

Anagratology

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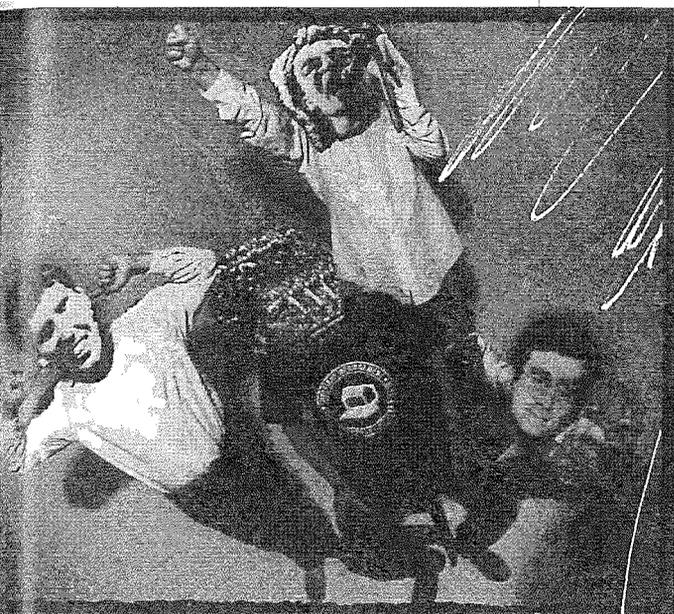
Take a piece of Casey Kasem, 35 seconds of a U2 song and a group of self confessed media addicts and what have you got? If you're Island Records, it seems you've got a reasonable case to sue for breach of copyright. But if you're interested in the sustenance and maintenance of genuine invention and creativity in contemporary culture, then you've got reason to feel concerned.

The case of Negativland, a small collective of audio collage artists based in California, versus music industry heavyweight, Island Records and rock supergroup, U2, is already well documented. Negativland released a single called U2 which featured on the cover, a U2 spy-plane and Negativland's name in small print. The recording contained 35 seconds of a U2 song and American Top 40 icon, Casey Kasem making disparaging remarks about the band ("These guys are from England and who gives a shit") as well as other CB radio conversation and commentary from the The Weatherman, one of the group's members. Island Records sued the band for breach of copyright over the use of the song fragment and for the use of the U2 on the cover art. Needless to say, Island won.

Both parties (or rather, all three parties, as U2 has sought to distance itself from its label's actions, notably through a Mondo 2000 interview with The Edge) have sought publicity to validate their claims. Negativland recently issued a CD and book package called "Fair Use: The story of the Letter U and the Number 2" which seeks to challenge the existing copyright legislation which saw the single withdrawn from sale and ordered to be destroyed. As Negativland member, Don Joyce, points out "It's an in your face dare" from a small collective who could be forgiven for feeling less than in your face after losing a three year court

battle with Island.

Negativland's arguments about fair use have been directed toward the distinction between pirating and the legitimate use of privately owned public domain material. Audio collage takes existing sounds from the mediasphere and reworks them into something other. Sometimes it's commentary, sometimes it's playing with mirrors, turning the media's gaze back onto itself in a surreal, informative and caustically funny way.



Members of Negativland image courtesy of Mark Hosler

It's not parody but appropriation. But to use the word appropriation is to participate in the discourse that's condemned what Negativland does. The question needs to be raised about the possibility of creation outside of language when language, in late twentieth century culture, has become more than the word and when the sounds and images of the ever present media barrage have become our vocabulary.

In an article published on the Web titled "Comment on the Fair Use Doctrine" (www.Negativland.com/fairuse.html), Negativland quite rightly draw a map of the ways in which artists have both knowingly and unknowingly appropriated material throughout history. From 'being influenced' through to Dada's found

objects, artists "have always perceived the environment around them as both inspiration to act and as raw material to mould and remould." But I'd like to extend this argument even further and argue that every instance or utterance in language is an act of appropriation. And to do this I need to take a situationist style detournement via a little town called Twin Peaks.

