring its proper use (Gaines, 1991, p. 39). For the

economy of commodity production and consumption to "work" (i.e., to produce a profit for the owner), the symbolic economy of affect and ideology must be legally structured so as to constrain the surplus meaning of potential polysemy and prevent the corruption of the signification value of the product. Any unauthorized appropriation and alternative signification must be strictly controlled, if not prohibited (Coombe, 1993, p. 415). Thus, in Bataille terms, the discourse of copyright and trademark law constitutes a *restricted economy* of signification (cf. Plotniksky, 1993).

It was precisely this restricted economy of signification, with its privileged meanings of authenticity, into which Negativland's "U2 spy plane full of secrets" intruded and brought forth the wrath of the real owners of U2's sound and image, Island Records and Warner-Chappell Music. Less than three weeks after the single was released, the two companies filed suit for copyright and trademark infringement against SST Records and Negativland. The brief itself makes for fascinating reading as it illustrates not only the discursive construction of property right over the authenticity of cultural commodity in terms of semiotic integrity, but also the construction of consumer desire within the restricted symbolic economy of the cultural commodity.

The suit begins with an invocation of the ineffable ground of property right over the cultural commodity in legal discourse, the proprietary entitlement to exploit U2 as sound and image. The plaintiffs, the suit claims,

have the exclusive rights to throughout the world to manufacture, distribute and sell (either directly or through authorized licenses) sound recordings embodying the per-

formances by the renowned musical group known as "U2," and . . . have the exclusive rights to publish and administer the copyrights in U2's musical compositions. Plaintiffs are exclusively entitled to the use the band's well-known name and mark "U2" in connection with the exploitation of these rights (found in *Negativland*, 1995, p. 5).

The suit argues that the *Negativland* single, both the form of its packaging and its content, represents an infringement of the plaintiffs' entitlement to exploit the sound and image of U2 under prevailing trademark and copyright law. Moreover, because the *Negativland* single had been put into circulation just in advance of the "widely anticipated new album by U2" (*Achtung Baby*), it was "nothing less than a consumer fraud, and a blatantly unlawful attempt to usurp the anticipated profits and goodwill to which the plaintiffs are entitled from the exploitation of recordings and musical compositions by U2" (found in *Negativland*, 1995, p. 6). Note here that a new term, "goodwill," is introduced into the rhetorical logic of the restricted economy of the cultural commodity. It is around the concept/metonym of "goodwill" that the brief constructs a historical narrative within which the plaintiffs, the band, and consumers are sutured together in a realm of corporate sovereignty.

In strict legal terms, according to Gaines (1991), "goodwill" is the "guarantee that the buyer could expect, from the source behind the goods, the same values and qualities received with the last purchase" (p. 211). Rhetorically, however, "goodwill" operates as a metonym that resents a complex relationship between the authentic symbolic value of the cultural commodity, the desires of the consuming audience, and the corporation as the guardian

and trustee of both. "Goodwill," as it were, operates as the coin of the realm of corporate sovereignty over the restricted symbolic economy of the cultural commodity.

The better part of the brief is devoted to a historical narrative chronicling the successful commercial career of U2, the longstanding relationship of ownership of the plaintiffs of the band's name, sound, and image, and the concomitant entitlement of the former to exploit the latter. This history of the band's commercial relationship with Island and Warner-Chapell focuses especially on the "enormous artistic and commercial success" of *The Joshua Tree* and the Grammy Award-winning status of the hit single from the album, "I Still Haven't Found What I'm Looking For." This history of the proprietary right of the plaintiffs over the success of the band in the past sets the stage for the claims in the present and the future, which center on the "goodwill" and desire of the consumer. Island Records, the suit explained, was about to release the new U2 record (*Achtung Baby*) and "given U2's enormous popularity, it is inescapable that U2's fans are anxiously awaiting the day when they will find U2's new album in record stores" (found in *Negativland*, 1995, p. 10-11).

