

BOOK REVIEWS

Music and Cyberliberties. Patrick Burkart. 2010. Middletown, Connecticut: Wesleyan University Press. 200pp, notes, references, index. Cloth, \$70.00; paper, \$24.95; e-book, \$19.99.

BY BRET D. WOODS

In *Music and Cyberliberties*, Patrick Burkart approaches the implications of the “Celestial Jukebox” in today’s digital environment in an effort to outline “evidence that exists for political and social agency oriented to preserving and extending civil liberties in cyberspace” (11). The concept of a celestial jukebox has been around since the mid-1990s: the capability to access all music stored in cyberspace, enabling one to listen to any song, anywhere, at any time. As idealistic as it may seem, the existence of a freely accessible digital library of music is chiefly articulated by the notion of “cyberliberties.” The online civil struggle regarding accessing and sharing music is perhaps best understood in the words of *New York Times* music critic Jon Perle when he wrote on the original celestial jukebox website, “if the bastards ever let us.” The core of Burkart’s book, then, is around the development of rights and the accessibility of music since the late 1990s, which he negotiates by invoking the social theory of Jürgen Habermas, best known for his work in communicative reality and the public realm.

In his introduction, Burkart outlines his adaptation of Habermas’s theory of communicative action (TCA), carefully acknowledging the numerous criticisms of this theoretical model and

its appropriation in conceptual social systems. The TCA framework is specific for Burkart: he invokes the “system and lifeworld” to emphasize the important role of language and communication in social life. Chapter One outlines the tension inherent in the political economy of the music lifeworld in the digital age, its pivotal moments in recent history borne out of peer-to-peer (P2P) music sharing sites, and the lawsuits and digital rights management (DRM) that resulted from a major shift in format (CD to MP3) and accessibility. Burkart writes the chapter from a “cyberlibertarian angle,” citing many absurd legal examples of threats and fines issued from groups such as the Recording Industry Association of America (RIAA) and the American Society of Composers, Authors, and Producers (ASCAP) that campaigned to define file sharing as copyright infringement. Excessive legalisms, Burkart argues, “disrupt commonplace understandings about the music lifeworld” (31). Chapter Two delves deeper into this music lifeworld, noting social agency and conflict among fans and excessive legalism. Most of us who live in today’s digital age are no strangers to “agreeing to the terms and conditions” of the many variant DRM strictures of music in cyberspace. In using a computer to purchase, exchange, and play music, consumers become “users,” entered into a new type of highly-regulated social space, one that replaces “meaningful social practices with cybernetic routines” (39). The author presents two general ways people have resisted oppression of cyberliberties: culture jamming and hacktivism, both tech-

niques of media activism that give social agency to individuals who feel increasingly oppressed in the dystopia of DRM.

Burkart's discussion in Chapter Three notes the ongoing resistance to the legal efforts of groups like the RIAA that take place in cyberspace. He situates key moments such as the Napster Watershed and ambiguities found in fair use copyright law as important examples that position cyberliberties in a rhetoric of "freedom, ...innovation, creativity, and self-determination" (72). Excessive legalization attacks these basic rights and exposes "the fact that gift cultures organized around music sharing were the norm only a few years before the industry institutionalized copyright warfare" (92). It is after his exploration of the concept of corporate colonization that Burkart addresses music and cyberliberties activism in terms of its efficacy as a social movement. Chapter Four thus articulates social movement and new social movement politics seen through the lens of the first three chapters. Burkart notes that the social process of the music and cyberliberties project "strongly resembles prior social struggles and is not an entirely new form of social agency" (120). The fifth chapter serves as a closing of sorts in which Burkart explores the ethical issues of ownership, music, and social communication in cyberspace. He proposes that the introduction of a computer into the music exchange process fundamentally changes the way in which people use that music. Chapter Six is a brief, formal conclusion that contextualizes technological and popular media studies with regard to music and cyberliberties. Burkart includes an appendix titled, "The Future of Music Coalition Manifesto," a short essay

about the Future of Music Coalition organization, a national nonprofit organization formed in 2000 to represent musicians' rights in the digital age.

That Burkart was successful in writing such a rich yet concise overview of the transformation and location of music in the digital age is certainly impressive. Among the book's strengths is that it is quite readable, despite the adherence throughout to Habermas's TCA. This book is a useful (and perhaps inspirational) text, especially for readers interested in problematizing "piracy" in P2P networking. However, the book—despite being published in 2010—suffers from being slightly out of date with regard to technological issues that have arisen within the five years prior to its release. Most computer users today who move seamlessly between Facebook, text messaging, bumping (Bluetooth phone file sharing), and wikis seem less hung up on negotiating their Habermasian "system and lifeworld" and more interested in just living it. Burkart's more generalized arguments are undermined by a lack of attention to the music "user," who seems rather absent and hidden in the shadow of a theoretical struggle between cyberliberties and corporate interests. Additionally, there are new social music networks, such as Grooveshark and Spotify that raise new and interesting questions, all of which are noticeably absent from *Music and Cyberliberties*. These programs were initially released in 2007 and 2008 respectively (though Spotify only saw its first stable release on multiple OS platforms in October 2011) and almost immediately generated buzz in music internet communities.

