

MUSIC PIRACY OR A PERMANENT PASSIVE REVOLUTION:  
AN EXAMINATION OF THE ROLE OF TECHNOLOGY  
IN THE CHALLENGE TO A CULTURAL  
HEGEMON

by

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ABSTRACT

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The goal of this thesis is to examine a classic interpretation of Antonio Gramsci's notion of hegemony in the modern era and the emergence of counter-hegemonic forces through technology. The individualization of modern computers and related products, combined with the extreme popularity of file-swapping and social-networking websites (i.e. Napster, KaZaA, MySpace and the brand new YouTube) has completely altered the way the music industry conducts its business and has erased its hegemony over the creation, distribution and profit made from the sale of music. What

makes this relationship between an industry and technology specifically different and worthy of our interest is that the anonymous nature of the Internet has not allowed a new consensus to be reached following Gramsci's concept of the passive revolution. Competing historical blocs are being created and abandoned with incredible speed, fostering a continuing emergence of counter-hegemony and a permanent state of passive revolution.

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## CHAPTER 1

### INTRODUCTION

The increasing inter-connectedness between the people and nations of the world through computers and communication systems like the Internet has fostered discussion regarding the effects this connection has on the individuals and societies who use it. Does the high-speed contact with incredible caches of international discussion and information which allows instantaneous communication and response create a more knowledgeable and democratic populace (Bimber, 1998; Friedland, 2001), or does it reduce the social capital (Putnam, 2000) available within a community (Ball-Rokeach and Hoyt, 2001; Shah, McLeod and Yoon, 2001)? Does the use of the Internet as a tool in the spread of the global economy and commerce help to create a larger Free Market that engenders economic growth for the entire globe? Conversely, does the magnitude of information available and the prevalence of entertainment related websites, make the process of acquiring and understanding the information required for a democratic society impossible (Hern & Caulk, 2000)? Or, does the increased globalization of trade and economies, in part due to expanded Internet technology, do little more than create larger and more powerful monopolies against which countries and whole continents have no control or defense (Dyer-Witthford, 2000; Hardt and Negri, 2000; Watson, 2002)?

To each of these questions examples can be found that both support or undermine them. The amount of information available to the casual Internet user can increase the knowledge and understanding of an infinite amount of topics. Newspapers and magazines have placed a large amount of their earlier editions on the web, entire encyclopedias can be used online and a simple Google search can yield a million related websites. All of this yields a staggering amount of information that can be used for research and inquiry. Yet, the prevalence of entertainment-based websites and the lack of oversight regarding the material presented by the myriad of websites makes one question the veracity of the information found. A popular late-night cable show *The Colbert Report* proved that the peer-reviewed Wikipedia.com – a popular online encyclopedia - can be corrupted by a large number of uninformed users all submitting the same incorrect information for the sake of comedy (McCarthy, 2006).

The small-town community has been an ideal model for life due to the connectedness or Social Capital (Putnam, 2000) that the inhabitants create and foster in that community. There is a belief that individuals who are using the Internet as a primary form of communication are not fulfilling their roles within the community, leading to the eventual erosion of the connectedness neighbors feel toward each other (Kavanaugh and Patterson, 2001). This fractured society would lack the cohesiveness a modern democracy requires and would only serve to increase the feeling of alienation prevalent among the populace. Yet, that same technology and power of communication can open up larger networks and relations for the development of social capital both within a traditional sphere and in a wider modern technological sphere (Ball-Rokeach



and Hoyt, 2001). A third generation Korean grocer in the outskirts of Los Angeles can use online chat groups to connect with other Koreans to learn more about their shared heritage and customs (Shah, McLeod and Yoon, 2001), creating a richer understanding of self not available in a diverse environment. The ability to connect with people around the world allows corporations to become global, extending and increasing their ability to control a monopoly on international production and labor (Negri and Hardt, 2000). However, the workers that make up the corporation's international labor force can coordinate with other workers to learn more effective ways of dealing with the corporations in arguing for increased benefits and worker's rights (Dyer-Witford, 2000).

In a discussion of societal roles there is an intrinsic need to define one group as being either for or against another group. Unlike the social classes of the 19<sup>th</sup> and 20<sup>th</sup> centuries, the Internet is a social force that has yet to be adequately or concretely described. It has evolved into a social force with no face and no distinction beyond the generic label of *Internet Users*. The Internet does not have a trade union, or a labor leader through which they can associate. There is no personalized face or gimmick to associate with the Internet, just a series of expanding products and software. In this age of instant global communication, a particular group can no longer be easily singled out as the initiator of social change. It is the technology that connects the individuals which defines them as a network (Kavanaugh and Patterson, 2001), as Internet users and can affect a change in society. It is this connection and the ability of the Internet to cultivate communication and knowledge that allows each of the questions posited early regarding

the possible effects of the Internet to be both correct and incorrect. As Warf & Grimes (1997) note, “the Internet is neither inherently oppressive nor automatically emancipatory; it is a terrain of contested philosophies and politics” (p.259).

The possibility for contest and change in society to occur through technology can be seen in the growth of and increasing popularity of Internet-based file swapping and social-networking websites. Napster.com, its still living descendent KaZaA.com, the newly minted kings of the Internet MySpace.com and YouTube.com, have collectively affected the ways that music is found, developed, marketed and distributed to the populace. Early file-swapping websites created a revolution in the ways that music and related media files could be searched for and downloaded. Traditionally the Music Industry acted as a gatekeeper to music, in that they controlled the bands, the production, marketing, distribution and profit from the band’s albums. Through the use of file-swapping websites and the ability to freely connect to other users, music consumers were able to circumvent the music industry as gatekeeper to the music, effectively releasing the absolute control that the music industry had over the music it produced.

Attempting to regain the control they were losing, the music industry created the label of “music pirate” to define those users of the free Internet-based file-swapping websites. These modern high-seas robbers, the Music Industry argues, have defrauded the musicians of their intellectual property rights and the money they rightfully deserved for their investment. With this as their focal point the Music Industry created a political and legal battle between themselves and the file-swapping

websites that eventually made its way to Federal Court. The media, attracted to the David vs. Goliath story, gave a larger voice and impressive credence to the possibility of using the Internet as a tool for the downloading of music and media files.

The ability of websites like Napster.com, the new social networking website MySpace.com and new video-broadcasting website YouTube.com to give free access to lesser-known artists and bands exemplifies the way that technology has become the mode for the organization of sub-altern groups into a counter-hegemony formed through technology. These are small groupings or associations of musicians, fans, and technophiles coalescing behind a common belief and are designed to challenge the control of the modern music industry. With the numerous websites available and the emergence of new sites monthly, the re-establishment by the Music Industry, of control over the production and distribution of music has led to a state of non-hegemony (Deak, 2005), within music. The *Big 5* entertainment corporations that comprise the music industry (Warner Music, EMI Group, Universal Music Group [UMG], Bertelsmann Music Group [BMG], and Sony) as well as each of the more popular websites (Apple's iTunes, MySpace.com or EMusic.com to name a select few) can each argue that they have control through public use, and it's implied consensus, over the music they promote.

Without a re-developed consensus of control by the groups involved (i.e. the music industry, the consumers and/or the various websites available), the discussion Gramsci originally put forth on the nature of hegemony is being altered. A passive revolution occurs when there is a change in control of power –hegemony - without a

drastic realignment of society (Forgacs, 1998). It is concluded only by the emergence from society of a new segment with the necessary associations and consensus to establish a new hegemony. With the continuous emergence of popular websites for the distribution and consumption of music and media files, are we currently in a state of permanent passive revolution, where each new form of media-file exchange is as quickly in control as it is replaced?

The first section of this thesis will look at Gramsci's early thoughts on hegemony and its development into an examination of a global hegemonic culture (Cox, 1981). As the world became increasingly interconnected the creation and sustainment of power within and between nations and international groups needed to be examined. This meant moving away from the state-centered approach to power, which places the control within the civil and political associations within the state and embracing an examination of the trans-national social hegemony. A study of global hegemony locates the power of control, and subsequently the possibility of a challenge, within the forces developed by the trans-national social networks and corporations that crisscross the world (Robinson, 2002).

The second section will explore the history and early development of the Internet. The Internet's connection to the society and social conditions it was created out of will be specifically discussed. The Internet was designed by the U.S. government during the Cold War as a tool to use against Soviet Russia and impending nuclear attack. No discussion of its development is complete without basing it firmly in

the student counter-culture movements of the 1960s (Rosenzweig, 1998). Through acquiring access to the government's ARPANET (precursor to the modern Internet) graduate students in the United States were able to inaugurate a democratic revolution of the technology. These students were the first to assume the role of the *Netizen* - an individual dedicated to the egalitarian use and growth of the Internet and its relative technologies.

The third section will discuss the evolution of the music industry as a modern cultural hegemon. Historically rooted in the copyright laws of 16<sup>th</sup> century England and the invention of the printing press, the modern music industry has come to fully dominate the production, distribution and sale of music through the power given to it by the writers, the artists themselves and the consumers who purchase music. This multi-tiered industry grosses \$40 billion annually and spans the world. Today the *Big 5* managing music/entertainment corporations manufacture, produce and distribute 80 percent of the world's music (Harker, 1997). This domination has led to the alienation of the musical artists from their work and from the majority of the proceeds generated through the sale of their work (Harvard, 2001). As the technology for the production and listening of music advanced a discontentment arose in the population of music consumers.

The fourth section will discuss the nature and development of file-swapping websites, and the effects they have had on the music industry and the general use of the Internet. Made popular with Napster.com, the ability of an individual to find and download music outside the confines created by the music industry has led to an

increasing individualization of the way music is created, produced and distributed through the web. This has been made possible with the evolution of computer technology (i.e., faster CD burners, quicker processors and faster download speeds), and the creation of advanced music software capable of recording and mixing any type of music into digital format. This section will close with a look at the ways the music industry has sought to regain their control over the distribution of music, but without the resolution that Gramsci's notion of hegemony required, creating a state of non-hegemony.

