

REMIXING CULTURE: LITERATURE REVIEW

Introduction

Remixed, or mashed up music is a contested issue both within musical communities and the law. The dispute arises when a musician creates a new piece of music by taking apart, re-arranging and sampling the work of another musician to create a new song. These remixed versions of songs are often unlicensed and have not been granted permission by the record label that produced the original tracks. While instances of cultural phenomena have often influenced the development of new works of art throughout history, the digital technologies of the 21st century have enabled artists to directly cut and paste the works of others into their own art, creating controversy both within artistic communities and the legal realms. Methodologically, this literature review will explore the historical context of music evolution, from the performance to the first recordings to the current mp3 format. In addition, it will reference the growing culture of remix music: the artistic practice of pastiching the works of others to create new songs. Finally, it seeks to uncover implications of music as intellectual property, as opposed to a new form of cultural democracy and literacy. The research question that this literature review elucidates is whether or not a remixed song, or a mash-up, is an extension of a phenomenon of culture building, and what implications the digital nature of its production has on the notion of artistic creation and intellectual property rules.

Three essential mindsets pertain to the issue of remixed music. There is one group of academics that argue remix is the fundamental cornerstone of human collective consciousness, and law professors like Lawrence Lessig and writers such as Paul D.

Miller affirm that recycling culture is the only way of progressing further. Conversely, there is an opposing school of thought that states the sampling the recorded artwork of another artist is plagiarism, and that it legally violates copyright and intellectual property laws. These arguments largely take the stance that culture needs certain “gatekeepers” to control and filter what music is accessible to the public, and that copyright protects the rights of the artist and its record label. The third large school of thought argues remix music has its place outside of the creative and legal realm, in that it is not really considered an original artifact, but still has a popular audience that engages with the music. While the legal issues are certainly pertinent in this conversation, the unifying trend among these three essential schools of thought is that the Internet and associated user-designed technologies are evolving alongside the remix brand of electronic music, and this relationship is inexorable. Historically, the re appropriation of turntable technology spurred new modes of musical expression, from hip-hop samples to current dance mash-ups: it is through this cultural adaptation of technology that new cultural modes of expression are born.¹ Technology to remix and mash-up music will continue to evolve, regardless of legal or creative battles amongst musicians and the recording industry.

In *New Literacies*, scholars Colin Lankshear and Michele Knobel assert that remixing in the digital realm is an extension of the practice of writing. In the American school system, children are taught to write based on the repeated practice of reading the work of

1 Shapiro, Peter. “*Deck Wreckers: The Turntable As Instrument.*” *Undercurrents: The Hidden Wiring of Modern Music*. Ed. Rob Young. New York: Continuum, 2002. 161-180. Print.161

other authors to form their own textual creations.² Using pencils on paper, and even the typewriter, these are considered the tools of remix as generations of children learn to create and express themselves based on the textual templates of authors before them. The logic proceeds that of the digital present: that remix is now enabled by computers, and rather than individual instances of remix, the Internet provides a hosting place for communities of remixers. Lankshear and Knobel posit the phenomenological argument on the condition of cultures: “no remix, no culture.”³ The central difference is that found artefacts to remix are not limited to books and texts, but now encompass videos, music and interactive sounds and images available on the Internet. The controversy lies in issues of true ownership, as remixed artefacts do not comply with the industrial mindset this approach seeks to elucidate.

Lankshear and Knobel depict two fundamentally polar mindsets that translate directly within the creativity and ownership debates which remix music induces. The first mindset is industrial: it assigns value to objects based on physical qualities such as space, scarcity and focuses on the products as “material artifacts.”⁴ The 20th century commodification of music as packaged performance recorded by professional authorities, who viewed the world as technologized and predicated upon assumptions such as “bodies, materials, property and forms of ownership, industrial techniques and principles.”⁵ One can see how unlicensed remixed music bypassing this industrial mode of production would be viewed as violating the rights of individuals who created those musical artefacts originally. At the

2 Knobel, Michele, Lankshear, Colin. *New Literacies: Everyday Practices and Classroom Learning*. Berkshire: Open University Press, 2006. 106

3 *Ibid.*, 107

4 *Ibid.*, 38

5 *Ibid.*, 10

same time, however, Lankshear and Knobel argue a secondary mindset that values dispersion, rather than scarcity, as ways of understanding the world. Instead of assigning the creation and production of music to specific authorities and individuals, the focus shifts towards collective intelligence and digital spaces. In this way, digital electronic mediated technologies dictate production, and thus the world cannot be interpreted or responded to in a physical or industrial way.⁶

