McGranahan, Liam
Bastards and Booties: Production, Copyright, and the Mashup Community
Sociedad de Etnomusicología
Barcelona, España

Available in: http://www.redalyc.org/articulo.oa?id=82220947009
Bastards and Booties: Production, Copyright, and the Mashup Community

Liam McGranahan

Abstract
Mashups, also known as bootlegs or bastard pop, epitomize current changes in the production of, and interaction with, popular culture. Mashup artists utilize computer technology to remix and reshape the culture around them, and to build and maintain community. By looking at the history of the mashup genre, the dispersed nature of the mashup community, the production techniques used by mashup producers, and the impacts of copyright law, this article demonstrates that the mashup genre and the worldwide community of its fans and producers are on the cutting edge of popular music, technology, and copyright.

Keywords: Mashup, mash-up, bootleg, copyright, remix.

Despite extraordinary effort on the parts of media corporations, the concept of a finite work has been shattered. Computers, editing software, and Internet access, tools increasingly available across income and geographic lines, are used by millions of people worldwide to reshape the content of culture. Movies, television, music, books, photographs, paintings, news reports, all media is reconceptualized, recontextualized, and broadcast via the Internet countless times over by individuals and groups who see themselves as active producers, not passive consumers. This article focuses on one aspect of this paradigm shift: mashups and the community of artists and fans that has grown around them.

A mashup is a piece of recorded music that is comprised entirely of samples taken from other recordings and remixed to create a single new track. A standard mashup features samples from two or more songs, usually by different artists, edited into one track via the manipulation of elements like tempo, pitch, and key. A mashup often features the vocals taken from one track juxtaposed with the instrumentals taken from another. The use of preexisting recordings in a new piece of music, called sampling, is not unique to mashups. However, mashups typically consist exclusively of samples. In this respect mashups are unlike hip-hop, dance remixes, or other genres of music in which samples are combined with new content. The sources used to construct a mashup are usually from the realm of popular music. There are some mashups that draw on “art” music, religious music, or other genres, but they are rare. Mashups are firmly rooted in the popular music tradition. In fact, one defining quality of a mashup is the adherence to popular song form (some combination of verse, chorus, and bridge). As will be discussed in more detail below, their song structure sets mashups apart from other types of sample-based music and related genres like tUnetabism.

Mashups are primarily distributed via the Internet. Many mashup artists have their own websites; others use personal blogs that link to file hosting sites where their work can be downloaded. Mashups are publicized, distributed, and critiqued in online forums popular with the community like gybo5.com, acapellas4u.co.uk, and mashuptown.com. Mashups are also heard and shared in dance clubs across the country, receive occasional radio airplay, are featured in podcasts, and commercially released on rare occasion.

In this article I will address the history of the mashup genre from its roots in experiments with recorded sound to the most current wave of digitally created mashups, provide an introduction to the mashup community which exists on a continuum of virtual community and physical community, describe the production techniques used to create mashups, and, finally, discuss the impact of copyright on the genre and the responses of community members.

History
Due, in part, to the relative youth of the mashup genre there has been little written by scholars or in popular media about its history. Constructing a history of mashups is further complicated because mashups consist solely of copyrighted works and, as a result, very few mashups are ever released commercially. The vast majority of mashups are distributed for free over the Internet, leaving no physical traces of existence.

In this article I will address the history of the mashup genre from its roots in experiments with recorded sound to the most current wave of digitally created mashups, provide an introduction to the mashup community which exists on a continuum of virtual community and physical community, describe the production techniques used to create mashups, and, finally, discuss the impact of copyright on the genre and the responses of community members.
distinction of “professional.” Certain mashup artists are more respected than others, but there are no record companies designating which artists are more important to mashup history. As a result of the independent nature of the mashup community, the genre’s history has been recorded primarily by the community itself. Information that I have gathered from interviews and reading posts on online forums has informed much of the following history as well as the scant scholarly and popular literature on the subject.

DJ Earworm, a prominent mashup producer and author of a mashup how-to book, devotes several pages of his book to the history of the mashup genre (Roseman, 2007). Earworm’s book is an interesting source because it was written by a member of the mashup community but, presumably, meant for outsiders or beginners. Earworm situates mashups in a very long continuous history. He writes,

Looking at the entire history of music, you’ll find that it is full of borrowing and stealing. The taking of other people’s ideas and transforming them is the basis for all music... Every piece of music is composed of ideas from previous pieces of music. Mashups are just a bit more direct and honest about it (Earworm 2007: xvii).

In Chapter Two of his book Earworm points to specific examples of this type of borrowing from the Western music tradition, such as Gregorian chant, motets, and quodlibet. Earworm argues that all of these genres combine or re-work preexisting music to create new music (Earworm 2007: 5-6).

Earworm’s historical account reaches farther back than the rest of my sources. However, like Earworm, several of the scholarly works on mashups attempt to show a connection between mashups and Western art music, specifically musique concrete (McLeod 2005: 81). In addition to musique concrete, mashups have been likened to pastiche (Gunderson, 2004: 2) and to the collage aesthetic associated with modernism in the visual arts (Levay 2005: 22; McLeod 2005: 81). McLeod calls mashups “an exemplar of how popular culture and popular music have been fully transformed by the modernist collage aesthetic” (2005: 81). Levay draws a comparison to visual arts,

Just as early-twentieth-century visual art critics were forced to amend their aesthetic paradigm to accommodate the appeal of Marcel Duchamp’s Bicycle Wheel (1913) – a bicycle wheel mounted on a stool, arguably a physical mashup – so should popular music critics recognize the mash-up as a viable twenty-first-century popular music form (Levay 2005:22).