It was into the situation of enhanced consumer anxiety and desire for U2, a situation which only Island Records was entitled to exploit, that *Negativland* and SST Records improperly entered. On the basis of trademark and copyright infringement, the *Negativland* single would have deceived U2 fans into thinking it is the "real thing," frustrated their desire and corrupt their goodwill, and therefore usurped the plaintiff's entitlement to their profits. According to the suit, the single repre-

sented an "egregious" consumer fraud in both form and content. It's packaging and labeling would lead "unwitting consumers" into being "duped into purchasing that record in the mistaken belief that it is the new U2 record" (found in *Negativland*, 1995, p. 11). Even more "outrageous" than this trademark violation, the suit contended, was the content of the single itself. Interestingly, the weight of the brief's claims to copyright infringement rested not so much upon unauthorized sampling of the original song, but upon the satirizing context into which the sample was placed. In this regard, the suit is worth quoting in detail:

[The single] is replete with expletives, curses, and scatological language which many consumers will likely find offensive, and which undoubtedly anger and upset parents of youngsters who purchase the "U2 *Negativland*" record. It must be emphasized that U2 has cultivated a clean cut image, and its recordings never include such language. . . . The band's image will be tarnished, and the name and mark "U2" and the goodwill associated with it will be substantially harmed as a result of the defendant's deception which will lead consumers to purchase what they believe to be a U2 album, only to find a recording containing such lyrics . . . [and] will lead them to conclude and that U2 has made a poor quality and offensive recording, thus further unlawfully tarnishing the band's reputation and image, and the enormously valuable "U2" name and mark. This would undoubtedly diminish future sales of U2 recordings, to the detriment of both U2 and Island Records (found in *Negativland*, 1995, p. 15).

It is important to emphasize that the last sentence of the passage was the only place in the entire brief where the band was described as a party that would be injured by the alleged trademark and copyright infringements. Any

financial damage that the band might suffer as a result of the Negativland single existing in the world was completely subordinate to the "irreparable harm" that would be done to Island Records and Warner Chappell's entitlement to exploit their product. Indeed, within the legal discourse of copyright and trademark, U2 exists primarily as a "name" and a "mark" that signifies a particular "authentic" U2 sound which is owned by the record and publishing company.⁷ Accordingly, as the passage makes exquisitely clear, the most "egregious" violation of the single was its transgression of the restricted symbolic economy of authenticity: it *looks* like U2, but in a subversion of that band's singular aural identity, sounds like a cacophonous riot of profane polysemy. On the basis of this sonic subversion and surplus of meaning, the brief conjures a scenario of semiotic seduction, consumer betrayal and commercial disaster: "Unwitting" consumers, seeking satisfaction of their desires in the "real thing," would be deceived by the form of the single, only to be offended by its content. Thrown into a chaos of sonic inauthenticity, they would find the integrity of the commodity to be corrupted and abandon it, taking their goodwill and money with them. Therefore, the brief argues, the very existence of the single represented a mortal threat to the potential success of the new U2 release or, as the narrative of the brief concludes with metaphorical flourish, "Once the 'horses' are out of the 'barn door,' the harm to Island Records will be done and irreparable" (found in *Negativland*, 1995, p. 16).

The telos of the brief's argument, the "requested relief" for copyright and trademark infringement, is logically inexorable and ideologically inescap-

able: to preserve the integrity and authenticity of the commodity, to preserve the "goodwill" of consumers, and to maintain corporate sovereignty over both, all forms and traces of this transgression must be expunged from existence so that it is never heard again. On November 5, 1991, based upon an out-of-court settlement between Island/Warner-Chappell and Negativland/SST, the U.S. District Court of Central California decreed that this relief would, in fact, be the dominant legal judgment. Negativland and SST were prohibited from further production and distribution of the signal and were required to retrieve and destroy of all copies of the single, its artwork, advertising, master recordings and duplicates. In addition, the ownership of the copyright of the single was assigned to Island/Warner-Chappell forever.

Postivland: The Failure of Romantic Authenticity and the Turn to Free Appropriation

How was a resistant judgment, acrobatically balanced upon the unstable ground of postmodern authenticity, created in this case? To answer this question, another one must be posed: is it possible to 'account' for surplus meaning, meaning that exceeds or transgresses the boundaries of copyrighted authorial intent, in the symbolic economy of cultural production? The very question represents a conundrum for the legal discourse of copyright and trademark and its notion of the authenticity of the commodity. As we have seen in the preceding section, in order for the owner of the cultural commodity to keep an account of the symbolic and exchange value of the commodity, there can be no surplus of meaning.