In “Virtual Bodies and Flickering Signifiers,” N. Katherine Hayles couples the dissemination of entertainment through media with a paradigm shift in cultural signification. Hayles states that sectors of culture have been revolutionized by the shift to an information paradigm, one where different technologies have lead to “changes in signification [which] are linked with shifts in consumption; shifting patterns of consumption initiate new experiences of embodiment; and embodied experiences”⁷ creating entirely new textual, or cultural worlds. For the purposes of this research, these digital spaces as a result of a paradigmatic shift to a world of information furthers the notion of creativity on the Internet as a societal product of this shift to information has cultural implications.⁸

The argument that professional musicians have a greater impact on these digital spaces is a theme of this literature review, as many researchers point to the notion that there is a distinction to be made between professional and amateur artists. Lawrence Lessig, a law

⁶ *Ibid.*, 10

⁷ Hayles, Katherine N. “Virtual Bodies and Flickering Signifiers.” *October*, Vol. 66, Autumn (1993), pp. 69-91. The MIT Press. 69

⁸ *Ibid.*, 90.

professor at Harvard University, argues for a different form of licensing that bridges the gap between the industrial and the post-industrial mindsets outlined by Lankshear and Knobel. Lessig is an outspoken supporter of remix culture as a new form of cultural literacy.⁹ He argues that the music industry should develop a hybrid economy, and that the law should reform itself in the following ways: to deregulate amateur creativity, to decriminalize the copy and to decriminalize file-sharing. Taking a deterministic stance that digital technology will continue to resist models that police against “unauthorized use,”¹⁰ Lessig argues to protect remix culture, because it has always existed in the development of culture throughout history, and is as common as “dust.”¹¹ His solution is to give amateur remix musicians an escape from copyright, whereas professional work should be regulated in the traditional manner with to remain within exclusive control of the copyright holder.¹²

Paul D. Miller, Lessig and Jonathan Lethem contribute greatly in the debate that remix music should thrive, and should be created without a need for licensing from a company. They operate through an Hegelian theoretical framework: a philosophical explanation for human collective consciousness that involves identification, antonym and synthesis. This triad of intellectual activity governs the arts, and remix culture by re-appropriating meaning can be said of all art.¹³ However, there are a few fundamental assumptions made for which answers are not readily available. The first of which regards the notion of

9 Lankshear and Knobel, 106

10 Lessig, Lawrence. *Remix: Making Art and Commerce Thrive in the Hybrid Economy*. New York: Penguin Press, 2008. 47

11 *Ibid.*, 82

12 *Ibid.*, 255

13 Lethem, Jonathan. “*The Ecstasy of Influence: A Plagiarism Mosaic*.” *Sound Unbound*. Ed. Paul D. Miller. Cambridge: The MIT Press, 2008. 25-51. Print. 26

property. Who owns music? Is it the musician, the consumer or the record label who financed it? Lisa Napoli wrote in the *New York Times* that the transition from the physical to the digital distribution of music created a “whole new world” for music labels because their traditional role as music distributors was no longer traceable or embedded in a material object.¹⁴ Indeed, this assertion is in line with Lankshear and Knobel's industrial mindset, as the new world of digital music eradicated the need for physical musical artefacts and allowed it to exist in the cyber world.

Another assumption made relates to the idea of the professional as opposed to the amateur musician involves the technology available to remix. If free software combined with the Internet allows individuals to remix for free, using simple audio and video tools, their mash-ups and remixes will sound amateur by that logic because these free tools are technologically inferior to professional recording equipment. Historically, the industrial mindset of the 20th century would have made this impossible for the amateur musician, as these technologies were extremely costly and belonged to few companies. As a result, musicians and consumers did not exist in a participatory culture-building space, as the creation of music was vastly separated from the consumption of it. If the Internet simply allows people to participate in culture-building, the participatory nature of the amateur should not interfere with record companies and their signed artists. As J.D. Lasica notes in *Darknet: Hollywood's War against the Digital Generation*, mash-up musicians are part of the underground, amateur scene and will often create their cultural remixes for free.¹⁵

14 [Napoli, Lisa](#). “Think Debate on Music Property Rights Began With Napster? Hardly.” *The New York Times*, 22 Sept. 2003.

