

## VAPOR MUSIC

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The Internet was designed during the dark days of the Cold War by government scientists and engineers who thought it might save our lives some day by facilitating the exchange of defense information. They made sure this new medium would be immune from any central control point that might be compromised or from any lockout mechanisms that might hinder communicating within it.

Fueled as it was by paranoia, it is ironic how much paranoia the Internet is now causing: not on the part of our military/industrial complex, but on the part of our corporate capitalist complex, who see this medium as ripe for commercial colonization.

Any user's ability to subvert commercial gate keeping makes the Internet quite unlike other mass media. Our almost exclusively commercial airwaves have turned audiences into passive sponges for one-way sponsor 'messages', but Internet users are participants in a new arena, able to interact with pure ideas and information and able to add their own into the mix, uninterrupted by ulterior motives and uncluttered with deals or conditions. The Net has created the impression that culture is a function rather than a product.

Music, for instance, is suddenly being treated as if no one owns it at all. It's as appreciated and sought after as ever, but with no apparent need to compensate its makers or its owners. This realm of free exchange threatens all the control mechanisms that define music as a finite commodity subject to the laws of physical supply and payer demand. On the Internet, demand takes whatever it wants because the free copies are virtually infinite, copyrighted or not.

Music 'piracy' on the Net has never been hindered by users' respect for the record industry - because there isn't any. The labels' long history of greed, their absurdly unfair and deceitful contracts, their price inflation and price fixing, their virtual economic enslavement

of artists, their frequent connections to organized crime, all form a history of such disgust that any individual's so-called Internet 'piracy' pales by comparison. It becomes easy to 'steal' - or, if you prefer, 'copy'. Now that there is an actual alternative to the labels' distribution monopoly, the trashing has begun with vengeance.

These developments have baffled the labels. They continue to look at the Net as another shopping mall, where they must control access to their product in order to maintain economic control. They seem unable to rethink the nature of their product once it leaves the hard-goods world of per-unit compensation and enters the digital world of immaterial and infinite proliferation. Nothing changes hands on the Net except ones and zeros, and they are not in limited supply. Neither is one person's particular array of ones and zeros diminished when another duplicates them. (This immateriality of Net content actually mirrors the musical experience itself - which is, ultimately, just vibrating air, whether from speaker cones or instruments.)

Music might end up with a dual life, one as private property in the material world, and the other being a non-proprietary 'vapor service' on the Internet.

### **Copyright vs. the Net**

Eventually, everyone must address the compensation dilemma posed by the Internet. For the time being, one possible future lies in the fact that the Net does not (because so far it technically can't) define art primarily as a business. Thus, it offers artists an opportunity to rediscover their long-lost ability to enter work into a freely shared culture rather than the privately owned arena their former hard goods had to inhabit.

For the largest part of history, cultural creation was a freely shared phenomenon, defined by acts of uncompensated spiritual sustenance and confirmation between maker and community. The Net's look and feel rekindles this generous tradition of art for its own sake, and will continue to do so as long as it stays open-access. Of course, this is no sure bet, since commercial interests will certainly collude with Congress and government to turn the Net into a vehicle for commercial control just as they did with all broadcasting. Further complications stem from the chance that music production and marketing will continue to rely on hard-goods commerce, with

that marketplace providing a primary source of income for music makers on into the barely foreseeable future.

As I said earlier, music might end up leading a dual life: in its present status as private property, copyrighted and supply-controlled in the material world; and as a non-proprietary 'vapor service' on the Internet. From my art-over-profit perspective, this legal distinction could counteract many of the dangers to Net culture generated by capitalism's compulsion to change it all.

This dual music fantasy would not affect copyright law off Net, but it would bar these laws from applying to any art or information that is able to achieve its fulfillment in digital form. As long as these works stayed in digitized form, they would be categorized as public domain. Individuals could copy these for their own use just as they can now, but they could not reproduce them as hard goods and market or distribute them. That would be copyright infringement - again, just as it is now. But they could copy and transmit them over the Net ad infinitum. This distinction would be clear: on the Net, music, text, and graphics are public domain; but once they appear off the Net, they are subject to copyright controls and protections.

Statistics so far indicate that exposure to the free music experience on the Net promotes the sale of musical hard goods. CD sales have *not* dropped to the scary degree feared by the music industry as MP3 use increases. A *small* decrease in CD sales has so far been there, but it has not at all been ruinous to the industry. There are many possible reasons for this: the dependability of physical formats, the desirability of packaging, the touchable portability of personal objects, and so on. Maybe it's just a habit that continues. All of this could change, but let's wait before totally rejecting the possibilities for off-Net profit making from a public domain Internet.

What may be harder to swallow is that defining the whole Net as anything but a public domain appears bound to fail anyway. All it will ever take to subvert control is for one individual to purchase access to a work; after that it's potentially up for grabs elsewhere on the Net for free. This medium was designed to facilitate copying and spreading, and unless its basic nature is significantly altered, it will always do this very well.

There is, as yet, no indication that protective 'watermarks' will ever be effective for more than the briefest of periods. There will always be hackers ready to penetrate them. And if embedded copy control

technology ever does work permanently, there will always be those who'll feel their work is more attractive without them.

### **The Empowered Artist**

Promotion and marketing may be served by new forms built around the artists' control over their own work. For many musicians, the Internet's appeal comes down to its usefulness as a self-distribution channel. Home recording studios - where individuals can easily create their own master recordings - are already commonplace. But traditionally, an individual had nowhere to take the finished master except a label, which could get it distributed to stores. By adding a computer to that home recording studio, you've got your own distribution system as well.

The growing movement of musical self-sufficiency will change the nature of music. The Net could easily facilitate public awareness and access to new music. There are countless directories to route traffic to genres and categories at individual musicians' websites and pages, as well as websites where independent artists aggregate for exposure. Mechanisms for directing traffic will grow right along with these unaffiliated musical destinations. And our present cartel system's fixation with hit manufacturing, artist grooming, and exclusivity can be bypassed entirely.

As this happens, labels might rely more on large production genres such as classical and other orchestral forms, which require their special ability to produce on that scale. And I suppose they will always be able to field a few more of those manufactured talents who need to be told what to sing, how to sing it, and what to wear while singing it. But most of our musical forms are small enough and cheap enough to survive without 'help' from these factory operations. Promotion? Marketing? These needs are catered for by new services built around the artists' ownership and control of their own work. Once the artist creates a master without anyone's help, he or she can then control its commercial course, while all 'support apparatus' become the hired help - reversing the present relationship between the dominant labels and their unempowered musicians.

Music is already thriving on the Internet without any sure form of remuneration or copyright control. As paranoia grows among the corporate owners of culture and content, the Net becomes more fascinating precisely because it just sits there, a profound enigma in

the midst of our society so dependent on capitalist formulas for survival. The psychic and societal shifts implied by this paradox reach far beyond the arts to challenge the value of intellectual property ownership itself, but it is our music that is floating out there first and foremost, testing these waters of change.