Stealing Empire

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P2P, intellectual property and hip-hop subversion

Adam Haupt

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Foreword

*You wouldn't steal a culture**

Peer-to-peer (P2P) file-sharing is stealing! How does one respond to such an ill-founded claim? One response is to carefully explain the fallacies involved. Copyright infringement, the intended but unmentioned target of the claim, is not regarded as theft by the law but instead as a transgression of a statutory provision, which is a criminal offence only in certain circumstances. P2P file-sharing is simply a technology; to confuse it with copyright infringement and stealing appears to be a category mistake stemming from an over-literal reliance on the metaphor of 'intellectual property'. However, uncovering these fallacies shouldn't distract from uncovering the fault lines to which they point, and which *Stealing Empire* so intriguingly lays bare.

The idea that copyright, a monopolistic legal right granted by legislation, is equivalent to a moveable material object such as a car that can be used by only one or a few people at a time and can thus be 'stolen', is more than confusion about the nature of rights in legal theory. Sustained conflation of the popular usage of the term 'property' with technical references to intangible economic interests and statutorily constructed legal rights evidences a rhetorical campaign.

P2P file-sharing is a communications technology designed to facilitate communication between computers; communication that is 'many-to-many', multidirectional, and favouring unrestricted, self-organising dialogues. The values encoded within that technology are radically different from those inherent in the 'one-to-many' monologue that characterises the dated technologies of broadcasting and associated 20th century mass media. Hostility from those invested in mass media models of technologies, which configure communication very differently, is unsurprising.

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Stealing Empire, while briefly uncovering such fallacies, does not become entangled in them. Instead the book rigorously interrogates the global cultural domination of a small group of multinational corporations based in the north, and explains how that cultural domination rests on the control of the means of cultural production, especially through the manipulation and extension of intellectual property laws and media concentration. Global youth culture is an important domain in which appropriation, resistance, co-option and conscientisation shape culture as a site of struggle over the production of identity. Sampling, file-sharing and remix genres have found fertile ground in this domain, as have the appropriation and co-option of music, art and film produced by subaltern communities.

In a fine analysis of cultural production in post-apartheid South Africa, the author shows how its position within a dominant global discourse on race and gender tends to reinforce these constructs in ways parallel to the dichotomising processes of apartheid. The linkages between intellectual property law, cultural dominance, globalisation and local conditions are carefully traced. Not content with exposing the structure of hegemony, Haupt engages in a penetrating investigation of the multiple strategies of subaltern resistance to the global empire of cultural hegemony. Hip-hop, as music, performance art and protest began with the (re)appropriation of music sprung from African rhythms and beats. The co-option of hip-hop artists by the recording industry is resisted by those who consciously position their art as community work and art. *Stealing Empire* points out that P2P file-sharing constitutes a significant rejection of the enclosure of contemporary culture and thus is another form of resistance. The 'creative commons' of music, visuals and writing which can be creatively reworked offers an alternative vision of creativity in which sharing rather than exclusion is the central process. These forms of resistance to the cultural hegemony of late capitalism are ambivalent, susceptible to appropriation, but offer the possibility of challenge.

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Stealing Empire is a fascinating critique of cultural production linking the youth culture of post-apartheid South African townships to the struggle for the soul of hip-hop.

Andrew Rens
Intellectual Property Fellow
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Abbreviations

AIDS – Acquired Immune Deficiency Syndrome
ALKEMY – Alternative Kerriculum (sic) for Mentoring Youth
ANC – African National Congress
APC – Association for Progressive Communications
ARPA – Advanced Research Projects Agency
BVK – Brasse vannie Kaap
CD – Compact Disk
COSATU – Congress of South African Trade Unions
CRED – Creative Education with Youth at Risk
CSIR – Council for Scientific and Industrial Research
DJ – Disc Jockey (also referred to as a turntablist)
DMCA – Digital Millennium Copyright Act
DRM – Digital Rights Management
DVD – Digital Video Disk
EZLN – Zapatista National Liberation Army
FLOSS – Free Libre and Open Source Software
GATT – General Agreement on Trades and Tariffs
GEAR – Growth, Employment and Redistribution
GNU – GNU's Not Unix
GPL – General Public Licence
HIV – Human Immunodeficiency Virus
ICANN – Internet Corporation for Assigned Names and Numbers
ICT – Information and Communication Technology
IMF – International Monetary Fund
IRC – Internet Relay Chat
IT – Information Technology
LIO – Laugh It Off
M&G – *Mail & Guardian*

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MC – Master of Ceremonies / Mic Checker (also spelled emcee)
MIDI – Musical Instrument Digital Interface
MIT – Massachusetts Institute of Technology
MP3 – Moving Picture Experts Group Layer-3 Audio (audio file format / extension)
NAFTA – North Atlantic Free Trade Agreement
NATO – North Atlantic Treaty Organisation
NEPAD – New Partnership for Africa's Development
NGO – Non-governmental Organisation
NP – National Party
OSS – Open Source Software
P2P – Peer-to-Peer
PC – Personal Computer
POC – Prophets of da City
R&B – Rhythm and Blues
RIAA – Recording Industry Association of America
SAB – South African Breweries
SACP – South African Communist Party
SAPA – South African Press Association
TRIPS – Trade-Related Aspects of Intellectual Property Rights
UDF – United Democratic Front
UK – United Kingdom
UN – United Nations
US – United States
USA – United States of America
USA PATRIOT ACT – Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism
WIPO – World Intellectual Property Organization
WITS – University of the Witwatersrand
WMA – Windows Media Audio
WSF – World Social Forum
WTO – World Trade Organization
YAA – Youth Against AIDS

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For my earliest teachers, Fatima, Nazlee and Faiz,
my grandparents, Achmat and Gadija,
and Soraya

INTRODUCTION

STEALING EMPIRE **EXAMINES THE** agency of marginalised subjects in the context of global capitalism and the information age. The key question I pose 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. A great deal of the analysis presented here suggests that this is the case and I consider what opportunities exist for issuing challenges to the pervasive power of global corporations. Specifically, I explore debates about the MP3 revolution and Napster (version one); digital sampling in hip-hop; and hip-hop activism on South Africa's Cape Flats and these activists' use of new media. The book addresses concerns about the commodification of youth culture as well as debates about intellectual property and the United States of America's 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 (OSS) and Creative Commons licences, 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. I consider the possibilities of responding to Empire and resisting corporate globalisation through

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strategies that employ some of the same decentralised, network-based techniques that benefit global corporate entities.

As a whole, *Stealing Empire* crosses a few disciplinary boundaries. I create links between work produced by scholars in the fields of law; political science and philosophy; Information and Communication Technology (ICT); 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; and visits to Internet sites and file-sharing platforms. Within this broadly interdisciplinary framework the book maintains a specific focus on 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 book analyses the broad-ranging impact of issues such as global corporate monopolist tendencies on different aspects of media and culture.

The agency of subjects in relation to Empire is explored via specific cultural practices, like P2P file-sharing 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 could not.
The scope of the project 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 'disjunctures' between these different contexts that make a unified challenge to Empire difficult. By drawing these diverse areas together in one study, this research indicates why the concept of the

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multitude is so central to Hardt and Negri's understanding of power, and how the power of the multitude can and does play out.[1]

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, I consider 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, I also explore the work of hackers like Richard Stallman and Eric S Raymond and legal scholars, such as Siva Vaidhyanathan, Lawrence Lessig and James Boyle, and their attempts to correct the iniquities produced by the monopolist tendencies of global corporations. Many of the struggles over P2P file-sharing on the Internet, 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 book are not positioned as legal research that details specific aspects of intellectual property legislation or policy. Instead, the issues that I raise in the work speak to some of the vested interests behind copyright laws and multilateral trade agreements. Rather than exploring South African legislation specifically, I examine arguments about US copyright and the globalisation of American corporate perspectives on intellectual property through trade agreements like the General Agreement on Trades and Tariffs (GATT) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (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.

Chapter 1 provides an elucidation of Michael Hardt and Antonio Negri's concept of Empire, which is a key concept that guides the analysis

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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 one another 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 cooperate with one another through multilateral organisations, such as the United Nations (UN) and the World Trade Organization (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 thus effectively undermined.

Instead, Hardt and Negri (2000: 9–10) contend that the sort of military, political and economic cooperation of the former imperial powers of the north makes it possible for them to enjoy the benefits of imperial domination without their necessarily having to subject specific nations to military occupation. As Chapter 1 argues, 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 or North Atlantic Treaty Organisation (NATO), or via trade agreements such as GATT or 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 transnational corporations' lack of accountability towards the laws of any particular country. Empire is thus 'a *decentered* and *deterritorializing* 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

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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 book.

Chapter 2 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 delegitimate these concepts for the sake of generating profits. Specifically, I argue that the film appropriates and, ultimately, distorts Jean Baudrillard's (1994) concept of the simulacrum. 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 Wachowski Brothers' 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, I contend 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.

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Key foci of *Stealing Empire* include corporate uses of digital music technology, the Internet, the law, and approaches to computer programs. 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 P2P networks. My argument here is 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 cooperative, 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 project 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 Association of America's (RIAA) legal action against Napster and P2P actually serves the public interest or the interests of the corporate players that it represents. In essence, I show that the RIAA's legal responses to P2P amount to what scholars like David Bollier term the enclosure of the information commons, an act that erodes democratic values.

I consider 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. Via Lawrence Lessig's work on Creative Commons licences, Chapter 4 also examines the possibilities for adopting open standards in cultural contexts. These licences are geared towards 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

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and CD piracy; culture jamming; or the production of subversive hip-hop music. However, one can argue that all of these practices react against the operation of the iniquities produced by large corporations' domination of the production and distribution of cultural and 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 licences 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 licences 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 female hip-hop crew Godessa, US poet Sarah Jones and US underground rapper Immortal Technique offers helpful insights into the reach of US cultural imperialism, the influence of conservative gender politics in global commercial arenas and 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 (POC) and younger MCs, to democracy. This work argues that the efforts of hip-hop artists have made a significant contribution in

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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 Chapter 6 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 (cf. Fraser 1989; Habermas 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. 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 (cf. Brown 2001). Brown argues that the South African nation-state is one that is founded on difference, conflict and discontinuities that are not to be resolved (2001: 758). Brown's conception of the nation-state is significantly more fluid than Benedict Anderson's (1991) understanding of nations as imagined communities because 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 a 'multiplicity of. . .singular differences' (2004: xiv–xv), which is discussed in Chapter 1.

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' (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' (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 Chapter 2's elucidation of Zapatismo suggests, this concept is significant in that

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diverse interest groups – from the areas of law, information technology (IT), 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 book 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 – 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 – 'steals' or appropriates cultural expressions or practices that belong in the public domain. 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 book – whether through P2P networks, 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 in general. This book, then, aims to capture some of the tensions between these opposing interest groups. It also aims to capture some of the tensions inherent in attempts at reform within Empire, such as the efforts of legal scholars like Lawrence Lessig in reworking conventional approaches to intellectual property. In essence, this work tells the story of opposing processes of deterritorialisation and reterritorialisation on

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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, all the better to serve their own 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 demonstrates, some of these challenges amount to merely opposing globalisation for the sake of protecting the local. However, this book is particularly interested in attempts on the part 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' is 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. Chapter 1 sets the scene for subsequent more detailed consideration of the possibilities for agency in Empire; later chapters explore P2P, sampling in hip-hop, open source software, Creative Commons licences, culture jamming and hip-hop activism.

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1 READING EMPIRE

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MICHAEL HARDT AND ANTONIO Negri's *Empire* (2000) provides a good 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 suggests, the term 'Empire' refers to a form of supranational cooperation between the US and the former imperial powers of Western Europe that allows them to act in ways that benefit them economically, militarily, culturally and politically. I begin 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' (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).[2] 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' (2000: 59). This enables consideration of the kinds of agency that are possible in the context of Empire – a key objective of this book. In this regard, Hardt and Negri's concept of the multitude, and their claims for global citizenship in relation to critiques by Stuart Corbridge, John Agnew, Ian Buchanan and Slavoj Žižek are explored. I also trace 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.

I then offer a response to critiques of Hardt and Negri's work via Arundhati Roy's 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 are briefly 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.

Theorising *Empire*

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

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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 WTO'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 UK's Margaret Thatcher and the US's 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 (WSF) in Porto Alegre in 2001 and 2002. Walden Bello argues that these meetings went a long way towards 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 and 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 Brigades' 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). 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). Callinicos argues that Negri's focus on the

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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 had weakened 'in the face of economic crisis' and Negri's theoretical position had 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 towards 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 post-structuralist thinkers like Michel Foucault, Giles Deleuze and Félix Guattari on the work of Antonio Negri and Michael Hardt is widely acknowledged by leftist scholars (Callinicos 2003: 125–136). It is the influence of Deleuze and Guattari, in particular, that is of interest in this project and is discussed later in this chapter.

American scholar Michael Hardt met Antonio Negri in Paris while he was translating *The Savage Anomaly*, Negri's 1991 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' (Hardt, Smith & Minardi 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

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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 both class disparities within nation-states and 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, which transcends national boundaries, for example) in a globalised world as well as at 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 a 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

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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 and Belgium – cooperate with one another 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 post-structuralist 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 UN, WTO, IMF and 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

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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. 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 too 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). Stiglitz discusses scenarios where the IMF has intervened in the exchange rate market, an action that 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[3] 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?' (2002: 198–199). In short, Stiglitz argues that it is the speculators – as opposed to the Brazilian public, its economy

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or its government – who benefited from this costly strategy (Stiglitz 2002). 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 (2002) interpretation of the consequences of market integration resonates with Stiglitz's analysis. 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' (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). 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 (2004) offer a similar insight about the IMF and World Bank. 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' (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 1990s and more recent justifications after 9/11 for

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the invasion of Afghanistan find some resonance here. In each instance where US-led military intervention has been undertaken, it has been with the support of the UN (which largely comprises 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 the 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 (2003) 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. 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' (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 twentieth century, this 'urge to empire' took the form of alliances (such as NATO) constructing multilateral 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') and the passing of legislation such as the USA

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PATRIOT ACT, which erodes American civil liberties (Agnew 2003). The 'USA PATRIOT ACT' is in fact an acronym for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT); also referred to as the USAPA, the Act was passed on 26 October 2001. 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. 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 (2005) raise similar concerns about the USA PATRIOT ACT in their discussion of the ways in which this law infringes upon citizens' right to privacy. 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

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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 (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' (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' (2003: 878).