15 Lasica, J.D. *Darknet: Hollywood's War against the Digital Generation*. New Jersey: John Wiley, 2005. 209-210

On the whole, these assumptions are philosophical, in that they relate to the nature of art and what constitutes it. For the most part, these issues are underrepresented, because the discussion of who owns art and what makes art creative is an aesthetic, rotary conversation with little to agree upon and even less tangibility.

One solution to this problem of artistic ownership is the suggestion that remixed art within certain communities belongs to a participatory culture. Jenkins *et al.* argue that participatory culture shifts forms and foci of literacy from the individual to the community level.¹⁶

“Interactivity is a property of the technology, while participation is a property of culture. Participatory culture is emerging as the culture absorbs and responds to the explosion of new media technologies that make it possible for average consumers to archive, annotate, appropriate, and recirculate media content in powerful new ways.”¹⁷

In this way, living in a participatory culture has implications for remix music as it poses questions surrounding the culture itself. If certain tools enable participation to remix aspects of culture across multimedia platforms, it depends on the culture itself to use those tools to define their mode of expression as well.¹⁸

16 Jenkins, Henry, et al. *Confronting the Challenges of Participatory Culture: Media Education for the 21st Century*. Boston: Massachusetts Institute of Technology. 9

17 *Ibid.*, 8

18 *Ibid.*, 8

The underlying philosophical commonality between these pro-mash-up scholars is that they consider music as an expression of ideas, and not a piece of property. Mat Callahan writes that music is the unifying outcry of human struggle,¹⁹ and that struggle cannot be dedicated to or claimed by a single owner. Copyright is the “monumental hoax” that has deceived society into believing that music and other artistic expressions would only have been uttered had there been a way to protect and own those thoughts. Callahan argues music can never be considered property, not even by record labels who spent money in the past to physically distribute copies.²⁰

Questions of ownership

While licensed remixes may be commissioned to provide advertising for their artists, the existence of illegal remixes violates the intellectual property rights of said artists. The underlying offence is that, if an individual samples music without a license to create a mash-up, they are stealing the creative ideas of another individual. Music is not free: it is a risk investment made by a record label in the hopes that consumers will fund their investment.²¹ In this way, copyright exists to protect the rights of the musician's original ideas, in addition to protecting the rights to the investors who made those possible. Recording an album is very expensive, and record management labels take great risks in signing musicians because there is no promise of a return on their investment.

19 Callahan, Mat. *The Trouble With Music*. Oakland: AK Press, 2005. 201

20 *Ibid.*, 208

21 Lessig, Lawrence. *(Free)ing Culture for Remix*. Utah Law Review 961-975 (2004). 961

Another objection to digital remix music is that free access to everyone's music becomes a scenario where it is impossible to find “good” or “quality” music. David Kusek describes this as the phenomenon of “music as water,”²² where the free-flowing nature of accessing music becomes a tidal wave of sifting through useless information, and the battle with inefficient search results. Similarly, in *The Digital Dilemma: Intellectual Property in the Digital Age*, the committee on intellectual property rights argues the same thing, only refers to it as a “poverty of attention” as a result of information wealth: “If anyone can be a creator and publisher, content will proliferate, producing a world of information overload. The consumer's problem will not be obtaining content, but rather wading through it all.”²³ The more music there is in the world, the more time it takes to access what the consumer will enjoy. That is where music recording companies use their expertise to deliver music that more people will appreciate.

While this cultural situation of a “poverty of attention” seems hyperbolic, the recording industry defends its role of gatekeepers to ensure the public has access to music worth listening to, according to David Kusek. He argues that since music falls into the category of entertainment, then by default, music is a service. If a musician is considered talented, a recording label will make an investment (which is risky as there is no promise for a return) on the group and will pay their recording, advertising and other expenses. In this way, they are taking a risk by investing in a group they will market to the public — a

22 Kusek, David. *The Future of Music: Manifesto for the Digital Music Revolution*. Boston: Berklee Press, 2005. 3

23 *The Digital Dilemma: Intellectual Property in the Information Age*. [Committee on Intellectual Property Rights in the Emerging Information Infrastructure](#), [National Research Council](#), 2009. 90

service to the cultural world.²⁴ This service is funded by a recording company, and thus, should be paid for by consumers when they buy CDs and tickets in support of their favourite marketed musician.