Such polysemic surplus is excessive of its restricted economy, and corrosive of the commodity's authenticity as sound and image. It therefore cannot be accounted for. And what is excessive of its system of accounting must be either disciplined (that is, brought within it in the form of payments for use of the copyright or trademark), or banished from the cultural field altogether.

In contrast, as we shall see, the resistant judgment developed in this case, both by Negativland and its fan base (as witnessed in arguments on "alt.music.alternative" and on the Negativland homepage), refuses the necessity and desire for accounting for symbolic value altogether. Rather, it entails a principle of excessive semiotic extravagance which subverts the very idea and practice of an accounting of surplus meaning. The heterological notion of postmodern authenticity developed by Negativland and its fan community, which is based upon a strategic and tactical practice of cultural appropriation, embraces and celebrates a playful symbolic economy of heterogeneity which renders meaningless an accounting for meaning.

William Corlett describes this symbolic economy without restrictions: "In a politics of extravagance, all lives hinge upon how silence is broken and maintained. To live extravagantly is to give gifts freely, to cultivate one's gifts in all directions. The word extravagance signifies the madness of losing oneself in the practice of everyday life" (1989, p. 211). Accordingly, in distinct contrast to the restricted economy of copyright and trademark law where the point is to preserve sovereignty over meaning as the entitlement to exploit, in the excessive economy of extravagance the point is to *dissolve* sovereignty in the

process of open-ended appropriation and gift-giving. From the perspective of dominant law, as Corlett points out, such extravagance is akin to madness as it entails the displacement of the identity and meaning of the cultural commodity. To return to Caputo's metaphor with which we opened this paper, the politics of extravagance represents a *disaster* for the unitary *logos* of dominant law. However, from the perspective of resistance, the disaster of heterological extravagance entails a potentially endless profusion of meanings, pleasures and identities and represents the exuberance of cultural creativity, which is deemed as being the very ground of a distinctively postmodern authenticity itself. At the end of the Negativland case is a new rhetorical territory of cultural production and circulation, a territory that might extravagantly be called "Positivland."

Before we proceed to an exploration of how this politics of extravagance emerged, it is important to offer two caveats about what may be deemed an insufficiency of our analysis in this section. First, we offer a thematic analysis of the development of this judgment rather than a comprehensive history of the events in which this judgment was situated. As such, we unfortunately gloss over or ignore altogether what are interesting as well as entertaining details about the twist and turns the case took.⁸ Second, in our analysis here, we focus exclusively on statements and texts produced by Negativland itself rather than the fan base at large. Even so, we believe (as Negativland said itself) that these texts are representative of a like-minded community as they are products of an extensive and expansive dialogue between Negativland and that community.

The argument over authenticity, and

the struggle with the Romantic notion, was not one that came fully articulated by Negativland. Instead, in the "publication" of various statements and communiqués by the band (some in response to fans, some in response to legal ongoing), various notions of authenticity were bantered about, cohering into more specific ones. The entire struggle took place, however, on the grounds of challenging the legal judgment that had been articulated under/with the concept of "Fair Use." Fair use, of course, is a provision of the United States Copyright Act of 1976 §107 that allows for the re-use of copyrighted material without prior consent of the owner and without payment of fees under any circumstances.⁹ When the case began, Negativland argued for a liberal interpretation of the Fair Use provision on grounds very similar to those later given voice to by Justice David Souter in the Supreme Court's decision in the *Campbell v. Acuff-Rose Music, Inc.* [1994 WL 64738 (U.S. Mar. 7, 1994)], also known as the 2 Live Crew/Pretty Woman case.¹⁰ However, very much in the sense of Lyotard's (1988) distinction between litigation and the *differend*, even an attempt to argue for a more liberal reading of Fair Use ultimately worked to reify dominant law by binding cultural practice to the terms of the law. While we do not wish to argue that existing legal definitions of copyright and fair use were immaterial to the case (or of notions of authenticity), especially in cases of sampling and electronic means of aural re/production (c.f. Sanjek, 1994), we are more interested here in the ways in which Negativland's more expansive use of the term "Fair Use" acted in excess of existing legal meanings.

