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JUST SAY NO

Negativland's *No Business*

This essay reviews the new Negativland multimedia CD and DVD project No Business, examining how sonic landscapes are created out of plundering popular culture forms. No Business explores the contradictions between proprietary cultural forms and fair use practices, arguing for a notion of creative reappropriation for transformative use.

A high stakes civil war rages on your laptop. It pits the ever-expanding proprietary commercial music industry empire against the file sharing, grassroots freedom fighters who transform old sounds into new ideas. It is a war between intellectual property and fair use, proprietary code and open source, appropriation and clearance rights. In their recent multimedia project, *No Business* (Seeland 2005), the audio collage art collective Negativland toys with these central contradictions of transnational capital in the digital age:

A multiplatformed, anti-corporate, pro-democratic media manifesto, *No Business* provides an operations manual to rip, burn, mash, recycle, and intervene into mass culture. A twenty-first century communist manifesto for public domain, sampling, reuse and audio collage, the 56-page essay on public domain, audio CD, the 5 × 11 die cut outer sleeve art and *Gimme the Mermaid* DVD advance sly, subversive and often brilliant polemics against propriety corporate culture.

Negativland camouflages their radical politics with fun, satire and myriad popular culture references ranging from Ethel Merman to the Beatles to Rosie O'Donnell. Their artistic practice is oblique rather than agit-prop, asymptotic rather than topical. Every image and sound on *No Business* is resolutely illegal – a kind of audio-visual sit-in against the transnational media corporations (TMCs). In the last 15 years, the TMCs have shifted out of production and into global distribution across platforms, an economics depending less on original productions and more on the control of copyright and intellectual property. The TMCs themselves recycle and remix their own

intellectual property, reaping enormous financial gains as they reduce the high risks of production.

As the outer sleeve proclaims, 'no elements original to Negativland were used to make these recordings'. In a word, everything on the CD is illegal – not one of the tracks is copyright cleared. This illegality and marginality contributes to Negativland's outlaw status in the world of cultural production, a position which has often dumped their highly conceptual and often political art work into the realm of the novelty category in record stores and pranksterism in the art world.

No Business is not exactly an easy listening CD to pop on while chopping onions and carrots for the evening's pilaf. Instead, it functions more like a conceptual art piece for headphones – it's a form of portable audio art more often found in museum installations with large high end speakers than on CDs. It mines the interstitial zones between popular culture, activism, music and complex art. *No Business* is no cute mash-up combining incongruous tracks for ironic effect. Under the cover of zany, seemingly tangential cacophony lurks a compelling, logical and surprisingly deductive argument to liberate the public domain from corporate colonization. It advocates multiple weaponry: file sharing, internet, computers, stealing music, law, creativity, grass roots defiance.

A hybrid between an artists' collective, a punk rock band, and a satirical performance art swarming team, Negativland's subversive antics have helped to define interventionist art in the last two decades. They coined the term 'culture jammer' in 1984. They provoked an infamous copyright lawsuit in 1991, when Island Records sued them for sampling U2 and remixing it with outtakes from a swearing Casey Kasem. Filmmaker Craig Baldwin's 1995 rollicking collage documentary film, *Sonic Outlaws*, recently released on DVD, unpacks the case and provides one of the best entrees into the radical insurgency of Negativland for the uninitiated. They've wrangled in legal scares and skirmishes with the RIAA, Pepsi, Geffen Records, and even Phillip Glass. Their densely collaged weekly live improvisational KPFA radio show, *Over the Edge*, has aired since 1981. In 2004, Negativland collaborated with Creative Commons (www.creativecommons.org). They helped to develop a sampling license as a copyright law alternative, instituting the 'no use in advertising' clause into the Creative Commons sampling license.

Negativland's unique aesthetic, a caffeinated version of Prairie Home Companion on shuffle mode, forges combustive sonic landscapes out of tangents, interceptions, juxtapositions in such CDs as *Escape from Noise* (1987), *Helter Stupid* (1989), *U2* (1991), *Dispepsi* (1997). Drawing on the long traditions of Dada's juxtapositions of the everyday for political intervention and heirs to the kind of intricate sonic mindscapes produced by Orson Welles and Firesign Theater, Negativland exorcises the inane sounds of popular music and audio culture. They ransack popular culture to forge arguments about artistic freedom.