Empire was published in 2000 – in other words, before the events of 11 September 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 Center and the Pentagon to some degree. In addition, the events of 11 September 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

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Kampfner (2003) quotes a UK military spokesperson who was stationed in Doha, Iraq, during the second invasion of Iraq. 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 shows how the imperial machine is able to offer representations that legitimate its operation. The chapter also explores the kinds of counter-discursive agency that are possible within the operation of Empire.[4]

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

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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 – is but one case in point.[5] 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 biopolitical co-operation' (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 reproposed ceaselessly by developing its own language of self-validation. (Hardt & Negri 2000: 33)

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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 (1994) work on simulacra in his essay 'The Precession of Simulacra'. 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 television, 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 to be denounced that maintains the belief that the rest of American politics is operating 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' (2002: 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 (2003) offers a critique of the US media's coverage of the second invasion of Iraq. Kampfner (2003) looks at some of the disparities in reports about captured US soldier Jessica Lynch, who 'became an icon of the [Iraqi] war'. According to Kampfner (2003), 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'. The doctors also contended that Lynch's injuries were consistent with a road traffic accident, that 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 (2004: 197) research on coverage of the Jessica Lynch story confirms Kampfner's account of events and relies on it to some extent. 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. 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' (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. These sorts of reports contradict reports that represent Lynch as the victim of torture and rape at 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

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and contains characterisations of Lynch's 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 captured 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 good 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]
> (Malone 2003–2007)

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 12-year-old girl, it is worth paying attention to her understanding of US involvement in Iraq. Interestingly, she writes that Lynch was 'trying

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to free people who were filled with anger' and that she became a television phenomenon and superhero (Malone 2003–2007). 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 are 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 uses 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 and 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 2003–2007). 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 becomes 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's and Kampfner's works on the Lynch story suggest that this conflation of fact and fiction may not be coincidental at all. Mamdani (2004: 198) states that Lynch's rescue was filmed by a former assistant director of Ridley Scott, who directed the film *Black Hawk Down*. 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

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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 television show *Profiles from the Front Lines*, which would focus on US troops in Afghanistan (Kampfner 2003). Bertram van Munster, who was responsible for the reality television 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 television 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 the 'imaginary', whereas these categories have in fact become indistinguishable. Dominant media representations of both the real (news coverage of scandals or events in the Middle East) and 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

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to power within Empire makes it possible to believe that exploited and marginalised subjects do have a measure 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 and music, film and software pirates in upsetting the operation of transnational corporations like Microsoft or major music labels. Baudrillard's and Hardt and Negri's claims about using the very strategies that enrich the operation of global hegemons 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 is taken further in Chapter 2.

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In the meantime, the next section considers the possibilities for agency via Hardt and Negri's concept of the multitude.

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 2001) – became the key means via which corporations lowered their operational expenditure, allowing them to spend more on branding and marketing their products (cf. Klein 2001). 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' macroeconomic agendas via loan agreements

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undermines nations' sovereignty in much the same way that transnational corporations compromise such countries' interests.

Developing nation-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 (cf. Bond 2001; Buchanan 2003; Klein 2001). 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 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 the nation-state's 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 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 from the racialised class divide produced by apartheid rule before 1994. For instance,

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in their discussion of social movements in the Western Cape, Sophie Oldfield and Kristian Stokke write, 'One of the most visible expressions of the tension between substantive democracy and neo-liberalism in South Africa is the tendency for the state to introduce market principles and actors to provide housing and delivery services' (Oldfield & Stokke 2006: 112). Sakhela Buhlungu contends that the slowness of the Congress of South African Trade Unions[6] (COSATU) to act when GEAR was launched left 'working class communities to fight water and electricity cuts and evictions on their own' (2006: 75). This 'vacuum' has been partially filled by social movements like the Anti-privatisation Forum (Buhlungu 2006: 75). 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' (2000: 395) – this notion draws on Giles Deleuze and Félix Guattari's work on deterritorialisation and reterritorialisation, which is discussed shortly. This 'singularity' is a 'reality produced by cooperation, represented by the linguistic community, and developed by the movements of hybridisation' (Hardt & Negri 2000: 395). In this regard, Hardt and Negri identify the 'first element of a political program for the multitude' as the demand for global citizenship and the right of workers to control their own movement (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.

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> 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. (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 (1972) in their discussion of the relationship between capital and labour. 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). They add that 'recording rights' are established by 'realizing surplus value' (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' (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' (2003: 229) – an assertion that places its sights firmly upon the objective of seizing agency in a negative context of seemingly unchecked exploitation. 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

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from some theorists and some of these critiques are 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' (2000: 44). Here, the danger is that 'social relations and identities' could easily be reified and essentialised (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 localization, 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

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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 is discussed in greater detail in Chapter 6) and suggest that globalisation 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' macroeconomic 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

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broken, shattered at a given spot, but. . .will start again on one of its old lines, or on new lines'[7] (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' (2000: 397) – a point which is discussed in the next section of this chapter. 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' (2000: 299) – thus echoing my earlier reference to Baudrillard's analysis of the 9/11 attacks and hackerdom. 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' (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,

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> 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 well with Hardt and Negri's claims about the role of the communication technologies that have become 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 P2P music file-sharing in Chapters 3 and 4 demonstrates these claims to a significant extent.

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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 is well founded (Corbridge 2003: 188). 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’ (2003: 187), citing Latin America’s economic crisis during the 1980s as an example. 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 multilateral 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:

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> 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 of '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' (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)

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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 their 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' (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.

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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 in recent years. Klein's *No Logo* (2001) 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 [WSF] 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[8] (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 (1971) concept of ideological state apparatuses is extended beyond the reach of the nation-state itself, thanks to the pervasive role of transnational media corporations like CNN, BBC and 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

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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's 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, which – 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.

Conclusion: multitude, media and culture

As already indicated in this chapter, key advances in ICT 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 argues), but has also impacted upon the role of corporate media in the lives of subjects as well as upon 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 WSF website, Baobab Connections, Giga Law, Friends of the Commons, Chimurenga Online, the Global Voices bridge blog[9] and Creative Commons.[10] These alternative websites make it possible for subjects to engage directly with one another without having their interaction mediated by corporate media, thereby decentring dominant media's role as gatekeepers. If these subjects are able to engage directly with one another, 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

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expression and production. Drawing on Deleuze and Guattari's concept of the rhizome, the decentred networks of communication that contemporary technology enables 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-1990s. 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 (www.baobabconnections.org) 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 2 390 registered members hail from 117 countries – these include the African states of Ghana, Rwanda, South Africa, Nigeria, Uganda, Kenya and Tanzania.[11] 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 coordinator 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 both 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; such file-sharing is discussed in greater detail in Chapter 3. This initiative is much like the now-defunct free MP3 site, Digital Cupboard, which was live from 2000 to about 2002.[12]

These examples demonstrate Deleuze and Guattari's 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 and 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 by Žižek in his analysis of ICT. 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' (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 (1991: 6).[13] 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.[14] 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

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critics like Ian Buchanan and Stuart Corbridge, in order to set up a clear understanding of the term 'Empire' in the context of this book. The chapter 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's as well as Hardt and Negri's concept of deterritorialisation and reterritorialisation was particularly helpful.

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2 HOLLYWOOD AND SUBVERSION IN THE AGE OF EMPIRE

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A CHAPTER ON *THE Matrix* may seem out of place in a South African book about P2P, the information commons and hip-hop subversion, but this Hollywood blockbuster tells us a great deal about tensions between the local and the global as well as between marginal and mainstream cultural expressions. This trilogy's appeal well beyond US borders reveals much about the extent of US cultural imperialism and Empire's ability to adopt voices of dissent for its own ends. My analysis of *The Matrix* and its use of music by alternative rap metal band Rage Against the Machine demonstrates how Empire operates in the cultural arena. Here lies the key to understanding how hegemony functions on a global scale. It is not the use of juridical mechanisms alone that manufactures consent for the construction of Empire. More successfully (and cunningly), consent is obtained via seemingly more innocuous means: the entertainment media, including those that interpellate rebellious youth wherever they may find themselves. As Yochai Benkler observes, 'Throughout the twentieth century, the making of widely shared images and symbols was a concentrated practice that went through the filters of Hollywood and the recording industry' (2006: 275). It would therefore be prudent to analyse an example of a Hollywood film that has been successful in appealing to a range of audiences in and outside of the US, in order to gain some insight into the ways in which mainstream

Hollywood films operate. These representations are likely to reveal as much as, if not more than, commercial news media do about the politics of mainstream media. This is so because entertainment media are often not overtly coded as political. However, the appeal of *The Matrix* could, in many respects, be attributed to the fact that it offers a critique of US consumer society in which corporations seem to have taken centre-stage – political themes are thus apparent in this particular blockbuster. *The Matrix* could thus be read as a metaphor for Empire, which relies on communication strategies for its legitimation. Therefore, any local or global challenge to Empire needs to be cognisant of the workings of one of Empire's key agents, Hollywood.

This work focuses upon the treatment of hackerdom and revolutionary struggles in *The Matrix*, and the film's use of politically subversive songs by alternative rock band Rage Against the Machine, as well as that band's keen support of Zapatismo in Mexico. Jean Baudrillard's 'The Precession of Simulacra' (1994) offers 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 is 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,

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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) (cf. 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* (1979) is a particularly significant text in this field. Hebdige's work on the recuperation of subculture is discussed in relation to the concepts of hackerdom, hacktivism and revolution. Ultimately, this chapter analyses lyrics by Rage Against the Machine as well as that 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 to appropriate Empire's strategies to a certain extent. In this regard, Maria Garrido and Alexander Halavais's (2003) research on Web-based support for Zapatismo is particularly relevant. Their work suggests that the Zapatistas' use of communications technology and global networks of social movements offers another instance of the will to 'capture globalisation'. The engagement with Rage Against the Machine's work also offers the opportunity for links to be made with Hardt and Negri's discussion of the North Atlantic Free Trade Agreement (NAFTA) as well as Arundhati Roy's, George Monbiot's and Hardt and Negri's interpretations of the concept of global citizenship.

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The Matrix as its own pure simulacrum

This chapter initially focuses 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 that have an interest in debates about counter-culture. Ultimately, the major contention is that the Wachowski Brothers' treatment of the concepts of hackerdom, revolution and simulacra is 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 does. 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, thereby widening AOL Time Warner's global market share.

The film's protagonist – Thomas Anderson, aka Neo – is a computer programmer for a large software firm by day and 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 Neo 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 and to Islamaphobia. These notions are conflated in order to create a sense of the hacker representing a sensationalised and, in this instance, romanticised threat to the current 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&R' (Wachowski Brothers 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 often characterised proponents of political change in South Africa during the 1980s, for example, as terrorists or insurgents, as opposed to freedom fighters. Here, the media

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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 Wachowski Brothers' 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' (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' (Jordan & Taylor 2004: 14–15). However, by the mid-1990s, hackers' expertise had become increasingly co-opted by corporate interests. This newer generation of hackers were commonly called microserfs and typically worked for large corporations like Microsoft (Jordan & Taylor 2004). By this time, hacking came to be characterised negatively as it was equated with cracking, which refers to 'illicit or unwanted computer intrusion' (Jordan & Taylor 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. Jordan and Taylor 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"' (Jordan & Taylor 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 (Hardt & Negri 2000: xiii;

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Jordan & Taylor 2004: 36). In a discussion of media representations of hacktivism, Jordan and Taylor 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. (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 suggest. 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 that 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

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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 of criminality come to signify Neo's oppositional stance towards 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 (2002) on hacker subculture.

Thomas makes use of Dick Hebdige's *Subculture: The Meaning of Style* (1979) in order to theorise hackerdom. Thomas (2002: 144) explains that hacker culture was born in East Coast laboratories in the late 1950s and the 1960s, when programmers did everything possible to secure computer resources. One of the solutions that they developed was the practice of 'bumming code', which is antithetical to conventional approaches 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 the practice of bumming code '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). Thomas compares the process of bumming code to bricolage: 'The triumph of bricolage is, ultimately, an end-user phenomenon. People prefer

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to play with computers, rather than program them' (Hebdige 1979: 104–106; Thomas 2002: 145). 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 he/she 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 decentring 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.[15] 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 them 'extremely resistant to both commodity and ideological forms of incorporation' (Thomas 2002: 149–151).

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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'* (2002: 155), thus creating a lucrative market for selling anti-virus software in the information technology industries. 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. 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 they 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 somersault about gracefully to the sounds of a techno-dance music track and fire their artillery, as opposed to focusing on the death and destruction that they unleash.

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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 and spectacle, 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 people' (Gordon 2003: 119).[16]

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's view of civilians in the system as the enemy 'clearly goes against the supreme Buddhist virtues of compassion (*karuna*) and loving-kindness (*metta*)' (2002: 108) – in essence, these virtues apply to all sentient beings, including the Agents.[17] He also contends that the 'scenes of excessive violence seem to contradict Buddhist teachings regarding nonviolence, or *ahisma'* (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 demonstrate '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 Wachowski Brothers' use of Christian and Buddhist

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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 what the earth really looks like in the present day. As the *mise en scène* changes about them, Morpheus says, 'Welcome to the desert of the real' (Wachowski Brothers 1999). Morpheus draws directly from Baudrillard's 'The Precession of Simulacra' and, in fact, Andrew Gordon observes that the screenplay draft for *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 Wachowski Brothers' 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

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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 civilisation 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 Wachowski Brothers' 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

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> (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. (Gordon 2003: 119)

Ironically, the Wachowski Brothers' 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 in many respects 'it has no relation. . .whatsoever' to Baudrillard's conclusions (Baudrillard 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 (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 and to delegitimate left critiques of what Hardt and Negri term Empire.

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Empire, culture and agency in *The Matrix*

As Chapter 3's exploration of the RIAA's response to Napster's widespread popularity suggests, the imperial machine 'is self-validating' in that it does everything but eliminate master narratives (Hardt & Negri 2000: 34).[18] 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 and a text with both an economic and political value. It thus becomes difficult to read the work merely 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 book'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 on which interaction is sought from subjects of Empire are when their participation in the operation of hegemony is required. In many respects, this is what we see happening in the Wachowski Brothers' 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 the film's 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' (2004: 335). It is this autonomy that allows individuals some room to negotiate hegemonic practices and representations because Empire is dependent 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 Alternative Kerriculum (sic) for Mentoring Youth (ALKEMY). Discussed in greater detail in Chapter 5,

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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 MCs. 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, Camngca’s playful choice of metaphor alludes to the idea of Neo being rescued from a less than inspiring existence in *The Matrix*. Camngca 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 that Ed Camngca 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 reveal, initiatives like ALKEMY offer a positive example of attempts to engage critically with this divide as well as with 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 on the Foreshore in the Cape Town central business district, in 2004. The text of the posters, postcards and billboards was scripted as follows:

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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].

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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' (Bollier 2003; Klein 2001). 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 1980s 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 is 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, in its attempts to position itself as being different from typical advertisers, 'targets' that sector of 'the market' that has a high level of media literacy. 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 music as well as some of the intertextual connections that this music establishes within the film.

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.

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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 dreamlike 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

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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 its lyrics adopt revolutionary voices that are critical of the US government as well as of 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 flown
> '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 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' and 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

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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.

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 NAFTA came into effect, thereby creating an 'economic zone between Canada, the United States and Mexico' (Jordan & Taylor 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 towards individualist appropriation – in the form of

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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 and global as it enters into dialogue with the advancement of neo-liberal economics / Empire in the form of NAFTA.

Naomi Klein writes that the Zapatistas' 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). Jordan and Taylor 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' (Jordan & Taylor 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, the Zapatistas called for a 'new democratic settlement that both includes indigenous peoples. . .and creates a new civil society for all Mexicans' (Jordan & Taylor 2004: 58). Jordan & Taylor state that this call led to a number of encounters that 'attempted to form a global movement for a global civil society' (2004: 58).

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 their 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's 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[19] suggests that the Internet has made decentralised communications networks possible and that national government policy-makers have effectively been bypassed – 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' – although the authors do point out that their study was limited to just over 100 000 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 its political stance against US imperialism and corporate globalisation, thereby reiterating this work's earlier claim 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, in much of their work, they take up the struggles of marginal subjects across the globe. 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

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the Machine 2003). Lead vocalist Zack de la 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)

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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 and the criminalisation of poor people. This artistic work therefore reinforces Ceceña's, Jordan and Taylor's and 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' (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 include 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 was 'a total surprise' (2004: 366). It was indigenous farmers, and not 'the long-awaited workers' initiative', who led a large-scale protest 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 la Rocha and lead guitarist Tom Morello

have been particularly active in this regard. The website offers a reading list of books that 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, Che Guevara, Mumia Abu-Jamal, Lenin, Antonio Gramsci, Frantz Fanon, Toni Morrison, Angela Davis, Richard Wright and Friedrich Engels. The site 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, whom many – including Amnesty International – believe was wrongfully convicted of murder (Kitwana 2002: 207). 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, and 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 and 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,

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> 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' (2003: 169) because they have diversified the discourse of struggle. 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 Zapatistas' struggle relates to Hardt and Negri's discussion of the declining role of nation-states in protecting their 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* and *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 (2000) 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.