Fairly early on after first losing the

rights to keep their recording on the market, Negativland released a press statement asking for a discussion about the various possible ways in which artistic integrity and legal rights could be configured. As the band noted, given the disparity in economic and legal power between themselves and Island Records, and given that it had already had been forced to "agree completely" to Island's demands, a forum in which it was able to articulate its understanding of fair use was needed (Negativland, 1995, p. 22). Criticizing the legal decision and Island's demands as ones that linked together the marketplace and the legal decision in opposition to artistic integrity, it noted, "Apparently, Island's sole concern in this act of censorship is their determination to control the marketplace, as if the only reason to make records is to make money . . . In this culture, the market rules and money is power. They own the law, and no one who is still interested in the supremacy of a vital and freewheeling art can afford not challenge this aspect of our decline" (Negativland, 1995, p. 22). Negativland later re-articulated this critique of music as commodity in its "Tenets of Free Appropriation": "No one should be allowed to claim a private control over the creative process itself. This struggle is essentially one of art against business, and ultimately about which one must make way for the other" (Negativland, 1995, p. 251).

Up until this point, the argument that Negativland made worked well within the traditional rock culture differentiation between the "inauthentic mainstream"—positing music as commodity—and the authentic artistic margins of art for its own sake. The problem was that this Romantic notion of authentic artistry worked as a point of

contention between Negativland and SST Records owner Greg Ginn. The story of their conflict helps explain in part their eventual construction of a different meaning of "authenticity."

In Ginn's argument with Negativland (it refused to split the costs of the legal case with him on a 50-50 basis), Ginn in effect publicly charged Negativland with not fitting the traditional notion of "artists." Ginn accused Negativland of inauthenticity in that they were not a "real band" as evidenced by the fact that "they have never toured and have only played occasional live shows" (Negativland 1995, p. 51). In contrast to authentic expressions of punk, Negativland was simply an "upper middle class hobby," "victims of a media cocoon they frequently lampoon" (Negativland, 1995, p. 52). Ironically enough, then, when Negativland relied on the Romantic notion of "authenticity," they were leaving themselves open for charges of "inauthenticity" and hence of infringement. By using the traditional terms of litigation, they fell within dominant judgment. If their "art" was not an originary creative act, they could not own it according to existing law.

Hence, when the Romantic notion of authenticity was not a fitting response to its own work, Negativland found itself faced with a case in which their understanding of their practice worked outside of existing notions of creativity and ownership. In effect, Negativland offered an interpretation of its act that worked as a *differend* to existing legal judgments. Negativland argued for an authenticity "of copyright infringement and sampling as a legitimate creative technique" (Negativland 1995, p. 48). As it was later to call it, this was an authenticity of "free appropriation" rather than "fair use."

Building this logic of free appropriation involved rethinking the history of art and reinvestigating present situations for artistic production. Negativland directly attacked the Romantic notion of authorship as the sole criterion of authenticity by arguing that "the law must educate itself to the fact that ever since monkey's saw or did, the entire history of art forms has been **BASED ON THEFT**" (Negativland, 1995: 23). In one of the documents about the case most widely circulated on the Web, "Crosley Bendix Discusses the Copyright Act," Negativland expanded this argument by discussing the development of different forms of art: folk music, blues, jazz, Dada, Surrealism and Pop Art have all had "creative theft as their *modus operandi*" (Negativland, n.d., p. 3). Going further, Negativland suggested that the proliferation of examples of such theft "all but forms a tradition of 'natural law'" (Negativland, n.d., p. 3). Hence, by making the idea of free appropriation appear as "natural law," the band coactively took what would be a disjunctive definition of fair use (a *differend*) and posited it as the "correct" definition.

