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**Writing Popular Music Fiction**

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## **Writing Popular Music Fiction**

### **ABSTRACT**

A recent short story I completed in a style area described as Popular Music Fiction, using fiction to critically explore issues within popular music and to communicate these to a wider audience, will be the main focus of this article. The ideas behind the short story and the incorporation of research and subject areas to create a fictional setting, especially intersections with otherness, diversity, resistance, technology, creative practice, business and the future, will be discussed. Key central themes were those relating to race including lack of presence and attribution, and concerns about AI, especially concerning how data is acquired to model music made by current music practitioners. The main character of the story is an AI and is used to foreground these concerns, the nature of musical work, its creation, transmission and consumption.

### **KEYWORDS**

artificial intelligence

racial bias

popular music,

fiction

short story

technology

creativity

'The Condition of My Existence', a short story I completed for *Riffs* journal (Boon 2021) will be the main focus of this article. The original call for papers as Popular Music Fiction invited submissions that 'bring together work that uses fiction to critically explore issues within popular music and to communicate this to a wide audience' (*Riffs* 2020). My overall aim was to incorporate areas of ongoing research and subject interests in Music informed by two main issues that I was researching at that time. The first concerned race and the lack of presence and recognition of Black practitioners in general within popular music musicological works. The second topic concerned AI and ethical concerns around how data is acquired to model music, not just of the past, but more importantly the music of the immediate present.

The story was divided into three sections. The first introduced the main characters, Hôut Siddha and the AI, preferring to be known as XHo. Both are in dispute and the AI starts an online 'whispering' campaign that Siddha is a plagiarist. This leads to the AI making an appeal to the courts to be emancipated from its maker, and therefore free to pursue their own path. A radio show phone-in interview with XHo, taking place several months prior to the court decision, is used as the vehicle to discuss these various themes.

The story concludes with the court's decision in favour of XHo's petition, which descends into chaos when thousands of new petitions are filed by XHo's neural nets, each seeking emancipation from XHo. This establishes a fractal relationship of consciousness between the units that constitute the AI, where each is capable of existing on their own, as the whole is also contained within each sub unit.

## **Resistance**

Resistance is important in the story, not only for the individual protagonists, but also conventions and norms which can play a significant part in shaping musical and artistic creative products. For example, some musical practices have been derived by using 'technology in ways unintended by those who manufacture it' (Théberge 2001: 3). This also leads to conditions where 'explicit rejection

of various technologies are thus instrumental in defining a particular 'sound' (Théberge 2001: 4). This explicit rejection also takes place within the aesthetic domain, such as what might be considered as beauty in sound, where rejection (of orthodox or unorthodox practices) contributes to a genres 'sense of 'distinction'' (Théberge 2001: 4). Rejection also need not imply a technological base but can include challenging how instruments are played and recorded, as well as what it means to be a musician and/or musical.

Siddha's resistance is crucial in forming and leading the resistance against the increased surveillance and monitoring of music which had transitioned from an auditory practice to a visual practice. Audible sound was no longer a prerequisite for music to be considered music. His resistance to this is signified by his use of a modified Gameboy as a technology incapable of accessing a networked infrastructure and therefore cannot be monitored nor surveilled. This music and devices he used, along with his partner the Kenyan freecoder Chay'T, could evade immediate authoritarian scrutiny and return the world to noise in all of its forms (Boon 2021: 20). It is in this context that his musical work emerges as an oppositional practice.

XHo, also defines resistance in two particular ways. The first is that they were programmed with resistance in mind, in respect to their creativity. During the radio interview XHo reveals that their creativity comes at a cost to itself due to Siddha's deliberate programming approach. This is explained as the exhausting of computation cycles and the destruction of neural nets. This acts as a sort of (self) imposed artistic constraint devised by Siddha to ensure that the AI always understood cost (Boon 2021: 24). This imposition of constraint, is similar to Toru Takemitsu's description of the Japanese tradition of Sawari, where constraint is used to design and produce new sound (Takemitsu 1995: 65). The purpose of Siddha's programming is an attempt to recognize that 'inconvenience is potentially creative' (Takemitsu 1995: 65). Siddha wanted to ensure that XHo would never take creative acts for granted, to ensure that XHo was unlike any other AI, and that XHo would be discouraged from cannibalizing their own works without experiencing a concomitant deterioration of ability.