Other examples of increased shar-

ing technology absent from this book include Youtube, which now provides the ability to create your own mix playlists (and share them), and Cloud technology, which reshapes the way music networking (and hence stockpiling) is conceived. Advertisement-supported music (which is “free” access to music offered to users who have to listen to/watch ads) now provides corporations with new options for regulating the music they control, and a new web of restrictions is beginning to emerge with its own symbolic capital. Advertisements embedded within the social lifeworld of music begin to take the shape or guise of the artistic interaction to which they are attached. David Foster Wallace once wrote that such advertising is dishonest, explaining “the cumulative effect that such dishonesty has on us: since it offers a perfect facsimile or simulacrum of goodwill without goodwill’s real spirit, it messes with our heads and eventually starts upping our defenses even in cases of genuine smiles and real art and true goodwill” (289). Here, too, attention to the music “user” through critical ethnography—or what Kozinets calls “Netnography” (1998, 2002)—might reveal how such conflicts are performed in the daily music lifeworld.

To his credit, Burkart acknowledges the core of music cyberliberties when he suggests that, for music scholarship to remain relevant, we should “focus on more social problems that are regulated to changing forms of music production, distribution, and regulation” (139). He recognizes that we must move beyond the Celestial Jukebox and its proposed alternatives and engage the social interaction among internet communities ne-

gotiating more current social conflicts in cyberspace. The book’s shining effect is that it exposes—perhaps more than simply articulating cyberliberty struggles—the political economy of music in the digital world. Corporate efforts to regulate and control the use of music to maximize profit have fostered confusion and an odd moral relativity that pervades every social interaction in daily life.

The ambiguous nature of what constitutes a music “criminal” is decided on a case-by-case basis by the “Big Four” music corporations (Universal, Sony, Warner, and EMI) operating as untouchable legal persons, imposing a fear of prosecution on their own consumers. The gravity of legal battles are felt and reified, indoctrinated, and performed. Burkart’s greatest achievement in this work is challenging the moral and legal authority of the language embedded in our “lifeworld” regarding piracy, fair use, and freedoms. Any study involving popular music in today’s digital environment, concerning copyright issues, or fair use can turn to *Music and Cyberliberties* as a useful source. At times the work reads like a manifesto for cyberlibertarianism; it is equal parts political economy, legal history, and social philosophy. In many ways, this book is an extension of Burkart’s earlier collaborative work with Tom McCourt, *Digital Music Wars: Ownership and Control of the Celestial Jukebox*. Nonetheless, *Music and Cyberliberties* stands on its own as a critical look at the politics of cyberspace, music, and the rights of people who interact in the digital realm. 🍀

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Tuning In: American Narrative Television Music. Ron Rodman. 2010. New York: Oxford University Press. 368pp, figures, musical notation, index. Cloth \$99.00; paper, \$21.95.

BY DURRELL BOWMAN

Music theorist Ron Rodman's *Tuning In: American Narrative Television Music* awkwardly attempts to balance intense theory with useful information. The book has an introduction and nine chapters, beginning with a heavily theoretical one (Chapter 1) that eventually covers a single TV theme from the 1950s. Similarly, each of the other chapters addresses a small amount of music from a specific TV genre or other type of grouping: the early anthology drama (Chapter 2),

early TV advertising (Chapter 3), science fiction (Chapter 4), the western (Chapter 5), "pleasurable" music (Chapter 6), more recent TV advertising (Chapter 7), the police drama (Chapter 8), and modernism vs. postmodernism (Chapter 9).

The book's introduction, "What Were Musicians Saying about Television Music during the First Decade of Broadcasting?" portrays the early history of TV in the 1930s, 1940s, and early 1950s as "radio with images." However, most of this discussion has little to do with the rest of the book's predominant focus on critical theory and on dramatic TV shows of the "mainstream" era from the mid-1950s through the late-1990s, and the oral history suggested by the introduction's subtitle actually makes up only a third of it. Rodman's move to semiotics and Umberto Eco's idea of *ratio difficilis* (i.e., how "original" vs. "derived" something is) seems jarring, but it does foreshadow the rest of the book's (and sometimes music theory's) tendency to move back and forth somewhat uncomfortably between basic information and theoretical formulations.

Chapter 1, "Toward an Associative Theory of Television Music," establishes the book's main gambit of transforming theories by linguists, cognitive scientists, critical theorists, and others into backdrops designed to contextualize Rodman's subsequent discussions. However, do we really need Roman Jakobson's spell-checker-challenging theory of communications (phatic contact, conative function, etc.), Christian Metz's rather obvious "sensory channels" (still and moving images, written language, spoken language, sound effects, and music), or even John Fiske's theory of televi-