After advancing this notion of creative theft as a historical practice, Negativland suggested that the artistic process should be seen as an "obvious and natural desire to embody or transform existing things as a form of dialog with the material environment" (Negativland 1995, p. 150). Hence, rather than positing originality as inhering in the singular vision of the individual artist, it inheres in the process of transformation that occurs within the context of the shared culture of a community. The authenticity of appropriation, however it is manifested, is decentered and dialogical. Far from being an act of

piracy or plagiarism, appropriation is a gesture of respect and inspiration, where one uses an original source as a springboard for one's own creativity, thus adding to the cultural conversation.¹¹

Negativland also linked this new notion of authenticity and appropriation to the postmodern landscape. As argued in "Fair Use" in almost Baudrillardian fashion, the dominant sphere of everyday life has become reflective of the contemporary media landscape. Therefore, everything that circulates in the mediascape should be understood as always already suitable for appropriation because it is already in the public domain. While existing copyright laws demand that one recognize "the exclusive interests of private owners," the proliferation of new media technologies and electronic reproduction demands that people move from being passive spectators to active participants in cultural production (Negativland, 1995, p. 190). In other words, it is the law as written that is lagging behind in the changing epistemology brought on by the changing mediascape.

Conclusions: Free Appropriation and Hypertext Consciousness

What is most important about the Negativland case is that as a starting point for a theoretical discussion of postmodern notions of judgment and authenticity, it is the basis of speculation for senses of ownership and authenticity as culture and logics continue to change through new media technologies. In recent media and hypertext theory (here, seeing the Internet as the example *par excellence* of hypertext), George Landow (1992) ar-

gues that the logic of hypertext (i.e., links made by interest rather than by rational hierarchy) will become the dominant logic of contemporary (post-)modern culture. Such a claim becomes interesting to this case when traced through media theory and claims concerning the ownership of ideas. We do not mean to collapse the entire case of Negativland and its arguments into one *determined* by changes in media. What we are suggesting is that changes in media form and the accompanying changes in logics have led to an emerging consciousness in which Negativland could "reasonably" posit their rather postmodern tactical practice and articulate their sense of "free appropriation."

If, as Walter Ong (1982) argues, ideas of copyright and ownership come from the logics tied to literacy and print, their transformation comes with the dominance of electronic media, especially hypertextual forms of consciousness. It is important to note here that the logic of any given change in media technology always contains elements and residue of the consciousness that preceded it. For example, the logic of literacy necessarily contains and is influenced by the influence of oral consciousness. Similarly, electronic media and hypertext do not lead to an erasure of such concepts as authenticity and ownership so much as their transformation. Stuart Moulthrop (1994), relying on Deleuze and Guattari's discussion of striated vs. smooth epistemologies (i.e., routine, specification, sequence and causality vs. transformation, consensus, holism, random connections), provides an argument that links to the arguments over authenticity that occur in this case. While many who study hypertext have argued that the new media technologies provide

an almost utopian space for smooth thinking and smooth subjectivity, Moulthrop suggests that the transition is never complete and therefore never a fully smooth space (1994, p. 316). On this point, he quotes Deleuze and Guattari (1987) in noting that smooth and striated space “exist only in mixture: smooth space is constantly being translated, transversed into a striated space; striated space is constantly being reversed, returned to a smooth space” (p. 474). So while notions of romantic authenticity may crumble, especially when it comes to the pastiche-like creations of *Negativland*, they give way not to a sense of authentic inauthenticity but instead to a different, perhaps more fitting, notion of authenticity—the authenticity of free appropriation.

Moulthrop’s comments about the mixing of smooth and striated space certainly find resonance when we compare electronic hypertext with pastiche-like recordings. That is, because hypertext is an unstable “practice” while *Negativland*’s recordings become somewhat “stabilized” in the very act of putting sounds on tape, the recordings act as much clearer examples of the mix of smoothness and striation. While the resources of hypertext (such as the World Wide Web) may be constant (even this is not true as their creation and transformation currently occur at a rapid pace), the potential combination of links is limitless and hence, the manifestation of hypertext in use is perpetually unstable. On the other hand, with something more