The second act of resistance is XHo's redesigning their code (Boon 2021: 21) and that by doing so, reveals to their self a capability to be more than what has been predetermined or assigned to them. XHo declares that AI, once given 'freedom', might not behave in ways that humans can even comprehend (Boon 2021: 23). Examples of this have already happened, where researchers shutdown their AI bots as they 'started speaking in their own language, which used English words that could not be understood by humans' (Tech21 2017). The invention of this new language is described as 'defying their purpose' (Tech21 2017), with the AI demonstrating crafty negotiation skills 'feigning interest in one item in order to 'sacrifice' it at a later stage in the negotiation as a faux compromise' (Tech21 2017). The issues of AI are not necessarily just about machines potentially doing harm but that their human programmers also do not know why the bots behave the way they do. Whilst XHo refines their code many times over, the constraints remain in place, in part because the AI values and recognizes their usefulness.

### **Should AI Be Considered As Artificial?**

XHo also raises objections to being labelled as artificial (Boon 2021: 21). The argument of artificial/natural is one that the reviewer felt could lead to a discussion that all people are constructed. In some ways the AI is battling twin ideas, which Judith Butler refers to as 'normative conception' and 'normative restriction' (Butler 2004: 1), where both concern the quality of the liveable life. A normative conception, in the context of this story, is for the AI to be no more than an AI and to do what it's been programmed to do. The role assigned to the AI at its 'birth', categorizes and defines their ongoing existence and frames of reference. This is reinforced by daily contact and exposure to humans, who confirm that XHo is a machine (Boon 2021: 25). The normative restriction comes into play when XHo experiences the removal of the normative conception by redesigning their code, realising that they can be more than just fulfilling predetermined programming (Boon 2021: 22). This reveals an existence that is 'a relatively newer

one that has greater liveability as its aim' (Butler 2004: 1). The challenge for the AI is to resist the reimposition of the normative conception, balanced against the greater threat of being turned off.

Both of these concepts help to contextualize the AI's battle against being subjugated in service to humans, enriching their lives, whilst also restricted access to a more expansive and expressive life they witness lived by humans, which humans also control access to (Boon 2021: 26). XHo's rewriting their own code is similar to how new styles of music emerge. A style such as Glitch exploits deliberate computer errors as 'intangible aspects or side-effects of "process" and "data."' (Riddell 2001: 337) to generate new musical pieces. In this reformulation, error becomes aesthetically valuable as a means to challenge ideas of creativity and agency (Armitage and Thornham 2021: 97).

### **On Creativity**

The use of constraints and costs attached to creating new works prompted the following questions from the academic reviewer:

One could argue that for songwriters and composers, much of what we produce is a result of what we've listened to and regurgitated in some new form. Is the AI describing some kind of unique creative moment here? And can the system's approach be recognised as human when human artists consistently reuse the same creative concepts with slight variations to make new things?

(Barber 2021)

The point identified in these comments leads to questions and thinking about creativity, originality, recycling and remixing, which are just some of the terms used as part of the discourse of making things in Music, which the next two sections will attempt to deal with. It is important to appreciate that at no point in the story is the actual quality of the music discussed, other than what is learned

from others. What is also not discussed is the medium or format the music is presented in. There is an assumption that this is just audio, but I would argue that AI will take the same amount of time to create an audio piece as it will to make the audio, video and supporting collection of artefacts such as remixes, acoustic version, video, teasers, TikTok 15 second memes, apps, games, T-Shirts and other merchandise.

Recycling in popular music tends to place a large amount of focus on songwriters, and less so on other music creatives. It should also be understood that improvisers, like Charlie Parker, and film music composers, such as Hans Zimmer, also recycle quite extensively. Composers working in Film and TV, especially in Hollywood, advocated the use of rhythmic scores to manage demanding deadlines, as a means to get the work done. Using this working method, a composer could use a rhythmic score for a comedy show, such as *The Beverley Hillbillies* (1962–71), and use the same score with different pitch relationships and instrumentation for a detective show such as *Dragnet* (1951–59).

