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Afro-Caribbean cultural phenomena in which reggae music was formed. In the chapters on punk, rap, and heavy metal, one gets a very clear understanding of the economic and other social factors that fueled the music and made people listen to it. Likewise, the chapter on psychedelia conveys quite well the blissful, peaceful feeling of the late 1960s scene before it unfortunately got overrun by people who had less innocent agendas. The chapters on soul and funk provide insightful links between the two genres, and this is also the case with other pairs of genres such as progressive and punk, or psychedelia and punk. The authors manage to state what is distinctive about each individual genre while also making clear the connections between genres, including those to which they do not devote entire chapters.

The final chapter, on so-called “jungle” music, begins with a much needed explanation of the term which could be considered by some to be offensive. At the back of the book is a glossary of key terms such as “bricolage,” “postmodernism,” “syncretic,” and, yes, “genre.” This is a very useful thing to include for readers who may not be familiar with such terms, which tend to be used mostly in academic settings.

All in all, this is a fine book that is good reading both for serious scholars and for music fans in the general public. One possible improvement would be additional chapters on other genres such as country and western and folk, or possibly more examples of works in some of the genres. Other than that, this is a high-quality work that will help the reader to understand much of the variety of popular music of the last several decades.

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Steal This Music: How Intellectual Property Law Affects Musical Creativity

JOANNA DEMERS

University of Georgia Press, Athens and London, 2006

178 pp.

Among a recent spate of studies dealing with the ownership of artistic and intellectual culture—for example, Rosemary Coombe’s *The Cultural Life of Intellectual Properties* (1998), Kembrew McLeod’s *Owning Culture* (2001), and Lawrence Lessig’s *Free Culture* (2004)—Joanna Demers’s relatively thin volume, *Steal This Music*, has found a secure niche. Whereas Coombe, McLeod, and Lettig scrutinize intellectual property (IP) law in terms of categories ranging from music to preaching, sound collage to third-world indigenous knowledge, and celebrity image to commercials, Demers concentrates on popular music, showing a decided (but far from exclusive) interest in hip-hop and electronic dance music, two salient forms in which “transformative appropriation”—“the act of referring to or quoting old works in order to create a

new work”—has been challenged (at best) and forbidden (at worst) by content providers who have “seized upon IP law as a means of charging money for things that used to be freely available” (4). Demers’s revelations about IP law and its impact on popular music will sound both familiar and frightening to those of us who have been watching, with a mixture of anxiety, incredulity, and outrage, the ascendancy, in less than a generation, of corporations and copyright holders over musicians, performers, and consumers. In other words, implicit in Demers’s argument is urgency—the feeling that soon musical creativity will have been paralyzed by content providers committed to restricting (through their demand for high, even prohibitive, licensing fees) access to copyrighted materials. Yet the main title notwithstanding, Demers’s book is not a knee-jerk, polemical reaction to the encroachment of these content providers into the realm of free speech and fair use. Instead, her study hinges on the secondary thesis that the “excessive enforcement of IP laws is (despite itself) spurring many artists to rebel by finding innovative, subversive ways of communicating through transformative appropriation” (9).

To prove this claim Demers must lay considerable groundwork. An overview of the history of copyright and trademark protection is followed by the demystification of key terms informing current interpretation and enforcement of IP law. Essential, indeed, is her clarification of what constitutes piracy, plagiarism, allusion, and—since the digital ’90s—duplication in the battle for control over musical sounds, styles, and techniques. By putting these terms in the context of the Copyright Act of 1976, the Digital Millennium Copyright Act of 1998, and other acts, while at the same time explaining the differences between and among music copyright, right of publicity, and trademark law, Demers is better able to track the efforts (largely successful) of “content providers and artists’ representatives...to close loopholes in music copyright by employing parallel IP law regimes” (25). After bringing the reader up to speed on history and terminology, Demers devotes chapter 2 to tackling the place of copyright law in musical arrangement and allusion (e.g., transcription, parody, and satire). Taste, not law, dominates her look at pop-classic crossover hits like Elvis Presley’s “It’s Now or Never,” Joshua Rifkin’s *The Baroque Beatles Book*, Walter Murphy’s “A Fifth of Beethoven,” and Walter Carlos’s *Switched-On Bach*; and ethics, not law, permeates discussion of cover music in the rock-and-roll era (Elvis comes in for more scrutiny). But once parody and satire enter the picture with 2 Live Crew’s use in 1989 of “Oh, Pretty Woman” (published by Acuff-Rose Music) in their track “Pretty Woman,” the law takes center stage.