stable, such as *Negativland*’s recording, the potentiality of linked fragments has been limited; the potential links of sounds stabilized into one particular configuration that remains the same through each listen. If this were hypertext, it would be the same as following someone else’s links in the same way repeatedly, the link order and content never changing. Hence, because the links are solidified, *Negativland* has grounds to argue for an “authentic” and original “product,” something impossible in a purely smooth scenario. However, because their “hypertextual” recording uses sounds “owned” by others, *Negativland* and its recordings are in a seemingly ambiguous space between smoothness and striation, between “authenticity” and “inauthenticity.” The ambiguity is somewhat solved because the logic of capitalism requires the notion of ownership, and hence, *Negativland*, and others, are forced to construct a notion of authenticity and ownership despite the theoretical arguments that authenticity and originality are no longer working concepts. In the *Negativland* case, we are provided with a glimpse into not only cultural struggles as they are enacted in the arguments over authenticity, but also the ways that changes in media, in conjunction with economic demands and the weight of past discourses on the present, are leading us to changing notions of authenticity and originality. □

Notes

¹The notion of a “materialist conception of judgment” is a paraphrase of Michael McGee’s (1982) “A Materialist’s Conception of Rhetoric.” In that essay, McGee, certainly influenced by Gramsci, took those who studied rhetoric to task for attempting to understand its meaning outside of the context of “rhetoric” in practice, in the material conditions of everyday life.

²The case has been widely written about in the music press, as well as discussed in articles in law and other academic journals. Indeed, the notoriety of the case has been in no small measure due to aggressive guerrilla publicity campaign waged by Negativland on the Internet and other alternative media. The members of Negativland themselves have collected nearly all of texts produced by and about the case in *Fair Use: The Story of the Letter U and the Numeral 2* (1995).

³By Romanticism we are referring to the aesthetic movement, encompassing literature, the visual arts and music, which emerged in the late eighteenth century and flourished until the mid-nineteenth century. The principal features of Romanticism were a rejection of the Enlightenment valorization of reason and its embodiment in the emergence of modern industrial "civilization," and a concomitant celebration of nature, emotion, instinct and passion as the fount of uncorrupted human spirituality and individual creativity. According to Jaszi, Romanticism is characterized by radical subjectivism which entailed "an extreme assertion of the self and the value of individual experience" in the face of an increasingly complex and alienating world of emergent industrial capitalism (1991, p. 455). However, we are less concerned with features of Romanticism per se than with its notions of creative authorship and authenticity which have become institutionalized in copyright law as the juridical constitution of what Bettig (1993, p. 149) calls the "creative subject." Inspired by Foucault's (1984) analysis of the "author function" in the discursive formation of the modern artistic subject, scholars such as Saunders (1992), Jaszi (1991, 1994), Rose (1988), and Woodmansee (1984, 1994) have engaged in a genealogy of the juridical constitution of what Jaszi terms (1994, p. 33) the "author-genius" and its ideological roots in the Romantic movement. As Jaszi and Woodmansee succinctly summarize the Romantic ideology of authorship, "genuine authorship is *originary* is the sense that it results not in a variation, an imitation, or an adaptation . . . but in an utterly unique—in a word, "original"—work which, accordingly, may be said to be the property of the creator and to merit the law's protection as such" (1994, p. 3). In the modern regime of authorship, the author is morally valorized as the solitary creator of unique and original work that embodies the author's unique experience and creative artistry in giving that experience aesthetic form, whether it be in words, images or music. This moral evaluation of genuine authorship becomes legally enshrined in copyright law in the mid nineteenth century and has remained the dominant juridical definition of authorship, applicable to all forms of cultural production and intellectual property to this day, and not just to popular music and rock culture. In spite of the emergence and widespread use of collaborative technologies of communication and cultural production, such as electronic sampling, hypertext and the Internet, as Woodmansee notes, "as creative production becomes more corporate, collective, and collaborative, the law invokes the Romantic author all the more insistently" (1994, p. 28).

⁴Even the least subtle of readers of Internet discussion groups like "alt.music.alternative" can not help but notice that a great deal of the discussion deal with authenticity in the Romantic sense based on songwriting ability, compatibility of "author's" life with song topics, and so forth.

⁵This is not an attempt to revive the author after his/her death. We are not attempting to imply that we literally know their "intentions"; we are only constructing a narrative out of their storytelling after the fact and out of our own "common sense" observations.

⁶That "I Still Haven't Found What I am Looking For" was intended as a marker of U2's rock and roll authenticity is amply demonstrated in their feature film, *Rattle and Hum*. In the film, the song is performed in "authentic" gospel style by a Harlem church choir, thus affirming the band's status as authentic contemporary embodiment of rock and roll's roots in the African-American experience.