## CHAPTER 2

### ANTONIO GRAMSCI: HEGEMONY, COUNTER-HEGEMONY AND PASSIVE REVOLUTION

Technology can be central in the utilization of corporate capitalism and its dominance in a world largely defined by commodity exchange. It also offers the ability to realize a setting of communication and simplified production that is central to a socialist society (Dyer-Witheford, 2000). With the demise of Soviet Russia and the rise of a more advanced computer-based information society, contemporary theorists worked hard to distance and dispel any ties or similarities to the “old” views of Marx. Views that exclaimed only through the inevitable economic catastrophe of capitalism could a social revolution take place. They proclaimed that the “end of history” has arrived and that Marx was finally dead (Fukuyama, 1992). This thesis extends the belief that the “specter of Marx is still profoundly linked to the increasingly spectral, immaterial, virtual nature of contemporary techno-capitalism” (Dyer-Witheford, 2000:33), and is indelibly associated with the development of both the infrastructure and the ideology of the Internet and its role in cultural hegemony.

The concept of hegemony was born out of Antonio Gramsci’s interpretations of Marx’s philosophy of economic division of labor within the economy and social classes surrounding the industrialization of Italy during the first quarter of the last century. Extending the scope of capitalism beyond the shop floor and the means of

production, Gramsci re-examined the control held by the bourgeoisie owners over the working-class laborers. For Gramsci the traditional Marxist interpretation of class inequality based on the economic distribution of ownership and labor was not sufficient. The economy was not the base upon which the super-structure of politics and culture is based, rather each is an integral part of the national dialectic. The notion of hegemony, while being inherently economic, is also ethico-political (Forgacs, 1988).

It is within the area Gramsci calls Civil Society that the leading segment or dominant social class can become organized and where it can exercise its hegemony through the consent given, implicitly or explicitly, by supporting and dependent sectors. Civil society is separated from political society - the governmental and judiciary elements of society - physically by being related to groups and locations found outside of government. Civil society involves the workers, peasants, teachers, managers, transportation officials and students that comprise the society, not the political parties that they may or may not be separated into. More importantly, civil society is also separated ideologically through the distinction that civil society is ruled by consent, and political society is ruled by force or coercion; “Hegemony is thus linked by Gramsci in a chain of associations and oppositions to ‘civil society’ as against ‘political society’, to consent as against coercion, to ‘direction’ as against ‘domination’” (Forgacs, 1988:423).

Developed in the 1920s and 30s, Gramsci’s work was still tied to 19<sup>th</sup> century understandings of class structure and organization of the State. Conflict was between the bourgeoisie managers and the working class; between the factory owners in Northern Italy, and both the uneducated farming peasants in Southern Italy, and the



meagerly educated factory laborers. He and the other Marxists worked as the intellectuals in the middle assisting in change through the circulation of articles and the publishing of political critiques. While he traveled through much of Europe for the various socialist Internationals, his discussion of the possibilities of change began with the localized groups within the nation-state, and an assessment and criticism of the education system in Italy.

Gramsci believed that it was through a redesigned system of education and communication that the labor groups in the cities and the peasants in rural areas of southern Italy could come to create for themselves a more Socialist understanding of the role of government. The peasants and working class had a seriously inadequate form of education with underpaid schools, teachers and limited requirements for the children. Gramsci argued that through the improvement of the education system for the lower classes, they would become “intellectually autonomous” (Forgacs, 1988). With the involvement of the middle intellectuals outside of the workshop and from behind the plow, communal understanding would lead to the development of a more socialist party. Creating in the population the ability to understand the realities facing them and make the necessary decisions to find equitable solutions. This meant that instead of giving the ability of the laborers and the peasants to make decisions for themselves to “career intellectuals” - the politicians currently in power - the populace would be able to create in themselves the foundation for a ruling class of and for the majority.

Without this socialist basis for a society those career intellectuals that are in charge are doing so only through an implied consensus that the other “sub-altern”

groups – the smaller less organized and powerful groups - do not want to, or are told they cannot. This leadership by one group through ideological, moral and cultural institutions and the consent they foster is the foundation for hegemony (Forgacs, 1988). This is not to say that change is impossible. In fact Gramsci believes that change occurs often within a segment, organization, association or government; hegemonic power is always being contested. Hegemony within an organization or State is transferred and established through a passive revolution, which is, “used to describe any historical situation in which a new political formation comes to power without a fundamental reordering of social relations” (Forgacs, 1988:428).

Hegemony is the process by which the dominant classes or class fractions, through their privileged access to social institutions, propagates values that reinforce their control over politics and the economy (Gramsci, 1971). Hegemony is complete when one group gains power and control through the agreements and concessions made between the populations of possible groups. That power offers to the holders the ability to put forth their concept of how to rule and how the benefits of that rule are dispersed. As long as the individual or group in power can control the various factions and segments below the hegemony is secure. During any particular period of hegemony a segment of the population may become discontented with a particular state of affairs. Organizing themselves around this discontentment they begin to gather support for a challenge to the current group in control. This organizing is the establishment of a counter-hegemony.

Counter-hegemony is the development or organization of individuals, and smaller groups with similar beliefs or ideologies, into a larger association or segment of society called a collective intellectual. Its purpose is to provide a focus for its members through whom they can challenge the consensual power held by the current hegemon and its differing ideology. The inability for the various social segments that comprise a society to find a proper set of ideals and concessions upon which to agree with allowing initiation into a historical bloc creates a situation that presupposes a possible historical bloc in opposition to the current one. In other words, not everyone agrees all the time. This reality assumes the possibility that there might be enough who disagree to form a group in opposition to the group they disagree with.

One of three probable outcomes will result from the establishment and challenge of a counter-hegemony. First, the group in control – the hegemon - will subdue the challenger through its political or military power, reinforcing their hold on power. Second, the counter-hegemonic organization will gather enough support to provide leverage against the hegemon to push through changes aimed at relieving the original discontentment, thereby modifying the original hegemony but not drastically changing it. The third option is a passive revolution, which occurs when the challenging counter-hegemony collects enough support to gain control of the power for themselves, supplanting the previous group, creating a new hegemony.

The concept of a passive revolution is not designed to illustrate a way in which a minority or a fringe group can gain power, but is rather a method of describing change that occurs (Forgacs, 1988). Passive revolution explains the ebb and flow of

power relations in an increasingly complex social system. One of the most often viewed and reported passive revolutions takes place every four years in the United States.

Each Presidential election offers to the two major political parties and many smaller ones the ability to vie for a larger and more vocal base with which to illustrate and explain their particular ideals and plans for improvements to society. It also allows for those same groups to voice their disapproval for the opposing groups. In the end a winner is decided and each side is content – one side as the winner and the other sides knowing that in four years they have another chance to challenge for power again. The electoral process offers to the U.S. population both its ability to passively revolt and also the essential foundation for those who win the power to rule the population. For Gramsci, hegemony is found within the nation-state and tied to the social groups that comprise it. As the world emerged from the World War II the view of hegemony expanded beyond the boundaries of the nation to include the involvement of international groups and associations and the establishment of an international hegemony.

Based in the study of International Relations, Robert Cox extended the scope of Gramsci's work beyond the power within individual nation states to include the dynamic interaction and control of power between nation states, international associations and corporations. Cox situated his study of hegemony within historicism and the “dialectical representation of the historical process of hegemony” and its relation to the particular way in which those historical structures are organized (Bieler

and Morton, 2004: 88). He moves past the dichotomy of Gramsci's Civil Society in opposition to Political Society, and locates the historical hegemony through three separate but interconnected spheres of activity. These are: the *social relations of production*, which are not limited to production in institutions, but includes the relationship of social forces through material distribution and social communication; *forms of state*, which are related to Gramsci's work on the distinction between the Political and Civil Society; and *world orders*, which refers to both the stability and change across nations and the globe, with the historical understanding of their development (Bieler and Morton, 2004; Cox, 1981).

This description helps to look at the impact that governments have on cultural hegemony not only in their own nation but also between nations and across continents. It also involves the prospect of social and economic groups having the ability to create a cultural hegemony outside the influence of political institutions. Just as Gramsci believed that the study of any society must not rest solely on the economy as its base, any study of a global hegemony cannot rest simply on the political institutions currently in power. It must also include the economic and social groups that are intertwined within the global environment.

A category of economically oriented groups that affect political change in the global society is the trans-national corporation. While nation-states are still involved with the interaction and implementation of pacts and agreements, it is increasingly the trans-national corporations, led by the *transnational capitalist class* (Robinson, 2002), that are affecting the functioning of consensus in society through politics:

“While TNCs (Transnational Corporations) have always been political actors, the demands of economic globalization require them to be political at the global level in a more systematic sense than previously. The political action of the TNCs at the global level, like most political actions, is a mixture of the haphazard and opportunistic on the one hand, and the well-organized and systematic behaviour on the other. One way to capture this theoretically is to conceptualize the systematic organization of politics for global capitalism in terms of a transnational capitalist class (TCC).” (Sklair, 2002:160)

The TCC are a new class of privileged individuals that provide the environment for increasingly globalized political economy. An economy that, “...has created enormous wealth – most of which has gone to the elite classes while the majorities have been losing ground as global capital races to the bottom of wages...”) Langman, 2002:561.

In the current era of globalization the role of the individual nation-state as a possible hegemon is outdated (Robinson, 2002). Cox believes that, “the construction of an historical bloc cannot exist without a hegemonic social class and is therefore a national phenomenon” (Bieler and Morton, 2002: 86). To this I disagree. The transnational capitalist class, comprised of corporate executives, international merchants, worldwide media services, global bureaucrats and professionals (Sklair, 2002) have the ability to organize the historic blocs necessary for the maintenance of a cultural hegemony. They can organize an internationally oriented bloc designed at

gaining hegemony, but they cannot complete it. Ironically the inability to complete their hegemony is based on the same technology that helped the TNCs, TCCs and the political institutions to become transnational in the first place. The Internet and emergence of global communication systems allowed for the creation of a broad global network of corporate locations designed to facilitate the continued growth of corporate capitalism (Hardt and Negri, 2000). That same communications network has also allowed and fostered the environment in which the acts of corporate capitalism are critiqued and demonstrated against (Dyer-Witheford, 2000), and an environment for the development of stronger counter-hegemonies.

