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**Stealing Empire:
debates about global capital,
counter-culture, technology and
intellectual property**

by

Adam Haupt

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Abstract

This thesis examines the agency of marginalised subjects in the context of global capitalism and the information age. The key question that is addressed is whether transnational corporations have appropriated aspects of cultural identity, creative expression and technological innovation for their own enrichment – to the detriment of civil society. Where this is the case, this thesis considers what opportunities exist for issuing challenges to the power of global corporations.

Michael Hardt and Antonio Negri's concept of Empire provides the theoretical foundation for examining cultural, technological and legal conflicts between the interests of citizens and those of corporations. Hardt and Negri theorise the ways in which former imperial powers continue to extend their military, economic and political power in former colonies. The authors argue that former imperial powers no longer compete with each other for the same resources because they now co-operate with each other through multilateral organisations and trade agreements. Ultimately, the key beneficiaries of these modes of co-operation are global corporations that tend to monopolise the production and distribution of technological and cultural products at the expense of the public interest and the functioning of democracy.

This work considers the possibilities of responding to Empire and resisting globalisation through strategies that employ some of the same decentralised, network-based techniques that benefit global corporate entities. Hardt and Negri's concept of 'the multitude' as a multiplicity of singularities makes sense of the diverse struggles under discussion in this study, providing the conceptual basis for possibilities of multiple engagements with Empire that are not reductive and that do not exclude certain interest groups.

This is an interdisciplinary project that uses case studies to analyse the relationships between law and policy documents, technological development, and the production of cultural texts (such as hip-hop music). Specifically, this work explores the MP3 revolution and Napster (version one); digital sampling in hip-hop; hip-hop activism on South Africa's Cape Flats and these activists' use of new media in their pursuit of social justice. It addresses concerns about the commodification of youth culture as well as debates about intellectual property and the United States' use of trade agreements as enforcement mechanisms that serve the interests of its own corporations.

This thesis presents an overview of copyright and trade agreements in order to examine the vested interests that underlie them. In keeping with the focus on globalisation and cultural imperialism, US legislation – such as the Digital Millennium Copyright Act – is discussed in relation to alternatives to proprietary approaches toward intellectual property, such as open source software and Creative Commons licenses.

Introduction

This thesis examines the agency of marginalised subjects in the context of global capitalism and the information age. The key question that is posed in this work is whether transnational corporations have appropriated aspects of youth, race, gender, creativity, cultural expression and technology for their own enrichment – much to the detriment of civil society. Much of the analysis presented here suggests that this is the case and this thesis considers what opportunities exist for issuing challenges to the pervasive power of global corporations. Specifically, this thesis explores debates about the MP3 revolution and Napster (version one); digital sampling in hip-hop; hip-hop activism on South Africa's Cape Flats and these activists' use of new media. The thesis addresses concerns about the commodification of youth culture as well as debates about intellectual property and the United States' use of trade agreements as enforcement mechanisms that serve the interests of its own corporations. Alternatives to proprietary approaches to the production of knowledge and culture, such as open source software and Creative Commons licenses, are also considered.

Michael Hardt and Antonio Negri's concept of Empire provides the theoretical foundation for examining cultural, technological and legal conflicts between the interests of citizens and those of corporations. Empire is a descriptive term for a mode of cooperation between former colonial powers; it works on the basis of cultural and economic hegemony without *necessarily* having to rely on the exercise of military force or the coercive mechanisms employed by colonial powers. This work considers the possibilities of responding to Empire and resisting corporate globalisation through strategies that employ some of the same decentralised, network-based techniques that benefit global corporate entities.

The material for this thesis was obtained from secondary sources produced by scholars in the fields of law; political science and philosophy; information and

communication technology; cultural studies; film studies; hip-hop; youth culture and counter-culture. Primary research was conducted via interviews with hip-hop artists and activists; the analysis of music and poetry produced by artists engaged in counter-culture; the attendance of performances, workshops and conferences as well as visits to Internet sites and file-sharing platforms. As the description of secondary sources reveals, this research is interdisciplinary in nature as it explores debates about global capital, counter-culture, subculture, technology, film and media. Within this broadly interdisciplinary framework this thesis maintains a specific focus upon hip-hop, sampling of music and music file-sharing practices on the Internet via peer-to-peer (P2P) exchanges. The key thread that runs through each chapter is music, be it through a discussion of law, technology, the Internet, social activism, performance, lyrical analysis or the use of music in visual media. In effect, the work is therefore able to analyse the broad ranging impact of issues such as global corporate monopolist tendencies on different aspects of media culture.

The agency of subjects in relation to Empire is explored via specific cultural practices, like P2P or hip-hop activism, that are linked by arguments about digital technology and counter-discursive discourses or practices. These examples both apply and contextualise Hardt and Negri's theory and demonstrate these authors' political as well as philosophical vision in ways that less interdisciplinary research perhaps cannot. The scope of the thesis includes case studies related to technology, law, economics, and cultural texts in order to demonstrate the pervasiveness of Empire, which extends into every aspect of social life. At the same time, each case study also critically engages with diverse strategies and unique possibilities for resisting Empire in these different but interconnected contexts. It is the apparent 'disjunctions' between these different contexts that makes a unified challenge to Empire difficult. By drawing these diverse areas together in one study, this research indicates why the concept of the multitude is so central to Hardt and Negri's understanding of power, and how the power of the multitude can and does play out.

A precedent for this kind of interdisciplinary study was set by Arjun Appadurai in an essay titled "Disjuncture and Difference in the Global Economy" (1990). He argues that the "complexity of the current global order has to do with certain fundamental disjunctures between economy, culture and politics which we have only begun to theorize" (Appadurai, 1990: 6). In essence, Appadurai proposes a framework for studying these disjunctures and identifies "five dimensions of global cultural flow" (1990: 6). These dimensions are ethnoscap (the movement of people across the globe); mediascapes (the electronic media's ability to produce and distribute information as well as media representations of reality); technoscapes (the ability of technology to transcend national boundaries); finanscapes (the mysterious and rapid ways in which capital flows globally) and ideoscapes (state ideologies and ideologies of movements that challenge state power) (Appadurai, 1990: 6-9). The suffix -scape is meant to allude to the "fluid, irregular shapes of these landscapes" that characterise international capital as much as they do international cultural forms and expressions (Appadurai, 1990: 7). Appadurai's framework teaches us that any understanding of the "global political economy must take into account the deeply disjunctive relationship between" the fluid and irregular operations of markets, competing corporate agendas, media, technology, competing ideologies and the global movement of people (Appadurai, 1990: 9). Whilst Appadurai's terminology is not extended into the rest of the thesis, the work takes its cue from the interdisciplinary and comparative nature of the author's analysis. Appadurai's approach is adopted to study counter-culture, technology, intellectual property debates and the operation of global corporate entities in order to make sense of the attempts of subjects to preserve interests that are encroached upon by global corporate entities.

This research does not create a tidy binary between the global and local or the northern and southern hemispheres. Instead, it aims to reveal parallels between the challenges to global capitalism in both hemispheres. For example, this thesis

considers opportunities for agency on a local level through the appropriation of certain kinds of hip-hop that engage critically with US cultural imperialism and the legacy of apartheid. Globally, the thesis also explores the work of hackers like Richard Stallman and Eric S. Raymond and legal scholars – such as Siva Vaidyanathan, Lawrence Lessig and James Boyle – as well as their attempts to correct the iniquities produced by the monopolist tendencies of global corporations. Many of the struggles over peer-to-peer file-sharing on the internet (P2P), which was labelled as copyright violation by major record labels, and challenges to the ways in which copyright legislation has been used by corporations have serious ramifications in both the northern and southern hemispheres. The arguments about copyright in this thesis are not positioned as legal research that details specific aspects of intellectual property legislation or policy. Instead, the issues that are raised in the work speak to some of the vested interests behind copyright laws and multilateral trade agreements. Rather than exploring South African legislation specifically, this research examines arguments about US copyright and the globalisation of American corporate perspectives on intellectual property through trade agreements like General Agreement on Trades and Tariffs (GATT) and Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). The aim here is to contend that such multilateral agreements ensure that corporate America's interpretation of intellectual property effectively gets globalised regardless of how countries from the south see this concept. The globalisation of this perspective largely benefits corporate America as opposed to ordinary American citizens or poorer countries.

The first chapter provides an elucidation of Michael Hardt and Antonio Negri's concept of Empire, which is a key concept that guides the analysis offered in this work. Hardt and Negri theorise the ways in which former imperial powers from the northern hemisphere as well as the United States of America continue to extend their military, economic and political power in former colonies, specifically those of the southern hemisphere. The authors argue that former imperial powers of the north no longer compete with each other for the same resources in

places like Africa, for instance. In other words, there is no longer a 'scramble for Africa' because these countries now co-operate with each other through multilateral organisations, such as the United Nations (UN) or the World Trade Organisation (WTO) (Hardt & Negri, 2000: xii-xiv). The term Empire therefore does not carry the conventional meaning of a military power that occupies a territory and, thereby, consolidates its political and economic power from the fact of its military occupation of the space and the domination of subjects, whose sovereignty is effectively undermined.

Instead, Hardt and Negri contend that the sort of military, political and economic cooperation of the former imperial powers of the north make it possible for them to enjoy the benefits of imperial domination without them necessarily having to subject specific nations to military occupation (Hardt & Negri, 2000: 9-10). As Chapter 1 will argue, the kind of power that these dominant countries exert is via "the production of norms and legal instruments of coercion that guarantee contracts and resolve conflicts" – be it through the WTO, UN, North Atlantic Treaty Organisation (NATO) or via trade agreements such as General Agreement on Trades and Tariffs (GATT) or the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) (Hardt & Negri, 2000: 9). Corporations are able to bypass nation-states and the possibilities for governments to protect their citizens, thanks to multilateral trade agreements and translational corporations' lack of accountability toward the laws of any particular country. Empire is thus "a *decentered* and *detritorializing* apparatus of rule that progressively incorporates the entire global realm within its open, expanding frontiers" (Hardt & Negri, 2000: xii).

The authors contend that "there is no longer an 'outside' to power" in Empire and it is this contention that offers the possibility for conceptualising agency within the operation of this form of power (Hardt & Negri, 2000: 58-59). Hardt and Negri suggest that Empire is vulnerable "from any point" and that revolutionary possibilities can only take the form of a "constituent counterpower that emerges

from within Empire” (2000: 59). Therefore the very means that consolidate Empire's decentralised power can be used to challenge it from within its operation. It is this idea that is of interest in this thesis.

The second chapter considers the extent to which counter-culture or subculture is co-opted by dominant corporate media assessing the extent to which Empire can be challenged from within its operation. This chapter analyses the representations of subculture, hackerdom, activism and revolutionary discourses in the science fiction film *The Matrix* (Wachowski brothers, 1999) in order to suggest that Empire is able to delegitimize these concepts for the sake of generating profits. Specifically, the chapter argues that the film appropriates and, ultimately, distorts Jean Baudrillard's concept of the simulacrum. The chapter contends that Baudrillard's work, which is intended to offer a critique of capitalism and the media-saturated world of the US, is employed in much the same way that kung fu or stunt choreography is used to draw audiences and generate revenues for Hollywood blockbuster films. The Wachowskis' inclusion of music by alternative metal band Rage Against the Machine is of particular interest here because of the band's support for the struggles of Mexico's rural indigenous people via the Zapatista National Liberation Army (EZLN). Ultimately, the chapter argues that a measure of agency is possible despite the power of mainstream corporate media, such as Hollywood film studios, to tap into counter-discursive practices and cultural expressions. The presence of work by Rage Against the Machine in *The Matrix* offers an indication of the possibilities for audiences to engage with the film in ways that allow them to extrapolate counter-hegemonic interpretations from the film or the soundtrack. In this sense, it is possible to conceive of the possibility of issuing challenges to Empire by making use of the same strategies that extend its power.

Key focii of this thesis include corporate uses of digital music technology, the Internet, the law and approaches to computer programmes. Chapter 3 explores debates about copyright violation amongst hip-hop musicians who sample music.

It also considers the practice of file-sharing on the Internet via peer-to-peer networks (P2P). This chapter claims that the very means that extend Empire's reach in cultural and economic terms can be used to exploit its vulnerabilities. The decentralised nature of the Internet, in particular, makes this possible. In fact, Chapter 4 contends that the Internet was developed in a co-operative, decentralised manner and that one could view the history of computing as the history of a new information commons that is now increasingly being enclosed by private interests.

Another key aspect of this thesis is the ways in which global corporate entities use legal mechanisms in order to consolidate profits. A question that is raised via the arguments presented in Chapter 3 is whether the Recording Industry of Association America's (RIAA) legal action against Napster and P2P actually serve the public interest or the interests of the corporate players that it represents. The argument that is advanced in this regard is that the RIAA's legal responses to P2P amount to what scholars, such as David Bollier, term the enclosure of the information commons, an act that erodes democratic values.

This thesis considers the kinds of agency that counter-cultural production and digital technology offer subjects – be it in the form of P2P, hip-hop, culture jamming or hacktivism. Specifically, Chapter 4 pays particular attention to initiatives that offer alternatives to proprietary approaches to computer programming. These include free and open source software. This chapter also examines the possibilities for adopting open standards in cultural contexts via Lawrence Lessig's work on Creative Commons licenses. These licenses are geared toward ensuring that cultural products remain in the public domain and that they are not enclosed or appropriated by private interests that ultimately undermine the public interest. These alternatives still work very much within the framework of private law and offer a variation of existing understandings of copyright. Such reformist possibilities thus differ remarkably from the direct challenges to Empire by P2P practices; DVD and CD piracy; culture jamming or

the production of subversive hip-hop music. However, it is arguable that all of these practices react against the operation of the iniquities produced by large corporations' domination of the production and distribution of cultural as well as technological products, including software, music, films and games. Proponents of these different practices are thus in dialogue with Empire in some way. In this regard, it is also possible to argue that open source software and Creative Commons licenses should not merely be characterised as legal reformism that does little to change the status quo. One could view these alternative licensing regimes as evidence of the idea of using the very means that benefit Empire – in this case, copyright legislation – to counter its power. Open source software and Creative Commons licenses could thus be read as forms of “constituent counterpower that” emerge “from within Empire” (Hardt & Negri, 2000: 58-59). The repetition of this quotation is deliberate so as to draw attention to the similarities between the arguments made here and the claims in Chapter 2 about the kind of agency made possible through the inclusion of music by Rage Against the Machine in *The Matrix*.

Chapters 5 and 6 pay particular attention to the work of South African hip-hop artists and activists as well as some North American and British hip-hop artists. Chapter 5 analyses the work of artists from Cape Town and the US in order to consider what sorts of challenges have been issued to the co-option of hip-hop by corporate media entities. Hip-hop's gender politics are examined in order to make sense of the ways in which certain aspects of this cultural form have been delegitimated. In this regard, socially conscious work by South African women's hip-hop crew Godessa, US poet Sarah Jones as well as US underground rapper Immortal Technique offer helpful insights into the reach of US cultural imperialism, the influence of conservative gender politics in global commercial arenas as well as counter-discursive responses to the operation of Empire. Chapter 6 continues some of the issues raised in the previous chapter, but also explores the contribution of hip-hop crews, such as Prophets of da City and younger MCs, to democracy. This work argues that the efforts of hip-hop artists

have made a significant contribution in constructing public spaces in which historically marginalised black youth can express themselves and engage critically with their realities. These artists have thus played an important role in enriching South Africa's democracy. The key concept that this chapter employs is Nancy Fraser's notion of counterpublics, which is based on her critique of Jurgen Habermas's work on the transformation of the bourgeois public sphere in eighteenth century Europe (c.f. Habermas, 1989; Fraser, 1989). Fraser's key point of departure is that she questions Habermas's assumption that the proliferation of public spheres is necessarily a signifier of the fragmentation or failure of democracy (1989: 117-123). Instead, she argues that the growth of public spheres enriches democracy in that it ensures that diverse subjects are not excluded or silenced (Fraser, 1989: 117-123). Whilst the discussion of South Africa as a fledgling democratic state may seem to contradict Hardt and Negri's claim about the declining role of nation-states in protecting their citizens, this chapter contends that this is not the case by referring to Duncan Brown's discussion of nationhood (c.f. Brown, 2003). Brown argues that the South African nation-state is one that is founded on difference, conflict and discontinuities that are not to be resolved (2003: 758). Brown's conception of the nation-state is significantly more fluid than Benedict Anderson's understanding of nations as imagined communities because, as this chapter will argue, Brown's conceptualisation makes it possible for citizens to explore 'global affiliations' beyond the confines of bordered states. This understanding complements Hardt and Negri's understanding of the multitude as "multiplicity of ... singular differences", which is discussed in Chapter 1 (Hardt & Negri, 2004: xiv-xv).

Antonio Negri defines the postmodern multitude as "an ensemble of singularities whose life-tool is the brain and whose productive force consists in co-operation" (Negri, 2003: 225). Hardt and Negri argue that "the internal differences of the multitude must discover *the common* that allows them to communicate and act together" (Hardt & Negri, 2004: xv). The multitude is not a united body, but is a "multiplicity of ... singular differences" that creates 'the common', which makes

cooperation possible (Hardt & Negri, 2004: xiv-xv). As the second chapter's elucidation of Zapatismo will suggest, this concept is significant in that diverse interest groups – from the areas of law, information technology, environmental protection, gay rights, informal music distribution, counter-culture or hacking – are able to challenge Empire by exercising what Hardt and Negri call a 'constituent counterpower' without compromising their specific needs or concerns. The power of these challenges is that the diverse and unique aspects of these struggles do not have to be reduced to a single struggle that effectively excludes and silences more marginal subjects.

The title of this thesis expresses the orientation of the work as a whole. A diverse set of agents – P2P music file-sharers, hip-hop artists, activists, legal scholars, musicians, filmmakers, hackers, advocates of open source software and open standards – are in dialogue with global corporate monopolists, who seem intent on maximising revenue streams by co-opting subcultures, subversive voices and practices as well as by pursuing legal mechanisms that monopolise the production and distribution of cultural and technological products. In short, these diverse agents are engaged in communicative exchanges with Empire, which 'steals' or appropriates cultural expressions or practices that belong in the public domain via multilateral trade agreements; strict licensing conditions for music, films and software; restrictive copyright legislation, such as extended terms of protection; and court action like the successful legal challenge to the first version of Napster. It is in this sense that Empire is characterised as a 'stealing Empire' – 'stealing' functions as a descriptive term in this context. Some of the more subversive practices described in this thesis – be it through P2P, sampling, hacking or the production of lyrics and poetry – point to attempts at stealing or reappropriating these expressions, cultural products or practices from Empire or dominant global corporate interests at the expense of citizens and the public domain in general. This thesis, then, aims to capture some of the tensions between these opposing interest groups – as well as attempts at reform within Empire, such as reworking conventional approaches to intellectual property by

legal scholars like Lawrence Lessig. In essence, this work tells the story of opposing processes of deterritorialisation and reterritorialisation on the part of global corporate entities that attempt to deterritorialise the operation of power in the economic, political and cultural domains across the globe only to reterritorialise these domains to better serve their needs almost exclusively. The diverse interest groups that challenge the monopolist tendencies of Empire attempt to resist these processes of deterritorialisation and reterritorialisation in order to protect local interests. As Chapter 6 will suggest, some of these challenges amount to merely opposing globalisation for the sake of protecting the local. However, this thesis is particularly interested in attempts on the parts of a range of agents to engage in processes of deterritorialisation and reterritorialisation of their own by attempting to harness globalisation or 'steal Empire' in order to achieve social justice as well as more representative democracies. The notion of 'stealing Empire' or 'capturing globalisation' will be discussed in Chapter 1, which offers an elucidation of the concept of Empire and begins to consider the possibilities for agency in the context of global capitalism. This chapter sets the scene for more detailed considerations of the possibilities for agency Empire in later chapters that explore P2P, sampling in hip-hop, open source software, Creative Commons licenses, culture jamming as well as hip-hop activism.

CHAPTER 1

Reading Empire

This chapter will employ Hardt and Negri's *Empire* as a point of entry into a discussion of global capitalism and modes of resistance to the capitalist system. Hardt and Negri use the term 'Empire' in a specific sense. 'Empire' describes the operation of global capitalism, a phenomenon that Hardt and Negri theorise via the concept of sovereignty. The authors argue that sovereignty has taken a new guise in that it is now "composed of a series of national and supranational organisms united under a single logic of rule" – Empire (Hardt & Negri, 2000: xii). It is important to note that this 'logic of rule' does not refer to the United States as the "*center of an imperialist project*" in the same way that "modern European nations were" imperial powers during the nineteenth and early twentieth centuries (Hardt & Negri, 2000: xiii-xiv). As this chapter will suggest, the term 'Empire' refers to a form of supranational co-operation between the US and the former imperial powers of Western Europe that allows for them to act in ways that benefit them economically, militarily, culturally and politically. This chapter begins by theorising Empire in relation to the exercise of economic and military power, and in relation to the use of the media as an ideological state apparatus. Baudrillard's concept of 'simulacra' is employed to analyse how media coverage of the gulf war(s) and the Jessica Lynch story functioned to benefit US interests.

This chapter then explores Hardt and Negri's claim that "the only strategy available to the struggles is that of a constituent counterpower that emerges from within Empire" (Hardt & Negri, 2000: 58-59). There is "no longer an 'outside' to power and [there are] thus no longer weak links" (Hardt & Negri, 2000: 58). In this regard, Naomi Klein contends that the "economic process that goes by the euphemism 'globalization' now reaches into every aspect of life, transforming every activity and natural resource into a measured and owned commodity" (2002: xx)¹. This means that that there can no longer be an "outside" to power in Empire, and that Empire's operation is incredibly pervasive. Hardt and Negri argue that "the construction of Empire, and the globalization of economic and cultural relationships, means that the virtual

center of Empire can be attacked from any point” (Hardt & Negri, 2000: 59). This enables consideration of the kinds of agency that are possible in the context of Empire – a key objective of this thesis. In this regard, Hardt and Negri’s concepts of ‘the multitude’ and their claims for global citizenship in relation to critiques by Stuart Corbridge, John Agnew, Ian Buchanan and Slavoj Žižek will be explored. This chapter also traces some of the key concepts that inform Hardt and Negri’s analysis of Empire – such as the notions of deterritorialisation, reterritorialisation and the rhizome – to work by Giles Deleuze and Félix Guattari in order to create a more nuanced understanding of the political programme that Hardt and Negri outline.

The chapter will then offer a response to critiques of Hardt and Negri’s work via Arundhati Roy and George Monbiot’s arguments about the role of nation-states vis-à-vis calls for global citizenship. In closing, a few South African examples of web and non-virtual initiatives will briefly be discussed in order to offer a sense of the ways in which Hardt and Negri’s arguments about Empire and the power of the multitude could be applied to an analysis of culture, law, technology and counter-discursive political voices.

1.1 Theorising *Empire*

The initial section of this chapter will offer an interpretation some of the key concepts from Michael Hardt and Antonio Negri’s *Empire* and will briefly situate the authors’ work historically. *Empire* was written in the context of growing challenges to the iniquities that were brought about by globalisation, which Joseph Stiglitz defines as the “removal of barriers to free trade and the closer integration of national economies” (2002, ix). These challenges gained momentum in the early 1990s, but the event that is commonly associated with the coming of age of anti-corporate globalisation movements took place in December 1999. During this time the World Trade Organisation’s third ministerial meeting in Seattle was interrupted by street protests (Bello, 2003: 65). It was this event that overturned the perception, after the collapse of communism in the former Soviet Union, that neo-liberal economic policies, promoted by the United Kingdom’s Margaret Thatcher and the United States’ Ronald Reagan in the 1980s, were both inevitable and legitimate (Bello, 2003:

64-65). Other key events that added fuel to the activities of anti-corporate globalisation movements include the meetings of the World Social Forum in Porto Alegre in 2001 and 2002 (Bello, 2003: 68). Walden Bello argues that these meetings went a long way toward bringing diverse and disadvantaged communities from across the world together to construct a global community that is organising to achieve social justice (2003: 68).

Antonio Negri's interest in the achievement of social justice is linked to the fact that he is both an academic as well as a political activist in Italy. In the 1970s, he was involved with Italy's *Autonomia Operaia*, a workerist movement. Negri was arrested in 1979 for his alleged involvement in the Red Brigade's violent activities and was held in detention without trial for four years. He was released in 1983 after being elected to parliament for the Radical Party and then fled to France (Callinicos, 2003: 127). Negri was sentenced *in absentia* in 1984 "for his part alleged in the Red Brigades' campaign of armed terror during the late 1970s" and he returned to Italy in 1997 to serve this prison term (Callinicos, 2003: 122). Alex Callinicos states that Negri's "writings exerted a particularly important influence" on *Autonomia Operaia* in the 1970s (2003: 125). According to Callinicos, a key focus of *Autonomia Operaia's* version of Marxism was "on the direct conflict between capital and labour in the immediate process of production" (2003: 125). Negri's theoretical position shifted from making the factory worker the subject of his writing in the early 1970s to looking closely at the concept of the social worker in the late 1970s (Callinicos, 2003: 126). Callinicos argues that Negri's focus on the factory worker in the early 1970s made sense at the time because "industrial conflict" was "intense" and "strong workplace organization defied bosses and trade union officials alike" (2003: 125). By the late 1970s, however, the workerist movement weakened "in the face of economic crisis" and Negri's theoretical position changed substantially (Callinicos, 2003: 125-126). Negri's argument was that "capitalist exploitation took place on a society-wide scale, and that ... socially and economically marginalized groups such as students, the unemployed and casual labourers must be counted as core sections of the proletariat" (Callinicos, 2003: 126). This shift from the factory worker toward the more inclusive concept of the social worker laid the

foundation for Hardt and Negri's collaborative research on the concepts of immaterial labour, the common, global citizenship and the multitude in their attempts to account for the ways in which global capitalism can be challenged through the social and creative labour of diverse subjects. The influence of Karl Marx, Spinoza and of post-structuralist thinkers like Michel Foucault, Gilles Deleuze and Félix Guattari on the work of Antonio Negri and Michael Hardt is widely acknowledged by left scholars (Callinicos, 2003: 125-136). It is the influence of Deleuze and Guattari, in particular, which is of interest in this thesis and will be discussed in the subsequent section of this chapter.

American scholar Michael Hardt met Negri in Paris while he was translating *The Savage Anomaly*, Negri's book on Spinoza (Hardt, Smith & Minardi, 2004). Hardt published *Gilles Deleuze: An Apprenticeship in Philosophy*, whilst Negri co-authored *Communists Like Us* with Deleuze. Both authors' theoretical and political interests thus seemed to overlap significantly enough for them to co-author *Empire* and *Labor of Dionysus: A Critique of State-Form*. In an interview with Caleb Smith and Enrico Minardi, Michael Hardt describes the project of *Empire* as "halfway between Marx and Deleuze-Guattari" (2004). He argues that when "Marx looks for the subject capable of posing an alternative to capital, he doesn't look outside of capital" (Hardt, Smith & Minardi, 2004). Instead, Marx "looks to the subject that is created by capital" (Hardt, Smith & Minardi, 2004). Hardt contends that the proletariat "comes into being through capital, and it only lives in a kind of intimate and mutual relation with capital" (Hardt, Smith & Minardi, 2004). This interpretation of Marx seems to be a key motivation for Hardt and Negri's belief that it is possible to counter Empire from within. Hardt links this to Deleuze and Guattari's work when he says, "The proletariat pushes capital further than it's willing to go with certain processes, certain kinds of freedom of movement, or creation of desires" (Hardt, Smith & Minardi, 2004). Hardt's discussion allows one to think about some of the key elements of Marxist thinking and post-structuralism that come together in *Empire*. On the one hand, *Empire* adopts a Marx-inspired emphasis on class and economic relations in order to explain the ways in which dominant global interests regulate the lives of subjects. This emphasis accounts for class disparities both within nation-states as well as

disparities between wealthy countries of the northern hemisphere and poorer countries of the southern hemisphere. On the other hand, *Empire* also adopts post-structuralist thinking by looking at decentred networks of power (the power of transnational corporations that transcend national boundaries, for example) in a globalised world as well as multiple, network-oriented challenges (such as media activism, social movements' use of digital media or counter-discursive art) to imbalances that are created by neo-liberal economic policies. Hardt and Negri's post-structuralist and Marxist project creates the possibility of constructing a picture of hegemony on a global scale, whilst also allowing one to think about strategies of resistance to what has increasingly become a decentred network of capitalist interest groups. *Empire* thus allows subjects to examine the operation of power and resistance to that power on a macro and micro level.

At the outset of *Empire* Hardt and Negri warn that they are not offering a "conspiracy theory of globalization" (2000: 3). Instead, they are attempting to describe the complex ways in which power is manifested within the context of global capitalism, a context that is both postimperialist and postcolonial. The concept of Empire has some similarities with imperialism in the traditional historical sense of the term. Hardt and Negri acknowledge that historical continuities exist between the colonial and imperialist eras and the postcolonial, postimperialist contexts:

[T]he contemporary tendencies toward Empire would represent not a fundamentally new phenomenon but simply a perfecting of imperialism. Without underestimating these lines of continuity, however, we think it is important to note that what used to be conflict or competition among several imperial powers has in important respects been replaced by the idea of a single power that overdetermines them all, structures them in a unitary way, and treats them under one common notion of right that is decidedly postcolonial and postimperialist. This is really the point of departure for our study of Empire: a new notion of right, or rather, a design of the production of norms and legal instruments of coercion that guarantee contracts and resolve conflicts. (Hardt & Negri, 2000: 9)

Former imperial powers – such as the UK, France, the Netherlands or Belgium – co-operate with each other in order to secure their economic and political interests in the former colonies. Essentially, we see a shift from a territorial, expansionist and militarist exercise of power to a more decentred, network-driven way of exercising power. It is this notion of a decentralised kind of power that offers us a sense of the poststructuralist thinking employed in *Empire*. Within this world order, one might say that the political victory of a colony gaining independence from former colonial powers could effectively become somewhat hollow. Political concepts, such as sovereignty and democracy, potentially lose their significance in the face of the more subtle and indirect ways in which former colonial powers are able to maintain hegemonic control over world markets.

Hardt and Negri argue that supranational organisations (meaning multilateral organisations such as the United Nations, World Trade Organisation, International Monetary Fund or World Bank) are the key vehicles through which this hegemony is exercised. These organisations act as a kind of global civil society through which consent is achieved on key policy issues, norms, ethics and strategies. The analogy with civil society hints at the idea of a global democracy, which seems plausible in theory if one believes that all participants (nation-states) in these multilateral organisations have the same (political and economic) bargaining power and that the organisations are made up of effective and fairly elected representatives of the constituents' interests. The analogy would also be plausible if one were to believe that each nation-state represents the interests of its citizens equally – but here the analogy has serious limitations. By way of example, Joseph Stiglitz offers an account of the shifts in the IMF's economic policies in *Globalization and its Discontents* (2002). Stiglitz describes economist Milton Keynes's vision of the role that the IMF would play in global economies and contrasts it with the IMF's current perspectives (2002: 196). Keynes believed that "markets could not be left to themselves" and demonstrated that "there was a need for *global* collective action, because the actions of one country spilled over to others" (Stiglitz, 2002: 196). It is for this reason that Keynes believed that the IMF could improve the situation by pressuring countries to "maintain the economy

at full employment, and by providing liquidity for those countries facing downturns that could not afford an expansionary increase in government expenditures" so that "*global* aggregate demand could be sustained" (Stiglitz, 2002: 196). Stiglitz contends that the IMF's thinking has since been dominated by 'market fundamentalism' in that it is "currently run by economists who have both a high level of confidence in markets and little confidence in public institutions" (2002: 196). At the same time, the IMF contradicts its faith in markets when it comes to the exchange rate market (Stiglitz, 2002: 198). Stiglitz discusses scenarios where the IMF has intervened in the exchange rate market, an action which essentially treats the symptoms of a problem in a particular country, as opposed to the root causes. He holds that "IMF free market ideology led the Fund to make it easier for speculative hot money" to flow in and out of a country" (Stiglitz, 2002: 198). A key question he poses is, "When the IMF and the Brazilian government, for instance, spent some \$50 billion maintaining the exchange rate at an overvalued level in late 1998, where did the money go?" (Stiglitz, 2002: 198-199). In short, Stiglitz holds forth that it is the speculators – as opposed to the Brazilian public, its economy or its government – who benefited from this costly strategy (Stiglitz, 2002: 198-199). Essentially, the IMF does not serve the citizens of its member-states, but "keeps the speculators in business" (Stiglitz, 2002: 199). The interests of private individuals, such as commodities traders on stock exchanges as well as their clients, are served by such policies at the expense of the citizens of nation-states. This influential multilateral organisation's faith in the market's ability to regulate economies makes citizens' attempts at securing corporate accountability difficult.

Naomi Klein's interpretation of the consequences of market integration resonates with Stiglitz's analysis (Klein, 2002: 200). She contends that "[r]eal power has moved from local to state, from state to national, from national to international, until finally representative democracy means voting for politicians every few years who use that mandate to transfer national powers to the WTO and the IMF" (Klein, 2002: 200). George Monbiot offers a similar critique of the World Bank, which was established to "provide long-term loans to the nations whose economies were devastated by the Second World War"

(2003: 148). It was effective in performing this function for a considerable time, but the organisation began to shift from its initial objectives (Monbiot, 2003: 148-149). Monbiot states that the World Bank extended its mandate without the consent of the countries in which it works by “providing ‘project aid’ for building dams or planting cash crops, ‘adjustment loans’ intended to help countries pay their debts, and loan guarantees to corporations, many of which are based in the rich world” (Monbiot, 2003: 149). This is why Monbiot maintains that the World Bank has become one of the key “causes of poverty, environmental destruction and debt” in poor countries around the globe (2003: 150). In this regard, Slavoj Žižek states that global capitalism and democracy have become mutually exclusive:

[T]he key economic decisions of bodies like the International Monetary Fund (IMF) or World Trade Organization (WTO) are not legitimized by any democratic process, and this lack of democratic representation is structural, not empirical. For this reason, the call for a global (representative) democracy that would submit the IMF, WTO, and other agencies to some kind of democratic control ... is illusory. (Žižek, 2004: 195)

Hardt and Negri offer a similar insight about the IMF and World Bank (2004: 291). They argue that these organisations “are organized ... in a way that is contrary to mechanisms of social or public representation and, furthermore, they do not even conform to the minimal conceptions of bourgeois liberalism and public space” (Hardt & Negri, 2004: 291). Notions of accountability to the public are discredited because the public is deemed to be “less knowledgeable and informed” than the IMF and World Bank’s own experts (Hardt & Negri, 2004: 291). This state of affairs does not bode well for the future of democracy in the light of Stiglitz’s claims that multilateral organisations, such as the IMF, are loyal to market principles as opposed to public interests. From this perspective, it becomes apparent why former colonies in the southern hemisphere continue to face economic difficulties, whilst former colonial powers in the northern hemisphere occupy positions of financial and cultural dominance.

To shift the discussion from economic hegemony to military power, it is via procedures of multilateral consensus that decisions are made to bring any 'deviants' or 'rogue states' into line:

The concept of Empire is presented as a global concert under the direction of a single unitary power that maintains the social peace and produces its ethical truths. And in order to achieve these ends, the single unitary power is given the necessary force to conduct, when necessary, "just wars" at the borders against the barbarians and internally against the rebellious. (Hardt & Negri, 2000: 10)

The very term "just wars" no doubt calls to mind US justifications for a number of military invasions – US justifications via the media for the first Gulf War in the early 90s and more recent justifications after 9/11 for the invasion of Afghanistan find some resonance here. In each instance where US-led military intervention has been undertaken, it was with the support of the UN (which largely comprise US allies). Of course, "just wars" could also take the form of economic sanctions, as implemented in the years leading up to the most recent US invasion of Iraq. On this note, it is important to bear in mind that US invasion of Iraq in 2003 presents an exception to Hardt and Negri's claims in this text because the US broke ranks with its allies by deciding to invade Iraq despite the UN's refusal to sanction such action. This decision has cast doubt over the continued role of the UN in maintaining global justice and it has also raised concerns about US relations with its allies.

More importantly, the question that writers like John Agnew are asking is whether the US will revert to the more conventional form of imperialism (cf. Roman and British empires) in order to consolidate global hegemony (Agnew, 2003: 872). In his discussion of the second American invasion of Iraq, Agnew makes a distinction between empire and hegemony in order to identify two impulses in US geopolitics: "empire" and "republic" (2003: 872). He states that the US was founded in opposition to British colonial rule and that the republican model broke with the "dynastic tensions and balance-of-power politics of 18th-century Europe" as well as "constructed rules about the conduct of representation and the limits of government intervention" (Agnew, 2003:

872). The US nation-state was thus a fixed territorial entity with no immediate interests beyond its borders. However, the republican model “failed to contain its expansionist impulse” due to the American republic’s expansion across North America as it began to incorporate more states – Agnew calls this contradictory impulse the “urge to empire” (2003: 873). In the 20th century, this “urge to empire” took the form of alliances (such as North Atlantic Treaty Organisation) constructing multi-lateral organisations – such as the WTO, IMF and UN – as well as “using economic and military leverage” (Agnew, 2003: 873). Evidence of the “urge to empire” becoming more tangible can be found in the US invasion of Iraq, which has placed America at odds with its allies, the “war on terror” (read: “the just war”) as well as the passing of legislation such as the USA Patriot Act, which erodes American civil liberties (Agnew, 2003: 874). The USA Patriot Act is an acronym for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001 and was passed on 26 October 2001ⁱⁱⁱ. As an editorial by Jennifer Van Bergen for the website *Truthout* contends, many people are under the mistaken impression that this legislation was drafted as a response to the terror attacks that took place on 11 September, 2001 (Van Bergen, 2002). This, however, is not the case and Van Bergen argues that the events of 9/11 gave this law the momentum it needed to be passed (Van Bergen, 2002). Whilst the law is meant to curb further acts of terror upon the US, it also infringes upon civil liberties:

The USAPA clearly furthers the goals of making it more difficult for anyone to review or appeal government wrongdoing. It allows for indefinite detention of suspected (not "proven") alien terrorists, without probable cause of a crime, without a hearing or an opportunity to defend or challenge the evidence against them, when they have not even been proven to be a threat and have already established a legal right to remain here. (Van Bergen, 2002)

Electronic Frontier Foundation raises similar concerns about the USA Patriot Act in its discussion of the ways in which this law infringes upon citizens’ right to privacy (2005). Some of the issues that they flag include the fact that the US government can now monitor US citizens’ web surfing habits and phone

calls more freely; wiretaps and DNA samples can be obtained for people convicted of “any crime of violence” and not acts of terror exclusively; the US government can spy on any computer trespassers; the new law eliminates government accountability and transparency; and “sneak and peek” warrants can now be obtained more easily for any federal crimes (Electronic Frontier Foundation, 2005). The picture that Electronic Frontier Foundation and Van Bergen paint is that of a government that is shifting away from democratic principles of transparency and accountability to the US democratic polity towards more unilateral forms of intelligence gathering and policing. It is in this sense that Agnew suggests that the US – which is a nation-state founded on a contradictory impulse because the republican model on which it was built “has always failed to contain the expansionist impulse” – seems to be on the verge of a return to a conventional form of empire (Agnew, 2003: 873). Agnew also makes reference to Hardt and Negri’s work by suggesting that the authors seem to be describing “hard economic power (control over capital) ... without any identifiable national-territorial sponsor” – in short, “hegemony without a hegemonic power” (Agnew, 2003: 878). Ultimately, Agnew contends that the term “empire” in the work of Hardt and Negri is misleading and that the authors’ “overemphasis on the transcendence of place under globalization leads them to underemphasize the degree to which empire, in the Roman sense, is still very much an available option for attempting to secure hegemony and hence for protecting *their* empire from the threat posed by the multitude” (Agnew, 2003: 878).

Empire was published in 2000 – before the events of September 11, 2001 – and one could argue that the “war on terror” eclipses some of the claims made by the authors. The “war on terror” certainly resonates with Agnew’s concept of the “urge to empire”, but I believe that the concept of the “just war” speaks to the events that followed the attacks on the World Trade Centre and the Pentagon to some degree. In addition, the events of September 11, 2001, threw the role of the mass media in maintaining global power relations into sharp relief. The subsequent invasions of Afghanistan and Iraq were deemed to be justified by the Bush administration and the mainstream media did very little to question US claims about Osama Bin Laden, the causal links between

Saddam Hussein and the 9/11 attacks or poorly substantiated claims about Iraq's alleged "weapons of mass destruction". Here, the mainstream media went a long way in performing its role as the US government's ideological state apparatus on a global scale in its attempts to manufacture consensus about its virtually unilateral violation of two nation-states' sovereignty – thereby confirming Hardt and Negri's view that the "legitimation of the imperial machine is born at least in part of the communication industries" (2000: 33). For example, BBC journalist John Kampfner quotes a UK military spokesperson who was stationed in Doha, Iraq, during the second invasion of Iraq (2003). The spokesperson, Simon Wren, was frustrated by the American military's tendency to "skim over the details" during their media briefings (Kampfner, 2003). Wren contends that the US media itself is as much to blame as the American military is to blame in this regard because the "American media didn't put them [the US military] under pressure so they were allowed to get away with it" (Kampfner, 2003). It is the role of the communication industries that is of particular interest in this chapter, which will show how the imperial machine is able to offer representations that legitimate its operation. The chapter will also explore the kinds of counter-discursive agency that is possible within the operation of Empire^{iv}.

Whilst the scenario that Hardt and Negri depict might seem somewhat bleak, they do offer a vision of the possible transcendence of this somewhat oppressive global scene. Much of their text pays close attention to juridical formations, but one should not overlook their discussion of corporate entities in the operation of global capitalism:

[H]uge transnational corporations construct the fundamental connective fabric of the biopolitical world in certain important respects The great industrial and financial powers thus produce not only commodities but also subjectivities. They produce agentic subjectivities within the biopolitical context: they produce needs, social relations, bodies, and minds – which is to say, they produce producers. (Hardt & Negri, 2000: 31-32)

The key term to focus upon is "agentic subjectivities". The authors suggest that Empire does not merely position subjects as passive victims of an

exploitative political economy, but that these subjects are, in fact, active producers – be it as consumers, workers, artists or activists. Such a suggestion is helpful given that the only political agency in the context of global capitalism is that which comes from within the operation of Empire itself, as suggested earlier (Hardt & Negri, 2000: 58-59). Essentially, the authors suggest that the political and economic power that countries such as the US wield on a global scale is so pervasive, that it is not possible to operate outside of these power dynamics. For example, consider the extent to which American products have become a key part of citizens' everyday lives. The heavy reliance of many computer users on proprietary software like Microsoft operating systems – notwithstanding the existence of open source solutions – for computers is but one case in point^v. If there is no 'outside' to power within Empire, the only option is to use the means at hand or, more specifically, to use the means afforded to us by Empire.

The exploited subject of Empire is remarkably different from the exploited proletariat described by Marx at the turn of the previous century. Marx's proletariat was, typically, an unskilled worker on a factory production line, completing mind-numbingly repetitive tasks as a part of a larger assembly. Hardt and Negri's exploited subject, on the other hand, is a skilled worker who is able to use her intellectual and creative resources in her challenge to the operation of Empire. In *Time for Revolution*, Antonio Negri argues that the "conditions for Marx's notion of exploitation are over, because industrial production is no longer fundamental and has become only a simple consequence of the productive activity of the political base" (Negri, 2003: 233). The means that become available to subjects of Empire are thus potentially more effective than those that were available to the proletariat described by Marx because, as Negri contends, "in postmodernity, work has become intellectual and immaterial; it has installed itself in bio-political co-operation" (Negri, 2003: 233). It is in areas such as communication technology that agency becomes possible. Hardt and Negri suggest that

legitimation of the imperial machine is born at least in part of the communication industries, that is, of the transformation of the new mode of production into a machine. It is a subject that produces its own image of authority. This is a form of legitimation that rests on nothing outside itself and is reposed ceaselessly by developing its own language of self-validation. (2000: 33)

Empire thus consolidates and legitimates its cultural, political, legal and economic operation via its control over technology and the means of representation – such as news and television networks; music production and distribution or, more recently, the Internet. One can make sense of these claims by considering Jean Baudrillard's work on simulacra in "The Precession of Simulacra" (1994). Baudrillard offers a vision of a media-saturated late capitalist society in which "simulation threatens the difference between the 'true' and the 'false', the 'real' and the 'imaginary'" (1994: 2). In his discussion of Disneyland, he argues that Disneyland is "presented as imaginary in order to make us believe that the rest is real, whereas all of Los Angeles and the America that surrounds it are no longer real, but belong to the hyperreal order and to the order of simulation" (Baudrillard, 1994: 12). By this I take Baudrillard to mean that everything we know about Los Angeles and the US is always-already mediated for us, thanks to the high exposure that American cultural life receives via TV, film and print media representations. Therefore if one were to visit American locations, one's experience of these spaces would already be directed by myriads of representations of America.

Baudrillard offers a similar argument when he discusses the Watergate scandal. He contends that "capital, immoral and without scruples, can only function behind a moral superstructure, and whoever revives the public morality (through indignation, denunciation, etc.) works spontaneously for the order of capital" (Baudrillard, 1994: 14). In essence, it is the presentation of the Watergate scandal as an exceptional case which should be denounced that maintains the belief that the rest of American politics is operates in accordance with ethical norms. This is how public morality is revived. From this perspective, media reactions to the Watergate or Enron scandals would

revive “public morality” – as would media reactions to the exposure of torture victims in Iraq’s infamous Abu Ghraib prison or media characterisations of Saddam Hussein prior to the first and second invasions of Iraq. Ultimately, Baudrillard contends that “it is always a question of proving the real through the imaginary, proving truth through scandal, proving the law through transgression ... and capital through revolution” (Baudrillard, 2003: 19). If simulation “has no relation to any reality whatsoever” and it is “its own pure simulacrum” (Baudrillard, 1994: 6), it becomes a closed self-referential system.

Whilst this chapter does not intend to provide an analysis of Disneyland, the Iraqi prison torture scandal or the Enron and Watergate scandals, it would be helpful to focus upon one instance that demonstrates the significance of Baudrillard’s work. As already indicated, John Kampfner offers a critique of the US media’s coverage of the second invasion of Iraq (2003). John Kampfner looks at some of the disparities in reports about captured US soldier Jessica Lynch, who “became an icon of the [Iraqi] war” (2003). According to Kampfner, US military reports that Lynch had bullet wounds and was subjected to torture are contradicted by her doctors’ claims that “they provided the best treatment for Lynch in the midst of war” (2003). The doctors also contend that Lynch’s injuries were consistent with a road traffic accident, she had no bullet wounds and that she received three bottles of blood, two of which were provided by donations from medical staff (Kampfner, 2003). Mahmood Mamdani’s research on coverage of the Jessica Lynch story confirms Kampfner’s account of events and relies on it to some extent (2004: 197). Mamdani states that journalists from a number of newspapers went to Nassariyah after the conclusion of the US invasion of Iraq in order to confirm the reports that they had received about Lynch (2004: 197). They ascertained that the soldier had “a fractured arm and leg and a dislocated ankle” and that these wounds “were not caused by bullets but by an accident in the truck in which she traveled” (sic) (Mamdani, 2004: 197). According to Mamdani, “American doctors who later examined her confirmed this fact” (2004: 197). He also contends that Lynch was not mistreated, but was treated well (Mamdani, 2004: 197). These sorts of reports contradict reports that represent

Lynch as the victim of torture and rape and the hands of Iraqi tormentors. One brief example can be found on the *New York Daily News* website, which features an article about Lynch's official biography (Colford & Siemaszko, 2003). The article quotes biographer Rick Bragg extensively and contains characterisations of her experience, despite the fact that she has no memory of her rape: "The scars on Lynch's body and the medical records indicate she was anally raped, and 'fill in the blanks of what Jessi lived through on the morning of March 23, 2003,' Bragg wrote" (Colford & Siemaszko, 2003). The narrative captures the imagination of readers who may have feared the worst as the media took up this particular story before Lynch was found – so much so that the American public expressed their well wishes for her during this time. One avenue through which the public could do so was via a website that was launched in her name, www.jessica-lynch.com. The site features two photographs of Lynch on its main page, one of her in her uniform with the US flag in the background and the other of her in civilian clothes as she reclines against a tree. The site also contains forums for well-wishers as well as links to updates on the war and the progress in the search for Lynch. The administrator of the site decided to make the following posting on the main page:

This Poem was posted on the Jessica Lynch Forums and touched me so much I had to include it on the Main page, it was written by 12 y/o Candice Malone of Virginia (sic)

Dear Jessica this poem is for you. An American hero. Jessica from what I hear you are really cool, I also hear you want to be a teacher at an Elementary school. You left your country to fight in danger, you were trying to free people who were filled with anger. You are now all over TV you have become an American hero, when I compare you to any superhero in the world you win 10 to 0 (sic). (Jessica-Lynch.com, 2003-2005)

The Jessica Lynch story was therefore a significant media event that managed to secure a large amount of support for the war. If one were to accept that the poet whose work was posted on the main page of this site is indeed a twelve year old girl, it is worth paying attention to her understanding of US involvement in Iraq. Interestingly, she writes that Lynch was "trying to

free people who were filled with anger” and that she became a TV phenomenon and superhero (Jessica-Lynch.com, 2003-2005). The term superhero has associations with comic books, cartoons and Hollywood films. A few distinctions need to be made at this point. First, there is the ‘real’ event; the capture of Lynch ‘behind enemy lines’, to borrow a phrase from the genre of Hollywood action movies. Secondly, there is the official US military and mainstream US media accounts of the Lynch story. The third factor in this scenario is US citizens’ own narrativisation of the ‘real’ event, which is mediated by the US military and mainstream media’s accounts as well as by citizens’ understandings of war and conflict that are mediated by Hollywood film and television. The distinction between the ‘real’ and the ‘imaginary’, in the sense that Baudrillard use these terms, therefore becomes blurred.