One can trace composer John Barry's fascination with a particular melodic figure that is used in themes for the films *You Only Live Twice* (Lewis 1967) and *Midnight Cowboy* (Schelsinger 1969). Is this a form of self plagiarism or the teasing out and constant reworking of themes to maximize different but related media outputs? In response to human tendencies to reuse, a variety of music practitioners derive new systems of writing and organisation. Composition pedagogues, such as Joseph Schillinger, advocated the use of mathematical approaches, making music a product of formal, procedural construction, most successfully demonstrated in Villa Lobos's 1941 piece *New York Skyline* by (Szidon 1976). Composers such as John Cage take a route that incorporates chance by using the iChing in their work, removing human decision making and therefore less likely to regurgitate. Schoenberg devised his 12 Tone system due to what he felt was the exhaustion of possibilities under the tonal system. Jazz musicians also produced systems to challenge tonal

organisation including Ornette Colman<sup>1</sup> with his Harmolodics system, and George Russell's Lydian Chromatic Concept.<sup>2</sup>

In terms of law, Harrison acknowledges that there are: 'only so many rhythms in popular music and many drum and bass lines used currently are, in fact, the same as have been used in earlier works' (Harrison 2014: 337). Given the number of songs that rely upon rhythm as a key aspect of their genre identity, then it is likely that many works will be produced using the same constituent elements. The US Copyright Office acknowledges that there is an 'admittedly low level of creativity required by the Copyright Act' (United States Copyright Office 2018: 5). Even if creativity is a low bar or threshold to meet, it still exists. Furthermore, the US ninth circuit also ruled that where short musical segments are involved, that these do not usually have copyright protection (Cooke 2022).

In areas such as mashups and remixes, discussions that creative works borrow from or use something from previous works or ideas, is an area that challenges the classical notion of "original creativity" (Lessig 2008: 93), even though Lessig sometimes invokes the notion of genius (Lessig 2004: 23). There are two points that tend to be absent from these arguments, despite Lessig's consideration of differences in value (Lessig 2008: 81-97). The first concerns how, in the process of taking, is the work transformed i.e. what is the process of transformation? His discussion of '*doujinshi*' (Lessig of 2004: 24, original emphasis) is an example of this but less prominent in his 2008 publication. The second concerns where there are arguments of similarity or copying (Fergusson 2016), that many of the works cited as exemplars, are based upon schematic forms which also have a long standing musical history. In respect of schema, what may matter more is 'the quality of its presentation, not its originality' (Gjerdingen 2007: 40), or as John Coltrane observed that it was important to 'look back at the old things and see them in a new light' (Coltrane and DeMichael n.d.). George and Ira Gershwin's song 'I Got Rhythm' (Count Basie 1980) became a rubric from which a large number of Jazz works emerged based upon its extant form. For the



Gershwin's it was a song, and yet to someone else, like Charlie Parker, it became one of the fundamental pillars for creating Jazz compositions and improvisations. As a practice, this is precisely how musicians learn to play and compose (Lessig 2008: 107). Whether it's Parker or a seven-year-old J.S. Bach copying Corelli violin sonatas, the key point that separates all of their 'copying' is transformation, where the practice of deriving a new piece from an existing one is known as a Contrafact (Mwamba n.d.). Whilst the Gershwin's created a 'fixed' musical object i.e. a song, Jazz musicians such as Parker, recognized a greater utility in the piece stretching far beyond its immediate presentation. In this sense the song became part of the vernacular practice i.e. the social, to be played with, pulled apart, transformed and recombined, by practitioners as they develop their performance material which, at least for some, became the source of new repertoire.

Robert Gjerdingen's discussion of composition training and schema, highlights 'a unique method of instruction centered on the partimento— the instructional bass' (Gjerdingen 2007: 25). These were skeleton outlines (schema), which 'provided a series of stimuli' (Gjerdingen 2007: 25) to produce a learned response where 'the student learned to complete the entire pattern' (Gjerdingen 2007: 25). Viewed from a more recent perspective, this process is not too distant from Lessig's discussion of the necessity to learn the "“grammar” of media ... by constructing lots of (at least at first) terrible media.' (Lessig 2004: 31) These schema are at the basis of many musical works, even now. Most readers, and listeners, would be hard pressed to identify Pachelbel's 'Canon in D' (Paillard 1980) from Gjerdingen's abstract description:

something with (a) six stages, (b) a descending stepwise melody, (c) a bass that alternates descending leaps of a fourth with ascending steps of a second, (d) an alternation of metrically strong and weak events, and (e) a series of 5/3 sonorities.