Even Lessig agrees that some exclusive rights to investors should be granted, simply on the grounds of recouping its investment.²⁵ He takes the example of the new adaptation of *The Lord of The Rings*, a massive film project that arguably needed all commercial rights in order to recover its huge monetary investment. Without the incentive of making money, these projects simply would not exist. However, Lessig then makes the counter-argument that these copyright regulations are for commercial reasons only; they should protect the investors who paid for this culture remix. While this regulation “makes sense,” it does not translate to the every day mash-up musician putting up their remixes on MySpace. Copyright, in this way, when balanced against the free speech of citizens, is weakened.²⁶

Citizenship as a result of mash-up popularity is an important cultural phenomenon in music culture, according to Jonathan Lethem. In his essay “The Ecstasy of Influence,” Lethem argues that copyright law, in terms of digital music, needs to be reinvented in order to suit the needs of our digital futures. In terms of remixed music, copyright law does not work because it fails to take into consideration the way we share our music, and how we will share our music in the years to come.²⁷ There is a separation between

24 Kusek, 40

25 Lessig, Lawrence. *(Free)ing Culture for Remix*. Utah Law Review 961-975 (2004). 961

26 *Ibid.*, 964

27 Lethem, 31

copyright as a universal moral law and how art is created. “In the sense of a universally recognizable moral absolute, like the law of gravity... copyright is rather an ongoing social negotiation,”²⁸ one that is endlessly revised, and imperfect in every incarnation.

While Lethem makes valid arguments about the inefficacy of current copyright models, he falls victim to that of the slippery slope. His claim to abolish copyright solely on the basis that “every creative act in a tangible medium” can be subject to copyright protection is bloating and far-reaching. His proposal to protect art in a remix culture is to adopt a “gift economy,”²⁹ an economic model that gives creative responsibilities to its participants in a decentralized economy. Lessig makes the stronger point that while copyright does need to apply to digital music, the distinctions between commercial and expressive purposes should be taken into account rather than disposing of copyright altogether.

Another, more zealous argument against copyright in a remix-based music culture is proposed by Mat Callahan. In his book, he argues that music labels will never cease to try to change the law to protect their corporate interests, because they are, by nature, “extortionists.”³⁰ In reference to Columbia Records, Callahan states that “these individuals and the corporations they serve have made billions of dollars from the brutal exploitation of music, musicians and audiences — the dumb masses — they view with utter contempt.”³¹ While Callahan's argument is rather one-sided and conspiratorial, it

28 *Ibid.*, 33

29 *Ibid.*, 38

30 Callahan, 195

31 *Ibid.*, 194

does strengthen the discourse into why cultural artefacts should or should not be the private property of the companies that funded them. Despite the fact that Callahan's arguments verge on the draconian, his analysis of the inadequacies of the music industry's industrial mindset reach a persuasive conclusion through his *reductio ad absurdum* approach.

Similarly to Callahan, the idea that an industry-produced and manufactured recorded CD is a “service” is a notion contested by many authors. Ian Penman traces this need to commodify music as a by-product of technology. Before the invention of the record, musicians were valued and paid for their live performances, not copies that were distributed by a company. Penman explains how the recorded artifact then become more valuable because it was reproducible, transportable, unlike the actual performance itself.³² The commodification of the artist, in turn, devaluated them, made their work less personal and more industrial. This, according to Penman, is the very crux of the music recording industry. He describes the industrially-reproduced product as “the singer's voice, escaping embodiment, paradoxically embodies — and the microphone simply raises this paradox to a new pitch, a new economy of absence-presence in its neoteric circuitry.”³³ The recorded song is merely the “traces of the lived,” without a body but just a mere memory of a point in time. Rather than delivering an authentic performance of an artist's music, the consumer is subjected to an industrial, one-time-use of a once original musical artifact.

32 Penman, Ian. “On The Mic: How Amplification Changed The Voice For Good.” *Undercurrents: The Hidden Wiring of Modern Music*. Ed. Rob Young. New York: Continuum, 2002. 25-35. Print. 26

33 *Ibid.*, 30

Conversely, Paul D. Miller is a noted illbient³⁴ DJ and an academic on digital media issues, and supports the argument that remix is a proponent of culture building that should be separated from industrial notions of corporate ownership. Beyond that, he argues the Internet's conception is evidence enough that this kind of remixing should be available to all consumers not for purpose of making money, but for being engaged in a new economy of expression.³⁵ The idea of taking old culture and repurposing it is a new form of literacy; the Internet is the forum to showcase these human desires to create and make sense of culture.³⁶

Similarly, Jonathan Lethem claims that all ideas are by-products of other ideas that have been turned around, interpreted and appropriated. Remix is inevitable, because all human beings live within what he calls “the ecstasy of influence,” an intellectual space governed by the history of all other intellectual spaces.³⁷ The arena of art is subject to love, theft and plagiarism, and this cycle is what constitutes culture. He relates to this as the universal human condition:

“The bulk, the actual and valuable material of all human utterances—is plagiarism... all ideas are second-hand, consciously or unconsciously drawn from a million outside sources, and daily used by the garnerer with a pride and satisfaction born of the

34 The word "illbient" is a portmanteau of the hip hop slang term "ill" (a positive expression: bad meaning good) and "ambient".