With the expanded notion of hegemony in to a global arena, the possibility of counter-hegemony has also expanded to include groups and associations separated by distance but connected through technology. The custodial workers cleaning and landscaping the office buildings of Silicon Valley are an organized union looking for greater control over their benefits and pay. The management of the companies they work for are not offering what the unions want, establishing the longstanding contest between management and labor. Through the union's communication with other custodial workers and unions from around the globe who have fought for better pay and benefits the Silicon Valley union becomes a more informed and stronger union (Dyer-Witheford, 2000). With the greater weight of support and information behind them the workers union have effectively created counter-hegemony of internationally organized worker groups, and can pose a stronger challenge to the hegemony held by management.

Gramsci's idea of hegemony has been expanded beyond the nation-state and the competition between the bourgeoisie owners of production and the laborers that supply their energies. Technology and communication have created a global arena where local associations, nations, international organizations and a transnational capitalist class compete and organize alliances into blocs designed to challenge for a global-hegemony. As the globalized society has become tightly intertwined, and more blocs become competitive, the ability for a completed global hegemony to be created and - more importantly - to sustain its power over the groups it is comprised of has decreased. Competing historical blocs and groups of intellectuals from within the populace have organized to found their own source of power through which they can create stronger counter-hegemony.

Through the organization of smaller discontented sub-altern groups, counter-hegemony can be formed to challenge the current ideology in power. If that smaller segment can win this contest and change or alter the current ideology to conform to its own beliefs a passive revolution has occurred and a new ideology and hegemony is instituted. If, through the challenges brought against it, hegemony is not resolved and a consensus is not reached, a new hegemony is not complete. In this state of non-hegemony the various historic blocs are attempting to gain the power necessary to develop and establish themselves as the hegemon. The abilities of the Internet are changing the way in which blocs are organized and how they can challenge for power.



The speed and industriousness of the Internet allows new groups, associations and websites to be formed so quickly, making the ability for a new consensus to be reached increasingly difficult. The nature of the Internet as a “meta-medium” - its consolidation of information, music, film, television advertising, etc. into a single location (Agre, 1998) – has made it the reputed location for the searching for and dissemination of information for the entire connected globe and the quickest way to communicate with that globe. These abilities have also established it as one of the top locations for the recognition and organization of counter-hegemony. This is exemplified in the struggle between the corporate music industry and a small website devoted to the free exchange of digital music files called Napster.com. In the 1960s, the exclamation arose amongst the student radicals protesting against the U.S. government and military, that information wants to be free. With the development of the Internet and the popularity of Napster.com, the statement arose again, this time against the music industry as, music wants to be free.

## CHAPTER 3

### A BRIEF HISTORY OF THE INTERNET

#### 3.1 Its Early Development

The Internet is everywhere. While a divide between those who have access to the Internet and those who do not have the same access exist (NTIA, 1995), it is shrinking (NTIA, 1998). Marginalized groups - ethnic minorities, and those living in both rural and urban centers locations - have gained greater access to the Internet through state, federal and private organization initiatives. These programs have developed and maintained computer drop-in centers and donated computers to local libraries they have increased bandwidth of expanded infrastructure for rural communities competing for urban job contracts (Grubestic, 2001)), and have provided millions in funds to primary and secondary schools across the country for larger, more advanced and more accessible computer departments for the children and their parents (Strover, Chapman and Waters, 2004). This *Digital Divide* (NTIA, 1995) between the *haves* and *have nots* of Internet technology has shrunk in the decade since its recognition as a major social deficiency, as well as the distance between ourselves and the way we access it.

People have traditionally gained access to the Internet through a personal desktop computer located in the home, or through the terminal offered at the workplace. The generally slow speed offered through early dial-up and DSL modem connections

made the use of the Internet at home a trial in patience. Whereas the limited abilities offered through the intense firewalls created by the IT departments at work did not allow much versatility to the Internet's use there. Today, that distance between our lives and the Internet has also shrunk. We now have the Internet through our lightweight, wide-screen wireless laptops, with nation-wide service and free Wi-Fi hotspots. Our Personal Digital Assistants (PDAs) have high-speed connections, our Blackberry devices, and now our cell phones can search for and download programs off the Internet. Sony, the company that produces the popular Play Station Portable (PSP) hand-held gaming console, now offers an adapter so people can play incredibly life-like games with others across a wireless connection. We once had to sit at a desk to send emails, purchase airline tickets, find out about the weather for the weekend, and check the balances of our bank accounts. Now we are sent digital reminders and instant messages to the variety of devices attached to our belt clips and briefcases. The Internet is everywhere.

The earliest conception of a global electronic network devoted to the exchange of information has been credited to J.C.R. Licklider in a series of memos he wrote in 1962 on an idea he called the "Galactic Network" (Leiner, Cerf, Clark, Kahn, Kleinrock, Lynch, Postel, Roberts and Wolff, 2003). Based on the ideas presented in these memos, Licklider was placed in command of the computer research program at the U.S. Government's Defense Advanced Research Projects Agency (DARPA). With the substantial funding available through the research and development arm of the U.S.

military, the programming code, initial infrastructure and architecture of the modern Internet was first put into use through a network called ARPANET.

ARPANET began in 1969 when host computers at four universities on the west coast were connected and became the first computer network designed to transfer information.

The Internet that we use today is based on the same underlying design that was first put into use in ARPANET called an open architecture network (Leiner et al., 2003). In this design the technology employed to access the network is not necessarily implied in the design of the network. Networks are designed for particular purposes and tailored to their idiosyncratic geographical and technological restrictions. With the differences inherent in the network designs, the computers that access those networks do not need to have the same level of tailoring.

Key to the functioning of an open architecture network was the creation of the programming and protocol of the “packet switching” technology (Leiner et al., 2003). While the ARPANET was the first network it was understood that it would be expanded through the eventual connection of other arbitrarily designed networks. The packet switching technology allowed the information one computer sent to be broken up into pieces, which would travel separately through any number of possible paths. When the information arrived at the receiving computer it would then be put back together in the correct order. This means that as long as the computer has the permission to use the possible pathways the information sent by a computer could literally travel around the world to arrive at a computer in another part of the state.

This design also achieved one of the earliest requirements for the technology by the U.S. Military. For the Internet was a concept and technology developed not by a lone inventor like Alexander Graham Bell and the telephone, or the even the Wright brothers and their plane, but rather it was developed by the military establishment and governmental bureaucracy. DARPA was created to give America an advantage in the space race and Cold War of the 1950s and 1960s. With the fear of a nuclear attack from Soviet Russia, the U.S. Military wanted a communication system that would be able to continue operating in the case of such an attack, as well as be able to direct a counter-attack. ARPANET allowed for quick and efficient communication between the various branches of the bureaucratically structured government and military but was itself de-centralized. It is a redundant system built to sustain normal working order in the event of a catastrophic nuclear war, no one location could be attacked to disable the entire network.

Due to the climate in which the Internet was created it is understandable to look at the bureaucratic upbringing of the Internet. Placing the focus of its history on the engineers who first sketched the network (Hafner and Lyon, 1996), the computer programmers who wrote the code for packet-switching (Leiner et al., 2003), the governmental oversight (Norberg and O'Neill, 1986), or the global political climate between the United States and Soviet Russia (Edwards, 1996). Beyond these views there is a decidedly different perspective as to who truly helped to create the Internet that we use today. It firmly places any discussion of the development of the Internet in the student counter-culture movement of the 1960s in opposition against the closed

world discourse of the Cold War and the military establishment (Hauben and Hauben, 1997; Rosenzweig, 1998).

### 3.2 The Rise of the “Netizen”

The technology race tied to the Cold War sent hundreds of millions of dollars to both public and private institutions to help aid the research and development of the hardware, and its required software, capable of protecting the country and attacking any possible enemy. During the 1950s the U.S. government and the military funded between 75-80% of all programs designated in the construction and establishment of computer and communication technology (Rosenzweig, 1998). The financing facilitated the development and placement throughout the world of high-powered radar systems, listening devices, and inter-continental ballistic missile systems to name a few. Accompanying the technology was the communication network and the computers to operate and control those and many other systems. In a twist worthy of Foucault, as Rosenzweig (1998) comments, computers were both the source of power wielded by the US and Russia and the tools that fueled the Cold War creating a feedback loop that perpetually increased both the perceived power of the nations and the power, range and efficacy of the technological weapon systems that perceived power was based upon.

Much of the research and development of those computers occurred in the science and technology buildings on university campuses across the country. For example the Massachusetts Institute of Technology (MIT) created packet-switching technology, UCLA developed a program to test the network, and UC Santa Barbara worked on mathematical designs (Leiner et al. 2003). As the ARPANET proved its

ability and reliability more universities were added to the network, and subsequently more students became aware of this new communication system. Whether they were directly involved with the development of the computer and Internet technology or not, these students wanted to gain access to ARPANET. They felt that a connection to alternate universities and sites for scientific discussion would allow for a deeper study and understanding of their respective fields. If Edwards (1996) studied the closed world discourse of the early creation of the Internet attributed to the politics of the Cold War, then Hauben and Hauben (1997), propose an open world discourse for the creation of the modern Internet attributed to the free exchange of information between students and universities (Rosenzweig, 1998).

The realization of an open world discourse that promoted a free, horizontally organized, improvement of the network came through the work of graduate students. In the late 1970s ARPANET was still strictly devoted to the communication between the government and the military. In writing programs that could link computers running the UNIX operating system at separate campuses, graduate students created USENET, an online newsletter/group. USENET could only be accessed through UNIX systems, which while popular at the time, limited the number of people that could join the newsgroup (Hauben and Hauben, 1997). This changed in 1981 when a graduate student at UC Berkeley developed a way to gain access to ARPANET. In passing the information on how the student gained access throughout USENET, the number of ARPANET users accessing it through USENET increased dramatically.