Members of the community also acknowledge a connection to musique concrete and other examples of Western Art music that have used sampling. In a 2005 discussion thread on the community forum Get Your Bootleg On (GYBO), dJ BC explained that he and two other mashup artists were preparing a talk on mashups for the Cambridge Center for Adult Education in Massachusetts and were seeking advice on what important moments in mashup history should be raised. dJ BC provided some examples in his post such as, “’art’ music examples and contemporory mashups” (dJ BC 2005). In a response to BC’s post, timbearland, another mashup artist, listed John Oswald, Pierre Schaeffer, Edgar Varese, the BBC Radiophonic Workshop, Steve Reich, Philp Glass, and John Adams as worthy of inclusion in a discussion of mashup history (timbearland 2005). In a separate mashup history thread on GYBO, Mr. Fab credited Richard Maxfield, James Tenney, and Terry Riley as having been influential in the history of mashups (Mr. Fab 2008). The connection between mashups and “art” music is problematic. A piece by Steve Reich or John Cage bears little resemblance to most contemporary mashups. The only clear connection between any of the “art” music examples and contemporary mashups is in the use of sampling. This connection is tenuous. In contrast to the works of minimalist composers and musique concrete, the vast majority of mashups sample popular music. One could just as easily make the argument that hip-hop, electronica, or any other music that uses sampling is a part of the same lineage. While there are some shared production techniques, mashups, hip-hop, electronica, and musique concrete are all very different musical genres. Early “art” music sampling paved the way for some sampled music that followed, but more specificity is needed.

Developments in the history of popular music are more helpful for outlining mashup history. There is agreement within the mashup community and in the scholarly literature that mashups belong in the continuum of remix music. Remix is an umbrella term that encompasses all types of music that alter original recordings to create new versions, or remixes, of those recordings. Sampling is one of the many techniques used in remixing, and mashups are one of many genres of remixes.

Remixers see recordings as source material, not as finished products. Remixing extends beyond just recorded sound to video, photos, essentially any medium can be remixed, especially if digital. A mashup artist approaches recordings the same way and the specific techniques and tools used by mashup artists are used more widely than just for creating mashups.

There is strong consensus in the scholarly community that remixing has its roots in Jamaica (Brewer and Broughton 1999, Levay 2005; Stolzoff 2000; Veal 2007). Levay writes,

As early as the 1950s, Jamaican selectors (disc jockeys) were constructing metatexts in dancehalls by playing a series of records linked by key, tempo, artist, or theme... This performance style was later refined by disco DJs and reinvented by hip-hop DJs (2005:24).

Levay outlines the movement from playing recordings in a user-defined order, to using various hardware tools and performance techniques to manipulate the recordings themselves. Jamaican musicians were on the cutting edge of remixing popular music although, as outlined above, the composers of musique concrete and other early experimenters with recorded sound were also treating recordings as open and remixable contemporaneously. I am not asserting that Pierre Schaeffer and Steve Reich invented the remix, but simply that it is difficult to point to any single origin.
samples. This is in contrast to much sample-based music in which samples are disguised or used solely for interesting sonic properties with no intention of their being recognized (see Schloss 2004 for a discussion of this practice in hip-hop production). Additionally, the length of a sample used in a mashup tends to be much longer than what is used in many other sample-based remixes. Rather than taking a sample and deconstructing it for a split second of sonic material (such as one single snare drum hit), a mashup producer typically uses long, even entire song-length, pieces of samples to maximize their recognizability.

The term mashup is recent. According to the Oxford English Dictionary “mashup,” or “mash up,” was first used to describe music created by mixing two or more disparate recorded samples in 2000 (Oxford English Dictionary Online 2009). This date is in keeping with the emergence of the contemporary mashup scene.

For the sake of clarity I delineate between contemporary mashups and their influences. The limiting factors are that contemporary mashups are created using almost exclusively samples from preexisting recorded sources, they consist of predominately musical sources, are conceived of as a new song adhering to some recognizable song form, and are made with digital audio editing software and hardware.

Using these criteria I argue that the contemporary mashup genre emerged from the United Kingdom in 2000-2001. At the time mashups were known primarily as bootlegs or bastard pop. The term bastard pop, a tongue-in-cheek reference to a mashup being the illegitimate offspring of two pop songs, has mainly fallen out of use. The term bootleg, and bootlegger, is still used within the community and by the media, especially in the United Kingdom. The word “mashup” (or “mash-up”) gained popularity when the genre spread to the United States during 2002-2003. In the U.S. the term “bootleg” was already firmly associated with illegal copies of music and movies, as well as unauthorized recordings of live concerts or studio sessions, and so “mashup” was favored for its specificity.

The first dance club night dedicated to mashups began in 2000 in London. Originally called King of Boots, the name was soon changed to Bastard and, while no longer a regular club night, it is still revered by the mashup community. In addition to an increasing presence in dance clubs, mashups were also regularly featured on “The Remix” radio show on London’s XFM.

As the mashup scene in the United Kingdom was getting established an important development occurred. In November 2001 the music blog Boomselection.info was created. Boomselection was the first blog focused on mashups and, according to many in the mashup community, the first MP3 blog of any kind on the Internet. While this claim is impossible to verify, Boomselection was, at the very least, one of the first. On Boomselection direct download links for mashups were posted. Up until that point mashups could be found on peer-to-peer filesharing networks such as Napster, but there was no central site making mashups available for download.