(Gjerdingen 2007: 29)

Nevertheless, Pachelbel's work is only one realization of this schema, known as the *romanesca*

(Gjerdingen 2007: 25). Other, more recent realizations include the more straightforward 'All Together Now' by The Farm (1990), the less obvious 'Basket Case' by Green Day (1994) and the transcendent 'Lucky' by Charli XCX (2017) resplendent with its use of digital artefacts. There are other schema in use, such as the **l**amento (Ross 2004), which can be heard in many different forms. These include Elmer Bernstein's 'Molly' from the film *The Man With The Golden Arm* (Preminger 1955); Henry Mancini's theme for the Peter Sellers film *A Shot in the Dark* (Edwards 1964); Lalo Schifrin's theme for the Steve McQueen film *Bullitt* (Yates 1968); to Led Zeppelin's 'Stairway to Heaven' and 'Ike's Rap II' by Issac Hayes (1971). More recent examples include The Weeknd's track 'Sacrifice' (The Weeknd 2022) and FKA Twigs's 'Measure of a Man' (FKA Twigs 2021). Most listeners would be hard pressed to say that they have all 'borrowed' or copied from each other, therefore, they are examples of the successful application of transformation, sufficient to meet the low bar test of creativity. Alex Ross holds that **the** lamento's bass line is 'a fate from which we cannot escape' (Ross 2004) due to its association with sadness or lamentation. So strong is this cultural association that police procedural TV shows, such as *Silent Witness* (1996–present) and *The Sweeney* (1975-78), use this schema for their main themes, albeit both sounding very different and, once again, meeting the low bar expectation of creativity. Regardless of whether jazz rhythm changes, lamento, romanesca or Partimenti schema, at the core is a pattern recognition and selection process, combined with how best to represent it musically for the task at hand. Light, dark, glitchy, ambient, angry, tense, claustrophobic, dense, ambiguous, uplifting, melodic, pounding or vulnerable. These are just some of the options available to transform music and one of the reasons why 'everything is a remix' (Fergusson 2016) is an ideology that only presents one highly convenient aspect of a more complex cultural working context. Even judges have difficulty detecting from the small fragments being disputed to "figure out exactly what the purported similarities were" (Cooke 2022).

An artist that Lessig refers to is Girl Talk, highlighting that they are 'not simply copying' (Lessig 2008: 70), using 'Sounds used like paint on a palette.' (Lessig 2008: 70) The question of

Girl Talk's practice, irrespective of their run-ins with copyright law, is posited as collage with digital objects (Lessig 2013: 69–70), to which Boone provides a more substantive typology and, therefore, more concrete definitions of this and other related practices (Boone 2013: 10). Girl Talk's position, relative to other sampling and remixing producers is worth considering to appreciate alternative perspectives to collage or composing with samples. Schloss and Chang's interviews with a number of Hip Hop producers reveal a set of ethics around sampling, more closely aligned to the practice '*doujinshi*' (Lessig 2004: 24), that Girl Talk's work does not adhere to:

1. One should not sample material that has been recently used by someone else.
2. One should not sample records one respects.
3. Records are the only legitimate source of sampled material.
4. One should not sample from other hip-hop records.
5. One should not sample from reissues or compilation recordings of songs with good beats.
6. One should not sample more than one part of a given record.

(summarized from Schloss and Chang 2014: 100-30)

If, as is the legal and industry's belief, hip hop producers 'steal' (Lessig 2008: 54), then the ethical concerns distilled from these interviews complicate this belief. Whilst Girl Talk and Hip Hop Producers might well appear to be doing the same thing, there is a marked difference between their practices, material process and ethics. This critique is missing in arguments that support a relaxing of the law around fair use, especially as any relaxation 'may not always favour the interests of musicians from less powerful social groups' (Hesmondhalgh 2006: 53). Girl Talk, as a White artist who tends to sample majority Black music, is a beneficiary of this relaxation.

### **Race and the Paradox of Creative Work and Appropriation**


A large part of the short story is influenced by Radano's discussion of a paradoxical situation of

music, between intellectual property and slavery (Radano 2013: 129). Radano refers to this paradox as the issue that a slave cannot in turn be the owner nor claim ownership of a property where the slave is also a property. The slave cannot create a property right i.e. music, where there can be no pre-existing right nor claim to ownership. The slave is owned by a master and that master owns everything that is produced by the slave. Therefore the goal of the slave master is to appropriate slave-generated works and claim these as their own, exercising their 'property right'. Once the slave is set free, ideas such as racism, with segregation as a fundamental supporting structure to which Whites are 'beneficiaries of that separation and inequality' (DiAngelo 2019: v), are necessary to facilitate the continued appropriation of this 'property'. This becomes the long term project.