Lynch’s characterisation as a superhero in this poem is consistent with a message conveyed on a poster that appears at the bottom of the Lynch website’s main page. The poster features an eagle in the foreground as well as the US flag and snow-covered mountains in the background. The text at the bottom of the poster reads, “We must fight for freedom, to preserve peace” (Jessica-Lynch.com, 2003-2005). It is this oxymoron that informs the young poet’s interpretation of US military involvement in Iraq and this understanding is conflated with the rhetoric of Hollywood representations (the binary battle between good and evil; justice and injustice; fascism and democracy; [white] American and Russian / Arab / the racial ‘other’). At the very least, the distinction between fact and fiction become blurred at the level of connotation, which allows for very narrow interpretations and processes of identification in citizens’ engagement with narratives about the war in Iraq.

Mamdani and Kampfner’s work on the Lynch story suggest that this conflation may not be coincidental at all. Mamdani states that Lynch’s rescue was filmed by a former assistant director of Ridley Scott, who directed the film *Black Hawk Down* (2004: 198). The film was edited at the US Central Command in Qatar and then checked by the Pentagon (Mamdani, 2004: 198). Kampfner adds another dimension to the issue of media coverage of the war in Iraq when he says that Hollywood film producer Jerry Bruckheimer, who was also

involved in the making of *Black Hawk Down*, pitched an idea for the reality TV show *Profiles from the Front Lines*, which would focus on US troops in Afghanistan (2004). Bertram van Munster, who was responsible for the reality TV show *Cops*, joined Bruckheimer in the pitching session (Kampfner, 2003). Kampfner makes the following comments about the show:

It was perfect reality TV, made with the active cooperation of Donald Rumsfeld and aired just before the Iraqi war. The Pentagon liked what it saw. "What Profiles does is given another in depth look at what forces are doing from the ground," says Whitman. "It provides a very human look at challenges that are presented when you are dealing in these very difficult situations." That approach was taken on and developed on the field of battle in Iraq. (sic) (Kampfner, 2003)

Therefore, the contention that the lines between reality and fiction become blurred in representations of the war in Iraq takes on a very literal dimension, given the level of collaboration between key US political and military actors and Hollywood producers such as Bruckheimer, who currently produces the hit reality TV show *The Amazing Race*. It is in this sense that Empire produces "its own pure simulacrum", an enclosed self-referential system where endless signification takes place with no possibility of ever accessing the 'real' (Baudrillard, 1994: 6). However, as Baudrillard argues, this system is only functional when subjects believe that a clear boundary exists between the 'real' and 'imaginary', whereas these categories have in fact become indistinguishable. Dominant media representations of the real (news coverage of scandals or events in the Middle East) or the imaginary (fictional Hollywood representations) therefore serve to validate and legitimate the operation of Empire.

These very means can be employed to issue challenges to Empire from within. It is from this perspective that the claim that there is no outside to power within Empire makes it possible for one to believe that exploited and marginalised subjects do have measures of agency in this context. Also, if Empire's operation depends on the "globalization of economic and cultural relationships", it "means that the virtual center of Empire can be attacked from

any point" (Hardt & Negri, 2000: 59). These ideas resonate with Jean Baudrillard's discussion of the 9/11 attacks in 2001. Baudrillard contends that:

[The] more concentrated the system becomes globally, ultimately forming one single network, the more it becomes vulnerable at a single point (already a single Filipino hacker had managed, from the recesses of his portable computer, to launch the 'I love you' virus, which circled the globe devastating entire networks). (2002: 8)

In the context of Baudrillard's work, the system to which he refers is communications networks like the Internet and transport infrastructure, both of which have been vulnerable to attacks from hackers spreading computer viruses or terrorists who appropriated American Airlines' planes on 9/11. The latter instance is a particularly extreme example of the principle that Baudrillard is describing, but this principle itself is also well demonstrated in considerations of the role of hackers, crackers, culture jammers as well as music, film and software pirates in upsetting the operation transnational corporations like Microsoft or major music labels. Baudrillard and Hardt and Negri's claims about using the very strategies that enrich the operation of global hegemony in efforts to challenge them is also well demonstrated in explorations of the ways in which digital media are being used – by media activists such as Independent Media Center, for example – to offer alternative representations of political and economic realities across the globe. Of course, not all of hackerdom is counter-hegemonic by design, but the net effect of hackers creating a "temporary blockage in the system" (Hebdige, 1979: 90) should not be underestimated. Also bear in mind that such counter-discursive activities, which rely on the same resources and strategies that benefit Empire, always face the risk of being co-opted or recuperated (cf. Hebdige, 1979). This discussion will be taken further in Chapter 2. In the meantime, the next section will consider the possibilities for agency via Hardt and Negri's concept of the multitude.

1.2 The power of the multitude

In their discussion of the kinds of agency that are possible in Empire, Hardt and Negri speak of the power of the multitude. They contend that the

“revolutions of the twentieth century have pushed forward and transformed the terms of class conflict, posing the conditions of a new political subjectivity, an insurgent multitude against imperial power” (2000: 394). Hardt and Negri go so far as to claim that the “multitude called Empire into being” (2000: 43) and not vice versa. As a result, Empire cannot “construct a system of right adequate to the new reality of the globalization of social and economic relations” (Hardt & Negri, 2000: 394). This is so because the multitude “produced Empire as an inversion of its own image” (Hardt & Negri, 2000: 394). Negri defines the postmodern multitude as “an ensemble of singularities whose life-tool is the brain and whose productive force consists in co-operation” (2003: 225). One can make sense of this by considering the sorts of global alliances that workers in different locales managed to negotiate in their respective struggles for a living wage and better working conditions. As trade unions and law makers of specific nation-states began to secure the interests of workers, many transnational corporations chose to decentralise their operational procedures. Outsourcing and the use of industrial free-trade zones – where the labour and environmental laws of a country are suspended (cf. Klein, 2000) – became the key means via which corporations lowered their operational expenditure, allowing them to spend more on branding and marketing their products (cf. Klein, 2000). It is in this sense that one could argue that transnational corporations actually undermine the ability of sovereign nation-states to protect the interests of their citizens. Here, this chapter’s earlier reference to supranational organisations such as the World Bank and IMF is relevant. The ability of these organisations to set nations’ macro-economic agendas via loan agreements undermine their sovereignty in much the way that transnational corporations compromise such countries’ interests.

Third World states have often agreed to implement Structural Adjustment Programmes (SAPs) that do not necessarily have the interests of their citizens at heart. The financial aid offered by organisations like the IMF becomes a poisoned chalice, in a sense, due to the conditions upon which such aid is granted. These may include labour ‘flexibilisation’ and relaxed environmental laws that invite foreign investment (c.f. Bond, 2001; Klein, 2000; Buchanan,

2004). Criticisms of this sort of foreign investment include claims that labour 'flexibilisation' amounts to exploitative labour practices that often violate workers' constitutionally protected rights. Another criticism is that this type of investment sees large capital outflows at the expense of local economies. This kind of aid also produces another problem: the unending spiral of Third World debt, which itself is often a legacy of imperialism and continues to weaken these countries' bargaining power in their trade relations with the European Union and the US. A South African example of the implementation of a SAP would be the Growth, Employment and Redistribution (GEAR) strategy, which was adopted in 1996 despite protests from South African labour movements (Bond, 2001: 41). Patrick Bond contends that "virtually all Gear's targets were missed" and that the country incurred rather substantial job losses (2001: 41). This instance offers an example of a situation where a nation-state ignores the protests of its own labour movements in order to implement a problematic economic policy upon the advice of a supranational organisation – the World Bank in this case. The net effect is that the interests of its own citizens are compromised, whilst transnational corporations are enriched. One could take this a step further by arguing that many of the constitutionally protected rights afforded to South African citizens as well as the promises that the ruling party has made to its electorate have effectively been undermined. The key symptoms of this action include poor service delivery, unemployment and crime, notwithstanding that many of these problems are an inheritance of the racialised class divide produced by apartheid rule before 1994. These consequences effectively serve the political and economic interests of global hegemons and undermine the ability of sovereign states to protect the interests of their citizens. It is in this sense that the gains of labour within one historical moment eventually get undermined by capital on the global stage.

If one accepts that the multitude called Empire into being, the key question is how the notion of the multitude itself translates into meaningful political action. Hardt and Negri argue that the "action of the multitude becomes political primarily when it begins to confront directly and with an adequate consciousness the central repressive operations of Empire" (2000: 399). They

also claim that “by working, the multitude produces itself as a singularity” and that it “establishes a new place in the non-place of Empire” – this notion draws on Giles Deleuze and Félix Guattari’s work on deterritorialisation and reterritorialisation, which will be discussed shortly (Hardt & Negri, 2000: 395). This singularity is a “reality produced by cooperation, linguistic community, and developed by the movements of hybridisation” (Hardt & Negri, 2000: 395). In this regard, they identify the “first element of a political program for the multitude” as the demand for global citizenship and the right for workers to control their own movement (Hardt & Negri, 2000: 399-400). They locate the basis for this demand on the following grounds:

Capitalist production in the dominant regions ... is utterly dependent on the influx of workers from the subordinate regions of the world. Hence the political demand that the existent fact of capitalist production be recognised juridically and that all the workers be given the full rights of citizenship. In effect this political demand insists in postmodernity on the fundamental modern constitutional principle that links right and labor, and thus rewards with citizenship the worker who creates capital (sic). (Hardt & Negri, 2000: 400)

Hardt and Negri’s assertion of Empire’s dependence on migrant labour echoes an argument put forth by Giles Deleuze and Félix Guattari in their discussion of the relationship between capital and labour (1972). They state that initially “capitalists are necessarily conscious of the opposition between capital and labour, and of the use of capital as a means of extorting surplus labor” (Deleuze & Guattari, 1972: 11). By a turn of events – which the authors characterise as “perverted” – “capital increasingly plays the role of a recording surface that falls back on ... all of production” (Deleuze & Guattari, 1972: 11). Deleuze and Guattari add that “recording rights” are established by “realizing surplus value” (Deleuze & Guattari, 1972: 11). Hardt and Negri work with this notion in an attempt to convert it into an advantage for migrant labourers from poorer countries, given more affluent countries’ dependence on these kinds of workers. Within this conception, the roles of nation-states diminish as workers unite across national borders in asserting their rights as global citizens. Negri argues that the postmodern multitude affirms “commonality that does not bow to any equation of sovereignty, exposing it rather to the immeasurability of

time” (Negri, 2003: 229). He also holds that it “is not Power (sic) but the constituent power of the multitude that creates the common existence of the world” – an assertion that places its sights firmly upon the objective of seizing agency in a negative context of seemingly unchecked exploitation (Negri, 2003: 229). Here, positions that are defensive of localism for its own sake in the face of globalisation are rejected and the negative assumptions about a global world order are challenged (Corbridge, 2003: 185). This position has drawn much criticism from some theorists and some of these critiques will be considered in the following section. For the moment, however, Hardt and Negri’s perspectives on localism merit further investigation.

The authors argue that the “strategy of defending the local is damaging because it obscures and even negates the real alternatives and the potentials for liberation that exist *within* Empire” (Hardt & Negri, 2000: 46). They maintain that “the problem rests on a false dichotomy between the global and the local, assuming that the global entails homogenization and undifferentiated identity whereas the local preserves heterogeneity and difference” (Hardt & Negri, 2000: 44). Here, the danger is that “social relations and identities” could easily be reified and essentialised (Hardt & Negri, 2000: 45). This argument seems plausible if one believes that essentialist representations are vulnerable to mainstream processes of co-option or delegitimation, rendering subversive positions or strategies easily scrutable and neutralised. In fact, the authors suggest that Empire is not opposed to localisation, thereby undermining the assumption that anti-globalisation struggles can be reduced to a tidy binary between the local and the global:

Globalization, like localisation, should be understood instead as a *regime* of the production of identity and difference, or really of homogenization and heterogenization. The better framework, then, to designate the distinction between the global and the local might refer to different networks of flows and obstacles in which the local moment or perspective gives priority to the reterritorializing barriers or boundaries and the global moment privileges the mobility of deterritorializing flows. It is false ... to claim that we can (re)establish local identities that are in some sense *outside* and protected against the global flows of capital and Empire. ... The globalization or deterritorialization operated

by the imperial machine is not in fact opposed to localization or reterritorialization, but rather sets in play mobile and modulating circuits of differentiation. ... We are by no means opposed to the globalization of relationships as such – in fact ... the strongest forces of Leftist internationalism have effectively led this process. (Hardt & Negri, 2000: 45)

Hardt and Negri claim that it is not possible to step outside of the reach of Empire and that subjects would not be able to construct identities beyond the reality produced by Empire and 'global capital flows'. The only option would be to do so from within Empire. They challenge assumptions that globalisation simply involves processes of homogenisation or cultural imperialism (a theme that will be discussed in greater detail in Chapter 6) and suggest that it has created opportunities for Leftist struggles.

The influence of work by Giles Deleuze and Félix Guattari on *Empire* is discernible in the quotation above. Deleuze and Guattari suggest that deterritorialisation and reterritorialisation "are mutually enmeshed" (1972: 258). They cite the example of the "deterritorialization of financing, but reterritorialization of purchasing power and the means of payment (the role of the central banks)" (Deleuze & Guattari, 1972: 258). One can make sense of these claims by recalling this chapter's earlier discussion of the IMF and the World Bank. The argument offered earlier was that 'free market fundamentalism' allows speculators and corporations to benefit from diminished state control of local economies (deterritorialisation), whilst it is permissible for bodies such as the World Bank or IMF to direct these countries' macro-economic policies (reterritorialisation). Hardt and Negri employ the concepts of deterritorialisation and reterritorialisation in this context in an attempt to locate agency in the operation of Empire by hinting at the opportunities that globalisation offers those who oppose the iniquities produced by global capitalism.

It is also worth noting that Hardt and Negri's concept of the 'power of the multitude' that embraces decentred networks and transcends national borders in a form of global nomadism, draws upon Deleuze and Guattari's metaphor of the rhizome. A key advantage that the image of the rhizome offers those

engaged in counter-hegemonic struggles is that a “rhizome may be broken, shattered at a given spot, but ... will start again on one of its old lines, or on new lines”^{vi} (Deleuze & Guattari, 1987: 9). Hardt and Negri argue that it is through “circulation [that] the multitude reappropriates space and constitutes itself as an active subject” (2000: 397). They state that “the new spaces are described by unusual topologies, by subterranean and uncontainable rhizomes – by geographical mythologies that mark new paths of destiny” (Hardt & Negri, 2000: 397). The authors caution that “these movements often cost terrible suffering, but there is also in them a desire of liberation that is not satiated except by reappropriating new spaces, around which are constructed new freedoms” – a point which will be discussed in the next section of this chapter (Hardt & Negri, 2000: 397). The image of the rhizome is also employed in Hardt and Negri’s discussion of network-based communication technologies, such as the Internet, cellular telephony and portable computers. They hold that the “same design element that ensures survival, the decentralization, is also what makes control of the network so difficult” – thus echoing my earlier reference to Baudrillard’s analysis of the 9/11 attacks and hackerdom (Hardt & Negri, 2000: 299). The authors contend that “it is difficult ... to regulate or prohibit ... communication” because “no one point is necessary for communication among others” (Hardt & Negri, 2000: 299). Hardt and Negri state that this “democratic model is what Deleuze and Guattari call a rhizome, a non-hierarchical and noncentered network structure” (Hardt & Negri, 2000: 299). The image of the rhizome allows one to believe that political, cultural and economic agency is possible from a broad range of locations and makes it conceivable for one to break from understandings of anti-hegemonic struggles as being merely linear. Deleuze and Guattari suggest that a

rhizome ceaselessly establishes connections between semiotic chains, organizations of power, and circumstances relative to the arts, sciences, and social struggles. A semiotic chain is like a tuber agglomerating very diverse acts, not only linguistic, but also perceptive, mimetic, gestural, and cognitive: there is no language in itself, nor are there any linguistic universals, only a throng of dialects, patois, slangs, and specialized languages.

There is no ideal speaker-listener, any more than there is a homogenous linguistic community. (Deleuze & Guattari, 1987: 7)

The rhizome decentres dominant discourses and creates spaces from which marginal subjects can issue challenges to hegemony. The message seems to be that if there are no universal forms of expression and no absolute truths, then a number of expressions and truths can compete equally for attention or validation. The authors' assertion effectively validates the experiences and expressions of a large number of linguistic and cultural communities that may have been silenced by imperialist discourses and practices. Their ideas also resonate rather well with Hardt and Negri's claims about the role of the communication technologies that became prominent since Deleuze and Guattari published *Anti-Oedipus: Capitalism and Schizophrenia* (1972) and *A Thousand Plateaus: Capitalism and Schizophrenia* (1987). It is the decentred nature of contemporary communication networks that makes it possible for subjects who have access to these networks to produce representations that compete with dominant media messages or to engage in economies of exchange that bypass corporate entities and states, for example. My discussion of digital sampling in hip-hop and peer-to-peer music file-sharing in Chapters 3 and 4 demonstrate these claims to a significant extent.

1.3 Critiques of *Empire*

As far as Hardt and Negri's vision of the declining role of nation-states is concerned, Stuart Corbridge concurs with the view that "some aspects of the sovereign powers are now being shared with supranational bodies and jurisdictions as well as capital itself or the disciplinary powers of the market" (2003: 186). However, Corbridge takes issue with the belief that the global political economy now finds itself in a state of disorder. He discusses the "ordered disorder" of the monetary marketplace, which is dominated by "the decisions of leading firms" and credit agencies, such as the Bank of International Settlements and the IMF (Corbridge, 2003: 186). Corbridge also takes issue with the fact that Hardt and Negri "are assuming away the nation-state (and much of the countervailing power of what is called Empire), and with it the possibility of prosecuting a meaningful politics of empowerment

within capitalism” (2003: 188). In an anecdotal reference to north Bihar, in India, he goes on to contend that the “state is both an agency of command and of empowerment, and [that] there is little to suggest that it is about to lose its central role in the political imaginaries of ordinary people” (Corbridge, 2003: 189). Essentially, he argues that politicians and trade unionists continue to play a crucial role in serving the interests of civil society. His claim that *Empire* gives little sense of how and why the charter for global citizenship will be realised (Corbridge, 2003: 188) is well founded. In response to their question, “What specific and concrete practices will animate this political project?” Hardt and Negri offer the following answer: “We cannot say at this point” (2000: 399-400). Corbridge adds that the authors “have little to say about the construction of strongly bordered states or regional blocs” – such as India or China, which seem nearly unaffected by transnational capital flows – or about the “reassertion of the power of the nation-state either in this respect or as the ‘home’ to which capital runs when the going gets tough,” citing Latin America’s economic crisis during the 80s as an example (2003: 187). Corbridge may be reading Hardt and Negri rather literally here. The value of Hardt and Negri’s argument about the decline of the nation-state lies in the fact that they draw our attention to Empire’s will to deterritorialise the power of nation-states. Once this power is deterritorialised, it is reterritorialised via multi-lateral mechanisms that suit Empire’s needs.

In addition, Ian Buchanan argues that the “multitude cannot come together except at the price of the individual, and at the moment no one seems prepared to pay that toll” (2003: 381). Buchanan also takes issue with the notion of labour as the savage beast:

The savage beast that they pin so much hope on is a phantasm of the very society it supposedly threatens. Worse than that, by ‘honouring’ labour, as it were, they validate the very grounds of the ‘blame labour’ argument – indeed, one can imagine business leaders agreeing wholeheartedly: yes, labour is a beast, it does need taming (as though labour ‘flexibilization’ wasn’t already doing that job well enough). (Buchanan, 2003: 380)

What Buchanan seems to be suggesting is that the notions of the multitude and 'labour as the savage beast' that confronts capital head on are potentially conservative instruments that serve Empire. He fears that "it will contribute to the socialization of labour, rather than its liberation" (Buchanan, 2003: 384). These fears are not unfounded, given Hardt and Negri's claims that the multitude called Empire into being – that is, that Empire came to be constituted as a response to a particular kind of class struggle. The key negative example that Buchanan flags is that of labour 'flexibilization'. He reminds us that it was "employees who demanded it" (Buchanan, 2003: 382). In a sense, capital co-opts strategies employed by labour in order to consolidate hegemonic control – these strategies are employed via processes of adaptation and mutation.

Žižek's interpretation of *Empire* adds another dimension to this discussion. He offers a critique of Hardt and Negri's political programme, which includes demands for global citizenship and a social wage:

The irony here is not only the content of these demands ... but their very form – rights and demands – which unexpectedly brings back into the picture what the entire book was against: political agents all of a sudden appear as subjects of universal rights, demanding their realization (from whom, if not some universal form of legal state power?). In short ... from the nomadic schizo outside the Law we pass to the hysterical subject trying to provoke the Master by way of bombarding him with impossible demands. (Žižek, 2004: 202).

This criticism seems strange, given that *Empire* draws upon political and legal discourse consistently throughout the text in order to construct possibilities for achieving social justice on a global scale. The image of the nomad is therefore not evoked as a signifier of the authors' abandonment of legalistic notions of rights, but casts doubts upon the abilities of nation-states to secure these rights on behalf of its citizens. As for the concept of nomadism as a form of resistance, Hardt and Negri contend, "Desertion and exodus are a powerful form of class struggle within and against imperial postmodernity" (Hardt & Negri, 2004: 213). This 'form of class struggle' therefore is aimed at

securing a set of rights from hegemons. However, as indicated in the previous section of this chapter, the authors point out that this “mobility ... still constitutes a spontaneous level of struggle, and ... it most often leads today to a new rootless condition of poverty and misery” (Hardt & Negri, 2004: 213). Hardt and Negri’s sense of this strategy’s effectiveness is thus also tempered by an awareness of the fact that it could be romanticised.

1.4 The case for the power of the multitude

Whilst it is debatable whether the claim for global citizenship can be realised and whether nation-states are, in actual fact, in decline, it is important to acknowledge that levels of activism against global capitalism have escalated over recent years. Klein’s *No Logo* (2000) and *Fences and Windows* (2002) describe some of these developments and alternative websites such as Independent Media Center (www.indymedia.org) track events by the day. In a sense, it is true that the multitude is beginning to “confront reality” and that it is consciously challenging the “central operations of Empire” (Hardt & Negri, 2000: 395). Many of these engagements use the very technological means afforded by Empire in order to create international alliances. Novelist and anti-corporate globalisation activist Arundhati Roy confirms the importance of such alliances when she says that the anti-globalisation protests in Cancun taught activists that “in order to inflict real damage and force real change it is vital for local resistance movements to make international alliances” (2004: 35). She goes on to argue that “[r]adical change will not be negotiated by governments, it can only be enforced by people” (2004: 35). She cites the examples of Brazilian president Lula and former South African president Mandela. Lula was the “hero of the World Social Forum last year” and this year he is implementing IMF guidelines (Roy, 2004:35). Within two years of coming into office, Nelson Mandela’s government “instituted a massive programme of privatisation and structural adjustment that has left millions of people homeless, jobless and without water and electricity” (Roy, 2004: 35). It is for this reason that Roy contends that key leaders like Lula and Mandela “become powerless on the global stage” once they become heads of state^{vii} (2004: 35). In her article, Roy makes consistent reference to the notion of “Empire” and “just wars”. She also speaks of the “corporate media” as the

“neo-liberal project” that legitimates the operation of Empire (2004:34). It therefore appears that she employs some of the key concepts described by Hardt and Negri in her vision for realising meaningful political change.

As an aside, it is interesting to note that Louis Althusser’s concept of ideological state apparatuses (ISAs) (1971) is extended beyond the reach of the nation-state itself, thanks to the pervasive role of transnational media corporations like CNN, BBC or Independent Newspapers. This role offers an example of how global media corporate agendas are able to cross national boundaries, lending credence to Hardt and Negri’s claims about the declining role of the nation-state. Roy’s belief in the power of the people – as opposed to government – to enforce radical change can be linked to Hardt and Negri’s belief in the power of the multitude, especially when considering the premium that Roy places on “international alliances” (2004: 35). We thus see a belief in the effectiveness of the role of civil society – a role that extends beyond national boundaries to the global stage. However, this extension does not negate actually existing political boundaries, but allows [global] society – the people or the multitude – to issue the sorts of challenges that governments are unable to issue. This kind of global civil society also differs from the kind of global civil society that operates in supranational organisations, like the UN, which effectively serve US economic and military hegemony through processes that ‘manufacture consent’. The key difference that this global civil society represents is that the power that it exercises comes from decentred civilian locales or, more specifically, networks of “local resistance movements” (Roy, 2004: 35). The multitude thus exists in an organic sense and its effectiveness depends on its ability to translate initiatives such as the WSF into “real political action” (Roy, 2004: 35). If this does not happen, Roy suggests that the Movement for Global Justice could actually become an asset to Empire (2004: 35). George Monbiot’s work resonates with Hardt and Negri as well as Roy’s arguments for global citizenship:

Internationalism ... surely implies interaction between *nations*. Globalisation denotes interaction beyond nations, unmediated by the state. The powers of the United Nations General Assembly, for example, are delegated by nation states, so the

only citizens' concerns it considers are those the nation states - however repressive, unaccountable they may be - are prepared to discuss. The nation state acts as a barrier between us and the body charged with resolving the problems affecting us. The UN's problem is that *global* politics have been captured by nation states; that globalization, in other words, has been forced to give way to internationalism. (Monbiot, 2003: 22)

In essence, Roy and Monbiot seem to be confirming Hardt and Negri's claims that the nation-state's role as the protector of its citizens has begun to decline in the age of Empire. However, they do not imply that the nation-state itself is literally on the decline. Monbiot contends that globalisation itself is not the problem. The key issue of concern is "the *release* from globalisation which both economic agents and nation states have been able to negotiate" (2003, 23). The task, therefore, is "not to overthrow globalisation, but to capture it, and to use it as a vehicle for humanity's first global democratic revolution" (Monbiot, 2003: 23). The notion of the power of the multitude as well as arguments for the assertion of global citizenship seem to be visionary ideals at present, that - as Roy suggests in her contention that the WSF needs to be translated into "real political action" - are always in peril of being co-opted / delegitimated by Empire. It is this tension between the advances of labour and the risk of being co-opted / delegitimated by capital that characterises the antagonism between, labour, capital and culture.

Strengths

Conclusion: multitude, media and culture

As already indicated in this chapter, key advances in information and communication technology have made it possible for subjects to mobilise against global capital beyond the confines of the nation-state. This has not only had serious implications for the organisation of social movements (as Chapter 2 will argue), but has also impacted upon the role of corporate media in the lives of subjects as well as the production of culture - both positively and negatively. As far as media industries are concerned, alternative sources of news or information about the environment, politics, economics, law and culture, amongst other things, are widely available. These include Independent Media Center the World Social Forum website, Baoabab Connections, Giga Law, Friends of the Commons, Chimurenga Online, the

Global Voices bridge blog^{viii} and Creative Commons^{ix}. These alternative websites make it possible for subjects to engage directly with each other without having their interaction mediated by corporate media, thereby decentering dominant media's role as gatekeepers. If these subjects are able to engage directly with each other, it means that they are able to negotiate the terms of their engagement in the new media with less intervention than in their interaction with corporate media. Whilst this depiction seems utopian, it is important to bear in mind that new media are open to co-option by global corporate entities and progress in this regard is by no means even. This possibility is discussed in great detail in Chapters 3 and 4, where I suggest that private interests are increasingly beginning to predominate in areas, such as the Internet, that were previously thought to belong in the public domain.

The cultural implications of the notion of the multitude and communication industries also have a significant effect upon cultural expression and production. Drawing on Deleuze and Guattari's concept of the rhizome, the decentred networks of communication that contemporary technology enable, make it possible for a larger number of subjects – from margins to centre, if this analogy still holds – to be cultural producers. One local example of the possibilities that have opened up is the website Fito (www.fito.co.za), which was run by Cape Town-based feminist scholar Desiree Lewis in 2004 and 2005. The site featured visual art, creative writing and critical essays by largely black female artists and critics. The site effectively bypassed established and orthodox publication routes in order to allow its contributors to access a platform that might not have been easy to create before the mid-90s. This strategy potentially allowed artists and scholars to decentre literary canons that silence black female voices and cultural expressions, for instance. Baobab Connections offers another interesting case in point. The website attempts to facilitate dialogue between young voices from the southern and northern hemispheres about issues such as the impact of globalisation on the environment or the progress of the Millennium Development Goals. Baobab's 2390 registered members hail from 117 countries – these include the African states Ghana, Rwanda, South Africa, Nigeria, Uganda, Kenya and Tanzania^x. One strategy that Baobab

Connections employed in November 2004 was to host a hip-hop poetry competition that fed into key themes that the website tracks. According to project co-ordinator Shamiel Adams, the event was a success, with 150 entrants contributing 800 poems in a time-frame of 15 days. The competition shows how the arts and technology can be utilised to interpellate subjects, not as citizens of a nation-state, but as global citizens in the sense that George Monbiot describes in the previous section. Much like Fito, the free South African music website SAMP3 (www.samp3.com) offers another instance of the possibilities of promoting local cultural expression and production beyond the confines of conventional avenues of publication, marketing and distribution. SAMP3 makes it possible for established and lesser-known musicians to market their music by making selected tracks of their albums available for free download in the MP3 file format, which will be discussed in greater detail in Chapter 3. This initiative is much is much like the now-defunct free MP3 site, Digital Cupboard, which was live from 2000 to about 2002^{xi}.

These examples demonstrate Deleuze and Guattari as well as Hardt and Negri's discussion of deterritorialisation and reterritorialisation. Traditionally defined and established territories are being deterritorialised, not necessarily by the operation of capital or the circulation of capital itself, but by shifts in technology as well as the will of subjects who see the possibilities for seizing agency in their attempts to own the means of production and representation. This position differs from the cynical position taken up by Žižek in his analysis of information and communication technology. He asks, "Is the ultimate example of ... the vicious cycle of capitalist productivity, multiplying the very problems it pretends to solve, not *cyberspace*?" (Žižek, 2004: 187). Žižek contends that the "more cyberspace brings us together ... with anyone on the globe, the more it isolates us, reducing us to individuals staring at computer screens" (Žižek, 2004: 187). Whilst Žižek's argument about the irony of subjects' virtual interaction is well worth pondering, one should not underestimate the ability of online engagement – in the pursuit of cultural expression or social justice – in constituting new "imagined communities"; to borrow a phrase from Benedict Anderson^{xii} (1991: 6). These communities are

a mutation of Anderson's interpretation of the nation as an imagined community because cyber-communities do not necessarily imagine themselves to be part of a nation-state or a particular ethnicity^{xiii}. Instead, they align themselves with their political, social or economic objectives. It is in this sense that a global multitude could be constituted as national borders are disregarded in the virtual environment. The nation-state is deterritorialised in cyberspace and a plethora of reterritorialisations are effected by various online communities – in short, rhizomatic relations / networks are established beyond the immediate control of corporate media, states, or literary canons for that matter.

This chapter provided a point of entry into Hardt and Negri's concept of Empire in order to consider the possibilities for agency in the context of global capitalism. It explored critiques of Hardt and Negri's work via critics like Ian Buchanan and Stuart Corbridge in order to set up a clear understanding of the term Empire in the context of this thesis. The work also tapped into Baudrillard's concept of simulacra as well as debates about media coverage of the Jessica Lynch story in order to offer a sense of the ways in which Empire's interests are secured. A key outcome of this chapter is that it shows how globalisation can be captured to challenge the hegemony of former imperial powers. Here, Deleuze and Guattari as well as Hardt and Negri's concept of deterritorialisation and reterritorialisation was particularly helpful. Chapter 2 specifically analyses *The Matrix* as well as work by rap metal band Rage Against the Machine in order to suggest some of the ways in which dissident discourses are co-opted by corporate mechanisms. The next chapter will also consider whether agency is still possible in the face of pervasive corporate marketing strategies that appear to neutralise counter-discursive performances or texts.

Endnotes

ⁱ Joseph Stiglitz describes globalisation as “the closer integration of the countries and people of the world which has been brought about by the enormous reduction of costs of transportation and communication, and the breaking down of artificial barriers to the flows of goods, services, capital knowledge, and (to a lesser extent) people across borders” (2002: 9). There are different perspectives on the merits of this phenomenon. For example, Jane Stadler outlines two opposing views of globalisation (2003). The first view, best captured by the work of Marshall McLuhan, is utopian in that it sees the globalised world as global village “in which everyone’s voice has a chance to be heard” (Stadler, 2003: 185). The dystopian view (propounded by theorists such as Herbert Schiller) sees the growth of global media monopolies and the concentration of media ownership as a threat to cultural diversity – essentially, globalisation leads to cultural imperialism (Stadler, 2003: 188-189). According to Naomi Klein, participants at the World Social Forum in 2001 (Porto Allegre, Brazil) defined globalisation “as a mass transfer of wealth and knowledge from public to private – through the patenting of life and seeds, the privatisation of water and the concentrated ownership of agricultural lands” (Klein, 2002: 199). This definition anticipates my discussion of the enclosure of the information commons at the hands of global corporate entities in Chapter 4 as well as my description of the process that led to the signing of TRIPS (Agreement on Trade-Related Aspects of Intellectual Property) in Chapter 3. It also resonates with my analysis of work produced by ALKEMY (Alternative Kericulum [sic] for Mentoring Youth) in Chapter 5, with specific reference Nazli Abrahams’s remarks about the impact of NEPAD on ordinary citizens’ everyday realities. This thesis examines some of the negative effects of globalisation, with specific reference to concerns about cultural, political and economic imperialism. It also attempts to consider some of the possibilities for the agency of subjects who find themselves excluded by these forms of imperialism.

ⁱⁱ According to *Wikipedia*, hot money refers “to funds which flow into a country to take advantage of a favourable interest rate, and therefore obtain higher returns” (2005). The problem with this phenomenon is that it creates problems of capital flight for developing countries (Wikipedia, 2005). See http://en.wikipedia.org/wiki/Hot_money for further discussion of this term.

ⁱⁱⁱ A copy of the USA Patriot Act is available at *Thomas: Legislative Information on the Internet* (URL: <http://thomas.loc.gov/cgi-bin/query/D?c107:4:./temp/~c107VyWUGa:>).

^{iv} This chapter is not intended to offer a discussion of US foreign policy or US involvement in the Middle East in any great detail as this is a topic that has been widely discussed by a range of authors. See, for example, Mahmood Mamdani’s *Good Muslim, Bad Muslim: America, the Cold War and the Roots of Terror* (2004) or Tariq Ali’s *The Clash of Fundamentalisms: Crusades, Jihads and Modernity* (2002). One of the key aims of this particular chapter is to offer an elucidation of the concept of Empire as well as to consider whether agency is possible in the digital information age.

^v According to Rohit Jaggi, approximately 95% of computers around the world operate on Microsoft software (2004: 17). However, attitudes toward proprietary software in British and European government departments, for instance, have begun to change. In late 2004 the United Kingdom’s Office of Government Commerce produced a report that suggested that open source software offers a cost-efficient alternative to proprietary software use in government departments (Jaggi, 2004: 17). This development offers a positive example of open source advocates’ ability to change perspectives that stand to challenge the near absolute global market share of Microsoft.

^{vi} Deleuze and Guattari ascribe six characteristics to the rhizome: connection, heterogeneity, multiplicity, asignifying rupture, cartography and decalcomania (1987: 7-12).

^{vii} Roy’s arguments about South Africa do not acknowledge the many racialised class disparities that the Africa National Congress inherited from apartheid South Africa. Many of

the problems created by the National Party government persist and cannot merely be ascribed to post-apartheid South Africa's capitulation to global neo-liberal economic agendas.

^{viii} Visit <http://cyber.law.harvard.edu:8080/globalvoices/wiki/index.php/BridgeBlog> for the Bridge Blog Index. This extensive index offers one a sense of blogs' global appeal.

^{ix} Save for Creative Commons, I do not discuss the websites that I mention here in great detail in the rest of the thesis. The arguments that I present here are aimed at offering a sense of how Hardt and Negri's theoretical formulations could be applied to an analysis of culture, technology and political agency in general terms. The subsequent chapters of this thesis examine very specific areas where agency is possible as well as scenarios where such agency is potentially neutralised or co-opted.

^x These statistics were obtained from Baobab Connections (www.baobabconnections.org) on 16 May 2005.

^{xi} This website was active from about the same time as South Africa's first pay-for-play website, Friedjam.com, which I edited from 2000 to 2001 before its demise. Unlike many music websites, which were considered to be illegal, Friedjam.com offered music tracks for download at a cost of R6,50 per track. The website also did not offer tracks in the popular MP3 format, but used Windows Media Audio (WMA). This format allowed for the music tracks to be encrypted in order to prevent them from being duplicated, thereby preventing copyright violation. The encryption was added to the tracks in line with the company's Digital Rights Management (DRM) policy, which effectively made Friedjam.com compliant with the USA's Digital Millennium Copyright Act – this act will be discussed in further detail in Chapter 3. However, DRM created difficulties for clients who upgraded their PCs, installed new operating systems or needed to clear their PC's registry for any other reason. DRM made it legally and technically difficult for clients to move or copy music files that they had already purchased. In fact, during my time at Friedjam.com, one client registered his anger at this state of affairs via constant e-mail interaction with me over the company's policy and, in the end, he claimed that he had at last found a means of cracking the encryption. This allowed him to move or copy the music file in whatever way he deemed fit. Given the popularity of free music platforms like Napster, Friedjam.com was not a successful venture. The site also did not sell mainstream American or European music as it did not acquire this content during its negotiations with major music labels. Friedjam.com was owned by South African media corporation Naspers, which owns the large Internet Service Provider M-Web, cable TV company Multichoice (that owns M-Net) as well as a large number of print media titles, such as *You*, *Huisgenoot*, *Drum* and *Die Burger*.

^{xii} I return to Anderson's work in Chapter 6 in order to make sense of the concept of imagined communities in the context of post-apartheid South Africa, debates about Empire and black nationalist hip-hop.

^{xiii} It is from this perspective that the slogan "Another world is possible" makes sense. This slogan is popular in contexts such as the World Social Forum as well as anti-war protest websites like www.notinourname.net. The slogan is used in the hip-hop poet Saul Williams' "The Pledge to Resist", which is available off this website. This poem has also been remixed by DJ Spooky to produce a number of hip-hop or dance tracks. These mixes are available on an EP by Williams titled *Not In Our Name* (2003).

Weaknesses.

CHAPTER 2
Co-opting dissent:
the commodification of counter-culture

This chapter continues the previous chapter's discussion of the possibilities for agency in challenges to the operation of global capitalism in the information age, with special reference to counter-culture and theoretical engagements with an increasingly media-saturated global context. This work will focus upon the treatment of hackerdom and revolutionary struggles in *The Matrix*; the film's use of politically subversive songs by alternative rock band Rage Against the Machine as well as the band's keen support of Zapatismo in Mexico. Jean Baudrillard's "The Precession of Simulacra" will offer a key point of entry into a discussion of how the media – including the medium of film – can be viewed as the "neo-liberal project" (Roy, 2004: 34) that mediates what we perceive to be reality. The chapter's analysis of the ways in which counter-discursive cultural expressions are co-opted by mainstream culture takes on a special significance in relation to the use of Baudrillard's concept of simulacra in *The Matrix*. A key argument that will be advanced is that Baudrillard's work, an academic text, is itself co-opted in the same way that subcultural expressions are co-opted by dominant / mainstream culture. A key objective would be to demonstrate that the media is one of the means through which struggles and critical voices, be they the voices of academics or artists, get co-opted or delegitimated.

~~I argue that the circulation of popular culture via the mainstream media is an important instrument through which hegemonic ideas are offered to subjects in attempts to produce consensus about how notions such as struggle, revolution and rebellion should be interpreted. However, popular culture is not able to generate meanings and representations on its own and tends to assimilate as much from elsewhere as possible; hence its symbiotic and quietly antagonistic relationship with more marginal cultures and political positions. Essentially, we are talking about relations between dominant / mainstream and subordinate /~~

marginal cultures in which mainstream cultures 'borrow' elements from marginal cultures in order to renew themselves. These sorts of processes amount to more than 'cross-cultural exchanges' or 'cultural diffusion', or what certain postcolonial theorists have called 'hybridisation' (as if all cultures are not always already hybrid) (c.f. Erasmus, 2005). These processes can be understood from a British cultural studies perspective that engages with debates about the commodification of culture. Dick Hebdige's *Subculture: The Meaning of Style* is a particularly significant text in this field. Hebdige's work on the recuperation of subculture will be discussed in relation to the concepts of hackerdom, hacktivism and revolution. Ultimately, this chapter will analyse lyrics by Rage Against the Machine as well as the band's film, *The Battle of Mexico*, in order to consider whether the inclusion of the band's music in *The Matrix* is evidence of co-option or whether it points to the possibility of agency in Empire, which is represented by Hollywood's global entertainment industry in this context. Whilst it is arguable that a large degree of co-option and delegitimation has taken place, this work argues that Rage Against the Machine demonstrates that it is possible to 'capture globalisation' or appropriate Empire's strategies to a certain extent. In this regard, Maria Garrido and Alexander Halavais's research on web-based support for Zapatismo will be particularly relevant (2003). Their work suggests that the Zapatistas' use of communications technology and global networks of social movements offer another instance of the will to 'capture globalisation'. The engagement with Rage Against the Machine's work will also offer the opportunity for links to be made with Hardt and Negri's discussion of NAFTA as well as Arundhati Roy, George Monbiot and Hardt and Negri's interpretation of the concept of global citizenship.

2.1 *The Matrix* as its own pure simulacrum

This chapter will initially focus upon the first episode of *The Matrix* trilogy in order to explore the filmmakers' treatment of the concepts of ~~hackerdom and revolution~~ as well as Jean Baudrillard's work on simulacra. The Wachowski brothers' use of these concepts appeals to audiences who have an interest in debates about

counterculture. Ultimately, the major contention is that the Wachowskis' treatment of the concepts of hackerdom, revolution and simulacra are conservative and that they serve as a means of engaging larger audiences, thereby ensuring the film's box office success in much the same way as its use of impressive special effects and stunts. Here, this chapter argues that *The Matrix* offers one textual example of the way in which corporate monopolies – in this instance, key film and media industry player AOL Time Warner – are able to employ the communication industries to legitimate the imperial machine (Hardt & Negri, 2000: 33). In essence, the film co-opts the concepts of hackerdom, revolution and simulation to extend market share and, thereby, widens AOL Time Warner's global market share. *eg matrix*

The film's protagonist – Thomas Anderson aka, Neo – is a computer programmer for a large software firm by day and is a hacker by night. We first meet him in his apartment, where he appears to have fallen asleep at his computer whilst doing an Internet search for the enigmatic character Morpheus. It is Morpheus who will later approach Neo and convince him that he holds the key to freeing humans from a life of enslavement at the hands of the machines that hold humans captive in an illusory state whilst, in fact, humans' bodies are mere sources of energy for the machine civilisation. In short, Neo is "the one" who will free humans from The Matrix, a "prison for the mind." During the search, which continues as he lies asleep before the monitor, an article about the "terrorist" Morpheus escaping authorities at Heathrow airport downloads, followed by an article that appears to be written in Arabic. This sequence is significant as the notions of the terrorist, revolutionary and hacker become conflated, thereby hinting at the dominant representations of these three identities. These concepts are also associated with Islam via the Arabic text, thereby alluding to mainstream media representations of Islamic fundamentalism as well as Islamophobia. These notions are conflated with each other in order to create a sense of the hacker representing a sensationalised and, in this instance, a romanticised threat to the present world. Here, the concept hacker comes to signify that of the lone,

dangerous and violent male outlaw in much the same way as wanted fugitives in the cowboy western or gangster film genre feature in wanted posters.

A bird's eye view of Neo's apartment reveals that he is seated at a u-shaped desk that is cluttered with gadgets. In fact, he appears to be surrounded by gadgets and electronic equipment – so much so that his life seems to be encased within information technology. Another shot sequence reveals that his stereo is on and that he is connected to it via his Panasonic headphones that are plugged into the stereo. This is the first reference to the notion of being “plugged in” before Morpheus reveals that he is, in fact, literally plugged in to The Matrix. The second reference is made moments later when his illicit client tells him that he needs to “unplug” – “get some r and r” (Wachowskis, 1999).

This introductory sequence is significant in that it hints at some of the key elements of the film's narrative: Neo is plugged into The Matrix; Morpheus will reveal that he has, in fact, been “living in a dream world”; Neo will unplug from The Matrix, but his destiny will continue to be bound up with the gadgets and technology by which he is surrounded in this scene; and, as his illicit client suggests, he will turn out to be humanity's “personal Jesus Christ”. The scene is also significant because it introduces the concepts of hacker, revolutionary and terrorist to the audience, thereby foreshadowing Agent Smith's characterisation of Morpheus as a terrorist during Neo's interrogation scene. The contesting understandings of Morpheus as either terrorist or revolutionary would not be new to audiences who are already familiar with debates about the ways in which the media have often come to characterise proponents of political change in South Africa during the 80s, for example, as terrorists or insurgents, as opposed to freedom fighters. Here, the media comes to fulfil its role as an ideological state apparatus. The film seems to rely on the audience to make these sorts of associative connections.

The Wachowskis' use of the concept of hackerdom in the context of revolutionary struggle becomes particularly interesting in this regard. Tim Jordan and Paul A. Taylor define a hack as a "neat programming trick" (2004: 6). They contend that despite "its connotations of illicit computer break-ins, within hacking circles the hack is more widely defined as an attempt to make use of technology in an original, unorthodox and inventive way" (Taylor & Jordan, 2004: 6). The authors explain that early hackers possessed the desire to "promote free access to computers and information as a means of improving a perceived democratic deficit within society at large" (Taylor & Jordan, 2004: 14-15). However, by the mid-90s, hackers' expertise became increasingly co-opted by corporate interests. This newer generation of hackers were commonly called microserfs and typically worked for large corporations like Microsoft (Taylor & Jordan, 2004: 5 & 12). By this time, hacking came to be characterised negatively as it was equated with cracking, which refers to "illicit or unwanted computer intrusion" (Taylor & Jordan, 2004: 5). This understanding of the term hacker thus differs from mainstream media characterisations that depict hackers as dangerous outlaws who are at odds with society. The term hacktivist takes the concept of hacker into the domain of political activism and differs remarkably from stereotypical representations of hackerdom as well. Taylor and Jordan define hacktivism as "hacking with an overt political stance" (2004: 12). The authors make specific reference to Hardt and Negri's concept of the multitude in their discussion of the "call for a re-appropriation of the global web" when they suggest that hacktivists "can be seen as part of this 'counter-populating' of 'the global multitude'" (Taylor & Jordan, 2004: 39). They therefore see hacktivist agendas as part of a creative and imaginative challenge to the operation of Empire – Hardt and Negri's Foucauldian concept of biopolitical production thus resonates with their understanding of hacktivism (Taylor & Jordan, 2004: 36; Hardt & Negri, 2000: xiii). In a discussion of media representations of hacktivism, the authors suggest that

[j]ust as previous figures in the hacking community have been stigmatised in order to provide a useful embodiment of media-sponsored fears of technology, so hacktivists are now likely to be targeted as scapegoats for fears that have found a fresh focus in the figure of the cyberterrorist. However hacktivists, because they generally propose anti-state agendas, are unlikely to be condoned by their own nations just because they have performed a good hack. (Taylor & Jordan, 2004: 27)

The conflation of the concepts hacker, revolutionary, activist and terrorist comes to characterise both hacktivism and hackerdom in general in politically conservative ways. *The Matrix's* treatment of these concepts operates in this field as well, as the allusions in the introductory sequence suggests. Neo is, indeed, a hacker who will become involved in a political cause as a revolutionary figure. The revolution is largely fought in cyberspace, but it is made literal in its depiction of violence that aligns it to many other action films, such as the *Terminator* trilogy, or computer games – which have become a key revenue stream for action adventure films. The complexity of social movements' use of cyberspace and information technology in general in furthering their political aims – such as those of human rights organisations or grassroots media organisations – is therefore lost in the conflation of the concepts of hacker, revolutionary, activist and terrorist. The treatment of the concept of the hacker in *The Matrix* thus employs a measure of stereotyping that furthers the action film's thematic development. Essentially the concept is co-opted for the sake of creating another Hollywood blockbuster.

In the same scene, we see Neo engage in a presumably illegal software transaction – an act which seems somewhat uncharacteristic for many hackers as many merely amass cultural capital for their hacks (Thomas, 2002: 144). The scene also seems to contradict hacker subculture's belief that "information wants to be free" (Thomas, 2002: 120), a belief that has been signified by file-sharing practices on the Internet as well as by the open source movement. The very act of Neo trading in illicit software for cash aligns the identity of the hacker with that of criminals, such as drug dealers. The illicit nature of the transaction is signified

in the scene by the caution with which Neo interacts with his clients. Upon hearing a knock on his door, he does not open the door until he is sure that the visitor is, in fact, his client. He then takes his money, closes the door and returns with the computer disk / the “merchandise”. In this context, the connotations with criminality come to signify Neo’s oppositional stance toward the “system” or the world of mainstream corporate labour, which is signified by his daytime identity as a Microserf – a programmer for a major software company. The film thus alludes to critiques of the operation of global corporate entities, such as Microsoft, and allows the audience to read the film as a subversive engagement with a life of conformity in the context of corporate globalisation. This allusion can be understood by exploring work by Douglas Thomas on hacker subculture.