Shortly after Boomselection.info provided a place to find and download mashups, bootlegger Grant McSleazy created the online forum Get Your Bootleg On (GYBO). GYBO’s early history is recounted on the website.

GYBO started in February 2002, on a free, basic message board hosting service. It began as a reaction to the emerging craze of bootlegs and the increase in popularity of bedroom production. A combination of easier access to cheap music production software and the internet as a tool for sourcing acapellas and instrumentals helped make Get Your Bootleg On (as it was then) an attractive place for the bootleg community to form (McSleazy 2008).

GYBO has evolved into the central online meeting place for the mashup community.

Mashups started to gain attention outside of the United Kingdom due, in large part, to the Internet. Freelance Hellraiser’s 2001 mashup, “A Stroke of Genie-us,” combining Christina Aguilera’s “Genie in a Bottle” with The Stroke’s “Hard to Explain,” was the first mashup to gain widespread media attention outside of the United Kingdom. The immense popularity of “A Stroke of Genie-us” was facilitated, in no small part, by Boomselection and the large international audience that could access mashups over the Internet.

After 2001 the scene continued to grow on the Internet as well as in nightclubs. London’s Bastard closed but several other mashup nights started opening across Europe. In San Francisco, in August 2003, the DJ team Adrian and The Mysterious D started Bootie, the first mashup night in the United States (the name was a homage to the U.K. roots of mashups/bootlegs). The popularity of Bootie continues today and as of this writing there are regular Bootie mashup nights in San Francisco, Los Angeles, Portland, New York, Boston, Paris, Munich, Berlin, Brisbane, as well as a regular night in Second Life, and annually at the Burning Man festival.

Mashups reached new heights of popularity in the media in 2004 with the release of DJ Danger Mouse’s The Grey Album. Danger Mouse combined the Beatles’ White Album with Jay-Z’s Black Album. The mashup album was critically acclaimed, but much of the attention that the album received was due to the controversy surrounding its copyright status. Danger Mouse did not license any of the samples that he used (he also only sold a very limited number of CDs and then released the album for free over the Internet), and several websites that were hosting the album for download were issued cease and desist orders (see McLeod 2005). In response, numerous websites took part in the Grey Tuesday protest on February 24, 2004. The websites involved collectively disobeyed the cease and desist orders by hosting the Grey Album for illegal downloading for a 24-hour period and the online protest was covered widely in the media. The Grey Album is an important piece of mashup history because it exposed so many people to mashups, but it also served to highlight important issues regarding the mashup community’s relationship with copyright law (addressed in more detail below).
mashup artists and members of the mashup community.

In addition to a big-budget video game, the genre now has a mainstream star in Girl Talk. Despite using hundreds of uncleared samples, Girl Talk releases his mashups via the record label Illegal Art. He has become a successful full-time touring musician in the United States. Girl Talk is regularly featured in the media and has been the focus of the documentary Good Copy Bad Copy and RIP: A Remix Manifesto. He is the most widely recognized mashup artist today and, arguably, is better known than any other mashup artist past or present. Ironically, Girl Talk’s association with mashups is problematic to both Girl Talk and the mashup community. Many members of the mashup community consider Girl Talk to be an outsider because he does not perform at mashup events or participate in online mashup forums. Girl Talk has tried to distance himself from the community and in a 2006 interview with the online music site Pitchfork he said, “I don't seek out mashups. I'm associated with the whole mashup movement, and it's too bad because I'm not a huge fan of them,” and later in the same interview, “Anyone can make a mashup in 30 seconds but that record took me-- outside of collecting the samples-- at least a year of putting everything together” (Pitchfork 2006).

The mashup community is larger now than ever before with numerous club nights worldwide, occasional radio play, podcasts, and over 16,000 registered users on GYBO (McSleazy 2008). What started with a handful of producers and fans has grown to become a worldwide community, and mashups are now a widely recognized part of the landscapes of popular music and popular culture.

Mashup Community

GYBO is the largest and most active online meeting place and message board for the mashup community. GYBO membership is free and open to anyone. The site allows users to communicate with each other by posting comments in forums and sending each other private messages. The majority of the members of GYBO are registered under their DJ names although it is not uncommon that in the forum people will refer to each other by their given names.

Most activity on the site takes place in the “Bootlegs” section of the forum. This section is devoted to posts containing links to new mashups and the replies to those posts. GYBO does not host any files in order to protect itself from charges of copyright violation. Instead, GYBO allows users to post links to their own websites or filesharing sites where the files can be downloaded. The typical thread will start with a post from a mashup artist who has finished a new mashup. S/he will introduce the mashup, provide a download link, and typically provide a list of the songs that are sampled in the track. The subsequent posts will be from other members of the community commenting on the new track. The replies tend to be positive or constructive in their criticism.

The number of replies that a post receives is an important factor in the overall popularity of a mashup. dj BC explained this when I asked him how he finds new mashups:

Liam: Do you find other people’s mashups on the bootlegs thread? Do you listen to the new bootlegs that are posted, or...?

dj BC: You know I’ve been falling off with it just because of the new baby. It’s been hard for me to go on there and download. Usually what I will do at this point is I will look at GYBO’s front page and I will see who is getting the most responses. What’s going through the roof? Who has 25-35 replies on a thread and I’ll check them out.