From 1981 to 1987 the number of sites connected to USENET increased from 150 to 5,000 (Rosenzweig, 1998). The amount of email and exchange traffic that passed over the USENET/ARPANET by private citizens was so substantial that the U.S. military eventually gave up control of ARPANET. The government moved all of their communications to a newly created network called MILNET, and ARPANET was given to the National Science Foundation, which is devoted to the promotion of, "... the progress of science; to advance the national health, prosperity, and welfare... (www.nsf.gov)." ARPANET was transferred from an organization that guarded its developments in increasing levels of secrecy, to the NSF who graded their advancements based on the accumulated shared knowledge of its scientists. Through the management of the NSF a period of great technological advancement occurred across the network, focusing on the sustainment of an "open network" and a community of users.

It was in this atmosphere that the role of *Netizen* first came to prominence. A Netizen is a person devoted to the open exchange of information between other users that will foster the democratic growth of the Internet. This open exchange of information was most apparent in the creation of Request for Comments (RFCs) at a conference held at UCLA, which promoted the belief that, "anyone could say anything and that nothing was official" (Rosenzweig, 1998:1544). The RFCs (suggestions on how to develop and maintain a network) were created by early users, programmers and hackers of the Internet and distributed throughout the network. These were then commented on, expanded upon, and if they were beneficial eventually



worked into the design and functioning of improvements. Where the early development of the Internet is associated with governmental bureaucracy and a vertical hierarchy of pre-designated protocols, these RFCs exemplified a horizontal, or organic structure of development that focused more on growth and understanding. It was an early realization of democracy through technology.

The open communication forum established in this student setting helped to create the “hacker ethic” which was devoted to the access to computers for the betterment of humanity and the world. It was believed by these early hackers that nothing should be considered off limits. Any new piece of information should be shared amongst all the users to help facilitate a better technology and a stronger more democratic Internet. While this term has come to be associated with acts of social vandalism today, it was intimately associated with the philosophy of the student and anti-war movements, “Activist and counter-culturist hackers... in effect, tried to turn the closed-world discourse on its head and make the personal computer and community networks into “supports” for a discourse of freedom, decentralization, democracy and liberation” (Rosenzweig, 1998:1546).

The U.S. government created and controlled the access to and use of ARPANET. They had established hegemony over computer communication through their creation and maintenance of the network. The graduate students that created and distributed USENET throughout the education system established an alternative historic bloc designed to develop a larger networked community through access to ARPANET. The students, fostered by the organic intellectuals personified in the early computer

programmers and hackers, organized into an actively engaged counter-hegemony for the access to ARPANET, which eventually was resolved by the U.S. military leaving ARPANET for their own MILNET. Gramsci believed that with the resolution of the challenges brought about through a passive revolution that a mutual new consensus would be reached creating a new hegemony. With the military leaving ARPANET to its users and building their own network a new consensus and hegemony was not established.

The users who inherited the Internet based their design of the network and the rules for interaction on an ideal of unrestricted dialogue. Any program that was of benefit to the network would be accepted, and used, critiqued and modified by the other users. Each member of the Internet community had a voice. This allowed the small separated networks to become integrated in to what we now call the World Wide Web, and also created in that network the possibility for challenge and change. The Internet as a entity with no distinctive and acknowledged leader became a site for some of the most dramatic evolutions in communication technology and has altered the way that traditional business is conducted today.

The contest between the U.S. government and the students who hacked into ARPANET illustrates a passive revolution where the power of the counter-hegemony is strong enough to supplant the original hegemon creating a new hegemony. The difference is that the new group in power was not based on a physical organization or association. Rather it was established on the ideal of a free network for the discussion and exchange of information. The new organization was the ideal itself and

not an organization's explanation of an ideal. That leader-less quality and the freedom for discussion has allowed for the scrutiny and discussion of those groups that are in charge of the non-networked society. The cyber-world became a site for the critique of the real world. One of the most prevalent critiques is the music industry and its battle over the control of music.

## CHAPTER 4

### THE MUSIC INDUSTRY: A CULTURAL HEGEMONY

#### 4.1 Historical Evolution of the Music Industry

While the computer culture was undergoing important evolutions throughout the student movements of the 1960s, with the rise in popularity of rock n roll music a similarly drastic evolution was occurring in the music industry and its consumers. Contemporary images of the music industry are usually loosely based on the products it promotes to the public; the latest single by the next greatest band who is promoting their album with its 24-city summer tour and its corresponding website and the “free-ticket with a soda purchase” promotional tie-in. The strength and power wielded by the music industry is not based on the creation of the products it advertises and distributes, but rather on the advertising and distribution of its products. In other words, power and control of the music industry is not in the types of music that are popular at any particular time, but in the marketing, distribution and profits extracted from whichever music type sells the most. This control over distribution has been the sole property of the music industry and printing houses since 16<sup>th</sup> century England.

Prior to the advent of Gutenberg’s printing press the Holy Roman Church and the feudal nobility had control over the production and distribution of art, literature and music (Garofalo, 1999; Harvard, 2001). Completed only in Latin, and done so at a calligrapher’s pace, the ability to understand or afford one of these earliest

texts was a considerable difficulty for anyone not born to status. Guttenberg's invention, combined with the newly harnessed power of steam, afforded to the general public a means to provide literature in a common language quickly and cheaply. With the printing press also came the printing houses, those businessmen with the necessary capital to purchase and run the large mechanical presses.

In 1556 the British Crown established the Stationers Company and charged them with the responsibility to produce and distribute any published work (Harvard, 2001). The first copyright laws were created by the English Crown and given to these printing houses. Copyright laws were initially intended to protect the author of the work from theft, yet, "it clearly favored the stationer's guild, which enjoyed royal sanctions granting an effective monopoly on publishing in return for cooperation in ferreting out and suppressing seditious literary or musical material" (Garofalo, 1999:320). Movable type and efficient printing was intended to be the populist's ideal tool for the broad dissemination of knowledge and a forum for discussion. Instead this printer's monopoly allowed those in charge of the process to determine which authors were worthy of being published. Essentially allowing the guild to act as gatekeeper to the reading populace. The guild decided if they would print the work, determined the fees charged, the payments made to the author and owned the ability to re-print the work whenever they saw fit. The literary authors who were eventually published became estranged from the majority of the financial gains from their work, and were alienated from their art by the same process that allowed their books to be read (Harvard, 2001). This process, established by the publishers for

artists in the literary world, was transposed and adapted to the musicians and performers of the music world.

By the middle of the 19<sup>th</sup> century the most prolific and profitable form of music was sheet music. Paper copies of European-based opera, choral and symphony music were purchased for use in private homes, usually on the family piano. This necessarily meant that the music publishing business catered to those families that preferred classical and operatic forms of music and could afford to purchase a piano and its required training and maintenance. With the creation of Edison's talking machine in 1877 music could be copied and played without the traditional expenses associated with a piano. Ironically, the recording and re-printing of music was not considered a major ability of the early talking machine. It was only after a sizable profit could be acknowledged in the form of early jukeboxes, did the notion of recording and selling music, beyond sheet music, become a consideration (Garofalo, 1999).

As powerful as the British Empire was in the 18<sup>th</sup> & 19<sup>th</sup> centuries there was a desire to protect the music and literary materials that they produced and distributed throughout the world. In 1838 Britain established the first International Copyright Act for the protection of literary works, and amended it to include music in 1842 (Garofalo, 1999). Near the end of the 19<sup>th</sup> century with increasing industrialization and continued interactions in commerce and trade between European countries, a convention was initiated in Berne, Switzerland. Its goal was a treaty recognizing the rights held by each country over the "literary and artistic works produced" ([www.wipo.org](http://www.wipo.org)). Originally signed in 1886 it has been amended to meet

changes in music technology, with the most notable amendments coming in, “Berlin (1908) which incorporated photography, film and sound recording; Rome (1928) added broadcasting; and Brussels (1948) added television” (Garofalo, 1999:323). Today more than 100 nations recognize the conditions agreed upon in the Berne Convention. Essentially this treaty and its amendments created a universal standard for the protection of any copyrighted artistic product produced in any of the signing countries.

While the governments of the countries were establishing the legal precedents for infringements against copyrighted materials, the publishers, authors and songwriters were themselves organizing into associations designed to protect their own interests. Beginning in France 1850 with the creation of the Société des Auteurs, Compositeurs et Editeurs de Musique (SACEM), then prior to the beginning of WWI with the formation of the Performing Rights Society (PRS) in England, the Gesellschaft für Musikalische Aufführungs (GEMA) in Germany and the American Society of Composers, Authors and Publishers (ASCAP), these associations allowed the artists to find a common voice with which to protect their own work (Garofalo, 1999). With the end of the First World War there developed the need for an international association of music professionals. This culminated in the founding of the International Federation of the Phonograph Industry (IFPI) in 1933. Representing 1450 members, in 75 countries, the IFPI recognizes 32 separate national associations as being under their umbrella of international copyright protection ([www.ifpi.org](http://www.ifpi.org)).

Just as the artists, authors and songwriters involved with the creation of copyrighted materials sought protection through the standardization and consolidation

of procedures and influence, so to did the manufacturers. The earliest music producer was the North American Phonograph Company, which held all of the original patents for Edison machine and was created in 1888 (Borri, 2006). This was followed by Pathé Frères created in Paris 1897, the Gramophone Company in London, the Deutsch Gramophon in Germany and the Viktor Talking Machine Company in the U.S. (Garofalo, 1999). These early record companies were initially antagonistic towards each other, with each one trying to develop their signature method for the format and production of music. It was a competitive market until they considered the possibility that by merging their respective formats and production techniques into a universal form they would be able to extract more profit from the market with less cost. They thought to eschew competition and an open market to gain a stronger hold over the market and its profits (Harvard, 2001).

#### 4.2 Technological Advances of the 20<sup>th</sup> Century and Rock & Roll

Throughout the first half of the 20<sup>th</sup> century there were great strides in the evolution and improvements in music technology. The recording of music became more efficient and complex leading to greater sound quality of the music produced. This propelled the music industry to greater number of products available and subsequently to greater profits. The early tinfoil cylinders used by Edison gave way to metal cylinders, which eventually gave way to flat wax/shellac based records. These evolved into vinyl pressed records, which allowed for more recordable grooves per inch giving it a more lifelike sound and were significantly more durable during transit.