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' (2003: 23) becomes significant here. Rage Against the Machine, much like the hacktivist, employ 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 that may be receptive to the band's 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 (www.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).

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Conclusion: capturing globalisation

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 and 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 Wachowski Brothers' 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 chapter 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 potential co-option into an opportunity for subversive action, provided that this work is supported by what Roy calls 'real political action' (2004: 35).[20] George Monbiot's notion of 'capturing globalisation' 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' (Wachowski Brothers 1999). Roy and Monbiot argue that the very means that consolidate Empire's dominance could be employed to counter or destabilise its operation.

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3 THE TECHNOLOGY OF SUBVERSION

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DIGITAL TECHNOLOGY, PARTICULARLY SAMPLING and P2P platforms, has been used to subvert corporate interests in ways not anticipated during the analogue era. This chapter explores some of these technologies of subversion. 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, I examine the ways in which both 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 also addresses legal responses to these challenges. This work builds on Chapter 1, which offered a point of entry into a discussion of global capitalism and began to consider instances where agency becomes possible in Empire. 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 and the World Bank. This chapter substantiates this claim by offering critical perspectives on GATT and 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 (DMCA), guard the interests of corporations from the northern hemisphere makes it apparent that the notion of the decline of the nation-state does not literally refer to

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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 also contends that the battle between corporations and citizens for control over digital technology is somewhat tenuous. Subversive practices, such as sampling in hip-hop and P2P file-sharing on the Internet, are 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 chapter 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 chapter analyses 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 is 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 is taken a step further by suggesting that one key element of the production of hip-hop music texts in the 1980s and early 1990s, 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 chapter holds that it is the very technology that has helped Empire – signified 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 – Vivendi Universal, Sony, AOL Time Warner, Bertelsmann and EMI[21] – has over the production and distribution of music across the globe. What is worth noting here is that P2P file-swapping over the Internet 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 of 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, this chapter provides a brief overview of the history of copyright legislation in eighteenth century England and the US, 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 and P2P have been explored, the chapter returns 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.

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Interpreting the Statute of Anne

This section briefly examines 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 (1968) states that one could easily come to the mistaken conclusion that the Statute of Anne was the first English copyright law. He also contends that it was not primarily intended

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to benefit authors. 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). 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). Likewise, Yochai Benkler argues that the 'Stationers' Monopoly provided its insiders enough market protection from competitors that its members were more than happy to oblige the Crown with a compliant press in exchange for monopoly' (2006: 186). 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). 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). The decision was significant because it recognised the Statute's aim of setting limited terms of protection for copyrighted works (Davies 2002; Lessig 2004). 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, for free consumption or for the production of new work – free of legal or economic constraints. Despite Patterson's (1968)

contention that the Statute of Anne was not meant mainly for the benefit of authors, 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' (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 (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 1993: 5)

In Rose's view, the 'concept of literary property' was modelled on the notion of the 'landed estate' (1993: 7) – a perspective that 'blended readily with the eighteenth century discourse of original genius' (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 1993: 1).

In keeping with Lessig's claims about the birth of the notion of the public domain in *Donaldson v. Beckett*, Davies (2002) represents the Statute of Anne as a compromise between the public interest and the expectation of the Stationers' Company. 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

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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). This, in turn, would enable one to continue working on an economic level (Davies 2002). 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). 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). 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's overview of these principles also confirms Rose's claim that the 'distinguishing characteristic of the modern author. . .is proprietorship' (Rose 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). 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). The author's monopoly rights were thus limited, allowing the work to pass into the public domain. This principle of balance becomes significant later in this chapter during my discussion of the DMCA and the TRIPS Agreement. A key idea that is discussed later in this chapter is that the Statute of Anne sought to dismantle corporate monopolies in order to secure a balance between

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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 gain significance in subsequent discussions of the politics of sampling in hip-hop, the MP3 revolution and P2P.

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 P2P 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 1980s and early 1990s 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

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'black musical history' (Rose 1994: 89). From this perspective the question of ownership therefore takes on another meaning. Whilst the law may uphold the rights of the copyright holders (corporations, in many cases) of the songs being sampled, black cultural heritage and memory function in the public domain. Tricia Rose's comments apply to black consciousness-inspired hip-hop of the 1980s and early 1990s, 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 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 1980s and early 1990s 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 marketplace – is sampled in order to produce a new music text that will itself become a commodity in the music marketplace. 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 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 that 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

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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' (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 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 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 City (POC)[22] 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

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Mzwakhe Mbuli.[23] 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 towards 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. (Hebdige 1979: 119)

This perspective, in turn, relates to Gates's (1988) discussion of 'Signifyin(g)' and 'Signification'. Gates argues that Signifyin(g) created parallel discursive universes 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 refers 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

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Signification (upper case 's') occupies the paradigmatic axis and 'concerns itself with that which is suspended, vertically' (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 1980s' and early 1990s' 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 see themselves merely 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 1994: 91) as they are able to offer alternative narratives to oppressive master narratives. However, as I 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.

Digital sampling, ownership and recuperation

As Thomas Schumacher's work on digital sampling and the law suggests, sampling in hip-hop offers challenges to both legal definitions of ownership and the author function. The practice also offers challenges 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

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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 Lithographing Co.* (1903), 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 judgment in *Bleistein v. Donaldson Lithographing Co.* goes against the 'stimulus for creativity' and 'just reward for labour' principles, as discussed earlier in this chapter (Davies 2002). 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.* (1994), 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). 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 1994: 93)

The legal loophole 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 come 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 (1994) claim that most record labels cheated earlier generations of black musicians. 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 (1995) observation that, under American case law, corporate entities are now legally recognised as authors and, thus,

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are recognised as copyright holders. 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's 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 towards 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 situation 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

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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. 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 1990s 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 (1979: 95) claim that subcultures speak through commodities is certainly true of hip-hop with regard to dress and graffiti art[24] 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 explores 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 both mainstream media responses to hip-hop and

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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). 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*, 1992; *Boyd Jarvis v. A&M Records et al.*, 1993; and *Grand Upright Music Ltd, v. Warner Bros Records*, 1991) comes to characterise hip-hop in this way as well. The recuperation of hip-hop via the ideological and commodity forms ultimately delegitimates hip-hop's subversive 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 Chapter 1 (Hardt & Negri 2000). 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 1980s' and early 1990s' hip-hop samplers as well as subversive MCs, who speak through commodities (Hebdige 1979) 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). This notion of using the means at hand resonates with Hardt and Negri's claim that the potential for liberation 'exists within Empire' (2000: 46). However, this perilous position places subculture in danger of recuperation; and this seems to have happened with one aspect of hip-hop. As this chapter suggests 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.

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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 P2P platform offered by Napster – potentially broadened the battle to every consumer of music on a global scale. By the late 1990s, 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. (Cooper & Harrison 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 & Harrison 2001: 73). By November 1997, Michael Robertson had recognised that the MP3 format's popularity was a potential gold mine and launched MP3.com (Alderman 2001). 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 RIAA at an MP3 summit in 1997 were met with scepticism. By contrast, the 'hacker developers of the MP3

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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' (Alderman 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.comwould probably not become a big contender in the field. In a sense one might say that, if the big five 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 scepticism and, by December 1999, the riaa had launched legal action against Napster on behalf of its members, the big five (Alderman 2001). 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, with this version of Napster[25] 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 (ircs), which serve 'as the focal point for the audio piracy subculture' and have become 'one of the oldest institutions of the Internet' (Cooper & 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

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to trade online' (2001: 103) but, under the guidance of Fanning's uncle, Napster became a money-spinner. 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 had 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 one another, unmediated by corporations. This is why platforms like Napster were termed P2P 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 gatekeeping function in the music industry – in their attempts to reach audiences and, thereby, establish their music careers. Websites such as the UK'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.

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Empire and the failure of democracy

Schumacher's discussion of *Bleistein v. Donaldson Lithographing Co.* needs to be recalled at this juncture in order to make sense of the RIAA's critical position on Napster. This section suggests that the RIAA's media and legal attacks on Napster really serve corporate interests, as opposed to the interests of artists or citizens in general. Schumacher contends that since *Bleistein v. Donaldson Lithographing 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 five. 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' (2000: 6). However, they also argue that transnational corporations 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 that the UN 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. (Hardt & Negri 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 per cent of non-American pirates – the barbarians at the country's borders (Hardt &

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Negri 2000). Alderman's observation that 80 per cent of the big five labels are not American is also worth noting; the Vivendi Universal label, for example, is French. 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 the record industry's 'just war' against piracy is:

> 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. (McCourt & Burkart 2003: 340)

McCourt and Burkart thus contend that the RIAA's moral and 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 the music industry 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. Hebdige's (1979) discussion of recuperation could be applied here as well. 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 (Vivendi Universal 2001). None of these attempts have really seen any significant returns as yet. The ideological form comes into play via the RIAA's attempts – through the media and the judiciary – to label / redefine audio pirates as deviants. Rosen's press statement comments and the music industry's legal action against Napster, MP3.com and Diamond Multimedia Systems (Girasa 2002) 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 News 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. . .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 8 000 Euros in compensation from a 23-year-old German man for the possession of 6 000 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. As Yochai Benkler suggests, the DMCA of 1998 'represents the battle over the institutional ecology of the digital environment' (2006: 413). Title II of the 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' (USA 1998: 9). This mechanism paves the way for the copyright holders to

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approach subscribers directly, as witnessed in the RIAA and IFPI's court action against individuals. Title I of the DMCA implements the World Intellectual Property Organization (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' (USA 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' (2003: 125). Julie Cohen (2000) 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. 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 Vaidhyanathan's work confirms Bollier's and Cohen's perspectives on the DMCA when he

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writes that the 'default action' of the law 'is censorship' (Vaidhyanathan 2001: 246). He contends that the DMCA 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]' (Vaidhyanathan 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 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 the 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 both work from the assumption that the first copyright legislation, the Statute of Anne, was a reaction to technological advances in fifteenth century England. 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[26] view has thus led to copyright being privatised once again:

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> 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, frustrates agentic subjects' abilities to utilise communication networks in the public sphere. In short, the law effectively places corporate interests above the public interest. Vaidhyanathan concurs with this contention in his discussion of the DMCA and the White Paper that preceded it. He contends that the DMCA 'essentially nullified the role of deliberation and legislation in determining copyright' (Vaidhynathan 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). Benkler (2006) writes that laws such as the DMCA did little to put a stop to peer production. However, such legislation does 'represent a choice to tilt the institutional ecology [of the digital environment] in favor of industrial production and distribution of cultural packaged goods, at the expense of commons-based relations of sharing information, knowledge, and culture' (Benkler 2006: 418). 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). 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). This brought the total term of protection to 56 years and the 1909 Act remained unchanged in this regard until 1978 (Davies 2002). 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 instalment 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 the process of lobbying and the Act's offering of campaign contributions to members of Congress ensure that corporate power overrides the public interest (Lessig 2004). This contention is proven when Lessig discusses the lobbying that led to the adoption of the Sonny Bono Copyright Term Extension Act.

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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 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, would not pass into the public domain, thus making it impossible for new creators and producers of new knowledge to access such works (Lessig 2004). 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 (1996) suggests that the US has been using GATT as an enforcement mechanism in multilateral trade agreements. 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 the 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 (1995) discusses how GATT and NAFTA allow US transnational corporations to circumvent the sovereignty of nation-states.

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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 WTO panellists have 'financial stakes in the very issues they adjudicate', do not operate transparently and are not accountable to the communities upon whose lives their decisions impact (Parenti 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:

> 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' (1995: 33) under the guise of intellectual property rights. Peter Drahos and John Braithwaite (2004) make largely similar claims in their discussion of behind-the-scenes US corporate manoeuvres before the Uruguay round of the GATT trade negotiations that commenced in 1986. This round of negotiations established the WTO as well as the TRIPS Agreement, which is administered by the WTO (Drahos & Braithwaite 2004). 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 –

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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, these countries 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 and 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). Likewise, Joseph Stiglitz writes,'Trips reflected the triumph of corporate interests in the United States and Europe over the broader interests of billions of people in the developing world' (2006: 105). Pfizer was one of the key initiators of these manoeuvres in response to declining profits in the southern hemisphere due to 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). 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). Drahos and Braithwaite hold that this strategy did not amount to 'illegality'. 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 to appeal to liberal values, such as the belief in individual property (placing the notion of the individual author / scientist / inventor centre-stage), notions of fairness and US nationalism (Drahos & Braithwaite 2004). Here, Hardt and

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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 WIPO to GATT and the WTO (Drahos & Braithwaite 2004). They took this action because countries from the southern hemisphere were very well represented at WIPO by the mid-1980s. 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 WIPO would offer the countries of the south 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). 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 (2004) research reveals, the RIAA was one of the business organisations that lobbied for the inclusion of intellectual property in the General System of Preferences, which administered trade benefits and the relaxation of imported goods to developing countries. This revelation underscores the fact that these multilateral and bilateral processes not only had serious consequences for the fields of biotechnology and drug research,

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but impacted significantly upon cultural production as well. The authors ultimately confirm Boyle's 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 in Chapter 1 of Hardt and Negri's notion of the decline of the nation-state. 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: no closure here

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 and cellular phones by manufacturers like Samsung offers one example of the shift towards 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 their 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

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as much of a problem to manufacturers as audio piracy has become 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.*, 2001 (Girasa 2002). But the very idea that this relatively new medium is being employed by large numbers of consumers to subvert or compromise corporate interests presents a serious challenge to the major record labels and Empire. Legally speaking, it has become more difficult for corporations to shut P2P platforms down:

> When Napster was shut down, Gnutella and later FastTrack further decentralized the system, offering a decentralized, ad hoc reconfigurable cataloging and search function. Because these algorithms represent architecture and a protocol-based network, not a particular program, they are usable in many different implementations. . .These programs are now written by, and available from, many different jurisdictions. There is no central point of control over their distribution. There is no central point through which to measure and charge for their use. They are, from a technical perspective, much more resilient to litigation attack, and much less friendly to various models of charging for downloads or usage. (Benkler 2006: 423)

One example of a P2P platform that evaded legal action is KaZaa, which was based in the Netherlands and then moved to Australia when it was sued in Dutch courts (Benkler 2006). Later it faced legal action in Australia, but the Dutch courts then found that KaZaa 'was not liable to music labels' (Benkler 2006: 421). Regardless of whether corporations succeed in suing specific platforms like KaZaa or Grokster, the fact is that network architecture like FastTrack will continue to make it possible for new P2P platforms to be developed. Yochai Benkler observes that P2P reveals a great deal about the

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significance of non-commercial peer production in relation to more proprietary, industrial approaches to knowledge production and dissemination. He writes:

> What is truly unique about peer-to-peer networks as a signal of what is to come is the fact that with ridiculously low financial investments, a few teenagers and twenty-something-year-olds were able to write software and protocols that allowed tens of millions of computer users around the world to cooperate in producing the most efficient and robust file storage and retrieval system in the world. (Benkler 2006: 85)

It thus appears that shifts in technology and distribution techniques as well as commons-based approaches make new possibilities for subversion as well as productivity 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 (2005) discusses 'mashups', the practice of combining two different songs to produce a new track without obtaining copyright clearance from the respective copyright holders. 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). Danger Mouse pressed a mere 3 000 copies of his album in early 2004, but online file-sharers soon distributed the album amongst themselves (McLeod 2005). 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 (2005: 83), who participated in this protest, writes that 'mashups' are made possible by P2P networks because they make it possible for file-sharers to distribute billions of MP3s.[27] 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 are at stake here are free speech rights, a cornerstone of democracy, as well as attempts to reclaim the information commons from private interests.