(Phone interview, October 14, 2008, quoted with permission)

GYBO is not limited to discussing and sharing the mashups themselves. There are other sections of the site devoted to events listings, community news, compilation projects (it is common for a mashup artist or a group of mashup artists to put together compilation albums and ask for submissions from the community), technical advice, and many other topics. There is also a section devoted to off-topic posts. In this section members post topics ranging from politics and current events to sports. The Off-Topic Chat section demonstrates that the importance of the online community extends beyond its members’ shared interest in mashups.

There are numerous other websites devoted to mashups and/or the mashup community but none are as large or as important as GYBO. As Mysterious D told me in an interview:

Mysterious D: GYBO is still a great resource. GYBO is still our number one resource and we are part of that community despite some of the annoyances that come with that, but we love it... GYBO is still a great place and I would say it’s the primary meeting spot for the international bootleg community.

(Phone interview, November 30, 2008, quoted with permission)

The mashup community does not only exist online. Mashup nights at nightclubs around the world provide physical meeting places for the community. DJ Adrian told me in an interview that he was particularly happy to have helped to create a physical site for mashups and for the community to gather:

DJ Adrian: [The mashup community] is a worldwide community that comes together through the Internet and what I really love is that we now brought out this Internet community of people and we have created a real live space for this music to exist outside of just listening to it on your own at home while you are downloading it onto your ITunes.

(Phone interview, November 11, 2008, quoted with permission)

Later in the same interview The Mysterious D pointed out that because of the success of Bootie and other mashup nights, there are now many people that are exposed to mashups by going clubs rather than through GYBO:
The mashup community, existing both online and physically in many different locations, is an example of a dispersed community. Increasing attention is being paid to web-based communities (Kibby, 2000; Lee and Peterson 2004; Leyshon 2003). Wilson and Atkinson point out, “Existing research... tends to focus on either online or offline subcultural experiences, without uncloaking the links between these subcultural worlds” (2005: 277). Wilson and Atkinson show how virtual and physical spaces are intertwined and facilitate community in rave and straightedge scenes in Canada; several of their arguments apply to the mashup community. One salient point is that the Internet is used as a way to promote offline community events (2005: 287). On GYBO, for example, information about upcoming club nights and other mashup events are posted online to facilitate face-to-face gatherings. Beyond just advertising events, GYBO is used for organizing events. Periodically community members will propose an idea for an event, determine who is interested, and work out the logistics by communicating on GYBO.

Wilson and Atkinson also address the use of Internet as a space for defining a community in words, explicating community values, and debunking myths and misconceptions (2005: 298-299). GYBO is frequently used as a place where community members can pose questions and discuss community beliefs or values. GYBO members will also often use the forum as a place to point out inaccuracies in popular media reports about the music or the community.

Wilson and Atkinson convincingly argue that because “the Internet is part of everyday life, and not necessarily abstracted from it” (2005: 283), dispersed communities need to be examined in their totality. The online community cannot be separated from the offline. However, Wilson and Atkinson take their argument a step further, asserting that “Straightedge [community] can be organized but not wholly experienced online” (2005: 300). While this may be the case with the straightedge community it is certainly not true for the mashup community. There are many members of GYBO who live in areas where there are no physical community spaces. While some are able to travel to community events, others are not, and these community members do experience the mashup community solely online. Additionally, as pointed out above, there are people who attend mashup community events and never visit GYBO. While it is the case that the mashup community is both online and offline, one need not experience both to be a member.

Dispersed communities, like the mashup community, are emergent. Given the constant advances and spread of Internet communication technology, more and more communities will be interacting both online and offline. The mashup community is an exciting model of community formation that will only grow more common and more important to understand.

Production

There are many ways to make a mashup. It is possible to construct a mashup using analog equipment, but almost all mashups are created using digital audio editing software. Different artists use different software, although Ableton Live and Sony’s Acid Pro are the most common. Live and Acid are both virtual studios containing all of the tools necessary to create, edit, and polish a track (created from original material or samples of pre-recorded music imported into the programs). Live and Acid are both designed for a much wider consumer base than mashup artists and both programs are used all over the world by “bedroom producers” as well as professional musicians, producers, and DJs.

The basic elements of any mashup are a vocal section from one song and an instrumental section from another. These samples come from a variety of sources and are usually MP3 files. Using audio editing software it is possible to manipulate these files and combine elements from multiple sources into one new track. Working with audio files that have already been mixed for commercial release has inherent limitations (few mashup artists are able to get access to the master tapes used to record the original songs), but the software programs are powerful and allow for countless creative reconfigurations and combinations of the source material.

When a commercial recording is released it has already been mixed down and mastered. All of the different components of the song (the various instrumental and vocal sections) have been combined into one stereo track. The end product (CD, MP3, record, etc.) contains only the mixed version and not all of the individual tracks that went into the mix. One component cannot be separated from all of the others. For example, when the volume is adjusted on a stereo it changes the volume for the entire song. Beyond adjusting the equalizer, the listener has no control over the relative volume of the different elements within the recording. It is not possible to listen to only the bass player, or the drummer, or the singer while muting the other parts of the recording. However, in order to create a mashup isolated portions of songs are necessary (like the vocals without the instrumentation and vice versa).

Mashup artists are adept at using audio software to isolate particular elements within an already mixed recording. By stripping out select frequencies, reversing the phasing of certain songs, and adjusting the EQ, it is possible to enhance the vocals from a track while muffling the instrumentals. These methods can be applied in reverse to produce an instrumental version with no vocals.

The vast majority of popular music is recorded using multi-track recording techniques and one of the ingredients of most songs is an a cappella vocal track. Record companies occasionally release these vocal tracks and their instrumental counterparts in an effort to publicize a song; they know producers and DJs will make remixes and extended dance club mixes with these a cappella and instrumental
versions.