Thomas makes use of Dick Hebdige’s *Subculture: The Meaning of Style* in order to theorise hackerdom. Thomas explains that hacker culture was born in East Coast laboratories in the late 1950s and 1960s, when programmers did everything possible to secure computer resources (2002: 144). One of the solutions that they developed was the practice of “bumming” code, which is antithetical to conventional approaches to like “structured programming” – “a style that assumed that a single superior, mathematically precise solution existed for each problem encountered” (Thomas, 2002: 145-146). The aim of this practice “was to reduce the number of lines or commands necessary to accomplish a certain task” via a process in which a number of hackers would contribute to the construction of a programme (Thomas, 2002: 145). Essentially, the most innovative hackers would accrue the most cultural capital (Thomas, 2002: 145). Thomas compares the process of ‘bumming code’ to bricolage: “The triumph of bricolage is, ultimately, an end-user phenomenon. People prefer to play with computers, rather than program them” (Thomas, 2002: 145; Hebdige, 1979: 104-106). This process of play resonates with Hebdige’s claim that subcultural style “represents the triumph of process over fixity, disruption over unity, ‘collision’ over ‘linkage’ – the triumph, that is, of the signifier over the signified” (1979: 119). Here, the programmer is a bricoleur because s/he is able

to pursue a variety of options to customise an application for a specific use. The bricoleur is able to consult multiple sources / co-authors in refining a software application, thereby decentering the prominence that structured programming enjoys in conventional approaches to writing software. Thus, the design of software is no longer the exclusive vanguard of established, dominant research institutions or of large commercial vendors of proprietary software – especially in cases where such entities place a large premium on what they characterise as highly specialised and thus expensive programming skills and intellectual property. The notion of the ‘triumph of process over fixity’ is made real due to the fact that no single solution brings closure to the process of programming, but that the process is continuous. This continuous process is kept alive through constant communicative exchanges between programmers who develop software collectively’. It is in this sense that ‘bumming code’ could be seen as a form of bricolage that effectively resists the dominance of approaches by proprietary software producers or by proponents of more orthodox methodologies in the field of computer programming. However, bricolage is employed as a “secondary rather than *primary* strategy of resistance” because electronic “style is made possible by the transformation from a material to an information medium” (Thomas, 2002: 149). Electronic style therefore takes an immaterial form that does not bear any relation to material property, such as consumer products like clothing. Hacking and unorthodox approaches to programming are thus not dependent on the “parent” culture as a primary site of production or moment of origin, thus making it “extremely resistant to both commodity and ideological forms of incorporation” (Thomas, 2002: 149 – 151).

~~Dick Hebdige’s work on the incorporation or recuperation of subculture requires further exploration at this point. He holds that subcultures are recuperated in the following ways:~~

- 1) the conversion of subcultural signs (dress, music, etc.) into mass-produced objects (i.e. the commodity form);



2) the 'labelling' and redefinition of deviant behaviour by dominant groups – the police, the media, the judiciary (i.e. the ideological form). (Hebdige, 1979: 94)

The ideological form of recuperation has happened to some degree via negative media characterisations as well as legal action against crackers and hackers. Thomas argues that the commodity form of recuperation has not occurred so easily and that “hacker subculture has found a way to subsist within a structure of incorporation that ...relies on it to operate *as difference*,” thus creating a lucrative market for selling anti-virus software in the information technology industries (2002: 155). However, Thomas contends that it is popular culture that presents hackers with their biggest risk of incorporation, citing the film *Hackers* as a key example of this process (2002: 156–157). He argues that the film “reduces hacker style to techno-fetishism”, that it reduces subcultural style to commodity forms via fashion and that it incorporates hackerdom on an ideological level by refiguring hacker style to “meaningless exotica” (Thomas, 2002: 157).

Much the same could be said for the Wachowski brothers' trilogy with regard to commodity and techno-fetishism. The key characters – Neo, Morpheus and Trinity – are clad in trendy leather coats, sunglasses and slick hairstyles; they drive racy and stylish cars and motorcycles; and are armed with an impressive array of machine guns and swords. In fact, during the lobby shooting spree – in which Neo and Trinity rescue Morpheus from the Agents – we find that many of the shot sequences focus upon the choreography of our stylishly-clad protagonists as they summersault about gracefully to the sounds of a techno-dance music track and fire their artillery, as opposed to focussing on the death and destruction that they unleash. This point is well worth considering, given that during Neo's training in 'The Construct' Morpheus tells Neo that every civilian who has not been unplugged must be considered the enemy – a lesson that resonates with the US military's classification of civilian deaths during the invasions of Afghanistan and Iraq as 'collateral damage' as well as President Bush's oft-repeated statements that 'those who are not with us are against us'.

The film, much like a great deal of news coverage of military exercises in the Middle East, tends to focus upon technological and technical wizardry as well as spectacles, as opposed to civilian casualties. This makes processes of identification with the anonymous actual victims of violence difficult, as well as making the levels of violence and destruction acceptable and even appealing to audiences. Andrew Gordon's analysis of the film supports this interpretation when he contends that

the hyperreality inoculates us against the hyperviolence. For example, because it bends reality and resembles a video game, we cannot take the slaughter of the policeman in the lobby seriously The policemen are like anonymous targets in a video game. We momentarily forget that behind these virtual-reality policemen are real peopleⁱⁱ. (2003: 119)

Michael Brannigan offers similar insights to Gordon in his discussion of the film's large reliance on aspects of Buddhism when he discusses the same scene in the agent training programme. Brannigan points out that Morpheus' view of civilians in the system as the enemy "clearly goes against the supreme Buddhist virtues of compassion (*karuna*) and lovingkindness (*metta*)" – in essence, these virtues apply to all sentient beings, including the Agentsⁱⁱⁱ (2002: 108). He also contends that the "scenes of excessive violence seem to contradict Buddhist teachings regarding nonviolence [sic], or *ahimsa*" (Brannigan, 2002: 108). The film's use of aspects of Buddhism therefore appears to be as selective as its use of hacktivism and counter-culture. Brannigan concludes that these contradictions amount to "selling out" and "demonstrates the film's commercial aim in appealing to our culture's audience" (2002: 108). James L. Ford concurs with this view when he argues that, despite the Wachowskis' use of Christian and Buddhist mythological traditions, the commercial appeal of the film's violence "glorifies some of the 'social matrices' it purports to challenge" (2003: 172).

The film contains further evidence of the appropriation / recuperation of counter-culture, or the selective use of philosophical and political ideas that would appeal

to audiences. We are offered a cue in this regard when we discover that Neo hides his illicit computer disks and cash in a hollowed-out copy of Baudrillard's *Simulacra and Simulation*. Many audience members would, no doubt, be amused to discover that he has hacked Baudrillard: the book, which appears to contain Baudrillard's work on simulacra, is being used for an unintended purpose. In essence, the hollowed-out book itself is a simulation. This revelation foreshadows the construct scene in which Morpheus shows Neo how the Earth really looks in the present day. As the *mise en scene* changes about them, Morpheus says, "Welcome to the desert of the real" (Wachowskis, 1999). Morpheus draws directly from Baudrillard's "The Precession of Simulacra" and, in fact, Anthony Gordon observes that the screenplay draft for the *The Matrix* actually had Morpheus saying, "You have been living inside Baudrillard's vision, inside the map, not the territory" (Gordon, 2003: 103). Of course, the irony is that Morpheus is using 'The Construct' – a simulacrum – to show Neo the "real world". The Wachowskis' application of Baudrillard's work on simulacra and simulation merits further investigation.

As suggested earlier in this chapter, Baudrillard offers a vision of a media-saturated world, which he describes as a simulacrum. He writes that the "era of simulation is inaugurated by a liquidation of all referentials" and that the "image has no relation to any reality whatsoever: it is its own pure simulacrum" (1994: 2 & 6). Any possibility of accessing reality is undermined by the simulacrum as it "threatens the difference between the 'true' and the 'false', the 'real' and the 'imaginary'" (Baudrillard, 1994: 3). In short, "simulation ... stems from ... *the radical negation of the sign as value*" because the "imaginary of representation ... disappears in the simulation whose operation is nuclear and genetic, no longer at all specular or discursive" (Baudrillard, 1994: 2; 6). Baudrillard states that when "the real is no longer what it was, nostalgia assumes its full meaning" – this is when we begin to see a "plethora of myths of origin" (1994: 6). The belief held by Morpheus that 'The One' exists and must be found could be construed as an example of such a myth. The reality that humans live in the present day of the

film's narrative is "no longer what it was". All they have left are the myths about the world before the rise of the Machine civilization as well as the mythical figure of the One, as prophesied by the Oracle. However, the film departs from Baudrillard's theory by insisting upon the existence of the real: Morpheus welcomes Neo "to the desert of the real". A world outside of The Matrix really does exist in the narrative and offers a counterpoint to the simulated world, thus reinserting a distinction between the real and the imaginary. To paraphrase Baudrillard's claims about Disneyland, the imaginary of The Matrix is a deterrence machine that is presented to make us believe that the rest – that is, Zion and the rest of the world outside of The Matrix – is real (Baudrillard, 1994: 12). In this sense, the Wachowskis' application of Baudrillard's conception of simulacra may succeed in driving the plot of an action narrative, but ultimately misinterprets the theory substantially.

To return to my earlier summary of Baudrillard's key claims, *The Matrix* "works spontaneously for the order capital" by "proving the real through the imaginary, proving truth through scandal, proving the law through transgression ... and capital through revolution" (Baudrillard, 1994: 14 & 19). This quotation is particularly significant in this context because *The Matrix* trilogy literally deals with the revolutionary struggle of humans from an oppressive regime, the Machine civilisation. We therefore find that the concept of revolution, much like simulacra and Buddhism, is a mechanism via which the Hollywood blockbuster film is able to generate even wider interest. Andrew Gordon concurs with the view that *The Matrix* departs from Baudrillard's work on simulacra and simulation:

I believe that the film is clearly influenced by Baudrillard's ideas but waters them down to the point that it doesn't really reflect his thinking *The Matrix* is not faithful to Baudrillard's conclusions, because it creates a world in which the unreal is forced upon people (because in our contemporary world we are doing it to ourselves) and because it offers hope of returning to the real, which Baudrillard claims is no longer possible. (2003: 119)

Ironically, the Wachowskis' misinterpretation of Baudrillard's conclusions could be compared to his "successive phases of the image" in the era of simulation: their film is not a reflection of Baudrillard's ideas; it somewhat "masks and denatures" his ideas and it is also arguable that it in many respects "it has no relation ... whatsoever" to Baudrillard's conclusions (1994: 6). *The Matrix's* treatment of simulacra thus has become its own "pure simulacrum" – it has no relation to the "reality" or truth of Baudrillard's thesis (Baudrillard, 1994: 6). The film's insistence on the real and the imaginary saves "the reality principle" by "concealing the fact that the real is no longer real" (1994: 12). The filmmakers' thematic treatment of Baudrillard's work therefore offers a demonstration of his theory in an inadvertent manner and, much like Disneyland, belongs to "the hyperreal order" (Baudrillard, 1994: 12). The film's selective application of the theory is thus somewhat conservative and could be read as an attempt to co-opt dissident voices, to broaden the film's appeal as well as to delegitimize left critiques of what Hardt and Negri term Empire.

2.2 Empire, culture and agency in *The Matrix*

As Chapter 3's exploration of the Recording Industry Association of America's response to Napster's widespread popularity will suggest, the imperial machine "is self-validating" in that it does everything but eliminate master narratives^{iv} (Hardt & Negri, 2000: 34). Instead, it purchases legitimacy for the continued operation of its own power through the continued production and reproduction of master narratives, including those of an ideological nature – much like the kind of revolutionary narrative constructed in *The Matrix* (Hardt & Negri, 2000: 34). The film's treatment of the notions of hackerdom and revolution demonstrates Hardt and Negri's contention that culture is "directly both an element of political order and economic production" (2004: 334). Therefore, *The Matrix* is at once a cultural text produced for the purposes of entertainment as well as a text with both an economic and political value. It thus becomes difficult to merely read the work as a cultural product devoid of its political and economic dimensions. Hardt and Negri argue that because Empire is "an expansive biopolitical system, the entire

global population tends to become necessary to sovereign power not only as producers but also consumers, or as users or participants in the interactive circuits of the network" (2004: 335). This formulation is significant in the light of this thesis's interest in instances where corporate entities have a vested interest in positioning individuals as consumers of products or services, as opposed to positioning them as informed and empowered citizens of a functional democracy.

It is worth noting that Hardt and Negri imply that the only terms upon which interaction is sought from subjects of Empire is when their participation in the operation of hegemony is required. In many respects, this is what we see happening in the Wachowskis' film because audiences are offered a number of means through which they may be sutured into the film text, and thereby 'buy' into its representation of technology, law, counter-culture and struggles for social justice. However, the space that the text creates for subjects' enjoyment of the film and their engagement with its thematic concerns also creates opportunities for a certain measure of agency, particularly because its authors are not able to predetermine the ways in which audiences will engage with the text or appropriate elements from it. Hardt and Negri acknowledge the irony of this fact when they suggest that "Empire creates and rules over a truly global society that becomes ever more autonomous while Empire relies on it ever more heavily" (Hardt & Negri, 2004: 335). It is this autonomy that allows individuals some room to negotiate hegemonic practices and representations because Empire is dependant upon these subjects, to some degree, in order to function.

One brief example of the sort of agency under discussion here is an interview I conducted with the members of ALKEMY (Alternative Kerriculum [sic] for Mentoring Youth). ALKEMY, which will be discussed in greater detail in Chapter 5, employs hip-hop in order to engage youth about social, economic and political realities, whilst also developing their creative writing and performance skills as hip-hop emcees. In his discussion of the impact that ALKEMY had on his life, Ed Camngca states, "I probably would be working somewhere at a dead end job. [I

would have been] on the corner this moment doing nothing, sitting at the *smokkelhuis* [shebeen or informal bar], smoking and what-not. It has somehow taken me out of the matrix” (Haupt, 2003). In the context of the interview, Camncga’s playful choice of metaphor alludes to the idea of Neo being rescued from a less than inspiring existence in *The Matrix*. Camncga equates a young person’s life in the township with living in The Matrix – possibly alluding to the limited options that the apartheid state offered black subjects as well as the fact that black working class spaces have not changed substantially since 1994. The use of this particular metaphor could be read cynically as evidence of the extent to which US cultural imperialism influences black cultural expression, but a more interesting line of thought is the fact that Ed Camncga appropriates the terminology of this blockbuster film to reflect critically upon his reality, which is still shaped by South Africa’s racialised class divide. As Chapters 5 and 6 will reveal, initiatives like ALKEMY offer a positive example of attempts to engage critically with this divide as well as the operation of global capitalism. This example indicates that a certain amount of agency is still possible despite the extent of Empire’s reach.

However, the interplay between subjects’ agency and the ability of corporate entities to co-opt critical or subversive voices is uneven, as an advertising campaign by South African cellular phone operator Cell C suggests. The campaign in question involved the distribution of posters and postcards on university campuses as well as large billboards, such as the one situated along the side of a building in Cape Town central business district’s Foreshore in 2004. The text of the posters, postcards and billboard reads as follows:

MANIFESTO
WE WILL NOT BRAND YOUR SUMMER.
WE WILL NOT DO THINGS TO YOU,
BUT WITH YOU.
WE WILL NOT ATTEMPT TO OWN
YOUR MUSIC OR SPORT.
WE WILL ALWAYS MAINTAIN

A SENSE OF HUMOUR.
WE WILL SHOW YOU NOT ALL BRANDS ARE THE SAME.
WE WILL SHOW YOU THAT SOME ARE SWITCHED ON.
WE ARE OUT TO GET YOU.
THIS IS A CONSPIRACY THEORY.
YOU WILL BELIEVE IT.
YOU WILL [Cell C Trademark].
(Cell C, 2004)

This parodic advertisement displays an awareness of critiques of the commercialisation of tertiary institutions by corporate marketing and sponsorship as well as what Naomi Klein calls the "marketing of cool" (Klein, 2001: 63-85 & 87-105; Bollier, 2003: 135-146). In her discussion of the co-option of styles and "politically grounded movements," Klein argues that "the cool hunters reduce vibrant ideas to the status of archaeological artifacts, and drain away whatever meaning they once held for the people who once lived with them" (2001: 84). Cool hunters would include advertising agencies that attempt to market their clients' products by tapping into the marginal, counter-discursive practices of young subjects. The use of hip-hop in a range of advertisements, including South African cellular phone operator MTN's "Free to Speak" advertising campaign, offers one example of a counter-discursive practice that has been co-opted by advertisers.

Klein's work on 'cool hunters' is relevant to Dick Hebdige's notion of the commodity form of the recuperation of subcultures. Essentially, subcultural styles and expressions are appropriated by dominant cultures in order to market products and – in the process – these styles and expressions are emptied of their subversive content: signs are emptied of the signifieds, leaving behind empty signifiers that can be used to signify less subversive messages. The Cell C advertisement takes the signifiers of protest – white protest posters typed in black and red capital letters, which might very well have been found on campuses during South Africa in the '80s and may still be seen in anti-globalisation protests – and assigns new signifieds to these signifiers. These new meanings offer a direct criticism of the sorts of concerns raised by Klein. In short,

the advertisement makes light of critics like Klein and David Bollier who express concerns about the extent to which private concerns infringe upon the public domain, such as educational institutions, the Internet and public spaces like parks and beaches – this issue will be discussed in greater detail in Chapter 4. Here, the advertisers reduce such criticism to the laughable notion of conspiracy theories and effectively relegate such ideas to the lunatic fringe. The work therefore addresses readers who are already familiar with these debates and ‘targets’ that sector of ‘the market’ that has a high level of media literacy in its attempts to position itself as being different from typical advertisers. The Cell C campaign – much like the treatment of the conceptions of revolution, hackerdom and simulation in *The Matrix* – thus indicates the extent to which marketers are willing to go in employing sophisticated strategies that incorporate ‘cutting edge’ styles and ideas – even when it means acknowledging and co-opting criticisms of these very strategies. Discussions of subjects’ agency are thus tempered somewhat by such representational techniques. It is the issue of agency that merits further consideration in the following section, which analyses *The Matrix’s* use of the music as well as some of the intertextual connections that this music establishes within the film.

2.3 Rage Against the Machine and thematic depth in *The Matrix*

The strategy of co-option takes an interesting turn when examining *The Matrix* trilogy’s use of largely alternative music on its soundtracks. Some of the artists include Marilyn Manson – who has often been blamed by the mainstream media for producing music that incited American youth to violence – along with Rage Against the Machine, Rob Dougan, Rammstein, Deftones and Ministry. The use of Rage Against the Machine’s “Wake Up” in the closing sequence of *The Matrix* is particularly interesting. The song’s title is apt because in the first instalment of the trilogy Morpheus – also the name of the Greek god of dreams – wakes Neo up from his illusory or dream-like existence in *The Matrix* and, in the closing scene of the film, Neo promises the Machine civilisation that he will do the same for everyone else still trapped in this “prison for the mind”. The scene takes place

in a phone booth located in a busy city. In this scene we are taken from a PC monitor – where an Agent is presumably trying to trace the phone call that Neo is making – through the matrix of the monitor’s screen into what appears to be a network and, ultimately, to the mouthpiece of Neo’s telephone. Essentially, the scene offers a reverse movement of the scene where we first meet Neo, as he lies asleep before his PC moments before Morpheus wakes him up – he is no longer the person he was at the beginning of the narrative. Neo’s heroic message to the Machine world also adds to this perception:

Neo: I know you’re out there. I can feel you now. I know that you’re afraid of us. You’re afraid of change. I don’t know the future. I didn’t come to tell you how it would end. I came here to tell you how this is going to begin. I’m going to hang up this phone and then I’m going to tell these people what you don’t want them to see. I’m going to show them a world without you. A world without rules and controls. Without borders and boundaries. A world where anything is possible. Where we go from there is a choice I leave to you.
(Wachowski Brothers, 1999)

His speech is accompanied by the instrumental introduction of “Wake Up”, which builds up to a climactic beginning as Neo flies out of frame before the title sequence commences. Neo’s role as superhero and revolutionary is thus established for the rest of the trilogy. This construction is affirmed by the use of music by Rage Against the Machine, a band that has positioned itself as being critical of US foreign policy in Mexico. The band often aligns itself with struggles for justice across the globe and their lyrics adopt revolutionary voices that are critical of the US government as well as corporate globalisation. The title sequence is accompanied by an edited version of “Wake Up”, which features some of the following lyrics:

Movements come and movements go
Leaders speak, movements cease
When their heads are floun
‘Cause all these punks

Got bullets in their heads
Departments of police, the judges, the feds
Networks at work, keeping people calm

You know they went after King
When out he spoke out on Vietnam
He turned the power to the have-nots
And then came the shot (Rage Against the Machine, 1996)

Here, Rage Against the Machine's lead vocalist, Zack De La Rocha, suggests that the FBI was responsible for the assassination of Martin Luther King because he was critical of US foreign policy on Vietnam. The idea of networks being "at work" to keep "people calm" as well as the idea that FBI agents are involved in silencing critical voices allude to the idea of social control in a fascist state, much like the world depicted in *The Matrix* where the agents eliminate threats to the Machine civilisation's control over the human slave population.

The use of the band as well as this particular song is therefore apt in adding depth to the film's thematic concerns, notwithstanding that the band itself might be critical of the role of Hollywood in the operation of US imperialism. This leads one to consider why Rage Against the Machine allowed their music to be used in this particular context, which might be construed as a capitulation to Hollywood as an agent of corporate globalisation and US cultural imperialism.

2.4 Rage Against the Machine and Zapatismo

During the run of the band's existence from 1991 to 2001, Rage Against the Machine aligned themselves politically with Mexico's Zapatista movement, which shot to prominence on 1 January 1994 during an uprising in the south-eastern state of Chiapas in Mexico. This is also the day on which the North Atlantic Free Trade Agreement (NAFTA) came into effect, thereby creating an "economic zone between Canada, the United States and Mexico" (Taylor & Jordan, 2004: 57).

Maria Garrido and Alexander Halavais contend that the "uprising was provoked by an urgent need to fight together against the extreme poverty that had deterred the social and economic development of indigenous communities in Mexico" (2003: 165). As Hardt and Negri suggest, the Zapatista uprising

focused mainly on local concerns: problems of exclusion and lack of representation specific to Mexican society and the Mexican state, which have also to a limited degree long been common to the racial hierarchies throughout much of Latin America. The Zapatista rebellion, however, was also immediately a struggle against the social regime imposed by NAFTA and more generally the systematic exclusion and subordination in the regional construction of the world market. (Hardt & Negri, 2000: 55).

Ana Esther Ceceña argues that NAFTA made “every plot of earth commercial and ahistorical” (2004: 364). She states that the “end of agrarian distribution and collective property in Mexico constituted an attempt to destroy the community life of peoples, forcing them into a migratory, fragmented, deterritorialized and dehistoricized existence” (Ceceña, 2004: 364). The rise of Zapatismo therefore offers an example of the confrontation between Empire’s will toward individualist appropriation – in the form of corporations – and the communal life and collective histories of Mexico’s rural indigenous people. As Hardt and Negri suggest, this struggle is at once local as well as global as it enters into dialogue with the advancement of neo-liberal economics / Empire in the form of NAFTA.

Naomi Klein writes that the Zapatistan struggle was a “strategic victory” because it “was both specific and universal” and that the Zapatistas ensured that the events transpiring in Chiapas “could not be written off as narrow ‘ethnic’ struggle” (2002: 217). Taylor and Jordan describe some of the phases through which the Zapatista movement has gone. The Zapatistas demanded that those who work the land own the land; they “asserted the right of indigenous peoples to be considered fully part of the Mexican nation”, and they “opposed monetarist / neo-liberal programmes of economic change” (Taylor & Jordan, 2004: 57-58). One can make sense of these demands by considering Ceceña’s contention that the Zapatistas maintain that “reality is rooted in territory (serving as a link between past and future and between the different worlds invoked by the majority of original cultures) and that life acquires meaning in everyday events” (Ceceña, 2004: 364). Effectively, they called for a “new democratic settlement that both

includes indigenous peoples ... and creates a new civil society for all Mexicans” (Taylor & Jordan, 2004: 58). The authors state that this call led to a number of encounters that “attempted to form a global movement for a global civil society” (Taylor & Jordan, 2004: 58).

These attempts echo Chapter 1’s discussion of Arundhati Roy, George Monbiot and Hardt and Negri’s arguments for global citizenship. The autonomous action of Mexico’s rural indigenous citizens points to the limitations of the nation-state in protecting its interests; hence the bid for a ‘global civil society’. This bid for global citizenship takes precedence over these rural indigenous Mexicans’ faith in internationalism, which implies interaction between nation-states that act on behalf of its citizens with questionable efficiency (Monbiot, 2003: 22). In this regard, Garrido and Halavais’s discussion of the Zapatista movement’s use of the Internet to further their cause links with Hardt and Negri’s notion of the power of the multitude. It also links with Roy and Hardt and Negri’s claims about the declining role of the nation-state in protecting the interests of civil society, thereby placing the onus on activists to establish global allegiances via movements like the Movement for Global Justice. Here, Monbiot’s call for subjects to ‘capture globalisation’ becomes realised. Garrido and Halavais state that the Zapatista movement has been called “both a model social movement ... and the first instance of Net warfare” (2003: 166). In their study of online social movements’ substantial support of the Zapatistas, they contend that “a map of network connections is, in effect, a map of the social and organizational relationships that constitute the most significant part of the Zapatista movement” (Garrido & Halavais, 2003: 166). Their research^v suggests that the Internet has made decentralised communications networks possible and that national government policymakers have effectively been by-passed – particularly those that institute “neo-liberal reforms” – via the establishment of cross-national networks (Garrido & Halavais, 2003: 167). Garrido and Halavais’s survey found “strong support for the widely averred claims that Zapatista-related sites are central to global NGO networks and help to bind them together” – however, they do point out that their

study was limited to over a hundred thousand websites and does not “accurately represent the larger space of the NGO networks” (2003: 181). The authors’ research does, however, suggest that the Zapatista movement has utilised the Internet well in advancing their political stance against US imperialism and corporate globalisation, thereby reiterating this thesis’s earlier claims that “the virtual center of Empire can be attacked from any point” (Hardt & Negri, 2000: 29). In this instance, it is the virtual domain of the Internet that becomes the battleground for the Zapatistas’ fight against the US-backed Mexican government [read: Empire].

Rage Against the Machine’s work – such as the song “Zapata’s Blood” – often supports the Zapatista struggle and takes up the struggles of marginal subjects across the globe in much of their work. This certainly seems to be the case in their song “Calm Like a Bomb”, which is featured on the soundtrack of *The Matrix Reloaded*. The song’s bridge alludes to the idea of excluded subjects, such as Mexico’s indigenous people of Chiapas, claiming a voice through rebellion: “The riot be the rhyme of the unheard” (Rage Against the Machine, 2003). Lead vocalist Zack De Rocha sets up a scenario of political and economic marginalisation that conveys a sense of the violence of neo-liberal economics in contexts such as Mexico:

There’s a mass without roofs
A prison to fill
A country’s soul that reads “post no bills”
A strike and a line of cops outside of the mill
A right to obey
And a right to kill
(Rage Against the Machine, 2003)

Here, links are made between the violence of an oppressive regime, the displacement of subjects from land, the creation of poverty through the exploitation of labourers as well as the criminalisation of poor people. This artistic work therefore reinforces Ceceña, Taylor and Jordan as well as Hardt and Negri’s discussion of the Zapatista uprising as a response to NAFTA as a

mechanism of exclusion. In this respect, Ceceña holds forth that the Zapatistas “are very different from the expectations specified by the dominant political theories” (Ceceña, 2004: 366). She argues that “they are not proletarians but rather human beings: they suffer from exclusion rather than exploitation” (Ceceña, 2004: 366). It is from this perspective that one can make sense of Rage Against the Machine’s reference to “the unheard” (read: excluded) in “Calm Like a Bomb” (Rage Against the Machine, 2003). It is also worth noting that the “dominant political theories” to which Ceceña makes reference probably includes Marxism, which places the proletariat (as opposed to rural indigenous subsistence farmers) at the centre of its class analysis (Ceceña, 2004: 366). This is why Ceceña notes that the uprising of 1 January 1994 in Mexico “is a total surprise” (Ceceña, 2004: 366). It was indigenous farmers, and not “the long-awaited workers’ initiative”, who led a large-scale protests against the implementation of NAFTA (Ceceña, 2004: 366).

Rage Against the Machine’s official website – www.ratm.com – reflects the band members’ commitment to struggles against corporate globalisation as well as racism. De Rocha and lead guitarist Tom Morello have been particularly active in this regard. The website also contains a reading list of books they recommend as well as those featured on the cover sleeve of the 1996 album, *Evil Empire*. Some of the titles are by Noam Chomsky, Ché Guevera, Mumia Abu-Jamal, Lenin, Antonio Gramsci, Frantz Fanon, Toni Morrison, Angela Davis, Richard Wright, Frederick Engels and Angela Y. Davis. The site also tracks events, such as the Seattle protest against the WTO meeting in 1999, and documents the respective band members’ involvement with struggles against corporate globalisation. It also documents the band’s involvement in attempts to free Death Row prisoner, Mumia Abu-Jamal, who many – including Amnesty International – believe was wrongly convicted for murder. A key highlight in the band’s career was their first concert in Mexico, which was documented in the DVD titled *The Battle of Mexico*. The DVD covers their concert, features a documentary about the Zapatista struggle as well as the impact of NAFTA upon the lives of indigenous

communities of rural Mexico. The documentary is organised into five segments that are placed between the band's performance at the concert. Zack De La Rocha's voice-overs guide the viewer through a narrative about NAFTA and the struggles of Mexico's rural indigenous communities, police brutality at the WTO protests in Seattle, the IMF and World Bank's policies as well as student protests against steep fee increases at the National Autonomous University of Mexico. The segments also feature an address by subcomandante Marcos, the leader and spokesperson for the Zapatista National Liberation Army (EZLN), as well as an interview with academic Noam Chomsky. In one of the segments, De La Rocha's voice-over situates the significance of the Zapatista struggle in terms of global struggles as we see a montage of struggles and marginalised subjects in world history:

Marcos is gay in San Francisco, a black person in South Africa, Asian in Europe, a chicano in San Isidro, an anarchist in Spain ... a Jew in Germany, a feminist in a political party, a pacifist in Bosnia, a housewife on any given Saturday of any neighbourhood of Mexico. A striking student, a campesino without land, an underground editor, an unemployed worker, a doctor without a practice, and to be sure a Zapatista in the Mexican southeast. In sum, Marcos is a human being – any human being in this world. Marcos is every untolerated, oppressed, exploited minority that is resisting and saying “enough” and crying “freedom”. (Rage Against the Machine, 2000)

De La Rocha's inclusive narrative is essentially the words of Marcos himself as recorded in a journalistic interview (Klein, 2002: 211). The narrative aligns the EZLN's struggle with that of a diverse set of struggles and confirms Garrido and Halavais's assertion that the “Zapatistas have become an icon of social resistance and an example to follow for social change” because they have diversified the discourse of struggle (Garrido & Halavais, 2003: 169). In an article about the impact of Zapatismo upon social movements in Argentina, José Seoane argues that Zapatismo “encourages us to build our own horizon beyond the state (and the market) and in this respect, it appeals to us in our everyday lives to make this new world a construction and challenge of the present” (2004:

389). This interpretation of the Zapatistan struggle relates to Hardt and Negri's discussion of the declining role of nation-states in protecting its citizens, thereby necessitating social movements bypassing the state in their challenge to Empire. Hardt and Negri's notion of the multitude as a "multiplicity of ... singular differences" takes on some significance here as well (Hardt & Negri, 2004: xiv-xv). This idea of an inclusive and diverse struggle is relevant because it deals constructively with concerns about struggles that rely on unifying discourses that automatically exclude a range of marginal voices and concerns for the sake of effectively fighting a common enemy or cause.

Effectively, this is when we come closer to an understanding of what the band is attempting to do via their music and its inclusion in Hollywood blockbuster films like *The Matrix* or *Godzilla* (which features the song "No Shelter"). Whilst it is arguable that the band's political message is co-opted via its incorporation in *The Matrix*, it is also arguable that they are using the means afforded to them by Empire in order to reach broader audiences through their particular formula of entertainment and education. As I indicated earlier in this chapter, the very means that strengthen Empire's position could also be used to engage subjects critically with it. Once again, we are offered an opportunity to make sense of Hardt and Negri's claim that there is no outside to power in Empire and that it can be challenged from any locale, including the field of popular culture, where corporate interests increasingly predominate (Hardt & Negri, 2000: 58).

Perhaps we see Rage Against the Machine walking the fine line between the commodity form of recuperation, in Hebdige's terms, and subversive cultural production that opens up the space for subjects to engage critically with their cultural and political realities. We see the continuing antagonism between capital and culture in subjects' attempts to secure political and cultural agency. Here, we are not talking about attempts to overthrow globalisation. Instead, George Monbiot's claim that globalisation needs to be captured as a "vehicle for humanity's first global democratic revolution" becomes significant here (Monbiot,

2003: 23). The band, much like the hacktivist, employs the very networks that consolidate Empire's position in order to pursue their political objectives – in essence, we are talking about access to broader audiences who may be receptive to their message as well as access to revenue streams that could fund Zack De La Rocha's political agendas. As suggested earlier, this is a tenuous struggle precisely because subcultures – in this instance, the genres of metal and rap – speak through commodities and their subversive power is thus very likely to be defused over time (Hebdige, 1979: 95). However, what seems to tip the scale in the band's favour is the fact that their artistic work is supported by their commitment to labour movements and media activist organisations, such as Independent Media Center [sic] (indymedia.org). The band's position seems to parallel Douglas Thomas's claims about hacker subculture. He contends that hackerdom "resists incorporation by turning incorporation into opportunity" (Thomas, 2002: 152).

Conclusion

This chapter analysed *The Matrix* in order to offer an instance of corporate attempts to commodify counter-culture. Specifically, it considered the film's treatment of Baudrillard's concept of simulacra, the concept of revolution, representations of hackerdom and hacktivists as well as the use of alternative music, with particular reference to Rage Against the Machine. Whilst this chapter suggested that the film's treatment of these concepts is conservative and inaccurate, it also contended that a measure of agency is possible in subjects' enjoyment of films such as *The Matrix*. However, this agency is somewhat circumscribed by corporate entities' willingness to learn from critiques of their operation in order to incorporate such criticism into corporate marketing strategies. The chapter also demonstrated that the Wachowskis' inclusion of the songs "Wake Up" and "Calm Like A Bomb" by Rage Against the Machine creates a deeper appreciation of the film's thematic concerns. At the same time, these songs allow one to explore the band's support of Mexico's Zapatista movement, the Zapatistas' struggle and their use of the Internet as a means of engaging

social movements from across the globe. Ultimately, the work suggested that, much like hacktivism and hackerdom, Rage Against the Machine's appearance on a Hollywood blockbuster soundtrack does not necessarily amount to co-option as the band have used their profile to promote their political cause to a significant extent. Here, we see the possibility for artists to convert possible co-option into an opportunity for subversive action, provided that this work is supported by what Roy calls "real political action" (Roy, 2004: 35)^{vi}. George Monbiot's notion of 'capturing globalisation' – as discussed in Chapter 1 – is relevant as Rage Against the Machine's subversive and politically engaging work is available to audiences of a mainstream Hollywood film, thereby creating the possibility for interested individuals to 'take the red pill' to 'see just how deep the rabbit-hole goes'. This recalls the discussion of Hardt and Negri's claims in Chapter 1. The authors argue that the very means that consolidate Empire's dominance could be employed to counter or destabilise its operation.

The next chapter takes the idea of subversion in cyberspace beyond the realm of its representation in Hollywood to debates about copyright violation through the practices of sampling in hip-hop, file-sharing on the Internet as well as legal responses to these practices. This discussion will reveal that the mainstream representations and containment of these subversive practices are decidedly more vulnerable to challenges and further subversion – thanks to shifts in technology as well as the efforts of those who are interested in seizing the means of production and distribution from dominant corporate entities.

Endnotes

ⁱ The concept of collective approaches to the production of knowledge will be discussed in Chapter 4, which will explore arguments about open source software as well as Creative Commons licenses.

ⁱⁱ Of course, the fact that this scene 'resembles a video game' is not incidental as the film's release was timed with the release of the PC game, *Enter The Matrix*. Gordon's analysis takes on a special significance in light of the fact that the US military launched a free PC game called *America's Army* in July 2002 (Becker, 2004). *America's Army* is an interactive game that depicts "realistic modern combat situations" and is used by the US military as a recruitment tool (Becker, 2004). In fact, a spokesperson for *America's Army* believes that "game players may well turn out to be better soldiers" because "recent academic research ... shows regular game-playing boosts certain visual spatial abilities" (Becker, 2004). This opinion offers an interesting example of the way in which it becomes possible for the boundaries between the worlds of gaming and military operations to become blurred in digital media – so much so that the US military has opened a "video-game studio with industry veterans to write other kinds of software to simulate training for a variety of armed forces and government projects" (Gaudiosi, 2004). In a sense, these applications are comparable to Morpheus's use of 'The Construct' to educate Neo about combat as well as his philosophy on civilian casualties. According to *Wired News* journalist John Gaudiosi, 3.4 million gamers had already registered online to play *America's Army* by 2004 – see www.americasarmy.com for details on how to download the game (Gaudiosi, 2004). As another journalist suggests, "Besides being a source of information for prospective recruits, the game gives nonsoldiering types a realistic view of Army life – a valuable mission as American troops face danger in Iraq and Afghanistan (sic)" (Becker, 2004). The game is therefore a useful mechanism through which subjects come to identify with US soldiers, as opposed to the citizens of Afghanistan or Iraq during the most recent US invasions of these countries, for instance. *America's Army* could thus be viewed as a means of purchasing legitimacy for the continued operation of US military power, even when questions of civilian casualties are raised in certain contexts.

In this regard, Michael Moore's film *Fahrenheit 9/11* offers an interesting insight into the use of counter-culture and alternative music during the invasion of Iraq. In a scene featuring a number of US soldiers in Iraq, Moore offers a juxtaposition between these soldiers' discussion of how they use music to keep them 'pumped up' during battles and visual material of Iraqi civilians, including children, who have either been killed or brutally injured during the invasion of Iraq. In the opening moments of this scene, one soldier suggests that the reason for these casualties and deaths is that US soldiers "at first shot anything that moved" (Moore, 2004). The descriptions offered by the following soldiers are suggestive of the ways in which alternative music can be used for conservative ends:

Soldier 1: When war happens and the fighting starts it's like we're pumped up, motivated, ready to go.

Soldier 2: It's the ultimate rush. Because you know you're going in to fight to begin with and then you get a good song playing in the background. And that gets you real fired up. Ready to do the job.

Soldier 3: You can hook your CD player up to the tank's internal communications system. So when you put your helmet on you can hear it through the helmet.

Soldier 4: This is the one we listen to the most. This is the one – when we travel, we kill the enemy. Drowning Pool. "Let the bodies hit the floor" is just fitting for the job that we're doing.

[Montage of civilian deaths and casualties in Iraq.]

Soldier 5: We picked "The roof is on fire" because basically it symbolised Baghdad being on fire. And at the time we wanted it to burn to get Saddam and

his regime out. "The roof, the roof. The roof is on fire. We don't need no water let the motherfucker burn. Burn, motherfucker, burn." (Moore, 2004)

The rock song that Soldier 5 sings is then played over a montage of shots revealing some of the traumas that Iraqi civilians have experienced during the US occupation. Ironically, the lyrics that he sings originally surfaced at hip-hop parties during the 80s in the US and did not convey the same sinister connotations that they do in this context. Essentially, the soldiers go about their work by selecting a soundtrack or theme music that would best suit combat scenes, much like a film director might employ music to create the appropriate ambience for battle scenes or other stylised violent confrontations. A similar dynamic would operate with regard to the use of music and 'techno-wizardry' in PC games like *Battlefield 2* or *Enter The Matrix*, for example. It is from this perspective that *The Matrix's* use of gunfire sound effects, fast-paced music and visually impressive stunt choreography takes on special significance. The soldiers 'fictionalise' their combat contexts in order to motivate them to go about their tasks and – as Moore's film suggests via Soldier 5, in particular – it appears that some of them take pleasure from their participation in these scenes. Effectively, much like Morpheus in his attitude to the deaths of civilians in *The Matrix*, the soldiers seem desensitised to the death and destruction that they cause.

ⁱⁱⁱ If the measure for sentience is the ability to suffer, Agent Smith comes rather close to expressing his ability to suffer during the scene in which he interrogates Morpheus. The resentful Agent Smith declares, "I hate this place. This zoo. This reality, whatever you want to call it, I can't stand it any longer. It's the smell, if there is such a thing. I feel saturated by it. I can taste your stink and every time I do, I fear that I've somehow been infected by it. ... I must get out of here, I must get free. In here is the key. My key" (Wachowski Brothers, 1999).

^{iv} According to Jean-Francois Lyotard, the postmodern condition is characterised by "an incredulity toward metanarratives" (1984: xxiv). Lyotard contends that "if a metanarrative implying a philosophy of history is used to legitimate knowledge, questions are raised concerning the validity of the institutions governing the social bond: these must be legitimated as well" (1984: xxiv). The postmodern condition thus brings about a crisis in Western philosophy and Enlightenment metanarratives are repudiated (Dirlik, 1994: 336).

^v Garrido and Halavais conducted social network analysis, which "seeks to describe networks of relations, trace the flow of information through them, and discover what effects these relations have on people and organizations" (2003: 172). They also collected hyperlink data from the Internet by using a customised Web crawler that "collected the first 250 pages of the EZLN site and coded target sites to determine whether they, too, were activist NGOs" (Garrido & Halavais, 2003: 174).

^{vi} This issue will be taken up in Chapter 5, where I discuss the work of ALKEMY (Alternative Kericulum [sic] for Mentoring Youth). ALKEMY employs hip-hop in order to engage youth about social, economic and political realities, whilst also developing their creative writing and performance skills as hip-hop emcees.

CHAPTER 3

The technology of subversion: from digital sampling in hip-hop to the MP3 revolution

This chapter explores ways in which technology has been used to frustrate corporate interests. It also exposes the ways in which corporate entities have managed to employ the law and multilateral agreements to minimise the perceived threat that digital technology presents. Specifically, Chapter 3 will examine the ways in which digital sampling in hip-hop and MP3 technology have issued challenges, however small or fleeting, to the major record labels' near absolute control over music production and distribution. This chapter will also address legal responses to these challenges. This work builds on the first chapter, which offered a point of entry into a discussion of global capitalism and began to consider instances where agency becomes possible in Empire. This thesis refers to Michael Hardt and Antonio Negri's concept of Empire as "a global concert under the direction of a single conductor, a unitary power that maintains the social peace and produces its ethical truths" (Hardt & Negri, 2000: 9). Hardt and Negri argue that examples of supranational / multilateral organisations through which the global hegemony of former imperial powers is exercised are the UN, WTO, IMF or the World Bank. This chapter will substantiate this claim by offering critical perspectives of the General Agreement on Tariffs and Trade (GATT) and the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). These multilateral agreements offer a tangible example of Hardt and Negri's discussion of the decline of the nation-state. The discussion of the ways in which multilateral trade agreements and laws, such as the Digital Millennium Copyright Act, guard the interests of corporations from the northern hemisphere will make it apparent that the notion of the decline of the nation-state does not literally refer to the idea of nation-states crumbling. Instead, it refers to the inability of nation-states (particularly those of developing countries, but also developed countries such as the US) to protect the interests of their citizens. Essentially, this chapter suggests that corporate interests erode the public interest and undermine democratic processes. However, the work will also

contend that the battle between corporations and citizens for control over digital technology is somewhat tenuous. Subversive practices, such as sampling in hip-hop and peer-to-peer file-sharing on the Internet (P2P), will be discussed in order to reveal some of the possibilities for agency in the information age.

In keeping with the aims of the previous chapter, this work taps into the concept of Empire in order to discuss some of the ways in which 'agentic subjects' or 'producers' engage with corporate attempts to maximise revenue streams and consolidate control over the field of music production and distribution. Once a brief overview of some of the basic principles that guide early copyright law has been provided, the work will analyse hip-hop subculture and the practice of sampling in order to suggest that the issues raised by hip-hop samplers are largely the same as those raised by P2P. The argument that will be made is that hip-hop, much like reggae and punk, once offered an example of a counter-culture that presented a challenge to hegemonic representations of marginalised subjects. This claim will be taken a step further by suggesting that one key element of the production of hip-hop music texts in the eighties and early nineties, digital sampling, challenged conventional assumptions about authorship and copyright and thus compromised corporate interests. Sampling provided the opportunity for marginalised subjects to seize a certain amount of agency in their efforts to challenge hegemonic representations and definitions of blackness, ownership and authorship. The practice of digital sampling in hip-hop in a sense prefigured some of the events that transpired during the MP3 and Napster legal battles. Ultimately, this work holds that it is the very technology that has helped Empire – signified by the by the impressive market share of the major record labels in this context – to prosper that is used to subvert its interests. However, I must point out from the outset that I am aware that websites such as MP3.com and Napster.com (as well as Napster clones such as Gnutella, Kazaa and Morpheus) were also driven by profit-motives. These sites were not necessarily developed as part of a counter-hegemonic agenda to the control that Empire, instantiated by the 'big five' record labels – Universal Vivendi, Sony, AOL Time

Warner, Bertelsmann and EMI¹ – has over the production and distribution of music across the globe. What is worth noting here is that peer-to-peer file swapping over the Internet (P2P) became the pastime of millions of people in a large number of countries. The significant uptake of MP3 technology amongst end-users marks a return to some the key fears that the 'big five' labels faced when they challenged hip-hop artists' use of digital sampling technology in earlier legal battles. The instability of digital technology, particularly in the medium of the Internet, offers a rather interesting scenario in which to examine corporate strategies to create secure revenue streams and to produce complacent consumers.

Before launching into these arguments, a brief overview of the history of copyright legislation in eighteenth century England as well as the US will be provided in order to highlight some of the key motivations behind the development of copyright legislation as well as the key principles that inform its operation. Once some of the cultural debates about digital sampling as well as P2P have been explored, this chapter will return to this legal overview in order to comment on the significance of key developments in recent US copyright legislation as well as in the drafting of multilateral trade agreements.

3.1 Interpreting the Statute of Anne

This section will briefly examine copyright, with specific reference to England's Statute of Anne of 1709. This statute is particularly relevant to the issues at stake in this chapter because, as Gillian Davies argues, "it is the foundation upon which the modern concept of copyright in the Western world was built" (2002: 9).

Lyman Ray Patterson states that one could easily come to the mistaken conclusion that the Statute of Anne was the first English copyright law (1968: 143). He also contends that it was not primarily intended to benefit authors (1968: 143). Instead, it was "a trade-regulation statute enacted to bring order to the chaos created in the book trade by the final lapse in 1694 of its predecessor, the Licensing Act of 1662, and to prevent a continuation of the booksellers'

monopoly” (Patterson, 1968: 143). Previous copyright laws – such as the Star Decrees Act of 1586 and 1637, the Ordinances of 1643 and 1647 and the Licensing Act of 1662 – could easily be overlooked because they were essentially censorship laws (Patterson, 1968: 143). Davies confirms this view when she argues that the English crown granted the Stationers’ Company a copyright monopoly largely because it desired “effective control over the publishing trade and the press so as to outlaw the publishing of seditious and heretical books” (Davies, 2002: 8). The Statute of Anne effectively annulled the Stationers’ Company monopoly – an action that was not left unchallenged.

Lawrence Lessig describes two court decisions that get to the heart of the Statute of Anne’s aims. In *Millar v. Taylor* (1769), the key issue that needed to be resolved was whether the common law rule that granted booksellers perpetual copyrights was terminated by the Statute of Anne (Lessig, 2004: 91). The court upheld the common law grant of perpetual rights, effectively undermining the sentiment of the statute. However, in *Donaldson v. Beckett* (1774) the court rejected this view and upheld the Statute of Anne, thus setting a precedent (Lessig, 2004: 92-93). The decision was significant because it recognised the statute’s aim of setting limited terms of protection for copyrighted works (Lessig, 2004: 93; Davies, 2002: 8). As Lessig observes, this decision is significant because “there was no clear idea of a public domain in England” before *Donaldson v. Beckett* (2004: 93). With fixed terms for copyrighted works in place, works could now enter the public domain once copyrights expired. This would mean that the works could be accessed by the public at large for distribution, and the free consumption or the production of new work – free of legal or economic constraints. Despite Patterson’s contention that the Statute of Anne was not meant mainly for the benefit of authors (1968: 148), the key shift in focus from the Stationers’ Company to authors, in general, is noteworthy. Mark Rose suggests that the statute effectively established the author “as a legally empowered figure in the marketplace well before professional authorship was realized in practice” (Rose, M, 1993: 4). Rose holds that in *Tonson v. Collins*

(1760, *Millar v. Taylor* (1769) and *Donaldson v. Beckett* (1774), “the representation of the author as proprietor” was developed (Rose, M, 1993: 5). He writes :

This representation of the author as proprietor was dependent on the classical liberal discourse of property as represented, most famously, by John Locke’s notion of the origins of property in acts of appropriation from the general state of nature. The key to Locke’s thought was the axiom that an individual’s “person” was his own property. From this it could be demonstrated that through labour an individual might convert the raw materials of nature into private property. (Rose, M, 1993: 5)

In Rose’s view, the “concept of literary property” was modelled on the notion of the “landed estate” (Rose, M, 1993: 7) – a perspective that “blended readily with the eighteenth century discourse of original genius” (Rose, M, 1993: 5). The focus upon the author as the originator of the work is central to the commodification of literature during the eighteenth century’s emerging capitalist economy of exchange (Rose, M, 1993: 1).

In keeping with Lessig’s claims about the birth of the notion of the public domain in *Donaldson v. Beckett*, Davies represents the Statute of Anne as a compromise between the public interest and the expectation of the Stationers’ Company (Davies, 2002: 13). It is this concept of compromise or balance that informs what Davies calls “the seeds of the underlying principles on which the modern international copyright system is founded” (2002: 13). The four principles are “natural law”, “just reward for labour”, “stimulus for creativity” and “social requirements” (Davies, 2002: 13). The “natural law” principle is based upon the argument offered by Locke, as discussed by Mark Rose. Given that “people had a natural right of property in their bodies,” it “followed that the author has an exclusive right of property in the results of his labour and should have control over the publication of his work as well as the right to any unauthorized modification or other attack on the integrity of his work” (Davies, 2002: 14). The “just reward for labour” principle builds upon the previous principle by arguing

that one deserves to be remunerated for the fruits of one's labour (Davies, 2002: 15). This, in turn, would enable one to continue working on an economic level (Davies, 2002: 15). The "stimulus for creativity" principle is closely tied to the previous principle. The key thesis is that authors deserve just reward for their labour so that they may be encouraged to produce new knowledge (Davies, 2002: 15). The "social requirement" principle taps into the notion of the public interest. This principle relies on the belief that society benefits from the production and distribution of knowledge. It is therefore in the public interest to encourage authors to be productive (Davies, 2002 16-17). The construction of the author as the individual creator of original works thus justifies the individual accumulation of capital. This accumulation is deemed acceptable from the perspective that the public benefits from works produced by authors for economic incentives. Davies' overview of these principles also confirms Rose's claim that the "distinguishing characteristic of the modern author ... is proprietorship" (Rose, M, 1993: 1). However, it is important to note that the rights afforded to authors need to be balanced with the "interests of the public in access to protected works" (Davies, 2002: 7). It was for this reason that these rights were limited in duration and that certain exemptions for personal or scientific use were in place (Davies, 2002: 7). Under the Statute of Anne, works were protected for 14 years from the date of publication, after which the author could apply for another 14 years protection (Davies, 2002: 271-272). The authors' monopoly rights were thus limited, allowing the work to pass into the public domain. This principle of balance will become significant later in this chapter during my discussion of the Digital Millennium Copyright Act (DMCA) and the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). A key idea that will be discussed later in this chapter is that the Statute of Anne sought to dismantle corporate monopolies in order to secure a balance between the public interest and the rights of authors. As suggested earlier, what is significant about this attempt is that it placed the concept of the author centre-stage. It also made the notions of the public domain and the public interest key foci in debates about

intellectual property. These ideas will gain significance in subsequent discussions of the politics of sampling in hip-hop, the MP3 revolution and P2P.