As will happen time and time again in the rest of *Steal This Music*, Demers chronicles a lawsuit (fair use typically under fire) that often dwindles into an out-of-court settlement due to exhausted bank accounts. Demers has a knack for satisfying the pleasure readers take in courtroom drama. Several high-profile cases enthrall us on the visceral level while simultaneously testing our patience, even to the point of frustration. After all, disputes involving the finer points of fair use and the subtleties of copyright/trademark law are hard for both common-sense mortals and courts to figure out—which is why “content providers are counting on this confusion as a way

of shoring up control over their property” (70). Demers’s coverage of one particularly sticky type of ownership, performers’ rights, encapsulates this double-maneuver. Her account of lawsuits involving Nancy Sinatra (vs. Goodyear Tire and Rubber Company in 1970; she lost), Bette Midler (vs. Ford Motor Company in 1988; she won), and Tom Waits (vs. Frito-Lay in 1991; he won) is rife with suspense as well as lessons not only about how legal technicalities determine judicial outcomes in specific cases but, more generally, about how content providers have accrued more and more power during the past 30 years.

What Demers achieves in chapter 3’s analysis of duplication (mash-ups, collage, homage, etc.) is a masterful blend of musical and legal criticism. Dickie Goodman, John Cage, John Lennon, Pierre Schaeffer, Kool Herc, Dr. Dre, George Clinton, the Tom Tom Club, Ice Cube, Biz Markie, DJ Spooky and dozens more appear in Demers’s depiction of an era of proliferating lawsuits in step with the explosive growth of sampling and the expanding hegemony of content providers. At moments Demers herself sounds overwhelmed by it all, if we are to judge by the redundancies that infest some paragraphs: “Allusion and duplication are becoming indistinguishable” (109); “[d]istinguishing between an exact reproduction and a mere allusion is becoming increasingly difficult” (109); “[d]etermining (ontologically or legally) where a sample stops and a new composition begins has become nearly impossible” (110).

In chapter 4 Demers’s job is to elucidate the strategies artists have chosen to keep the creative light alive even as “The Shadow of the Law” (the chapter’s title) darkens all paths to transformative appropriation. There are four main options for artists who prefer not to be broken financially in court: (1) pay (if they can afford it) for the use of protected material; (2) transform the material (almost) beyond recognition; (3) choose obscure sources not monitored by the handful of dominant publishers, going so far underground or outside the mainstream that no one will care what you sample or duplicate; (4) stop sampling and borrowing altogether. Standout case studies include DJ Danger Mouse’s battle over the *Grey Album* and Negativland’s struggle with Island Records and Warner-Chappell. Curiously, it is in this most fascinating of the book’s four chapters that Demers may most disappoint readers looking for someone to lead the fight against content providers. She acknowledges the outrage that scholars, theorists, journalists, and others feel toward corporate greed and privilege; and she articulates the book’s prevailing irony that “excessive IP protections are harmful not only to creators, but ultimately to the entertainment industry as a whole” (112); but her response falls short of the revolutionary message explicit in her title. Granted, some fairly heated language is used—“If the music and film industries had their way, our artistic heritage would be a mausoleum in which sounds and images are frozen in time, impervious to appropriation” (145)—but much less than the title (an appropriation of Abbie Hoffman’s *Steal This Book*) would lead one to expect. The imperative is only titular. If this is a flaw, even a serious one, it is not enough to offset *Steal This Music*’s strengths: its clarity, its vivid anecdotes, its historical grasp, and its fair and balanced assessment of grim facts.

In a culture where lawyers and content providers—empowered by IP laws about which it can be said, without hyperbole or hysteria, that they are nothing less than censorious—have been able to commandeer the phrase “old fashioned” and the song “Happy Birthday to You,” and where, with the passage of the Copyright Term Extension Act of 1998, Congress extended copyright privileges for the Disney Corporation and other behemoths, it is no wonder that creators and consumers of popular music feel stifled, intimidated, and distraught. But books such as *Steal This Music*, while not advocating a revolution, prove that articulate observers like Joanna Demers are speaking on behalf of everyone who fears that fair use is slipping away for ever with each new triumph in court for a content provider over a musician, performer, or consumer who has often done much less than what Demers’s title seems to exhort all of us to do.

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Noisy Island: A Short History of Irish Popular Music

GERRY SMYTH

University of Cork Press, Cork, 2005

182 pp.

Beautiful Day: Forty Years of Irish Rock

SEAN CAMPBELL and GERRY SMYTH

Atrium, Cork, 2005

194 pp.

The first thing to be said here is that the publication of two books on the contribution of the island of Ireland to the world of popular music is very welcome. As a “small country” Ireland has arguably over-achieved in terms of the number of internationally successful acts it has produced. The reasons behind such achievements are obviously worthy of study by popular music academics (and others) in their own right. They also raise a series of questions which are becoming somewhat perennial within popular music studies, including the following: Is there such a thing as a national music? How does popular music inform notions of national identity? What processes of inclusion and exclusion are at play? What are the relationships between the local, national, and international? Such questions were at the forefront of my mind as I read these two books.

The subtitles of each appear to betray a certain ideological outlook with one talking of “popular music” and the other of “rock.” However, the actual content of each of the books is somewhat broader than first impressions might suggest.