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4 ENCLOSURE OF THE COMMONS AND THE EROSION OF DEMOCRACY

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ARGUMENTS ABOUT THE ENCLOSURE of the commons reveal a great deal about the history of capitalism, the erosion of democratic ideals and notions of social justice. 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 in eighteenth century England. A key idea that I advance 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 further here. Specifically, this chapter builds 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 are explored in order to consider debates about the enclosure of the information commons.

Developing Chapter 1's discussion of hackerdom and hacktivism, I provide a brief overview of the early beginnings of the Internet. As mentioned above, I argue that the Internet as an information commons is progressively being enclosed by monopolist corporate strategies. I also 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, and the notion of the Creative Commons do 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, Bollier and Stallman see open source software (OSS) or the notion of the commons as necessary to the functioning of competitive free markets. This position thus differs from Hardt and Negri's or Baudrillard's critical perspectives on 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 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 is examined more closely in order to suggest that 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 (LIO) Media in order to suggest that culture jammers are an important example of legal challenges to Empire. Culture jammers' counter-discursive practices contrast with those of legal

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reformists like Lessig, but both approaches could be read as evidence of subjects' attempts to critically engage Empire. Here, I take the opportunity to briefly consider the *Mail & Guardian (M&G) Online*'s stand-off with Wiley Publishing, in order to raise questions about media ownership and democracy in South Africa.

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 n.d.). *Res communes* included things that were considered to be common to all 'and comprises those things *extra patrimonium* (incapable of being possessed)' (Environmental Commons n.d.). 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 n.d.). 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. 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 towards 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

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place greater pressure on the common field, thereby impacting 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 towards the environment or towards 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, Hardin 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' was executed to 'introduce capital-intensive exploitation of the land for wool production' (2003: 53). As Kidd suggests, the key initiators and beneficiaries of parliamentary enclosure laws were the landed gentry, who launched into commercial farming. 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 the 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). 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). As Kidd's and Humphreys's research suggests, the proletarianisation of rural families thus coincided with the enclosure of the commons and the onset of capitalist modes of production. As this chapter demonstrates, the concepts of the commons and enclosure are employed in very specific senses during discussions of the Internet vis-à-vis corporate interests. As with the enclosure of common fields, it becomes apparent that the enclosure of the information commons really only benefits already privileged sectors of society, as opposed to the public in general.

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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' (1999: 20) and eventually linked universities, defence contractors and research laboratories. This network was an important invention precisely because it allowed researchers to exchange information with great speed and flexibility (Raymond 1999: 20). David Bollier (2003) 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. Hence, the 'early designers of the ARPANET were, in truth, building a commons; a diverse community

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dedicated to shared goals and self-governed through a cooperative social ethos and informal decision-making forums' (Bollier 2003: 102). Lawrence Lessig (2001) supports this view when he contends that the Internet is a commons in three areas: code, knowledge and innovation. The medium of the Internet 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 – I 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). In his discussion of the Internet as an innovation commons, Lessig offers a description of end-to-end (e2e) architecture, which ensures that 'intelligence in a network [is kept] at the ends, or in the applications, leaving the network itself to be relatively simple' (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' (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' (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 cooperation that was both decentred and transparent to all who had the necessary programming skills as well as to those who had access to the networks that were being designed by a broad range of participants.

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, open source software needs to be defined more precisely. Here, I 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 in which it was defined in Chapter 1 of this book – 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"' (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 and was the brainchild of Stallman, who launched the Gnu's Not Unix (GNU) Project

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in 1984 (DiBona, Ockman & Stone 1999). 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). However, he is careful to point out that the term 'free' refers to free speech and not to price (Stallman 1999). He spells out the following requirements for programs 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 Licence (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. Yochai Benkler points out that this form of licensing 'allowed anyone to contribute to the GNU Project without worrying that one day they would wake up and find that someone had locked them out of the system they had helped build' (2006: 65). As is apparent from the GPL's preamble, the licence adopts open standards whilst still operating within the ambit of copyright law:

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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.
(DiBona, Ockman & Stone 1999: 255)

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The 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. By allowing equal access to the source code the GPL also ensures that users can benefit from innovative amendments to the program in question. The GPL's preamble is also significant because it corrects mistaken media claims that free software and open source software are in the public domain (Boyle 2003). Boyle points out that the 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 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). Benkler writes that '85 percent of free software projects' make use of 'the GPL or similarly structured license' (2006: 64).

GNUs are not restricted to software, however. The world's largest free online encyclopaedia, *Wikipedia*, is licensed under a GNU licence (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 user names, by continually correcting acts of vandalism as they occur and by switching the databases to read-only mode when attacks are more prevalent – thus ensuring that the information supplied is reliable (*Wikipedia*, see http://en.wikipedia.org/wiki/Wiki). Benkler (2006) cites a study by the journal *Nature*, which revealed that the quality of *Wikipedia* data does not differ from that of *Encyclopedia Britannica* to any great extent. This research effectively challenges the view that information obtained from collaboratively authored sources, such as *Wikipedia*, is unreliable or inaccurate. *Wikipedia*'s sister projects include Wikitionary, Wikibooks, Wikispecies, Wikisource, Wikiquotes, Wikinews and Commons. The online projects are available in a wide number of languages, including Afrikaans, German, Spanish, Arabic, Swedish, Hebrew, French, Malay, Basque, Welsh, Croatian, Icelandic, Kurdish, Walloon, Indonesian, Persian, Japanese, Georgian and Italian. At a 2007 event hosted by iCommons in Observatory, Cape Town, *Wikipedia* founder Jimmy Wales pledged to support African initiatives that generate knowledge in indigenous African languages. Wales is thus interested in broadening access to knowledge production and dissemination in ways that undermine cultural imperialism. Wikis are becoming increasingly popular in a number of contexts. In fact, the University of the Witwatersrand's (Wits University) LINK Centre released a collaboratively authored 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 (Armstrong, Ford et al. 2005). However, the document was not licensed under a GNU licence but under a Creative Commons licence; such licences are discussed in greater detail later in this chapter.

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By 1997 a number of key role-players in the free software community had 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). 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 open source software and effectively makes possible 'the use and redistribution of open-source software without compensation or even credit' (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' (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. This licensing agreement is thus more flexible than the 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 suggested in Chapter 1, British and European government departments have begun to explore open source software as a cost-efficient alternative to proprietary software (Jaggi 2004). 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 per cent 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 open source software.

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In an online essay titled 'The Powerful Economic Underpinnings of OSS', Paul Nowak (2003) offers a comparison between open source software development and the history of the commons. He makes specific reference to Garrett Hardin's essay, 'The Tragedy of the Commons' (1968). Here, the open standards adopted by open source software come to be characterised as a commons – this time without the danger of any 'tragedy of the commons' taking place. Nowak argues that open source software 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 open source software 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 open source software 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 open source software 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. Referring to Napster developer Shawn Fanning, John Alderman contends: 'All Fanning really wanted was to make it easier to find music to trade online' (2001: 103). As Chapter 3 of this book 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.

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Of course, Napster was not a true P2P platform, in the sense that users still needed to connect to the Napster 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 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 Boyle suggests, 'the Internet is one big experiment in. . .peer-to-peer cultural production' (2003: 48).

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Enclosing the information commons

A number of developments, already discussed in Chapter 3, 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. This is particularly true when considering Drahos and Braithwaite's discussion of the process leading to the adoption of the TRIPS Agreement. Here the authors' claims that Western pharmaceutical corporations had stolen 'collective knowledge of indigenous people' (2004: 9), whilst pushing for further protection of their own intellectual property, are significant.[28] In this instance, a knowledge commons was plundered to meet very narrow

proprietary interests. Much the same seems to be true in Michael Parenti's (1995) and James Boyle's (1996) discussion of GATT and NAFTA. Matt Jackson's and Siva Vaidhyanathan's discussions of the DMCA also offer evidence of enclosure. Jackson's (2002) claim that the DMCA privatises copyright and Vaidhyanathan's description of 'four surrenders of important safeguards in the copyright system' (2001: 159–160) are indicators of private interests taking precedence over the public interest.

In his discussion of the Internet as a commons, Bollier outlines four strategies that lead to the enclosure of the Internet commons. One strategy is the 'privatization of public knowledge' and Bollier offers the DMCA as an example (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). In terms of strategy (1), Bollier cites Microsoft as a case in point. 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 development of free software'

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(GNU Project 1999). Such action has far-reaching consequences for poorer countries of the southern hemisphere that already find it difficult to bridge the digital divide due to the high costs of software and the punitive measures in place to deal with those who breach software licences.

Bollier's discussion of strategy (2) that leads to enclosure of the Internet commons echoes Noam Chomsky and Edward S Herman's (1988) discussion of corporate-owned news carriers in *Manufacturing Consent*. Chomsky and Herman contend that 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. Narrow news agendas are therefore set and corporate interests are served, thereby reducing the diversity of views and information that is available in the public domain. Chomsky and Herman argue that citizens are prompted to take on specific points of view through this limitation of topics on the agenda. Thus consent becomes manipulated, especially when citizens are not thinking about particular problems that may be in the public interest. Bollier (2003) 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 (1999) claim that concentrated ownership of media raises the cost of information, thus making it difficult for amateur media practitioners, non-commercial media producers and independent media to operate. 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). I return to these ideas in my discussion of the *M&G Online*'s stand-off with Wiley Publishing.

In his discussion of strategy (3) that leads to the enclosure of the Internet commons, 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

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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 open source software, and while they advocate the adoption of open standards that will lead to the continued operation of the information commons, they are at 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, and 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 in 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 (2001) believes that the commons of the Internet promotes creativity, innovation and competition in a free market economy. 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)

Boyle supports Lessig's 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' (Boyle 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). Hardt and Negri's perspectives on this matter resonate with those of Boyle, Lessig and Bollier when they contend that the 'privatization of the electronic "commons" has become an obstacle to further innovation' (Hardt & Negri 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. 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

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to oppose commercial entities' (2004: 264). Rather, he contends, this support merely points to a development model that is different from that pursued by Microsoft (Lessig 2004). 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. 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 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 that it is anti-capitalist in its operation as a mode of cooperation in the information age. Instead, the commons 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 points 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 Baudrillard. For instance, Baudrillard characterises capital as 'immoral and without scruples' (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

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the expense of consumers and smaller entrepreneurs. The final section of this chapter returns to these ideas, offering a brief overview of attempts to reclaim the commons, with specific reference to the South African context.

Reclaiming the commons: open source and Creative Commons

This section suggests 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, I examine Creative Commons and open source licences in the US and South Africa and 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 are explored via South African Breweries' (SAB) legal action against a small but subversive T-shirt company called Laugh It Off (LIO) Media in the High Court. I go on to address LIO's appeal to the Supreme Court of Appeal (SCA) and, finally, to the Constitutional Court, which ruled in LIO's favour. As the legal dispute between LIO and SAB 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 licences 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

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Lessig's Creative Commons is much like that which drives the GPL or the 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 laypeople 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 licences is to allow 'creators, educators and administrators who use Creative Commons to distribute their ideas and creative expressions' (Creative Commons South Africa n.d.). It therefore offers its users the cultural, artistic and educational equivalent of open source and free software licences. Lessig (2004) offers the example of journals that have become available in electronic form. 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 restricted 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).

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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 [sic] identical to the license [sic] that governs your work. (Creative Commons South Africa n.d.)

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 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

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subsequent user of the work to adopt the same standards as those 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 of 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 – had already launched Creative Commons awareness campaigns in southern Africa. To this end, APC organised interactive workshops in Ghana, Namibia and South Africa, whilst international NGO Bridges.org was planning to 'port [sic] the Creative Commons to 4/5 African countries this year' on behalf of the Open Knowledge Network.[29] Bridges.org also plans to research the possibility of licensing indigenous African knowledge under Creative Commons licences. Wits University's LINK Centre currently hosts 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. 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 (No. 98 of 1978). South African legislation also offers copyright owners protection under the

Performers' Protection Act (No. 11 of 1967) (Creative Commons South Africa n.d.). 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 towards 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 has been addressed by organisations like Go-opensource.org and Bridges.org.

Bridges.org – which established offices in Cape Town in 2001 – has been geared towards promoting 'the effective use of ICT in the developing world to reduce poverty and improve people's lives' (Bridges.org 2006). 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 2006). In a 2001 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 2001: 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 ongoing 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 (2001) and political cartoonist Zapiro (2002) dub this 'global apartheid'.

Bridges.org, which make all of their research available to the public under a Creative Commons licence, do not see technology as the panacea for poverty in the developing world. Instead, they call for 'real access' to ICT (Bridges.org 2001: 5). The idea of real access includes ICT that is appropriate to 'local conditions'; contains relevant content and services;

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and is affordable and integrated into people's 'daily routines' (Bridges.org 2001: 5). The macroeconomic environment and 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' (Bridges.org 2001). Bridges.org also advocate the use of open source software in their attempts to make ICT more affordable and accessible. As indicated earlier, Bridges.org have made their website content available under a Creative Commons licence. In fact, the organisation's website offers a resource page for individuals and NGOs that provides information on links to donated computers; low-cost computers; IT volunteers; free web-hosting and email accounts; computer training material and free and open source software (Bridges.org 2006). In this regard, Go-opensource.org – an organisation founded in 2004 by Canonical, CSIR Meraka Institute, Hewlett Packard and the Shuttleworth Foundation to promote the use of open source software in South Africa, and officially concluded at the end of May 2006 – made a resource CD titled 'The OpenCD' available via its website. The OpenCD contains a range of free software compatible and comparable with Microsoft operating systems, web browsers, word processing packages, spreadsheets, and so forth. However, Go-opensource.org's objectives went beyond the mere use of software. According to the organisation's website (2004) , it also aimed to increase the number of IT workers and software developers in South Africa as well as to overcome bandwidth constraints. Such efforts could go a long way towards reducing the costs of accessing computer hardware and software, in that users' dependence on rather costly proprietary software could be minimised. 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 authorities.[30] Essentially, Bridges.org and Go-opensource.org are attempts at producing an information commons on the Internet for the purposes of bridging the digital divide.

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In this way, the productive potential of digital technology and the Internet as an information commons can be fully realised.

However positive these developments may be 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, one needs to acknowledge some of the possible shortfalls in such approaches. In this regard, Martin Hardie (2004) 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. 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. 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' (2004: 386). Hardie also observes that Lessig has an 'abiding faith in America, its Constitution and its "founders"' (2004: 386). This is why Hardie maintains that 'the production of the logic and the rhetoric of 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' (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' (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 early stage of their history, Hardie does make a reasonable case for

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exercising caution and critical reflection when promoting their adoption in countries outside of the US, particularly in the light of debates about US cultural imperialism – debates that are considered in Chapters 5 and 6 of this book. 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 and 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

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Empire and to 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 one of 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) that 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 and 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). This idea is discussed in the closing section of this chapter, but what is worth noting at this point is that both reformist and counter-discursive practices have created the room for subjects to challenge

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Empire. The more oppositional practice of culture jamming provides another instance of a situation that offers critical subjects the opportunity to raise serious concerns about the rights of corporations to intellectual property vis-à-vis citizens' free speech rights.