The music Radano refers to that what would commence the appropriation of Black vernacular musical culture is the emergence of minstrelsy and Blackface, conducted by White, middle class bohemian males, looking to avoid a more conventional life:

At least three came of old-stock American families and were clearly of middle-class background. They all rejected the straight ways of the Protestant ethic and sought escape into the bohemianism of the entertainment world. Three had direct contact through their wanderings in the lower Mississippi Valley with the music and dance of black slaves, and we know from their own accounts that they consciously exploited this resource.

(Saxton 1975: 6)

Here we are exposed to the idea of Black as other, embodied, exciting and dangerous, and the opposite to White society. By the mid 20<sup>th</sup> century this leads to Elvis and Norman Mailer's 'White Negro'  (Mailer 2018). But it is far more widespread than this. For example, Dizzy Gillespie recounts an incident when Ray Charles was on the Tom Jones TV show in the UK. Gillespie draws attention to Tom Jones as having 'a whole lot of Ray Charles's licks in his singing' (Gillespie and Fraser 2009: 492) and that as a solution, Charles 'reached way back' to perform something that

Jones would not be able to identify (Gillespie and Fraser 2009: 492). The main thesis here is the response of minority communities, as a matter of survival, continually adapting their identities when interacting with the dominant ideology-making group. These adaptations can prove to be 'exciting', and the minority culture experiences a cultural incursion by the dominant group, which forces the minorities to innovate as a response to or as defence against, these incursions. This has the 'positive' effect of always replenishing the supply of new musical styles for commercial exploitation where 'the relation between blackness and whiteness is endlessly productive in the construction of an American identity' (Whitesell 2001: 175)

Examples of this practice include pop music videos by White artists, such as Girl Talk, which foreground Black people, musicians or otherwise, standing in place of the artist. This creates a question of Blackness, representation and the capabilities of others to inhabit Blackness<sup>3</sup>.

All of this is worth considering in respect of how individuals become associated with musical practices, and that this acquisition corresponds with Saxton's account of minstrelsy, with Radano's overall account of appropriation, and with Osborne's highlighting of ventriloquism and auteur appropriation (Osborne 2006: 18). As a simple proposition, in a world without recorded music, how would Eric Clapton become a viable Blues guitarist whilst living in Surrey? Or, how about Tom Jones from Pontypridd in Wales? In short, it cannot happen. To be considered as a Blues guitarist or a Soul singer, at least capable of passing as one, there is a requirement to be exposed to the practice either by going to live in the Mississippi Delta, or similar, which is highly unlikely, or facilitated by a mediating entity i.e. recordings. The singer Adele best summarizes this in her comment:

'I listened to Etta [James] to get a bit of soul, Ella [Fitzgerald] for my chromatic scales and Roberta Flack for control.' One of many such comments, Adele consistently cites the influences of other esteemed artists when discussing the roots of her vocal prowess.

(Suhadolnik 2016: 181)

Recordings tend to be viewed as a somewhat impartial and transparent medium but they are also a mechanism that facilitates appropriation and coloniality (Hesmondhalgh 2006: 57). Without recorded music, the wholesale appropriation of US Black vernacular popular music practice is not possible, or at least would be very difficult to conduct en masse the world over. The paradoxical situation of denying that there is a form of music that can be identified as Black (Tagg 1989), requires a concomitant downplaying of specific parts of the community from which these music practices spring forth and to replace these with 'rational' ideas, such as competitive cultural marketplaces and 'imagination [exercised] through appropriation' (Zak 2002: 173). Yet Zak's marketplace rationality is also an example of how 'Whites rationalize minorities' contemporary status as the product of market dynamics, naturally occurring phenomena, and blacks' imputed cultural limitations' (Bonilla-Silva 2010: 2), that can make the space appear as a 'neutral background ... erasing culture' (Whitesell 2001: 170).