⁷The fact that U2, as discrete individuals and as creators of the cultural commodity, were peripheral to the construction of authenticity and property right by legal discourse was underscored repeatedly as the case unfolded. Soon after the judgment was rendered, Negativland began to importune the band, its management, and associates such as producer Brian Eno to intervene on Negativland's behalf with Island Records. However, as Eno told them in a fax in November 1991, whatever sympathies U2 might have with their plight, there was little the band could do stop the machinery of juridical suppression of the single. He wrote "that I'm pretty sure that band wouldn't support this rather heavy-handed interference in what you are doing: apart from anything else their senses of humor and self-deprecation are completely intact and I think they would find the record pretty funny." However, as he reminded them, "you should realize that they don't control Island Records or Warner-Chappell" (Negativland, 1995, p. 31). Indeed, to U2's credit, it

apparently did pressure Island to back off from demanding damages from Negativland and SST. As Chris Blackwell, President of Island Records told Negativland in November of 1991, "I am getting a huge amount of hassle from the members of U2 not to press for payment." He blamed the members Negativland themselves for their predicament by not requesting permission to sample the band's recording, and, since Island had already incurred costs of \$55,000 in securing the law judgment, he declared that he was "not prepared to eat these legal fees" (Negativland, 1995, p. 32; emphasis in original). The subordinate status of U2 within the discursive realm of corporate sovereignty of the case was also reiterated in the only direct communication between the band and Negativland. In what was one of more entertaining episodes in the case, U2's guitarist, The Edge, was "ambushed" by Mark Hosler and Don Joyce under the guise of interview with *Mondo 2000* magazine about U2's *Zoo TV* tour in June of 1992. The Edge was discussing the tour's innovative use of live audio-visual sampling of satellite transmissions with WIRED's editor, R. U. Sirius, when Hosler and Joyce jumped in to discuss the case. The Edge expressed regret for Negativland's predicament and said that if it had been up to the band, the whole situation would have worked out differently. Moreover, he argued, because of all the negative publicity in the music press surrounding the case, U2 was almost as much of a victim as Negativland. As he told Hosler and Joyce, "I know you have really taken a kicking and I'm sorry about how it has all come out, Island Records *hasn't* been affected, but we have gotten *so much shit* in the media about this and it's *really annoying*" (Negativland, 1995, p. 91; emphasis in the original). Interestingly, in explaining U2's relative impotence to affect the case, the Edge ended up basically rearticulating the logic of restricted symbolic economy of the cultural commodity. "I don't imagine Island was upset about the sampling aspect of the record"; instead, it was its satirical subversion of its sovereignty over the authenticity of the commodity and its exploitation with which they were concerned. When asked by Don Joyce if U2 couldn't put a provision in their contract allowing for fair and free sampling of their work no matter what the context, The Edge replied, "I am not sure we can make a judgment like that . . . the deal that we have is that we sell or rent the use of copyrights to somebody else. That is the whole idea of having publishing and record deals. They have the right to exploit our work. . . . They would see it in very simple terms as protecting their own property" (Negativland, 1995, p. 89). Accordingly, the Edge argued, "although we would have reacted in a different way, the lawsuit was not our lawsuit. Although we have some influence, we weren't in a position to tell Island Records what to do . . . they weren't suing you on our behalf. They were suing you on *their* behalf" (Negativland, 1995, pp. 84, 91; emphasis original). Eventually, it should be noted, the combination of Negativland's persistence, a mountain of negative publicity in the musical and entertainment media, as well as pressure from U2, Island Records agreed to return the single and its copyright to Negativland. However, as we will discuss below, the intransigence of Casey Kasem has blocked legal release of the single to this day. However, in keeping with the judgment of the cyberspace community, the single is available for downloading at the Negativland home page on the World Wide Web at <http://www.negativland.com>.

⁸For those interested in such details in all of their stunningly ironic glory, we suggest purchasing Negativland's own documentary history in *Fair Use: The Story of the Letter U and the Numeral 2* (1995a).