35 Miller, Paul D. *"In Through the Out Door."* **Sound Unbound**. Ed. Paul D. Miller. Cambridge: The MIT Press, 2008. 5-20. Print. 13

36 *Ibid.*, 18

37 Lethem, 27

superstition that he originated them; there is not a rag of originality about them anywhere...”³⁸

Lethem makes the case that artists are hopeless to create anything genuinely original because it is a simple impossibility. “consciousness itself is stitched, quilted, pastiched,” ergo cut-and-paste artworks should reflect that. In this way, mash-ups are an extension of this creative consciousness.

Callahan's argument translates into the digital question as well, in the claim that the creativity comes out during the live performance, not during a reproduction of it.³⁹ The consumer will pay to see their favourite musician perform live, when they might not pay at all to download their mp3s. These are principles of scarcity.⁴⁰ The recording industry was able to build itself up by creating an infrastructure where the physical object of the musician was the valued part. With new technologies, there is no physical object, thus no monetary value unless there is a performance attached to it. Rather than attributing value to the physical track or giving it monetary value, people pay to enjoy the experience and delivery of watching a remix happen. Peter Shapiro describes it as style over substance:

“Turntablism is more than just dragging a record back and forth under a stylus, or segueing two tracks together nice and smooth... it's not so

38 *Ibid.*, 43

39 Shapiro, Peter. “*Deck Wreckers: The Turntable As Instrument.*” *Undercurrents: The Hidden Wiring of Modern Music*. Ed. Rob Young. New York: Continuum, 2002. 161-180. Print. 162

40 Lankshear and Knobel, 38

much what you say that matters, but how you say it. This is as true of the DJ as it is of the MC and the graffiti tagger. Thus, turntablism recognizes that the best must be a complete triumph of style over substance; everything's been said already, so why bother listening unless the speaker's got some serious chutzpah?. The DJ's style is the very substance of turntablism.”⁴¹

Shapiro argues that the digital information age has, paradoxically, put the musician back into their original position where their performance was more valuable than the physically recorded copy, before physical distribution technologies were invented. Shapiro references the invention of the phonograph as an example of this. Prior to its invention, the singer had to travel and perform in order to learn a living, and to promote themselves. Today, with all amateur musicians putting up their music on the web, they have to perform live otherwise they will not make money from streaming their content. It creates competition in the musical community, a battle of style over substance.⁴²

Tools of music creation

Another, more tangible battle over substance in this discussion of remix music is the technology used to create the music. From this literature review, several scholars noted on how turntable and computer programs changed the music itself in a negative way. David Toop and other advocates of experimental computer music argue that 20th century

41 Shapiro, 164

42 *Ibid.*, 166

music lead up to a deconstruction of the triangulated relationship of performer composer and the audience, in a way that created distance between the remix and the remixer.⁴³ In other words, the medium of Internet technology broke apart not only the need for the record label, but also the musician's relationship to the music. Rather than mastering a guitar riff and playing in front of an audience, the computer-as-instrument is historical for a new phase: the “post-human, post-musical condition.”⁴⁴ With plug-ins, laptops and other electronics in the performance, the human nature of music is appropriated, re-arranged and re-directed. In this way, Toop suggests that the remix musician is a mash-up himself; using an array of technologies to repurpose and re-arrange his creative directions during both the composition and the performance.

Christopher Cox notes another point of conflict amongst electronic musicians who have become divided by the technology. These artists are caught between two different musical ideologies: between the digital and analog realms. Cox states that historically, traditional musicians were always pitted against the “new musicians” of their time, artists who tried something new, and in the process, antiquated the musicians before them. “But within a few years this tension had been resolved and replaced by a new and deeper one: the opposition between the studio and the stage, between crafted electronic composition and live electronic improvisation.”⁴⁵ Like Toop, Cox believes the opening-up of new technologies has created a bigger divide in music.