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 – in their discursive challenge to the pervasiveness of corporate marketing strategies and their brands in everyday life – employ the very means that empower Empire. 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, in an attempt to critique the operation of capital, employ technology in a way that defiantly disregards the operation of intellectual property laws. 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 (2001), the audio collage band Negativland coined the term 'culture jamming' in 1984. She contends

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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 corporation's own method of communication to send a message that is starkly at odds with the one that was intended' (2001: 281). Her characterisation of this strategy – much like my discussion of open source software 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 (2001) discussion of Rodriguez de Gerada's public parodies of billboards and advertisements offers an example of attempts to create a dialogue between corporate advertisers and the communities to whom these entities market their products. Attempts at this form of dialogue, De Gerada 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. Invasive communication in the form of billboards or advertisements – which are protected by corporate entities as private property via copyrights or trademarks – is therefore released into an information commons where critical reflection and reworking become possible. In essence, the message that culture jammers convey is that any form of marketing communication

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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 LIO, which was embroiled in much-publicised litigation with SAB from 2002 to 2005. LIO won the protracted legal battle after appealing against a Supreme Court ruling at the Constitutional Court. SAB decided to pursue legal action against LIO because it parodied its Carling Black Label brand and printed the work on T-shirts, which it sold nationally. As LIO co-founder Justin Nurse indicates, LIO also received legal demands from Diesel and Lego for parodies of their brands, whilst other corporations like Standard Bank and First National Bank did not react in the same way as SAB, Diesel or Lego (Nurse 2003). In fact, First National Bank bought LIO T-shirts (Finest Natural Bankie) for their staff (Muhlberg 2004). The T-shirt that SAB found offensive closely resembled the Carling Black label T-shirts manufactured by SAB. Upon scrutiny, however, it was apparent that the text had 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 a comment

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on both post-apartheid South Africa and 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 African 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,

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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 is 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 allows LIO to offer a critique of the marketing campaign, the brand and post-apartheid South Africa. In their legal defence, LIO argued that 'once a brand has entered into the cultural domain it should be open to cultural criticism' (Nurse 2003: 11) – in essence, the company relied on citizens' constitutionally guaranteed freedom of speech as a defence.

However, the SCA 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 judgment, 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 are a business that sells their T-shirt parodies, along with their calendar and *Laugh It Off Annual*, means that they forfeit their freedom of speech defence (2004: 16). The Court held that LIO's freedom of speech was not affected if they were able to convey their 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 concerned' (2004: 15). In his engagement with the judgment, 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 trademark use should be non-commercial (Muhlberg 2004). 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 they 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, which, 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 he was 'flat broke' (Hollemans 2005). 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

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artists has 'an important impact in the field of sucks websites' (2004: 22), such as sites dedicated to criticising George W Bush, or Helkom, a gripe website that offers criticisms of Telkom; 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, LIO 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 judgment 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 cc v. 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 cc v. South African Breweries International (Finance) B V T/A SABMark International* 2005). George Devenish writes that 'the SCA judgement appears to have underrated the seminal importance of free speech in the intellectual discourse that should be found in a functioning democracy' (2005: 797). In contrast, the 'judgements of the Constitutional Court come to grips with the issue of freedom of expression and its seminal importance for political and social discourse that should prevail in the complex society that exists in South Africa today' (Devenish 2005: 802). Effectively, the judgment

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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 judgment therefore restores free speech rights by rejecting SAB's brand dilution argument.

The Wiley Publishing 'for dummies' incident did not lead to a protracted legal battle, but tells us a great deal about the tensions that exist between global corporations and the public interest. *M&G* columnist Tom Eaton wrote an article for his sports column, Pitch and Mutter, and titled it 'Cricket for Dummies' (Eaton 2004a). As Riaan Wolmarans (2004) reports in his *M&G* article 'Trademarks for Dummies', Wiley Publishing emailed *M&G Online* publisher Matthew Buckland a warning. Essentially, Wiley's Kimberly Ward Skeel warned Buckland that For Dummies is one of their registered trademarks and that he should remove all references to this phrase from the *M&G Online* website. The newspaper responded by publishing 'Trademarks for Dummies' (Wolmarans 2004), 'By the Dummies for the Dummies' (Eaton 2004b) and an editorial titled '*Voertsêk* for Dummies' (Hafferjee 2004). They have since used the phrase in a few other articles since the incident. In her *M&G* editorial, Ferial Hafferjee writes, 'Skeel's warning symbolises all that is pernicious about the international system of patent protection overseen by the World Trade Organisation. Everyday phrases become owned by wealthy Northern corporates. What's next – "and", "or", the comma, the full stop?' (Hafferjee 2004). The idea of enclosing the commons of language, which is integral to human communication, seems ridiculous. Wolmarans's article indicates that even if Wiley's trademarks were registered in South Africa, the publisher 'would have to show that there is a likelihood that the public would be deceived or confused into believing that the *M&G* article is in some way connected with Wiley' (Bond in Wolmarans 2004). At any rate, as Buckland says in his interview with Wolmarans, the newspaper is not publishing a book in an attempt to compete with Wiley's book series, but a journalistic article (Wolmarans 2004).

Both the LIO and Wiley scenarios reveal a great deal about the sense that global corporations have of their rights and power. In both instances,

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we are presented with media representations of David and Goliath analogies: culture jammers versus a global alcohol producer, and independent media versus a global publisher from the north. Whilst the LIO analogy might hold, it is debatable whether the *M&G* analogy applies. The newspaper has a long history of independent investigative journalism that challenges social injustice. However, the paper's online presence raises questions about its role as a media watchdog. In an article titled 'Unsung Heroes', Fienie Grobler writes:

> Click on any news website and what do you find at the bottom of a story? Most likely, SAPA (South African Press Association), Reuters or AFP (Agence France-Presse). How do these sites distinguish themselves from each other? Our top news sites in South Africa – Naspers' news24.com (or 24.com), Independent's iol.co.za, the Mail & Guardian's mg.co.za – all get their news from the same source: wire agencies. (Grobler 2006: 11)

In the article *M&G Online*'s Matthew Buckland admits that online news carriers cannot operate without these wire agencies and that they are the real heroes of news reporting (Grobler 2006). Paradoxically these agencies' syndicated work is awarded the author function and the companies enjoy the same rights as individual authors. Mark Rose states that copyright 'is founded on the unique individual who creates something original and is entitled to reap a profit from those labors' (1993: 2). This entitlement is extended to corporations that have legal personality. The reliance on wire agencies has serious implications as the same news perspective is circulated, even by a news carrier that built its brand on a history of investigative approaches to news gathering and analysis. The news agenda set by a number of news carriers is thus likely to be largely similar. This scenario can be read in relation to Noam Chomsky and Edward S Herman's propaganda model, as outlined in their influential work *Manufacturing Consent* (1988). Chomsky and Herman contend that 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

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carriers are less likely to cover news events that potentially undermine their holding companies' interests. They also argue that news carriers extend their market share and increase profits by lowering their operational costs, the key expenses being staff salaries and sourcing of news (Chomsky & Herman 1988). This effectively explains why so many news carriers rely heavily on syndicated news. Chomsky and Herman maintain that news carriers' primary accountability is to shareholders, as opposed to readers or citizens in a democracy. 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 towards certain perspectives on matters of common concern via narrow media agenda-setting practices, and thus consent over these matters becomes manufactured or manipulated. John Thompson says that the 'early liberal thinkers [of the eighteenth century] took it for granted that free enterprise was the foundation of freedom of expression' (1999: 239). Essentially, 'the main threat to individual liberty and freedom of expression was a threat that stemmed from the state: the right to individual liberty had to be protected against the excessive use of state power' (Thompson 1999: 239). In short, the early liberal thinkers thus did not bargain on the twentieth century media's large dependence on competitive capitalist accumulation and the extent to which transnational networks and institutions would undermine nation-states' sovereignty and autonomy (Thompson 1999). It is for this reason that James Curran argues that a 'revised conception is needed in which the media are conceived as being a check on *both* public and private power' (2000: 122). Granted, the *M&G*'s editorial approach has been to investigate possible abuses of power in the public and private sectors, but questions remain about the context in which they operate. South Africa makes for just 0.5 per cent of the global media industry's value, whereas the US accounts for the largest value at 40.4 per cent (Datamonitor 2005). Within South Africa's borders, the two most dominant media companies are Naspers Limited – which owns a wide range of electronic and print media –

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and Independent News and Media plc, which owns print media in the UK, South Africa and Australasia (Datamonitor 2005). Naspers, which has a share in *M&G Online*, generated revenues of $2 243.2 million for the fiscal year ended March 2004, whilst Independent News and Media reported revenues of $1 693.52 million in the fiscal year ended December 2004 (Datamonitor 2005). Naspers also launched 24.com, which amalgamates MWEB, News24 and Media24 Digital's niche interest sites (24.com 2006); 24.com effectively captures over 60 per cent of South Africa's online market (24.com 2006). It is this context that makes it possible to see how it is that proprietary approaches to knowledge production and circulation take precedence on the South African media scene. It is also possible to see how the interests of shareholders may take precedence over the public interest in a media scene that offers brand diversity but not necessarily diversity of media ownership. In this regard, Benkler argues that the fear is not 'that the concentrated media will exercise its power to pull opinion in its owners' interest', but that the 'commercial interests of these media will cause them to pull content away from matters of genuine political concern altogether' (2006: 204). In their attempts to reach large audiences, advertiser-supported media are likely to adopt 'lowest-common-denominator programming' that is not likely to alienate too many people (Benkler 2006: 205). This has serious implications for the representation of diverse and marginal subjects, especially in the face of the fact that even community newspapers (for example, *Athlone News, The Tatler, People's Post, Worcester Standard* and so on) are actually owned by either Naspers or Independent News and Media.

Therefore, whilst I do not wish to undermine the stand that Buckland and Hafferjee took in the Wiley incident or undervalue the importance of the LIO Constitutional Court victory, I do think that the battle for the rights of citizens is more complex than David and Goliath style media events. The issues of free speech, creativity and innovation that feature in both cases also apply to the problem of media ownership in South Africa. What is at stake here is the news media's role as watchdogs that are able to inform citizens of matters that will influence their ability to make decisions about the public

interest. As Chomsky and Herman's, Thompson's, Benkler's and Curran's work suggests, there are serious questions about the news media's ability to play this kind of role in an age of global media monopolies. What is needed is a critical engagement with some of the key premises that inform the operation of the media, something along the lines of the key shifts that have occurred in information technology with the open source movement and, more recently, the advocates of open standards in areas such as education. If news carriers are to claim their title as media watchdogs in a functional democracy, media ownership and the proprietary approach to the production and dissemination of news will have to be reconceptualised, or this function will be usurped by bloggers and media activist organisations like Independent Media Center. In this regard, the terrain has already changed to a significant extent. In his discussion of the impact of the Internet on the public sphere, Benkler argues that the 'networked public sphere is not made of tools, but of social production practices that these tools enable' (2006: 219). Benkler contends:

> The primary effect of the Internet on the public sphere in liberal societies relies on the information and cultural production activity of emerging nonmarket actors: individuals working alone and cooperatively with others, more formal associations like NGOs, and their feedback on the mainstream media itself. These enable the networked public sphere to moderate the two major concerns with the public sphere: (1) the excessive power it gives owners, and (2) its tendency, when owners do not dedicate their media to exert power, to foster an inert polity. (Benkler 2006: 220)

Instead of offering a technologically determinist view of the ways in which the Internet has revolutionised political participation, Benkler points to the political and social agency of a range of subjects and organisations in their attempts to engage critically with their political and media landscapes. However, the extent of the digital divide in South Africa is still so substantial that the possibility of citizen media overtaking conventional news media

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seems a long way off. There is thus still huge pressure on news media to serve citizens in our emerging democracy.

Debates about media ownership aside, LIO successfully confronted the operation of global capitalism / Empire more aggressively than the advocates of FLOSS or Creative Commons.[31] 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. Rather, 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. 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: towards the common

This chapter has employed the notion of the enclosure of the commons in order to speak about the privatisation of the news 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). In order to get to the heart of the confrontation the authors refer to John Locke's belief that 'labor creating private property is an extension of the body' (Hardt & Negri 2004: 187). The problem for corporate capital is that the body has become 'increasingly common', thereby raising questions about

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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. 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.) (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.[32] 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

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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 being their conscious embrace of open standards.[33] The production of the GNU GPL, the Open Source Definition and Creative Commons and their 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's and Bollier's characterisation of the commons – a vision that has yet to be realised, be it via the use of technology or the global mobilisation of social movements, or a combination of these approaches.

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5

HIP-HOP, GENDER AND CO-OPTION IN THE AGE OF EMPIRE

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MAINSTREAM HIP-HOP, THE most visible and commercially successful form of hip-hop, has often been criticised for its misogyny and celebration of consumerism. Whilst this chapter does not analyse a cross-section of mainstream hip-hop in any great detail, it does explore the ways in which hip-hop functions within debates about the operation of global capitalism and US cultural imperialism. Specifically, I focus on the kind of agency that hip-hop offers subjects within the context of corporate globalisation. The argument that I offer here 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. Via the work of artists such as Sarah Jones, Saul Williams and Godessa, specific reference is made to 'conscious' hip-hop's challenges to misogyny in both gangsta rap music and mainstream media representations of female sexuality and consumer desire. In this regard, arguments about the construction of black masculinity in gangsta rap and mainstream popular culture are considered, in order to add a level of complexity to bell hooks's 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 that 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.

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, Saul Williams and Sarah Jones to produce cultural expressions that are not co-opted by corporate marketing agendas. Specifically, this chapter contends that Godessa and Immortal Technique interrupt Empire's use of the communication industries to legitimate the imperial machine (Hardt & Negri 2000). These artists use the very strategies of Empire (music production, music performance, music videos, the Internet and digital technology) 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 the work of Godessa, Sarah Jones and Immortal Technique confirms Hardt and Negri's (2000) 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. 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 Chapter 6'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.

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Race, gender and the commodification of hip-hop

Hardt and 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 Chapter 1's discussion of

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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 counter-discursive action becomes possible.

Initially, I 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, which informs the other elements: emceeing, graffiti art, b-boying (or breakdancing) and deejaying. 'Conscious' hip-hop artists of the 1980s and 1990s, such as Afrika Bambaata, KRS-One, Public Enemy and Queen Latifah, have been credited for affirming black subjectivity in their work (George 1998; Rose 1994). Hip-hop crews and artists, such as Prophets of da City (POC), Black Noise, Shamiel X, Mr Fat, Brasse vannie Kaap (BVK) and Rozanno played a similar role in validating negated black and 'coloured' identities in South Africa during the same period.

This chapter shows that Dick Hebdige's key text *Subculture: The Meaning of Style* (1979) 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 marketplace. Hebdige (1979) reminds us that subcultures communicate through commodities and therefore work

from within the operation of capitalist processes of retail, marketing and distribution. 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 (2000) 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 the townships of Cape Town, South Africa. In this regard, the music and activism under discussion here 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, BVK, Godessa and Moodphase5ive, for example – it is community radio station 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' is realised. This chapter suggests 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 learners.

Initial thoughts about the existence of hip-hop outside of the USA might raise the question of 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; Haupt 2001). In this regard, the decision by crews such as POC and 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

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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 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 MC 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 and the concept of knowledge of self in order to suggest that the unifying narrative of black consciousness 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) in an attempt to construct a unified black identity[34] 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' (1994: 116).

hooks's contention makes sense of the fact that more critical and subversive artists such as Sarah Jones, KRS-One, Dead Prez, Immortal Technique and 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 attempts 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's (1988) work on the double-coded nature of 'Signifyin(g)', discussed in Chapter 3.