Once found or created the instrumental and vocal tracks are imported into multi-track editing programs (like Live and Acid). The pitch and tempo are manipulated so that the tracks will be in sync harmonically and rhythmically. For some mashups this is all the manipulation that is done. Most mashups have added digital effects, chopped and rearranged tracks, loops, and numerous other stylistic embellishments. There are also some mashups that do not rely on a cappella and instrumental tracks, but instead are made of smaller samples from songs that are looped and manipulated to fit together.

The choice of source material is as important as a mashup artist’s ability with the computer software. Accounts of mashups that, despite hours of work, never sound quite right are not uncommon. The ability to manipulate structural elements like key, pitch, and chord progression, are limited when dealing with pre-recorded music and sources that are too structurally dissimilar may never result in a mashup that "works." DJ Adrian and The Mysterious D explained this to me in an interview:

Liam: I would imagine that there have also been mashups where you have got a great idea and you try for hours or days but you just can’t get the songs to line up.

Adrian: That’s the worst when you just keep forcing it. We learned that on our third mashup ever which was... The Killers with Kiss and it would work in parts... The most frustrating thing is, and this is something that you learn when you are a mashup producer; you are doing more than just lining up beats, you are doing more than just lining up words and chords, you are rearranging, you are dealing with songcraft. That is something that a lot of people, especially turntablism DJs, don’t understand. The thing is that you need to be not just a producer, you need to be an arranger, you need to understand songcraft, you have to understand key. I think it was the third mashup we ever made, it was so frustrating because you have one part that works perfectly and the other parts are almost there.

Mysterious D: Or it will work on the verses and not on the choruses, and that is a mistake people make all the time is that they will just release the mashup anyway. But you need to change the music when the vocals change or sometimes in a mashup the chorus doesn’t work. You either need to cut something out, change something up, or give up on it. Sometimes it doesn’t work all the way through. It all depends on how you can arrange it to make a well-produced song just like you would if you were just creating a bunch of beats and lyrics, but instead you are using preexisting material.

Adrian: Yeah and it is really frustrating to have something that works like seventy percent of the time and you just want to release it because those parts that work are so great, but it just falls apart in the chorus or it falls apart in the bridge. That was one thing that we learned, that self-editing is really important. But we released that mashup. It was out for about a week before we pulled it. It was called "Somebody Kissed Me."

Mysterious D: Was it out that long?

Adrian: I think maybe it was like six days and it has become known amongst ourselves as “Somebody Key Claheed Me.”

(Phone interview, November 30, 2008, quoted with permission)

Conversely accounts of mashups in which the source material worked together so well that it required minimal manipulation are also not uncommon. Earlier in the same interview DJ Adrian recounted two such examples:

Liam: What was the easiest mashup that you have made? Have there been any where you just dropped a sample in and it was just perfect?

Adrian: There have been a couple that we have done where that happened. I would say our Robin vs. The Cure came together like that. Mashup detractors will say anyone can make a mashup, and it takes no effort, and I can throw together a mashup in 20 minutes. That is patently untrue. But there has been one mashup that we made were it literally took 20 minutes and that was our Robin vs. The Cure. There’s a lot of mashups with “Close To Me” by The Cure and I can see why because it is a great beat. A lot of hip-hop tempo stuff fits right on top of it. It took literally 20 minutes and it was like, we were done, there was nothing more that we could do to make it any better. As far as one that came together where it was just like, oh everyone is going to love it, “Celeshake,” which is “Celebration” by Kool And The Gang with “Shake” by The Ying Yang Twins. [Mysterious D] was really the mastermind behind that track. I was just like, I don’t want to do this, I can’t blend “Celebrate,” it’s a wedding song, but somehow it changes out the Ying Yang Twins to a degree that it makes their thuggish posing kind of ridiculous and at the same time gives Kool And The Gang some sort of bizarre street-cred. I don’t know how, but even I, who ardently hated that song, now love it.

(Phone interview, November 30, 2008, quoted with permission)

As DJ Adrian and The Mysterious D explained, the choice of source material is important not only because it can determine whether or not a mashup works musically, as in the Kiss vs. The Killers mashup, but also because the source material is a main factor in the popularity of a mashup, as in “Celeshake”. Mashup artists devote a considerable amount of time to picking the sources and have different ways they go about it. In an interview with dj BC we discussed his process for choosing source material:

Liam: How do you start out? Do you just hear a song and it reminds you of another song? How do you approach a mashup?

BC: At this point, you know, I’ve done enough of them that I’m constantly thinking about what’s on the radio and what’s been out, and I try to listen to the radio every day and listen to new stuff and try it out and try new things. But you have to be very careful.
different things and seeing what works you know?

Liam: Do you pay much attention to lyrical content, or is it mainly what you think will fit?

BC: Yeah, I am thinking about lyrical content, clever titles, lyrics that interplay with each other. Definitely always working to make something that's clever in addition to sounding good. So, for example, I have a huge stash, or archive, of a cappella files. It's all stuff that I downloaded or ripped from singles or that sort of thing. And so, for example, I was making a track, I don't know maybe six months to nine months ago, and I had a nice instrumental of "I Wish That It Would Rain" by the Temptations which I got from a karaoke Motown CD which the instrumental track from the song. I started making a beat around it and after I did that I was like, okay well what can I use for this and I started going through my stuff and trying different things. I'm not sure what ones I tried before I landed on "Let It Rain" by Fat Joe and Little John. I was like, oh, well Rain and Rain. So then at that point it's just a matter of what part to I want to be the verse, what am I going to do on the chorus. A lot of times I will try to have interplay between the different artists on the chorus in some way or another and how they lyrically complement each other. It's just sort of a tweaking process of trying to make everything fit together...