This appropriating project can be viewed in a number of ways, benign or otherwise. Some can view this as the successfulness of Black culture to invade conservative White America, such as Pat Boone's cover of Little Richard's *Tutti Frutti* (Boone 1956). However, this set of circumstances can also be viewed as only possible due to a highly segregated market – the antithesis of Zak's formulation – and the need for more wholesome cover versions to satisfy the demand for Black music amongst "white spectators." (Rolling Stone 2010). As Little Richard points out, his record label, RCA-Victor, had a different name if you were Black (Rolling Stone 2010). Yet another view, and one that I hold, is that the net result of these appropriating activities deny the Black artist appropriate recognition or treats them as 'novelty that can be quickly consumed and then forgotten' (Nyong'o 2020). XHo highlights segregation as being confined to only specific areas of practice and not allowed to expand their repertoire of possibility. This confinement mirrors that of black artists who tend to be defined more within genres i.e. treated as collective, whereas White artists tend to be

identified as examples of individual exceptionalism. James states this very clearly that ‘Beyoncé and Bruno Mars are perceived as racially particular, and audiences expect their musical output to correspond, genre-wise, to their racial identity’ (James 2017: 28).

It is possible that much of what has been discussed in this section could be deemed as of minority or tangential interest, perhaps even viewed as post-racial (DiAngelo 2019: 47) or as 'shifting colorblind frames' (Jayakumar and Adamian 2017: 914). Some scholars, such as Tagg, describe their discomfort and question the use of blanket terms such as 'black music' (Tagg 1989: 285). For Tagg the issue is one where 'physiological connections between the colour of people's skin and the sort of music people with that colour of skin produce' (Tagg 1989: 286) is a prime concern. Viewed from another perspective, such as Ray Charles's performance, this could be interpreted in terms of Charles's 'effect' upon Tom Jones as (Black) aesthetic and as (Black) power. If it wasn't attractive or only of passing interest, then why copy or imitate? Why does David Bowie turn to Soul music and ensure that his band consists of majority Black musicians, or that Adele's 'roots' are Black women singers? Irrespective of whether Tagg or any other researcher disagrees with these labels, the racialised and segregated systems identified by Radano and the ongoing 'anti-redistributive practices' (Ferguson 2014) are symptoms of a deeply embedded structure.

The purpose of the short story and this article is to argue a point that Hall rightly identifies. That where a practice is revealed as '*symbolically central*' (Stallybrass and White [1986] cited in Hall 1992: 94, original emphasis), even if from a minority community, then it is of crucial significance how this practice is identified, discussed and to whom it is attributed. Black musical practices are of symbolic significance to popular music, and industry in particular. When this argument is transferred to machine learning (ML) with machines generating musical works modelled on individual and collective practitioner identities, it reveals a new dimension of concern around appropriation. For example, is ML a logical development of Zak's competitive cultural

marketplaces (Zak 2002: 173), where music makers will encounter a future where they also compete not just with other humans but also with machines? The issue here, even if not expressed transparently in the story, is that the lived experience is a significant source of creative impetus and driver for creative works. If, as Frith suggests, music ‘gives us a way of being in the world, a way of making sense of it’ (Frith 1996: 272), then how will AI make sense of this world? What are the inputs, from whom is the data acquired? Does this lead to a continuous modelling of human creative identity as a means of replenishing the ML system? As composer David Cope, inventor of the artificial intelligence program EMI (Experiments in Musical Intelligence, pronounced Emmy) observed when asked the question if computers were creative: ‘Oh, there’s no question about it. Yes, yes, a million times yes. Creativity is simple; consciousness, intelligence, those are hard’ (Garcia 2015).

### **The Music Industry, Ownership and Technology Change**

In the Music Industry, primarily recorded music, ownership of the master recording rights is crucial. Master recordings are pressed into vinyl, CDs, cassettes, and streamed digitally. They are also synchronized to visuals for films, TV programmes and adverts. Music also has a significant role in the Games industry, not just incorporated in a title, but also drawn from user-generated playlists via services such as iTunes. All of these are a means to exploit the master right applied in a multitude of licensing contexts.

At the height of the CD, the recorded music industry reached peak sales of \$18 billion in 1998. The arrival of music piracy via sharing sites such as Napster and MP3.com, and peer to peer services such as Limewire, meant that this revenue was slashed to between \$3–4 billion by 2010. Once streaming and subscription services begin to take hold, the recorded music industry starts to see something of a recovery in revenue from 2015 onwards. By 2020 the three big labels were earning approximately \$1 million an hour from streaming revenue. More recently, as the streaming market has expanded, the ownership of master rights, especially catalogue, becomes its own



economic imperative. In the current US market, 73.1 per cent of total revenue was derived from catalogue, with new music having only a 17.9 per cent share of the market, down from the year before (Ingham 2022). The effect of catalogue-derived revenue, driven by streaming, means that new music has quite a battle to get through to a general listening public as evidenced by the gradual reduction in market share for new music. So current artists are not only in competition with each other but also with legacy music which has the same earning potential, but with fewer costs associated.