3.2 The politics of digital sampling in hip-hop

One key difference between the rise of the MP3 revolution and the use of digital sampling in hip-hop is that hip-hop artists make informed artistic and political choices when using samples during the construction of new music texts, whereas audio piracy on the Internet offers consumers a new means of consuming commodities (although this very alternative is transgressive). The latter practice centres on new modes of consumption and the former focuses upon creative composition. Napster supporters typically bypassed conventional retail avenues and engaged with online communities of music fans on a peer-to-peer level. No cash changed hands and no royalties were paid during these exchanges. This type of interaction is not to be confused with the cash sale of bootleg or pirated CDs. Online music swapping differs from digital sampling because sampling technology was initially restricted to music producers, who used snatches from other songs or instrumental music in order to produce new music. Hip-hop producers in the 80s and early 90s often did not secure copyright clearance from the relevant publishers when they used samples from other musical or other media sources – this formed the basis of major record labels' objections to sampling. The legalities of digital sampling aside, Tricia Rose brings the question of sampling's political significance into the equation when she writes that "[s]ampling in rap is a process of cultural literacy and intertextual reference" that celebrates black artistic achievement and challenges audiences to "know these sounds [of the media texts and songs being sampled], to make connections between the lyrical and music texts [songs and instrumental music]", thereby affirming "black musical history" (Rose, T, 1994: 89). The question of ownership therefore takes on another meaning from this perspective. Whilst the law may uphold the rights of the copyright holders of the songs being sampled (corporations, in many cases), black cultural heritage and memory function in the public domain. Rose's comments apply to Black Consciousness-inspired hip-hop

of the eighties and early nineties, particularly. It is from this view that one could view hip-hop sampling as alternative history lessons about black cultural achievement that compete with dominant representations of black subjectivity. Rose taps into Dick Hebdige's work on punk subculture in order to suggest that hip-hop speaks through commodities:

As Hebdige's study on punk subculture illustrates, style can be used as a gesture of refusal or as a form of oblique challenge to structures of domination. Hip hop artists use style as a form of identity formation that plays on class distinctions and hierarchies by using commodities to claim the cultural terrain. (Rose, T, 1994: 36)

Here Rose is referring to clothing and consumption rituals specifically, but these comments can be applied to reflection on music texts as well. A hip-hop artist from the eighties and early nineties might typically sample a familiar drumbeat or chorus line from a James Brown song in order to produce a new hip-hop song. In short, an existing music text – a commodity item from the music market place – is sampled in order to produce a new music text that will itself become a commodity in the music market place. It is in this sense that hip-hop speaks through commodities in order to redefine the “constitution of narrative originality, composition, and collective memory” and thereby “challenge institutional apparatuses that define property, technological innovation, and authorship” (Rose, T, 1994: 85). Hebdige suggests that subcultures speak through commodities “even if the meanings attached to those commodities are purposefully distorted or overthrown” (1979: 95). This distortion is crucial to our understanding of sampling. Hebdige suggests that subcultures represent “noise” as their use of commodities causes “interference in the orderly sequence which leads from real events and phenomena to their representation in the media” (1979: 90). This interference therefore draws our attention to the very constructed nature of media / music texts. Rap songs that use key elements of familiar soul and R&B songs draw our attention to what Rose calls “black cultural priorities” (Rose, T, 1994: 91). Such intertextual references create new layers of meaning and draw our attention to the very process of production of the hip-hop

songs themselves – it is these aspects of hip-hop's self-referential and intertextual practices that often make hip-hop texts postmodern. As Nelson George suggests, sampling has always formed a key part of the hip-hop sound:

Before hip hop, producers would use sampling to disguise the absence of a live instrument. If a horn was needed or a particular keyboard line was missing, a pop producer might sample it from another record, trying to camouflage its artificiality in the process. However, a hip hop producer, whose sonic aesthetic was molded (sic) by the use of break beats from old records pulled away from dirty crates, wasn't embarrassed to be using somebody else's sounds. Recontextualizing someone else's sounds was, after all, how hip hop started. (George, 1998: 92)

Hip-hop producers, unlike pop producers, have therefore chosen not to mask the means of production and have often chosen to draw our attention to the fact that they have recontextualised elements from another artist's song. These acts of recontextualisation may at times, as Tricia Rose suggests, emphasise black cultural priorities, or they may also amount to what Linda Hutcheon calls "postmodern parody" (1989: 93-98). She argues that postmodern parody involves a double process of inscription and subversion in an attempt to deconstruct its subject.

In an earlier work I argue that Prophets of da Cityⁱ. (POC) employ postmodern parody when they challenge the master-narrative of apartheid in a 54 second track titled "Blast From Da Past" (Haupt , 1996a: 29-40) The track contains no lyrics and is essentially a mix by founding members Ready D and Shaheen Ariefdien. Here, POC do more than sample music texts – they also sample media snippets, government propaganda and spoken word poetry by Mzwakhe Mbuliⁱⁱⁱ. Much of the government propaganda is made to appear ridiculous within the context of the piece, which is decidedly anti-colonial and derisive of the discourse of apartheid. It is in this way that hip-hop artists' use of sampling is "both deconstructively critical and constructively creative, paradoxically making us aware of both the limits and the powers of representation – in any medium"

(Hutcheon, 1989: 98). Sampling in hip-hop thus has a significant amount of subversive potential and resonates with Dick Hebdige's discussion of subcultural style as "signifying practice" in terms of the Tel Quel group's theoretical approach toward the "construction and deconstruction of meaning":

This approach sees language as an active, transitive force which shapes and positions the 'subject' (as speaker, writer, reader) while always itself remaining 'in process' capable of infinite adaptation. This emphasis on signifying practice is accompanied by a polemical insistence that art represents the triumph of process over fixity, disruption over unity, 'collision' over 'linkage' – the triumph, that is, of the signifier over the signified. (sic) (Hebdige, 1979: 119)

This perspective, in turn, relates to Gates's discussion of "Signifyin(g)" and "Signification". Gates argues that Signifyin(g) created parallel discursive universes (1988: 49) amongst black linguistic communities who had no choice but to express themselves in the language of their slave masters, English. Signifyin(g) has previously been acknowledged for informing the development of rap music (Schumacher, 1995: 264). Gates's use of capital letters and brackets refer to double-coded African American linguistic traditions that developed in the oppressive context of slavery in North America's southern regions. The double-coded nature of "Signifyin(g)" is intimated by its close resemblance to the word "signifying". Whilst "Signifyin(g)" refers to the conventional meaning of the word "signifying", it also points to the associative and rhetorical linguistic practices of African Americans that parallel the discourses of their slave masters. According to Gates, signification [lower case "s"] occupies the syntagmatic axis, whereas Signification [upper case "s"] occupies the paradigmatic axis and "concerns itself with that which is suspended, vertically" (sic) (1988: 49). With the linear / horizontal / ordered construction of meaning finding itself suspended, "Signification luxuriates in the inclusion of the free play of these associative rhetorical and semantic relations" (Gates, 1988: 49).

This, in essence, is what sampling in eighties and early nineties hip-hop in the US and South Africa represents: the triumph of the signifier over the signified or a significant measure of free play in the construction of meaning. Ultimately, sampling offered its audiences and artists alike a certain measure of agency in their attempts to challenge hegemonic / fixed representations and definitions of blackness, ownership and authorship. The technology of sampling made this possible by allowing subjects to realise that any media representation could be appropriated and recontextualised in order to produce meanings that compete with hegemonic perspectives. This realisation is particularly important in situations where subjects merely see themselves as passive recipients of messages or as consumers of media products. It is in this way that sampling allows hip-hop DJs to emphasise “black cultural priorities” (Rose, T, 1994: 91) as they are able to offer alternative narratives to oppressive master-narratives. However, as I will suggest in the next section, this kind of agency and subversive cultural practice would soon be curtailed via legal and bureaucratic processes as well as strategies of recuperation. These actions and strategies would ultimately benefit corporate entities, as opposed to artists or marginal communities.

3.3 Digital sampling, ownership and recuperation

As Thomas Schumacher’s work on digital sampling and the law suggests, sampling in hip-hop also offers challenges to legal definitions of ownership as well as the author function. The practice also offers a challenge to the conventional understanding of the “ownership of sound and ‘Rockist’ aesthetics which remain tied to the romantic ideals of the individual performer” (Schumacher, 1995: 266). Schumacher contends that the concept of “copyright is still influenced by the ideological construct of the ‘author’ as a singular origin of artistic works” (1995: 259). Hip-hop problematises this construct as the performer or artist is no longer the key focus of attention, but a number of subjects (DJs, engineers and producers) are also inserted into the creative process, thereby changing “the notion of origin (the basis of copyright) to one of origins” (Schumacher, 1995: 266). The integrity of the ‘original’ music text as a coherently

branded commodity item is also 'violated' during the process of recontextualisation and (re)composition. Ironically, since the American case *Bleistein v. Donaldson Lithographic Co.*, authorship "can now be assigned to corporate entities" and Schumacher observes that contradictions have often been resolved "in the interests of copyright holders", who may very well be corporate entities as opposed to individual artists (1995: 259). In an interview with Carrie McLaren, Siva Vaidhyanathan, author of *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity*, concurs with this contention when he says that "the copyright holder is very rarely the artist herself" (McLaren, 2004). The judgement in *Bleistein v. Donaldson Lithographic Co.* goes against the "stimulus for creativity" and "just reward for labour" principles, as discussed earlier in this chapter (Davies, 2002: 13). It is not immediately clear how a corporation's right over a work motivates individual authors to generate new knowledge or cultural expressions. Therefore, the popular belief that copyright is really meant to protect the interests of the artists becomes questionable. One key exception where copyright does protect the interests of artists is the US Supreme Court decision in *Campbell v. Acuff-Rose Music, Inc.* in which the court ruled that parody "may be protected as a fair use exception under the Copyright Law" (Girasa, 2002: 180). This is largely because the Supreme Court recognised that "parody has an obvious claim to transformative value" (Davies, 2002: 112). In its decision, the court argued that copyright's aims include the transformation of work in order to promote science and the arts (Davies, 2002: 112). However, it is interesting to note that by the time Tricia Rose wrote *Black Noise*, she predicted that sampling would slow down:

Maybe rap music represents the real 'big payback' The very laws that justified and aided in the theft from and denigration of an older generation of black artists have created a profitable, legal loophole and a relatively free-play zone for today's black artists. This creative cul de sac is rapidly evaporating. The record companies are increasingly likely to hold albums until samples are

cleared, until publishers and other record companies negotiate their profits. (Rose, T, 1994: 93)

The legal loop-hole to which Rose makes reference includes the fair use exception of parody. Rose suggests that sampling as a counter-hegemonic / subversive practice is bound to become delegitimated due to corporate and legal bureaucracy. By the time Nelson George wrote *Hip Hop America* in 1998, it appears that Tricia Rose's predictions had largely become true. George contended that "the level of ambition" in the use of samples took a downturn:

Obviously, sampling hasn't disappeared from hip hop, but the level of ambition in using samples has fallen. The high-intensity sound tapestries of [Public Enemy] have given way to often simpleminded loops of beats and vocal hooks from familiar songs – a formula that grossed Hammer, Coolio, and Puff Daddy millions in sales and made old R&B song catalogs potential gold mines. (George, 1998: 95)

Within what has now become mainstream rap music, sampling is by and large no longer a subversive practice that threatens corporate interests or offers direct / parodic political challenges to hegemonic representations. One might also argue that the very idea that millions are potentially made from the sale of old R&B catalogues further reinforces this perspective if one accepts Rose's claim that most record labels cheated earlier generations of black musicians (1994: 92). These musicians, in all likelihood, are not the copyright holders of the songs in these old catalogues and are probably not the key beneficiaries in the payment of any royalties. This impression is strengthened by Schumacher's observation that, under American case law, corporate entities are now legally recognised as authors and, thus, are recognised as copyright holders (1995: 259). In essence, the law and corporate priorities have ensured that sampling's subversive / counter-hegemonic potential to create legal and political "noise" has been resolved in the interests of record labels. Rap group Public Enemy's Hank Shocklee and Chuck D confirm Schumacher and George's reading of these developments in their discussion of how the law affected hip-hop producers'

aesthetic approaches in the recording studio. Chuck D explains the corporate dynamics that changed attitudes toward sampling:

Corporations found that hip-hop music was viable. It sold albums, which was the bread and butter of corporations. Since the corporations owned all the sounds, their lawyers began to search out people who illegally infringed upon their records. All the rap artists were on the big six record companies, so you might have some lawyers from Sony looking at some lawyers from BMG and some lawyers from BMG saying, "Your artist is doing this," so it was a tit for tat that usually made money for the lawyers, garnering money for the company. Very little went to the original artist or the publishing company. (McLeod, 2004)

The fact that rap musicians were dependent on the major record labels for record deals and the fact that these labels owned all of the sounds being sampled therefore placed the labels in a stronger position to exploit the position in their favour. This changed the way in which hip-hop artists went about producing their music and, ultimately changed the music itself. Shocklee states,

We were forced to start using different organic instruments, but you can't really get the right kind of compression that way. A guitar sampled off a record is going to hit differently than a guitar sampled in the studio. The guitar that's sampled off a record is going to have all the compression that they put on the recording, the equalization. It's going to hit the tape harder. Something that's organic is almost going to have a powder effect So those things change your mood, the feeling you can get off a record. If you notice that by the early 1990s, the sound has gotten softer. (McLeod, 2004)

Shocklee implies that hip-hop musicians' subversive spirit and creativity were toned down by the restrictive and decidedly more expensive conditions under which their music was now being produced. Public Enemy's Chuck D suggests that copyright laws "led people like Dr. Dre to replay the sounds that were on records, then sample musicians imitating those records" (McLeod, 2004). In this way, Dr. Dre managed to sidestep having to pay for the rights to the master recordings of songs and only paid for the publishing rights. Ultimately, Chuck D

confirms Nelson George's claims about sampling in the late 90s becoming less ambitious: "It's easier to sample a groove than it is to create a whole new collage. That entire collage element is out the window" (McLeod, 2004).

One could make sense of these shifts by returning to Dick Hebdige's discussion on the recuperation of subculture via the commodity and ideological forms, as discussed in Chapter 1. Hebdige's claim that subcultures speak through commodities (1979: 95) is certainly true of hip-hop with regard to dress and graffiti art^{iv} as well as music. As I suggested earlier, sampling in hip-hop relies on the use of elements of music texts that are commodity items in order to produce new music texts, which will become commodity items themselves. A significant amount of tension thus exists in the creative process of producing counter-discursive music texts as the process of music production is already quite complicit in commercial processes. In this regard, Hebdige contends that "the creation of new styles is inextricably bound up with the process of production, publicity and packaging which must inevitably lead to the defusion of the subculture's subversive power" (1979: 95). Chapter 5 will explore the issue of hip-hop's co-option in greater detail.

Hebdige's discussion of the ideological form of the recuperation of subculture is relevant to mainstream media responses to hip-hop as well as the legal response to sampling in rap. Over the years we have seen a large number of (mostly gangsta) rappers receive negative press coverage over their brushes with the law and rap's gender discourse has also been a key focus of attention, even when it has been considered to be politically conscious (Haupt, 2001: 183-188). It is in this way that rap music has come to be characterised as deviant in the sense that Hebdige uses the term. The corporate challenge to sampling in hip-hop via court battles (such as *Acuff-Rose Music Inc. v. Campbell*, *Boyd Jarvis v. A&M Records et al.* and *Grand Upright Music v. Warner Bros Records*) comes to characterise hip-hop in this way as well. The recuperation of hip-hop via the ideological and commodity forms ultimately deligitimate hip-hop's subversive

warner

potential to a certain degree, thereby making it a more marketable and less subversive commodity.

Hebdige's ideological form of recuperation also relates to Hardt and Negri's concept of the "just war" in *Empire*, as discussed in the first chapter (2000: 10). The authors argue that *Empire* "deploys a powerful police function against the new barbarians and the rebellious slaves who threaten its order" (Hardt & Negri, 2000: 20). Hardt and Negri's concept takes on a different kind of significance here. In this context, the rebellious agents within *Empire*'s borders are 80s and early 90s hip-hop samplers as well as subversive MCs, who speak through commodities (Hebdige, 1979: 95) and thus operate within the field of capitalism and Western cultural production. It is from this perspective that subculture's subversive potential lies in a measure of complicity with commercial processes (Hebdige, 1979: 95). This notion of using the means at hand resonates with Hardt and Negri's claim that the potentials for liberation "exists within *Empire*" (2000: 46). However, this perilous position places it in danger of recuperation and this seems to have happened with one aspect of hip-hop. As this chapter will suggest later on, this pattern of recuperation repeats itself during the rise of MP3 technology and the growth of music file sharing on the Internet. Again, we see tension between the will of the major record labels (read: *Empire*), the law, technology and the will of the subjects of *Empire*.

3.4 The digital continuum: MP3 technology

Whilst it appeared that the battle against sampling had been won by the major record labels, they would later find themselves fighting a similar battle on a much larger scale. Kembrew McLeod writes that the "Internet is the Wild West of today, sort of like hip hop in the late 1980s before laws and bureaucracies limited its creative potential" (2005: 83). Whereas the war against digital sampling in hip-hop was restricted to artists who produced a very particular genre of music, the war against MP3 technology – as well as the kind of peer-to-peer platform offered by Napster – potentially broadened the battle to every consumer of music

on a global scale. By the late nineties, the MP3 format was becoming incredibly popular amongst surfers on the Internet. As Jon Cooper and Daniel M. Harrison reveal,

MP3 is a subset of MPEG-1, a file format and set of algorithms designed by a consortium of industrial players called the Motion Picture Experts Group in order to compress audio and video files for the purpose of quick and efficient file transfers. An MP3 file is an MPEG-1 file without any video information, and uses only one encoding scheme. (2001: 72)

They suggest that MP3 files are “tremendously more dense than raw audio data” and that these files can thus be transferred via telephone and cable modem connections relatively quickly (Cooper and Harrison, 2001: 73). By November 1997, Michael Robertson had recognised that the MP3 format’s popularity was a potential goldmine and launched MP3.com (Alderman, 2001: 46-47). At this stage, it is important to note that MP3.com was not meant to be an initiative that would challenge the control that the major labels had over the music industry. In fact, Alderman characterises Robertson as a “natural-born capitalist” who wanted to acquire music legally so as to build a legitimate business (2001: 46). Alderman points out that Robertson’s attempts to woo the major labels and the Recording Industry Association of America (RIAA) at an MP3 summit in 1997 was met with skepticism (2001: 48-54). By contrast, the “hacker developers of the MP3 revolution displayed a remarkable amount of respect and empathy for the record industry” and “seemed to bend over backwards to suggest ways for record labels to make money” (2001: 49-50). These early developments were by no means revolutionary in the sense that digital sampling has proved to be. MP3.com’s success depended on whether the major labels would be willing to give Robertson permission to make their songs available on the website as, without the names of well-known artists on the site, MP3.com would probably not become a big contender in the field. In a sense one might say that, if the Big 5 were not ready to acquire market share in this new medium, no one else would either.

The launch of Napster in June 1999 was met with far more than skepticism and, by December 1999, the RIAA launched legal action against Napster on behalf of its members, the Big 5 (Alderman, 2001: 104). Shawn Fanning's initial version of Napster was a platform that allowed its users to swap music files on a peer-to-peer basis – in other words, end users could communicate directly with other Internet surfers in their attempts to acquire or share music files. In this way, this version of Napster^v the website itself did not host music:

[Napster turns] every user's computer into a small file server, linking all participants together in a giant "you show me yours, I'll show you mine," dishing up digitized music. In the default setting, the program scanned each user's hard drive to identify all MP3 files. After sending the names of all those files to the central Napster server, anyone searching for a particular song or band would be able to connect with other users offering such songs for download. (Alderman, 2001: 103)

Surfers would typically meet in Internet Relay Chats (IRC), which serve "as the focal point for the audio piracy subculture" and have become "one of the oldest institutions of the Internet" (Cooper and Harrison, 2001: 74). IRCs allow surfers to communicate with multiple partners at the same time. This is where Shawn Fanning spent a great deal of time before developing Napster. Alderman claims that all "Fanning really wanted was to make music easier to trade online" but, under the guidance of his uncle, Napster became a money-spinner (2001: 103). The RIAA responded swiftly to Napster's launch because it soon realised that the news of a platform that allows users to acquire popular songs for free was spreading rapidly and that its members stood to lose substantial revenue. Napster offered a similar kind of challenge to the major labels that digital sampling in hip-hop did in earlier years.

Audio file sharing on the Internet is counter-hegemonic for the following reasons: the integrity of the music text (the complete CD) is violated because individual songs from albums can be downloaded; traditional notions of authorship are

challenged or violated because digital technology makes it easier for individuals to sample music in the production of new music and brand integrity is violated. Music texts are packaged as complete albums / CDs that are branded and marketed as saleable products through marketing and retail processes. Napster's true subversive potential lay in the fact that it offered music fans more agency than the conventional model offered by the major labels, notwithstanding the fact that copyright was violated. Subjects were now able to bypass conventional retail outlets and access only those songs on specific albums that they preferred, as opposed to buying the entire album. Music fans therefore engaged directly with each other, unmediated by corporations. This is why platforms like Napster were termed peer-to-peer platforms. Napster also allowed subjects to access rare music tracks that may not have been readily available in stores. In this regard, the MP3 revolution also offered unsigned artists a possible means of bypassing major record labels – entities that perform a very influential gatekeeper function in the music industry – in their attempts to reach audiences and, thereby, establish their music careers. Websites such as the United Kingdom's Peoplesound.com and the now-defunct South African pay-for-play website friedjam.com and free music service Digitalcupboard.com are examples of these sorts of possibilities.

3.5 *Empire* and the failure of democracy

Schumacher's discussion of *Bleistein v. Donaldson Lithographic Co.* needs to be recalled at this juncture in order to make sense of the RIAA's critical position on Napster. This section will suggest that the RIAA's media and legal attack on Napster really serve corporate interests, as opposed to the interests of artists or citizens in general. Schumacher contends that since *Bleistein v. Donaldson Lithographic Co.*, authorship could be assigned to corporate entities and contradictions have often been resolved "in the interests of copyright holders" (Schumacher, 1995: 259). Again, the question that is raised is whether the RIAA's response to this kind of copyright violation is really in the interests of musicians as opposed to those of the Big 5. Alderman's observations are quite

interesting in this regard. He comments on remarks made by the RIAA's Hilary Rosen at a press conference after a legal victory over Napster:

Hilary Rosen repeated the company line that Napster's business model was "built on infringement" and was not only morally and legally wrong, but was also "a threat to the development of the legitimate online music market" "The choices available to consumers of legitimately licensed music are now much greater than just a year ago. Music based on the subscription model is around the corner," she said, ignoring that MP3.com and Emusic were already offering just that, largely out of desperate competition with Napster. It was also strange that she would pull out an appeal to nationalism, pointing out that 30 percent of Napster users were not Americans when 80 percent of the big five labels weren't American either. Regardless, Rosen painted the victory as one for nationalism: "American intellectual property is our nation's greatest asset. We cannot stand idly by as our rights and our nation's economic assets are in jeopardy or dismissed by those who would negate its value for their own enrichment." (Alderman, 2001: 173-174)

Firstly, one should note that this victory was somewhat hollow at the time as Napster's technology makes it possible for users to operate independently. Users do not need to connect to Napster itself in order to swap files as they need only frequent an IRC to find trading partners. A number of Napster clones, such as Morpheus, Gnutella and Kazaa, had also been launched. In this speech, Rosen seems to tap into a moral and nationalist discourse that is meant to legitimate the RIAA's position. One can make sense of Rosen's claims by returning to this work's earlier discussion of Hardt and Negri's concept of Empire. Hardt and Negri contend that "the juridical concept of Empire" took shape in the "ambiguous experiences of the United Nations" (Hardt & Negri, 2000: 6). However, they also argue that transnational corporations also exert a comparable amount of influence on a global scale. One might say that the RIAA protects the corporate interests of the major record labels in much the same way as the United Nations protects the interest of imperial powers, such as the United States, via "the production of norms and legal instruments of coercion that guarantee contracts and resolve conflicts" (Hardt & Negri, 2000: 9). Rosen's choice of language

recalls Hardt and Negri's discussion of the concept of "just wars" within Empire, as discussed in Chapter 1 in the context of US-led military intervention in the Middle East. The quotation is repeated here for the sake of comparison in this particular context:

The concept of Empire is presented as a global concert under the direction of a single unitary power that maintains the social peace and produces its ethical truths. And in order to achieve these ends, the single unitary power is given the necessary force to conduct, when necessary, "just wars" at the borders against the barbarians and internally against the rebellious. (2000: 10)

Rosen's speech suggests that a "just war" is being conducted against audio pirates who act "immorally" and place the American "nation's greatest asset" in jeopardy (Alderman; 2001: 173). The "just war" is not merely conducted "internally against the rebellious", but also against the 30 percent of non-American pirates – the barbarians at the country's borders (Hardt & Negri, 2001: 10). Alderman's observation that 80 percent of the Big 5 labels are not American is also worth noting. Labels such as Vivendi Universal are French, for example. It is in this way that Empire's notion of right "envelops the entire space of what it considers civilization ... and ... encompasses all time within its ethical foundation" (Hardt & Negri, 2000: 11). Tom McCourt and Patrick Burkart write that record industry's 'just war' against piracy

are a legal and public relations foil for the entertainment industry, and ... that the Big Five's pursuit of the Napster case was not a response to falling profitability due to piracy, but instead a successful counter-strategy to relieve anti-trust pressures while securing a claim to the Internet as an alternative delivery system to retail outlets. (2003: 340)

McCourt and Burkart thus contend that the RIAA's moral legal stance on P2P was a means of drawing attention away from the music industry's anti-competitive and monopolist tendencies. The action was also a means of ensuring that it was able to employ the Internet as a one-way distribution channel for

selling its products. Rosen's speech affirms Hardt and Negri's claims that "communication production and the construction of imperial legitimation march hand in hand and can no longer be separated" (2000: 33). Specifically, Rosen's use of patriotic / nationalist discourse makes sense in relation to these authors' claims that Empire "actually produces and reproduces [master narratives] in order to validate and celebrate its own power" (Hardt & Negri, 2000: 33).

Whilst Napster is a business, much like MP3.com or Emusic, its subversive potential lay in the fact that the convenience that its technology offered consumers essentially fuelled what Cooper and Harrison call the MP3 subculture. They contend that audio "pirates operate in a complex and highly structured social and economic environment that has its own particular matrix of roles, norms and mores" (Cooper & Harrison, 2001: 71-72). Furthermore, their research suggests that audio pirates largely ignore or disregard copyright law, whilst other "pirates take an active stance against the very concept of copyright law, believing that 'information wants to be free'" (Cooper & Harrison, 2001: 87). It is in this way that audio pirates' actions are counter-hegemonic. The corporate response to audio piracy on the Internet could be likened to record labels' response to hip-hop. Dick Hebdige's discussion of recuperation could be applied here as well (1979: 94). One might argue that the commodity form comes into play via corporate attempts to co-opt the online music market through attempts to launch pay-for-play sites and through the development of subscription models (Pressplay, for example). A key example of attempts at co-option is Vivendi Universal's acquisition of MP3.com. None of these attempts have really seen any significant returns as yet. The ideological form comes into play via the RIAA's attempts to label / redefine audio pirates as deviants through the media as well as the judiciary. Rosen's press statement comments and the music industry's legal action against Napster, MP3.com and Diamond Multimedia Systems (Girasa, 2002: 173-213) confirm this view. Two years ago, for example, the RIAA engaged in legal action to "force Internet service provider Verizon to reveal the identity of a subscriber who allegedly uses its services to trade copyrighted

songs” (BBC New World Edition, 2002). This sort of action paved the way for the RIAA to approach the subscriber directly without having to take lengthy and costly legal action. By 2004, the “music industry had already sued 2,947 people in the United States and has announced more than 230 suits in Denmark, Germany, Italy and Canada” (Warner, 2004). In one instance, the International Federation of the Phonographic Industry (IFPI) won 8000 Euros in compensation from a 23-year old German man for the possession of 6000 MP3 files on his PC’s hard drive as well as on 70 CDs (Warner, 2004).

Key US legislation actually does make it possible for corporate action of this nature to be pursued. Title II of the Digital Millennium Copyright Act of 1998 (DMCA) makes it possible for copyright owners to “obtain a subpoena from a federal court ordering a service provider to disclose the identity of a subscriber who is allegedly engaging in infringing activities” (Digital Millennium Copyright Act of 1998, US Copyright Office Summary, 1998: 9). This mechanism paves the way for the copyright holders to approach subscribers directly, as witnessed in the RIAA and IFPI’s court action against individuals. Title I of the DMCA implements the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty. Essentially, it forbids the “circumvention of technological measures used by copyright owners to protect their works” as well as “tampering with copyright information management” (Digital Millennium Copyright Act of 1998, US Copyright Office Summary, 1998: 2). David Bollier contends that this provision now makes it illegal to “*share* information about how to defeat a technological lock” (2003: 124). Gillian Davies argues that these prohibitions promote “reliable information, thus facilitating e-commerce and [are] clearly in the interests of both right owners and the general public” (2002: 95). Bollier offers a different perspective on the matter. He maintains that key issues, such as civil liberties, competition and innovation, are at stake with the passing of the DMCA:

The effect of the anticircumvention provisions of the DMCA is to authorize large industries to stifle competition and innovation and prevent the widest dissemination of creative works. This, of course,

runs contrary to the very constitutional purpose of copyright: to advance and diffuse knowledge. Worse, industries are able to assert their copyright claims through legal intimidation of alleged violators, enabling a form of private censorship without even a prior court review. (Bollier, 2003: 124 –125)

Bollier cites the example of Microsoft's use of the DMCA in its attempt to force the programmers' website Slashdot to "remove materials that criticize the technical specifications for Microsoft's Kerberos" (Bollier, 2003: 125). Julie Cohen writes that "Microsoft demanded removal of the facts that could substantiate the criticism that Microsoft, once again, had destroyed the interoperability of an open standard", thus revealing the corporation's perceived anti-competitive tendencies (Cohen, 2000). In effect, the Slashdot forum participants' free speech rights were at stake, which potentially impacts negatively on the development of this area of expertise. Siva Vaidyanathan's work confirms with Bollier and Cohen's perspectives of the DMCA when he writes that the "default action" of the law "is censorship" (2001: 246). He contends that the Act places the burden of proof upon the person being accused of copyright infringement and effectively turns the owners of Internet service providers, search engines and content hosts into "untrained copyright cop[s]" (Vaidyanathan, 2001: 246). In this regard, Yuwei Lin and David Beer identify a key contradiction in corporations' approach to P2P when they state,

It is definitely illegal for an individual or a group hacking into any system of a media agency to see what they are doing, but oddly it is claimed to be legitimate for RIAA and MPAA [Motion Picture Association of America] to fight hack into a user's system to see whether or not there is a file-swapping programme installed in his/her machine. (Lin & Beer, 2005: 210)

Lin and Beer therefore identify a double-standard in corporations' attitude towards online music sharers. The privacy of citizens is waived to suit the interests of corporations, whilst corporate rights to privacy are guaranteed. Effectively, we see the public interest being compromised in favour of private

interests, especially in light of the fact that corporations are allowed to act under the presumption of subjects' guilt.

In an article titled, "From Private to Public: Reexamining the Technological Basis for Copyright", Matt Jackson argues that the DMCA "was a significant step toward the reprivatisation of copyright" (2002: 418). Jackson contends that an influential White Paper by the Information Infrastructure Task Force (1995) – and, subsequently, the DMCA – works from the assumption that the first copyright legislation, the Statute of Anne, was a reaction to technological advances in fifteenth century England (2002: 417-418). As suggested earlier in this chapter, the legislation was actually passed to break London's publishing monopolies, thereby replacing "the private law of printing privileges and Stationers' copyrights with a public law of statutory copyright" (Jackson, 2002: 427). Legislators' technologically determinist^{vi} view has thus led to copyright being privatised once again:

The DMCA thus signals a paradigm shift from copyright as a legal concept to copyright as a technological concept. This shift has enormous implications for society. First, technological control, contractual control, and increased liability all effectively reprivatise copyright, making it more difficult for courts to enforce important free speech interests. Second, this shift and the changing legal landscape promote the use of communication networks for one-way distribution rather than two-way dialogue. As new communication technologies are introduced, laws are adapted to make commercial content distribution their primary use. (Jackson, 2002: 431)

This legal shift therefore compromises the interests of civil society by placing corporate needs to consolidate revenue streams first and, in effect, frustrate agentic subjects' abilities to utilise communication networks in the public sphere. In short, the law effectively places corporate interests above that of the public interest. Vaidhyathan concurs with this contention in his discussion of the DMCA as well as the preceding white paper. He contends that the DMCA

“essentially nullified the role of deliberation and legislation in determining copyright” (Vaidhyanathan, 2001: 159). Vaidhyanathan outlines “four surrenders of important safeguards in the copyright system” (2001: 159-160). These include the “surrender of balance to control”; the “surrender of public interest to private interest”; the “surrender of republican deliberation within the nation-state to unelected multilateral organizations” and the “surrender of culture to technology” (Vaidhyanathan, 2001: 159-160). Essentially, we see the declining role of civil society and the nation-state in favour of corporate entities. This, in effect, amounts to the encroachment of Empire / corporate entities upon the public domain and compromises the functioning of democracy.

Another controversial US statute that has serious implications for civil society is the Sonny Bono Copyright Term Extension Act of 1998, which “lengthened the term of copyright to life plus 70 years for individual authors and to 95 years for authors with legal personality and works made for hire” (Davies, 2002: 102). The Sonny Bono Copyright Term Extension Act brought the US term of protection in line with Member States of the European Union and “argued that the extension would provide further economic incentives to stimulate creativity” (Davies, 2002: 92-93). This Act is a key departure from the original 1790 copyright clause of the US Constitution that took its cue from the Statute of Anne in granting 14 years of protection, renewable by the author for a further 14 years (Davies, 2002: 100). The initial term of protection was extended to 28 years in 1831 and the renewal period was also extended to 28 years in 1909 (Davies, 2002: 100). This brought the total term of protection to 56 years and the 1909 Act remained unchanged in this regard until 1978 (Davies, 2002: 100). Lessig questions US Congress’s seemingly unchallenged ability to extend copyright terms and argues that this action goes against the express direction of the Constitution:

In the past forty years, Congress has gotten into the practice of extending terms of copyright protection. What puzzled me about this was, if Congress has the power to extend existing terms, then the Constitution’s requirements that terms be “limited” will have no

practical effect. If every time a copyright is about to expire, Congress has the power to extend its term, then Congress can achieve what the Constitution plainly forbids – perpetual terms “on the installment plan,” as Professor Jaszi so nicely put it. (Lessig, 2004: 215-216)

Lessig goes on to offer a criticism of the system of government. He argues that that the process of lobbying and the acts offering of campaign contributions to members of Congress ensure that corporate power overrides the public interest (Lessig, 2004: 216-218). This contention is proven when Lessig discusses the lobbying that led to the adoption of the Sonny Bono Copyright Term Extension Act. He contends that “ten of the thirteen original sponsors of the original act in the House received the maximum contribution from Disney’s political action committee” and that “eight of the twelve [Senate] sponsors received contributions” (Lessig, 2004: 218). Lessig also maintains that the RIAA and the Motion Picture Association of America (MPAA) spent over \$1,5 million on lobbying in 1998, whilst Disney contributed more than \$800 000 to re-election campaigns during the same year. The author’s cynical conclusion is that so “long as legislation can be bought (albeit indirectly), there will be all the incentive in the world to buy further extensions of copyright” (Lessig, 2004: 218). The net effect of this action is that all works, including those that are no longer commercially valuable, will not pass into the public domain, thus making it impossible for new creators and producers of new knowledge to access this work (Lessig, 2004: 221-228). Lessig argues that this would have an adverse effect on the stimulation of creativity, innovation and competition – in this instance, copyright actually inhibits free speech and the “spread of knowledge”, particularly where a particular cultural product has “lived its commercial life” and would be of historical value to the public in terms of documenting cultural heritage and producing new cultural products (Lessig, 2004: 227). As with the DMCA, we find that corporate interests manage to undermine the public interest, thereby raising doubts about the effectiveness of democratic processes within the nation-state.

A similar dynamic seems to operate in the international area. James Boyle suggests that the US has been using the General Agreement on Tariffs and Trade (GATT) as an enforcement mechanism in multilateral trade agreements (1996: 122-123). The US has been able to exert this kind of control in its trade negotiations with other nation-states by "recharacterizing failure to respect even the most expansive Western notions of intellectual property as a 'significant barrier to trade' or a 'subsidy' conferred upon domestic industries" (Boyle, 1996: 122-123). It is in this way that US government is able to protect US corporate interests on a global scale, thereby compromising individual nation-states' abilities to protect their constituents' corporate and community interests. In this regard, Michael Parenti discusses how GATT and the North American Free Trade Agreement (NAFTA) allow US transnational corporations to circumvent the sovereignty of nation-states. He contends that these trade agreements are presented as benign and natural historical developments that take us "from regional to national and now to international market relations (1995: 31). However, GATT's body of non-elected World Trade Organization (WTO) panelists have "financial stakes in the very issues they adjudicate", do not operate transparently and are not accountable to the communities whose lives their decisions impact upon (1995: 32). Ultimately, Parenti's claims resonate with Boyle's discussion of GATT when he explains just how Empire triumphs over democracy and how international finance triumphs over democracy (1995: 35):

Signatory governments must lower tariffs, end farm subsidies, treat foreign companies the same as domestic ones, honor all corporate patent claims, and obey the rulings of a permanent elite bureaucracy, the WTO. Should a country refuse to change its laws when a WTO panel so dictates, GATT can impose international sanctions, depriving the resistant country of needed markets and materials. GATT will benefit strong nations at the expense of weaker ones, and rich interests at the expense of the rest of us. (Parenti, 1995:32)

Parenti offers an example in the field of agriculture in which GATT makes it possible for "multinationals to impose compulsory licensing and monopoly

property rights on indigenous and communal agriculture” under the guise of intellectual property rights (1995: 33). Peter Drahos and John Braithwaite make largely similar claims in their discussion of behind-the-scenes US corporate manoeuvres before the Uruguay Round of the GATT trade negotiations, commencing in 1986. This round of negotiations established the World Trade Organisation (WTO) as well as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which is administered by the WTO (Drahos & Braithwaite, 2004: 1). Drahos and Braithwaite argue that TRIPS globalises intellectual property principles “because most countries are members of, or are seeking membership of, the World Trade Organisation” (2004: 1). They contend that this agreement “has a crucial harmonizing impact on intellectual property regulation because it sets detailed standards of intellectual property law that will profoundly affect two significant technologies in the 21st century – digital technology and biotechnology” (Drahos & Braithwaite, 2004: 1). The authors’ research suggests that TRIPS has placed many of these countries at a disadvantage, particularly those from the southern hemisphere. Nonetheless, they signed the agreement because most of the “importer nations” were not present when “important technical details were settled”; most states were either misinformed or did not understand their own interests and most “nations were threatened by US trade power” (Drahos & Braithwaite, 2004: 29). In essence, Drahos & Braithwaite characterise the signing of TRIPS as a failure of democracy on national and international levels largely because “a small group of men within the US [captured] the US trade-agenda-setting process and then, in partnership with European and Japanese multinationals, [drafted] intellectual property principles that became the blueprint for TRIPS” (2004: 2). Pfizer was one of the key initiators of these manoeuvres in response to declining profits in the southern hemisphere due these southern countries’ attempts to reduce the cost of essential drugs (Drahos & Braithwaite, 2004: 5-7). Some of these attempts included the adoption of compulsory licensing regimes (Drahos & Braithwaite, 2004: 5). India, for example, adopted patent laws that were modelled on the German legal system. Essentially, they allowed for the patenting of drug

production methods and not the actual drugs, thus allowing for the production of cheaper, generic equivalents of expensive drugs (Drahos & Braithwaite, 2004: 5). Drahos and Braithwaite hold that this strategy did not amount to “illegality” (Drahos & Braithwaite, 2004: 5). Instead, these countries “were adjusting the rules of the patenting game to serve their local industries in exactly the same way that Western states had used intellectual property for their own protectionist ends” (Drahos & Braithwaite, 2004: 5). However, Pfizer’s strategy was to introduce the terms “piracy” and “theft” in discussions on intellectual property – as well as appeal to liberal values, such as the belief in individual property (placing the notion of the individual author / scientist / inventor center-stage), notions of fairness and US nationalism (Drahos & Braithwaite, 2004: 9). Here, Hardt and Negri’s notion of the “just war” is invoked again. The authors comment on the irony of this particular discursive strategy:

Its message was that governments of other countries were stealing from the minds of individual US inventors by denying them patent protection. By the time evidence came out that pharmaceuticals were stealing from the collective knowledge of indigenous people – the collective mind of the non-Western other – the ink had long dried on TRIPS. (Drahos & Braithwaite, 2004: 9)

Another strategy employed by US knowledge industries, such as pharmaceutical companies, was to shift the locus where intellectual property issues were debated from the World Intellectual Property Organisation (WIPO) to GATT and the WTO (Drahos & Braithwaite, 2004: 7). They took this action because countries from the southern hemisphere were very well represented at WIPO by the mid-80s. In fact, these “countries began to push for the Paris Convention’s reform and for access to the technology of multinationals on favourable terms” (Drahos & Braithwaite, 2004: 7). It therefore seemed likely that that WIPO would offer the countries of the south would an opportunity to address their concerns via democratic processes – this opportunity was effectively undermined by the new US strategy. Apart from multilateral action via GATT, TRIPS and the WTO, the US also employed bilateral action in order to ensure that developing

countries agreed to the terms laid out in TRIPS. The key US instrument was an amendment to Section 304 of the Trade Act in 1984 (Drahos & Braithwaite, 2004: 13). The Act allowed the US president to “withdraw trade benefits from a country or impose duties on its goods” if its protection of US intellectual property was not deemed to be satisfactory (Drahos & Braithwaite, 2004: 13). As Drahos and Braithwaite’s research reveals, the Recording Industry of America was one of the business organisations that lobbied for the inclusion of intellectual property into the General System of Preferences (GSP), which administered trade benefits and the relaxation of imported goods to developing countries (2004: 12-13). This revelation underscores the fact that these multilateral and bilateral processes did not just have serious consequences for the fields of biotechnology, drug research, but impacted significantly upon cultural production as well. The authors ultimately confirm Boyle and Parenti’s claims and reveal how globalisation becomes a “logical extension of imperialism” (Parenti, 1995: 35) as well as, ultimately, how democracy and the sovereignty of nation-states are eroded – thus echoing my discussion of Hardt and Negri’s notion of the decline of the nation-state in the first chapter. It is from this perspective that globalisation / global capitalism / Empire can be viewed as anything but a natural and inevitable process that benefits all.

Conclusion

The concept of the “just war” is taken to a new level so that “rebellious” individuals within Empire may be singled out, and subversive technologies and practices may be controlled. McCourt and Burkart argue that the “commercialization of the Internet transforms the experience of on-line music from a network-enabled community of freely participating individuals to a network-delivered commodity that is relentlessly measured and metered” (2003: 346). The agency of subjects as citizens who are free to express themselves or interact freely with other subjects without the mediation of corporations is thus seriously compromised. The uptake of iPods as well as a range of MP3 players by manufacturers like Samsung offers one example of the shift toward corporate

control of MP3 technology. The industry has thus initiated a process of recuperation of audio piracy on the Internet via a dual process of co-option and force. This process is similar to the approach that was taken with sampling by hip-hop artists, which had proven to be largely successful. In both instances, particular kinds of technology were used to frustrate corporate interests. In the case of hip-hop, samplers (for example, the E-mu SP-1200 or the Akai MPC-60) were used in ways that its manufacturers had not intended. Ironically, these manufacturers benefited financially from their products' popularity amongst hip-hop producers. The same could be said for software, such as Acid, Sonic Foundry Sound Forge and Reason, except that software piracy has become as much of a problem to manufacturers as audio piracy in the music industry. In hip-hop, music texts were also being 'violated' in the process of producing new music texts. In the case of audio piracy on the Internet, the integrity of the music text as a branded and marketable package is violated. However, this violation itself does not amount to parody in the way that sampling in hip-hop does. This is why the court rejected Napster's fair use defence in *A&M Records, Inc. V. Napster, Inc.* (Girasa, 2002: 180). But the very idea that this relatively new medium is being employed by large number of consumers to subvert or compromise corporate interests presents a serious challenge to the major record labels and Empire. An examination of sampling and the MP3 revolution reveals that corporate attempts to bring 'deviants' to book has been frustrated by new developments in technology. It appears that new shifts in technology and distribution techniques make new possibilities for subversion possible. At the same time, software developers, hackers, artists and consumers who are hell-bent on challenging hegemony are likely to pioneer new ways to circumvent obstacles presented by the corporate world or by technology itself.

For instance, Kembrew McLeod discusses 'mashups', the practice of combining two different songs to produce a new track without obtaining copyright clearance from the respective copyright holders (2005). The most prominent example of a 'mashup' is DJ Danger Mouse's 'mashup' of the Beatles' *White Album* and hip-

hop artist Jay-Z's *Black Album* to produce what he called the *Grey Album* (McLeod, 2005: 79-80). Danger Mouse pressed a mere 3000 copies of his album in early 2004, but online file-sharers soon distributed the album amongst themselves (McLeod, 2005: 79). Many file-sharers were served with cease-and-desist letters by rights holder EMI, but Downhillbattle.org organised an online protest that involved a minimum of 170 websites hosting the *Grey Album* as an act of defiance of EMI's action. McLeod, who participated in this protest, writes that 'mashups' are made possible by P2P networks because it makes it possible for file-sharers to distribute billions of MP3s (2005: 83)^{vii}. It is in this sense that the battle between corporations and citizens for control over the Internet and digital technology is very far from over. What is at stake here is free speech rights, a cornerstone of democracy, as well as attempts to reclaim the information commons from private interests. Attempts at the reclamation of the commons will be considered in greater detail in the next chapter. The next chapter will also consider less subversive legal challenges to Empire by considering debates about the adoption of open standards in the areas of knowledge production and distribution.

Endnotes

ⁱ Sony and Bertelsmann have since merged to form Sony BMG Music Entertainment.

ⁱⁱ Prophets of da City (POC) are a pioneer rap group from Cape Town, South Africa. In the early 90s, POC and Black Noise were instrumental in developing Cape Town's hip-hop scene. Much of their creative work was geared toward engaging critically with the discourses as well as multiple and fractured realities of apartheid.

ⁱⁱⁱ Mzwakhe Mbuli is a spoken word artist who often performed at political rallies – such as those organized by the now-defunct anti-apartheid organization, the United Democratic Front (UDF) – during the 80s in South Africa. Mbuli served a jail sentence after being implicated in alleged armed robbery charges.

^{iv} See Sandra Klopper's "Hip-Hop Graffiti Art" (2000) for a sense of how hip-hop graffiti art could potentially be co-opted. In itself, hip-hop graffiti art speaks through commodities because it makes use of spray cans and spray caps, which are purchased from hardware stores, in unorthodox ways. To borrow terminology from the second chapter, one might say that the spray cans and spray caps are hacked because they are used in innovative ways that were not intended by the manufacturers of the product. The works of art, in turn, become commodified when they are commissioned by art galleries or by corporations as part of a marketing campaign. For example, Cape hip-hop graffiti artist Sky189 has often been commissioned to produce murals for events like the North Sea Jazz Festival, which enjoys a great amount of corporate sponsorship. In this particular instance, it is debatable whether this constitutes delegitimation or co-option of the subculture.

^v The current version of Napster is an online music subscription service. Music can thus be obtained from the website directly at a price. One might argue that the current version of Napster is co-opted version of the initial website because it is no longer a P2P platform. It is now a B2C (business-to-customer) operation.

^{vi} David Croteau and David Hoynes define technological determinism as "an approach that identifies technology, or technological advances, as the central *causal* element in processes of social change" (2000: 301). The problem with this approach is that it could overlook the agency of people in determining social change and that it can reify technology.

^{vii} See Kembrew McLeod's "Confessions of an Intellectual (Property): Danger Mouse, Mickey Mouse, Sonny Bono, and My Long and Winding Path as a Copyright Activist-Academic" for an in-depth analysis of 'mashups' as well as a narrative of McLeod's own activities as an 'intellectual property activist' (2005). McLeod registered the phrase "freedom of expression" with the US Patent and Trademark Office as an ironic commentary after the sound collage (sampling) band Negativland was sued by U2 for unauthorised use of its hit song "I Still Haven't Found What I'm Looking For" (2005: 88).

CHAPTER 4

Enclosure of the information commons and the erosion of democracy

This chapter commences by establishing a comparison between the Internet and the notion of the commons, arguing that the Internet is an information commons that is being enclosed by private interests in much the same way as common fields were enclosed by private landowners during eighteenth century England. A key idea that is advanced in this chapter is that the enclosure of the information commons has serious consequences for those who believe that access to information and ideas is crucial to the prosperity of cultures and the functioning of democracy. Some of the major arguments offered in Chapter 3 are developed here. Specifically, this chapter will build upon Matt Jackson's claims about the reprivatisation of copyright via the DMCA as well as Lawrence Lessig's claims that the Sonny Bono Copyright Term Extension Act undermines the US Constitution's intention that copyright terms be limited. This chapter supports Lessig's concerns that many works that are no longer commercially valuable – but hold a significant amount of cultural and historical value – would no longer pass into the public domain, thereby compromising the public interest and raising fears about a return to information feudalism at the hands of global corporate entities. These issues will be explored in order to consider debates about the enclosure of the information commons.