43 Toop, David. “*Humans, Are They Really Necessary? Sound Art, Automata and Music Sculpture.*” *Undercurrents: The Hidden Wiring of Modern Music*. Ed. Rob Young. New York: Continuum, 2002. 117-130. Print. 122

44 *Ibid.*, 129

45 Cox, Christopher. “*The Jerrybuilt Future: The Sonic Arts Union, Once Group and Mev's Live Electronics.*” *Undercurrents: The Hidden Wiring of Modern Music*. Ed. Rob Young. New York:

The final proponent of the pro-remix school of thought is that allowing people to mash-up music represents a massive democratization of music. Before Internet technology, Jeff Price cites less than one per cent of musicians were able to get signed by a music label, meaning all other musicians unable to fund the production of a professional record were virtually unheard of by the masses.⁴⁶ In addition, Kusek claims that the average price to build a home-based recording studios cost less than \$5,000 CAD, as opposed to the \$250,000 studios owned by large recording companies.⁴⁷ According to Kusek and Price's logic, making recordings became increasingly easier.

A further argument put forth by many authors is that if technology allowed the music to become so accessible, a copyright rebellion would be inevitable. In *Virtual Music*, William Duckworth argues that the development of the web primed itself for massive file-sharing, and that the music industry set itself up to be hit the hardest. Like Callahan, Duckworth asserts that the exploitative distribution of the music recording industry encouraged the rampant downloading of music as soon as the technology was available. He outlines the 2004 case involving Danger Mouse, a remix DJ who released an unlicensed album of mash-ups using the music of Jay-Z and the Beatles. Duckworth claims that the downloading phenomenon, even one that garnered attention from Time Warner, led to a frenzy of social civil disobedience.⁴⁸ Arguing that record labels turned copyright into a weapon, “that handful of corporations radically perverted that purpose

Continuum, 2002. 35-45. Print. 36

46 Price, Jeff. “The Democratization of the Music Industry.” *The Huffington Post*, 24 Mar. 2008.

47 Kusek, 143

48 Duckworth, William. *Virtual Music: How the Web Got Wired for Sound*. New York: Routledge, 2005.

for their own narrow self interest, and now the public is fighting back... remixes and pastiches are a defining aesthetic of our era. How will artists continue to work if corporations can outlaw what they do?”⁴⁹ Copyright, by Duckworth's logic, defies the laws of artistic expression facilitated by the Internet, a haven for musical democracy.

In “The Musician as Thief,” Daphne Keller argues that rules on intellectual property should be tailored to both how culture is made and the paralleled evolution of its technologies. Historically, advances in communications and artistic inventions have caused disputes between authors and consumers, since “the invention of player piano rolls triggered heated copyright battles, as did the development of photography, the VCR, and digital audio tape,”⁵⁰ the law has always favoured the corporate interests rather than those of the cultural interests enabled by this technology. One should note that before these technologies, plagiarism was inconceivable: because “cultural survival depended on repetition.”⁵¹ Indeed, it would seem that the technology of writing initiated the industrial economic mindset that the expression of an artistic idea was separate from the performance and its artist, because it transformed the performance itself into a physical form capable of reproduction.

49 *Ibid.*, 151

50 Keller, Daphne. “The Musician As Thief” *Sound Unbound*. Ed. Paul D. Miller. Cambridge: The MIT Press, 2008. 5-20. Print. 135-150.41.

51 *Ibid.*, 142

Conclusion

Overall, the literature review suggested that emphasis on technology and ownership of artistic rights were considered the most important aspects in the discussion of whether or not remix music should be allowed without proper music licensing. With the bulk of music being digital, the Internet and online tools being available to create mash-ups, the question of intellectual property is a controversial issue for the music industry: a typical industrial-based business structure that is facing having to adapt to a post-industrial, non-physical mindset in order to survive. While the majority of these authors expressed their arguments and counter-arguments with attention to detail, one element that was missing was the philosophical inquiry of intellectual property, and whether or not the creation and distribution of art is a basic intellectual right. With the exception of Lessig, no other researchers noted that the inability, or illegal nature of remixing is a limitation in human rights, or a limitation in free speech. If remix is the way for culture building, making it illegal without corporate licensing is an abhorrence to the notion of democracy. Indeed, it be argued that remixed art belongs to nobody, not even the artist who mashed up the art of others; rather, remix is an ongoing cultural commentary. Remix can be considered as an historical artefact and thus belongs in the canon of human social history without legal properties ties or questions of ownership. For all intents and purposes, my own investigation into this topic will refer to the philosophical questions outlined above, in addition to exploring what cultural implications these digital technologies have on the human experience and consumption of music.

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