The largest step forward in music technology in the first half of the 20<sup>th</sup> century was the discovery, by German born scientist Heinrich Hertz, of electromagnetic – radio - waves. These waves combined with amplification through glass vacuum tubes, the microphone and more advanced recording technology brought music to anyone that could purchase a radio set. Radio stations popped up across the country. While each one was originally individually owned and operated, eventually they were consolidated into a national network playing the similar programming. This new national network of radio stations created a mass market for music, news and advertising. One voice could now be transmitted to every radio set across the country, the most notable and often cited early personality being President Franklin D. Roosevelt and his “fire-side chats” which helped to unify a nation during the Great Depression. This national network was extremely attractive to advertisers who could now take their local product, and through the transformative power of the airwaves make it into a nationally known household name.

With the development of television in the 1950s the market for national advertising moved away from the radio station and into the television studio. With the change in technology came a change for the radio stations in its sources for revenue. With the increased localization of the radio station and the move away from live bands in the studio, each market looked to the power and popularity of its local disc-jockey (DJ) to garner the support of the local advertisers and their purchasing of airtime (Garofalo, 1999). DJs in the middle 20<sup>th</sup> century were individuals who drew from their own creative individuality and inspiration to find a niche for their show in the confines

of the daily radio schedule. Using gimmicks, voices, and inspired nicknames these DJs made a name for themselves promoting the newest and most popular sounds of the 1950s -rock n roll.

Listened to the by the teenage baby-boomers on new portable radios, a wide audience and large demand was created with the radio stations for more rock music. Rock n Roll, Rhythm and Blues (R & B) and Jazz music became an underground populist movement in that it was not originally produced or distributed by the music industry. In fact, the music industry never saw it coming and was unprepared for its arrival (Garofalo, 1999). Spearheaded by the play offered by the early DJs, small recording studios began signing and producing new rock, and R & B music. Between 1954 and 1959 - the “Golden Age of Rock” - the profits from the sale of rock music albums increased almost threefold from \$214 million to \$603 million. At the same time those independent record companies moved from just over 21% share in the pop market to over 66% share in the same market (Garofalo, 1999).

In the expanding music markets it was the smaller more flexible companies that had the greater ability to bring about advancement in technology, production and products. Once those smaller record labels had developed and proven the ability of rock music, they were typically bought up by a larger more situated record company and their musicians were assimilated into the larger company. While the music industry never saw rock n roll coming as the cultural juggernaut it eventually turned out to be, it quickly remedied the situation by buying up all the small independent recording houses that had been the earliest promoters of rock music. By

merging multiple labels under a larger corporate title it could find greater profits from a larger amount of business. The artists were required, by contract, to perform at specific functions and venues, and record a pre-determined number of albums. The albums were then produced, manufactured, marketed and distributed by the record company. With the expansion in the music markets to include rock n roll and R&B, there came a shift in focus for the music companies and their executives:

“...the key to profitability lay in manufacturing and distribution, record companies began contracting out most of the creative functions of music making. Far from resisting the creative impulses of offbeat artists or upstart independent labels, the major companies now signed acts directly, made label deals, entered into joint ventures, or contracted distribution.”

(Garofalo, 1999:337)

To explain each merger that has occurred, the companies involved, the financial windfalls accrued, the new names created and the old labels lost would take more space and time necessary for the scope of this thesis. It should suffice to say that since the 1960s mergers have concretely established the role, dominance and profit of what has become known as the *Big 5*. These international music/media corporations are composed of Universal Music Group, Sony Music Entertainment, EMI Group, Warner Bros. Music, and BMG Entertainment. While there are bands that are distributed under pseudo- small labels like Rhino Records, Polygram, or Motown, these labels are in fact just divisions within the global bureaucracy of one of the Big 5 (Garofalo, 1999).

The Big 5 do not consider themselves to be based solely on music; rather they are “international entertainment corporations” and integrate music, film, and technology (ex. Recordable CDs and CD/DVD players), and all the marketing and distribution for each of their products. Together, the Big 5 comprise 80 percent of all music produced, manufactured and distributed in the world (Harker, 1997). Throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries there has not been a challenge to the over-arching control the music industry had over the production and distribution of artistic works. While there were conflicts over the styles (ex. Disco, Rap, techno), format (ex. Vinyl, cassette tapes, DATs, mini-discs and CDs), and the way music was listened to (portable radios, walkmans and Discmans), it was still the record company that chose to offer a contract, produce and sell an artist’s music, and the consumers who bought the produced albums.

#### 4.3 The Influence of World-Wide Pop & the Compact Disc

Beginning in the early 1980s a recession hit the music industry, resulting in a 40 percent shrinking of the U.S. market from 1978-82 (Harker, 1997). This recession culminated in an 18% decrease in profits from 1980-83, roughly estimated to be \$2 billion in lost revenue (Garofalo, 1999). While that has not been a definitive explanation as to what cause this recession (Harker, 1997), what helped the industry to recover was the realization of multiple revenue streams. Revenue streams are different avenues and systems of products, marketing and distribution designed to create and facilitate larger markets and increasing sales.

The first considerable new source of revenue for the music industry in the early 1980s was the international super-star. Previously popular music acts were usually only widely played and distributed in the world's biggest markets, North America and Europe. Only limited distributions were sent to the smaller markets of Central America, Australia, Asia and Africa. With the award-winning and record-setting release of *Thriller* in 1983, Michael Jackson set the mark for what record companies came to want from their clients, one artist with an amazingly trendy pop-music album that can be marketed and sold around the world. Their logic was why spend \$40 million promoting 40 bands when you can extract the same level of profits from the promotion of four bands at half the price (Garofalo, 1999). These bands could then be mass-marketed across the world opening up previously closed markets, such as China, to huge profits for American music companies.

It was here in international sales and markets that pop music became one of the strongest segments of the music industry. Pop music with its rock n roll heritage, catchy lyrics and melody could be instantly popular to anyone - it does not require the musical knowledge that jazz or classical music assumes. Pop music has a mainstream sound, a handful of major faces and personalities, and all of the fashion and accessories that went along with the music's image. Propelled by new revenue streams in the emerging popularity of television music channels, the international superstar became a product to be packaged along with similar products. One of the more profitable streams was the coordination between the artist, music television and Hollywood.

The gap between the music business and the movie business shrank with the popularity of movie soundtracks. A movie's soundtrack combined the pop elements of a standard music album with the association the music has with a popular movie. Disney's *The Lion King* as a film grossed \$768,155,561 (www.the-numbers.com) worldwide, but the soundtrack has sold over 15 million copies propelled by the hit song *The Circle of Life* by Elton John. MTV and VH1 each aired the video and together three separate industries were connected in the production, distribution and profit from one song/film, "The videos promoted the movie. The movie sold the record" (Garofalo, 1999:344). The Big 5 consolidated their power over the distribution of artistic products by expanding the markets they sold to, and increasing the interconnection between the products that were sold.

In the last half of the 20<sup>th</sup> century it was the evolution from the record through the 8-track, the cassette tape and then to the CD which provided the technological impetus for more revenue streams. If fans had spent money to build a fine collection of vinyl records, or cassette tapes the emergence of CD technology required that those fans purchase a CD player and also a new collection of albums they possibly already owned but in a CD form. This created a need for what is called the *back catalogue*. This is a catalogue of all the albums and artists that a publishing house had ever produced. It could be used to reproduce a hit record from the 1960s in the 1990s, or most often it would be used to combine the top played songs of an artist for a "Best of..." collection and charged at twice the regular amount, "By the early nineties,

these catalogue sales were estimated as high as 40 percent of all CD sales, making back catalogue, for many top selling artists, their most valuable asset (Garofalo, 1999:344).

In each instance of technological evolution the basic control over the recording, reproduction and distribution of the music remained the same. While the producers of the materials in vinyl records or the 8-track might have waned financially it was still the music industry that reaped the benefits of the albums sold. Using the IFPI's own statistical reporting, Harker (1997) explains that, "... retail sales values in the US domestic market can be made to look like an almost rocket-like trajectory, from a low point of USD 6,000,000 in 1933, to a figure almost *two thousand times higher* only sixty-one years later" (p.54; italics in original). Whereas the music industry had been able to adapt to the new forms of technology and popular tastes through cooperation and innovation, and incorporate them into newer and more productive revenue streams with impressive results, it was within a technological revolution that a challenge to its power over the production and distribution of music came.

With the advent of the CD in the middle of the 1980s, the profits for the music industry received a substantial bump. CDs cost the same to make as vinyl LPs but were priced considerably higher and are easier to transport. Throughout the 1980s, the sales of CD albums grew steadily, roughly equaling the 380 million units of cassette tape albums sold in the U.S. by 1991 (Harker, 1997). Between 1991 and 1994 cassette tape sales remained steady while in the same time period the sale of CDs nearly doubled coinciding with the creation of the back catalogue. With the increase in profits due to technology the music industry also introduced its own major antagonist to those profits:

home tapping and bootlegging. Blank cassettes and CDs allowed individuals to copy an album multiple times at a fraction of the cost of buying the original album, “In 1982 IFPI estimated piracy at 11 percent of the total market in the U.S. and Canada, 21 percent in Latin America, 30 percent in Africa and 60 percent in Asia (Garofalo, 1999:344).

The concern that illegal copying of music would hurt their profits the IFPI and the RIAA began a political campaign to levy a tax on all blank tapes and CDs sold, as well as including copyright protections into most international trade agreements (Garofalo, 1999). Beyond policing their own products, the music industry has increasingly looked to outside influences to help keep the power they currently have. The IFPI lobbies the governments of the world to have stronger copyright protection written into every global trade deal. In the talks with China copyright infringement on music and software within the communist state are consistently one of the top talking points (Harker, 1997). Throughout the discussion of intellectual property rights and copyright protection and legislation the music industry has consistently argued that the main goal for these sanctions was the support of and protection for the individual artists they represented. That bootlegging was depriving the artist of their fair share of the proceeds. In actuality the system for the distribution of proceeds was imprecise and resulted in only, “the top 10% of bands sharing 80% of the available profits” (Garofalo, 1999).