Developing the discussion of hackerdom and hacktivism in Chapter 1, I provide a brief overview of the early beginnings of the Internet and argue that the Internet is an information commons, which is progressively being enclosed by monopolist corporate strategies. I argue that the open source movement has its roots in the open environment from which the Internet developed. Therefore, the advance of the open source movement, as described by Richard Stallman and Eric S. Raymond, as well as the notion of the Creative Commons, does not conflict with the operation of media in a free market economy – despite mainstream representations of hackers as criminals or P2P as piracy.

P2P is included in this discussion to suggest that this practice is a continuation of the culture of sharing, hacking, or 'tinkering' that the Internet engendered as an information commons. In this regard, this chapter also argues that Lessig, David Bollier and Stallman see open source software or the notion of the commons as necessary to the functioning of competitive free markets. This position thus differs from Hardt and Negri or Baudrillard's critical perspectives of global capitalism. However, the perspectives converge to some degree when considering that Hardt and Negri propose that activists employ the very strategies of Empire to achieve social justice. Here, Hardt and Negri make specific reference to activists' use of communication technology, such as the Internet, and – as seen in Chapter 1 – social movements have taken to using this medium to advance their respective causes. Hardt and Negri prefer to speak of the *common* as opposed to the *commons*. This distinction will be examined more closely in order to suggest that Lawrence Lessig's visionary work on the Creative Commons shares points of commonality with Hardt and Negri's *Empire*. This chapter also considers the culture jamming practices of Laugh It Off Media in order suggest that culture jammers are an important example of legal challenges to Empire. Culture jammers' counter-discursive practices contrast with those of legal reformists like Lessig, but both approaches could be read as evidence of subjects' attempts to engage critically Empire.

4.1 Enclosure of the commons

The concept of the commons dates back to Roman law, which distinguished between *res privatae*, *res publicae* and *res communes*. *Res privatae* referred to things that could be owned by individuals, whereas *res publicae* denoted "things built by municipalities, governing bodies, the State or federal government" (Environmental Commons, undated). *Res communes* included things that were considered to be common to all "and comprises those things *extra patrimonium* (incapable of being possessed)" (Environmental Commons, undated). In England during the Middle Ages, the "commons were shared lands used by villagers for foraging, hunting, planting crops and harvesting wood" (Friends of the Commons,

2003/2004). Dorothy Kidd points out that the commons were not managed by the state, but were ruled directly by individuals and groups “from civil society, for the most part outside of the electoral franchise” (2003: 53). The commons regime has drawn much interest from scholars, including Garrett Hardin, who wrote an influential essay titled “The Tragedy of the Commons” in 1968. Hardin argues that the commons had to be abandoned because population growth placed a large amount of pressure on limited natural resources (1968). Unless curbs were placed on what he called “breeding” via “coercion mutually agreed upon”, resources in the commons would be depleted (Hardin, 1968). The only solution would be to abandon “the nightmare of the commons”, which he equates with a system of management devoid of clear rules or sensitivity toward the finite nature of our natural resources (Hardin, 1968). A key example he offers is that of a common field upon which a number of farmers keep cattle. If one farmer were to employ his rational faculties to improve his lot by acquiring more cattle, this would place greater pressure on the common field and, thereby, impact negatively upon the other farmers who keep cattle on the field (Hardin, 1968). Here, Hardin assumes that the farmer in question would not possess the necessary sensitivity toward the environment or toward the other farmers using the field. This, in effect, amounts to the tragedy of the commons as this common resource would soon be depleted. In short, he contends that the “only way we can preserve and nurture other and more precious freedoms is by relinquishing the freedom to breed” (Hardin, 1968). Hardin claims that, thanks to population growth, “we abandoned the commons in food gathering, enclosing farm land and restricting pastures and hunting and fishing areas” (1968).

Dorothy Kidd contradicts Hardin’s views when she argues that the “first stage of the enclosures of common lands and copy-hold properties” were executed to “introduce capital-intensive exploitation of the land for wool production” (2003: 53). As Kidd suggests, the key initiators and benefactors of parliamentary enclosure laws were the landed gentry, who launched into commercial farming (2003: 53). The process of enclosure was thus really motivated by the need for

large tracts of land, the onset of mass production and capitalism. Jane Humphreys confirms this perspective in her research on the effects of enclosures upon families, particularly women, in the late eighteenth and nineteenth centuries. She argues that the commons made families – wives and mothers, in particular – less dependent on wage labour and offered them a measure of agency (Humphreys, 1990: 37). Humphreys suggests that “widows’ traditional recourse to cowkeeping was even institutionalised as a public panacea for feminised poverty” (1990: 38-39). In general, women employed common grazing as an “alternative to charity, the poor law, or burdening their children” (Humphreys, 1990: 38). The commons was thus a crucial economic option to rural people, particularly women, and was despised by commercial farmers who relied on cheap labour:

[T]he independence conferred by common rights had disruptive implications for agricultural relations of production and threatened the cereal farmers with inadequate labor reserves at key times in the seasonal cycle. (Humphreys, 1990: 29)

It was for these reasons – access to land and cheap labour – that commercial farmers supported the enclosure of the commons in order to narrow families’ options down significantly. Thanks to the enclosure movement, the only source of income was effectively wage labour and women became available for seasonal mechanised harvests, domestic work, “proto-industrial work and industrial work” (Humphreys, 1990: 41). As Kidd and Humphreys’ research suggest, the proletarianisation of rural families thus coincided with the enclosure of the commons and the onset of capitalist modes of production. As this chapter will demonstrate, the concepts of the commons as well as enclosure are employed in very specific senses during discussions of the Internet *vis a vis* corporate interests. As with the enclosure of common fields, it will become apparent that the enclosure of the information commons really only benefits already privileged sectors of society, as opposed to the public in general.

4.2 The Internet as an information commons

The very birth of the Internet offers an example of the operation of the commons in the information age. The Advanced Research Projects Agency (ARPA), located in the US Department of Defence, initiated the project that eventually led to the development of the Internet. ARPANET was an immediate outcome of their efforts and was launched in 1970 with the objective of facilitating “resource-sharing among users on a national scale” (Bollier, 2003: 102). According to Eric S. Raymond, ARPANET was the first transcontinental, high-speed computer network” and eventually linked universities, defence contractors and research laboratories (1999: 20). This network was an important invention precisely because it allowed researchers to exchange information with great speed and flexibility (Raymond, 1999: 20). David Bollier argues that since many early ARPANET users were academics who worked within a ‘gift culture’, it seemed inevitable that open standards would be adopted in the virtual context (2003: 102). Hence, the “early designers of the ARPANET were, in truth, building a commons; a diverse community dedicated to shared goals and self-governed through a cooperative social ethos and informal decision-making forums” (Bollier, 2003: 102). Lawrence Lessig supports this view when he contends that the Internet is a commons in three areas: code, knowledge and innovation (2001: 49). This medium was characterised as a commons of code and knowledge because a great deal of software that was essential to the development of this new technology was free. Here I am referring to a programming approach that allows users of software to view the source code that was written by computer programmers to develop the software in question. This approach is typically called open code, free software or open source software (OSS) – I will return to this concept in the next section.

Open source projects that are considered to be crucial to the functioning of the Internet include the Apache servers; BIND (Berkeley Internet Name Daemon, which connects names to Internet addresses); TCP/IP (the protocols that define the Internet) and Perl, the “glue that makes most websites run” (Lessig, 2001: 56;

Bollier, 2003: 103). In his discussion of the Internet as an innovation commons, Lessig offers a description of end-to-end architecture (e2e), which ensures that “intelligence in a network [be kept] at the ends, or in the applications, leaving the network itself to be relatively simple” (Lessig, 2001: 34). The simplicity of the network allows for more complex applications to be run on top of this basic structure or for complex data to be transported across networks, thereby making the Internet a rather flexible medium. Lessig argues that e2e is important to the Internet’s success and has serious policy implications because its design has “intimately affected the freedoms and controls it has enabled” (2001: 35). In essence, the medium is built “to remain open to whatever innovation comes along” and, effectively, anyone is free to “develop and deploy new applications or content *without the permission of anyone else*” (Lessig, 2001: 40). Lessig believes that “free code builds a commons,” which “in turn lowers the cost of innovation” (Lessig, 2001: 57).

Bollier offers a similar perspective when he says that ARPA helped to create the necessary environment in which to develop “new kinds of technology, scientific inquiry and social interaction” by “insulating so many projects from market pressures and nurturing them in a broader matrix of resources and human aspiration” (Bollier, 2003: 104). Here, Bollier seems to suggest that state regulation, as opposed to market forces, played a crucial role in creating a commons of the Internet – an action that would ultimately benefit both the corporate sector and civil society. What is also apparent is that the Internet came to fruition due to a mode of co-operation that was both decentred and transparent to all who had the necessary programming skills as well as those who had access to the networks that were being designed by a broad range of participants.

4.3 Open source, P2P and the culture of tinkering

As I suggested earlier, much of the Internet and related technology, such as Sendmail, was developed using open standards. In order to understand this

notion more clearly, OSS needs to be defined more precisely. Here, I will return to the figure of the hacker, which is integral to the history of computing and the Internet. Richard Stallman (1999) approaches hackerdom in a very similar manner to the way it was defined in the first chapter of this thesis as a “neat programming trick” (Jordan & Taylor, 2004: 6). Stallman writes that the

use of “hacker” to mean “security breaker” is a confusion on the part of the mass media. We hackers refuse to recognize that meaning, and continue using the word to mean, “Someone who loves to program and enjoys being clever about it.” (Stallman, 1999: 53)

Eric S. Raymond suggests that ARPANET played a crucial role in bringing hackers together and that hackerdom “grew up at universities connected to the Net, especially” (1999: 20). Contrary to popular media representation of hackers as illicit renegades, hackers – along with their use of open standards – were the key figures whose innovation and creativity pushed boundaries in the development of the Internet and the world of computers, in general. Free software precedes open source software (OSS) and was the brainchild of Stallman, who launched the GNU project in 1984 (DiBona, Ockman & Stone, 1999: 2). Stallman believed that software’s source code should be free in order to prevent the rise of monopolies in the software industry (DiBona, Ockman & Stone, 1999: 2). However, he is careful to point out the term “free” refers to free speech and not to price (Stallman, 1999: 56). He spells out the following requirements for programmes to be regarded as free software:

- You have the freedom to run the program, for any purpose.
- You have the freedom to modify the program to suit your needs. (To make this freedom effective in practice, you must have access to the source code, since making changes in a program without having the source code is exceedingly difficult.)
- You have the freedom to redistribute copies, either gratis or for a fee.
- You have the freedom to distribute modified versions of the program, so that the community can benefit from your improvements. (Stallman, 1999: 56)

Free software is protected by a GNU General Public License (GPL) in order to ensure that businesses do not “co-opt the code for their own profitability” (DiBona, Ockman & Stone, 1999: 2). Thus, while programmers or software users are not at liberty to charge others for their contribution to the development of the software, they are free to charge for its redistribution. Free software does therefore not entirely impede commerce in a free market economy, but it does make it difficult for software corporations to accrue significant profits from the production of such software – although it should be possible for companies to secure revenue from technical support and maintenance. As is apparent from the GPL’s preamble, the licence adopts open standards whilst still operating within the ambit of copyright law:

For example, if you distribute copies of such a program, whether gratis or for a fee, you must give the recipients all the rights you have. You must make sure that they, too, receive or can get the source code. And you must show them these terms so that they know their rights.

We protect your rights with two steps: (1) copyright the software, and (2) offer you this license which gives you legal permission to copy, distribute and/or modify the software.

....

Finally, any free program is threatened constantly by software patents. ... To prevent this, we have made it clear that any patent must be licensed for everyone’s free use or not licensed at all. (GNU General Public License, Version 2, June 1991; Appendix B in DiBona, Ockman & Stone, 1999: 255)

GPL thus ensures that all contributors are both acknowledged and protected equally, thereby preventing a scenario where one contributor or user enjoys a monopoly over the work at the expense of other programmers or users. It also ensures that users can benefit from innovative amendments to the programme in question by allowing equal access to the source code. This preamble is also significant because it corrects mistaken media claims that free software and open source software are in the public domain (Boyle, 2003: 65). James Boyle points

out that GPL “rests on an intellectual property right, the copyrights held by Free Software Foundation and other entities” (2003: 56). Private law therefore comes to the aid of an interest group that wishes to protect the commons / public domain. Contemporary examples of software that is available under the GNU GPL licence include the Photoshop equivalent GIMP (a free graphic design package) and Linux, the free operating system that rivals Microsoft’s proprietary operating systems (Windows XP or 2000, for example).

GNU s are not restricted to software, however. The world’s largest free online encyclopaedia, Wikipedia, is licensed under a GNU (see http://en.wikipedia.org/wiki/Main_Page for details). Wikis are online applications that can be edited by everyone so that documents can be written collectively (see <http://en.wikipedia.org/wiki/Wiki> for further explanation). According to Wikipedia, wikis are protected from vandals by blocking IP addresses and usernames, by continually correcting acts of vandalism as they occur or by switching the databases to read-only mode when attacks are more prevalent – thus ensuring that the information supplied is reliable (Wikipedia, <http://en.wikipedia.org/wiki/Wiki>). Wikipedia’s sister projects include Wikitionary, Wikibooks, Wikispecies, Wikisource, Wikiquotes, Wikinews and Commons. The online projects are available in a wide number languages, including Afrikaans, German, Spanish, Arabic, Swedish, Hebrew, French, Malay, Basque, Welsh, Croatian, Icelandic, Kurdish, Walloon, Indonesian, Persian, Japanese, Georgian and Italian. Wikis are becoming increasingly popular in a number of contexts. In fact, the Wits University Link Centre released a paper titled “The Digital Information Commons: An African Participant’s Guide” as a wiki at the “Commons-sense: Towards an African Digital Information Commons” conference in May 2005. However, the document was not licensed under a GNU licence but under a Creative Commons licence, which will be discussed in greater detail later on in this chapter.

By 1997 a number of key role-players in the free software community met in order to consider ways in which they could address negative perceptions of the GNU project and the Free Software Foundation as being “anti-business” (DiBona, Ockman & Stone, 1999: 3). In an attempt to reposition free software, Eric S. Raymond, Bruce Perens and Tim O’Reilly, amongst others, decided to promote what they called open source software (DiBona, Ockman & Stone, 1999: 3). They developed the Open Source Definition, which allows users to utilise proprietary with OSS and effectively makes “the use and redistribution of open-source software without compensation or even credit” possible (DiBona, Ockman & Stone, 1999: 3). In this regard, the ninth distribution term of The Open Source Definition states that the licence should “not contaminate other software” (The Open Source Definition, Version 1.0; Appendix B in DiBona, Ockman & Stone, 1999: 254). This means that the licence cannot force users to apply open standards to any other software that they also happen to be using along with the open source software. The licensing agreement is thus more flexible than GPL and makes it possible for businesses to generate revenue from proprietary software whilst also employing open source software where it is convenient or cost-efficient to do so. Ultimately, the licence led to a greater rate of adoption of open source solutions in the corporate sector. As I have already suggested in Chapter 1, British and European government departments have begun to explore OSS as a cost-efficient alternative to proprietary software (Jaggi, 2004: 17). This shift in attitude could have significant consequences for manufacturers of proprietary software, such as Microsoft. However, Microsoft’s near-absolute global market-share is not about to be toppled by this development because 95% of the world’s computers operate on Microsoft software (Jaggi, 2004: 17). This dwarfs the impact of key open source proponents, such as Linux or Apache. Nonetheless, as I have already suggested, these government departments’ new perspectives offer a positive indication of the open source movement’s success in altering initial negative representations of OSS.

In an online essay titled "The Powerful Economic Underpinnings of OSS", Paul Nowak offers a comparison between OSS development and the history of the commons. He makes specific reference to Garrett Hardin's essay, "The Tragedy of the Commons". Here, the open standards adopted by OSS come to be characterised as a commons – this time without the danger of any 'tragedy of the commons' taking place. Nowak argues that OSS turns the notion of the 'tragedy of the commons' on its head because "OSS leads to a plentiful outcome where the amount of software in the market should continually grow and the quality of that software should continually improve" (Nowak, 2003). Hardin's concerns about the "overuse and degradation" of a single commons by a large number of users are reversed in this context because OSS actually benefits from the input of multiple users from the perspective of maintenance and bug-fixing (Nowak, 2003). The volunteer or gift culture within which software gets shared and developed by a number of role-players therefore reduces both the costs and time involved in developing a software solution for a particular context, provided that other volunteers are sufficiently interested in the software in question. In fact, it is often the most viable and interesting applications, or versions thereof, that are likely to survive through the continued interest of a range of participants. The commons of OSS cannot be depleted by simultaneous use or by large numbers of downloads of software (Nowak, 2003).

It is the culture of tinkering by a large number of hackers that makes OSS a vast non-rivalrous resource that is available to a common pool of people who are connected to the Internet. It was this very culture of tinkering that led to the development of Napster and the rise of P2P. John Alderman contends, "All Fanning really wanted was to make it easier to find music to trade online" (2001: 103). As the second chapter of this thesis indicated, Shawn Fanning spent a great deal of time in IRCs, where it became clear to him that "people were eager to trade music files on the Internet" (Alderman, 2001: 103). This is why he roped some of his friends into the project of developing Napster. Of course, Napster was not a true P2P platform in the sense that users still needed to connect to its

website before being able to search other surfers' computers for music files, but the vital seeds were sown for this new form of decentralised cooperation. I am not suggesting that Napster was developed with open source strategies. What I am suggesting is that the technology in question met a desire that had already existed on IRC boards: the desire to exchange music efficiently on the Internet. This aspiration was therefore not manufactured by proprietors; Fanning merely seized the opportunity to deliver an efficient software solution to music fans' desires. Prior to Napster, music fans were thus already keen on employing the Internet as an information commons outside of cash economies of exchange – notwithstanding the RIAA's view of P2P as an infringement upon its right to enclose access to music tracks. These fans tell us something significant about the mode of cooperation that exists on the Internet: as James Boyle suggests, "the Internet is one big experiment in ... peer-to-peer cultural production" (2003: 48).

4.4 Enclosing the information commons

A number of developments, already discussed in the third chapter, indicate that the information commons is being enclosed. For example, the Sonny Bono Copyright Term Extension Act makes copyright terms in the US virtually perpetual, thus making it difficult for work to pass into the public domain. It is from this perspective that one can make sense of the claim that the information commons is being plundered to the detriment of society, as already suggested in the introduction of this chapter. This is particularly true when considering Drahos and Braithwaite's discussion of the process leading to the adoption of TRIPS. Here the authors' claims that Western pharmaceutical corporations had stolen "collective knowledge of indigenous people", whilst pushing for further protection of their own intellectual property, is significant¹ (2004: 9). In this instance, a knowledge commons was plundered to meet very narrow proprietary interests. Much the same seems to be true in Michael Parenti and James Boyle's discussion of GATT and NAFTA (Parenti, 1995: 32; Boyle, 1996: 122-123). Matt Jackson and Siva Vaidyanathan's discussion of the DMCA also offer evidence of

enclosure. Jackson's claim that the DMCA privatises copyright as well as Vaidyanathan's description of "four surrenders of important safeguards in the copyright system" are indicators of private interests taking precedence over the public interest (Jackson, 2002: 431; Vaidyanathan, 2001: 159-160).

In his discussion of the Internet as a commons, Bollier outlines four strategies that lead to the enclosure of the Internet commons. The first strategy is the "privatization of public knowledge" and Bollier offers the DMCA as an example – this has already been discussed in Chapter 2 (Bollier, 2003: 119-134). The other strategies are "(1) the use of proprietary technical standards to sabotage open standards, innovation, and the open sharing of information"; "(2) the use of concentrated market power to limit access to the Internet and corral users within proprietary 'walled gardens'" and "(3) the privatization of Internet governance to the detriment of ordinary users" (Bollier, 2003: 108). Bollier cites the Microsoft as a case in point of strategy (1). He contends that Microsoft "undermined open standard protocols for HTML (for Web pages), Java (the cross-platform), RealAudio (the Internet audio software), and QuickTime (multimedia software) by trying to make its own proprietary modifications the *de facto* standards" (2003: 111). These actions ultimately led to the elimination of competitors in the software market and ensured that end-users obtain a variety of applications from Microsoft exclusively – many would argue that such strategies run contrary to the principles of a free market economy. It therefore comes as no surprise that Microsoft has been embroiled in antitrust legal action in the US and Europe since 1990 (*Wired*, 2004). This action has been viewed as important to the future of free software. In fact, the Free Software Foundation recognises that Microsoft has deliberately obstructed free software through the use of "secret and incompatible interfaces" that make it difficult for end-users to use anything but Microsoft's proprietary products on their computers (GNU Project, 1999). Microsoft has also apparently used "patents to block [the] development of free software" (GNU Project, 1999). Such action has far-reaching consequences for poorer countries of the southern hemisphere who already find it difficult to bridge

the digital divide due to the high costs of software as well as punitive measures for breaching software licences.

Bollier's discussion of the second strategy that leads to enclosure of the Internet commons echoes Noam Chomsky and Edward S. Herman's discussion of corporate-owned news carriers in *Manufacturing Consent* (1988). Chomsky and Herman contend that the size, ownership and profit-orientation are key factors that affect the extent to which diverse perspectives circulate in the mass media largely because corporate news carriers are less likely to cover news events that potentially undermine their holding companies' interests (1988: 2-14). The result is that narrow news agendas are set, thereby serving specific corporate interests and diminishing the stream of perspectives and information that circulate in the public domain. Ultimately, the authors maintain that citizens in a democracy are steered toward certain perspectives on matters of common concern via narrow media agenda-setting practices, thus consent over these matters becomes manufactured or manipulated. Bollier employs a similar kind of logic in his discussion of the Internet and ownership – albeit from a different quarter. He refers to Yochai Benkler's claim that concentrated ownership of media raises the cost of information, thus making it difficult for amateur media practitioners, non-commercial media producers as well as independent media to operate (Bollier, 2003: 112-113; Benkler, 1999: 408). In essence, a reduction of media diversity limits "the range of expression available to the public" and ultimately leads to the impoverishment of democracy (Bollier, 2003: 112).

In his discussion of the third strategy that leads to the enclosure of the Internet, Bollier states that the privatisation of Internet governance with the launch of the Internet Corporation for Assigned Names and Numbers (ICANN) hastens enclosure of the Internet because ICANN "does not have to host open meetings, provide public access to documents, prohibit conflicts of interest, or insure [sic] fair administrative procedures" (Bollier, 2003: 116). This fact makes it difficult for the US public to hold ICANN accountable in its management of processes such

as the assignment of domain names. It also raises concerns about whether a private body would be able to serve the public interest fairly and whether commercial interests will overshadow the common good.

Whilst both Lessig and Bollier raise serious concerns about the ethics of key corporate players in their responses to perceived threats, such as OSS, and while they advocate the adoption of open standards that will lead to the continued operation of the information commons, they go through great pains to point out that their agendas are not anti-capitalist. In fact, Bollier stresses the need for markets as well as the commons:

It should be stressed that protecting the commons is about maintaining a balance, not bashing business. It is self-evident that we need markets. It is far less clear – particularly to businesses operating within markets – that we also need a commons. A society in which every transaction is mediated by the market, in which *everything* is privately owned and strictly controlled, will come to resemble a medieval society – a world of balkanized fiefdoms in which every minor grandee demands tribute for the right to cross his land or ford his streams. The flow of commerce and ideas – and the sustainability of innovation and democratic culture – will be seriously impeded. (Bollier, 2003: 3-4)

Business therefore needs the commons in order to generate new ideas, develop new products or services as well as to access markets. Bollier's comparison between the enclosure of the information commons and feudalism works well with his discussion of Benkler's claims that enclosure leads to an increase of the cost of information. Lessig concurs with this perspective when he says that the "commons of the Net exploded opportunities for commerce that would not otherwise have existed" (2001: 112). Much like Bollier, Lessig believes that the commons of the Internet promotes creativity, innovation and competition in a free market economy (2001: 72). In fact, the author goes so far as to characterise policy and legal developments that relate to the Internet as a new tragedy of the commons. Lessig holds that this is "the tragedy of losing the innovation commons that the Internet is, through the changes on top" (2001: 23). He contends that

perfect control is not necessary in the world of ideas. Nor is it wise. That's the lesson our Framers taught us – in both the limits they placed on the Exclusive Rights Clause and the expanse of protection for free speech they established in the First Amendment. The aim of an economy of ideas is to create incentives to produce and then to move what has been produced to an intellectual commons as soon as can be. The lack of rivalrousness undercuts the justification for government regulation. The extreme protections of property are neither needed for ideas nor beneficial. (Lessig, 2001: 115-116)

James Boyle supports Lessig and Bollier's claims when he says that intellectual property rights may actually "*slow down* innovation, by putting multiple roadblocks, multiple necessary licenses, in the way of subsequent innovation" (2003: 44). In his view, one of intellectual property law's aims was to protect the commons and not to infringe upon it (Boyle, 2003: 40). Michael Hardt and Antonio Negri's perspectives on this matter resonate with those of Boyle, Bollier and Boyle when they contend that the "privatization of the electronic 'commons' has become an obstacle to further innovation" (2004: 185). They argue that when "communication is the basis of production, then privatization immediately hinders creativity and productivity" (Hardt & Negri, 2004: 185). This substantiates Lessig's claims about early intellectual property laws' insistence upon limited terms of protection, thereby ensuring that work passes into the public domain – or the commons – once a producer has been suitably rewarded. As suggested in Chapter 2, the aim of intellectual property laws in this regard is to balance the demands of producers with the public interest. In fact, Lessig contends that to "support 'open source and free software' is not to oppose commercial entities" (2004: 264). Instead, he contends, this support merely points to a development model that is different from that pursued by Microsoft (Lessig, 2004: 264). He is also careful to point out that open source and free software do not actually exist in the public domain and do not oppose the operation of copyright legislation (Lessig, 2004: 264-265). Instead, he maintains that the licensing agreements of open source and free software rely on copyright in the same way that proprietary

software like Microsoft does (Lessig, 2004: 265). Lessig suggests that if “copyright did not govern software, then free software could not impose the same kind of requirements on its adopters” (2004: 265).

The authors under discussion here therefore seem to have a significant measure of faith in capitalism and private law. Their understanding of the commons is thus not anti-capitalist in its operation as a mode of cooperation in the information age. Instead, it offers a solution to what Bollier and Lessig consider to be anti-competitive and anti-innovative practices in what they believe could be a productive and equitable free market economy – this despite the fact that their analysis of the inequities of legal practice and the protection of private interests at the expense of the public interest point to disparities produced by the very capitalist economy that they appear to defend. Both authors seem to hold a measure of faith in an ideal free market system that has yet to be fully realised via the coexistence of the commons and proprietary enclosure in the fields of science, technology and cultural production. This faith in the operation of capital is not likely to be shared by Hardt and Negri or Jean Baudrillard. For instance, Baudrillard characterises capital as “immoral and without scruples” (Baudrillard, 1994: 14). To link with the arguments offered in the previous chapter, it becomes apparent that the enclosure of the information commons has a negative impact on freedom of speech, innovation and creativity. As Bollier and Lessig argue, the enclosure of the information commons also impacts negatively on free enterprise because it makes competition between diverse competitors difficult. Instead, minority elite interests are served by mechanisms that consolidate market share at the expense of consumers and smaller entrepreneurs. The final section of this chapter will return to these ideas, offering a brief overview of attempts to reclaim the commons with specific reference to the South African context.

4.5 Reclaiming the commons: open source and Creative Commons in South Africa

This section will suggest that attempts to reclaim the information commons go beyond the promotion of open source software. These attempts include the counter-hegemonic practice of culture jamming as well as Lawrence Lessig's legal reformist concept of the Creative Commons. Specifically, this section will examine Creative Commons and open source licences in the US and South Africa as well the use of culture jamming in South Africa. The respective strategies represent different agendas. Culture jamming is a counter-cultural strategy that deliberately seeks to undermine corporate marketing campaigns and is critical of global corporate entities, in particular. The efficacy and limitations of culture jamming will be explored via South African Breweries' legal action against a small but subversive t-shirt company called Laugh It Off (LIO) in the High Court. I will go on to address LIO's appeal to the Supreme Court and, finally, to the Constitutional Court, which ruled in their favour. As the legal dispute between LIO and South African Breweries indicates, culture jammers often show little regard for legally recognised concepts of ownership in their attempts to seize the means of representation from large corporate entities, be it for the purposes of critical commentary or pure amusement. Proponents of free and open source software as well as licensing schemes like Creative Commons, on the other hand, are interested in operating within the ambit of private law in order to achieve their aims of promoting open standards that prohibit corporate exploitation and iniquities in the production of knowledge and culture.

Open source software and Creative Commons licenses offer producers and corporate entities new ways of distributing works and effectively offer people in the world of business a different mode of interaction that does not necessarily run contrary to their interests. The concept that drives Lessig's Creative Commons is much like that which drives the GPL or Open Source Definition. The licence embraces open standards much like its software counterparts:

It aims to build a layer of *reasonable* copyright on top of the extremes that now reign. It does this by making it easy for people to build upon other people's work, by making it simple for creators to express the freedom for others to take and build upon their work. Simple tags, tied to human-readable descriptions, tied to bullet-proof licenses, make this possible. (Lessig, 2004: 282)

As Lessig suggests, the simplicity of the licence's language makes it possible for lay people to use it without the advice of lawyers, thus making the process of publishing affordable and less cumbersome. The aim of the Creative Commons websites and s is to allow "creators, educators and administrators who use Creative Commons to distribute their ideas and creative expressions" (Creative Commons South Africa, undated). It therefore offers its users the cultural, artistic and educational equivalent of open source and free software licences. Lessig offers the example of journals that have become available in electronic form (2004: 281). This shift from print journals to their electronic form makes it possible for publishers to insist that "libraries not give the general public access to the journals" (Lessig, 2004: 281). What Lessig means here is that members would be able to access print journals once they have entered a particular library. However, access to electronic journals could be limited to users who have permission which is often granted in the form of a computer network user name and password. Access to these journals is thus reserved to subscribers who pay for access to them. Bollier supports this perspective when he writes that "[e]ncryption locks on e-book content could eliminate free or cheap public access to texts (through libraries, for example) and wipe out the fair use rights of readers" (2003: 127). The Creative Commons licence offers the opportunity to "restore the freedom that has been lost" in such instances (Lessig, 2004: 281).

Creative Commons South Africa offers its users the following categories of licences:

1. **Attribution:** You let others copy, distribute, display, and perform your copyrighted work — and derivative works based upon it — but only if they give you credit.
2. **Noncommercial:** You let others copy, distribute, display, and perform your work — and derivative works based upon it — but for noncommercial purposes only.
3. **No Derivative works:** You let others copy, distribute, display, and perform only verbatim copies of your work, not derivative works based upon it.
4. **Share alike:** You allow others to distribute derivative works only under a license identical to the license that governs your work. (sic) (Creative Commons South Africa, 2005)

The licence therefore makes the adoption of open standards a key condition of use and, in effect, uses private law to ensure that works pass into the public domain, thereby engendering an information commons. Interestingly, the first category does not exclude commercial use and merely requires that subsequent producers of derivative works acknowledge the original producer. It is thus possible for artists or producers to earn a living off their intellectual property and accumulate cultural capital in the relevant field of production, whilst also enjoying the protection of the licence. The second category makes for provision for scenarios where a producer is interested in producing work with the aim of enriching the information / cultural / educational commons – and, thereby, the public at large – whilst also wanting to ensure that the work is not exploited by private interests at the expense of the common good. Whilst the third category is more restrictive than the second in that it does not allow for the production of derivative works, it does allow for wide dissemination of the work in question. A knowledge commons is therefore established in that members of the public are able to benefit from the work being circulated. The fourth category makes it necessary for the subsequent user of the work to adopt the same standards as that of the original producer, thus making it possible for knowledge to be relayed from user to user via the adoption of open standards. This process allows work to be scrutinised and improved upon by producers' peers, thereby realising Lessig's desire for copyright legislation to continue stimulating innovation, competition and

creativity in the context knowledge production – much in the way that the US Constitution and the Statute of Anne had intended. It also offers users the opportunity to engage in a form of P2P networking that sidesteps concerns of copyright infringement.

By March 2005, the Association for Progressive Communications (APC) – which is funded by the Open Society Initiative for Southern Africa (OSISA) – had already launched Creative Commons awareness campaigns in southern Africa. To this end, APC organised interactive workshops in Ghana, Namibia and South Africa, whilst Bridges.org was planning to “port (sic) the Creative Commons to 4/5 African countries this year” on behalf of the Open Knowledge Network (APC, 2005). Bridges.org also plans to research the possibility of licensing indigenous African knowledge under Creative Commons licenses (APC, 2005). The University of Witwatersrand's Link Centre currently hosts the Creative Commons South Africa and, after a process of consultation with a range of interested stakeholders about the form and content of these licences, Creative Commons South Africa was launched by Lawrence Lessig at a conference titled “Commons-sense: Towards an African Digital Information Commons” on 25 May 2005 (APC, 2005). During a workshop session hosted by Bridges.org in Cape Town on 15 March 2005, it became apparent that the aim of the process of consultation and research was to ensure that the Creative Commons developed in South Africa operated within the ambit of South Africa's Roman Dutch legal system, whilst also ensuring that Creative Commons South Africa operated in accordance with multilateral agreements, such as TRIPS, the Berne Convention and GATT. For example, South Africa differs from US copyright law in that it does not merely offer copyright owners protection under the Copyright Act 98 of 1978. South African legislation also offers copyright owners protection under the Performers Protection Act 11 of 1967 (Creative Commons South Africa, undated). These differences, however minor, need to be respected in order to avoid confusion as well as to ensure that agreements are legally enforceable in the South African context. The adoption of Creative Commons licences in South

Africa could go a long way to reducing the costs of publishing and distributing works as well as simplifying legal processes, provided that the digital divide is narrowed significantly over the next few years. This issue is being addressed by organisations like Go-opensource.org and Bridges.org at present.

The international NGO Bridges.org – which established offices in Cape Town in 2001 – is geared toward promoting “the effective use of ICT in the developing world to reduce poverty and improve people's lives” (Bridges.org, 2003/2004). It defines the digital divide as “the wide division between those who have access to ICT and are using it effectively, and those who do not” (Bridges.org, 2003/2004). In a report titled *Spanning the Digital Divide: Understanding and Tackling the Issues*, Bridges.org argues that this division exists both within countries (the domestic divide) and between countries (the international divide) (Bridges.org, undated: 11). The concept of the international divide can best be understood in the light of the economic inequalities that exist between nation-states of the northern hemisphere and those of the South, which continue to deal with disparities produced by continuing economic imperialism (read: Empire). The domestic divide refers to contexts such as South Africa, where dramatic class disparities exist within the country's borders. In the case of South Africa, the class divide continues to be racialised despite the political defeat of formal racial discrimination. This divide could be read as a microcosm of the class and digital divide between nation-states of the North and South – Patrick Bond and political cartoonist Zapiro dub this “global apartheid” (c.f. Bond, 2001; Zapiro, 2002: 152).

Bridges.org, which makes all of its research available to the public under a Creative Commons licence, does not see technology as the panacea for poverty in the developing world. Instead, it calls for “real access” to ICT (Peters, 2003: 5). This term includes ICT which is “*appropriate* to local needs and conditions”; contains relevant content and services; and is affordable and “*integrated* into people's daily lives” (Peters, 2003: 5; Bridges, undated: 5). The macroeconomic environment as well as the “legal and regulatory environment” also need to

support the use of ICT, whilst such factors as political will, local support and socio-cultural factors are also determinants of “real access” (Peters, 2003: 5; Bridges, undated: 5). This organisation also advocates the use of open source software in its attempts to make ICT more affordable and accessible. As indicated earlier, Bridges.org has made its website content available under a Creative Commons licence. In fact, its website offers a resource page for individuals and NGOs offering information on links to donated computers; low-cost computers; IT volunteers; free web-hosting and e-mail accounts; computer training material as well as free and open source software (Bridges.org, 2003 / 2004). In this regard, Go-opensource.org – a new organisation founded by Canonical, CSIR, Hewlett Packard and the Shuttleworth Foundation to promote the use of open source software in South Africa – has made a resource CD titled ‘The OpenCD’ available via its website. The Open CD contains a range of free software that is compatible and comparable with Microsoft operating systems, web browsers, word processing packages, spreadsheets, and so forth. However, Go-opensource.org’s objectives go beyond the mere use of software. According to the organisations’ website, it also aims to increase the number of IT workers and software developers in South Africa as well as to overcome bandwidth constraints (Go-opensource.org, undated). Such efforts could go a long way in reducing the costs of accessing computer hardware and software in that users’ dependence on rather costly proprietary software could be minimised significantly. These efforts also offer a viable alternative to computer users who cannot afford to purchase proprietary software and therefore resort to purchasing pirated software or engage in informal, non-commercial exchanges of cracked software – two activities that are being increasingly clamped down upon by legal authoritiesⁱⁱ. Essentially, Bridges.org and Go-opensource.org are attempting to produce an information commons on the Internet for the purposes of bridging the digital divide. In this way, the productive potential of digital technology and the Internet as an information commons can be fully realised.

However positive these developments with regard to narrowing the digital divide via open source software solutions or broadening access to means of cultural production through the use of Creative Commons licences may be, one needs to acknowledge some of the possible shortfalls in such approaches. In this regard, Martin Hardie argues that it is necessary to interrogate some of the assumptions that underlie motivations for Free Libre and Open Source Software (Floss) and Creative Commons licences (2004: 385-386). Here, Hardie is referring specifically to the rhetoric employed by proponents of Floss and Creative Commons, particularly the way the term “free” is used in arguments (2004: 385). He questions whether the “Free as in Freedom’ of Floss-speak is bound to a certain vision of ‘Free as in America’” (Hardie, 2004: 385). In his discussion of Lessig’s *Code* and *The Future of Ideas*, Hardie contends that Lessig “proceeds as if the struggle regarding the internet, its control, is a purely constitutional matter, and, at that, an American constitutional matter” (Hardie, 2004: 386). Hardie also observes that Lessig has an “abiding faith in America, its Constitution and its ‘founders’” (Hardie, 2004: 386). This is why Hardie maintains that “the production of the logic and the rhetoric Floss [and Creative Commons] are immediately caught within the bounds of American visions (and hence imperial capital’s visions) of what it means to be free” (Hardie, 2004: 387). This is precisely where the possibility for Empire’s co-option of Floss and Creative Commons would become possible. As Hardie contends, “capital is a system that continually requires new forms and methods for its own survival, and [it is] because of this hunger for new sustenance, that more than the mere repetition of the benefits of Floss and its current rhetoric and logic is required to resist such consumption” (Hardie, 2004: 388). Floss, like capital, finds itself in a “constant state of crisis” and it thus needs to continue working on realising its “emancipatory potential” (Hardie, 2004: 388).

Whilst Floss and Creative Commons are anything but co-opted at this stage of its early history, Hardie does make a reasonable case for exercising caution and critical reflection when promoting its adoption in countries outside of the US,

particularly in the light of debates about US cultural imperialism – debates which will be considered in the fifth and sixth chapters of this thesis. Hardie's work also leads one to wonder whether the kind of power that Floss and, particularly, Creative Commons intend to offer subjects can actually be exercised via concepts masterminded by US legal theorists – such as Lessig – who advocate legal reform, as opposed to a deconstruction of the basic premises upon which the US legal system operates. One also needs to consider whether Creative Commons can empower subjects if its proponents are not overtly critical of the injustices produced by capitalism itself, especially when Lessig is keen to point out that he is not anti-capitalist. With this as a given, it is not clear how Creative Commons positions itself in relation to the operation of Empire. Does it need to challenge Empire in order to achieve social justice in its attempts to change dominant conservative thinking about intellectual property? In this regard, Lawrence Liang of Creative Commons, India, offers a sense of what some of the responses to this question may be in poorer countries from the southern hemisphere. Liang states:

In a country [India] where bandwidth is still a serious issue, it makes little sense to speak of file sharing and P2P networks. While file sharing may be a reality for a small number of people who have access to high broadband, piracy often acts as the unofficial P2P networks distributing technology and content to a large number of people. (Liang, 2004)

Essentially, Liang argues that piracy of DVDs, CDs and videos is still very much a reality in impoverished countries that possess a sizeable class and digital divide – notwithstanding that these activities operate outside of the law and multilateral trade agreements like TRIPS or GATT. It is for this reason that Liang asks if there is “no possibility of a dialogue between this messy world of piracy and the liberal constitutional debate on copyright” (Liang, 2004). As Liang suggests, this form of illicit P2P effectively issues a challenge to Empire as well as US legal theorists like Lessig or open source advocates like Stallman. This challenge alludes to a possible fault line in debates about the adoption of open

standards in the context of north/south relations and points to some of the possible limitations of reformist strategies.

The success of Lessig's project depends on the ability of American advocates of Creative Commons to enter into partnerships with activists and academics of the southern hemisphere in ways that acknowledge the sorts of problems raised by Liang and Hardie. These partnerships would be most successful when some of the basic premises from which Creative Commons operates are interrogated in order to create room for alternative perspectives from poorer countries of the southern hemisphere. The question here is just how much agency Creative Commons will offer advocates of open standards in the southern hemisphere in dealing with issues like the digital divide as well as CD and DVD piracy? Another factor that will determine the success of Creative Commons is whether its advocates will attempt to tackle the contextual issues that produce the kinds of class disparities (an inheritance of colonialism and the neo-liberal economic policies of the West) which Liang describes in the context of India. There is also something to be said for the work of subjects who operate outside of the law and create legal 'noise', thereby drawing attention to the kinds of issues that were raised by hip-hop samplers and P2P networks. In challenging some of the problems posed by global corporations' monopolist tendencies and their use of restrictive intellectual property laws as well as multilateral trade agreements, there is room for the kind of legal reformism of open source and Creative Commons strategies as well as the counter-discursive approaches of sampling, P2P and 'mashups'.

The notion of the multitude as diverse agents that engage critically with Empire, whilst retaining their "internal differences", is relevant here (Hardt & Negri, 2004: xv). This idea will be discussed in the closing section of this chapter, but what is worth noting here is that both reformist and counter-discursive practices have created the room for subjects to challenge Empire. The more oppositional practice of culture jamming offers another instance of a situation that offers

critical subjects the opportunity to raise serious concerns about the rights of corporations to intellectual property *vis a vis* citizens' free speech rights.

4.6 Culture jamming and free speech: citizens versus corporations

Naomi Klein defines culture jamming as “the practice of parodying advertisements and hijacking billboards in order to drastically alter their messages. Streets are public spaces, adbusters argue, and since most residents can't afford to counter corporate messages by purchasing their own ads, they should have the right to talk back to images they never asked to see” (Klein, 2001: 280). Culture jamming would, at face-value, appear to be an unlikely activity to group with a discussion of the Creative Commons or open source software. However, one could view the efforts of culture jammers – or adbusters – as a more hostile way of reclaiming the commons or of laying claim to the public domain, which is increasingly being encroached upon by mainstream corporate interests. Much like proponents of the notion of the Creative Commons or open source software, culture jammers employ the very means that empower Empire in their discursive challenge to the pervasiveness of corporate marketing strategies and their brands in everyday life. Whereas proponents of Creative Commons and open source software employ private law and technology to ensure that works remain in the commons / public domain, culture jammers employ technology in a way that defiantly disregards the operation of intellectual property laws in an attempt to critique the operation of capital. This very transgression becomes a signifier of defiance, along with the oppositional content of the critique being offered by the culture jam. In essence, culture jammers operate in a way similar to digital sampling in hip-hop: the success of the work being produced relies on the public's recognition of the text, brand or marketing strategy being critiqued. According to Naomi Klein, the audio collage band Nagativland coined the term culture jamming in 1984 (2001: 281). She contends that the practice “baldly rejects the idea that marketing – because it buys its way into our public spaces – must be accepted as one-way information flow” (Klein, 2001: 281). Klein holds that the “most sophisticated culture jams are not stand-

alone ad parodies but interceptions – counter-messages that hack into a corporations' own method of communication to send a message that is starkly at odds with the one that was intended" (Klein, 2001: 281). Her characterisation of this strategy – much like my discussion of OSS and the Creative Commons – is important in relation to Hardt and Negri's claims about the kind of agency that becomes possible in Empire. The very means that strengthen the operation of Empire can be used to undermine it.

Klein's discussion of Rodriguez de Gerada's public parodies of billboards and advertisements offer an example of attempts to create a dialogue between corporate advertisers and the communities to whom these entities market their products (2001: 280). Attempts at this form of dialogue, he argues, should be "seen as a normal mode of discourse in a democratic society" (Klein, 2001: 280). The practice of culture jamming could therefore be viewed as an attempt at offering citizens in a democracy access to the means of representation in public spaces, where private interests are becoming increasingly prevalent via the appearance of billboards in communities and schools as well as corporate-sponsored events or facilities at universities – spaces that have become increasingly branded. Postmodern parody's double process of inscription and subversion denaturalises such strategies by drawing our attention to the constructed nature of dominant media representations and creates the opportunity for individuals to assert their identities as citizens and not merely consumers. Critical reflection thus becomes possible and invasive forms of communication in the form of billboards or advertisements – which are protected by corporate entities as private property via copyrights or trademarks – are therefore released into an information commons where critical reflection and reworking becomes possible. In essence, the message that culture jammers convey is that any form of marketing communication should be subject to scrutiny, ridicule, analysis or parodic play in the interests of free speech and expression.

The most prominent South African example of culture jammers at work is the media company Laugh It Off, which was embroiled in much-publicised litigation with South African Breweries (SAB) from 2002 to 2005. Laugh It Off won the protracted legal battle after appealing against a Supreme Court ruling at the Constitutional Court. SAB decided to pursue legal action against Laugh It Off (LIO) because it parodied its Carling Black Label brand and printed the work on T-shirts, which it sold nationally. As LIO co-founder Justine Nurse indicates, LIO has also received legal demands from Diesel and Lego for parodies of their brands, whilst other corporations like Standard Bank and First National Bank have not reacted in the same way as SAB, Diesel or Lego (Nurse, 2003: 10). In fact, First National Bank bought LIO T-shirts (Finest Natural Bankie) for their staff (Muhlberg, 2004: 22). The T-shirt which SAB found offensive closely resembles the Carling Black label T-shirts manufactured by SAB. Upon closer scrutiny, however, it is apparent that the text has been reworded to produce a new meaning. The main text of the original design read "Carling Black Label Beer", whilst the peripheral text read "America's lusty, lively beer brewed in South Africa". LIO's reworking of the original design's main text read "Black Labour White Guilt", whilst the peripheral text read "Africa's lusty, lively exploitation since 1652. No regard given worldwide". The T-shirt's design confirms my earlier claim about culture jamming's double process of inscription and subversion. The success of the work depends on the public's familiarity with the Carling Black Label brand and subverts their expectations when they first see the T-shirt. The SAB brand's colours, font style and overall design are thus signifiers that are appropriated in order to produce a new set of signifieds that run parallel to the signifieds produced by the original SAB design. The Black Labour design's success does therefore depend upon the initial success of Carling Black Label's brand-building and marketing strategies since the launch of the product. It appears that the Black Labour design was intended as both a comment on post-apartheid South Africa as well as SAB's marketing strategies. In his discussion of the SAB legal action against LIO, Nurse contends that

the *Black Labour* T-shirt was more about the fact that while the political landscape of the new South Africa has changed, the economic impoverishment of the black majority has remained the same – but now whites feel guilty about it. When it came to justifying our *Black Labour* T-shirt image in the context of Black Label's registered trademark, we knew that our opinion was informed by the fact that Black Label beer is targeted at the largely uneducated black mass market – the South Africa working class who are heirs to the legacy of colonialism, skewed economics, unemployment, and exploitation "since 1652". By targeting this market, and associating themselves so closely with this black working class in their marketing campaigns (for example, mine workers drinking Black Label together at the end of a hard day's work), Black Label must accept the consequences of their association. We believe that in a democratic arena, someone making a comment about, and on behalf of, the black working class is perfectly justified in using a symbol that has been heavily associated with them. (Nurse, 2003: 10-11)

Here, Nurse's seemingly unquestioned prerogative to make "a comment about, and on behalf of, the black working class" aside, the T-shirt was thus intended to comment on some of the continuities between apartheid and post-apartheid South Africa, specifically with regard to the racialised class divide. According to Nurse, the Black Labour T-shirt was meant to give the lie to Carling Black Label's advertising campaigns, which were directed at working class black men and equated black masculinity with menial, manual labour – hence LIO's reference to the concept of Black Labour. Many of these representations staged labourers performing demanding physical labour. They then retired together happily at the close of the day over some beer. More recent television advertisements, such as the Carling Black Label advertisement shot at the site of the Chapman's Peak reconstruction project, feature white and black characters, who work and then drink beer at the close of day in a spirit of non-racial camaraderie – a representation that is not consistent with the reality of manual labour at many construction sites. This representation of black male subjects is consistent with perceptions of these subjects under apartheid and offers a narrow range of racial and gendered subject positions in the discourse that the campaigns produce. LIO's reference to the concept of white guilt hints at certain white South Africans'

uneasiness with the knowledge that racialised class inequities persist. The text also alludes to perceptions of the white minority's continued complicity in racial inequity. I believe that it is this reference that plays a key part in SAB's reaction to the T-shirt. Nurse's belief that SAB's interpellation of its target market as manual labourers as well as the act of associating its Carling Black Label brand with this interpellation allow LIO to offer a critique of the marketing campaign, the brand as well as post-apartheid South Africa. In its legal defence, LIO argued that "once a brand has entered into the cultural domain it should be open to cultural criticism" – in essence, the company relied on citizens' constitutionally guaranteed freedom of speech as a defence (Nurse, 2003: 11).