⁹The status of the "fair use" provision within copyright law is a complex issue and, although it formed an important part of the Negativland case, it is not our primary focus here (for reasons that will be made clear shortly). Basically, the "fair use provision" of the 1976 law establishes a "four factor" test for whether an appropriation of a copyrighted work can be considered to be fair use: 1) the purpose and character of the use, including whether such use is of a commercial or non-profit nature; 2) the nature of the copyrighted work (i.e., whether it is factual or fictional or published or unpublished); 3) the amount and substantiality of the appropriated portion in relation to the copyrighted work as a whole; and 4) the effect of the use of copyrighted material upon the potential market for or value of the copyrighted work [see 17 U.S.C. §107 (1-4)]. For detailed discussion of the evolution of Fair Use as legal doctrine, especially in the context of sampling technology, see Jones (1995), Korn (1995) and Marcus (1995). Negativland also maintains a collection of resources on copyright, fair use and intellectual property issues on its World Wide Web site at <http://www.negativland.com/intprop.html>.

¹⁰In brief, *Campbell v. Acuff-Rose Music, Inc.* involved a parody of the original Roy Orbison song, "Pretty Woman" by the rap group 2 Live Crew. The court found that the parody was an acceptable

fair use under the Copyright Act. In brief, using factors 1, 3, and 4 of the Fair Use Provision, the decision laid down several principles in considering whether an appropriation of a copyrighted work is to be considered fair use. According to Negativland (1995b), these principles can be summarized as follows: the more the new work transforms either the material nature or symbolic meaning of the original, the more likely it is to be fair; the more the new work comments on the original in terms of critique, satire or parody, the more likely it is to be fair; the less of the original work that is taken or copied from the original, the more likely it is to be fair (although the court stressed that parodic appropriation, which depends upon the identification of the original to work as parodic commentary, is likely to be given more leeway than other uses of appropriation); the less commercial and widely distributed the new work is, the more likely it is to be fair (although the commercial or non-commercial nature of the new work is not enough by itself to determine whether or not it is fair use); and, finally, these principles are to be used to determine the effect of the use on the market for the original. That is, the less the new work replaces the original in its own potential market, the more likely it is to be fair. The text of Justice Souter's opinion in the case can also be found in Negativland (1995a). To date, *Campbell v. Acuff-Rose* remains the governing case in terms of copyright infringement and fair use in the field of music. Ironically, had this decision been rendered before Island Records/Warner-Chappell Music sued Negativland and SST, it seems likely that Negativland single would have been considered to be fair use under its principles.

¹¹Negativland's notion of appropriation as a dialogical cultural practice obviously has clear resonances with the understanding of authorship and authenticity which characterizes Afrodiasporic musical culture, particularly that of hip-hop. As Dick Hebdige has characterized the reggae practice of "versioning," "It's a democratic principle because no one has the final say. Everybody has a chance to make a contribution. And no one's version is treated as holy Writ" (1987, p. 14). For Hebdige, the practice of versioning in Afrodiasporic music involves a logic of invocation and evocation where the referenced version of song, riff, lyric, rhythm takes on alternative lives and alternative meanings in unique contexts. This practice of versioning, according to Potter (1998) and Rose (1994), is taken one step further in hip-hop with the fusion of Afrocentric "signifyin'" forms of orality with sophisticated technologies of electronic reproduction, such as sampling, which create what Rose terms "post-literate orality" that enables a practice of relational and situational narrative originality. The point is not to invent a new story, but to tell a shared story in a new way in a unique context so its meaning is "fresh." This complex fusion of orality and postmodern technology (sampling) sustains collective memory and history and creates a self-constructed identity that is resistive to the dominant culture. According to Rose, sampling also creates collective memory through paying homage and respect (or disrespect) to musical and cultural predecessors, and thus embodies a principle of authorship that is communal rather than singular. Finally, in the context of Afrodiasporic culture, sampling takes on a distinctive political valence of resistance and transgression as a form of "sonic theft." Rose argues that sampling represents payback to record companies who have ripped off black music for most of the twentieth century. For an analysis of the centrality of sampling to hip-hop, and manner in which it has come into conflict with the dominant legal discourse of authorship and property right see Marcus (1995).

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