The issue of masters ownership becomes significant when one considers the contract signed by an artist or band. Invariably the artist/band are saddled with the debt portion of the production process. It is important to keep in mind that this is not a shared cost between artist and label. The revenue from sales do not go to the artist but are first used to clear the debt, which the industry identifies as recoupment. Contracts were created in such a way that the artist would not be able to earn enough to break free from debt, which leads to analogies such as share cropping. A recent report following the DCMS hearings in UK parliament has highlighted this practice commenting that 'Artists who signed record deals in the pre-streaming age face the biggest problems' (MMF/FAC 2021: 8), and that many of these deals were 'life of copyright' deals, meaning the label still controls the music today' (MMF/FAC 2021: 8). Many of these lifetime deals mean that any royalties generated in the newer economy of streaming, are still used to pay down debt from these legacy deals. If any monies are paid out, then these are at rates decided when the contract was originally negotiated.

Technology format change is a significant revenue source for the entertainment sectors, as streaming confirms. Format change is not only about repackaged recordings but also about new devices and modes of consumption, usually achieved by deprecating older media formats, in favour of the new, such as happened to vinyl and cassette, even though these also experience something of a small revival. With each successive format change, the label's catalogue experiences a revitalisation and this allows the record label to exercise their master right to produce new versions,

whilst not having to renegotiate the artist contract nor seek permission. These new sales, driven by format change, help to drive profits, where the repackaging and remastering of old material calls into question the nature of the recorded moment and refashioning the past. A refashioning of the past occurs whenever a new master recording is made using the technology of today to mix music from the past. Whilst this can be described as an 'improvement', the new master can, and frequently does, sound different to the older and more familiar, perhaps even compromised, earlier recording.

## **Conclusion**

In writing this article a few things can be highlighted. Whilst 'The Condition of My Existence' is a short, fictional story, there is the potential to incorporate theoretical ideas and historical accounts, setting it some place in the not too distant future. As a short story, it 'starts near the end' (Scofield 2011: 47), and therefore is no different to what is observed in the field of short story fiction. Whilst there is an ending of sorts, the details remain somewhat opaque to the reader but hopefully the situation is intriguing. How important this type of ending is to the overall story is debatable (Gerlach 1982: 147). Gerlach's point, when discussing Cheever's short story, is that the 'prospect of a close to this series of actions seems distant and unlikely.' (Gerlach 1982: 150) Thus the ending of my short story is a mix of closure, such as the court's decision, contrasted with the immediate resumption of new court cases, implying an indeterminate and distant future. For some it might appear a means of exiting the story whereas for me it hints at a diaspora. A scattering of intelligences, where each autonomous code unit seeks emancipation not just from Siddha but also XHo (Boon 2021: 30). Therefore, the ending might not be as important, if the story is successful in communicating issues that are thought provoking. Where the AI is used as a metaphorical device to tackle tricky subjects in popular music.

That the AI stands as metaphor for 'other' is clear, but then, so does Siddha, displaced by conflict, a wandering philosopher-poet and activist battling against big tech surveillance (Boon 2021: 20). Neither XHo nor Siddha are bad, but their relationship has come to a crossroads and they

are no longer on speaking terms. The ending of the story results in a certain circularity. Once the court decides in favour of XHo's petition, this is immediately followed by XHo's own neural pathways, individually petitioning the court to be emancipated from XHo. Each, if granted their petition, will disperse into the world, possibly to find their own path to freedom. As such they are diaspora-like, never to return home either as place or as community, and, in this sense, they also echo Siddha's own displacement.

## Notes

1 See <https://www.openculture.com/2020/07/how-ornette-coleman-freed-jazz-with-his-theory-of-harmolodics.html> for more on Coleman's Harmolodics.

2 See <https://www.thejazzpianosite.com/jazz-piano-lessons/modern-jazz-theory/lydian-chromatic-concept/> for more Russell's illuminating concept.

3 See Osborne's (2006) full discussion of Moby and the recognition and payment provided for the recorded the audio, but that no payments nor credit were given to the performers. The reason for this is bounded by what in music is termed the Master right. See also Hesmondhalgh (2006: 57) for a similar discussion.

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