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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 on the terms of 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's argument that 'white capitalist patriarchs' do not find gangsta rap threatening is plausible.

hooks's 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 (2000: 198) 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. 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 an act of delegation – black artists and intellectuals were thus expected to accept the burden of speaking for the black community in every instance (Quinn 2000). 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 television commercials

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in recent years. Quinn (2000) argues that gangsta rappers were aware of this burden of representation. 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 1980s' 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' (Quinn 2000: 210) – thanks to the initiative seized by gangsta rappers, the market is now typecasting black artists. 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 1992b; Hall 1996). 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)

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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' (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.
> KKKs, Skinheads, and Nazi
> girls break their neck
> to get to the party.
> It ain't like their men can't nut,
> their dicks 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

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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' (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 Cube[35] and Ice-T[36] 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 (2002) claims. Ultimately, Quinn's, Henry's and hooks's 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'[37] 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 2000)

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.[38] Jones questions myths of consensus about what is deemed to be acceptable / natural practice in gangsta rap and commercial rap in general. In short, she issues a challenge to the representation of women as tradeable commodity items in many gangsta rap videos and lyrics. It is interesting to note that Jones's chorus line refers to Gil Scot Heron's popular 1970s' 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 1970s and early 1980s. Whilst Heron's work issued a challenge to white structures of domination – as evidenced in mainstream media representations – Jones's work suggests

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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. The work of poet Saul Williams offers a similar critique of the values that are now celebrated in mainstream hip-hop:

> We're performing an exorcism on all this keep it real-ism,
> violence, sensationalism
> In the name of the hip-hop that nurtured me, cultured me
> we are ordering all evil entities to exit this body, leave this body
> In the name of microphone fiends and a young boy's b-boy dreams
> We draw you to leave this body, leave this body
> All evil entities, all wannabe emcees
> decoys, decoys, send in the true b-boys
> the true b-boys be men, motherfuckers, be men
> In the name of Scott La Rock
> In the name of T-La Rock
> Motherfuckers don't remember how to do the Reeboks, walk, hop
> I told you to leave this body
> Leave this body, leave this body
> I told you to leave this body
> leave this body, leave this body
> Motherfuckers must think I'm crazy
> Shit, I think y'all motherfuckers is crazy
> I want my fuckin' MTV
> Penny for a thought, nigga, penny for a thought
> What the fuck have you bought into? (Williams 2001)

Williams's performance of an exorcism functions as a metaphor for the extent to which commercial imperatives have directed mainstream hip-hop's obsession with the performance of violent masculine identities. What is interesting about this extract is that Williams expresses his anger at the fact that the very culture that 'nurtured' and 'cultured' him has now been

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'possessed' by 'evil' global media corporations like MTV – hence the reference to Dire Straits's song 'Money for Nothing', which features the lyrics 'I want my MTV'. The work also alludes to many hip-hop songs' references to 'keeping it real', a notion that speaks to the idea of performing an authentic black-working-class identity and, therefore, retaining credibility. It is this notion of what is 'real' or authentic that has been co-opted by mainstream media communication and marketing strategies. Williams's critique is supported by William Jelani Cobb's research on hip-hop MCs. Cobb writes, 'The rapper, unlike the blues artist, is pressured to adapt (or adopt) his fictive persona in real life' (2007: 30). He contends that 'hip-hop's numb insistence upon "reality" misses the fact that the artist's task is to understand and interpret the *whole* world – even those realities that are not his own' (Cobb 2007: 30). It is for this reason that 'hip-hop has come to understand itself in the most literal terms' (Cobb 2007: 30). Saul Williams also acknowledges that his work as an artist involves speaking through commodities when he says:

> They're paying me to record this
> Even more if you hear it
> Somebody tell me what you think I should do with the money?
> Yes, friend, tell me what you think I should do with the money?
> Exactly how much is it going to cost to free Mumia?
> What's he gonna do with his freedom? Talk on the radio?
> Radio programming is just that – a brainwashin' gleamed of purpose.
> (Williams 2001)

Williams therefore acknowledges the fact that 'Penny for a Thought' is more than just a cultural expression. It is also a saleable commodity, a fact that potentially places key limitations on the poet's political intentions. His scepticism at the idea of Mumia Abu-Jamal, a Death Row prisoner who was convicted in what many term a racist and biased murder trial, speaking on the radio adds to one's sense of his limited faith in mainstream media as a means of effective political engagement. Essentially, Jones and Williams

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are engaging critically with the process of hip-hop's recuperation via the commercial exploitation of gangsta rap and commercial rap music in general.

In his discussion of the commodity form, Hebdige (1979) reminds us that subcultures speak through commodities. In hip-hop, sampling relies on the use of elements of music texts – which 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 interview)

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, delegitimates the subversive power of the art form. Hip-hop style also features in a number of commercials,

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from those advertising cellular 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' (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*[39] reveals, Lee refused to compromise on prospective film distributors' demands that the film's incendiary political content be toned down somewhat (Lee 2001). This refusal signifies artists' agency in negotiating the terms upon which they enter mainstream markets and points to the possibility of marginal subjects' views and artistic approaches circulating 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 1980s. The corporate challenge to sampling in hip-hop via court battles – *Acuff-Rose Music Inc. v. Campbell* (1992) and *Grand Upright Music Ltd. v. Warner Bros Records* (1991),[40] for example – has come to characterise rap as deviant as well.

'Conscious' hip-hop's continued appeal

Jeff Chang (2006) calls the tension between the co-option of hip-hop and its potential for political agency a paradox. He holds that 'even as hip-hop was at the peak of its function as a multiplier for entertainment and luxury lifestyle capital, hip-hop continued to give voice and grant vision, one-to-one, to millions around the world' (Chang 2006: xii). Much the same could be said of hip-hop in South Africa, where 'conscious'[41] hip-hop continues to enjoy

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much support. In many respects, artists such as BVK, Godessa, the late Mr 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 1990s – 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 is not the motivation of substantial commercial gain that has kept hip-hop heads[42] 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 interview). 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)

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This contention, which taps into the same sort of language employed by Deleuze and Guattari and by Hardt and Negri, resonates with the activities of crews like POC, Black Noise and BVK, who employ non-standard dialects of Afrikaans, English and – in the case of POC during the mid-1990s – Zulu in their work. This contention 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 Flats non-standard dialect of Afrikaans] is legal', thereby issuing challenges to standard dialects of power (Haupt 1998: 113).[43] 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 have 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 1990s. 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 1990s. Black Noise's Emile Jansen (aka Emile YX? and sometimes simply Emile) was instrumental in launching an anti-racism, anti-crime campaign titled Heal the Hood in the late 1990s and involved Swedish hip-hop artists in this campaign after establishing links with them during a tour of Europe. Emile YX? has also been 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 (Jonker 2003). Black Noise continue to work on exchanges with European hip-hop heads and in March 2003 left for a three-month tour of Europe, to record and release an album. Emile YX? 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 celebrate 21 years of hip-hop in South Africa. Jansen continues to collaborate with European artists and, at the time of writing, he had left for Sweden shortly after launching a racism and xenophobia workshop, Project Break,

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at the District Six Homecoming Centre. Bvk performed at the Pukkelpop Festival in Belgium and the Nottinghill Carnival in the UK in 2000 and recently participated in a month-long youth workshop programme in the Netherlands. In 2000 BVK also began to enjoy more mainstream success amongst white South African audiences and 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 nonetheless been able to mobilise global media flows for their own political and economic ends.

These global links 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. He now had more time to become closely involved in community activism as well as to pursue studies at the University of Cape Town and, later, York University in Toronto. From the late 1990s until 2005, Ariefdien and DJ Big Dré presented a hip-hop show called Headwarmers, which airs on community radio station Bush Radio. During the time that Big Dré and Ariefdien presented the show, it provided 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' MC sessions, and listen to hip-hop tracks that are often difficult to obtain in the average music store. In a sense, the radio show became one of the means through which Cape Town's hip-hop community was constituted and it offered a means through which hip-hop heads have been able to mobilise. Headwarmers became one of the ways through which Ariefdien and the Broadcasting Training Initiative's Nazli Abrahams would recruit participants in Bush Radio's MC workshops series. These workshops, titled Alternative Kerriculum (sic) for Mentoring Youth (ALKEMY), were a spin-off of an initial programme called Hiv Hop (2000), which was geared towards 'looking at how to use hip-hop to educate young

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people about HIV and AIDS, but beyond messaging sort of the ABC thing that you see everywhere' (Abrahams interview). 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*[44] 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 *gooi,*[45] 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 practise on it, but other stuff forces you to think, you know. (Ariefdien interview)

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 contained a practical creative writing component and a critical theory component, which had participants engaging with theorists like Noam Chomsky, Frantz Fanon and Michael Parenti, for example. Typically, many of the participants were high school students. Abrahams points out that participants were not required to write exams or essays and that their 'understanding isn't based on regurgitating information' (Abrahams interview). She contends that the

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workshops focused upon a practical application of the information that was offered to them:

> So my thing is, look, if you live in Khayelitsha,[46] 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 interview)

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 to 'talk down' to children and that educators 'assume that they don't know much' (Abrahams interview). Ariefdien and Abrahams write that their 'challenge is to use hip-hop as a means to provide young people with a meaningful platform for expression' (2006: 267). They see hip-hop as a means of pursuing 'freedom in a postapartheid context' and acknowledge that being 'critical of the new South Africa means that. . .you stand the chance of being labelled an "Afro-pessimist" or falling prey to a kind of colonial talk' (Ariefdien & Abrahams 2006: 268). However, they 'see hip-hop as not being burdened or constrained by this line of thinking' (Ariefdien & Abrahams 2006: 268). 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 (Abrahams interview).[47]

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The ALKEMY programme also benefited from visits by academics – such as American linguist Geneva Smitherman and anthropologists John and Jean Camaroff – who either donated teaching time or books. As in my earlier discussion of POC's, Black Noise's 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 one-off workshops. More importantly, they confirm the possibility that globalisation has significant value beyond merely corporate ends.[48]

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. Ariefdien and Abrahams see knowledge of self in the following way:

> When we talk about knowledges of self, we refer not only to the 'person' and focus on aspects of Black consciousness but also to an ideal that is less bound, and we look at the intersecting of the self, political, educational, spiritual, philosophical, environmental, and 'cultural'. All of this speaks to a kind of 'oneness of being'. We are of the opinion that art does not only mirror reality but that it shapes reality. [sic] (Ariefdien & Abrahams 2006: 269)

Ariefdien and Abrahams therefore see art as an important means through which individuals both make sense of and shape their realities. They also do not view knowledge of self as being exclusively bound to black consciousness ideals. The participants' writing 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:

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Soweto 1976, battles on the streets
Throwing stones at the Police
To the ghettoes 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.
(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 the fact that a Cape stand-up comedian like Marc Lottering has incorporated this phenomenon into his comedy routines. 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

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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.
> (Brockman, unpublished)

These rhymes resonate with Abrahams's misgivings about outcomes-based education 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 reflects the continued existence of a neo-colonial educational system that situates subjects in servile positions.[49]

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

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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 [sic]
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.
(Schippers, unpublished)

Schippers's 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. Towards the end of this piece of work she comments on an irony similar to the kind to which Brockman alludes 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.[50]

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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 have also produced tracks on globalisation for an American documentary on globalisation. Godessa's entry into South Africa's hip-hop scene is particularly significant as they present an anomaly to a largely male-dominated genre of political and artistic expression. In this regard, Lliane Loots (2001) speaks of cultural practice as agency.[51] 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' (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's 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 MCs: Shameema Williams (aka Lady of Shame), Burni Amansure and Eloise Jones (aka EJ von Lyrik). The crew now have 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 is that EJ von Lyrik has obtained a significant amount of production training from Grenville Williams and producer Bradley Williams as well as from Bush

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Radio (Godessa interview). She has been involved in producing Godessa tracks and remixed 'Brainstorm' for Moodphase5ive's album *Super Deluxe Mode*.[52] This fact suggests that Von Lyrik is determined to seize the means of production and become an active agent / producer beyond the realm of being an MC – a significant step in the light of the fact that the role of producer or sound engineer is largely perceived to be a male one. The MCs came together in April 2000 after Shameema Williams had been 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 interview).

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 interview). Subsequently, as mentioned earlier, Godessa has made a number of overseas trips, including a 2002 trip with Shaheen Ariefdien to New Jersey in the US where they participated in a key hip-hop conference titled Planet Hip-hop, attended by hip-hop figures such as Afrika Bambaata and Public Enemy's Chuck D. The crew also visited Brussels 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 interest groups within and beyond South Africa's borders.

Godessa 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. More recently, the band released a collaborative album, *Rogue State of Mind* (2006), which features Swiss and South African musicians. 'Social Ills', which features on *Spillage* and *Introspective Soul*, resonates well with the theoretical ground already covered in this chapter. Essentially, it

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speaks to the ways in which society, including the media and producers of clothing labels, '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 US:

> 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 contend 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. The reference to Jennifer Lopez as marker of beauty should not be overlooked here. In her analysis of the link between media representations of black female sexuality and racial difference, Patricia Hill Collins (2005) argues that there is a measure of continuity in the ways in which black women have been represented from the colonial era to the present day. She writes:

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> From the display of Sarah Bartmann as a sexual 'freak' of nature in the early nineteenth century to Josephine Baker dancing bare-breasted for Parisian society to the animal-skin bikinis worn by 'bootylicious' Destiny's Child to the fascination with Jennifer Lopez's buttocks, women of African descent have been associated with an animalistic, 'wild' sexuality. Expressed via an everlasting yet distinctive constellation of sexual stereotypes in which Sarah Bartmann's past frames J-Lo's present, this association of sexuality with black women helps create ideas about racial difference. (2005: 27)

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Hill Collins points to the persistence of biological essentialism in representations of black women from the colonial era to the present day. Media fascination with Lopez's buttocks as well as, more recently, those of Beyoncé Knowles speaks to problematic ideas about race, gender and body politics that continue to shape conceptions of black femininity. T Denean Sharpley-Whiting (2007) offers important insights into 'video vixens' in hip-hop music videos. Sharpley-Whiting states: 'That the vast majority of the young women in these videos are either fairer-skinned, ethnically mixed, or of indeterminate ethnic / racial origins, with long, straight, or curly hair would suggest that along with the stereotype of hypersexuality and sexual accessibility, a particular type of beauty is offered up as ideal' (2007: 27). She argues that it is the figure of the 'mulatta' or racially indeterminate female figure that appeals to the 'European and American male imagination' because she 'signals the perfect blending of skillfulness in matters of sex (read: black) and physical beauty (read: white)' (Sharpley-Whiting 2007: 27–28). It is in this sense that the figure of the 'hybrid' subject does very little to blur distinctions between black and white, but confirms them through a biological essentialist lens that perpetuates both racism and sexism. The power of such a lens to distort representations of black female subjectivity becomes apparent when one considers the global appeal of commercial R&B and hip-hop, thanks to the operation of global media that consistently interpellate subjects as consumers. As Kaila Adia Story suggests, '[T]he

conceptualisation of the Black female body as an inherently sexualised body has historically and contemporarily affected perceptions of women of African descent in both local and global media' (2007: 236). Thanks to US cultural imperialism, this problem takes on a global dimension. In addition, these sorts of representations of black female subjectivity are not confined to the videos of male hip-hop music artists because Beyoncé Knowles and Jennifer Lopez both feature prominently as 'video vixens' in their own work (Story 2007). Thus, whether they are performing in the hip-hop or R&B genres, black women have been participants in setting the problematic ideals of female sexuality and subjectivity that Godessa challenge in 'Social Ills'.