Very little hasn't been said about the show which was, rather hastily, predicted to change the face of American television forever. And there's been reams written about the so called creator of Twin Peaks, David Lynch. Even in circles where the word "genius" is viewed with suspicion and derision, there's been an

overwhelming acceptance of Lynch as a somewhat bizarre and tantalisingly depraved visionary. The word "original" seems to pop up a lot too. Hence it was somewhat informative and certainly fascinating to find out just how this visionary and deified figure came up with the plots and characters which made up the Twin Peaks universe, as described by Gregg Rickman in the Twin Peaks fanzine "Wrapped in Plastic".

Working with a computer, Lynch and co-creator, Mark Frost, decided to create a simulated dream world by combining aleatory elements with determinate elements (a la surrealism). Starting with a word list generated perhaps by free association and directed by Lynch's predominant obsessions (prostitution, drug addiction, rape, incest, murder, mutilation, violence

and depravity - not a complete list!) - the determinate element - Lynch and Frost ran the list through a name generating algorithm. The names generated were then run through an anagram generating program, the anagrams generated forming the skeleton for the Twin Peaks plot. The anagrams form the aleatory element. Rickman uses the example of Windom Earle - an eleven letter name which produces the following anagram list:

W.E.: DEMON LIAR
I'M NOW DEALER
I OWN RED MALE
I RODE LAW/MEN
MIRE DALE NOW

This is the plot of the second series of Twin Peaks!

The idea was to create a world in Imitatio Dei ("In the beginning was

the Word"). But not the world of the word of God. Lynch's pre-existing sexual and occult obsessions combined with the chance aspect of anagrams produced the dark and otherworldly environment most often written about in commentaries on the show. This is the world of the Antilogos.

But what relevance does this have for culture jammers like Negativland? Consider the following from Don DeLillo's novel *Ratner's Star*.

"Don't look down your nose at esoterica," Ratner said. "If you know the right combination of letters, you can make anything. This is the secret power of the alphabet. Meaningless sounds, abstract symbols, they have the power of creation. This is why mystical writings are not in proper order. Knowing the order, you could make your own world from just



Image courtesy of Mark Hosler

reading the writings. Everything is built from the twenty two letter elements. The alphabet is itself both male and female. Creation depends upon an anagram."

(Don DeLillo, *Ratner's Star*, Vintage Press 1991)

Anagrams are merely the recombination of letters in a word or a phrase which in some way comment on the original combination of letters. For example, Ronald Wilson Reagan becomes Insane Anglo Warlord. George Herbert Walker Bush becomes Huge Berserk Rebel Warthog. Lynch and Frost knowingly used the word as a found object to generate a dream through the creative power of

combinations, our shared language.

On these terms, the defenders of cultural property don't have a leg to stand on. As Negativland point out, "The fact that the owners of culture and its material distribution claim this isn't true is a tribute to their ability to restructure common sense for maximum profit." Not to mention their ability to structure the law in such a way that it reflects this 'common sense'.

The law, however, is presently struggling to come to terms with issues relating to cultural property and copyright. Digital technologies increase the ease of access to and distribution of cultural materials. You can now make reproductions of

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anagrams. If we look at the audio collage practices of Negativland as writing and at the fragments that they use as the letters of an alphabet, then they are also writing with anagrams. In fact, taken to its extreme, all of culture can be seen to be generated anagramatically.