However, the Supreme Court of Appeal ruled in favour of SAB in *Laugh It Off Promotions CC v South African Breweries International (Finance) B V T/A SABMark International* in 2004. In its judgement, the Supreme Court referred to Section 34(1)(c) of the Trademark Act of 1946 in order to suggest that the Act does not infringe upon citizens' right to freedom of speech. Justice Harmse contended, "The appellant may use it in relation to goods or services by placing the caricature on T-shirts, flags or whatever provided it is not so used in the course of trade" (*Laugh It Off Promotions CC v South African Breweries International (Finance) B V T/A SABMark International*, 2004). From this perspective, the fact that LIO is a business that sells its T-shirt parodies, along with its calendar and *Laugh It Off Annual*, means that it forfeits its freedom of speech defence (2004: 16). The court held that LIO's freedom of speech is not affected if it is able to convey its message in another way. It also rejected LIO and the Freedom of Expression Institute's submission that the T-shirt constituted parody and therefore amounted to fair use as free speech (2004: 18-20). The Supreme Court rejected this defence by stating that the T-shirt was not a parody – partly because Justin Nurse had at some point described his work as satire as opposed to parody and because the court contended that parody in itself does not automatically offer a defence (2004: 20). The court contended that Section 34(1)(c) of the Trademark Act "does not require proof of actual loss but only the

likelihood of loss” and therefore found that the “T-shirt is materially detrimental to the repute of the trade marks [sic] concerned” (2004: 15). In his engagement with the judgement, Hans Muhlberg argues that the court’s ruling that the LIO design was detrimental to SAB’s brand “assumes a naïve and literal consumer” who will not be able to make key distinctions and view the work “as no more than a bit of fun” (2004: 22). He also disagrees with the court’s view that trademark owners’ rights are limited as the only real limitation is that trade mark use should be non-commercial (Muhlberg, 2004: 22). The limitation of the trademark dilution argument to “well known marks is no limitation at all because the test for well known trade marks really isn’t that stringent and, because it is unlikely that anyone will bother to comment on a mark that isn’t well known” (Muhlberg, 2004: 22). This critique supports LIO’s argument that it should be free to engage critically with popular brands in order to stimulate a dialogue between citizens and corporate marketers. Instead, the dialogue that SAB offered LIO came in the form of litigation that, by its very nature, is adversarial. This aggressive interaction has another dimension to it. Before the Constitutional Court made its ruling, Nurse revealed that the very act of taking LIO’s case to the Constitutional Court was expensive and that that he was “flat broke” (Hollemans, 2005: 4). This highlights the point that it is often difficult to engage in litigation with global corporate entities because they possess larger financial and legal resources than smaller, independent close corporations such as LIO. Such financial constraints undermine ordinary citizens’ faith in the legal system and the notion of social justice. However, Muhlberg points out that the court’s insistence on the non-commercial use of trademarks by commentators or artists has “an important impact in the field of sucks websites,” such as sites dedicated to criticising George W. Bush or Helkom, a gripe website that offers criticisms of Telkom (2004: 22) – the judgment effectively offers a free speech defence to such non-commercial websites should they be challenged by large corporations. As suggested before, the LIO battle largely hinges on a free speech defence and offers a more counter-cultural / oppositional example of attempts to reclaim the commons. Unlike Creative Commons or the Free Software Foundation, LIO had

not attempted to operate within the ambit of private law itself. Instead, it chose to publicly violate a company's trademarks and was subsequently forced to test the rights of corporations and citizens in court – a legal battle that LIO eventually won in the Constitutional Court.

The Constitutional Court judgement offered a key departure from the rationale of the Supreme Court's interpretation of the case. One of the Constitutional Court judges, Albie Sachs, presented the following argument:

[96] There is no suggestion in the present case that Laugh It Off was competing with SAB for a share of the beer market; whether or not T-shirts can be said to amuse, they do not confuse. Nor does the parody attack the quality of SAB's product. The sale of the T-shirts dilutes neither the beer itself nor its unique position in the consumer imagination. (*Laugh It Off Promotions vs South African Breweries International (Finance) B.V. t.a. SABMark International*, 2005)

Sachs writes that there is no proof that any claims of SAB's past racist labour practices would harm the sales of its products in the present day (*Laugh It Off Promotions vs South African Breweries International (Finance) B.V. t.a. SABMark International*, 2005). Effectively, the judgement restores the balance between the rights of corporations to protect their brands and the rights of subjects to comment critically or parodically on corporations' marketing strategies. The Constitutional Court judgement therefore restores free speech rights by rejecting SAB's brand dilution argument.

LIO successfully confronted the operation of global capitalism / Empire more aggressively than the advocates of Floss or Creative Commonsⁱⁱⁱ. At the same time, though, it is possible to perceive the less confrontational approach by advocates of open source software and Creative Commons licences as a more strategic means of challenging the monopolist tendencies of global corporations. One could argue that open source software and Creative Commons licences are not merely reformist instruments that do not counter the status quo. These

approaches employ the means that enrich Empire – in this instance, copyright legislation – to challenge its seemingly limitless power via mechanisms like copyright term extension amendments in US legislation. To repeat some of the discussion of the possible challenges to Empire in Chapter 1, open source software and Creative Commons licences could be read as forms of “constituent counterpower” that “emerge “from within Empire” (Hardt & Negri, 2000: 58-59).

Conclusion: toward the common

This chapter has employed the notion of the enclosure of the commons in order to speak about the privatisation of the new media. Hardt and Negri state that it “is no coincidence that so many scholars of intellectual property and the Internet use terms like an electronic and creative *commons* or the *new enclosures* of the Internet, because the current processes recall the earliest period of capitalist development” (2004: 186). They contend that the “biopolitical productivity of the multitude is being undercut and blocked by the process of private appropriation” (Hardt & Negri, 2004: 186). As suggested earlier, this process obstructs innovation, creativity and productivity (Hardt & Negri, 2004: 185). The authors refer to John Locke’s belief that “labor (sic) creating private property is an extension of the body” in order to get to the heart of the confrontation (Hardt & Negri, 2004: 187). The problem for corporate capital is that the body has become “increasingly common,” thereby raising questions about efforts to assert individual property rights (Hardt & Negri, 2004: 187). Thus, the “legal justification of private ownership is undermined by the common, social nature of production” (Hardt & Negri, 2004: 187). Hence, the authors comment on the irony that “the wealth collectively produced by the workers becomes the private property of the capitalist” (Hardt & Negri, 2004: 188). Hardt and Negri’s concept of the common, as opposed to the commons, begs closer consideration. The key to this concept is the notion of the multitude, which has been discussed in Chapter 1. In *Multitude: War and Democracy in the Age of Empire*, the authors remind us that in “the multitude, social differences remain different” (Hardt & Negri, 2004: xiv). A “social multiplicity” therefore communicates and acts “in common while remaining

internally different" (Hardt & Negri, 2004: xiv). Thus, a wide range of social movements or interest groups need not sacrifice their specific needs or interests in order to achieve a collective goal. In other words, individual needs do not have to be compromised for the sake of the common good. Hardt and Negri contend that

as the multitude is neither an identity (like the people) nor uniform (like the masses), the internal differences of the multitude must discover *the common* that allows them to communicate and act together. The common we share, in fact, is not so much discovered as it is produced. (We are reluctant [to] call this *the commons* because that term refers to pre-capitalist spaces that were destroyed by the advent of private property. Although more awkward, "the common" highlights the philosophical content of the term and emphasizes that this is not a return to the past but a new development.) (Hardt & Negri, 2004: xv)

It therefore appears that Hardt and Negri's concept of the common is much like the commons, as advanced by Bollier and Lessig when they describe the Internet as an information commons or describe the gift culture in academic contexts^{iv}. Hardt and Negri's term merely intends to separate their vision of the common from the historical associations of the commons' destruction by the advance of capitalism. The information commons of the Internet allows multiple interest groups and social movements to mobilise around issues of common concern. This commons also allows individuals to use a wide range of software, bodies of knowledge, texts, performances and art for a number of different purposes as well as in different contexts and time zones – the common denominator amongst many of these diverse individuals is their conscious embrace of open standards^v. The production of GPL, The Open Source Definition and Creative Commons as well as its adaptation to a number of different legal systems internationally offer an example of a "multiplicity of ... singular differences" producing "the common that allows them to communicate and act together" (Hardt & Negri, 2004: xiv-xv). Hardt and Negri's concept of the common is as visionary as Lessig and Bollier's characterisation of the commons – a vision that

has yet to be realised, be it via the use of technology, via the global mobilisation of social movements or a combination of these approaches. The fifth chapter of this thesis shifts in emphasis from arguments about intellectual property, the information commons and technology, to focus on counter-cultural texts and practices. Both the fifth and sixth chapters will consider the possibilities for agency in the area of culture by focussing on South African hip-hop, debates about US cultural imperialism, gender politics and hip-hop artists' contribution to the enrichment of civil society in post-apartheid South Africa.

University of Cape Town

Endnotes

ⁱ Read the Working Group of Indigenous Minorities in Southern Africa's 2002/2003 annual report at http://www.san.org.za/wimsa/ar2002_3/annualrep10.htm for an instance of the claim made by Drahos and Braithwaite. According to the report, South Africa's Centre for Scientific and Industrial Research (CSIR) "patented the active ingredient of the *Hoodia gordonii* succulent as an appetite suppressant and passed the findings of its tests on to the companies Phytopharm in the UK and Pfizer in the USA" (WIMSA, 2002/2003). In an essay titled "Making Public Culture: Author, Authority Intellectual Property in the Living Archive", Julian David Jonker writes that it is not clear exactly how the *hoodia* plant went from the hands of the Khoisan to pharmaceutical corporations in the northern hemisphere (2004: 45). Jonker explains, "Apparently, in the sixties, a PhD researcher at the CSIR isolated the active ingredient in *hoodia* which suppresses the appetite" (2004: 45). He states that it is believed that the CSIR initially learned about this plant via the South African Defence Force's engagement with San trackers on South Africa's border (Jonker, 2004: 45). After hearing about the CSIR's actions in 2001, the South African San Council entered into negotiations with the CSIR (WIMSA, 2002/2003). In the first round of negotiations the "CSIR acknowledge[d] the San's prior intellectual property rights to the Hoodia as an appetite suppressant" and the second round of negotiations explored "benefit-sharing options and strategies" (WIMSA, 2002/2003). A final agreement was reached and, in a joint press release by the CSIR and the South African San Council, the negotiators announced that "the CSIR will pay the San eight percent of all milestone payments it receives from its license, UK-based Phytopharm plc, as well as six percent of all royalties that the CSIR receives once the drug is commercially available" (WIMSA, 2002/2003). Whilst this particular case did eventually have a positive outcome, Jonker contends that this "scenario echoes the exploitation or 'biopiracy' of plants around the world" (2004: 45). For a more detailed critical engagement with the issue of the commercial exploitation of collective indigenous knowledge by large corporations, see Darrel A Posey and Graham Dutfield's *Beyond Intellectual Property. Toward Traditional Resource Rights for Indigenous Peoples and Local Communities* (1996).

ⁱⁱ The Business Software Alliance has been quite active in raising awareness about software piracy and has been a key player in protecting software corporations' intellectual property. See <http://www.bsa.org/southafrica/> for more information about its efforts in South Africa. The South African Federation Against Copyright Theft (SAFACT) plays a similar role with regard to motion pictures and interactive games and is retained by the Motion Picture Association. See <http://www.safact.co.za> for details of the number of raids they have executed on pirates and goods counterfeiters since 1995. Its related website, www.crimesucks.co.za, wastes no time in characterizing the piracy of games music and films as criminal activities. The Recording Industry Association of South Africa has launched a similar strategy via its website – see <http://www.risa.org.za/piracy.php> for details on its Anti-Piracy Enforcement Unit. In essence, the key beneficiaries of these enforcement and awareness strategies are global corporations, such as Microsoft, Miramax or Time Warner AOL. In contrast, organisations such Creative Commons South Africa, Bridges.org and Go-opensource.org move away from processes of enclosure, enforcement and criminalisation toward creating an information commons in the fields of culture, science and technology.

ⁱⁱⁱ It should be noted, however, that LIO decided to licence its content under Creative Commons licences during the course of 2005. Whilst LIO's strategy has been oppositional to date, it may change tack, given its new association with Creative Commons, South Africa.

^{iv} The example par excellence of this gift culture in the academic context is the decision by Massachusetts Institute of Technology (MIT) to make its university course material available for free on the Internet. The decision to launch MIT's OpenCourseWare project challenges the views of university administrators who "have so thoroughly internalized market values into their management outlooks" that they "regard course curricula as new profit centers to be exploited

through distance education technology" (Bollier, 2003: 146). See www.opencourseware.com for details of the MIT OpenCourseWare project.

^v A number of different organisations in Africa have embraced open standards in the production of scientific knowledge, cultural products and educational material. These include SchoolNet Africa (www.schoolnet africa.net); Free Software Innovation Unit (www.uwc.ac.za); Open Learning System (www.ols.ac.za); Free Software & Open Source Software Foundation for Africa (FOSSFA); Meraka Open Source Centre, Council for Scientific & Industrial Research (<http://floss.meraka.org.za/>); Open Café, South Africa (www.opencafe.co.za); The Shuttleworth Foundation, South Africa (www.tsf.org.za/); Thutong South African Education Portal (www.thutong.org.za/); Free High School Science Texts, Cape Town (www.nongnu.org/fhsst/); Open Knowledge Network Africa (www.openknowledge.net); Swahili IT Glossary Project, Tanzania (www.kilinux.org/kiblog/index.html); Direq International (www.direq.org); Examen, Senegal (www.examen.sn); FADCE, Senegal (<http://fadce.education.sn>); Réseau Africaine de Formation à Distance, Dakar (www.snesafad.org); NetTel@Africa Training Project (www.nettelAfrica.org); Southern African Non-Governmental Organisation Network (<http://sangonet.org.za>); University of Cape Town, Department of Computer Science Advanced Information Management Laboratory (www.cs.uct.ac.za or www.aim.uct.ac.za or www.pubs.cs.uct.ac.za) Access to Learning Materials in Southern Africa Project (www.access.org.za); Association for Progressive Communications (www.apc.org) and Translate.org.za, South Africa (www.translate.org.za). See Wits University LINK Centre's "The Digital Information Commons: An African Participant's Guide" for a detailed description (available from Armstrong.c@pdm.wits.ac.za).

Beyond the African continent, Brazil's Ministry of Culture (MinC) has embraced open standards in the fields of technology and culture a programme called "Living Culture", which it bills as a "National Culture, Education and Citizenship Program" (Ministry of Culture, Brazil, 2004). The programme aims to broaden access to the means of cultural and educational production to poor, indigenous and "remnant runaway slave" communities; young people; activists; teachers and artists (Ministry of Culture, Brazil, 2004: 18-19). The key route to achieving this programme's objectives is a strategy called "Culture Points" (Ministry of Culture, Brazil, 2004: 20-21). "Culture Points" involves the provision of scholarships, free software, computer hardware, multimedia equipment, Internet access as well as relevant training to successful applicants (Ministry of Culture, Brazil, 2004: 20-22). These applicants will then go about implementing their proposed projects in their specific locations, to the benefit of their communities. "Living Culture" offers a positive example of the potential for co-operation between activists, local communities and national governments in realising the empowerment of citizens in a democracy. Here, the adoption of open content in pursuit of social justice appears to be crucial.

CHAPTER 5

Hip-hop, gender and co-option in the Age of Empire

This chapter explores the ways in which hip-hop functions within debates about the operation of global capitalism and US cultural imperialism. Specifically, it focuses on the kind of agency that hip-hop offers subjects within the context of corporate globalisation. The argument offered in this chapter is that a sub-genre of hip-hop termed 'conscious hip-hop' gives artists and audiences a means of engaging critically with mainstream popular culture as well as with the gangsta rap genre. Here, specific reference is made to challenges to misogyny in gangsta rap music as well as mainstream media representations of female sexuality and consumer desire via the work of artists such as Sarah Jones and Godessa. In this regard, arguments about the construction of black masculinity in gangsta rap as well as mainstream popular culture will be considered in order to add a level of complexity to bell hooks' interpretation of gangsta rap as an expression of values that already enjoy prominence in mainstream spheres of cultural production. This chapter reveals that the work of South African artists and hip-hop / community activists allows marginal subjects to make sense of their lives in post-apartheid South Africa as well as in a global context, which is increasingly being infringed upon by corporate interests. It is for this reason that the chapter analyses work by American as well as South African artists, be they mainstream, marginal, published or unpublished artists.

A key thread that runs through this chapter is the relationship between popular culture, race and gender role construction and corporate culture. Here, particular attention is paid to the intention of artists like Immortal Technique, Godessa and Sarah Jones to produce cultural expressions that are not co-opted by corporate marketing agendas. Specifically, this chapter will contend that Godessa and Immortal Technique interrupt Empire's use of the communication industries to legitimate the imperial machine (Hardt & Negri, 2000: 33). These artists use the very strategies of Empire (music production, music performance, music videos, the Internet and digital technology) in order to issue challenges to Empire's use of the media to

develop “its own language of self-validation” (Hardt & Negri, 2000: 33). An analysis of Godessa, Sarah Jones and Immortal Technique’s work will confirm Hardt and Negri’s claim that communication does not merely express the direction that globalisation is taking, but also has the power to organise it by establishing communicative networks (2000: 32). These communicative networks, which strengthen the operation of Empire, offer marginal subjects the opportunity to issue challenges to the iniquities and imbalances produced by corporate globalisation. Ultimately, the perspectives offered in this chapter anticipate the final chapter’s exploration of debates about citizenship in post-apartheid South Africa. However, this chapter commences by arguing that a significant aspect of hip-hop has been co-opted via the gender politics of one version of hip-hop: gangsta rap.

5.1 Racial stereotypes, gender politics and the commodification of hip-hop

Michael Hardt and Antonio Negri’s concept of Empire is particularly helpful in a discussion of hip-hop in post-apartheid South Africa, which continues to deal with the economic and political consequences of apartheid whilst also having to deal with the demands of global capitalism. To recall the first chapter’s discussion of *Empire*, the authors’ use of the term Empire alludes to the complex ways in which power is manifested on the global stage. Empire, as a strategy of cooperation between former imperial powers, exerts a significant amount of influence over post-apartheid South Africa in the domains of economics, politics and culture. This chapter works from the assumption that in “the constitution of Empire there is no longer an ‘outside’ to power” and that “the only strategy available to the struggles is that of a constituent counterpower that emerges from within Empire” (Hardt & Negri, 2000: 58-59). An exploration of certain aspects of hip-hop reveals how such counterdiscursive action becomes possible.

Initially, this chapter will explore ‘conscious’ hip-hop and discuss its commercial and politically diluted spin-off: gangsta rap. The term ‘conscious’ hip hop alludes to the belief that you need to engage in a serious amount of critical introspection before you can make a meaningful contribution to your

political and social context as a hip-hop artist, intellectual, or activist. In this respect, the phrase 'knowledge of self' has often been used by hip-hop artists to refer to this form of self-reflexive consciousness, which has also been associated with the ideals of Black Consciousness. 'Knowledge of self' is considered to be the fifth element of hip-hop that informs the other elements: emceeing, graffiti art, b-boying (or breakdancing) and deejaying. 'Conscious' hip-hop artists of the '80s and '90s, such as Afrika Bambaata, KRS-One, Public Enemy, Queen Latifah, have been credited for affirming black subjectivity in their work (George, 1998; Rose, T, 1994). Hip-hop crews and artists, such as Prophets of da City, Black Noise, Shamiel X, Mr Fat, Brasse vannie Kaap and Rozanno, played a similar role in validating negated black and 'coloured' identities in South Africa during the same period.

This work will show that Dick Hebdige's key text *Subculture: The Meaning of Style* finds some currency in a discussion of the recuperation of hip-hop by the mainstream (by the major record labels) in its attempts to maximise revenue streams and consolidate its monopolistic control over the music market place. Hebdige reminds us that subcultures communicate through commodities and therefore work from within the operation of capitalist processes of retail, marketing and distribution (1979: 95). Hip-hop, much like punk subculture or reggae before it, thus walks a tightrope and it is "fairly difficult ... to maintain any absolute distinction between commercial exploitation ... and creativity / originality ... even though these categories are emphatically opposed in the value systems of most subcultures" (Hebdige, 1979: 95). It is from this perspective that Hardt and Negri's claim that there can be no "'outside' to power" begins to make sense in the context of this discussion. Despite the seeming delegitimation of hip-hop, 'conscious' hip-hop continues to have underground appeal and is certainly employed as a tool in marginal spaces, such as Cape Town, South Africa. In this regard, the music and activism under discussion here will reveal that hip-hop continues to be a valuable vehicle for educating youth in Cape Town. Whilst a significant amount of interesting activity still happens on stage and in recording studios – thanks to live acts like Black Noise, Brasse vannie Kaap, Godessa or Moodphase5ive, for example – it is Bush Radio's hip-hop theory and practical

workshop sessions that hold the key to ensuring that hip-hop's potential for developing critical literacies and facilitating the empowerment of diverse members of Cape Town's new generation of hip-hop 'heads'. This chapter will suggest that these workshops hold true to the hip-hop concept of 'knowledge of self' in attempts to offer participants something that moves beyond the restrictions that South Africa's education system provides its pupils.

Initial thoughts about the existence of hip-hop outside of the USA might raise questions about whether its appeal is evidence of American cultural and economic imperialism, given the great popularity of gangsta rap and commercial rap across the globe. Research by David Coplan suggests that South Africans' use of American genres of music, such as jazz, has a history that dates back to the 1940s (Coplan, 1985: 148; Haupt, 2001: 175-176). In this regard, the decision by crews, such as Prophets of da City (POC) and Brasse vannie Kaap (BVK), to employ hip-hop in their attempts to engage critically with South Africa's political reality "conforms with black artists' reliance on African-American or Caribbean material in their attempt to construct black nationalist narratives that rely on the notion of a global black experience of oppression and resistance" (Haupt, 2001: 176). The answer to the aforementioned question is that hip-hop's continued appeal across the globe cannot simply be ascribed to American imperialism – such a response would be too simplistic and would overlook the positive aspects of global media flows. Firstly, a distinction needs to be made between hip-hop and its more commercial spin-off, gangsta rap. Former POC emcee Shaheen Ariefdien alludes to this idea in a POC track titled "Black Thing":

The term 'coloured' is a desperate case of how the devil's
divided us
by calling us a separate race.
They call me 'coloured' said my blood isn't pure, but G,
I'm not yakking my insecurity.
So I respond to this and ventilate my mental state with Black
Consciousness
....
And I believe in each one teach one reach one from the heart
'cause that's where the beats are from...

But racism's a trap and the nation seems to lack knowledge of self.

But it means, what it seems
we're attracting anything but a black thing.
(POC, 1995)

Ariefdien refers to apartheid's 'divide and rule' policy, which sought to fragment black subjects into more manageable ethnic camps, and certain 'coloured' subjects' seemingly uncritical internalisation of racist discourse. Here, he makes the connection between Black Consciousness (BC) and the concept of knowledge of self in order to suggest that BC's unifying narrative offers an alternative to the divisive discourse of apartheid. In this instance, POC tap into what Stuart Hall calls the notion of the "essential black subject" (1992a: 252-255) in an attempt to construct a unified black identity¹ that moves beyond an oppressive discourse. In contrast, gangsta rap – along with its celebration of 'thug life', misogyny and negative racial stereotypes – appears to do anything but move beyond oppressive discourses. Snoop Doggy Dog's hit "Gin and Juice" offers a good case in point:

I got bitches in the living room gettin it on
and, they ain't leavin til six in the mornin' (six in the mornin')
So what you wanna do, sheeeit
I got a pocket full of rubbers and my homeboys do too
(Snoop Doggy Dog, 1993)

Much gangsta rap (with the possible exception of Tupac Shakur) has, to date, displayed very little evidence of the hip-hop concept of 'knowledge of self' and certainly makes no real attempt to engage critically with structures of domination. Many gangsta rap lyrics centre on the accumulation of wealth, male sexual conquests, drug abuse and misogyny. This recipe has made gangsta rap an exploitable commodity in the hands of the major record labels as their messages pose no significant threat to hegemony. It is thus no surprise that we have seen the ascendance of rappers such as Snoop Doggy Dog, Coolio, Dr. Dre, Eminem, P Diddy, Notorious BIG, and so on. In this regard, bell hooks contends that the

sexist, misogynist, patriarchal ways of thinking and behaving that are glorified in gangsta rap are a reflection of the prevailing values in our society, values created and sustained by white supremacist capitalist patriarchy. (hooks, 1994:116)

hooks' contention makes sense of the fact that more critical and subversive artists such as Sarah Jones, KRS-One, Dead Prez, Immortal Technique or Talib Kweli do not receive much airplay in the mainstream media. From this perspective, these artists do not serve the interests of "white supremacist patriarchy". However, one could argue that gangsta rap is counter-discursive in the sense that its embrace of values that are deemed to be anti-social and disruptive amounts to an appropriation of the negated sign of blackness and, in effect, appropriates negated identity; hence, gangsta rap's use of the signifiers "nigga" and "bitch". The use of these signs both attempt to validate negated identities and is in dialogue with the dominant signifieds that are attached to these signifiers. This dialogue involves a measure of contestation because it reminds one of dominant racist or sexist discourses' interpellation of black people (as "niggas") or of women (as "bitches"). This interpretation is supported by Henry Louis Gates' work on the double-coded nature of "Signifyin(g)", which was discussed in the third chapter of this thesis (1988). Gates writes that "the signifier 'Signification' has remained identical in spelling to its white counterpart to demonstrate, first, that a simultaneous, but negated, parallel discursive (ontological, political) universe exists within the larger white discursive universe" (1988: 49). If gangsta rap's discourse is indeed to be understood as a continuation of the African American tradition of "Signifyin(g)", what is certain is that its parallel discourse has found its way into dominant discourses through corporate-owned media. Gangsta rap discourse's acceptance into mainstream discourses does not necessarily happen on the terms of gangsta rap artists themselves, but by the gatekeepers of the music industry (the major record labels). It is in this sense that co-option becomes possible and this is where bell hooks' argument that 'white capitalist patriarchs' do not find gangsta rap threatening is plausible.

hooks' reading of gangsta rap's gender politics resonates well with a large body of work by such artists and becomes particularly interesting when

considered in relation to Eithne Quinn's remarks on gangsta rap. Quinn offers a description of the "burden of representation" in African American cultural practice and criticism in order to make sense of gangsta rap's often offensive and abrasive lyrical content (2000: 198). This burden was intense because African Americans have "achieved the most in the cultural sphere while at the same time being the most relentlessly typecast in dominant image repertoires" (Quinn, 2000: 198). The burden of representation took the form of two discourses: the discourse of authenticity demanded that representations should depict black culture as it exists in reality, whereas the second discourse characterised every representation as acts of delegation – black artists and intellectuals were thus expected to accept the burden of speaking for the black community in every instance (Quinn, 2000: 198-200). Black artists and critics thus faced a great deal of pressure to always represent black subjects in ways that were considered to be authentic, representative and positive – this makes sense of many hip-hop references to the notion of 'keeping it real' or 'representing', which have been parodied by Sasha Baron Cohen's Ali G persona as well as by Sprite's soft drink TV advertisements over recent years. Quinn argues that gangsta rappers were aware of this burden of representation (2000: 201-202). She contends that they employed the discourse of authenticity, whilst also reneging "on the contract to act as delegates, self-consciously repudiating uplifting images of black life in a gesture of rebellion and dissent" (Quinn, 2000: 202). The rebellion that Quinn refers to manifests in the rejection or critique of representations of race found in texts such as the '80s sitcom *The Cosby Show*, which offers an example of the ways "positive images of black life could serve neoconservative ends" (Quinn, 2000: 200). However, gangsta rap's gesture of refusal to be "race delegates" only went so far in that "the discourse came to be redirected toward a heightened investment in 'representing' an image of working-class black male youth" (Quinn, 2000: 205-206). In the end, these artists found that they "have been so successful in portraying, manufacturing, and selling ghetto imagery that market demands have channeled black commercial output into certain narrowly defined coordinates" – thanks to the initiative seized by gangsta rappers, the market is now typecasting black artists (Quinn, 2000: 210). Quinn aptly labels this outcome the "tyranny of authenticity" and recalls

Stuart Hall's claim that "antihegemonic practice can pull in a rightward as well as left direction" (Quinn, 2000: 210, 212; Hall, 1996: 436; Hall, 1992b: 30-32). Matthew Henry's work substantiates Quinn's analysis of the "tyranny of authenticity" when he contends that a

particular type of black masculinity – one defined mainly by an urban aesthetic, a nihilistic attitude, and an aggressive posturing – has made its way into the cultural mainstream in the last two decades. Although there are numerous contributing factors, this image of masculinity has developed mainly as a result of the commodification of hip-hop culture and the ubiquity of rap music and "videomercials" that sell it. More specifically, it is the result of the popularity of the urban "gangsta" and his embodiment in the "gangsta" rap of artists such as Dr. Dre, Ice Cube, Snoop Doggy Dog and Tupak Shakur. (Henry, 2002: 114)

It is thus the commodification of a particular type of hip-hop – gangsta rap along with its questionable gender politics – that leads to specific mainstream representations of black masculinity and, as Quinn suggests, gangsta rappers have been willing participants in this process. One could make sense of this complicity via Henry's belief that "[o]n the one hand, as a *black* within a racist social and political hierarchy, [the black male subject] has neither power nor privilege: yet on the other hand, as a *male* within a still patriarchal power structure, he has both" (Henry, 2002: 115). Ice-T's "KKK Bitch" offers an example of the kind of power that Henry describes. Ice-T narrates his affair with the daughter of the "grand wizard of the KKK" in the racist South of the US:

So every year when Body Count comes around
we throw an orgy in every little town.
KKK's, Skinheads, and Nazi
girls break their neck
to get to the party.
It ain't like their men can't nut,
their dick's too little
and they just can't fuck.
So we get buck wild with the white freaks
we show them how to really work the white sheets.
I know her daddy'll really be after me,
when his grandson's named little Ice-T. (Body Count, 1992)

In a display of masculine territoriality, Ice-T's persona asserts his patriarchal power through an expression of his own sexuality and, more importantly, via the medium of the white female body, thereby usurping the grand wizard's patriarchal power over his daughter. He therefore exacts his lyrical revenge upon the continued racism of the South and confronts the topic of miscegenation head-on, only to lapse into fairly conventional and conservative constructions of gender identity. One could also view "KKK Bitch" via Henry's suggestion that "[o]ne way of compensating for a perceived loss of power, potency or manhood is to adopt ... the 'tough guise,' the pose or mask of 'hard' masculinity" (2002: 116). It is this "tough guise" that "is increasingly defined within popular culture by urban life, rampant materialism, fatalistic attitudes, physical strength, and the acquisition of respect through violence" (Henry, 2002: 116). This assertion resonates with "Smoked Pork", the opening track off *Body Count* (1992). During this skit, Ice-T shoots an abrasive police officer in his car whilst he enjoys his coffee and doughnuts. The skit is mixed into the opening metal guitar riffs of the next song – "Body Count's in the House" – which is essentially a rock and rap anthem driven by heavy drum beats and hard rock guitar riffs.

In his discussion of the aesthetics of rap music, Mtume ya Salaam argues that when "the profit-oriented major labels entered the rap scene ... [the] fertile breeding ground for good rappers disappeared" (1995: 304). Ya Salaam maintains that this "'business first' attitude has contributed to (some would say *created*) what has become the single biggest threat to the continued development of rap music as an art form – the preoccupation by many rappers with sex and violence" (ya Salaam, 1995: 304). However, this preoccupation has paid off for many gangsta rappers, who have accumulated great wealth as well as viable Hollywood film or television careers. Tupac Shakur, Snoop Doggy Dog, Ice Cubeⁱⁱ and Ice-Tⁱⁱⁱ have gone on to star in films, such as *Boyz n the Hood*, *XXX2*, *Johnny Mnemonic*, *Starsky & Hutch*, *Bullet*, *Gang Related*, *Juice* and *Gridlock'd*. Interestingly, many of these films, which feature a great deal of violence, offer representations of black masculinity that are consistent with Matthew Henry's claims. Ultimately,

Quinn, Henry and hooks' perspectives on gangsta rap and the construction of black masculinity suggest that both positive and negative images of black subjectivity serve conservative agendas.

One could make sense of the commodification of hip-hop by tapping into Dick Hebdige's discussion of subculture. 'Conscious' hip-hop's counter-discursive agenda resonates well with his understanding of subculture. Hebdige argues that subculture interrupts the "process of 'normalization'" and contradicts "the myth of consensus" in its attempts to challenge hegemony (1979: 18). POC's attempt to interrogate assumptions about racial identity in "Black Thing" offers an example of this kind of challenge. The song makes the claim that the term 'coloured' is not value-free and has a very specific political history. Poet Sarah Jones's "Your Revolution" (lyrics available at www.yourrevolutionisbanned.com) offers another example of an artistic attempt to challenge problematic representations. In this instance, Jones problematises the mainstream appeal of gangsta rap's gender discourse:

and though we've lost Biggie Smalls
your Notorious revolution
will never allow you to lace no
lyrical douche in my bush
...
your revolution will not be me tossing my weave
making believe I'm some caviar-eating, ghetto mafia clown
or me givin' up my behind just so I can get signed
or maybe have somebody else write my rhymes?
I'm Sarah Jones, not Foxy Brown
(Jones, 2003)

In her piece, Jones makes reference to mainstream artists such as Notorious BIG, Fugees, Foxy Brown and Shaggy in order to issue a challenge to the values that bell hooks identifies in her discussion of gangsta rap^{iv}. She questions myths of consensus about what is deemed to be acceptable / natural practice in gangsta rap and commercial rap in general. In short, she challenges the idea that women are often represented as tradeable commodity items in gangsta rap videos and lyrics. It is interesting to note that Jones's chorus line refers to Gil Scot Heron's popular '70s poem "The

Revolution Will Not Be Televised". This particular poem issued a similar kind of challenge to hegemony within its specific historical context. Her decision to refer to Heron is no accident as his poetry is considered to be one of the key influences on the rise of hip-hop during the late '70s and early '80s. Whilst Heron's work issued a challenge to white structures of domination – as evidenced in mainstream media representations – Jones's work suggests that the "revolution" has been sold out by gangsta rap's suspect gender politics and its complicity with "white supremacist capitalist patriarchy". It is for this reason that she asserts her artistic integrity at the end of the above quotation.

Essentially, Jones is engaging critically with the process of hip-hop's recuperation via the commercial exploitation of gangsta rap and commercial rap music in general. As Chapter 2 argued, the term recuperation has a very specific meaning in Hebdige's discussion of punk and mod subculture. In his discussion of the commodity form, Hebdige reminds us that subcultures speak through commodities (1979: 95). In hip-hop, sampling relies on the use of elements of music texts – that are commodity items – in order to produce new music texts, which will become commodity items themselves. A significant amount of tension thus exists in the creative practice of producing counter-discursive music texts as music production is already quite complicit in commercial processes. At the same time, conscious hip-hop's subversive and critical lyrics seem to have been displaced somewhat by the mainstream appeal of gangsta rap. In this regard, Hebdige contends that "the creation of new styles is inextricably bound up with the process of production, publicity and packaging which must inevitably lead to the defusion of the subculture's subversive power" (1979: 95). Shaheen Ariefdien points out that hip-hop itself has not been delegitimated:

I use this example of where you have strings, right? Like Mozart, or whatever ... they might use strings in a classical piece. Now Britney Spears happens to do a ballade that uses strings – that doesn't make it classical music. Similarly, if you hear this rap thing on radio, it doesn't make it hip-hop just because you have this [sound effect] beat thingy and all this kak and then all of a sudden you have this rap verse, or something like that, and all of a sudden it's hip-hop. (Ariefdien, 2002: 4)

It could be argued, however, that one key aspect of hip-hop – rap music, albeit gangsta rap – has been co-opted by the mainstream, thereby diluting rap's subversive potential. Similar claims could be made about hip-hop fashion and graffiti art. Hip-hop fashion has been co-opted into mainstream fashion trends and graffiti art has been commissioned by corporations and organisations, which, some would say, delegitimises the subversive power of the art form. Hip-hop style also features in a number of commercials, from those advertising cell phone service providers to banks or alcohol. However, not all incorporations of subcultures or marginal cultural production necessarily constitute delegitimation. The key determining factor is the degree of control that artists or cultural producers have in determining the terms upon which such acts of incorporation take place. Using film director Spike Lee's work as an example Victoria Johnson argues that for "Lee, commercial popular cultural artifacts, which are produced by blacks ... are *inherently* political, as they emerge from a position marginalized by dominant control of capital and communication" (Johnson, 1993: 21). This argument has limitations in that it suggests that any mainstream cultural product by black subjects could be considered to be "political". However, as the documentary on the making of *Do the Right Thing*^v reveals, Lee refused to compromise on prospective film distributors' demands that the film's incendiary political content be toned down somewhat (Lee, 1989, 2001). This refusal signifies artists' agency in negotiating the terms upon which they enter mainstream markets and points to the possibility for marginal subjects' views and artistic approaches to circulate in larger arenas. Hebdige's ideological form comes into play when considering the substantial amount of negative press coverage that rap artists have received since the '80s. The corporate challenge to sampling in hip-hop via court battles – *A&R Music Inc. v. Campbell* and *Grand Upright Music v. Warner Bros Records*^{vi}, for example – have come to characterise rap as deviant as well.

5.2 'Conscious' hip-hop's continued appeal

Interestingly enough, it is 'conscious'^{vii} hip-hop that continues to appeal to hip-hop artists in the South African context. In many respects, artists – such as BVK, Godessa, the late Devious, Fifth Floor, Tumi and the Volume, and Plain Madnizz – remain true to the concept of knowledge of self, which continues to inform the messages produced by what many call underground hip-hop. Hip-hop from South Africa has never really been commercially viable for local artists – particularly during a large part of the '90s – and this might explain why it was never truly recuperated in the sense that Hebdige uses the term. Another explanation may be found in the very operation of Empire itself. Tony Mitchell contends that the “flow of consumption of rap music within the popular music industry continues to proceed hegemonically, from the USA to the rest of the world, with little or no flow in the opposite direction” (2001: 2). Whilst his claim about US cultural imperialism may sound like an absolute pronouncement, he also argues that despite its status as “a universally recognized popular music idiom, rap continues to provoke attention to local specificities” (Mitchell, 2001: 2). South African musicians have never really had the opportunity to succeed in the mainstream American or global music scene. If it was not the motivation of substantial commercial gain that has kept hip-hop heads^{viii} engaged in this subculture for so long, their continued interest seems to confirm Ariefdien's claim that hip-hop is the voice of this generation of youth and that it is a “very useful tool right now” for education (Ariefdien, 2002, 11). This begs the question of how subjects outside the US are engaging with hip-hop. In this regard Mitchell argues that

rhizomic, diasporic flows of rap music outside the United States correspond to the formation of syncretic “glocal” subcultures ... involving local indigenization of the global musical idiom or rap. The assertion of the local in hip-hop cultures outside the United States also represents a form of contestation of the importance of the local and regional dialect as a “resistance vernacular” in opposition to a perceived U.S. cultural imperialism in rap and hip hop, and often corresponds to ... an expression of “inscribed moral geographies”. (Mitchell, 2000: 41-42)

This contention, which taps into the same sort of language employed by Deleuze and Guattari as well as Hardt and Negri, resonates with the activities of crews like POC, Black Noise and Brasse vannie Kaap (BVK), who employ non-standard dialects of Afrikaans, English and – in the case of POC during the mid-90s – Zulu in their work. It also resonates well with the work of the more recent and commercially successful Skwatta Kamp, who are at home in a range of dialects. In this regard, BVK's explicit mission is to prove that "*gamtaal* [a Cape non-standard dialect of Afrikaans] is legal", thereby issuing challenges to standard dialects of power^{ix} (Haupt, 1998: 113). POC, BVK and Black Noise have thus capitalised on hip-hop's status as the voice of the current generation by employing it in their numerous education and awareness campaigns. POC has long been involved in a number of national education tours, such as a voter education tour titled "Rapping for Democracy" and a drug awareness campaign during the early '90s. Ariefdien and Ready D were also involved in youth development workshops in Ireland via Youth Network TV and POC established links with hip-hop heads – such as UK hip-hop crew Fun-da-mental – during their extended stay in the UK during the '90s. Black Noise's Emile YX? was instrumental in launching an anti-racism, anti-crime campaign titled "Heal the Hood" in the late '90s and involved Swedish hip-hop artists in this campaign after establishing links with them during a tour of Europe. Emile YX? has also been a key in organising hip-hop workshops, competitions and performance events like "Hip-Hop Indaba" and "African Battle Cry" in his attempts to promote hip-hop. Black Noise continues to work on exchanges with European hip-hop heads and, at the end of March 2003, the crew left for a three-month tour of Europe, where they planned to record and release a new album. Emile XY? also organised "Verbal Tribez", a b-boy workshop, b-boy battle and hip-hop gig featuring Jamayka Poston (from Angola), BVK, Black Noise, Godessa and Black Twang (from Sweden). The event was meant to be a "celebration of 21 years of hip-hop in South Africa." BVK has performed at the Pukkelpop Festival in Belgium and the Nottinghill Carnival in the UK in 2000. During that same year BVK also began to enjoy more mainstream success amongst white South African audiences and they performed at key South African festivals, such as Oppikoppi, Klein Karoo Nasionale Kunstefees, Splashy Fen Folk Festival, Up

the Creek and the North Sea Jazz Festival. Thus, despite arguments about US cultural imperialism and the limited commercial opportunities for South African hip-hop artists, these crews demonstrate that they have been able to mobilise global media flows for their own political and economic ends nonetheless. This affirms my discussion of the possibilities for agency Empire in Chapter 1; the very means that strengthens the operation of Empire – in this case, global communication flows – could be used to empower its subjects.

These global affiliations seem to centre around the activities of specific hip-hop crews, however. Shaheen Ariefdien's departure from POC marked a shift in the way hip-hop was being employed as a vehicle for global affiliations, education, and debates about local identity. Ariefdien's departure from the crew freed him up to become more closely involved in community activism as well as to pursue studies at the University of Cape Town. He and DJ Big Dré also drive a hip-hop show called *Headwarmers*, which is aired on community radio station Bush Radio. The show provides listeners with the opportunity to engage in topical debates (on AIDS or globalisation, for example), listen to local and international studio guests, call in to engage in 'open mic' emcee sessions as well as listen to hip-hop tracks that are often difficult to obtain in the average music store. In a sense, the radio show has become one of the means through which Cape Town's hip-hop community is constituted and offers a means through which hip-hop heads are able to mobilise. The show later became one of the ways through which Ariefdien and the Broadcasting Training Initiative's Nazli Abrahams would recruit participants in Bush Radio's emcee workshops series. These workshops, titled ALKEMY (Alternative Kerriculum [sic] for Mentoring Youth), are a spin-off of an initial programme called HIV Hop (2000), which was geared toward "looking at how to use hip-hop to educate young people about HIV and AIDS, but beyond messaging sort of the ABC thing that you see everywhere" (Abrahams, 2003: 2). Ariefdien sketches the detail on how these workshops were conducted:

We kinda worked a way of taking information, like resource information and then flipping and arranging it into songs. So we

worked with Devious, Godessa, a whole bunch of other cats as well. Taking raw data, either from the Internet or *gedagte*^x and dealing with stuff And when we were supposed to send a group of people to Amsterdam to find out more and learn more about hip-hop theatre, we had to prepare for beforehand But we didn't want to be purely on a technical writing stuff vibe. You know multi-syllable rhyme schemes, this verse, fuck that OK, so we started brainstorming ideas The connections between slavery, colonialism, apartheid That was purely just for preparation for them to *goor*^{xi}, you know, to perform thingie and stuff like that. And so we started speaking to them afterwards Fuck, and some of the discussions we had. Like that was even better than writing shit. The writing shit is cool because you can always practice on it, but other stuff forces you to think, you know. (Ariefdien, 2002: 8)

Abrahams notes that the ALKEMY programme was supposed to run for one month, but continued for six months. The positive response they received from the workshop participants shortly after their return from Amsterdam convinced them that they could present a more structured programme and they advertised it on Headwarmers. The programme contains a practical creative writing component and a critical theory component, which has them engaging with theorists like Noam Chomsky, Frantz Fanon and Michael Parenti, for example. Abrahams says that they are also looking into possibilities of getting their students' work published and are exploring international scholarship opportunities. Typically, many of the participants are high school students. In response to my question about whether these students are able to cope with what appears to be university level reading material, she points out that they are not required to write exams or essays, they're not being graded and that their "understanding isn't based on regurgitating information" (Abrahams, 2003: 4). She contends that the workshops focus upon a practical application of the information that is offered to them:

So my thing is, look, if you live in Khayelitsha^{xii}, what does globalisation mean to you? What does NEPAD spell to you? Does it mean ... there was a case where a bunch of people died of cholera. Was it really just about the cholera or was it about water not being sanitised and where did that come from? Privatisation. So it's just building on very small – it's not small concepts – but it's building on small chunks of information that is

very relevant to their everyday living. And because it hits here [points to heart] and not here [points to head] it makes it more interesting and so they're hungry to read or they're hungry to find out more about it and I think that's the difference. (Abrahams, 2003: 4)

Here, Abrahams echoes earlier discussions of the declining role of the nation-state in protecting its citizens and points to the possibilities for programmes, such as ALKEMY, to critically engage young people. She also feels that youth education programmes and educators tend too "talk down" to children and that educators "assume that they don't know much" (Abrahams, 2003: 7). Abrahams is keen on pursuing this programme on a larger scale in her attempts to offer alternative forms of education, particularly in the face of the view that largely under-resourced and poorly skilled schools are highly unlikely to make outcomes-based education work^{xiii} (2003: 8). The programme also benefits from visits by academics – like American linguist Geneva Smitherman – who either donate teaching time or books. As in my earlier discussion of POC, Black Noise and BVK's local and international engagements, these workshops indicate the ALKEMY facilitators' willingness to utilise global exchanges to benefit their participants. It is also important to note that these ongoing activities have a greater potential to empower participants than tours of hip-hop crews and once-off workshops. More importantly, they confirm the possibility that globalisation has significant value beyond merely corporate ends^{xiv}.

Some of the rhymes produced by workshop participants reflect that Abrahams and Ariefdien's work is driven by the hip-hop concept of knowledge of self and that the programme encourages participants to engage critically with their social, political and economic realities. The participants' writing also reflects that a significant amount of work is put into helping them to write skilfully and to exploit creative possibilities. Workshop participant Brad Brockman's "Noise From the Black Hole" reveals an understanding of how the discourse of apartheid continues to position black subjects, whilst also commenting on US cultural imperialism:

Soweto 1976, battles on the streets
Throwing stones at the Police
To the ghettos of the present we switch:
That same hand now holds a straightening comb
Black Eves parading pallid fallacies
Faceless, so face this
Even though we jibe about the way they cook
We idolize the way they look
The Bold and Beautiful
As we grow old bitter and dutiful
Waiting for Blonde, blue-eyed Saviors to save us
When it was Religion they used to enslave us (sic).
(Brockman, unpublished)

Brockman comments on certain black subjects' uncritical consumption of American popular culture and the values that it promotes, here referring to the appeal of American soap operas in which practically all of the characters are affluent white individuals. His observation reflects an awareness of the pervasive influence that American cultural imperialism has on South African citizens' everyday lives. He also expresses an awareness of the absence of black characters from these soap operas, which could be read as a form of racism by omission. In this regard, it came as no real surprise that, from informal discussions with nurses working in clinics and day hospitals on the Cape Flats, it seems that many young mothers are naming their children after soap opera characters. This perception is validated by that fact that Cape stand-up comedians, such as Marc Lottering, have incorporated this phenomenon into his comedy routine. Many of Lottering's comedy routines make use of 'coloured' caricatures from the Cape Flats. It is debatable whether Lottering's work raises critical questions about racial stereotypes or whether he merely confirms these stereotypes. Brockman's ironic shift from a militant, anti-apartheid scene to a domestic scene in post-apartheid South Africa reminds us just how much work still needs to be done in addressing the harm that racist discourses and practices continue to have on the psyche of black subjects. His piece also reflects upon the persistence of injustice on a systemic level:

"Formerly" whites-only schools have the best facilities
During Apartheid the government invested selectively
Utilizing Education as a means of preserving white domination

By denying proper schooling to an entire nation
These schools now charge high fees
Attended by whites and black elites
Colonialism in the Classroom to this very day
History and Literature portrays Europe as superior in every way
So we no longer think of ourselves as African
As I speak for angry black men and women
Still being prepared for lives in servitude
In these times this still rings very true (sic).
(Brockman, unpublished)

These rhymes resonate with Abrahams' misgivings about OBE in the face of the continuing class and resource disparities that still exist in the school system and impoverished communities at large. In essence, Brockman suggests that these disparities amount to what used to be called 'gutter education', which ultimately disempowers students. Ultimately, he suggests that even the content of history and literature curricula reflect the continued existence of a neo-colonial educational system that situates subjects in servile positions^{xv}.

According to Abrahams, the Bush Radio ALKEMY workshops are well represented from a class and race perspective, but that female participants still constitute a minority. One female participant, Coslyn Schippers, focuses on the histories of key black women – such as Cleopatra, Harriet Tubman, Nefertiti and Sara Baartman:

A sexual freak our Hottentot Venus
Money making treat swindled from our hot beaches
Displayed in the street; an animal, a creature
But who's the true beast; Saartjie Baartman or you leaches
Imagine being ordered to sit, stand and stroll
While Civilised people would grip, gag and groan
Two Thousand and two this Queen came back home
Two centuries of torture, we now rest her trapped soul (sic).
(Schippers, unpublished)

Schippers' piece reflects on the 'horror' of colonialism and turns the mirror on what for long has been assumed to be the 'civilised' world. Her decision to focus on black female historical figures speaks to the absence of these

subjects' stories from school history and literature curricula. In a sense, her writing fills a void that many students experience in classroom contexts. Toward the end of her work she comments on a similar kind of irony that Brockman alludes to in his writing:

Women protested, demonstrated, campaigned
Against pass laws, class wars and man's gains
Forced removal, Apartheid, Bantu Education
Dedicated women fought back for their reputation
So that African girls can admire white stars
Straighten their curls, ignore their right paths
Not one African woman praised in our textbooks
But lies of Foreign people who maintain to be the best crooks.
(Schippers, unpublished)

Here, she alludes to the irony of the persistence of internalised racist and sexist conceptions of black femininity, despite women's proud history of struggle against racism, class inequities and patriarchy^{xvi}.