The increasingly restricted access to profits and marketing for newer artists by the music industry combined with the exorbitant prices for albums created a severe



unhappiness amongst the consumers. One of the major reasons behind the impending free music movement was that people felt paying almost \$20.00 for an album that offered few songs worth listening to was ludicrous. While the average price for a CD in the U.S is \$14.19 (Business Week Online, 2000), the price is between \$18 and \$20 for 28 of the top 50 selling albums (Morris, 2002). Consumers wanted different bands with alternative sounds and cheaper prices.

The Big 5 music/entertainment corporations, with their roots in 16<sup>th</sup> century British copyright laws, have established hegemony over music. Each new genre of music - from classical, through jazz and rock n roll, to pop and new age - was eventually assimilated into widespread distribution and sale. Each new technology advance - tinfoil cylinders to vinyl to cassettes to CDs - the music industry was able to capitalize on a profit through revenue streams like the production new formats and players, blank media and back catalogue albums. With digital technology and the growing use of personal computers with CD burners installed as standard equipment and portable MP3 players, the music industry began to see that hegemony slip and their profits decrease.

An individual, unhappy with the prices for a newly released CD, could burn multiple copies of an album for friends or for trading purposes and effectively circumvent the need for the group to buy additional albums. The ability for any individual with a computer and an Internet connection to take marketing and distribution, the key to profitability for the music industry, away from the music

industry exemplifies the challenge to the industry's hegemony. With the increasing computerization of the world and the advent of digital music, in the form of MP3s, a small website created by an underclassman radically restructured the way that music is listened to and traded throughout the world. The website was called Napster.com. Napster.com was the first widely popular website devoted to the free exchange of music on the Internet. And through its use created the first organization of counter-hegemony amongst music consumers against the music industry.

## CHAPTER 5

### COUNTER-HEGEMONY IN MUSIC

#### 5.1 Napster, KaZaA and the Revolution in “Free Music”

Napster.com was a peer-to-peer (P2P) file-swapping website created in the spring of 1999 by Shawn Fanning, an 18 year-old undergrad at Northwestern University. Originally it was designed to facilitate the exchange of music between his friends using compressed digital media files called MP3s. The original version of Napster’s website was launched onto the World Wide Web on June 1st 1999. There was little fanfare and no media attention.

On December 6<sup>th</sup> of the same year a lawsuit was filed against Napster, Inc. by A & M Records claiming that the website promoted the infringement against and theft of legally copyrighted material (Wu, 2003). Moreover it was the argument of A & M Records and their parent institution, the Recording Industry Association of America (RIAA) – which is protected under the umbrella of the IFPI - that this theft was depriving the artists of the proceeds that they rightfully deserved for their efforts and abilities. Three days after the filing the first news stories began to appear on television, in print and throughout the World Wide Web. Since December of 1999, through the two and a half years of Napster’s existence, more than 300 stories were filed through CNN ([www.cnn.com](http://www.cnn.com)), almost 100 in Time Magazine ([www.time.com](http://www.time.com)),

and over 1,400 through MSNBC.com that referenced Napster in some way. With its implication in the piracy of an artist's work, Napster became the media's newest darling in the era of high technology, and the protection of intellectual property.

While Napster.com was one of the most famous digital media swapping websites, it was not the first website devoted to the free downloading of MP3 files. The term MP3 is an abbreviation of MPEG-1 Audio Layer 3, a software format based on a compression/decompression algorithm. This mathematical equation can effectively reduce the space the file occupies (up to one-tenth of its original size), while maintaining a CD quality of sound (Harvard, 2001). This technology was developed and refined in the mid to late 1980s, but it was not until computer technology, Internet speed and bandwidth became more advanced that the MP3 technology became a viable medium to transfer information (Garofalo, 1999). To have a better understanding of the role Napster.com has played in the development of P2P and social networking websites it is important to understand its development in a historical and evolutionary sense.

One of the earliest examples of the file-swapping websites was "MP3.com" and their "My.MP3" application (Wu, 2003). Through My.MP3 a user could download a song only if they already owned or had the song stored on their computer. This service did not allow access to new songs only the possibility of a song you already had in a digital format. MP3.com was designed as a client-server business where the company housed a large database of songs the user had access to. This design proved difficult due to the number of users accessing the database and the amount of songs they were attempting to download. If there were too many people asking for too much

information at any one time the entire system would freeze and shutdown. The system could not scale - expand and contract its performance - with the amount of business occurring (Wu, 2003).

The fact that MP3.com had a database of songs they maintained made them a target for the music industry and legal sanctions against copyright infringement. MP3.com's business model created a centralized company database that held the copyrighted material and allowed it to be downloaded by its users for free. Basing their case on previous examples of large-scale copyright infringement (Wu, 2002), the music industry was able to prove that copyrighted material was being exchanged without the express consent of the copyright holders. Following a court ruling in favor of the music industry MP3.com was forced to shutdown.

Napster was a software application that was obtained through [www.download.com](http://www.download.com) - a website devoted to the downloading of free software. Once it is installed onto a computer the user can connect to other computers with Napster establishing a P2P connection. Each user could then search through all the songs that are held by all the other users of Napster's application who were online at that time. Napster's network and search capabilities allowed one computer user to deal directly with another computer user effectively eliminating any intermediaries. The level of traffic occurring on the database no longer determined the time required to download a song using Napster.com. The technical problems of scalability exposed by the original MP3.com were answered; by directly linking with another user the only limits to how fast you could download a song was the speed of your connection.

With the Napster application a user would be able to go online and search for a particular artist, album, genre or song using exact terms or keywords (i.e., “Beatles,” “All along the watchtower,” or “trance/techno”). The program would then list all the other users online who had that particular song or search item as well as the speed of the Internet connection that the particular user had. The initiator of the search would then choose from the original list which provider they would download the song from. Once chosen that song would be transferred from the provider’s computer to the searcher’s computer. Having the connection made between the two individual users as opposed to a mainframe database made the system infinitely more scalable making the program as a whole more appealing to its users and easier to maintain.

Though Napster.com is described, as a P2P network the company was still a target for lawsuits alleging copyright infringement. The company compiled a database listing all of the songs that could be available for download from its population of users. And while the users were not directly accessing this database, it was actively tracking the downloading and trading of all songs available through the network. It was the ownership, maintenance and ability to police this database that, similarly to MP3.com, eventually led to the forced closure of Napster.com by edict of the 9<sup>th</sup> Court of Appeals in 2002 (see *A & M Records v. Napster, Inc.*, 284 F.3d 1091, 1099).

It is important to this history to understand the role of the media in covering the story of Napster.com, particularly in relation to its lawsuit. Napster.com was launched on June 1, 1999, and the lawsuit was filed against them on December 6, 1999. In those six months between the Napster.com debut and the filing of the lawsuit

there was only one magazine article written about the new website. Following the filing of the lawsuit in December the media rushed to cover the David and Goliath story of a young computer undergrad going up against the monolithic Music Industry. Attributed mostly to the media coverage of the lawsuit, Napster's growth was record breaking (Strahilevitz, 2003).

Less than six months after the lawsuit was made public over half of all the Internet users downloading music used Napster.com (Riehl, 2001). Between July of 2000 and February 2001 the number of Americans using websites like Napster.com increased by Forty percent (Graziano and Rainie, 2001), and the Pew Internet Group, which monitors Internet traffic and usage, has acknowledged that Napster was the fastest spreading application that they had ever tracked (Lenhart and Fox, 2000). An estimated 70 million users across the globe were downloading free music through Napster.com, and Shawn Fanning was getting his picture on the cover of magazines with a Napster-like efficiency and speed. It is ironic that the act of the media labeling Napster.com and other P2P file-swapping websites as illegal created the knowledge of Napster's existence and the immense desire in computer users to actively download its "illegal" music.

Napster.com was eventually forced to shut down its free exchange of music. But the desire of millions of Internet users for free music did not disappear. It merely shifted to another of the alternate P2P websites that had emerged in the media fervor of the Napster trial. Between 1999 and 2002 there were approximately 58 different file-swapping programs that became available online (Wu, 2003). Of these

websites only a few, with names like Gnutella, KaZaA, LimeWire and BearShare, have had any lasting significance.

These websites incorporated the same basic technology, design and search techniques present in Napster, but included additional video and music formats to be swapped beyond MP3s. Most importantly they were able to effectively create a true P2P network that was completely de-centralized. The companies did not house, maintain or police any type of list regarding the songs/files available to be downloaded in their websites. By exploiting the legal loopholes created by the 9<sup>th</sup> Circuit's decision, these new websites were able to continue their existence without the potentially debilitating lawsuits that had eventually killed their predecessors. Of the websites that followed in the wake of Napster, KaZaA, Gnutella and MusicCity's Morpheus have become the predominant locations for music downloading (Strahilevitz, 2003).

KaZaA.com was almost identical to Napster in its ability, efficiency and functionality, and due to this similarity it became the next best site to download free music. KaZaA.com alone is estimated to have roughly 140 millions users, twice the number of Napster, actively sharing files on a regular basis ([www.bbc.co.uk](http://www.bbc.co.uk), 2005). Through Napster, and then KaZaA, people were able to find any song, artist or album they wanted. Consumers no longer had the need or the desire to go to the local mall and buy the album through the traditional brick and mortar record store. If the key to profitability in the music industry is located in marketing and distribution of music, the enormous popularity of free P2P websites caused the strongest source of income for the music industry to dry up.



Beginning in 2001 the global sales of CD, the most popular music format, has consistently dropped at an average rate of 3-4% each year (Zentner, 2003). Concurrently, between 2001 and 2002 the number of simultaneous online global users and file swappers rose from 3 million to 5 million, and the number of files available to be downloaded increased from 500 million to 900 million over the same time period (IFPI, 2004). In 2002, on the average 3.6 billion files were downloaded monthly, of which 60-70% of those files were music (Rowan, 2002). In 2004, “World retail sales of recorded music (audio and video) fell by 0.4% in units and by 1.3% in value... Music on audio formats fell by 2.6% in value... Sales of CD albums dropped 0.9% in value with singles and cassettes values down 15.6% and 36% respectively” (IFPI, 2005). The music *business* had effectively moved from the mall and its record stores to the Internet - a form of distribution the Big 5 had no direct control over. Yet, file-swapping websites and their users were still not totally immune to challenges, both legally and technologically.