(Phone interview, October 14, 2008, quoted with permission)

dj BC's approach to selecting the sources for a mashup is informed by his years of experience and ability to hear "remixable" elements in songs as well as a trial and error process. In fact, for dj BC, the trial and error process of auditioning different vocal tracks over an instrumental and vice versa is part of the fun.

In his 2007 instructional book Audio Mashup Construction Kit, DJ Earworm provides an example of a slightly different approach (Roseman 2007). Earworm outlines various methods of categorizing songs by their tempo, key, chord progression, and other musical elements so that when trying to combine songs there is a tool that can help. In his book, novice bootleggers are instructed to create a computer database that organizes their a cappella and instrumental tracks by numerous different structural elements of the music allowing them to be quickly accessed and compared. As DJ Earworm explained to me in an interview, this database does not replace the type of decision making that dj BC discussed but it is a supplement to that process:

Liam: You have a different system, it seems from the book, than some of the other DJs that I have talked to. It sounds like you have this expansive database. When did you start keeping that?

Earworm: Well, I have always really liked databases and going through large amounts of data to datamine and cherry pick. I love computer programming so I always thought of mashups as a data problem. How do you find the stuff that is meant for each other and I am still working on this. I want to go a lot further and find, it is not just key and tempo, it is chord progression, melody. In my ultimate world I would have every note within the song mapped out rhythmically and melodically and then be able to quantify how much does this material rhythmically coincide with this and how much does it coincide melodically, and the chords, and even what's the semantic meaning? What is this about?

Liam: In your process of creating a mashup does it start with that database or is it inspiration?

Earworm: Usually it is inspiration. I do use it. Sometimes there is a song I really like and it is not obvious what I should combine it with and so I will go into the database and say what is in this key near this tempo and then I will look at it and if anything strikes me. It is just a way of jogging your memory and then you will be like, oh this might work. Then you will just try this, try this, try this through brute force, and then all the sudden it is like, oh this has some chemistry.

(San Francisco, June 11, 2009, quoted with permission)

Earworm, like dj BC and others, also pays specific attention to the lyrical and thematic content of the songs that he samples. He is known for making mashups in which large numbers of samples are joined together by a common theme. One example is Earworm's mashup "What's My Name?" Earworm explained the genesis of this mashup to me as follows:

Earworm: That ["What's My Name?"] was the first one. That was where I really stumbled on this thing were it was more than five or six [sampled sources]. I was really going to deconstruct it. That was going to be my big intro. I had this gig at the MTV Video Music Awards in 2005 that was very exciting. I said, you know what I want to have this splashy intro that is like boom, boom, boom, boom, boom. I wanted them to remember me so I was like "What's My Name?"

Liam: So when you are constructing a mashup are you thinking in terms of thematic and lyrical similarities as well as what is going to work musically?

Earworm: Oh for sure. It can happen from either angle. For instance, I was listening to that Beyonce song, "If I Were A Boy," and all the sudden it was like, oh that sounds just like "Free Fallin'" [by Tom Petty]. So it wasn’t so much the meaning as it was the chords. It isn’t even the same chords, but many of the notes in the chords are the same, they really reminded me of each other. And you know you find out what words do relate to each other and that was like, oh "[If I Were A Boy]" is kind of about a girl coming on to this guy who is taking her for granted. And then he [Tom Petty] is really singing about, in a way, being free. Then I was thinking, well for her his freedom is just really annoying. So I said, this could be kind of a conflict, the male version and the female version. So you just, you can take almost two random songs and you just see what in them relates to each other.

(San Francisco, June 11, 2009, quoted with permission)

Earworm's account of finding thematic commonality demonstrates how much mashup artists reinterpret and recontextualize the sources that they use. Earworm's account is also striking in its similarity to a
BC: How do they lyrically complement each other? It's just sort of a tweaking process of trying to make everything fit together. At their best, lyrically, I did a track called "Knights on Fire." I used Beverly Knight's "Keep This Fire Burning" which is a love song about, you know, keeping somebody in your love, your love alive. And then I used Bruce Springsteen's "I'm On Fire," which is a song from a male perspective, obviously because it's Bruce singing. He's talking about, it's almost like he's been forbidden, it's like a teenage love song kind of thing. It's like he's being forbidden to be with this woman and so he's on fire. He is consumed by this. So the mashup sort of throws both songs into a different light. They're both love songs. It's like they are singing to each other but they both have a completely different understanding of what the "fire" is. I am actually really proud of how that worked out lyrically, and I like the song as well. How it worked, but it went sort of beyond being clever and funny and you can listen to it and think about the meaning of the two songs...

After selecting sources comes the work of manipulating the samples, adding effects, and remixing the samples into a new track. The control allowed by the editing software is impressive. Virtually every musical and sonic element can be manipulated. However, as mentioned above, because mashup artists work with pre-recorded samples the amount of control is inherently limited. This limitation is not a creative liability. Quite the opposite, working in a limited framework inspires creative thinking and problem solving. As with a poet who writes haiku, or a composer who writes fugues, the ability to create within set limitations is a skill that is valued by the mashup community.