5.3 Godessa in dialogue with Empire

As Ariefdien mentioned earlier, Godessa – the first female crew in South Africa to secure a record deal – participated in Bush Radio workshops as well. They, along with Ariefdien, have participated in an American conference titled Planet Hip-Hop, which was attended by key figures such as Chuck D and Afrika Bambaata. The crew has also produced tracks on globalisation for an American documentary on globalisation. Godessa's entry into South Africa's hip-hop scene becomes particularly significant as they present an anomaly to a largely male-dominated genre of political and artistic expression. In this regard, Liane Loots (2001) speaks of cultural practice as agency^{xvii}. Loots contends that cultural practice

can become a moment of self-definition and a political act that challenges how, for example, patriarchy and capitalism define us. Cultural production allows social subjects agency – a chance to speak and create new discourse. (Loots, 2001:10)

This contention marks the point of entry into a discussion of work produced by Godessa and resonates with earlier references to bell hooks' understanding of

the financial success of hip-hop's more commercially viable spin-off, gangsta rap. Godessa's entry into the South African hip-hop scene thus gives artists and consumers the opportunity to explore alternative representations and values. These explorations therefore make it possible for artists and consumers to offer challenges to the operation of Empire / global capital.

The idea of reworking identities is the thread that runs through the work of Godessa, Immortal Technique, Mitchell and Loots. Godessa comprises three emcees: Shameema Williams (aka Lady of Shame), Burni Amansure and Eloise Jones (EJ von Lyrik). The crew now has a live band featuring Sean Ou Tim (drums), Ricardo Morretti (keyboards), Dubmaster China (percussion and Groovebox) and Grenville Williams (bass), who is also the crew's producer. What is worth noting at this point of the description is that EJ von Lyrik has obtained a significant amount of production training from Grenville Williams, producer Bradley Williams as well as Bush Radio (Godessa, 2002:15). She has been involved in producing Godessa tracks and has remixed "Brainstorm" for Moodpahse5ive's recent album, *Super Deluxe Mode*^{xviii}. This fact suggests that EJ is determined to seize the means of production and become an active agent / producer beyond the realm of being an emcee – a significant step in light of the fact that the role of producer or sound engineer is largely perceived to be male. The emcees came together in April 2000 after Shameema Williams was working on a soundtrack for a documentary (*Tomorrow's Heroes*) about gangsterism on the Cape Flats. EJ von Lyrik recalls:

And we were initially gonna do one track each, but then decided to collaborate on one track. And we just felt that the energy, the vibe was very good between the three of us and we thought about getting together as well. But it was also Shameema's dream for a long time to get a female crew together. (Godessa, 2002:1)

Godessa were participants in the first generation of a precursor to ALKEMY, HIV HOP. One of the outcomes of these workshops was to prepare the participants, both academically and creatively, for a hip-hop theatre production in Amsterdam (Abrahams, 2003). Subsequently, Godessa has

made a number of overseas trips, including a 2002 trip with Shaheen Ariefdien to New Jersey in the United States where they participated in a key hip-hop conference titled Planet Hip-Hop. The conference was attended by hip-hop figures such as Afrika Bambaata and Public Enemy's, Chuck D. The crew has also returned from a visit to Brussels recently and continues to establish networks, both locally and internationally. Godessa – much like POC, BVK and Black Noise – have thus begun to employ hip-hop in order to engage with a range of interests groups within and beyond South Africa's borders.

Godessa has released an EP titled *Introspective Soul* as well as a multimedia CD single (*Social Ills*) on the independent African Dope label. They also released an album titled *Spillage* independently through High Voltage Entertainment. "Social Ills", which features on both releases, resonates rather well with the theoretical ground already covered in this chapter. Essentially, it speaks to the ways in which producers of clothing labels as well as the media "conditions you to be a clone" (Godessa, 2002). Ultimately, the song challenges female subjects to think critically about the choices they make as consumers of goods produced by corporations from developed countries, such as the United States:

Is it your Nike sneakers or Filas that breaches
The code of conduct that features in stores
Collecting salaries like whores on low calories
Both trying to marry me with fashionable jeans
So expensive can't tear the seam apart
From the need to laugh at a gifted form of art
Switch the norm from light to dark
Don't you know Adam and Eve draped leaves from the start?
It's hard to think why you don't wear what you like
You wear what you think they think is tight
And I don't think it's right to find replicas of Jennifers all over the
world
Every boy and girl's as fake as extensions and curls
...
Coz popular culture's a bitch is what I heard.
(Godessa, 2002)

As the references to commodity items like Nike or Filas, as well as American movie and pop star Jennifer Lopez suggest, Godessa contends that many individuals follow an aesthetic standard that is largely set by the developed world. As consumers, subjects often make active choices about what they purchase – be it music, clothes or cars – and these different and sometimes contradictory decisions reveal how subjects choose to represent themselves. Godessa’s use of the term “clones” perhaps suggests that consumers are passive and uncritical subjects who follow an agenda set by Empire.

Arguments about agency notwithstanding, their criticism still stands. The music video^{xix} (available on the CD Single) visualises these ideas quite well. In a specific shot sequence, EJ von Lyrik raps:

Right if I'm different never judge me by your book
See what I wear and how I look
Might leave the in crowd shook
Like the fingerprint of a crook
You can immediately make the distinction of just one look
It's like society conditions you to be a clone
And when your seeds grow up they lack a mind of their own
And the media perpetuates the situation
With advertising rituals as the exclamation.
(Godessa, 2002)

The shot sequence commences with EJ in costume as a magistrate and seated at a desk. In the next few shots she removes this costume, whilst in the background we see a gavel slamming down on what are presumably statute books or law journals. During the third set of shots EJ steps into frame in a close-up whilst she points her finger at us so that the fingerprint of her index finger fills the entire screen. The close-up of her fingerprint dissolves into a close-up of a maze. We then zoom out to see the entire maze, whilst the initial close-up of the maze is used as a background image. We now see a number of EJ replicas / clones clad in skimpy tops, hot pants and knee-high boots as they gyrate their hips. This somewhat parodic image resembles those of women in gangsta rap as well as mainstream R&B and hip-hop music videos (cf. Snoop Doggy Dog, Shaggy, Eminem) and alludes to male heterosexist conceptions of female sexuality. In fact, these are the very sorts

of images that have been sent up by British comedian Ali G, who has made a career out of parodying gangsta rap artists. In the final sequence of this section of the song we see an individual image of EJ stepping out of a huge TV monitor as a few rows of EJ replicas come marching into the same monitor. We then see a final image of EJ as she holds up a copy of the Godessa CD Single in an apparent parody of television product endorsements. Ultimately, the crew challenges the ways in which stereotyped images of women are sold via advertising, music videos and other media texts. The dissolve from EJ's fingerprint to the EJ replicas or clones trapped in the maze is an interesting metaphor that seems to suggest a process through which individuals become mass-produced clones that are based on narrow standards of beauty. However, the image of the maze might also suggest that subjects do actively make decisions about the direction that they are taking. In this sense, consumers are not merely passive subjects, but – as the movement from the close-up to a wide angle-shot of the maze suggests – they need to become critically conscious so as not to succumb to a kind of myopia. The sequence in which The EJ clones march into the TV monitor as if they were soldiers heading for war indicates that many subjects obediently follow or aspire to mainstream media representations of women. The individual image of EJ stepping out of the TV monitor leads one to think of the active and positive choices that subjects are able to make when confronted by media messages and the options that they present with regard to consumer desire identity construction. However, it is interesting to note that the clones march into the TV as the individual image of EJ steps out of the box. This sequence might also leave one wondering which set of images are meant to be real and which simulated, within the fiction of the work itself. If the individual image of EJ is stepping out of the TV, it suggests that she opted into mainstream representations of women at an earlier stage. This might imply that there is hope yet for the EJ clones. Also, if the two sets of images are interchangeable – as the sequence seems to suggest – then the video perhaps alludes to the belief that all conceptions of gender identity are mediated.

The notion of simulation in the Godessa music video intersects with the second chapter's discussion of Baudrillard's concept of simulacra, particularly in relation to the idea of simulation threatening the difference between "real" and "imaginary" and "true" and "false" (Baudrillard, 1994: 3). Without repeating material addressed earlier, it would be helpful to briefly consider the significance of Baudrillard's argument about images in the light of Godessa's comment on consumerism and gender role construction in the media. Baudrillard writes that simulation involves the "precession of models" and that "divine predestination" is no longer possible (1984: 21). He argues,

[T]he image is interesting not only in its role as reflection, mirror, representation of, counterpart to, the real, but also when it begins to contaminate reality and to model it, when it only conforms to reality the better to distort it, or better still: when it appropriates reality for its own ends, when it anticipates it to the point that the real no longer has time to be produced as such. (Baudrillard, 1984: 16)

Baudrillard's interpretation of the image turns the philosopher Charles Sanders Peirce's conception of the image as an iconic sign on its head. For Peirce, a photographic or cinematic image is iconic because its "signifier often enjoys so intimate a relationship to its signified that it may seem almost superfluous to distinguish between them" (Silverman, 1983: 22). The idea of the image contaminating or distorting reality, as opposed to reflecting it, works well in the context of the "Social Ills" music video. One becomes uncertain about which images of EJ Von Lyrik are real because the individual image of EJ steps out of the TV as the EJ clones march into the set. Baudrillard's view of the image supports the claim that gender identities – all identities, for that matter – are mediated and that any attempt to locate a referent is frustrated by a media-saturated world that signifies endlessly.

Godessa's challenge to representations of women in mainstream hip-hop is as significant as the poet / actress Sarah Jones' direct challenge to mainstream hip-hop's misogyny in her poem "Your Revolution" (lyrics available at www.yourrevolutionisbanned.com), which she performed at Urban Voices 2002 at the Market Theatre (Johannesburg) and the Baxter Theatre

(Cape Town). Both Jones and Godessa succeed in positioning women as active agents, supporting Liane Loots' description of cultural practice as acts of "self-definition" (2001:10). Their work also resonates with bell hooks' view of gangsta rap's gender politics (hooks, 1994:116). This kind of cultural practice thus becomes vital, in the face of Loots' view that in South Africa

placing cultural debates onto the backburner while the more important ('real' or 'hard') issues command resources and national attention, has had the adverse effect of undervaluing the connectedness of culture and governance. (2001:9)

The distinction between 'soft' and 'hard' issues underestimates the extent to which media and culture, in general, can shape the national consciousness as well as political realities.

Godessa's critical engagement with the media in its attempts to challenge Empire resonate with Hardt and Negri's claim that the

legitimation of the imperial machine is born at least in part of the communication industries, that is, of the transformation of the new mode of production into a machine. It is a subject that produces its own image of authority. This is a form of legitimation that rests on nothing outside itself and is reposed ceaselessly by developing its own language of self-validation. (2000:33)

Empire thus consolidates and legitimates its cultural, political, legal and economic operation via its control over the means of representation – such as news and television networks; music production and distribution or, more recently, the Internet. It is this process of legitimation that the crew attempts to interrupt in their reference to media images of women. These attempts come from a developing world perspective that often assumes "people of the United States have a common interest with the giant multinationals" (Parenti, 1995:47).

5.4 Immortal Technique in dialogue with Empire

American hip-hop artist Immortal Technique gives the lie to this assumption in a spoken word piece titled "Poverty of Philosophy", which has often been played on Bush Radio's hip-hop show *Headwarmers*^{xx}. The title of this piece alludes to Karl Marx's work by the same title and Immortal Technique engages with proletariat struggles within the United States as well as in developing countries in South America. In an address to Latino and African Americans, Immortal Technique contends that they have more in common with people from the developing world than they choose to admit:

Most of my Latino and black people who are struggling to get food, clothes and shelter in the hood are so concerned with that, that philosophizing about freedom and socialist democracy is usually unfortunately beyond their rationale. They don't realize that America can't exist without separating them from their identity. Because if we had some sense of who we really are, there's no way in hell we would allow this country to purchase genocidal consensus on our homelands. This ignorance exists when it can be destroyed. (Immortal Technique, 2001)

The 'genocidal consensus' speaks to the kinds of justifications that imperial powers offer via the media when they initiate military interventions in developing countries (Parenti, 1995: 90–112). Michael Parenti discusses a number of leaders – including Muammar Qaddafi of Libya, Manuel Noriega of Panama and Iraq's Saddam Hussein – who have often been demonised by the US in order to justify military invasions (1995: 90-92). Parenti contends that

the reasons given to justify imperialist interventions are as numerous as they are contrived. ... [T]hey include "defending democracy," "protecting U.S. interests," "fulfilling our responsibilities as world leader" and "containing the threat of Soviet global conquest." ... The demonized adversaries are often accused of terrorism. ... Meanwhile, real right-wing terrorist acts, like the bombing of a Cuban airliner that resulted in a great loss of life, a racist bombing of an interracial discotheque in West Germany, and hundreds of terrorist attacks and hate crimes *within* the United States by homegrown right-wing groups, directed against ethnic and religious minorities, gays, and abortion clinics, have caused a ripple of concern in Washington. (1995: 90-94)

The US invasion of Afghanistan offers a case in point. In his discussion of the US military action in the Middle East, John Pilger argues that “September 11 provided Bush’s Washington with a remarkable justification” for attacking Afghanistan (2002, 2003: 109). In fact, he claims that “Pakistan’s former Foreign Minister, Niaz Naik, was told by American officials in mid-July 2001 that military action against Afghanistan would go ahead by the middle of October” (Pilger, 2002, 2003: 109). Immortal Technique alludes to the belief that many Latino and African Americans lack ‘knowledge of self’, which suggests that subjects need to engage in a serious amount of introspection before they can make a meaningful contribution to their socio-political contexts. As Godessa and Immortal Technique’s work implies, there are different levels upon which the concept knowledge of self operates. Firstly, it functions on a personal level where subjects negotiate the identities as spiritual, gendered, class-bound and racialised subjects. It also works at the level of the nation-state, where subjects negotiate their identities as citizens and/or as members of global communities who relate to each other on the grounds of common struggles or ideological perspectives. As this chapter’s analysis of the “Social IIs” music video suggests, gender identities are mediated by the communication industries and other forces of socialisation. This same can be said of all the other facets of subjects’ identities. Knowledge of self refers to subjects’ abilities to critically evaluate the different factors and process that construct individuals’ identities. It is this lack of ‘knowledge of self’ – along with the work of the communication industries – that makes the operation of Empire successful. In his discussion of economic imperialism in South America and the Caribbean, Immortal Technique speaks about Latino and African American attitudes toward US foreign policy and intervention:

As different as we have been taught to look at each other, we are in the same struggle. And until we realise that, we’ll be fighting for scraps on the table of the system that has kept us subservient instead of being self-determined. And that’s why we have no control over when the embargo will stop in Cuba... But you see, here in America, the attitude that is fed to us is that outside of America there live lesser people. “Fuck them. Let them fend for themselves.” No, fuck you. You are them. No

matter how much you wanna dye your hair blonde and put fake eyes in or follow an anorexic standard of beauty or no matter how many diamonds you buy from people who exploit their own...no matter what kind of car you drive, no matter what kind of fancy clothes you put on, you will never be them. They're always gonna look at you as nothing but a little monkey. I'd rather be proud of who I am, rather than be something I'm really not just to fit. And, whether we want to accept it or not, that's what this culture or lack of culture is feeding us. (Immortal Technique, 2001)

Here, Immortal Technique contends that the working class struggles of marginalised subjects in both the developed and developing worlds are essentially the same. Of course, this contention glosses over the specificity of working class struggles of men and women on either continent. For example, the racial and gendered divisions of labour (for instance, migrant labour) play out in different ways in either context. But, in essence, this claim at the least pledges a political allegiance with working class subjects in locations outside of the United States. Immortal Technique lambastes Latino and African Americans who buy into specific kinds of consumption that reveal their ignorance or denial of his contention – his reference to the postcolonial notion of mimicry^{xxi} is not lost here either. This work speaks to the kinds of concerns highlighted in 'Social Ills' – in this instance it is from the perspective of someone in a developed country who sees certain continuities between different geographical and political contexts within a globalised world. In fact, Immortal Technique collapses the tidy developed / developing worlds, first / third world or centre / periphery binaries that are often used uncritically in everyday speech. These binaries prevent subjects from seeing that “we are in the same struggle” and that “America [read: Empire] can't exist without separating [us] from [our] identity”. Here, Immortal Technique concurs with Hardt and Negri when they contend that the subjects of Empire are indispensable to Empire:

The circuits of social producers are the lifeblood of Empire, and if they were to refuse the relationship of power, to subtract themselves from the relationship, it would simply collapse in a lifeless heap. The film trilogy *The Matrix* interprets this dependence of power. The Matrix survives not only by sucking energy from millions of incubated humans but also by

responding to the creative attacks of Neo, Morpheus, and the partisans of Zion. *The Matrix* needs us to survive. (Hardt & Negri, 2004: 335)

The analogy with *The Matrix* not only legitimates the exploration of Hardt and Negri's work via an analysis of *The Matrix* trilogy in Chapter 2, but amplifies Immortal Technique's claim that Empire thrives by separating subjects from their identities. In order for the Matrix to function, it needs to keep captive humans under the spell of a 'necessary illusion', to borrow a phrase from Noam Chomsky, in order to obtain their cooperation in the process of their enslavement. This situation is analogous to the strategies of global hegemony in the age of Empire. As Godessa suggests, the media is the key means through which "anorexic standards of beauty" and consumer desire, in general, are advocated. In this way, assimilation becomes possible and the imperial machine is ultimately legitimated.

Interestingly enough, the consumption practices that both artists refer to centre on ideas of race, gender and identity construction. "Poverty of Philosophy" echoes Michael Parenti's claim that

on almost every issue the people are not in the same boat with the big companies. Policy costs are not equally shared; benefits are not equally enjoyed. The 'national' policies of an imperialist country reflect the interests of that country's dominant socio-economic class. Class rather than nation-state more often is the crucial unit of analysis in the study of imperialism. (Parenti, 1995:47)

In this regard, Immortal Technique contends that he has more in common with the 'average white man in the street' because his, "enemy is the white man I don't see; the people in the White House, the corporate monopolies, the fake liberal politicians" (2001). "Social Ills" expresses this kind of consciousness to a certain extent in its reference to brand names, such as Nike, Fila and Levi. The crew has also made a conscious decision to wear clothes by South African clothing label Loxion Kulcha in an attempt to signal their position on global corporate monopolies and agendas. In addition, they effectively

distance themselves from global clothing labels that rely on the exploitation of women and children.

Conclusion: global affiliations

The work of Godessa and Immortal Technique speak to each other in interesting ways, albeit from different subject positions and geographical locations. On a discursive level, both pieces demonstrate Tony Mitchell's assertion that the popularity of hip-hop beyond US borders should not merely be dismissed as evidence of US cultural imperialism. As the decidedly far from mainstream Godessa and Immortal Technique demonstrate, hip-hop continues to be useful for engaging critically and creatively with the realities of marginalised subjects and creates the necessary space for acts of self-representation (Loots, 2001:10). Their work also suggests that they are aware of the understanding that if

communication has increasingly become the fabric of production, and if linguistic cooperation has increasingly become the structure of productive corporeality, then the control over linguistic sense and meaning and the networks of communication becomes an ever more central issue for political struggle. (Hardt & Negri, 2000: 404)

Godessa has engaged critically with gender politics in the media as well as the role of global capitalism in the construction of consumer desire. Essentially, both artists' works seize control over 'linguistic sense and meaning' and employ communication networks (radio, TV, the Internet) in their attempts to challenge hegemony. What is important to bear in mind here is that Godessa's success presents an anomaly in South African hip-hop circles precisely because they are women emcees and their political messages are uncompromising – this is significant in the face of the often suspect gender politics of pop music, kwaito^{xxii} and gangsta rap. EJ von Lyrik's emerging role as a producer takes this a step further and suggests that the crew is interested in seizing control over the largely male domain of music production as well. In other words, they are intent on seizing control of the means of production and representation. In addition, the fact that they elected to make their music video available on their CD Single – thus making it a

multimedia product and allowing consumers to engage with their work in different ways – suggests that they are keen to explore ways of reaching audiences beyond those made available by television networks, such as the free to air South African television channels SABC and etv. In this regard, Godessa was well represented on their former label's website and one of their tracks is available for download from this site as well as www.sarockdigest.com. Since the release of their first single, they left African Dope to launch the album *Spillage* via their own publishing company, High Voltage. They are thus not merely interested in controlling the means of representation and production, but intend controlling the means of distribution as well. Godessa and Immortal Technique demonstrate that hip-hop continues to be a useful tool for engaging critically and creatively with the realities of marginalised subjects across the globe. This demonstration becomes significant when considering the extent to which Empire's political, cultural and economic power pervades diverse locations. Godessa's work, in particular, suggests some of the ways in which capitalism and patriarchy can be challenged within the realm of cultural practice. This crew's international travels and exchanges as well as the ways in which their work speaks to work by underground US hip-hop artists, such as Immortal Technique, suggest new windows of opportunity for agency in post-apartheid South Africa, which is already yielding to international pressure to deregulate its markets and privatise basic services. Global communication technologies play a significant role in allowing artists to engage critically with identity politics as well as find means to access the means of production.

These artists' critical engagement with media messages resonates with Hardt and Negri's contention that communication "not only expresses but also organizes the movement of globalization. It also organizes the movement by multiplying and structuring interconnections through networks" (2000: 32). Ironically, it is these very networks that make it possible for 'agentic subjects' or 'producers' to issue challenges to Empire. The communication and distribution networks that make it possible for the music industry to monopolise global markets also make it possible for agents to issue challenges to hegemony. More interestingly, the Internet offers hip-hop heads

from diverse spaces as Tanzania, New Zealand, Seoul, Mexico, Palestine, the USA and England the opportunity to meet in internet chat rooms (IRC) and via e-mail so that they may mobilise around projects of similar concern. One such a project is Hip-Hop Against Infinite War, a global project that has hip-hop activists mobilising in peace initiatives. In this regard, Ariefdien describes the production of a documentary by Big Noise Film Media:

You have a documentary thing that's being filmed, going through different places where there's music – like I just heard the Palestinian crew. Like they couldn't record together. They had to send their shit via wav file through the internet because of the kak that was happening. So you had one kid dropping a verse at home, sending a wav file to another kid on the other side – Gaza, you know. Someone else sent it back and someone mixed it. They gave a copy to Jackie, they gave me as well. ... Like hectic shit. So we can have a fucking Tanzanian recording stuff and it send in it up to Holland, where the hottest producer in Holland can take the canellas and throw a different beat over it. That's fucking amazing. You know? You have people in different parts of the world connecting. Like-minded people who share similar *kak, goeters*^{xxiii}, you know? And I think that right there is the possibility. It's kind of hectic when you think of Internet and hip-hop and all of that type of shit. So ... for me it's important that those kinds of relationships don't stay in the virtual world ... but having a place where we say, "You know what? In the next few years we'd like to have a summer school for kids of fucked up areas. To have kids from Sao Paolo, from Dar as Salaam, you know, like from Papa New Guinea and Cape Flats and we have a two-week summer school thingie." (Ariefdien, 2002: 15)

Ariefdien knows how this medium - including wav^{xxiv} and mp3 file formats - can be exploited to serve the interests of disenfranchised communities, but he is also aware that the relationships that are established in cyberspace actually need to translate into real action at grassroots level. This is particularly important, given the considerable size of the digital divide in Africa^{xxv} and many other Third World contexts. Until this key issue is solved, the Internet is but one strategy for activists and interest groups who wish to strengthen civil society and provide greater access to public space. More conventional avenues such as community radio, the print media, the informal exchange of mix tapes and CDs as well as word of mouth continue to be powerful tools in the hands of the hip-hop movement. What is interesting to note, though, is

that this level of networking and global mobilisation employs the very kind of information and technology network that “organizes the movement of globalization” (Hardt & Negri, 2001: 31) and, thereby, confirms Hardt and Negri’s claim that “the only strategy available to the struggles is that of a “constituent counterpower that emerges from within Empire” (Hardt & Negri, 2000: 58-59). These developments therefore point to interesting directions that the Cape Flats’ hip-hop movement could take on a local, national and global level, employing the avenues afforded to it by information technology networks, global migrations, informal music production and distribution as well as conventional music distribution networks employed by the music industry. The final chapter continues to focus upon South African hip-hop, but pays particular attention to the contribution that hip-hop artists are making to the enrichment of civil society in South Africa’s relatively young democracy. Some of the continuities between older and younger generations of hip-hop emcees will be explored in order to argue that contestation is a key means through which artists are able to produce a diversity of perspectives that are vital to the functioning of democracy. It is through contestation that these artists are able to claim citizenship in the South African nation-state, which is also shaped by the forces of corporate globalisation.

Endnotes

ⁱ In "New Ethnicities" Hall speaks of a shift that marks the end of the essential black subject. He contends that this shift speaks to "the recognition that 'black' is essentially a politically and culturally *constructed* category, which cannot be grounded in a set of fixed transcultural or transcendental racial categories and which therefore has no guarantees in Nature" (1992a: 254). However, he frames his discussion by stating that this shift does not mark a linear shift from one conception of blackness to the other. Instead, they are "two phases of the same movement, which constantly overlap and interweave" (Hall, 1992a: 252).

ⁱⁱ Ice Cube went from performing "I Wanna Kill Sam" on his album *Death Certificate* in 1991 to playing a US government agent in *XXX2* in 2005. The subject of "I Wanna Kill Sam" is the US government, personified by Uncle Sam. In fact, the cover art of *Death Certificate* features a body draped in the US flag with Ice Cube in the background. The toe tag reads "Uncle Sam"; presumably, the title of the album refers to the death certificate of Uncle Sam himself and expresses rage at continued racism at the hands of the state. His recent film venture is thus rather ironic. Specifically, the song opens with a skit that criticises US military recruiting exercises in black working class neighbourhoods (Ice Cube, 1991). Ice Cube also starred in the socially conscious film *Boyz n the Hood*. However, according to Michael Franti of the rap group Disposable Heroes of Hiphoprisy, Ice Cube starred in a St. Ides beer commercial a week after this film was released on the film circuit (Reed, Franti & Adler, 1992: 154-155).

ⁱⁱⁱ It is also rather ironic to note that Ice-T has gone on to star in the long-running television series *Law & Order*, in which he plays a detective. The series offers narratives about the US criminal justice system, detailing the work of detectives and forensic examiners as well as that of the prosecutors and judges. Ice-T's incendiary song "Cop Killer" – which narrates the murder of a policeman – was removed from Body Count's debut album in 1992 after a public outcry. The album, in its current form, opens with "Smoked Pork", a skit in which Ice-T shoots an abrasive police officer. Much like Ice Cube on *Death Certificate*, *Body Count* expresses its rage racism in the US.

^{iv} Sarah Jones recently won a legal battle in which she challenged the Federal Complaints Commission's somewhat ironic ruling that "You Revolution" was indecent. In a press release Jones claims that "we've maintained all along that the poem/song is not only far from indecent, but is exactly the kind of original, independent expression the FCC continues to endanger by supporting radio monopolies on the one hand and restricting artists' voices on the other" (<http://www.yourrevolutionisbanned.com/index4.htm>).

^v The documentary is available as a special feature on the DVD version of the film.

^{vi} In *Grand Upright Music Ltd. v. Warner Bros Records*, the US district judge ruled in favour of the plaintiff in 1991, potentially spelling trouble for many samplers. Siva Vaidhyanathan observes that the ruling left no room for considering fair use defences, such as parody (2001: 142-143). In *Campbell v. Acuff-Rose Music, Inc.*, the Sixth Court of Appeals overruled an earlier decision in favour of the defendant because "'2 Live Crew took too much from the original and ... did so blatantly for commercial purposes" (Vaidhyanathan, 2001: 146). However, the US Supreme Court overturned this ruling when it held that "parody ... may be protected as a fair use exception under the Copyright Law" (Girasa, 2002:180). Despite this victory, dominant media representations of the practice of sampling did little to change negative perceptions of hip-hop samplers.

^{vii} Hip-hop is no longer driven by exclusively 'conscious' [read: politically conscious] agendas. Gangsta rap, R&B and pop music in general operate in a largely mainstream context. Artists such as Warren G, Snoop Doggy Dog and Dr.Dré (former NWA emcee and producer) are commonly associated with the gangsta rap genre, which has often been accused of cementing stereotypes of black male subjects as violent, misogynist gangsters. However, some gangsta rappers – like the late Tupac Shakur, for example – have managed to produce 'conscious' lyrics – 'Dear Mama', for instance. The tidy binary between 'conscious' and gangsta rap has thus been blurred on a number of occasions. (As an aside to this discussion, it is interesting to note that Tupac Shakur was killed in what was believed to be a gang

ambush during the late '90s. It thus appears that some of the themes touched upon by gangsta rappers do actually reflect upon the realities that these artists appear to negotiate / embrace. Another legendary rapper, Notorious BIG, subsequently suffered the same fate, prompting producer / singer / emcee P Diddy to release a tribute song titled 'I'll Be Missing You'. This song sampled a key guitar riff from 'I'll Be Watching You' by the '80s punk rock group The Police. And the chorus line adapted this song's chorus accordingly). Artists such as Puff Daddy / P Diddy and Missy Elliot have also managed to fuse R&B and rap for the mainstream pop market. In this regard, boy bands like InSync and solo pop artists like Justin Timberlake have managed to tap into this.

^{viii} The term 'hip-hop heads' – or simply just 'heads' – is often used by members of hip-hop communities to refer to those who embrace hip-hop subculture. The obvious appeal of the alliteration and metonym aside, the term alludes to the idea that hip-hop practitioners engage with the subculture with a significant level of consciousness and critical awareness. The term collocates with the 'conscious' hip-hop notion of 'knowledge of self' that is purported to drive all of the different elements of hip-hop (rapping, b-boying, aerosol art, and deejaying).

^{ix} See Adam Haupt's "Black Thing: Hip-Hop Nationalism, 'Race' and Gender in Prophets of da City and Brasse vannie Kaap" in *Coloured by History, Shaped by Place: New Perspectives on Coloured Identities in Cape Town or Rap and the Articulation of Resistance: An Exploration of Subversive Cultural Production During the Early 90's, with particular reference to Prophets of da City* for a more detailed discussion of *gamtaal*.

^x The Afrikaans term literally means "thought", but is used here by the speaker to mean "thing" or "stuff".

^{xi} The Afrikaans word *gooi* literally means to throw or chuck. What Ariefdien means here is that they needed to prepare their participants with the necessary conceptual skills before they left (or chucked) for Amsterdam.

^{xii} Khayelitsha is a Cape township created by the apartheid government for black South Africans. The township is situated on the Cape Flats beyond Cape Town International Airport and stretches as far as a settlement named Macassar. The living conditions in this township are still problematic 11 years after the demise of apartheid.

^{xiii} The Department of Education has begun implementing outcomes based education (OBE), but a key obstacle to the success of OBE is that many South African schools are under-resourced. The schools that have the best chance of making OBE work are the schools that were historically advantaged by apartheid.

^{xiv} During 2005, ALKEMY started to operate independently of Bush Radio. They now describe themselves as a collective. However, ALKEMY members Ed Camncga, Theo Camncga and Wanda Mxolisi now host Bush Radio's Headwarmers, which retains its Friday evening slot.

^{xv} Here, Brockman echoes Ngugi wa Thiong'o's contention that the most effective means via which Western colonisers secured power was not via military or political domination, but through a colonisation of colonial subjects' minds (wa Thiong'o, 1986: 16). In *Decolonising the Mind: The Politics of Language in African Literature*, wa Thiong'o recalls the process by which Kenya's formal education system forced a split in students' identities via its language policy: "The language of my education was no longer the language of my culture" (1986: 11). He argues that colonialism's "most important area of domination was the mental universe of the colonized, the control, through culture, of how people perceived themselves and their relationship to the world" (wa Thiong'o, 1986: 16).

^{xvi} It is worth noting just how skillfully the first two lines in this quotation are written. These lines present an example of multi-syllable rhyme schemes, a key feature of well-produced rap lyrics. Notice that, if sounded out in a specific way, "protested" and "demonstrated" rhyme with each other; "pass laws" and "class wars" rhyme and that "man's gains" rhymes with "campaigned" in the previous line.

^{xvii} It is, however, important to acknowledge that subcultures, such as hip-hop, speak through commodities and they thus work from within the capitalist operation of music production, marketing and distribution (Hebdige, 1979:95). Hip-hop, much like punk or reggae, walks the fine line between artistic integrity / originality / creativity and commercial exploitation. These notions make sense of the claim that there can be no 'outside' to power within Empire. In this regard, Godessa feels that their commercial success is actually helping them get their political messages to reach a wider audience and that they are far from compromising due to the fact that they have not diluted the political content of their music in the process (Godessa, 2002:6). At the same time, some would argue that many hip-hop artists have already crossed the line between artistic integrity and commercial exploitation when referring to gangsta rap as well as commercial rap and R&B. However, I believe that underground / 'conscious' hip-hop still enjoys a significant following and still has the potential to raise subjects' critical consciousness. What is interesting to note is that Godessa signed with an independent South African label, as opposed to a major transnational label, such as Sony or Universal Vivendi. See Hebdige (1979) *Subculture: The Meaning of Style* for a detailed discussion of the recuperation of subculture.

^{xviii} Moodphase5(ive) was founded by hip-hop emcee Denver Turner (aka D.Form) and the band has undergone a number of line-up changes. The band now comprises D.Form (vocals) Ernestine Deane (aka Lady 'E' on vocals), Brian de Goede (drums), Boob Carver (bass), Douglas Armstrong (trumpet), Craig Damster (keyboards) and Ricardo Morretti (keyboards). Essentially, Moodphase5(ive) combines a number of music genres - including hip-hop, jazz, trip-hop or acid jazz. The band's music thus appeals to a cross-section of audiences and its remixes and live performances seem to revel in a great deal of free play between conventional definitions of genres. Some of their tracks – such as "Rise 'n Shine" and "Geto @ Sunset" (off *Steady On*) - contain 'conscious' messages. They also collaborate with Godessa on "Got To Give", off *Super Deluxe Mode*. This track explores gender politics in heterosexual relationships *vis a vis* contemporary issues, such as safe sex practices and AIDS.

^{xx} I have elected to discuss this video precisely because it opens up different ways of engaging with Godessa's work. The fact that the work can be placed into the CD ROM of a PC makes it much more accessible than viewing it within the context of a television programme or by viewing it on VHS video. The digital format allows one to slow the work down and view it frame by frame, making it possible for one to appreciate shot composition, animations and editing techniques.

^{xx} This track is not available in South Africa, but many Cape Town hip-hop heads would have had the opportunity to hear it on (or record it from) *Headwarmers*. The show has become one of the key ways in which Cape Town's hip-hop community has become constituted. Many heads tune in to the show to hear underground hip-hop, much of which is not likely to be heard on mainstream radio stations. For more information on *Immortal Technique*, see www.newprohibition.com.

^{xxi} See Bhabha (1994). Bhabha (1994:86) argues that "colonial mimicry is the desire for a reformed, recognizable Other, as a subject of a difference that is almost the same, but not quite. Which is to say, that the discourse of mimicry is constructed around ambivalence; in order to be effective, mimicry must continually produce its slippage, its excess, its difference". *Immortal Technique's* taunt that 'you will never be them' speaks to this notion of ambivalence.

^{xxii} See Impey (2001) for an alternative reading of gender politics in kwaito. Impey suggests that artists, such as Lebo Mathosa, have a significant amount of agency in the way in which they represent / market themselves – despite criticisms of misogyny, the sexual objectification of women and the possible complicity of female kwaito artists in these processes.

^{xxiii} The Afrikaans term *kak* means shit and *goeters* means stuff. Ariefdien is referring to people who come from different contexts and who have similar things in common.

^{xxiv} The wav file format, much like the mp3 format, allows for the easy transfer of sound files over networks or on disks. It also makes it possible for producers to edit the sound files in the production of music or radio documentary texts.

^{xxv} According to a survey by NUA Internet Surveys, the estimate for Africa's online users is 6.31 million, whereas the USA and Canada's online users come to 182.67 million. Europe's online users number approximately 190.91 million, whilst Latin America has 33.35 million online users. The estimated total amount of online users globally is 605.6 million. These figures suggest that the divide between countries of the northern and southern hemisphere is considerable. Concerns about Western economic imperialism in developing countries thus extend to the field of communication technology and tempers any belief that ICTs alone would offer a solution to poverty in the South. Visit http://www.nua.ie/surveys/how_many_online/index.html for further updates on these figures.

University of Cape Town

CHAPTER 6

Hip-hop, counterpublics and noise in post-apartheid South Africa

This chapter shifts away from discussions of South African hip-hop in the context of Empire – though not completely – in order to consider the extent to which post-apartheid hip-hop continues to grapple with issues relating to the country's period of transition to democracy. The initial sections of this chapter will explore work by established and newer hip-hop artists in order to track continuities as well as to suggest that hip-hop continues to be a significant vehicle through which subjects are able to position themselves as citizens in post-apartheid South Africa. This work explores possibilities and constraints associated with the use of hip-hop as an expression of dissent and empowerment in relation to debates about global capital and concepts of citizenship in post-apartheid South Africa. Here, Nancy Fraser's concept of "subaltern counterpublics" will be introduced (Fraser, 1992: 123) in order to make sense of the "noise" (c.f. Dick Hebdige) produced by hip-hop artists. This chapter will consider whether the notion of "subaltern counterpublics" and the assertion by hip-hop artists of their democratic rights in South Africa undermine Hardt and Negri's claims about the decline of the nation-state under Empire, as discussed in Chapter 1. In this regard, reference will be made to Duncan Brown's work on cultural difference and national belonging in post-apartheid South Africa in order to suggest that it is possible for citizens to exploit affiliations on local and global levels in attempts to empower themselves (2003: 758). The concluding section of this chapter will return to Hardt and Negri's concepts of the common and the multitude in order to suggest that hip-hop offers an example of attempts to "capture globalisation" (Monbiot, 2003: 23) in the struggle for social justice.

6.1 Noise from POC and Black Noise

During South Africa's transition to democracy, Prophets of da City's (POC) use of hip-hop as a tool for raising the critical consciousness of its audiences played a significant role in ensuring that the country's disenfranchised youth found ways of accessing the public sphere. As Tricia Rose suggests, hip-hop centres upon access to public space, as is evidenced by early hip-hop's

appropriation of intellectual property via the sampling practices of DJs and producers or via the appropriation of public space in graffiti art and b-boying (breakdancing) (Rose, T, 1994: 124). Cape-based hip-hop during the '90s issued challenges to neo-colonial discourses, such as apartheid, in its exploration of the politics of identity, history and location as well as its appropriation of *gamtaal*. Many of these hip-hop texts challenged hegemonic representations of black subjects (for example, "Black Thing" by POC or "Kaap van Storms" by Brasse vannie Kaap) and effectively laid claim to space within the public sphere, which young black subjects did not have access to under the apartheid state. It is in this sense that these organic cultural intellectuals (c.f. Decker, 1993) contributed to the development of South Africa's relatively new democracy. After eleven years of democracy, hip-hop continues to be employed as a tool for critical engagement despite the fact that many might argue that it has largely been co-opted / recuperated by both corporate and legislative mechanisms (c.f. George, 1998 and Rose, T, 1994). As suggested in the previous chapter, the version of hip-hop that is largely seen as a tool for critical and socially conscious engagement is often called 'conscious' hip-hop. A significant amount of 'conscious' hip-hop continues to enjoy an 'underground' following and is often employed by networks of youth workers and community activists. Examples of such activists are Afrika Bambaata, KRS-One and Chuck D of the US. Locally, key activists include former POC producer and MC Shaheen Ariefdien as well as Black Noise's Emile Jansen. This chapter will examine work by some artists of the newer generation of hip-hop artists in order to suggest that some of the more recent work produced by hip-hop artists is consistent with that of earlier 'conscious' hip-hop artists like POC or Black Noise. Work by these artists continue to play a key role in reflecting upon as well as facilitating discussions about some of the major concerns that affect civil society after eleven years of democracy. The ideas raised by artists do not end with the production of music, but are often reinforced by workshops under the umbrella of organisations like Bush Radio.

In her discussion of the cultural politics of hip-hop, Tricia Rose suggests that "the politics of rap music involves the contestation over public space" (1994:

124). Rose echoes ideas offered by Dick Hebdige in his study of punk subculture in *Subculture: The Meaning of Style*, which informs her analysis of hip-hop's cultural politics. Hebdige suggests that subcultures

represent 'noise' (as opposed to sound): interference in the orderly sequence which leads from real events and phenomena to their representation in the media. We should therefore not underestimate the signifying power of the spectacular subculture not only as a metaphor for potential anarchy 'out there' but as an actual mechanism for semantic disorder: a kind of blockage in the system of representation. (1979: 90)

Hip-hop, as a subculture, is therefore engaged in a struggle over the sign in its attempts to challenge mainstream representations of black subjects. But these challenges are not merely offered via the content of rap lyrics. Instead, the "challenge to hegemony" is displayed at the "profoundly superficial level of appearances: that is, at the level of signs" and is expressed obliquely, in style (1979: 17). One instance in which subcultural style "interrupts the process of 'normalisation'" or contradicts myths of consensus can be found in hip-hop's use of sampling during the '80s and early '90s. A key distinction that needs to be made here is that hip-hop samplers' challenge to hegemony does not literally become evident at the level of appearances. Hebdige's discussion of style relates to material culture, such as the alternative fashion trends of punks. In this context, the clothing style of hip-hop heads would offer a contemporary example. Hip-hop samplers' use non-material style as a gesture of refusal would take place at the level of signs; it would involve the appropriation of signifiers and attaching new signifieds to them. Hebdige's work on subcultural style therefore relates to material culture as well as the sonic or technical (non-material) style of samplers. Therefore, media texts would be appropriated and placed in new contexts and sequences to produce new aural texts. In his discussion of digital sampling in hip-hop, Thomas Schumacher suggests that this practice creates noise in legal discourse:

Because rap music and the practice of sampling change the notion of origin (the basis of copyright) to one of origins, it becomes transgressive in the Foucauldian sense and an infringement in the eyes of the law. (1995: 266)

Rose speaks about this transgression as “the real ‘big payback’” in which hip-hop artists exploit the very legal loopholes that “justified and aided in the theft from and denigration of an older generation of black artists” (1994: 93). She also contends that sampling in hip-hop “affirms black cultural history and locates ‘past’ sounds in the ‘present’” (Rose, T, 1994: 89). Charles Shaar Murray offers an indication of some of the ways in which black artists from previous generations were marginalised or exploited. Murray claims that the “entertainment industry has traditionally relied on white performers to provide black styles with their entry into the ‘mainstream’; to render them acceptable to white audiences, and ultimately disarm them” (1989: 86). He maintains that artists like Bo Diddley and Chuck Berry were initially classified as rock ‘n roll artists “until Caucasians started playing it” (Murray, 1989: 86). Berry and Diddley were then reclassified or ghettoised as R&B artists, which had very specific economic consequences: “it meant cheap-jack record companies most if not all of which were white-owned, paying miserly or non-existent royalties; it meant ceaselessly touring through the run-down theatres and bars of the ‘chitlin circuit’, where getting paid often meant pulling a gun before the promoter did” (Murray, 1989: 86).

Much of Schumacher and Rose’s thoughts about sampling seem to apply to the work of POC and Black Noise when they sample African artists as well as an assortment of African genres and instruments. On their most controversial and, arguably, best-produced album, *Age of Truth* (1993), POC employ sampling on “Blast From Da Past” in order to subvert dominant discourses of apartheid and colonialism. On this 54 second track, Shaheen Ariefdien and Ready D juxtapose soundbytes from NP politicians as well as archival material that justifies ‘the horror’ of imperialism with revolutionary voices like Mzwakhe Mbuli. They produce a call and response sequence over a catchy beat in which somewhat anachronistic neo-colonial voices are alternated with one unmistakable message: “FUCK OFF!”¹. This provocative track captures the essence of how POC’s work succeeded in creating legal noise – from a copyright perspective as well as from the view that in South African state censorship was still a legal reality in 1993 – and noise in the sense that

Hebdige uses the term. Ariefdien and Ready D's work was aimed at offering alternative messages to the electorate during the build-up to South Africa's first democratic elections (Haupt, 1996a & 1996b). At the time, they were disturbed by ANC and NP politicians' calls for the electorate to "forgive and forget". During discussions with Ariefdien he often referred to the idea of reconciling the nation as "reconning the nation" – a phrase from "Life's A Bitch" off *Phunk Phlow* (POC, 1995). I believe that he was referring to the notion of one masternarrative (apartheid) being replaced with another (the 'rainbow nation' / political 'amnesia') – in other words, the manufacturing of a new kind of consent. In this regard, Zimitri Erasmus's discussion of coloured identity politics and multiculturalism is particularly illuminating. She contends that the "depoliticizing discourse of rainbow nationalism. ... does not provide a vocabulary with which to renegotiate and process the racial terrain of South African culture and politics in the interests of transformation" (Erasmus, 2001: 20). Erasmus argues that this multicultural discourse obscures relations of power "inherent in cultural formation and representation" and that it "reduces coloured culture to minstrelsy" (2001: 20). She also maintains that the rise of African essentialist discourse "denies creolization and hybridity as constitutive of African experiences, thus excluding coloured identities from those defined as black and African" (Erasmus, 2001: 20). It was POC's wariness of emergent nationalism that motivated the crew to record the aesthetically and discursively abrasive "Dallah Flet II" (*Age of Truth*, 1993) in which they accuse the National Party of racist strategies by allowing shebeens (informal township pubs) to operate in the townships and for effectively "sponsoring" township violence (Haupt, 2001). The song starts off with a description of a violent confrontation, which seems to be taking place at a shebeen:

My broertjie kry 'n skoot dwarsdeur sy kop
 Want daar was 'n gang fight op onse blok
 Die fight het gekom deur 'n streiery oor 'n dop en 'n stop
 All of a sudden gryp iemand 'n stok
 'n borrel word gebriek, 'n jong word gestiek
 sonder laat hy wiet was 'n nog 'n een geskiet
 sommer deur die gevriet en die skouer
 nou sien jy net panga en baksteen houe
 Nou 'n man sien net bloed wat spat en tap
 En koppe word gekap en hard getrap

En dinges was 'n gat in sy tjat geslat
Nou is hy pap, ge-ak en sat gekap
(POC, 1993)

[My bro' got a shot in his head
'Cause there was a gang fight on our block
The fight started because of an argument over wine and drugs
All of a sudden someone grabbed a stick
And then someone broke a bottle and someone got stabbed
Before you knew it, another one got shot
through the face and shoulder
all you can see is panga and brick strikes
All you see is blood flowing and spurting
And heads get struck and kicked really hard
And what's his name got hit so hard that there was a hole in his
head
Now he is listless and beaten to death]

The police ["die boere"] ultimately arrive and arrest the aggressors and they get sentenced to jail. In this narrative, the police and criminal justice system ultimately have the power. As I suggest in earlier work, POC's use of the Cape Flats Afrikaans variant *gamtaal* in a text that offers a challenge to the National Party (NP) during the build-up to South Africa's first democratic elections is deliberate (Haupt, 2001 & 1996a). They hope to engage a very specific sector of the Western Cape electorate and they wish to reclaim the negative sign "gam" from the dominant discourse of apartheidⁱⁱ. Their rhythmic repetition and emphasis of consonants (through alliteration and consonance) – which suggest the violence described in the narrative – forms part of this appropriation and speaks to the notion of creating 'noise' in the dominant discourse about aesthetics as well as the standard dialect of Afrikaans. Ultimately, they lay the blame for the violence described at the beginning of the song at the door of the NP and they link the criminalisation of black male subjectivity with the system of apartheid. Needless to say, Ariefdien and Ready D were devastated when they learned that the NP won the Western Cape during the 1994 elections.

Much of the work produced by Black Noise follows a similar vein. "Who Taught You To Hate Yourself?" – which originally appears on *Rebirth* (1994)

by Black Noise – echoes POC's reluctance to take calls for reconciliation at face value:

Don't let the white man speak for you for fight you.
You've got to do it for yourself so that freedom can be true.
We complete our schooling. Or should it be black fooling.
The cherry on the cake was giving us black ruling.
Cause blacks don't own the mines. Nor control the economy.
Nothing really changed. Whites still own this black country.
Don't get me wrong. I'm not bad mouthing our black president.
But when whitey puts out his hand I get hesitant.
Cause in his story his deeds were always gory.
Trust his fake peace Ai Kona, ek is sorry.
(Emile, 2003)

During each chorus break, some samples are played. They include the following: "Don't let the white man speak for you and don't let the white man fight for you" and "Kaffirs bly maar kaffirs". The first sample closely resembles the sorts of speeches made by Black Consciousness activists like Malcolm X. Like POC, Black Noise has always aligned itself with Black Consciousness thinking, hence the crew's consistent reference to black – as opposed to coloured – identity. This, in part, is what the term 'conscious' hip-hop indicates, but it also alludes to the idea of raising critical consciousness via hip-hop as a lifestyle, philosophy or art form. It is in this area that POC and Black Noise have been active.

Hip-hop historians, such as Tricia Rose (1994), have previously acknowledged the significance of Hebdige's work on hip-hop. Hip-hop, as a subculture, is engaged in a struggle over the sign in its attempts to challenge mainstream representations of marginal subjects. However, these attempts come at a price and crews like POC have faced censorship and poor record sales with the release of albums like *Age of Truth*, specifically. These difficulties have been documented by the crew itself in songs, such as "Cape Crusader". Former POC emcee Shaheen Ariefdien offers the following reflection:

My pockets are broken, cause the prophet is outspoken
They say mindless topics only get the crowd open

They even said you've got to sound like this one or that one
Silence is golden, even platinum
And drop the knowledge trip and politics
and holler shit to get the Rand and the Dollar quick
Life is kinda funny with the gospel it sends me
Money can test your morals, if your tummy's empty
Being desolate can tempt a kid for duckets
and say anything to benefit the pockets
I just hope I stay true for later and remain a Cape crusader
(POC, 1997).