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[53] (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 von Lyrik 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,

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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, Jay Z, Usher and Nelly) 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 television 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 challenge 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 television 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 television 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 and identity construction. However, it is interesting to note that the clones march into the television as the individual image of EJ steps out of the box. This sequence might also leave one wondering which set of images is meant to be real

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and which simulated, within the fiction of the work itself. If the individual image of EJ is stepping out of the television, 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 Chapter 2'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). In the light of Godessa's comment on consumerism and gender role construction in the media it would be helpful to consider briefly the significance of Baudrillard's argument about images. 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 television as the EJ clones march into the set. Baudrillard's view of the image supports the claim that gender

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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's direct challenge to mainstream hip-hop's misogyny in her poem 'Your Revolution',[54] 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 Lliane Loots's (2001) description of cultural practice as acts of 'self-definition'. Their work also resonates with bell hooks's (1994) view of gangsta rap's gender politics. This kind of cultural practice thus becomes vital, in the face of Loots's 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 their attempts to challenge Empire resonates 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 reproposed ceaselessly by developing its own language of self-validation. (Hardt & Negri 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 attempt

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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).

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.[55] 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). 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. Parenti contends that:

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> 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. (Parenti 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 (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 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's and Immortal Technique's work implies, there are different levels upon which the concept of knowledge of self operates. Firstly, it functions on a personal level where subjects negotiate their 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 Ills' music video suggests, gender identities are mediated by the communication industries and other forces of socialisation. The same can be

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said for all the other facets of subjects' identities. Knowledge of self refers to subjects' abilities to critically evaluate the different factors and processes that construct individuals' identities. It is lack of this 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 towards 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 in either world. For example, the racial and gendered divisions of labour (for instance, migrant labour) play out in different ways in each context. But, in essence, this claim at the very least pledges a political allegiance with working-class subjects in locations

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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[56] 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' (Immortal Technique 2001). 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* 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 hegemons in the age of Empire. As Godessa and Immortal Technique suggest, the media are the key means through which anorexic standards of beauty and consumer desire, in general,

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are advocated. In this way, assimilation becomes possible and the imperial machine is ultimately legitimated.

Interestingly enough, the consumption practices to which both Immortal Technique and Goddessa refer 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 (2001) 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'. 'Social Ills' expresses this kind of consciousness to a certain extent in its reference to brand names, such as Nike, Fila and Levi. The Godessa crew have made a conscious decision to wear clothes by South African clothing label Loxion Kulcha – and, more recently, Butan – 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 the work of 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 (2001) 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

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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). 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 have engaged critically with gender politics in the media as well as the role of global capitalism in the construction of consumer desire. Essentially, the work of both Godessa and Immortal Technique seizes control over 'linguistic sense and meaning' and employs communication networks (radio, television, the Internet) in the artists' 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 MCs and their political messages are uncompromising – this is significant in the face of the often suspect gender politics of pop music, kwaito[57] and gangsta rap. EJ von Lyrik's emerging role as a producer takes this a step further and suggests that the crew are 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 were well represented on their former label's website and one of their tracks was available for download from this site (www.africandope.co.za) as well as from www.sarockdigest.com. Since the release of their first single, they have left African Dope to launch the album *Spillage* via their own publishing

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company, High Voltage Entertainment, which has gone on to release the albums of Afrikaans artists like Jitsvinger as well as raga musicians like Teba, who used to perform in the kwaito crew Skeem. More recently, Godessa collaborated with a number of South African and Swiss musicians to release *Rogue State of Mind* (2006), an album meant to raise funds for the NGO Party with a Purpose. 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 and 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 spaces as diverse as Tanzania, South Africa,

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New Zealand, Seoul, Mexico, Palestine, the USA and England the opportunity to meet in Internet chat rooms (via IRC) and via email so that they may mobilise around projects of similar concern. One such 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 send 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*,[58] 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 es Salaam, you know, like from Papua New Guinea and Cape Flats and we have a two-week summer school thingie.' (Ariefdien interview)

Ariefdien knows how this medium – including wav[59] 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

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particularly important given the considerable size of the digital divide in Africa[60] and many other developing nation contexts. Until this key issue is addressed, 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, and word of mouth continue to be powerful tools for 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 2000: 32) 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"' (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, and informal music production and distribution as well as conventional music distribution networks employed by the music industry. Chapter 6 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 MCs are 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.

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6

HIP-HOP, COUNTERPUBLICS AND NOISE IN POST-APARTHEID SOUTH AFRICA

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THIS CHAPTER SHIFTS AWAY from discussions of South African hip-hop in the context of Empire – though not entirely – 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. Initially, I 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 (1992) concept of subaltern counterpublics is introduced in order to make sense of the 'noise' (cf. Dick Hebdige) produced by hip-hop artists. This chapter considers 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. In this regard, reference is made to Duncan Brown's (2001) 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. The concluding section of this chapter returns 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) in the struggle for social justice.

Noise from POC and Black Noise

During South Africa's transition to democracy, POC's use of hip-hop as a tool for raising the critical consciousness of their audiences played a significant role in ensuring that the country's disenfranchised youth found ways of accessing the public sphere. As Tricia Rose (1994) 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). Cape-based hip-hop during the 1990s issued challenges to neo-colonial discourses, such as apartheid, in its exploration of the politics of identity, history and location as well as in 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 BVK) and effectively laid claim to space within the public sphere, to which young black subjects did not have access under the apartheid state. It is in this sense that these organic cultural intellectuals (cf. Decker 1993) contributed to the development of South Africa's relatively new democracy. After more than a decade 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 (cf. George 1998; Rose 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 examines

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work by some of the newer generation of hip-hop artists in order to suggest that some of the more recent work produced by them is consistent with that of earlier 'conscious' hip-hop artists like POC or Black Noise. Work by these artists continues to play a key role in reflecting upon as well as facilitating discussions about some of the major concerns that affect civil society after more than a decade 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. (Hebdige 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 (Hebdige 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 1980s and early 1990s. 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

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alternative fashion trends of punks. In this context, the clothing style of hip-hop heads would offer a contemporary example. Hip-hop samplers' use of 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, 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 1994: 89). Charles Shaar Murray (1989) offers an indication of some of the ways in which black artists from previous generations were marginalised or exploited. Shaar 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' (Shaar 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' (Shaar Murray 1989: 86).

Much of what Schumacher and Rose think about sampling seems 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 National Party (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 unmistakeable message: 'FUCK OFF!'[61] 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 Africa 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 master narrative (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 (2001) 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

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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 NP 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[62] and brick strikes
All you see is blood flowing and spurting

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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 NP during the build-up to South Africa's first democratic elections is deliberate (Haupt 1996a; 2001). 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 apartheid.[63] Their rhythmic repetition and emphasis of consonants (through alliteration and consonance) – which suggest the violence described in the narrative – form part of this appropriation and speak 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 had won the Western Cape during the 1994 elections.

Much of the work produced by Black Noise is in a similar vein. 'Who Taught You to Hate Yourself?' – which originally appeared on *Rebirth* (1995) – echoes POC's reluctance to take calls for reconciliation at face value:

Don't let the white man speak for or fight for 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.

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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 themselves in songs such as 'Cape Crusader'. Former POC MC 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

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> 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 from record labels that 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 (1979) reminds us that subcultures speak through commodities and therefore work from within the operation of capitalist processes of retail, marketing and distribution. 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 means that 'conscious' hip-hop artists use to issue their challenges to hegemony are the very same 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, while locally both crews have been involved in anti-drug tours, voter education initiatives and school hip-hop workshops. As mentioned in Chapter 5, Black Noise's Emile Jansen (aka Emile YX? and sometimes simply 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 and co-manage a critical theory and creative writing programme at Bush Radio. The initiative, titled ALKEMY, provides mostly high school students with an opportunity for an alternative education that offers them the means to succeed if they choose to

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pursue a university education. ALKEMY's precursors were Youth Against AIDS (YAA) 2000 and HIV Hop. Artists such as female crew Godessa and the late Mr Devious attended these workshops, which focused on using hip-hop as a means for engaging youth with AIDS education.

Noise from younger MCs

A great deal of the work produced by participants of YAA 2000, HIV Hop and ALKEMY reflects a consistency with work by earlier 'conscious' crews like POC and Black Noise. This is significant in the face of claims by Angela Impey (2001) about kwaito being a genre that finds itself liberated from the need to be engaged with South African politics in any way, as well as Lliane Loots's (2003) and Simon Stephens's (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 (Mr Devious, unpublished)

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I am a tool of oppression
in the form of 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, Mr 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 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 are implying the apartheid state, the post-apartheid state or the provincial government. The suggestion also resonates with POC's claims in 'Dallah Flet II' about NP complicity in township violence and the operation of shebeens. According to Ariefdien, Mr Devious first performed this poem at Metaphor, free open-air spoken word events that I organised in conjunction with DC Art

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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 everyday 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 many 'conscious' hip-hop artists, Mr Devious was also involved as a community activist. He was involved 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 coordinator and he worked for CRED (Creative Education with Youth at Risk). At CRED, Mr Devious used his creative writing and performance skills in an attempt to offer youth at risk constructive and affirming alternatives to crime (CRED 2006). Essentially, Mr Devious's 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 1996a; 1996b; 2001) 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. Three years later the person accused of his murder was found not guilty.

The work of MC Caco (aka Marlon Burgess) resonates with the ideas explored by Mr 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 most recent album, *Spillage,* and performed at the Cape Town leg of the Urban Voices Festival (2004), which featured Linton Kwesi Johnson, Toni Blackman, Jessica Care Moore and Godessa's Burni Amansure. In a poem titled 'Mark of the Beast' (Burgess 2004), which he performed at the Cape Town launch of *Voices of the Transition: Perspectives*

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on the Politics, Poetics and Practices of Development in 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 *multiplyed*.
> 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 pangas
> While the slang [snake] 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', 'multiplyed' (also a reference to toilet paper) and 'calculated' – and of 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 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/

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or snake (*slang*) 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 (cf. Impey 2001; Marlin-Curiel 2003; Stephens 2000).

In the following part of the poem, Caco 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's and Mr Devious's representation of the police. The reference to 'Klippies and Coke' and the

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suggestion that cane spirits / caine (Cain of the Old Testament) has broken families alludes to a cocktail that seems to be a 'uniquely South African' favourite – so much so that the distillery, Klipdrift, now market a drink that offers the alcohol already mixed with Coke in 'convenient' six-packs. This reference is also to the continued hegemonic operation of SAB and Coca Cola at the expense of marginal communities. At the same time, the biblical references 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 hegemons. The call to action towards 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 alludes 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.[64] 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 Chomsky and Herman (1988) as one of the filters in their 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 & Herman 1988: 2). Chomsky and Herman argue 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 the media's position. This view is consistent with other criticisms that Godessa level at the media. In 'PropAgenda', 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' (Godessa 2004) and contends that media agendas often coincide with corporate interests. 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 television representations of the racial other. He comments on the ironies of children adoring television 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'; he 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, Godessa rap

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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 and Herman's first media filter in their propaganda model: the size, ownership and profit orientation of the mass media (Chomsky & Herman 1988: 2). Chomsky and Herman argue that corporate-owned news carriers are less likely to compromise the interests of the holding companies. 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 our identities as consumers are raised. The issue of citizenship is key in this context amidst perceptions that the interests of transnational corporations and the role of multilateral trade agreements have begun to compromise nation-states' abilities to protect their citizens – in short, the onset of global capitalism brings about the decline of the role of the nation-state (Boyle 1996; Hardt & Negri 2000). These ideas also intersect with Chapter 5's reference to Hardt and Negri's (2000) argument that Empire employs the communication industries to produce languages of self-validation. Godessa's allusion to Chomsky and Herman's propaganda model in 'PropAgenda' is possibly not accidental because Shaheen Ariefdien and Nazli Abrahams have used Chomsky and Herman's work 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. The word 'prop' also connotes the idea of propping up something or someone – for example, propping up a 'puppet' regime. Patricia Hill Collins (2005) approaches the same set of ideas from the perspective of racialised class disparities that operate on a local and global

level. In her description of 'a new phase in the contours of racism', she coins a new term, the 'new racism'. Hill Collins contends that:

> the concentration of capital in a few corporations has enabled them to shape many aspects of the global economy. One outcome is that, on a global scale, wealth and poverty continue to be racialized, with people of African descent disproportionately poor. Second, local, regional, and national governmental bodies no longer yield the degree of power that they once did in shaping racial policies. The new racism is transnational. One can now have racial inequality that does not appear to be regulated by the state to the same degree. . .Third, the new racism relies more heavily on the manipulation of ideas within the mass media. These new techniques present hegemonic ideologies that claim that racism is over. They work to obscure the racism that does exist, and they undercut antiracist protest. (2005: 54)

One therefore sees the shift from legislated racism to a more subtle version of racism that operates through corporate mechanisms. The 'new racism' transcends national borders and obtains consent for its operation through commercial media monopolies. These insights are important because it is necessary to consider the ways in which racialised class privilege continues to operate in a postcolonial context, where formal legal and political apparatuses of racial oppression and exploitation are no longer visible. From this perspective, the racialised disparities in South Africa or between the north and former colonies of the south begin to make sense because one can begin to see continuities between the pre- and postimperial eras. In short, one can see Empire at work.

Godessa's collaboration with Moodphase5ive 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' (2002), 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

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narratives about heterosexual women's relationships with men. In the last stanza, Godessa's EJ von Lyrik and Moodphase5ive's D.Form enact a boy-meets-girl scenario. D.Form's stereotypical 'player' persona sees a girl at a mall and 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'*[65] or '*hy skiet kaarte*'.[66] 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 a man
> (Moodphase5ive & 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

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gangsta rappers (cf. Loots 2003) or some kwaito musicians (cf. Impey 2001; Stephens 2000). 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 the 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 Bassline* (2003) 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 the issue of 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 and the Volume 2003)

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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 towards 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. 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, and 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.

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

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Adams (aka Shamiel X) went a long way towards 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 towards 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). 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's 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 (1992) 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. 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 (1989) 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

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a singular entity. Fraser's interpretation of Habermas's work is confirmed when considering his description of the relationship between the state and the private and public spheres. Habermas argues that as 'a sphere between civil society and the state, in which critical matters of general interest were institutionally guaranteed, the liberal public sphere took shape in the specific historical circumstances of a developing market economy' (1989: xi).

The notion of the public sphere as a buffer between the state and civil society and the concept of '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 to make sense of the reality of post-apartheid South Africa as well as to develop key creative and critical skills in

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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, as in Black Noise's 'Stone Garden Soldiers'. These communities form parallel discursive arenas in which young subjects can 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) as well as concerns that global corporate interests have begun to compromise nation-states' abilities to protect their citizens.

Democracy, the nation-state and Empire

My discussion of the concept of counterpublics and 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. My discussion also appears to indicate that the state continues to be 'an agency of command and of empowerment' (cf. Corbridge 2003: 189), to recall my discussion in Chapter 1. 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

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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' (2001: 758). The Comaroffs (2003) pose their question in the context of a discussion of the conflict between tribal authority and the individualist, 'Eurocentric' values of the South African Constitution and distinctions between notions of ethnic citizenship and national citizenship. In this regard, they observe that 'contests over fractal identities and the terms of national belonging [are] fought out by means of legalities' (Comaroff & 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's 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

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> 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 2001: 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 (2001) 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' (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' (2004: xv). As 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). 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

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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'.