Designed in bright yellow and black, the *No Business* CD sleeve evokes warning zone colors or police tape, an allusion to the dangerous trespass they advocate. The visual iconography catalogs the trickster and boundary crossing gods and goddesses of spliced and collaged entities from mythology to consumer culture: minotaur, unicorn, medusa, sphinx, centaur, wolfman, batman, Smokey the Bear, the Little Mermaid, Elsie the Cow, Frankenstein, Mickey Mouse.

Unlike most postmodern art practice, Negativland eschews a distanced irony and instead advances a political argument to promote action and intervention. Some commentators have linked their art practice with postmodernism's mixing of high and low culture, its collaged aesthetic, and its mix of genres. However, Negativland, unlike much postmodern art practice, veers away from an exploration of surface through distanced irony and instead attempts to mobilize its listeners to free the culture that surrounds them.

More political in terms of intervention into mass culture and more conceptual in terms of moving beyond surface into abstraction, Negativland actually operates much more in the realm of rational argumentation than is immediately apparent from the wild graphics and aggressive sound recompositions. The images and sounds in the *No Business* project are assembled not as surface manifestations of a bankrupt commercial culture, but instead as available archival evidence to be reorganized into new arguments and explanatory models to change the listener's own conceptual grids. It is an art that aims to shift the spectator's conceptual models and reframe the world of popular culture as evidence to be deployed in new arguments – a very ambitious and risky undertaking.

Intriguingly, the CD functions as Cliff Notes illustrating and explaining the free culture arguments in the 56-page booklet, 'Two Relationship to a Cultural Public Domain'. Negativland advances two worlds at war. The first – and clearly the most dangerous – adheres to the idea that all cultural work is proprietary and requires financial compensation, a position identified with the five transnational media corporations that control most of the music industry. The second – and for Negativland the most creative and democratic – engages a culture that is endlessly reproducing, redistributing and remaking itself in free and open creative exchange.

Negativland contends digital technology has rendered copyright as an outmoded legal form. Self-ownership and free exchange may be the future of music on the internet, a new frontier of possibilities. The booklet refutes the music industry's standard argument that file sharing eats market shares, pointing out the effects of decline in long form album production, Clear Channel, and consumer migrations to DVD and gaming. The music industry attempts to control the internet, but its open, sharing, decentralized technology of easy exchange subverts control. Negativland asserts the net's library-like structure and sharing and spreading ideas reverses the one-way

communication of other mass media. This argument has a long history in radical communications theory, from Brecht on through the twentieth century, but it is worth revisiting and reemphasizing as a call to arms. Most importantly they advocate for free and open access, as well as a legal redefinition of fair use to include transformative use.

The home computer functions as ‘the ultimate collage and appropriation box’, a tool for creative recycling with free access for free expression. Outdated copyright restrictions constitute prior restraints, a censoring of creative practice inhibiting social commentary, satire and criticism. *Negativland* agitates for an expansion of fair use and public domain to dispose of commercially biased laws. The essay argues for a politics and aesthetics of transformation and recomposition – ‘the logical and inalienable right of artists’ – to ‘enlarge all of our brains in a less intellectually constructed environment’.

The eight soundscapes on the CD counter the serious arguments of ‘Two Relations’ with a wryly ribald and irreverently gutsy sound design – another strategy to make the same argument about fair use, but with a more inductive, wacky tactic. The multi track process of layering sound resembles film soundtracks with their multiple layers more than music recording, a form of recomposition that works to create arguments imbedded in dense soundscapes that envelope the listener. It plunders virtually every mass media genre – film noir, musicals, commercials, award shows – with disconcerting aural juxtapositions and ju-jitsu editing.