Ariefdien reflects on the costs of making noises that are unpopular as well as the pressures of record labels who are keen on generating revenue from hip-hop. What seems to be at stake in the song is the artist's artistic and political integrity. As Chapter 5 already indicated, Hebdige reminds us that subcultures speak through commodities and therefore work from within the operation of capitalist processes of retail, marketing and distribution (1979: 95). Hip-hop, much like punk subculture or reggae before it, thus walks a tightrope and it is "fairly difficult ... to maintain any absolute distinction between commercial exploitation ... and creativity / originality ... even though these categories are emphatically opposed in the value systems of most subcultures" (Hebdige, 1979: 95). Therefore, the very means that 'conscious' hip-hop artists use to issue their challenges to hegemony are the very means by which their work can be co-opted by the conservative mainstream. It is arguable that much of the mainstream hip-hop – or kwaito, for that matter (cf. Loots, 2003) – that is available from mainstream media has crossed this line, particularly with regard to its gender discourse.

Members of both POC and Black Noise have been involved in a number of local and international education initiatives. Internationally, they have travelled to a number of locations in Europe and the US, whereas locally either crew have been involved in anti-drug tours, voter education initiatives and school hip-hop workshops. Black Noise's Emile has long been active in organising events such as African Battle Cry and Hip-Hop Indaba (Jonker, 2003) and POC's Ariefdien left the crew to pursue university studies as well as co-manage a critical theory and creative writing programme at Bush Radio. The initiative, titled ALKEMY (Alternative Kerriculum [sic] for Mentoring Youth),

offers mostly high school students an alternative education that offers them the means to succeed if they choose to pursue a university education. ALKEMY's precursors were Youth Against AIDS 2000 (YAA 2000) and HIV HOP. Artists, such as female crew Godessa as well as the late Mr. Devious attended these workshops, which focused upon using hip-hop as a means for engaging youth with AIDS education.

6.2 Noise from younger MCs

A great deal of the work produced by participants of YAA 2000, HIV HOP and ALKEMY reflect a consistency with work by earlier 'conscious' crews like POC and Black Noise. This is significant in the face of claims by Angela Impey about kwaito being a genre that finds itself liberated from the need to be engaged with SA politics in any way (2003: 45) as well as Lliane Loots (2003: 46-50) and Simon Stephens' (2000) concerns about misogyny in hip-hop. One artist whose work resonates with the work of earlier 'conscious' artists is the late Mr. Devious (aka Mario van Rooy). In one of his popular poems, "Ken Jy Vir My?" ("Do You Know Who I Am?"), he sets up a number of scenarios in which a number of social ills are depicted:

Ek's 'n tool van oppression
in die form van 'n chemical warfare experiment
ek is Wouter Basson se blerrie kind
ek lat jou omkap as ek jou mond vat
jy kwyl jou sopnat as jy die grondvat
ek is 'n metikaloon ek dra die ghetto se kroon
ek is 'n gangster se droem, hulle meng my met boem
ek's 'n button
but I can change into 'n fluit
ek is 'n "hallo dingis hoe lyk jy vi my?"
"sy's nie nog 'n mensie, sy's net 'n myt"
ek is die rede hoekom jy haar wil gryp
innie ronde rik en rape
ek is geld, wyn, buttons en rape...fotsa my fingerprints
ek is IGNORANCE
(Devious, Unpublished)

[I am a tool of oppression
in the form a chemical warfare experiment
I am Wouter Basson's bloody child
I strike you down when I touch your mouth
As you hit the ground I make you drool yourself wet

I am speed and wear the ghetto's crown
 I am a gangster's fantasy, they mix me with marijuana
 I am a button [marijuana mixed with mandrax]
 but I can change into a whistle
 I am a "Hallo, what's 'is name, how do you like me?"
 "She isn't a person, she's a bitch"
 I am the reason why you want to grab her
 Jerk her about and rape her
 I am money, wine, buttons and rape forged are my
 fingerprints
 I am ignorance]

In this scenario, Devious links drug abuse and alcoholism with gender violence in a call to consciousness. At the end of each stanza, which entails the description of a persona that takes the form of a number of social ills, the persona reveals itself to be ignorance – the cause of the social ills being described. The scenarios that are depicted echo similar concerns described in all of the versions of "Dallah Flet" by POC as well as "KaaP van Storms" (1998) and "Don't Take Away the Smile" (2000) by Brasse vannie Kaap (BVK). In fact, the allusion to Wouter Basson hints at the apartheid state's complicity in Cape townships' drug problems. This suggestion resonates with BVK's "KaaP van Storms" in which they hint at the possibility that Cape gangs actually obtain their substantial gun arsenal from the state – here, it is not clear whether they implying the apartheid state, the post-apartheid state or the provincial government. The suggestion also resonates with POC's claims about NP complicity in township violence and the operation of shebeens in "Dallah Flet II". According to Ariefdien, Devious first performed this poem at "Metaphor", free open-air spoken word events that I organised in conjunction with DC Art Gallery (1999-2000). A number of street children at the event seemed totally captivated by his performance and drew closer to him as he engaged them. The poem's lyrical depiction of a great deal of the harsh realities that many street children face in every day life, no doubt, appealed to the young audience, but I believe that the artist's use of the Cape Flats dialect of Afrikaans (gamtaal) also played a great role in engaging them. This resonates with POC's use of gamtaal on tracks like "Dallah Flet" and "Brasse en Gasielams". As is often the case with a great deal of 'conscious' hip-hop artists, Mr. Devious was also involved as a community activist. He was

involved as in Bush Radio's YAA initiative and travelled to Amsterdam on a number of occasions, where he became involved in hip-hop theatre; he was also closely aligned with Baobab Connections (www.baobabconnections.org), an international organisation that engages critically with globalisation, as a regional co-coordinator and he worked for CRED (Creative Education for Mentoring Youth). At CRED, Devious used his creative writing and performance skills in an attempt to offer youth at risk constructive and affirming alternatives to crime (CRED, 2004). Essentially, Devious' work as an artist and community activist defies the dominant reading of the signifiers "black male" and "rapper". His work also seems to be consistent with readings of earlier 'conscious' artists' work (Battersby 2003; Haupt, 2001; 1996a & 1996b) as well as more recent artists such as Godessa. Ironically, Mr Devious was stabbed to death in Mitchells Plain in March, 2004 by a young person he might very well have engaged via his work at CRED.

The work of young MC Caco (aka Marlon Burgess) resonates with the ideas explored by Devious, POC and Black Noise. Caco is an ALKEMY member and has begun to make a name for himself as a spoken word artist and MC. He guests on Godessa's recent album, *Spillage*, and has performed at the Cape Town leg of the Urban Voices Festival (2004), which featured Linton Kwesi Johnston, Toni Blackman, Jessica Care Moore as well as Godessa's Burni Amansure. In a poem titled "Mark of the Beast", which he performed at the Cape Town launch of *Voices of the Transition: Perspectives on the Politics, Poetics and Practices of Development in New South Africa*, Caco explores the mechanisms of social control and the persistence of neo-colonial realities in post-apartheid South Africa. In this part of the poem, he employs mathematical, military, and Biblical images throughout the work in keeping with the notion of the "Mark of the Beast", 666. The architects of apartheid – indirectly alluded to as the "Beast", or Satan – are blamed for divisions between 'coloured' and 'black' subjects on the Cape Flats:

with all the shit they fed us, we should have *multiplied*.
Instead our *long division* is what the cult devised.

It was all *calculated*, culminated in despise for one
 another,
 The hotnot, the kaffir.
 So from Athlone to Langa we slash bones with pangasⁱⁱⁱ
 While the slang that slithered up between us was Jan
 Smuts
 He trekked us a streep op 'ie lang pad.
 Our common dominator, denominations vanquished
 When *corporal* punishment, *general* shame, private
 anguish
 And *major* pain *left tenants* of the Cape Flats to languish
 (Burgess, 2004: 210-211. Emphasis added).

The work evokes a clear sense of history and location in its reference to the geography of apartheid. Cleverly “calculated” divide and rule strategies were employed by the architects of apartheid and these divisions were entrenched along linguistic and spatial lines. The use of mathematical images – such as “long division”, “multiplied” [also a reference to toilet paper] and “calculated” – as well as the violent image of slashing “bones with pangas” further reinforces this idea of division between ‘black’ and ‘coloured’ subjects, whilst the reference to Athlone and Langa serves as a reminder that both these areas are situated next to each other on the Cape Flats. This reminder is important as the signifier “Cape Flats” is often used to refer to ‘coloured’ subjects exclusively, overlooking a significant number of Capetonian isiXhosa speakers. The pun on Jan Smuts – the politician and/ or snake as well as the winding road that passes between Athlone, Pinelands and Langa – further reinforces the notion of constructed division between ‘black’ subjects. Ultimately, the work engages critically with the ‘racial’ interpellation of subjects in its exploration of the politics of space without falling into essentialist traps. These sorts of explorations by newer hip-hop artists are significant in the face of claims that post-apartheid artists and consumers of music expect and appreciate music that is devoid of the demands of the politically-driven art of the 1980s (see Impey, 2001; Stephens, 2000; Marlin-Curiel, 2003).

In the following part of the poem, he comments on the ironies in the movement of subjects from the period of struggle to freedom:

The hand which used to toss rocks at the cops

And land minds in trouble, using its arms as a language,
Now has switched to *purchasing* rocks from the cops
Gooing Klippies and Coke and caine's disabled our families
In the name of the father. The son's and their lowly spirits
managed
To sacrifice themselves at the cross-roads,
conveyor belts and dirt trucks. The boss knows
his workers have to learn KAK [shit] to earn bucks from
arseholes
made no cents, 'cause we ran in formation into darkholes
now shedding light on the mark of the beast
no longer will we stand in line with numbers on our backs like we
were barcodes
(Burgess, 2004: 210-211. Emphasis added)

Caco employs biblical imagery and gamtaal in order to make claims about the complicity of the police in the continued oppression of township subjects via the trade in drugs and alcohol. Here, we see a shift in the function of the police force as a repressive state apparatus to agents that operate outside of the sanction of the democratic South African state – either way they continue to function as antagonists who work against the interests of marginal communities. This representation is consistent with POC and Devious' representation of the police. The reference to "Klippies and Coke" as well as the suggestion that cane spirits / Caine [of the Old Testament] has broken families alludes to a cocktail that seems to be a 'uniquely South African' favourite – so much so that Klipdrif now markets a drink that offers the alcohol already mixed with Coke in 'convenient' six-packs. This reference also refers to the continued hegemonic operation of South African Breweries and Coca Cola at the expense of marginal communities. At the same time, the biblical references also seem to suggest that Christianity has played a role in fragmenting these communities. It is from this perspective that one can make sense of the claim that "workers have to learn KAK to earn bucks from arseholes". Dominant discourses – such as Christianity – would have to be internalised by black subjects before their consent could be won from hegemon. The call to action toward the end of the poem functions like a call to citizenship away from being mere consumers who, in this instance, consume drugs and alcohol as well as 'buy into' oppressive ideologies. The reference to barcodes and numbers allude to the Christian notion of the mark

of the beast, 666. It also visualises the idea of being locked behind bars in prison, being coded or numbered by state bureaucracy or being a part of the numbers gang^{iv}. The poem therefore seems to raise key questions about what freedom really is worth in a context where imbalances and injustices of the past appear to continue unchecked.

Caco's cynical view of South Africa's transformation is shared by Godessa in a song titled "Newsflash", in which they speak about the politicians' inaction in the face of fears about crime in the country. The song commences with the performance of a news broadcast:

Amidst the spate in the recent surge of criminal activities throughout the country, various high profile politicians have been deadlocked in talk. As yet no plan of action has been implemented. However keynote speakers addressing the media said government needs more time to enter into further talks.
(Godessa, 2004)

This somewhat parodic representation of a crime news report speaks to public perceptions that government, quite simply, is all talk and no action. The news item gives the lie to official representations about crime in the country and offers another level at which the assumed consensus about the reality of post-apartheid South Africa gets interrupted. What is interesting about this piece is Godessa's comment on the media itself. The news item seems to rely on official government sources almost exclusively and could be a comment on the media's operation of hegemony. This practice has been described by Noam Chomsky as one of the filters in his propaganda model, as discussed in *Manufacturing Consent*. This model "traces the routes by which money and power filter out news, marginalize dissent and get government and dominant private interests to get their message to the public" (Chomsky, 1988: 2). Chomsky argues that the media rely on official sources as they are locked into symbiotic relationships with dominant sectors of societies and that they would not want to compromise these interests. The need for accuracy and wariness of facing court challenges are also key factors that motivate this reliance. Godessa's news item in "Newsflash" is particularly interesting as the reporter's reliance on the government's "keynote speakers" does not actually

strengthen their position. This view is consistent with other criticisms that they level at the media. In "PropAgenda" (sic), for example, Shameema Williams raps about "media empires" that seem to want a "complete invasion of my senses" (Godessa, 2004). Here, she characterises the media as "liberal-minded, right-wing, politically biased organisations that flight things over wires" and contends that media agendas often coincide with corporate interests (Godessa, 2004). In the same song, guest rapper D.Form (aka Denver Turner of Moodphase5ive) suggests that "illusions are created to control your mind" via mainstream cinematic and TV representations of the racial other. He comments on the ironies of kids adoring TV or film superheroes who work for US intelligence or the military and suggests that these representations are "subliminal adverts for businesses that profit from war" and warns, "Remember Rambo's a reality for Homer and his kind" (Godessa, 2004). EJ von Lyrik picks up on this by posing the question, "Who controls the media? Right-wing conservatives on the boards of multi-nationals – straight capitalists!" (Godessa, 2004). Ultimately, they rap about the ways in which narrow media agendas are set in order to shape public opinion.

Godessa's views about the agenda setting role of the media and its power to generate support for the dominant order relate to Chomsky's first media filter in his propaganda model, the size, ownership and profit orientation of the mass media (Chomsky and Herman, 1988: 2). Chomsky argues that corporate-owned news carriers are less likely to compromise the interests of the holding companies (1988: 3-14). Here, editors' accountability to shareholders takes precedence over their responsibility to the public, who presumably expect to be informed about matters affecting the common good in order to make informed decisions as citizens in a democracy. Much like Caco's "Mark of the Beast", Godessa's song "PropAgenda" also speaks to concerns about corporate interests taking precedence over the interests of citizens and offers a critique of our consumption of mainstream media products that provide a narrow view of the world. Again, concerns about our identities as citizens versus that of consumers are raised. The issue of citizenship is key in this context amidst perceptions that the interests of transnational corporations as well as the role of multi-lateral trade agreements

have begun to compromise nation-states' abilities to protect its citizens – in short, the onset of global capitalism brings about the decline of the role of the nation-state (Hardt & Negri, 2000: 10-11; Boyle, 1996: 122-123). These ideas also intersect with the fifth chapter's reference to Hardt and Negri's argument that Empire employs the communication industries to produce languages of self-validation (2000: 33). Godessa's allusion to Chomsky's propaganda model in "PropAgenda" is possibly not accidental because Shaheen Ariefdien and Nazli Abrahams have used Chomsky's texts in their workshops. The title's pun on "propaganda", film "props" and "agenda-setting" is thus rather significant in the song's challenge to media complicity in US cultural, economic and military imperialism.

Godessa's collaboration with Moodphase 5ive offers a positive example of the kind of work that younger musicians produce and points to the kind of contribution that hip-hop continues to make to the public sphere via its discursive practices. The crews worked together on "Got to Give", which received a significant amount of airplay on commercial radio stations like Metro FM and Cape community radio station Bush Radio. The song offers four narratives about heterosexual women's relationships with men. In the last stanza, Godessa's EJ von Lyrik and Moodphase 5ive's D.Form enact a boy-meets-girl scenario. D.Form's stereotypical 'player' persona sees a girl at a mall and he decides to pursue her as he declares her the "princess of my ghetto body collection". In the Cape Flats Afrikaans dialect, D.Form is "bowling 'n kind"^{vii} or "hy skiet kaarte"^{viii}. In other words, he is involved in a game of chance that may very well see him "scoring". The 'player' persona is not unlike a number of township youngsters who make distinctions between the different women with whom they have sex. Here, a distinction is made between "spares and besties". The assumption is that condoms are only needed when having sex with "spare" women, as opposed to "besties", who are steady partners and who, presumably, do not have multiple sexual partners. The male conquest motif is established in the song and the stanza reaches a climax when D.Form declares, "We nice and tipsy now, feeling frisky now / Wanna take it to the next level / we can play angel and devils." EJ responds, "So where your rubber at?" The smooth talker replies, "But baby,

you see, let me take you on a ride to the stars bareback, you see.” This exchange hints at the sorts of compromises that women are expected to make in heterosexual encounters that are meant to be consensual, thus making them vulnerable to HIV infections. Von Lyrik’s assertive reply hints at the idea that such scenarios are anything but consensual – a return to the notion of noise:

Listen, I don't want to engage in this communication
Let's sit down, have a drink and a good conversation
[...]
You see, whenever we together, I'm the one always tripping
Before you slip in
and our bodies create a rhythm, this is for certain
I can make you understand sticking to the plan
Won't make you less of man
(Moodphase 5ive & Godessa, 2002).

The song speaks to a set of experiences not often articulated in the public sphere – at least not in ways that move beyond misogynist representations by gangsta rappers (c.f. Loots, 2003) or some kwaito musicians (c.f. Stephens, 2000 and Impey, 2001). It also speaks to female artists’ attempts to access the public sphere on their own terms and articulate a set of issues that often do not get addressed positively in the mainstream media – what is at stake here is question of access to the means of production and self-representation. When these issues do get addressed, it is often in the form of overtly didactic public awareness programmes and public service announcements that have limited impact.

The work produced by these artists is by no means the exception to the rule. Johannesburg-based crew Tumi and the Volume’s album *At the Baseline* offers another positive example. Their popular song “76” keeps South Africa’s history of youth struggle against apartheid in the popular consciousness, whilst “Yvonne” keeps gender on the agenda. The song engages with gendered violence in the country. It’s performed as a playful seduction in which Tumi’s persona charms / harasses a beautiful woman into giving him her number. The female character, Yvonne, is raped in the narrative by two thugs and, from her narrative, it becomes apparent just how difficult it is for

women to negotiate their way through public spaces like the streets of Johannesburg:

A five minute walk, through this place
Takes an hour in the city
See brothers act rude and throw gestures at you
Some will even try to grab like you in a petting zoo
You gotta get fully dressed and not summon suggestions
That will get you pressed to brothers
Thinking you show interest
I may be bugging but it's like slavery or something
These cats mastered the art of space invasion but fuck it
I will deal with it tell them straight
How they make me feel and shit
It gets to a point where I feel conflict is imminent
(Tumi & the Volume, 2003).

Here, as with "Got to Give", Tumi offers a sense of the kind of difficulties that women have to negotiate in the face of seemingly unchanging masculine attitudes toward women. What becomes apparent in the piece is that Yvonne experiences Tumi's advances as harassment as well. She compromises by giving him her number in her haste to catch the bus, which she misses. This creates an opportunity for her assailants to catch up with her. The serious end to a seemingly playful narrative raises questions about Tumi's persona in the song as well as what constitutes acceptable behaviour with regard to gender practices – no easy consensus is immediately available here. It is in this sense that youth culture is playing a significant role in making freedom a reality by placing marginal subjects concerns on the agenda. Further evidence for this claim can be found in the fact that SABC 1's hit educational drama *Yizo Yizo* has included kwaito and hip-hop artists – such as Zola, H2O, Skwatta Kamp and Kabelo – on its soundtracks. As discussed elsewhere (2004), the challenges to these attempts include the increasing commodification of youth culture as well as the pervasiveness of US cultural imperialism. These challenges have been acknowledged via programmes like ALKEMY as well songs like POC's "Wack MC's" (1995) – which offers a scathing attack on gangsta rap - and Godessa's "Social Ills" (2002) – which offers a critique of US economic and cultural imperialism. It is in this sense that 'conscious' hip-hop heads continue to make noise in attempts to raise

critical consciousness and produce "counterdiscourses" that challenge seemingly seamless processes through which consent is manufactured by dominant classes.

6.3 Noise and subaltern counterpublics

The concept of noise in these artists' work is important in terms of how they contribute to a process that develops our democracy. At the outset, I suggested that the work of crews like POC and Black Noise claimed public space that was not easily accessible under the apartheid state. By no means does this chapter wish to suggest that these crews were the only hip-hop artists making this sort of contribution – the efforts of activists like Shamiel Adams (aka Shamiel X) went a long way toward constituting a creative community away from the watchful eye of the apartheid state. What I do wish to suggest is that these sorts of activities, along with the work produced by these artists, made a considerable contribution toward constituting new forms of publics that had not existed before. The spaces that hip-hop activists have created could be thought of as "subaltern counterpublics" (Fraser, 1992: 123). Nancy Fraser discusses this concept when she deconstructs the "assumption that the proliferation of a multiplicity of competing publics is necessarily a step away from ... greater democracy" (1992: 117). Essentially, she speaks about the advantages of constituting alternative publics and offers the following description:

I propose to call these *subaltern counterpublics* to signal that they are parallel discursive arenas where members of subordinated social groups invent and circulate counterdiscourses to formulate oppositional interpretations of their identities, interests, and needs. (Fraser, 1992: 123)

Fraser's description of these counterpublics as "parallel discursive arenas" resembles Henry Louis Gates' description of the African-American practice of Signifyin(g), as discussed in Chapter 3. This practice allowed subordinate subjects of the black diaspora to make sense of their realities in a double-coded manner and allowed for significant measures of subversion. However, this subversion within the contexts of slavery and racism did not necessarily

allow for contestation – or much deliberation, for that matter. The resemblance between the two concepts thus has specific parameters.

Fraser is careful to point out that she is not describing separatist enclaves, but that subaltern counterpublics are meant to regroup and then, ultimately, be interdiscursive so that publics can engage in a process of contestation, as opposed to deliberation (1992: 122-123). Deliberation is not viable because, in situations where “social inequality persists, deliberative processes in public arenas will tend to operate to the advantage of dominant groups” (Fraser, 1992: 122). Ultimately, Fraser problematises Jurgen Habermas’s belief that one can bracket inequality and difference – and thereby suspend one’s disbelief – when subjects engage with each other in a single public sphere over the common good, when the common good is, in fact, not a singular entity. Fraser’s interpretation of Habermas’s work is confirmed when considering his description of the relationship between the state as well as the private and public spheres. Habermas argues that as “a sphere between civil society and the state, in which critical matters of general interest was institutionally guaranteed, the liberal public sphere took shape in the specific historical circumstances of a developing market economy” (1989: xi).

The notions of the public sphere as a buffer between the state and civil society and the concept of the “the general interest” allude to Habermas’s belief that a single public sphere is key to the operation of democracy. In the concluding chapter of *Social Identities in the New South Africa*, Abebe Zegeye reinforces Fraser’s claims when he says that “heterogeneity is not necessarily a threat to political order” (2001: 342). Zegeye suggests that

[i]n South Africa, the very existence of multi-racial, multi-lingual, multi-cultural and multi-class communities reveals the major flaw in theories of democracy that presume that homogeneity of society or community is a prerequisite for a working democracy We utilise the metaphor of mapping to illustrate that the cultural, linguistic, racial, religious and ethnic groups in the new South Africa know how to sustain a heterogeneous community without resorting to the rigid measure of the previous regime. (Zegeye, 2001: 342)

Zegeye contends that, contrary to Habermas's belief that a single public sphere is essential to the operation of democracy, diverse communities are important to the success of democracy. The metaphor of mapping alludes to the idea of various interest groups forming an uneven landscape that varies from context to context. Zegeye also expresses a significant measure of faith in diverse communities' abilities to negotiate difference. He therefore acknowledges citizens' agency in the everyday reality of life in democratic South Africa.

'Conscious' hip-hop has done two things. It has constituted a public in which young subjects can congregate in which to make sense of the reality of post-apartheid South Africa as well as to develop key creative and critical skills in ways not afforded to them by the formal education system. It has also created a public platform from which this community can articulate its reading of reality – be it about gender violence, as in Tumi and the Volume's "Yvonne"; or gender identity and cultural imperialism; as in Godessa's "Social Ills" or "PropAgenda"; or US hegemony in Black Noise's "Stone Garden Soldiers". These communities form parallel discursive arenas in which to regroup, educate themselves and formulate their interpretation of how oppressive discursive formations interpellate them. Ultimately, they engage in levels of contestation with other publics. This contestation assumes the form of subcultural style that, as Hebdige suggests, presents a blockage in the system of representation or, more plainly, rudely interrupts myths of consensus in the operation of hegemony. Of course, the engagement with other publics may also take the form of workshops and education programmes, such as Bush Radio's ALKEMY. This sort of engagement offers a small-scale sense of what might be possible on a national scale at the hands of civil society, particularly in the face of the failure of the National Youth Development Forum and the National Youth Commission (Everatt, 2000: 13-16) as well as concerns that global corporate interests have begun to compromise nation-states' abilities to protect their citizens.

6.4 Democracy, the nation-state and Empire

My discussion of the concept of counterpublics as well as South African hip-hop artists' lyrical assertions of citizenship and political difference in democratic South Africa may appear to contradict Hardt and Negri's claims about the decline of the nation state under Empire. To recall my discussion in Chapter 1, it also appears to indicate that the state continues to be "an agency of command and of empowerment" (see Corbridge, 2003: 189). Jean and John Comaroff pose the question, "why *has* citizenship come to capture the imagination, popular as well as academic, at this time, a time when the modernist nation-state, and the modes of representational politics that it has long presupposed, are profoundly in question?" (2003: 4). Duncan Brown's work suggests one answer when he writes that the "nation-state is in many ways the organising unit of modernity" and that its formulation rests on "imperial conquest" (2001: 759-760). At the same time, Brown contends that "arguments about national belonging and cultural difference have had increased prominence in the 1990s" (2003: 758). The Comaroffs pose their question in the context of a discussion of the conflict between tribal authority versus the individualist, "Eurocentric" values of the South African Constitution as well as distinctions between notions of ethnic citizenship and national citizenship (2003: 44-45). In this regard, they observe that "contests over fractal identities and the terms of national belonging [are] fought out by means of legalities" (Comaroff and Comaroff, 2003: 5). In attempts to protect the authority of traditional values and practices, legal and constitutional principles are invoked, thereby giving evidence of the continued role of the nation-state in post-apartheid South Africa. This appears to nullify claims about the decline of nation-states. However, Arundhati Roy and George Monbiot's description of the rise of a global civil society – as discussed in Chapter 1 – does not necessarily mark the literal decline of the nation-state. Instead, it points to the visionary role of the multitude's attempts to claim global citizenship.

Duncan Brown's elucidation of the notion of national belonging in post-apartheid South Africa helps to clarify how the emergence of global civil society impacts on national identity, in tension with understandings of difference and diversity. He maintains that

a simple retreat from nationalism into multiplicity, division and difference can be immensely disabling in contexts, such as our own, in which the rebuilding of society requires a common commitment and a shared sense of responsibility. ... I investigate the possibility of reconciling the demands of difference and national belonging. Specifically, I argue for what I call recuperated or revindicated nationalism, based not on the fictions of imagined unity, but on a shared problematic: a mutual implication in a history of difference, which acknowledges local as well as global affiliations. I propose a historicised engagement with differences and commonalities far more rigorous than the simple assertion of 'unity in diversity' proclaimed in the Preamble to the South African Constitution. ... The shift, then, is from the imagined community of 'nation' ... to the division, mutual implications, antagonisms and syncretisms of the people within the national formation: their being involved ... in common, although not unified, social and historical concerns. (Brown, 2003: 758)

Brown's description of the role that difference plays in our new democracy makes it possible for subjects to assert their identities as citizens in a democratic nation-state, whilst also allowing them to discover "global affiliations" around issues of common concern. This echoes Tony Mitchell's claims about hip-hop enabling global youth affiliations, as discussed in the previous chapter. Interest groups within the bordered state can therefore interact with other interest groups beyond its borders via global communication technologies, the circulation of information or the migrations of subjects. Brown's argument also resonates with Hardt and Negri's description of the common, as discussed in Chapter 4, and signals a shift from Benedict Anderson's description of the nation-state. Anderson defines the nation as "an imagined political community ... imagined as both inherently limited and sovereign" (Anderson, 1991: 6). He explains that the "nation is imagined as *limited* because [it has] finite, if elastic, boundaries beyond which lie other nations" (Anderson, 1991: 7). Brown departs from this concept in the sense that the nation is not conceptualised as a united, bounded and tidy entity, but as one that is composed of difference, conflict and discontinuities that are not easily resolved, if they are to be resolved at all. To recap the discussion of Empire in Chapter 1, Hardt and Negri argue that "the internal differences of the multitude must discover *the common* that allows them to communicate

and act together” (Hardt & Negri, 2004: xv). As I have already suggested, the multitude is not a united body, but is a “multiplicity of ... singular differences” that creates the common, which makes cooperation possible (Hardt & Negri, 2004: xiv-xv). The authors argue that if “the multitude is to form a body, in any case, it will remain always and necessarily an open, plural composition and never become a unitary whole divided by hierarchical organs” (Hardt & Negri, 2004: 190). From this perspective, global flows and cooperation beyond national borders come to be seen as productive without necessarily compromising on “singular differences” (c.f. Hardt & Negri).

This line of argument also enables different perspectives to take the stage in debates about the role of US cultural imperialism in eroding national identities. In fact, Hardt and Negri contend that “celebrations of the local can be regressive and even fascistic when they oppose circulations and mixture, and thus reinforce walls of nation, ethnicity, race, people and the like” (2000: 362). The authors’ view that the term local “need not be defined by isolation and purity” (Hardt & Negri, 2000: 362) resonates with Sarah Nuttall’s research on black youth culture in Johannesburg:

As Y youth come to inhabit a culture of selfhood shaped in part by African American hip-hop culture, they also rebel against it, resulting in a form of pastiche. A cut-and-paste appropriation of American music, language, and cultural practices is simultaneously deployed and refuted. (Nuttall, 2003: 441-442)

Here, Nuttall refers to evidence of translation and multilingualism in Y magazine as well as kwaito artists, such as Trompies (2004: 442). This cut-and-paste approach can be found in work by hip-hop artists already mentioned in this chapter and the one before it; these include Tumi and the Volume, POC, BVK, Devious, Caco and Godessa.

Nuttall’s claims are particularly interesting when read in relation to Larry Strelitz’s work on media reception in South Africa. Strelitz takes issue with critics of US cultural imperialism who rely on cultural essentialist assumptions. He claims that this “bi-polar vision pits a culturally destructive and damaging ‘global’ against the ‘local’, with the latter seen as a site of ‘pristine cultural

authenticity” (Strelitz, 2004: 626). Nancy Morris’s work supports Strelitz’s critique when she suggests that “the fear of the dilution of cultural purity” is unfounded because “identity and the practices and symbols that express it are never pure and ‘uncorrupted’” (Morris, 2002: 280). In this regard, Morris offers the term glocalisation as a means of explaining how local communities continue to possess agency in the face of cultural imperialism. She defines the term as

mutual cross-influences, as powerful ‘top-down’ globalizing forces such as corporate marketing and international political movements are in turn shaped by ‘the bottom-up processes of localisation’. ... MTV provides an example of media glocalization and indigenization. While incorporating multicultural influences into its US programming, it is also responding to viewer resistance to its international approach in Asia and Europe by producing increasingly localized programming for those regions. (Morris, 2002: 281)

Local examples of this approach are Kentucky Fried Chicken (KFC) and McDonald’s decision to include South African characters / stereotypes in their advertisements. These include KFC’s recent TV commercial in which former rugby star Naas Botha plays the role of a sports commentator (a role that he really did assume after he retired as a rugby player) who speaks with a Durbanite Indian accent; McDonald’s ice-cream advertisement that features an Indian father and his son playing in the park as well as a range of Coca Cola commercials that feature South African scenes and characters. One could also argue that the South African versions of the British quiz show, *The Weakest Link*, and the American reality TV show, *The Apprentice*, offer further instances of glocalisation and indigenisation. However, what Morris appears to be describing is the realignment of global corporate entities’ marketing strategies to extend or consolidate its revenue streams’ in local markets; local communities do not necessarily benefit from the accumulation of these corporations’ profits and are merely seen as potential consumers for a range of brands and products. In some respects, it is arguable that debates about the protection of national identities and the hybridisation of cultures deflect attention from a paramount concern: capital flight from economies of the

southern hemisphere to economic hegemons, such as the US and EU countries. Claims about indigenisation or glocalisation only have real value when local producers control or own the means of production as well as distribution and local economies benefit from such action. The examples that Morris offers fall short in this regard and could be viewed as co-option or recuperation, as discussed in Chapters 2 and 5. My discussion of Godessa's attempts to control the process via which their work is produced and distributed offers a positive example of such a scenario (see previous chapter). In fact, many of the South African hip-hop artists already discussed in this thesis illustrate how US cultural production can be indigenised or glocalised in order to speak to cultural and political concerns that affect South African citizens on a local and global level.

In this regard, Strelitz describes "reverse cultural invasion" to suggest that "besides studying how local cultures shape and re-work the meanings attached to global products, we must also consider the extent to which the peripheries 'talk back' to the centres" (Strelitz, 2004: 627). The work of Asian Dub Foundation (ADF) offers an interesting example of Strelitz's notion of talking back to the centre. As he suggests, the notion of reverse cultural invasion speaks to immigration patterns (Strelitz, 2002: 627). ADF is a dub crew from the UK, they comprise Britons of Indian descent and much of the crew's work employs MIDI technology and live instruments – such as turntables and guitar – to speak of the experiences of racism and violence in the UK. Their work often combines dub, ragga, jungle and elements of Indian classical music, such as sitar, tabla and flute sounds. In a song titled "Naxalite", they convey a sense of the counterdiscursive voices that exist amongst some diasporic Indian artists in the UK:

Deep in the forest
High up in the mountains
To the future we will take an oath
Like springing tigers we encircle the cities
Our home is the undergrowth
Because I am just a naxalite warrior
Fighting for survival and equality
Police beating up me, my brother and my father
My mother crying can't believe this reality

Again and again until the land is ours
Again and again until we have taken the power
Again and again until the land is ours
Again and again until we have taken the power
(Asian Dub Foundation, 1998, 2000)

In this instance, the postcolonial struggle that the MC describes is not necessarily that of subjects in a colony attempting to overthrow an unjust colonial power, but could also refer to the struggles of diasporic Jamaicans, Indians, Pakistanis and Africans in the UK after the Second World War. The song's chorus at the end of the quote resonates well with the idea of a reverse invasion of the former British empire by its colonial subjects, also signified by the image of tigers surrounding metropolitan centres. The song offers an example of attempts to decentre colonial discourses and practices via its use of diverse music forms and genres; its revolutionary stance as well as its use of a non-standard dialect of English, thereby interrogating what the notion of "Englishness" means in a postcolonial context.

One could also argue that black nationalist hip-hop from the US is a variation of the concept of reverse cultural invasion and alludes to the continued relevance of Anderson's concept of imagined communities – albeit in an adapted form. In his examination of black nationalist hip-hop texts – such as Ice Cube's *Death Certificate* album – Jeffrey Louis Decker states, "Members of the hip hop nation form an 'imagined community' that is based less on its realization through state formation than on a collective challenge to the consensus logic of U.S. nationalism" (1993: 54). The work of Dead Prez offers an example of the kind of imagined communities that are created by hip-hop artists:

No I wasn't born in Ghana, but Africa is my momma
And I did not end up here from bad karma
Or from B-Ball, selling mad crack or rappin
Peter Tosh try to tell us what happened
He was sayin if you black then you African
So they had to kill him, and make him a villain
Cuz he was teachin the children
I feel him, he was tryin to drop us a real gem
That's why we bucking holes in the ceilin when we hearin

...
I'm a African
I'm a African, uhh
And I know what's happenin
I'm a African
I'm a African, uhh
And I know what's happenin
You a African?
You a African?, louder
Do you know what's happenin?
I'm a African
I'm a African, uhh
And I know what's happenin
(Dead Prez, 2000)

This form of nationalism “provides an imaginative map and inspirational territory” upon which these artists can project a set of ideological values (Decker, 1993: 55). Here, Dead Prez are able to identify with and seek allegiances with subjects who have experienced colonialism and racism in different contexts in their production of “oppositional ‘black’ meanings” (Decker, 1993: 58-59), notwithstanding the fact that their constructions of Africa might not necessarily respect the actual everyday reality of life in Africa. It is in this sense that the hip-hop community is imagined in that certain senses of Africa – such as the gendered characterisations of Africa as Mother Africa or as the motherland – are invoked in the service of specific political agendas. The invocation of images of Africa, reggae artist Peter Tosh as well as the reality of drugs in the inner cities of the US suggests the ways in which the periphery and centre are collapsed into each other in order to create a narrative about subjects’ common struggles against racism in their respective contexts. Dead Prez often invoke the history of the Diaspora in their work and, in effect, allude to the idea of their work as a reverse cultural invasion: “I’m a runaway slave watching the north star / Shackles on my forearm, runnin with the gun on my palm” (Dead Prez, 2000). It is in this way that they suggest that the “institutionalized legacy of slavery” continues (Decker, 1993: 55). Much the same seems to be happening when ADF produces images of mountains, forests and tigers – signifying India or Pakistan – along with claims of police brutality in British metropolitan centres. ADF effectively keeps the memory of black, Indian and Pakistani subjects’ more recent as well as voluntary

diasporas to the UK alive and point to iniquities in their experiences. In the work of both ADF and Dead Prez, the concepts of global flows and affiliations under the experiences of imperialism are raised.

These linguistic and metaphorical strategies indicate that creolization is “a cultural reality” that is to be celebrated (Strelitz, 2002: 627-628). Zimitri Erasmus holds that “creolization is not the celebration of cross-cultural formations but the disruption of the idea that creolization results from a ‘mixed’ category between two ‘pure’ categories” (2001: 22). This understanding confirms Morris’ claims that racial / cultural identities were never pure or distinct (2002: 280) and decentres neo-colonial discourses on race, culture, national belonging and identity – ultimately, this theoretical position offers a sense of the periphery’s ability to speak back to the centre. In this regard, Hardt and Negri contend that the “multitude’s resistance to bondage ... is entirely positive” (2001: 361-362). This is where nomadism and miscegenation appear “as figures of virtue” (Hardt & Negri, 2000: 362). The authors argue that through “circulation the common human species is composed, a multicoloured Orpheus of infinite power” (Hardt & Negri, 2000: 362). In this context, Hardt and Negri do not interrogate the potentially racist assumptions that belie the term miscegenation and seem to confirm Erasmus’ claim that conservative subjects could view the processes of creolization as the mixing of pure, distinct entities. The “multicoloured” figure of Orpheus is meant to function as a figure of liberation, but potentially affirms conservative understandings of race in that they seem to regard the Orpheus figure as in-between categories or mixed and who is liberated because of this fact. They thereby romanticise the sense of his otherness. However, the authors’ use of the image of nomadism brings us closer to what they intend to communicate; they see processes of circulation as instrumental to breaking down the “objective space of capitalism” (Hardt & Negri, 2000: 362). This is where their rejection of the local for its own sake becomes clear because they appear to be alluding to the idea of “capturing globalisation” as opposed to overthrowing it, to recall the analysis of George Monbiot’s call for global citizenship in Chapter 1 (Monbiot, 2003: 23).

Conclusion

The artists discussed in this chapter reveal the extent to which hip-hop has enabled subjects to access public platforms in the South African nation-state, which has become increasingly open to global media flows since the demise of apartheid. A great deal of the lyrics that have been analysed here suggest that, despite the increased fluidity of South Africa's borders with regard to information and cultural products, a significant number of artists still grapple with the legacy of apartheid – something that is specific to this context.

However, as my brief examination of work by Asian Dub Foundation and Dead Prez suggests, artists in a number of locales share common struggles, notwithstanding the historical specificity of their respective contexts. It is the global circulation of ideas, texts and subjects that make it possible for subjects from different locations and persuasions to discover the common (c.f. Hardt & Negri) that will allow them to interact and cooperate with each other in their attempts to achieve social justice. As argued in earlier chapters, the productive outcome of this circulation can be ensured by marginal subjects' efforts to control processes of production and distribution and via attempts to co-opt positive aspects of corporate globalisation and appropriate the very means that strengthen the successful and yet tenuous operation of Empire.

Endnotes

ⁱ See Haupt, 1996a & 1996b for more detailed exploration of this track.

ⁱⁱ The term “gam” refers to Ham of the Bible’s Old Testament. The implication is that “coloured” subjects are cursed in the way that Noah cursed Ham for his drunkenness. “Coloured” subjects are thus alcoholics who have themselves to blame for their subjugation under apartheid. This racial stereotype resurfaced in the media recently when Cape Town Mayor Nomaindia Mfeketo’s former media advisor, Blackman Ngoro, made remarks about “coloured” people in a website editorial. *Cape Times* journalist A’eysha Kassiem reports, “Ngoro’s blanket statements about African people’s ‘cultural superiority’ and coloured people being ‘drunk on cheap wine’ were carried on his personal website and brought to light last month by the *Cape Times*” (2005). The ANC distanced itself from Ngoro’s remarks. In a statement on its official website the ANC said, “We are concerned that the issue of Ngoro’s statements has been used to create an impression that the ANC is soft on the issue of racial attacks on Coloureds, but reacts strongly when Africans are attacked” (2005).

ⁱⁱⁱ Pangas are long and broad sword-like cutting tools that are used to cut or “slash” cane. These tools became infamous in South Africa because they were often used in violent crimes.

^{iv} The numbers gang refers to prison gangs. Prisoners assign numbers to other prisoners in accordance with the sorts of crimes that these prisoners committed. For example, 28 would refer to a murderer. This number would determine the prisoner’s social status and power amongst the prison population.

^v The phrase “*n kind*” literally means “a child” in Afrikaans. In this context it refers to a woman, or more specifically to a ‘chick’. The act of bowling somebody refers to wooing or seducing someone.

^{vi} The phrase loosely refers to the idea of playing a hand in a card. It also alludes to the idea that the player in question is a ‘smooth operator’ who is often less than honest in his attempts to seduce the person in question.

Conclusion

The diverse engagements with Empire described in this thesis range from sampling in hip-hop and P2P networks on the Internet – both of which have been challenged by corporations in courts of law – to the use of hip-hop to critically engage youth about their socio-economic and political realities. This research has also explored attempts at introducing more equitable approaches to the protection of intellectual property and enriching the public domain in the form of GPL and Creative Commons. These seemingly unrelated and unique struggles all issue challenges to imbalances produced by global corporations' monopolist tendencies – be it in the appropriation of counter-culture in mainstream films and advertising, in legal challenges to P2P, or attempts to minimise perceived threats to media companies' market share by buying out P2P platforms like Napster. Whilst it is arguable that sampling in hip-hop has lost its subversive edge due to music publishers' wariness of being involved in costly legal disputes, P2P continues to enjoy widespread support (Röttgers, 2004: 376). In a sense, whilst one window of opportunity has closed another has opened. Thanks to the decentralised nature of the Internet and the co-operative atmosphere in which programmers develop applications such as P2P technology, this window is not likely to close anytime soon. It is the nature of this technology, then, that continues to pose a threat to conventional approaches to business and conceptions of intellectual property.

As far as P2P networks are concerned, this thesis has focused largely on the exchange of music despite the fact that file-sharing extends beyond music and includes software, films and games. This focus was maintained for the sake of highlighting some of the continuities that exist with hip-hop's subversive lyrical and sampling practices as well as the activities of hackers and music fans on the Internet. This elucidation has also followed the thread of MP3 technology's history itself. As Chapter 3 revealed, the MP3 file format is a subset of the MPEG film file format. In fact, it is the sound component of the film format and,

essentially, this sound file is substantially easier to e-mail to peers and download from networks than previous sound file formats. This is due to the fact that MP3 files take up less space and are thus relatively easy to store on disks, download or transfer. In certain respects, music sharing practices on the Internet therefore led the way in the development of P2P. It is this fact that led to my initial interest in the practice and allowed me to link it to considerations of the ease with which hip-hop samplers employed sound clips in their music productions. A digital continuum thus exists between digital sampling and P2P, the key exception being that file-sharing on the Internet took hip-hop's appropriative style well beyond the sampling of sound clips to entire songs as well as taking it outside of sound studios into practically every computer user's home, office space, university computer laboratories and Internet cafés.

We can see a similar, though not identical, dynamic operating in the fields of counter-culture or youth culture. Whilst it is largely true that a significant aspect of hip-hop has been co-opted by the mainstream media, certain forms of hip-hop continue to offer meaningful avenues of expression and critical engagement for a specific set of subjects. This is so partly because 'conscious' hip-hop artists have aligned their work as artists with their identities as activists and educators. The work produced by these subjects thus does not hinge upon the articulation of counter-hegemonic positions exclusively, but relies on a measure of social action as well. This issue is worth consideration in the South African context due to the fact that marginal subjects are not merely dealing with inequalities produced by global capitalism and US cultural imperialism. They also have to negotiate the legacy of apartheid. Initiatives like ALKEMY are thus important in that they do more than create avenues for black cultural expression. They also produce opportunities for subjects to renegotiate their worldviews, enhance their analytical abilities as well as influence their futures as educated citizens.

Another key factor in this equation is the will of such artists to control the means of representation, production and distribution – as Godessa's decision to work

with independent labels and EJ von Lyrik's new role as a producer indicate. The increasing accessibility of digital technologies plays a key role in this regard, thus linking the struggles of these interest groups with those of digital samplers, open source proponents, Creative Commons advocates and P2P file-sharers to some extent. However, time will tell whether South African hip-hop artists – or musicians in general – will consider employing Creative Commons licenses, or similar variations of this legal concept, to distribute their work. The analysis of work by largely Cape-based artists – with the exception of Johannesburg band Tumi and the Volume – does not imply that 'conscious' hip-hop is exclusively to be found in Cape Town. Nor does it suggest that other genres of music or forms of youth culture do not offer interesting instances or scenarios where excluded subjects are appropriating the means of production and representation in their challenges to hegemony. Specifically, this thesis does not intend to undervalue the history of jazz or such artists and audiences' defiance of apartheid in spaces like Sophiatown (c.f. Coplan, 1985) or at left-aligned music schools like MAPP (Musical Action for People's Power until the early 90s). The value in the specific artists and activists that have been analysed in this thesis lies in their abilities to engage subjects with the continuing injustices produced by apartheid as well as their critical engagement with the cultural, political and economic imbalances produced by the onset of neo-liberalism and globalisation. These subjects' willingness to embrace affiliations beyond South Africa's borders, utilising digital technology as well as global communication networks is of particular interest here. In a sense, they demonstrate George Monbiot's notion of 'capturing globalisation' for the purposes of creating greater critical awareness amongst marginalised subjects and issue productive challenges to corporate monopolies over the technology, knowledge production and cultural expression.

The various struggles presented in this thesis therefore present instances where culture, technology, media and the law intersect – or collide – in subjects' confrontation with corporations' 'will to Empire', particularly corporate tendencies to appropriate and monopolise culture, technologies and media in the pursuit of

profits. These distinctly separate but related conflicts and exchanges exemplify Hardt and Negri's contention that the "new science of the multitude based on the common ... does not imply any unification of the multitude or any subordination of differences" (2004: 355). Instead, the "multitude is composed of radical differences, singularities, that can never be composed into an identity" (Hardt & Negri, 2004: 355). As argued above, the power of this form of engagement lies in the fact that marginal interests need not be excluded for the sake of issuing a united front against Empire, the 'common enemy'. Rather, this thesis reveals that it is possible to issue challenges to Empire (in its many forms) from diverse quarters and in a range of contexts – be it in oppositional practices, such as P2P, sampling, culture jamming or subversive performance, or attempts at dialogue with producers of knowledge about legal reforms. These oppositional practices may very well be co-opted by dominant corporate media interests, but – as my discussion of the shift from sampling to the MP3 revolution indicates – there is little media giants can do to predict what form challenges to its operation will assume in the future. Rapid developments in technology largely frustrate such efforts and the legal mechanisms that protect corporate interests can only react to these changes in retrospect. This could become even more difficult if more interests groups make use of the Internet as an information commons, as opposed to a one-way avenue for the distribution of consumer goods and services. This is particularly pertinent in scenarios where subjects are engaged in practices that do not violate copyright laws, but promote strategies that preserve the public domain by using existing approaches to intellectual property. Here, again, we find validation for the notion of 'capturing globalisation' or seizing the means that enrich Empire in order to advance social justice: private law is the very means via which Lawrence Lessig and Richard Stallman have pioneered shifts in power in challenges to proprietary approaches to knowledge production. In this regard, the promotion of open standards via GPL and Creative Commons licenses is particularly important in contexts where the digital divide is still a substantial obstruction to citizens' equal access to knowledge, skills and avenues for expression.

Further research beyond this thesis might explore how the arguments about Empire that are presented in this work would figure in relation to debates about the enclosure of the commons at universities, the fields of book publishing, academic journals, scientific knowledge, film distribution or PC games. While this thesis has restricted its discussion of copyright law to key US legislature with global implications, future research could extend to a detailed historical account of South African copyright law in order to consider whether key shifts have occurred since this country's democratic transition. The value of a trans-disciplinary consideration of the operation of Empire based on specific case studies (such as those undertaken here) is that such an approach is capable of demonstrating the relevance of Hardt and Negri's work on both global and local levels. The interdisciplinary nature of this research also ensures that the thesis does not isolate technology from culture, law or economics. Instead, it traces the links between these different areas, revealing how each influences the other. This relational approach is mirrored in the constant movement of perspectives from margin to centre, local to global or Africa to America that takes place throughout the thesis and that figures in the different examples presented in this work. These examples effectively apply and contextualise Hardt and Negri's somewhat abstract theoretical formulations and essentially demonstrate the vision that these authors outline in *Empire* and *Multitude*.

This thesis has demonstrated that while transnational corporations do appropriate aspects of youth, race, gender, creativity, cultural expression and technology for their own enrichment, there *are* possibilities for agency in Empire. Globalisation, commodification, legal frameworks and new technologies can all be harnessed to serve the interests of the marginalised as well as the powerful. However, the most significant obstacles continue to be the digital divide, disempowering representations of race and gender, and economic iniquity.

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