But what we need to see is that late twentieth century capitalism speaks in a language other than the printed word. The audio-visual media barrage is no more or less than an alphabet made up of symbols and sounds which constitute the letters of that alphabet. To reverse the argument then all writing is an act of appropriation - appropriation of the letters which constitute, in a variety of

originals which are exact copies. Moreover, it doesn't cost a fortune to do this. Dan Hunter, a Melbourne academic who has recently taken up a Research Fellowship in Intellectual Property at Cambridge University, argues that digitisation marks the death of copyright. In a talk on copyright issues at Swinburne University in 1996, Hunter pointed out that the two key problems for copyright, relate to jurisdiction and enforcement. Digitisation makes cultural materials extremely portable and thus able to be accessed and appropriated all over the world. How do you find out about, let alone prevent, the use of copyrighted material in other countries and, if you do discover it, within whose

jurisdiction does prosecution occur? As evidence of the complexity of these issues he points to the case of China. "It's only very recently that China has started to recognise that copyright is an issue for it because, in the communist environment, there is not the same kind of emphasis on the individual as the creator of an idea or of an expression. It's communitarian, of course, so they have traditionally not protected copyright."

Even if you can overcome jurisdictional issues, how do you then enforce the legislation in a digital environment? Those with the most to lose in this new media landscape,



the present owners of copyright, are calling for tougher legislation. But again, as Hunter argues, this has been tried and has failed. "The music industry fought this battle when the introduction of cassette tapes and home recording equipment allowed for easy and cheap (though lesser quality) reproductions of recorded material to be made in the home. Accepting it could not stop the copying and dissemination of its copyright material, it settled for the blank tape levy as a mechanism to recoup its losses." Technologically and materially, there are simply no mechanisms available which can enforce the protection of copyright in a digital environment.

Despite what the copyright owners

may want us to believe, the death of copyright does not spell the death of artistic incentive. The desire to create is not conditional upon the guarantee of financial remuneration. Very few artists make a lot of money from their art, anyway. The removal of copyright may even give the artist a broader palette from which to work. Perhaps it would be more important to argue more stridently for waged cultural work than for the preservation of copyright. This is a matter that certainly must continue to be publicly discussed though it's beyond the scope of this article.

To return to the *Negativland* case, the judgement has been handed down. And the defenders of artistic incentive have handed a \$70,000 bill to the band and asked them to pay up. This is surely a powerful disincentive to create for *Negativland* but then again that's what you get for not being legitimate enough. In an ironic twist to this whole sorry tale, one of the band members, Mark Hosler went to see one of Hollywood's takes on the net, *Johnny Pneumonic*. Starring Keanu Reeves and Ice T, the film shows a scene reminiscent of the *Negativland*-inspired *Craig Baldwin* documentary, *Sonic Outlaws*. Ice T plays an underground audio collage artist who, at one point in the film, goes on a rant about the need to fight back against the media barrage by taking it, mixing it and spewing it right back. Hosler says he sat and watched his own words from *Baldwin's* documentary thrown back at him via Hollywood feeling a mixture of rage and despondency. To be incorporated into the mainstream so efficiently and quickly is somewhat mind-boggling. *Negativland*, however, won't be suing the makers of *Johnny Pneumonic* because as we all know you can't copyright an idea or an attitude. But who knows, the moral victory may still be theirs.

The band have continued their fight against restrictive copyright laws and are currently distributing through their own label, Seeland Records, a compilation CD titled "Deconstructing Beck". It consists of 13 tracks by various artists made from electronically manipulated, unauthorised samples of Beck Hansen's music. While Beck's record company have passed on challenging the artists involved with copyright litigation, Beck's publishers have not. And so the fight continues. But importantly, as Milo Miles points out in a recent article in *SALON* magazine (www.salonmagazine.com/21st/reviews/1998/04/02review.html), "the desirable target of recombinant music is not to pry away the grip of copyright as an end in itself, but to allow any schlub in his basement with the proper equipment to cut, paste and manipulate whatever sounds he needs into his dreams. You listen to certain snatches of music so much, you own them with your interpretation, whether or not you can legally afford to sample them."

To finish with an anagram -

ON COPYRIGHT? becomes COPY? RIGHT ON!

For more info on *Negativland*, visit <http://www.negativland.com/>

For more info on *Deconstructing Beck*, visit <http://www.detritus.net/>

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