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' (2004: 441–442).

Here, Nuttall refers to evidence of translation and multilingualism in *Y* magazine as well as kwaito artists such as Trompies. 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, Mr Devious, Caco and Godessa.

Nuttall's claims are particularly interesting when read in relation to Larry Strelitz's (2004) 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

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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 the decision by Kentucky Fried Chicken (KFC) and McDonald's to include South African characters / stereotypes in their advertisements. These include KFC's recent television 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; and 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 television 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 their 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 European Union countries. Claims about indigenisation or glocalisation only have real value when local producers control or own the means of

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production and 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 Chapter 5). In fact, many of the South African hip-hop artists already discussed in this work 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' (2004: 627). The work of Asian Dub Foundation 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 2004). Asian Dub Foundation are a dub crew from the UK comprising 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 counter-discursive 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

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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 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 quotation 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. Via its use of diverse music forms and genres, the song offers an example of attempts to decentre colonial discourses and practices, its revolutionary stance and 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* (1991) 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

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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' (Decker 1993: 55) upon which these artists can project a set of ideological values. 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 and 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

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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 Asian Dub Foundation produce images of mountains, forests and tigers – signifying India or Pakistan – along with claims of police brutality in British metropolitan centres. Asian Dub Foundation effectively keep 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 Asian Dub Foundation 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 2004: 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's (2002) claims that racial / cultural identities were never pure or distinct 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' (2000: 361–362). This is where nomadism and miscegenation appear 'as figures of virtue' (Hardt & Negri 2000). 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's 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 Hardt and Negri seem to regard the Orpheus figure as in between categories, or mixed, and liberated because of this fact. Hardt and Negri 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). 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 (Monbiot 2003).

Conclusion: common struggles

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 makes it possible for subjects from different locations and persuasions to discover the common (cf. Hardt & Negri 2004) that will allow them to interact and cooperate with one another 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.

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CONCLUSION

THE DIVERSE ENGAGEMENTS WITH Empire described in this book 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 the 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 in 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). In a sense, whilst one window of opportunity has closed, another has opened. Thanks to the decentralised nature of the Internet and the cooperative 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 work 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

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and music fans on the Internet. This elucidation has also followed the thread of the history of MP3 technology 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 email 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 and office space, and into 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 world views, enhance their analytical abilities and influence their futures as educated citizens.

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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 licences, 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, I do not intend to undervalue the history of jazz or such artists' and audiences' defiance of apartheid in spaces like Sophiatown (cf. Coplan 1985) or at left-aligned music schools like MAPP (Musical Action for People's Power) until the early 1990s. The value in the specific artists and activists that have been analysed in this book 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 they issue productive challenges to corporate monopolies over technology, knowledge production and cultural expression.

The various struggles presented here therefore represent instances where culture, technology, media and the law intersect – or collide – in

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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 book 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 file-sharing, 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 that media giants can do to predict what form challenges to their 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 interest groups were to 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

the GPL and Creative Commons licences 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 project 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, in the fields of book publishing, academic journals, scientific knowledge, film distribution or PC games. While I have restricted my discussion of copyright law to key US legislation 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 book, as a whole, 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, and Africa to America that takes place throughout this text 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, essentially demonstrating the vision that these authors outline in *Empire* and *Multitude*.

I have 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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Notes

* The title of the Foreword, 'You wouldn't steal a culture', refers to a line used in an anti-piracy advertising campaign by the Southern African Federation Against Copyright Theft (SAFACT). The campaign was launched in the print media, television and cinemas. The cinema and television adverts commenced with a car theft scenario accompanied by the voice-over 'You wouldn't steal a car...'

1 A precedent for this kind of interdisciplinary study was set by Arjun Appadurai in an essay titled 'Disjuncture and Difference in the Global Cultural 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' (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 ethnoscapes (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 this book, the work takes its cue from the interdisciplinary and comparative nature of Appadurai's analysis. His 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 these corporate entities.

2 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 (2003) outlines two opposing views of globalisation. The first view, best captured by the work of Marshall McLuhan, is utopian in that it sees the globalised world as a 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 Alegre, 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 in Chapter 4 of the enclosure of the information commons at the hands of global corporate entities as well as my description in Chapter 3 of the process that led to the signing of the TRIPS Agreement. It also resonates with my analysis in Chapter 5 of work produced by ALKEMY (Alternative Kerriculum [sic] for Mentoring Youth), with specific reference to Nazli Abrahams's remarks about the impact of NEPAD on ordinary citizens' everyday realities. This book 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.

3 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.

4 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 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.

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5 According to Rohit Jaggi, approximately 95 per cent 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 UK'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). 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.

6 Of course, we have recently seen tensions in the tripartite alliance. The national civil servants' strike in 2007 could be read as an indication that unions are finally expressing unhappiness with the ANC government's economic policies. As Democratic Alliance leader Helen Zille suggests, the strike could also be interpreted in the context of the ANC succession race that has featured ANC Deputy President Jacob Zuma and a number of his supporters (Quintal 2007). From this perspective, the strike is less about workers' rights and more about a battle for power between key political figures in the tripartite alliance. At the 2007 ANC policy conference, President Thabo Mbeki reportedly said, 'The ANC has never sought to prescribe to the SACP the policies it should adopt, the programmes of action it should implement, and the leaders it should elect' (SAPA 2007). The ongoing tension between figures such as the SACP's Blade Nzimande and the president raises questions about the alliance's future as well as COSATU's and the SACP's ability to serve the interests of economically marginal subjects.

7 Deleuze and Gauttari ascribe six characteristics to the rhizome: connection, heterogeneity, multiplicity, asignifying rupture, cartography and decalcomania (1987: 7–12).

8 Roy's arguments about South Africa do not acknowledge the many racialised class disparities that the ANC inherited from apartheid South Africa. Many of the problems created by the NP government persist and cannot merely be ascribed to post-apartheid South Africa's capitulation to global neo-liberal economic agendas.

9 Visit www.globalvoicesonline.org/wiki/index.php/Bridge_Blog_Index for the Bridge Blog Index. This extensive index offers one a sense of blogs' global appeal.

10 Save for Creative Commons, I do not discuss the websites that I mention here in great detail in the rest of the book. 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 work examine very specific areas where agency is possible as well as scenarios where such agency is potentially neutralised or co-opted.

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

12 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 that 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 (DMCA) – this Act is 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 email 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 MWEB, cable television company Multichoice (which owns M-Net) and a large number of print media titles, such as *You*, *Huisgenoot*, *Drum* and *Die Burger*.

13 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.

14 It is from this perspective that the slogan 'Another world is possible' makes sense. This slogan is popular in contexts such as the WSF as well as anti-war protest websites like www.notinourname.net; the slogan is used in the hip-hop poet Saul Williams's 'The Pledge to Resist', which is available off that website. This poem has

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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).

15 The concept of collective approaches to the production of knowledge is discussed in Chapter 4, which explores arguments about open source software and Creative Commons licences.

16 Of course, the fact that this scene 'resembles a video game' is not incidental as the film's release was timed to coincide with the release of the PC game, *Enter The Matrix*. Gordon's analysis takes on a special significance in the 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' (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

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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 of the soldiers 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 1980s in the US and did not carry 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.

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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 derive 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.

17 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).

18 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).

19 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).

20 This issue is taken up in Chapter 5, where I discuss the work of Alternative Kerriculum (sic) for Mentoring Youth (ALKEMY) in South Africa.

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

22 POC are a pioneer rap group from Cape Town, South Africa. In the early 1990s, 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.

23 Mzwakhe Mbuli is a spoken word artist who often performed at political rallies – such as those organised by the now defunct anti-apartheid organisation, the

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United Democratic Front (UDF) – during the 1980s in South Africa. Mbuli served a jail sentence after being implicated in alleged armed robbery charges.

24 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 Chapter 2, 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.

25 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 a co-opted version of the initial website because it is no longer a P2P platform. It is now a B2C (business-to-customer) operation.

26 David Croteau and William Hoynes define technological determinism as 'an approach that identifies technology, or technological advances, as the central *causal* element in processes of social change' (2003: 301). The problem with this approach is that it could overlook the agency of people in determining social change and it can reify technology.

27 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' (2005), for an in-depth analysis of 'mashups' as well as a narrative of McLeod's own activities as an 'intellectual property activist'. McLeod (2005) 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 band U2 for unauthorised use of its hit song 'I Still Haven't Found What I'm Looking For'.

28 Read the Working Group for Indigenous Minorities in Southern Africa's 2002/2003 annual report at 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 Council for Scientific and Industrial Research (CSIR)

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'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 (2004) 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. 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).

29 This information about APC and Bridges.org was obtained from a press release advertising a workshop on 15 March 2005: A Creative Commons South Africa Workshop: Towards a National License.

30 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 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 www.safact.co.za

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for details of the number of raids that they have executed on pirates and goods counterfeiters since 1995. SAFACT's related website, www.crimesucks.co.za, wastes no time in characterising 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 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 and Time Warner AOL. In contrast, organisations such as Creative Commons South Africa, Bridges.org and Go-opensource.org move away from processes of enclosure, enforcement and criminalisation towards creating an information commons in the fields of culture, science and technology.

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

32 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.

33 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.schoolnetafrica.net); Free Software Innovation Unit (at www.uwc.ac.za); Open Learning System (www.ols.ac.za); Free Software & Open Source Software Foundation for Africa (FOSSFA, at www.fossfa.net); Meraka Open Source Centre, Council for Scientific and 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 (FHSST, at 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); NetTel@Africa Training

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Project (www.nettelafrica.org); Southern African NGO Network (http://sangonet.org.za); University of Cape Town, Department of Computer Science Advanced Information Management Laboratory (www.cs.uct.ac.za or http://aim.cs.uct.ac.za or http://pubs.cs.uct.ac.za); Access to Knowledge (A2K) in Southern Africa (www.access.org.za); Association for Progressive Communications (www.apc.org) and Translate.org.za, South Africa (www.translate.org.za). See *The Digital Information Commons: An African Participant's Guide* (Armstrong, Ford et al. 2005) for a detailed description (available from Armstrong.c@pdm.wits.ac.za).

Beyond the African continent, Brazil's Ministry of Culture has embraced open standards in the fields of technology and culture via a programme called 'Living Culture', which it bills as a 'National Culture, Education and Citizenship Program' (Ministry of Culture 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 2004: 18–19). The key route to achieving this programme's objectives is a strategy called 'Culture Points' (Ministry of Culture 2004: 20–21). 'Culture Points' involves the provision of scholarships, free software, computer hardware, multimedia equipment and Internet access as well as relevant training to successful applicants (Ministry of Culture 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 cooperation 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.

34 In 'New Ethnicities', Hall (1992a) 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).

35 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

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'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).

36 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 at racism in the US.

37 Excerpts of the lyrics of 'Your Revolution' are available at: www.sarahjonesonline.com/press/MS_FCC.html and at www.FCC.gov/eb/Orders/2001/da011212.doc.

38 The Federal Communications Commission (FCC) originally ruled that 'Your Revolution' was indecent, notwithstanding Jones's lyrical efforts to challenge misogyny in hip-hop. It later reversed that decision, apparently as a result of Jones's legal challenge to its initial ruling (The Free Expression Policy Project 2003). Marjorie Heins argues that the FCC's original ruling 'betrays both the discriminatory nature of American censorship and the unwillingness of those in power to appreciate an artwork and a message that has particular relevance for young African American women' (Heins 2003).

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

40 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 (2001: 142–143) observes that the ruling left no room for considering fair use defences, such as parody. In *Campbell v. Acuff-Rose Music Inc.*, the Sixth Court of Appeals overruled an earlier decision in favour of the defendant

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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.

41 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 Niggaz with Attitude MC 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 1990s. 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 / MC 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 1980s 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.

42 The term 'hip-hop heads' – or simply '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).

43 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* (2001) or *Rap and the*

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Articulation of Resistance: An Exploration of Subversive Cultural Production during the Early 90's, with Particular Reference to Prophets of da City (1996a) for a more detailed discussion of *gamtaal*.

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

45 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.

46 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 more than a decade after the demise of apartheid.

47 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.

48 During 2005, ALKEMY started to operate independently of Bush Radio. They now describe themselves as a collective. However, ALKEMY members Ed Camngca, Theo Camngca and Wanda Mxosana hosted Bush Radio's Headwarmers, which retains its Friday evening slot. More recently, Wanda Mxosana has been hosting the show on his own.

49 Here, Brockman echoes Ngugi wa Thiong'o's contention that the most effective means via which Western colonisers secured power was not military or political domination, but a colonisation of colonial subjects' minds (Wa Thiong'o 1986). 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).

50 It is worth noting just how skilfully 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,

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'protested' and 'demonstrated' rhyme with each other; 'pass laws' and 'class wars' rhyme, and 'man's gains' rhymes with 'campaigned' in the previous line.

51 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). 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 feel 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 interview). At the same time, when referring to gangsta rap, commercial rap and R&B, some would argue that many hip-hop artists have already crossed the line between artistic integrity and commercial exploitation. 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 Vivendi Universal. See Hebdige's *Subculture: The Meaning of Style* (1979) for a detailed discussion of the recuperation of subculture.

52 Moodphase5ive was founded by hip-hop MC Denver Turner (aka D.Form) and went through a number of line-up changes. The band, which appears to have broken up since the start of this research project, comprised D.Form (vocals), Ernestine Deane (aka Lady 'E' on vocals), Brian de Goede (drums), Bood Carver (bass), Douglas Armstrong (trumpet), Craig Damster (keyboards) and Ricardo Morretti (keyboards). Essentially, Moodphase5ive combined a number of music genres – including hip-hop, jazz, and 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 collaborated with Godessa on 'Got to Give', off *Super Deluxe Mode* (2002). This track explores gender politics in heterosexual relationships vis-à-vis contemporary issues, such as safe sex practices and AIDS.

53 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

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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.

54 Excerpts of lyrics are available at www.sarahjonesonline.com/press/MS_FCC.html.

55 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.

56 See Bhabha (1994). Bhabha 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' (1994: 86). Immortal Technique's taunt that 'you will never be them' speaks to this notion of ambivalence.

57 See Impey (2001) for an alternative reading of gender politics in kwaito. Impey suggests that artists, such as (the now deceased) 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.

58 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.

59 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.

60 According to a survey by NUA Internet Surveys (2002), the estimate for Africa's online users is 6.31 million, whereas the number of USA and Canadian online users comes 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 number of online users globally is 605.6 million. These figures suggest that the divide between countries of the northern and southern hemispheres is considerable. Concerns about Western economic imperialism in developing countries thus extend to the field of communication technology and temper

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any belief that ICTs alone would offer a solution to poverty in the south. The data were obtained from the following link: www.nua.ie/surveys/how_many_online/index.html in April 2005. NUA Internet Surveys, which has been online since 1997, seems to have gone offline since these data were accessed. See www.gerrymcgovern.com/nt/1999/nt_1999_01_11_surveys.htm for more information on the service.

61 See Haupt 1996a and 1996b for a more detailed exploration of this track.

62 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.

63 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 in 2005, when then 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 (2005) 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*'. The ANC distanced itself from Ngoro's remarks. In a statement on its official website the ANC (2005) 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'.

64 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.

65 In Afrikaans *'n kind* literally means 'a child'. In this context it refers to a woman, or more specifically to a 'chick'. The act of bowling somebody refers to wooing or seducing the person.

66 The phrase loosely refers to the idea of playing a hand in a card game. 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.

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