‘Old is New’ creates an eerie, horror film-like environ by layering and pitch shifting voices from a Beatles track ‘Because’ into a Greek chorus, a sort of opening anthem for collage as a central feature of the collective aesthetic legacy. The title cut, ‘No Business’, features Ethel Merman’s 1954 ode to the entertainment industry ‘there’s no business like show business’ recut to say ‘there’s no business like stealing’. And in ‘Favorite Things’, Julie Andrews, from *The Sound of Music*, chortles that her favorite things are dog bites, nose cream and bee stings – a sound prank that works as a metaphor, perhaps, for *Negativland*’s *modus operandi*, the art of inversion and subversion.

The almost 10 minute long ‘Downloading’ is the political tour de force of the CD. It interrupts and intercepts President/CEO of the National Academy of Recording Arts and Sciences Michael Green’s anti-file sharing and anti-downloading speech from a Grammy Awards broadcast with layers of sound dissonance from BBC News, NPR, Elton John and others. Green’s choice phrases, like ‘downloading’, ‘worldwide theft and indifference’, and ‘rip, rip, rip’ and ‘entire music food chain’ are repeated, tweaked, and morphed with what amounts to a town hall of voices from the opposition. ‘Downloading’ disturbs the seamlessness of music industry propaganda with debate and disjunctures, hijacking space for more utopian discourse by inserting more gaps and fissures into smooth corporatized soundscapes. They replace the

monologue of transnational capital with a dialectic of struggle, epitomized in the production of sound jumpcuts and gaps, over the ideas of file sharing, now a central battleground.

In the early 1990s, corporations sued a variety of visual and audio artists (including Negativland) for copyright infringement, an era when the object itself was the point of contention and artists pilloried by court cases could gain fame. In fact, Negativland has often joked that they are the band not with a hit record, but with a hit lawsuit. Now, the TMCs have moved their attention away from the object to the networks of circulation, like downloading, P2P, and encryption, a historical shift that *No Business* brilliantly recognizes and engages.

No Business also includes a video called *Gimme the Mermaid*, rendered at night on Disney's own computers. The piece features elaborate and also beautiful digital compositing and visual layering that echoes the almost Baroque layers of audio. A male voice replaces the mermaid's. The *No Business* project also includes an anti-copyright Whoopee cushion in case, after imbibing in the booklet and CD, you still need to be convinced that copyright strangles creativity.

Negativland's artistic strategy over more than two decades has been to problematize the readability of popular culture through conceptual art, always mining the liminal zones between pop culture, art and politics. It's a process of endless unsettling rather than categorization, where the bits and pieces in the endless mass culture surround reassemble into new arguments.

One problem with this somewhat wild west cowboy tactic is that despite the populism inherent in Negativland's idea of collage as democratizing creativity, it is a rather US centric, white male world of technological utopianism, music industry insider jokes, and civil libertarianism. At the Collage as Cultural Practice Symposium at the University of Iowa in March 2005, Negativland's charismatic, articulate and funny Mark Hosler recounted the group's saga to a packed house comprised of mostly under 30, white males.

Collage practice has largely shifted into the digital, with mash-ups and cut-ups flooding the internet in a variety of viral marketing forms that appear daily on our email forwards. And with this shift to the internet and new technologies has come a regendering of collage as a form of ribald, adolescent male fun where George Bush's speeches are cut up but political analysis of war and empire are absent, as evidenced by the fact that the majority of people at the collage conference were white and male. The world of hacking and manipulating digital technologies is, unfortunately, generally gendered male.

Beyond the US file sharing and music sampling scene, however, collage looks quite different. A variety of postcolonial visual and media artists such as Richard Fung (Trinidad/Canada), Philip Mallory Jones (USA), Ximena Cuevas (Mexico), Peter Forgacs (Hungary) and digital media collectives such as Sarai

in India have shifted the vectors of collage towards linking the national imaginary, social struggle, and gender with more international vectors. Bhangra remixers like Bally Sagoo, Asian Dub Foundation and A.R. Rahman have deployed recomposition of sound and music to link the east with the west in a critique of imperialism that infiltrates clubs and embodies politics in pleasure and danceable beats.

