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# The DJ as Critic, “constructing a sort of argument”

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Rhythm is critical;  
it ties together critical moments.

*Deleuze and Guattari*

A Thousand Plateaus: Capitalism and Schizophrenia

**I**N A CONTEMPORARY MEDIASCAPE now characterized more by a surplus of cultural production than by its scarcity (Ritzer and Jurgenson 14), the critical capacities and functions of intertextual appropriation and repurposing volubly declare that reports of the death of criticism are greatly exaggerated, although such practices of quotation and recontextualization are not widely enough recognized as forms of criticism and commentary. Around the turn of the 2010s, two cultural phenomena enjoyed a resurgence in their perennial popularity: DJ performance and dance music (Reynolds, “How rave music”) and the discourse of “the death of criticism.” The renewal of the former took shape around the emergence of new and rejuvenated dance music forms (for example, dubstep, the “progressive” and “electro” house of producers like David Guetta and Deadmau5) and around the tightly networked underground dance scene’s re-framing of “raves,” “Ecstasy,” and “techno” as, respectively, “festivals,” “Molly,” and “EDM” (electronic dance music). The renewal of the latter took shape as a

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spate of essays, editorials, and books appeared, arguing one of two theses: either that criticism is dead or that criticism is more vital than ever. Oddly, both arguments point for their evidence to the read-write web: where professional critics are endangered, or where taste-making distinctions and recommendations are automated, or where “everyone is a critic” (Kaiser; see also Bayard and Miller). Where you place the emphasis here depends on which side you take, but critics arguing that criticism is in crisis could more capacious consider the forms that criticism can take.

In roughly the same time, the digitization of music production, distribution, and playback has precipitated an analogous (initially, in fact, an analogue) crisis of calling and purpose for the disc jockey, or DJ, the death of which profession (or art, or hobby) was being reported not long after its inception; reports of that death have been given new lease on life, amidst the popularization both of pocket-sized DJ applications and of EDM. In 2011, the IFC sketch comedy show *Portlandia* lampooned these trends with a sketch that imagines the popularization of amateur DJing as a zombie epidemic that engulfs the city of Portland. The tacit premises of the *Portlandia* sketch’s humour are not just a wry remixing of music trend with horror story and the notion that said trend—everybody wanting to be a DJ—represents artistic aspiration—everybody wants to be in a band, everybody wants to be a rock star. Today, DJs are popularly figured as artists, authors, virtuosi, and even shamans. But given the abundance of content made available for creative appropriation by contemporary information and communication technologies (ICTs)—and given the intensification of corporate campaigns to control, contain, and confiscate such abundance—it is time to recognize more fully the DJ’s role as a critic and to theorize the cultural functions of DJ work (which is play: the work of improvisational, inventive, and innovative playback) as criticism at the present time. In what follows, I argue that the DJ deserves fuller understanding as a critic by positioning this understanding amidst the literature on DJ culture, theorizing it according to poststructuralist and postmodernist contexts, surveying some historical precedents for appropriation as commentary, sampling a mix set by DJ Z-Trip, and considering the DJ’s work as critic in the broader contexts of digital culture and the restrictive, globalized regime of intellectual property (IP) regulation.

## DJ Culture and clearance culture

To theorize the capacities of appropriative cultural practices like DJing for criticism and commentary is a two-step attempt. First, it is to describe DJ practice that privileges and articulates its critical work (over and in some cases in counterpoint to other constructions of DJ practice, for example, as authorship or shamanism). Then, using this description illustratively, it is to argue for a more robust and “dynamic” culture of fair dealing (Coombe et al. 5): that is, for rebalancing today’s IP regime, which has so long and so asymmetrically tilted an ever-stricter clearance culture of licensing and litigation in favour of corporate rights holders, by tilting it back toward greater recognition and protection of users’ rights to repurpose otherwise “propertized” cultural works (Downes).