Once the samples have been combined into a new song the track is exported from the audio software, usually as an MP3. Some mashup artists remaster their mashups for higher sound quality adjusting for things like bass distortion when played over a loud PA system, but this is not common and other producers feel this step is not necessary given the amount of mastering that a commercially released track has already gone through.

The final step for many mashup producers will be to create "cover" art for the mashup. Often this artwork will be a photographic mashup featuring the sampled artists' images mashed together. Then the track can be uploaded to a personal website or filesharing site for distribution, and posted on GYBO to publicize it within the community.

Copyright

Copyright issues arise in mashup production, distribution, and reception. The act of making a mashup, editing, remixing, and combining commercially released recordings, is a violation of copyright law. Despite the fact that most mashups are not sold, their production is illegal and so is their distribution via the Internet, or on physical media. Interestingly, although a mashup is in violation of copyright law, nightclubs, radio and television stations, and other outlets that already pay blanket licensing fees (to organizations like Broadcast Music, Inc., or BMI, and The American Society of Composers, Authors and Publishers, or ASCAP, in the United States) are not in violation of copyright by playing mashups.

At the time of this writing no mashup artist has been sued for copyright violation. However, the illegality of mashup production has affected the community in a number of ways. One direct effect is the issuance of cease and desist orders by record companies and media conglomerates. Cease and desist orders, as their name implies, are letters sent by the legal representatives of copyright holders to persons that are allegedly violating specific copyrights. The orders are sent to the administrators of websites that host mashups as well as the Internet service providers which host those websites. The cease and desist order identifies the infringing material and asks that it be removed and/or destroyed lest the recipient face legal action.

There are far too many mashups for record companies to track down and act on any website that hosts any. While there is no discernable pattern to which mashups incur cease and desist orders, which do not, in order for a mashup to get the attention of a record company it has likely become somewhat popular on the Internet, in the press, or on radio. As such, being issued a cease and desist order is treated by some in the mashup community as a source of pride and carries with it some prestige and credibility. In a GYBO thread from January 2009, mARKYbOY posted about receiving a cease and desist order for the first time because of a mashup that he made and hosted on his website (mARKYbOY 2009). At the end of his post he asked if anyone else had dealt with this issue. In the first response to the post pickhard wrote,

Congratulations! We had one, took everything down to please the host, waited a week then sneaked them back, nothing happened, don't expect nothing will happen to you though, I reckon at worst, your hosts will remove your files (pickhard 2009).

The very next response from djmf also began with a celebratory tone, "woa congrats dude. I'm still waiting on my first C&D" (djmf 2009). Both posts congratulate mARKYbOY for what many outside the mashup community would view as a nuisance or even something of a legal concern. Furthermore, djmf seems to have been eagerly awaiting his own "C&D" order.

The prestige attached to a cease and desist order is not necessarily tied to disobeying the order. mARKYbOY and pickhard both removed the files after receiving the order, although pickhard eventually put them back on his site. The importance of the cease and desist order is less the "rebel" status that it might bestow and more the recognition that your mashup is being heard.

Cease and desist orders have also brought some attention to the mashup community from popular media. The most well covered event was DJ Danger Mouse's Grey Album and the subsequent Grey Tuesday protest discussed earlier. There have also been other relatively high-profile cease and desist orders. In November 2005 the mashup artists Party Ben and team9 collaborated to create American Edit. The album was primarily mashups of songs from the Green Day album American Idiot, and the
Gray Tuesday” and multiple websites, bit torrent sites, and peer-to-peer networks posted American Edit for downloading. As with the Grey Album before it, the controversy that ensued over the cease and desist order generated a significant amount of media attention and additional illegal downloads.

Record companies that issue cease and desist orders to websites that host mashups do so to enforce their copyrights. The intention of the cease and desist order is to make mashups that are in violation of copyright unavailable. But, in many instances, cease and desist orders have served the opposite function by bringing attention to the very material that they hope to remove. Additionally, because of the nature of digital music files and the ease with which they can be posted and re-posted on any number of websites, the targeted mashups remain readily available for download even after being removed from the websites that have received cease and desist orders. One need only do a quick Google search for “Grey Album” or “American Edit” to find links to download these illegal albums.

Record companies’ efforts to squelch mashup distribution with cease and desist orders have been unsuccessful. The most significant effect has been the dramatic limitation of commercially released mashups. The difficulty and cost associated with clearing all the samples contained in a typical mashup is prohibitive and only a few mashup artists have attempted to release commercial albums with cleared samples.

One of the earliest and most influential mashup albums, As Heard on Radio Soulwax Pt. 2., was released in 2002 by the duo 2ManyDJs. 2ManyDJs actually went through the long process involved in clearing the samples used on their album, or at least their record company did. 2ManyDJs describe the arduous task of clearing the samples on their website:

It's been almost three years in the making, it took one record company employee more than six months of hard labour, 865 e-mails, 160 faxes and hundreds of phone calls to contact over 45 major and independent record-companies. A total amount of 187 different tracks were involved from which 114 got approved, 62 refused and 11 were un-trackable. It caused massive headaches and sweaty palms to employees of ‘clearance centres’ and record companies all over the world. But it's finally here. It's about 82 minutes long and there's 45 (or is that 46?) tracks on it. It took seven long days and nights to cut, edit, mix and re-edit it all together and it fucking rocks! (2ManyDJs).

Even after all the work to clear the samples As Heard on Radio Soulwax Pt. 2 was still not allowed to be commercially released in the United States.