The Recording Industry Association of America (RIAA) continued to press for legal sanctions against the owners of the music-trading websites (Strahilevitz, 2003). Between the early 1990s and 2001 the budget allotted to the RIAA, the American arm of the IFPI, more than quadrupled to \$44 million, corresponding with the passage in Congress of the Digital Millennium Copyright Act of 1998 (DMCA), and the No Electronic Theft (NET) Act (Strahilevitz, 2003; Wu, 2003). These laws sought to strengthen the music industry's hold on the intellectual property rights of the corporations who hold the copyrights on the artist's work through national legislation.

While simultaneously placing more pressure on the P2P websites to stop the free trading of copyrighted material.

Beyond the companies that created P2P websites, the RIAA and MPI began to expand their list of potential lawsuit defendants to include the individual users of the P2P websites. They began to publicly threaten that anyone who was found to be in possession of an illegally downloaded song would be brought to court to face severe financial penalties and extensive time in jail. Of the more than 11,000 cases that have been filed nation-wide regarding individual downloaders 2,300 have settled and none have gone to court (Twohey, 2005). While these lawsuits did little to create new legal precedent for the punishment of individual users of the P2P websites they did succeed in creating a more pronounced dialogue amongst the population that the free downloading of music was illegal and not without risk.

Beyond the court and legislative systems it was suggested within the RIAA that a secondary form of attack against the P2P websites could be fruitful in stopping or reducing the free downloading of copyrighted music (Strahilevitz, 2003). In 2002 the RIAA publicly acknowledged that they were actively creating and uploading corrupted or decoy song files onto popular file-sharing websites. These were files that contained no music at all, just a portion of the labeled song, loud screeches, a segment of the song constantly repeated, or a completely different song all together from the one listed. The goal of this action was to create amongst the users of the P2P websites a level of distrust, and disenchantment with the system as a whole (Strahilevitz, 2003).

While downloading songs for free is sought after by all who used the websites no one wanted to spend time downloading a file that ends up to be corrupted or incomplete. In the end, this attack, while succeeding moderately in its designed goals for small groups of users, actually created more damage to the RIAA than to the P2P websites. By acknowledging that they, the RIAA, had employed a form of *net terrorism* that was legal under a controversially added Congressional act (Strahilevitz, 2003), the desire to continue using the free websites only increased for their users.

Non-compliance with the laws surrounding Napster.com and music downloading became glamorous. Circumventing the laws became a kind of game, “For younger Internet users, the rebelliousness embodied in the various efforts to circumvent the Napster injunction undoubtedly proved quite attractive” (Strahilevitz, 2003:580-1). Shawn Fanning was placed on the cover of Time Magazine, and became the youthful face of challenge and change. He became a pseudo-superhero for the generation of youth who were raised using computers, helping to garner more support for the continued and increased use of the Internet and P2P websites for the free exchange of information and music. The sheer number of users of Napster.com, KaZaA.com and the other various hybrids, and the fact that there is more music downloaded everyday than albums bought is a pervasive indicator of the attractiveness that these sites in particular and the Internet in general have on the role of music in our everyday lives.

While these hybrid P2P websites are well known and well used it would be inaccurate to say that they have won the war over copyright laws, nor do they have complete control over the distribution of music. The IFPI is still using the legal system

to find an injunction against the illegal transferring of copyrighted music, “The consumption of music via digital computer networks is of greatest concern to the music industry, insofar as it is the most clear way in which purchasing and listening practices are being reshaped by new technologies” (Jones, 2000:218). The ability of the Internet to be the preferred location for the downloading and consumption of music has manifested itself in Apple’s iTunes website, and the two most popular websites on the Internet, MySpace.com and YouTube.com.

### 5.2 The New Revolutions: MySpace, YouTube and the iPod

The production and spread of new music and new musicians throughout the Internet has been strengthened by one of the most popular cultural technological phenomena, Apple’s pay-based MP3 website iTunes and it’s associated MP3 player the iPod. The iPod with its signature white “ear bud” headphones is so fully ingrained into our cultural psyche that a multi-billion dollar economy has grown out of it (Abbugao, 2006). iTunes has made agreements with most major music groups to offer a vast catalogue of songs to be downloaded and has recently completed a contest to see which user would download the one-billionth song. iTunes took over for Napster.com and KaZaA.com as the site to search for and download music because it was legitimate, and the cost seemed reasonable. Instead of paying the nearly \$20 for a new album consumers could now listen to thirty-second clips of the new songs and choose as many of them as they liked for only \$0.99 a song. Consumers could also upload all of their

traditional CDs into their computer iTunes library creating a multi-gigabyte collection of music that could be carried around in any of the multiple choices of iPod.

Beyond iTunes other pay-based music websites are also becoming popular. Sites such as the independent musician focused Emusic.com, or the monthly subscriber websites such as Pandora.com, and Rhapsody.com are increasingly becoming the websites to go to for MP3s and the newest bands (Endelman, 2006). Each website offers the same ability to find and download music dependent on the individual's taste in music. With the increasing individualization of music through advancing computer technology the music industry also lost its control over the production of music. With the growing use of advanced music-making software an artist can now record, mix and produce their own album in their own home, - i.e., Apple's *Logic*, and PropellorHeads *Reason*. Due to its digital inception this album can then be easily reproduced through the common CD burners installed on most desktop computers and laptops, and distributed throughout the Internet. The only limit to an album's success is determined by its marketing and distribution (Jones, 2000), which can now be handled by the individual artists themselves through P2P websites or new *social networking* websites like MySpace.com and video-hosting websites like YouTube.com.

MySpace.com, with 35 million members, has become the 4<sup>th</sup> most used website behind Google, MSN and Ebay (Serpick, 2005). This website offers to its members the opportunity to create their own web page, a personal profile, and the ability to add pictures and media such as video and songs that other members can view. One of the more popular functions the website allows is the keeping of your personalized blog.

Derived from the conjunction of the words web logs, a blog is a personal online diary or running personal commentary that is also available for any other member to read and comment on. These comments are saved and become a history of the conversation that has occurred. Friendships are built and conversations are developed through consistent dialogue through the web page over time. This type of website has become a modern day version of the idyllic backyard fence. It is a place catch up on the day's events, talk through certain difficulties, a place to trade secrets, general gossip, pictures and it is a place to talk about and listen to bands and their music.

Traditionally for a small band to become a success required playing to empty bars as an opening act that no one knew or particularly cared about. If the band did it long enough, were good and had a bit of luck they could gain a following that would open up larger venues to play in which would eventually lead to being the act other bands opened up for. If they did *this* for long enough, had still more luck, then they might be able to gain the attention of a record company and possibly be signed to a contract. With the wide spread use of MySpace.com and other blogging websites bands no longer have to necessarily go through all of that time and trouble (Serpick, 2005).

Bands and their members can use their blogs as a forum to discuss ideas about music (theirs in particular), to advertise where they are playing next and a site to download the early and rough recordings of their songs. Fans no longer have to watch the band live and in concert, or tour with them across small-town America to know who they are and what they sound like. All fans have to do is visit their MySpace page to download and read their blog, "The practice of fandom is mediated by network

technologies along with music...” (Jones, 2000:218). Not only has the fan’s experience been re-shaped but also so has the band’s ability to be recognized as potential and signed to a contract. Not only do fans learn about and hear new bands and songs through MySpace.com, so does the music industry (Serpick, 2005). Whereas before agents for the record company followed the band from bar to small concert halls across the country looking for a new sound, now they are surfing the blogs and downloading the music offered through MySpace.com pages.

Being found through a blog is not limited to just the music industry. Garage bands with blogs routinely send their music to other bands that have already become known in the hopes that they too become known. *Panic! At the Disco*, an up-an-coming teen-punk band from Las Vegas was offered a record deal by Pete Wentz, a singer of the pop-punk band *Fall Out Boy* and head of *Decaydance Records*, when they sent him their only two recorded songs via Wentz’s MySpace blog (Hoard, 2005). Blogs offer the unknown band the ability to communicate with and learn the lessons that a band, which has already gone through the traditional process of becoming a successful band, knows. They also offer the added possibility that by being heard by someone who has already made it increases the hopes of being signed to a record deal. The time required for the band’s development and recognition is truncated immensely, and by creating and expanding a small record label those yet unknown bands have completely by-passed the corporate record giants as a source for recognition and a deal for the distribution and sale of their music.

Recently the ability for small music and entertainment acts to develop a large base of fans has increased with the popularity of the video-hosting website YouTube.com. This website offers to its users the ability to upload digital video footage they created that can then be viewed and commented on by the community of YouTube users. The more times the video clip, usually no longer than a few minutes, is viewed it becomes ranked as one of the *most viewed* increases, reciprocally increasing the likelihood that it is viewed again. Each time you view the clip you can judge it as being good or bad. The clips with the highest number of positive rankings get listed in the “top rated” category, again giving them a higher chance of being viewed and commented upon.

Musicians and bands such as the Chicago based OkGo, which is most known for their synchronized dancing videos, became a hit on YouTube.com with a “treadmill dance” in time with their song “Here It Goes Again” (Adegoke, 2006). The video was such a hit that the band was asked to perform the song and dance routine live on the MTV Video Music Awards. YouTube’s motto is “broadcast yourself,” and is illustrated by “Noah”, who has taken a picture of himself everyday for six years using stop motion based technology. With this collection of pictures Noah has pasted together a pseudo-music video of his transformation over time (<http://www.youtube.com/watch?v=6B26asyGKDo>). Most of the YouTube community is doing similar multi-media events.