Thus, the wider cultural economic context this argument addresses is that of quotation and sampling—of collage, bricolage, and appropriation generally—in cultural production, and, more particularly, the regulation of quotation and sampling by copyright law. The intensification of globalized copyright regulation in recent years has subjected quotation and sampling to increasing surveillance, litigation, and restriction. While recent and current policy proposals like the U.S.’s failed 2011 Stop Online Piracy Act (SOPA), corporate rights deals like the recently negotiated Trans-Pacific Partnership (TPP), and public intellectual work on such developments (like that of Michael Geist) have finally drawn widespread public attention to copyright maximalism and its implications (for cultural production, for freedom of speech, for the very structure of the Internet), the intensification of the global copyright regime has arguably been building since the first copyright term extensions in the early nineteenth century and the internationalization of copyright late in the same century (St Clair 54–55). Recorded music has played a pivotal role, virtually since its invention, in this intensifying copyfight, and DJ work has perennially found itself caught in the crossfire, usually on the wrong side of the law: as early as the Musicians’ Union campaigns against the public playback of records in the first decades of the twentieth century (Thornton 38–39). And just as the premillennial “rise of this figure [the DJ] can be directly correlated to the rise of computer culture” (Manovich 135), the intensification of copyright-tightening policy and trade efforts over the same recent period have emerged, correspondingly, as music industry reactions to the impact of digital technology on music production and distribution. The “Napster wars” (Marshall 1) and the Sony rootkit fiasco—an early and disastrous attempt at “digital rights management” (DRM)—have become widely known reference points for public debate and policy. But leading up to

these turn-of-the-millennium incidents, evidence of the music industry's growing suspicion and litigation of appropriations deemed inappropriate emerged in a spate of infringement cases over rap sampling in the 1980s and 1990s—cases that significantly affected rap production by prosecuting and putting a chill on the music's sampling practices. According to Nelson George, “the high-intensity sound tapestries of Public Enemy have given way to often simpleminded loops of beats and vocal hooks from familiar songs—a formula that has grossed Hammer, Coolio, and Puff Daddy millions in sales and made old R&B song catalogs potential gold mines” (95). The sampling infringement cases in effect dulled the critical edge of “high-density” sampling in rap that had begun to cut into the music business's own corporate and consumerist norms of art and commerce: “By selecting recorded sounds and reusing them in new ways,” argued Thomas Schumacher in the wake of the sampling cases, “rap music offers its critique of the ownership of sound” (265). But as Paul Saint-Amour points out, “you can seldom criticize the law by breaking it and yet expect the law to forgive your infraction as criticism … criticizing standards of ownership can lapse into a near-absurdity when some of the most effective critical pathways—counterappropriation or parody … —are by definition already owned by someone else” (19–20).

From the historical opposition to DJs mounted by the U.S.'s Musicians' Union; to police confiscations of hip hop and dance music mix tapes (Masnick); to the strict terms imposed by royalty-collecting agencies like SOCAN on small-business “weddings-and-parties” DJs (Knopf); to the even stricter terms of service that the mix podcast hosting site Mixcloud imposes on the content that DJs upload to it (like restrictions on displaying track lists and on using more than four tracks by one artist); to recent threats by major record labels to pursue actions against the Soundcloud music-hosting web service (Resnikoff): on the evidence of a long history of such actions as these, the IP regime and the popular music industry it regulates have repeatedly demonstrated an entrenched and profound distrust of and hostility to DJ work (Brewster and Broughton 25). Sometimes specific DJs themselves are targeted by legal action over alleged infringement; for instance, DJ Z-Trip (also known as Zach Sciacca)—whose work is discussed below to illustrate my argument—was caught in the crossfire of a 2012–13 copyright case between the Beastie Boys and a beverage firm over the latter's unlicensed advertising use of a video of Z-Trip playing a mix of Beastie Boys tracks (see *Beastie Boys v. Monster Energy Company*).

As cultural work that consists mainly of playing back other people's intellectual property, DJ practice exemplifies the uses, the ordering, and the

delimiting of quotation as criticism, navigating an increasingly digitized media environment that affords virtually infinite repurposing opportunities and a fast-changing regulatory regime that seeks ever more punitive prohibitions against such repurposing. As Simon Reynolds observes, the rise of sample-based music and DJ culture “has ignited a hotbed of fiercely contested questions about publishing credits and payment” (*Generation* 53). Similarly, the broader remix culture of digital media has exploded in both user-generated, do-it-yourself milieus and in corporate cultural industries, and it has prompted both a rethinking of creativity in terms of appropriation and curation (Guertin 37) and an expanding assertion of users’ rights in copyright law (fair dealing, in Canada and the UK; fair use, in the U.S.). For these reasons, the peculiarly *remediated* (Bolter and Grusin 5) cultural practice of DJing aptly illustrates creative appropriation as critical commentary and underscores the use and value of fair dealing’s more robust exercise.

Fair dealing is the provision in copyright law that permits users and consumers of copyrighted works (not their creators) to make certain kinds of reproduction and repurposing of copyright-protected works, for certain reasons, without requiring the permission of rights holders. Unlike the U.S.’s fair use provisions, Canada’s fair dealings provisions are *enumerative*: that is, the legislation specifies which purposes for reusing copyrighted works are acceptable and neither infringe copyright nor require rights holders’ permission. The consolidated Canadian *Copyright Act*’s permissible purposes for fair dealing are study and education, parody and satire, criticism and review, news reporting, non-commercial user-generated content, and private individual use (*Copyright Act* sec. 29).