2ManyDJs is the moniker that David and Stephen Dewaele use when they are not fronting the successful Belgian rock group Soulwax. It is a direct result of their connection with the recording industry that they had the capacity, via their record company, to navigate through the complicated process of clearing samples. Few amateur musicians would be able to spend 6 months making phone calls and sending faxes, not to mention paying the licensing fees, in order to get copyright permission. As a result most mashups are released and distributed online for free. This limitation has, in effect, kept mashup culture “underground.” Mashups are not available on iTunes or at record stores and, while not difficult, it takes more effort to find a mashup than a commercially available song. Mashups exist outside of the commercial music industry and as a result the mashup community is comprised of “amateurs” who can only profit from mashups indirectly (for instance by running a mashup night, being paid to DJ, or being offered paid production work because of their mashup abilities).

In addition to being a reality of legal constraints, many mashup producers release their mashups for free out of a sense of community and, as DJ BC put it, “honor amongst thieves” (phone interview, October 14, 2008). In an interview with DJ Earworm he recounted how DJ Adrian convinced him to post his mashups online for free:

Earworm: I took my first handful of mashups and went to, I had heard that there was a club that played mashups, and I went there and met with Adrian and gave him a CD demo. I came back the next month and he said, ‘you should do something with these, put these on a website,’ and I said, ‘I can’t put them on a website. People will just take them,’ and he said, ‘well, what did you do?’ I said, ‘oh yeah, I guess,’ and then basically he convinced me that these would do a lot more good being given away to the world rather than saving them up. This is the old way of thinking: that you need to, not necessarily capitalize in money, but you have to benefit from your music. Anyway, so I put it out.

(San Francisco, June 11, 2009, quoted with permission)

One way the mashup community deals with its existence on the fringes of the recording industry is by subverting and satirizing the language and imagery used by governments and trade associations like the Recording Industry Association of America. Copyright infringers are commonly accused of committing “piracy.” In keeping with mashup methodologies, the mashup community has combined contemporary intellectual “piracy” with the seafaring piracy of yore. “Bootleg” and “bootie” are terms that are often used both in the mashup community as well as being associated with romanticized pirates from the past like Red Beard and Long John Silver. Another example is the use the skull and crossbones, also known as the Jolly Roger, to decorate Bootie events (DJ Adrian and The Mysterious D’s logo is a skull and crossbones wearing large DJ-style headphones).

By satirizing their status as “pirates” members of the mashup community are subverting and challenging copyright laws and notions of intellectual property. The strategic and comedic appropriation of piratical terms and themes, now a widespread phenomenon thanks to sites like the controversial bit torrent tracker The Pirate Bay and the associated Pirate political parties in several European countries, has a long history within the mashup community dating back at least to the founding of Bootie in 2003.

There is a belief among some members of the community that mashups are an active form of protest against copyright law. In September 2008 the mashup artist not I posted a response to a thread about mashups and society. He wrote,
Later in the same thread Wax Audio wrote,

I agree with not-I about the subversive angle of mashing. Whether the masher knows it or not s/he is making a political statement by virtue of the fact that what they do is illegal and in defiance of laws designed to prevent the genre they contribute to from flourishing. Yet gybo shows that be that as it may - we are still a fairly diverse lot when it comes to expressing our personal politics (or lack thereof) (Wax Audio 2008).

While some mashup artists, like not I and Wax Audio, are clear about their belief that mashups are a form of subversion others are less concerned. DJ BC is one mashup artist who, despite having been the recipient of cease and desist orders, is less concerned with actively subverting copyright, and more concerned with making music that he enjoys:

Liam: I know that some people think of mashups as an act of activism against copyright law. Do you see what you are doing as any sort of a challenge or a protest to copyright law?

BC: Not at all. I don’t see what I do as a protest or a challenge to copyright law. In fact I have little disclaimers on my website, as many mashup artists do, saying let me know if you have a problem with this being up and I will remove it from my website. I think that people just want to make music. They like doing it.

(Phone interview, October 14, 2008, quoted with permission)

The effects of copyright on the mashup community and the ways in which community members negotiate their relationship with copyright law are numerous and diverse. One thing is certain: the current system of cease and desist orders is not sustainable, nor has it curbed the creation or sharing of mashups. At some point copyright law must be rewritten to account for the new uses of media that technology allows for. Scholars like Lawrence Lessig (2004, 2008) and Kembrew McLeod (2005) have shown the many inconsistencies and contradictions in copyright law as it exists today. The gap between what copyright law allows and how people actually use copyrighted material is clearly demonstrated by the mashup community and will only get wider with more advances in technology.

Conclusion

The mashup genre and the dispersed community of its fans and producers are on the cutting edge of popular music, technology, and copyright. Technological advances in computer hardware and media editing software have allowed for the creation of the contemporary mashup. Advances in Internet and communication technology have created a new space in which the mashup community has grown. Mashups artists, enabled by technology, remix popular music and popular culture. In so doing they challenge the idea of a completed work. No recording is a finished product; it is the source material with which to make something new. Using the work of others as source material has put the mashup community at odds with existing copyright law and kept the genre out of the mainstream. Marginal legality has forced the mashup community to be self-reliant in the production, promotion, and distribution of its music. Mashup artists are at the forefront of a larger movement in which consumers become producers who reshape and remix the culture around them.

Works Cited

Books and Articles


Internet Sources


dj BC. October 14, 2008. Sommerville, MA (via telephone).


Audiovisual Sources


Note

[i] The terms “mashup artist,” “mashup producer,” and “bootlegger” are used interchangeably by community members to describe people who make mashups.