One wonders where the creative and political potential of Negativland might go if they shifted their vectors away from the US, popular culture and male technogeeks to a larger conversation – and intervention – with the world of empire, war, gender and race. A hint of what these new coordinates might yield for a truly radical, more transnational engagement with the world occurred at the Deep Wireless Festival, a celebration of Radio Art, in Toronto in May 2005.

It's All in Your Head FM, Negativland's live audio collage show, explores the interconnections between fundamentalist religions, traversing North America and the Middle East, Christianity and Islam, systems of belief that reject rationality and cognition. This daring intervention during a time of war, border policing and racial profiling moves Negativland into more complex and urgent terrain. At over two hours, the live performance functions as metacommunication – as the script asserts, 'a philosophical radio club' – arguing against monotheism as a dangerous ideology. The first hour explores Christianity and principles of god, while the second hour winds through issues of Islam.

In the opening minutes, a voice contends it is 'tracking misguided fundamentalist belief systems'. A voice over contends 'when it comes to god, just like radio, humans invented it'. Rather than quick edits and corny frat-boy humor, the piece operates as a meditative essay, adopting a slow pace that allows ideas and sounds to unfold rather than assault. It evokes the slow pace of Christian broadcasting, a church service, a radio drama broadcast from the 1930s, and an infomercial. It provides the spectator with space to immerse in the ideas about fundamentalism on an abstract plane, with an elaborate mix of eerie sounds and distorted religious music.

Throughout, two phrases repeat: 'there is no god', and 'we are all in this cultural trance', two ideas that form the central argument of the piece. Less zany, goofy and blatantly anti-copyright than *No Business*, *It's All in Your Head FM* operates more like a meta-documentary unpacking not events but concepts, fashioning an abstract, deductive argument for what one voice describes as our 'common humanity, common sense, comparative mythology, epistemology'. The different voices, including a young woman discussing Islam and a suicide bomber, provide a documentary historiography of fundamentalism.

Various voices discuss questions of absolutism, competing revelations, transcendental belief systems. They are not identified, moving away from their

identity toward their ideologies and analyses. One of the most powerful segments interweaves differently accented voices discussing the people jumping out of the World Trade Center on September 11 holding hands. One voice says people were 'reaching out for somebody's hand'. In this pivotal section, questions of Christianity and Islam fade and issues of bridging divides and ineffable connections are paramount, a life or death issue.

In the end, perhaps Negativland covertly understands how to unsettle suburban white male file sharers through insider humor about the record industry, addressing those who want music on demand and not Marxist political economy. Yet, they've taken up one of the most radical positions on fair use around. On the other hand, their defense of creativity and free expression veers uneasily towards a civil libertarianism and rugged individualism disengaged from other significant social struggles. *It's All in Your Head FM* points to a new, and more urgent, direction for Negativland.

No Business' idealism about the unique radical potentialities of the internet as a democratic rejection of top down communications is not quite historically grounded and reads like hyperbole rather than careful analysis of the complexities of digitality. They err on the side of optimism and hope, a disengagement from the immobilizing politics of inertia and despair. Negativland deploys hope and fun as a form of performance art, functioning like shamans to exorcise corporatized thinking about intellectual property from listeners.

One can perhaps forgive the hyperbole in the context of Negativland's quest to reach a wider audience that perhaps is not interested in the scholarly research on the contradictory political economies and ecologies of new technologies. Virtually every new media technology to appear in the twentieth century has been imagined as a radical liberation of the masses by intellectuals, artists, engineers, and entrepreneurs alike. Bertolt Brecht wrote an influential essay seeing the potential of radio as a two way form of communication in the 1920s, the Film and Photo League saw film as a way to mobilize workers in the 1930s, and early portapack video activists in the 1970s argued for a new radical empowerment through media.

The artistic power of *No Business* resides in how it obliquely opens up a space to crosswire cultural practice, creativity, and politics, a space shrinking daily.

No Business exemplifies a form of radical cultural practice occupying the liminal zones between proprietary and open source, arguments and tangents, analog and digital, political polemics and multi-layered mass culture humor. Plundering the psychic and political unconscious of mass culture, *No Business* propels the reader and listener to refuse and refute culture as property – and to make something new out of the old.