Two details of the fair dealing provision have particular bearing for theorizing DJ work as criticism. First, in protecting the repurposing of works for criticism and review, section 29.1 of the *Act* stipulates that source works must be mentioned. Second, in this statute’s application to specific legal cases, a reproduction or reuse for any commercial purpose—any purpose whereby the user financially gains—is far less likely to be found “fair” by a court decision. The first detail impacts DJ culture in that the mention and acknowledgement of records and other sources played varies wildly, from no such mention at all (for which, in the field of literary production, David Shields’s 2009 book *Reality Hunger* makes a provocative aesthetic case [209]), to artist-and-title track listings like those provided in niche-genre podcasts like that of Hospital Records (which the DJ often accompanies by speaking promotionally about the tracks while playing them during the podcast), to meticulous itemization (see the exhaustive

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credits in the sleeve notes for DJ mix CDs like Richie Hawtin's *DE9* or DJ Assault's *Off the Chain for the Y2K*). However, for purposes of considering DJ craft as criticism, it does not follow that mention of source works would boost those sources' sales or adequately shield the DJ from infringement actions; neither does it follow that the DJ's neglect to mention source works means an audience does not recognize them. The second detail affects DJ culture in that DJing is popular as a spectrum of cultural labour with paid, professional, widely consumed work at one end, and unpaid, amateur, audience-of-one activity at the other. Superstar DJs sometimes donate performances or give away recordings of sets; "bedroom" DJs sometimes catch a break and get paid to play for a crowd. Neither the cultural status nor the production context provide adequate legal protection for DJ work as fair dealing.

But if fair dealing inadequately protects DJ work, perhaps it is because of the still very limited character of fair dealing's affordances. And so perhaps a better understanding of DJ work can help to advance a more dynamic culture of fair dealing, like that envisioned by Rosemary Coombe et al.:

Copyright laws that contain narrow and rigid fair dealing provisions not only make it difficult to read, write, learn, and create, they make it impossible for our culture to evolve in a fashion that respects the work we do as creators, students, scholars, consumers, and citizens. They serve primarily to protect corporate investments rather than public interests ... In the longer term, we hope that the inherent tendency of digital technologies to facilitate copying, sharing, and cultural exchange will be embraced as a positive quality ... In such a world, the practice of fair dealing would be considered a fundamental cultural right rather than a mere exemption to the economic privileges of others. (39)

In theorizing DJ practice as criticism, I hope in the process to show how DJing can cultivate these senses of copying and sharing "as a positive quality" and of fair dealing as something more like a cultural right. Understood as criticism, DJing doesn't just challenge received notions of creativity, as will be discussed below, it also challenges the hegemonic discourse for which appropriation and repurposing can only mean "piracy" when they can just as readily represent promotion, constructive critique, and social commentary. To appreciate DJing as criticism is to further the positive valuation of copying and sharing and thus to argue for a more expansive, robust conception of fair dealing.

## Prevalent figures of the DJ: artist, author, shaman

In the latter half of the twentieth century, the role of the disc jockey or DJ was dramatically transformed: as Norman “Fatboy Slim” Cook recalls, “the bloke in the corner who stood in the corner and put records on” became “a superstar” (quoted in Brewster and Broughton 523). As told by Bill Brewster and Frank Broughton in their history of DJ culture, *Last Night a DJ Saved My Life*, the history of recorded music is very much a history of DJs’ work: “almost every radically new musical form in the last five decades owes its existence to the DJ” (24), from Kingston reggae and dub, through New York disco and rap, to London drum & bass and dubstep. Tracking these shifts in the role and status of the DJ, Sarah Thornton writes, “the DJ’s job has changed dramatically since the Second World War, moving from unskilled worker through craftsman to artist” (60). Signaling reservation with scare-quotes, Jeremy Gilbert and Ewan Pearson note that “DJing is considered an ‘art form’ in certain discourses around dance culture” (124). It has been hip hop turntablism that has bid highest for the DJ’s credentials as artist, by drastically adapting the fundamentals of DJ practice (selecting, cueing, sequencing, cross-fading, and scratching). David Toop writes about turntablism in terms of “art” (93, 100) and “virtuosity” (97, 101)—and to be sure, that specific form of improvised, instrumental *hip hop* music represents an avant-garde worthy of the name.