Bands, musicians and artists have the ability through modern software and these communication oriented websites to make a name for themselves, and to develop an



interest in what they are doing. This is occurring to such a degree that music-entertainment corporations are working alongside these low-cost websites, "We see the social video environment that YouTube has created and the category of user-generated content as being extremely important,' says Michael Nash, senior vice president of Digital Strategy and Business Development at Warner Music" (Adegoke, 2006). Major music labels are surfing through MySpace blogs looking for the next band or singer which they can promote. They have begun to use the very medium that has taken their control away, because that medium has done a phenomenal job at proving the marketability of a particular band or musician.

Beginning with early experimentation with MP3 technology and the Internet, music and video files have become one of the most popularly exchanged mediums over the Internet. The ease and speed of the Internet has established it as *the* method to market, distribute and sell music in the 21<sup>st</sup> century. While the technological advantages the Internet offers make it the ideal choice for the sale and consumption of music it also allows anyone with a computer create their own website devoted to music. This ability has ended the hegemony held by the music industry and its initial role as gatekeeper. In its place a continuing series of new websites have presented themselves as the #1 location for the exchange of popular music discourse, music and video files. Each website is an organizing historic bloc vying for the popular power to be the only website for the marketing and distribution of music. Just as one website becomes strong enough to foster a multi-billion dollar industry (Apple and their iTunes), or be

bought by Rupert Murdoch (MySpace.com), a new website becomes more popular (YouTube.com). The Internet is the site for the organization and implementation counter-hegemony today.

## CHAPTER 6

### CONCLUSION

The concept of hegemony was born out of Antonio Gramsci's interpretations of Marx's philosophy of economic division of labor within the economy and social classes surrounding the industrialization of Italy during the first quarter of the last century. The traditional Marxist interpretation of class inequality based on the economic distribution of ownership and labor was not sufficient. The economy was not the base upon which the super-structure of politics and culture is based, rather each is an integral part of the national dialectic (Forgacs, 1988). Extending the scope of capitalism beyond the shop floor and the means of production, Gramsci re-examined the control held by the bourgeoisie owners over the working-class laborers.

Hegemony is complete when one group gains power and control through the agreements and concessions made between the populations of possible groups. That power offers to the holders the ability to put forth their concept of how to rule and control the dispersion of the benefits from that rule. As long as the individual or group in power can control the various factions and groups below, the hegemony is secure. During any particular period of hegemony a segment of the population may become discontented with a particular state of affairs. Organizing themselves around this discontentment they begin to gather support for a challenge to the current group in control. This organizing is the establishment of counter-hegemony.

One of three probable outcomes will result from the establishment and challenge of counter-hegemony. First, the group in control – the hegemon - will subdue the challenging counter-hegemony through its political or military power, reinforcing their hold on power. Second, the counter-hegemonic organization will gather enough support and leverage against the hegemon to push through changes aimed at relieving the original discontentment, thereby modifying the original hegemony but not drastically changing it. The third option is a passive revolution, which occurs when the challenging counter-hegemony collects enough support to gain control of the power for themselves, supplanting the previous group, and creating a new hegemony. Passive revolution explains the ebb and flow of power relations in an increasingly complex social system.

What would occur if there was a fourth outcome to the challenge by counter-hegemony? An outcome where the previous hegemon is unseated through the efforts of counter-hegemony but a new hegemon is not fully established. The passive revolution ends when a new hegemon is created, yet technology in the globalized capitalist society has affected the way that power is controlled, challenged and re-established. If a new hegemony is not established then the revolution continues.

Hegemony and the possibility of a passive revolution are traditionally associated with the control of power within state-based governments. As the modern world has increasingly become interconnected politically, economically and socially the study of hegemony has been extended to include international corporations, the capitalist elite who run them, and the organizations they create. An example of an

entity that has benefited from the creation and growth of international markets and trade is the modern music industry. With its roots in 16<sup>th</sup> century English Crown law, the associations and organizations that comprise the modern music industry have come to dominate – as hegemon - the ability to produce, market and sell music around the world.

The International Federation of the Phonograph Industry (IFPI) is an organization comprised of smaller corporations (i.e., Sony Music Corporation) and associations (i.e., the Performing Rights Society (PRS) in England, the Gesellschaft für Musikalische Aufführungs (GEMA) in Germany and the American Society of Composers, Authors and Publishers (ASCAP)). Its goal is the strict enforcement of copyright protection. Through the use of political and economic lobbying and the social force of modern mass marketing the IFPI and its subsidiaries control the production, sale and profit from the sale of music around the world.

This power was theirs through the control over what music was recorded and marketed. With the advent and popularity of advanced communication technologies such as the Internet and cellular phones, and the increasing number of people using computers and music software, the ability for any individual to produce and market their own music has created a challenge to the hegemony held by the music industry. This challenge was given an organization and name by one of the earliest web-based sites for the free exchange of MP3 digital music, Napster.com.

Building on previous websites devoted to MP3 music exchange Napster.com became famous only when it was sued in federal court for copyright

infringement – they did not charge for the downloading of copyrighted music. With the media publicity offered to Napster’s court battle it quickly became one of the most downloaded programs ever, and changed the way that the populace thought about searching for and listening to music. Napster.com as a free file-swapping website was eventually forced to change in to a fee-based website. Yet, the desire for free music did not disappear. It relocated to a host of similar websites that were established in the wake of Napster’s close. Sites like KaZaA.com became one of the fastest spreading applications ever and continued the trend for music to be found and copied from the Internet.

KaZaA.com developed a true peer-to-peer (P2P) network and avoided the legal difficulties that eventually forced Napster.com to close down. With the introduction by Music Industry of music files that were corrupted and un-playable users of websites that promoted free music became discontented with the quality of music that was available. Apple Computers and their fee-based music download website iTunes, offers CD quality sound for only \$0.99 a song that can be copied for personal use and shared. Combined with their intensely popular iPod MP3 player, which has led to over one billion songs being bought and downloaded, Apple has created a multi-billion dollar industry in iPod and iPod related accessory sales and music downloads. An industry singularly devoted to the playing of digital music through computers and the Internet.

iTunes changed the way that music is purchased and downloaded via the Internet. A new website changed the way that music is found and discussed.

MySpace.com, a social-networking website, offered small bands and musicians a forum through which they can showcase their music, develop a fan base and become visible to record labels. MySpace.com, recently bought by the Rupert Murdoch's News Corp. for \$580 million, with its 22 million registered users offers them a chance for dialogue through running web logs (blogs). Blogs allow for a fan to talk at length about any topic they deem worthy, and a method to spread the word of new bands. Young bands like the widely popular *Panic! at the Disco* used the MySpace.com page and blogs of more mature bands to send their music to leading to the development of a record deal with *Fall Out Boy* on their private label *Decaydance Records*, and wider population of fans.

The new website YouTube.com has created a video-broadcasting hybrid of MySpace.com and Napster.com, through which you can up-load any digital video that can be viewed for free by any other user. YouTube.com has become the next most popular website for the finding of new musical talents. This is exemplified in the hugely popular band *OkGo* and their "treadmill dance" video, which after being downloaded through YouTube.com garnered them a live spot on the recently concluded MTV Video Music Awards. The Internet and its seemingly limitless abilities for content and quick communication, can allow for smaller groups to develop a space and ideal for themselves that can become just as well known as the largest corporations and political organizations.

Napster.com, KaZaA.com, MySpace.com and YouTube.com make evident the ability of the Internet as a powerful force in the recognition and organization of smaller sub-altern groups and their ability to use it as a counter-hegemonic force

through which to challenge the existing sources of music, video and social commentary. These websites with their ability to alter the way that music is found and consumed have not allowed for the establishment of a dominant individual or group who ideologically controls music. Each website revolutionizes the way the Internet is used and each website is challenged by another website shortly thereafter. This places us in a state of passive revolution where a new form of organization and website technology becomes the method for the consuming of music just as quickly as the last website had gained it. Although this state of consistent change may not be a state of *permanent* passive revolution as the title of this thesis implies, it is happening quickly enough to seem that way.

The purpose of this thesis was to re-examine the concept of hegemony as it relates to the challenges and changes that have occurred within technology and its effects throughout the music industry. Gramsci and Cox's descriptions of hegemony are still methods through which an analysis of power can be created. Political parties within a nation-state still have the power given to them by that nation-state to govern and create laws; trans-national corporations and the trans-national capitalist class still have the ability to manufacture and distribute their products around the world. The Internet provides the means to create and maintain the necessary control to establish a global hegemony. At the same time the ability for the organization of many smaller sub-altern groups into possible counter-hegemonic forces through the Internet weakens the possibility for any corporation or historic bloc to gain and retain their hegemony.



The Internet is one of the most prevalent sources for the creation and distribution of counter-hegemony today.

This thesis took a brief look at the historical and social development of the Internet and the music industry and how their relationship have altered the way that both are used today. To say that the Internet is the only source for the establishment of a counter-hegemony or that a hegemon cannot exist on-line due to its speed and the number of possible websites is inaccurate. Counter-hegemony can be created through the collaboration of individuals in a chatroom on-line, just as easily as it could be created in a church's recreation hall, at a local PTA meeting, or at a bowling alley. At the same time there are web-based businesses that have almost complete control over their respective field – eharmony.com, a popular dating website, took the *Personals* section out of the local newspapers and created a centralized spot to search for a date across the country.

The limits of this work are obvious. I have reserved my critique of power and ideology to the music industry and the Internet, which is itself a limiting factor. This is not intended to dispute the state of hegemony in International Relations or within any particular government or state. Rather it is an exercise illustrating that hegemony can be used to examine power not only through traditional geo-political systems but through other secondary systems, including pop-culture ideology and more specialized associations.

The title of this thesis refers to a permanent passive revolution in the music industry. While this title may be based more on an alliterative style and less on

the classic reading of a Marxist permanent revolution, it does relate to the current trend throughout the Internet. All media types (video, music, news, movies, television, gossip, commentary, etc.) are being compressed through the fiber optic cables that are increasingly connecting our computers into a new meta-medium. It is this connection that offers the single most powerful ability for the creation, acknowledgement and growth of alternative views and associations that may challenge to have their viewpoint become the dominant one. It is also this ability that makes it increasingly difficult to have any one viewpoint become strong enough to sustain itself and remain dominance.

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