A more complex intervention in the discourse of DJ as artistry comes from the Canadian Radio and Television Commission (CRTC). In a 2009 report on DJ practice and Canadian content regulations, the CRTC distinguishes turntablism (together with other “experimental” uses of recordings and sound technologies) from DJing on artistic grounds: “the art of turntablism involves the simultaneous manipulation of two or more turntables to create *new* compositions. It differs from DJ-ing, where musical selections are blended one after the other.” On these grounds, the CRTC concludes that a new Canadian content category for “experimental programming” be adopted, but that it explicitly exclude “spinning or beat mixing”—that is, DJing as such:

Whereas turntablism modifies existing vinyl recordings sufficiently to be able to speak of the creation of new works of music, DJ mixing is the presentation of existing recorded material in a creative and musically sensitive way. Contrary to turntablists, DJs who practice DJ mixing cannot be said to be composing music or performing material of their own composition. (“Turntablism”)

Somewhat ambiguously, the CRTC report recognizes DJ creativity but in a way subordinate to the superior creativity of turntablism. Locating DJ creativity in how extant recordings are presented, the CRTC implies that DJ work takes part more in review and promotion—that is, in criticism—than in creation. The nominal creativity of a DJ's presentation may qualify it, in more non-commercial situations, as fair dealing but not sufficiently, it would seem, to qualify as original Canadian content for broadcast quota requirements.

Representations of DJ craft as artistry and authorship are arguably a strategy for legitimizing DJ work according to the prevailing discourses and interests of the music industry, even as the most widely accepted role for DJs within that industry, historically, has been that of one kind of critic: the radio-based promoter of new music releases. Representations of DJ work as art-making have largely taken shape in comparisons to avant-garde and experimental forms of appropriation-based art: the conceptual art of Marcel Duchamp and the experimental compositions of John Cage; the *musique concrète* movement; the avant-garde turntablism of Non and Gum; the tape-splice *Plunderphonics* albums of John Oswald; the cut-up techniques of Tristan Tzara, William Burroughs, and David Bowie; the dance-driven improvisations of Buddy Bolden and U.S. jazz.

As a form of cultural production based on appropriation, DJ practice has prompted a lot of commentary on what Brewster and Broughton glibly call its “postmodern angle”: it is “artistry [that] comes from combining other people’s art” (22), “musical collage [that] is both consumption and production” (23). Reynolds’s arguments that DJ curation challenges conventional understandings of creation (*Generation* 52) articulate somewhat more nuance and a fuller grasp on how postmodernist theory applies to DJ work: in his analysis, the “romanticism” of more popular music forms and scenes, especially rock (compare Gracyk), frames and names the cultural hegemony of expressive individualism, the “author function” that Bill Herman sees as a business strategy for marketing DJs. In dance culture’s worship of “DJ-as-virtuoso,” Reynolds finds the pernicious reterritorialization of the romantic “rock star system” (*Generation* 275).

For Lev Manovich, DJ work demonstrates not just a curatorial kind of creativity but the very “logic” of “computer culture” itself—the “selection and combination of preexistent elements”—and the “potential of this logic to create new artistic forms … true art lies in the ‘mix’” (135). Like Reynolds, who describes DJ practice as both repetition and “composition … in its literal etymological sense, ‘putting together’” (*Generation* 47), Manovich describes it as “authoring by selection” (144). But Manovich goes further,

distinguishing DJ practice from other appropriation-based cultural forms on the basis that the seamlessness of the DJ's mix exemplifies not montage but an "anti-montage aesthetics of continuity" (144) also seen in other contemporaneous cultural practices of such "compositing" like the use of CGI to produce not defamiliarization but heightened realism effects (144). While I agree with Manovich's claim that DJ work and digital culture have been popularized in significant synchronicity, I disagree that the DJ is an "anti-montage artist par excellence" (Manovich 144); a seamless mix can construct "a virtual composite" (144) but juxtaposition, collage, and other strategies of discontinuity (evoked in dance music's own language of breaks and breakdowns) still figure largely in the DJ's capacity to engage, please, and move the audience. DJ Z-Trip's career-making mix *Uneasy Listening*, which will be discussed in detail below, establishes a danceable seamlessness and yet, at the same time, delivers a series of continual surprises and critical challenges to genre boundaries in the very range of his selections. As this article's epigraph suggests, the seamlessness of rhythm in his mix enables its critical capacity. The DJ can mix and balance both virtual continuity and cut-up *Verfremdungseffekt*.

A different, more problematic analogy is that of DJ as shaman, as in DJ Dave Haslam's claim that postdisco dance scenes elevated "the cult of the DJ [to] priestly proportions" (178). Scott Hutson has also described the DJ as a "shaman" (39). The shamanic analogy seems mystifying, and, in its tacit invocation of primitivism, verging on racist: a transvaluation of the organic intellectual as noble savage. "The DJ's [...] object is to bring the participants into a technoshamanic trance," writes Douglas Rushkoff in this vein, "much in the way ancient shamans brought members of their tribes into similar states of consciousness" (123). Hutson, for his part, claims that the term "technoshaman" enters critical vocabulary as the coinage of a party promoter and that "the DJ's mastery of the techniques of ecstasy qualify him/her as a shaman" (39). Hutson's description of the DJ as shaman mystifies the materialities of DJ performance. Such description reproduces the utopian discourse of underground dance culture itself and engages a Eurocentric discourse of primitivism as well (with the racialization the latter implies). Likewise, his reference to "ecstasy" as an object of "techniques" reproduces the dance scene discourse in which the label initially given MDMA as a marketing technique—"Ecstasy"—has since become reified, and variously valorized or vilified, as the essential effect and experience of the drug (notwithstanding its more recent recoding as "Molly").<sup>1</sup>

<sup>1</sup> Hutson's use of the imagery of "ecstasy" serves his representation of the DJ as a "shaman," but it belongs to a larger discourse that has produced "ecstasy culture"

In these popular constructions of the DJ as artist and shaman, Herman identifies a market-minded leveraging of Michel Foucault's "author function":

Once an anonymous carrier of records, the DJ has ascended to be seen (and paid) as a superstar of the music industry. This occurs for several reasons, all of which culminate in a discourse of authorship.... authorship comes not from the techniques of one's craft (disco DJs were also good at mixing records) but from how fans and industry players respond, both in discourse and practice. Authorship arises as a result not merely from what is said or written but also as a result of the creative act's place within a broader socioeconomic system. (35–36)

For Herman, this leveraging succeeds here where it failed on behalf of producers, those who create the tracks that DJs select and play, because

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based on a profound misprision of the word: in reference to 3,4-methylenedioxymethamphetamine (MDMA), "Ecstasy" names a *brand*, not a pharmaceutical effect. Patented by Merck in 1914 (Weir 1846), MDMA was investigated for clinical uses by U.S. therapists in the mid-1970s (Eisner 2). The drug inevitably found a recreational market that "underwent a slow expansion in the early 1980s" (Beck and Rosenbaum 19). To increase the MDMA market in the nightlife scenes of Austin and Dallas, Texas, MDMA was re-branded as "Ecstasy" around 1981 (19): "The man who first named it 'Ecstasy' told me that he chose the name because it would sell better than calling it 'Empathy.' 'Empathy' would be more appropriate, but how many people know what it means?" (Eisner 6). Evidence of this brand strategy's continuing fetishization effects appears not only in dance music culture but in research on it: in anthropological descriptions of this culture as "an ecstatic unfixing of identity boundaries" (Pini 125); as "the celebratory depersonalization characteristic of liminal rituals in non-Western cultures" (Gore 64); as a site where "egos melt in the sweltering frenzied heat of the mass of sweating bodies" (Rietveld 63). Much literature on dance music culture tends thus to reify MDMA as inducing not merely euphoric bliss but subjective *extasis*: the experience of being "beside oneself." However, pharmacological analyses of MDMA's effect represent it as the *opposite* of what the brand suggests. Distinguishing MDMA from hallucinogens like LSD (with which it is often but incorrectly grouped), Bruce Eisner asserts that "MDMA ... does not disrupt 'ego-integrity' ... The LSD experience is sometimes referred to by psychologists as involving 'depersonalization.' That is, the experience of existing as a separate personality or 'ego' is disrupted by LSD. MDMA does not normally produce depersonalization. Instead, the effects are ego-strengthening" (3). "Ecstasy," then, names ideology, not chemistry. As Valverde and Moore point out, "the social and even the chemical meaning of Ecstasy is ... often defined by the space of its consumption, not by its pharmacology" (519). MDMA has *too often* been so defined, for its prevalent misrepresentation as "Ecstasy" has contributed to its criminalization (see Jenkins) and the curtailment of research on its therapeutic uses.

the image of the DJ as a performer, as spectacle, better corresponds to the romanticized image of the performing music artist, the rock star: “Commercial DJ culture places both a symbolic and a financial investment in the authorship of the creative artist” (33), so that “Investing in the DJ’s authorship paid off in a way that had never worked for the authorship of producers.... The DJ’s authorship becomes the discursive solution to an economic problem” (34). Or, as Haslam puts it, “the growth in the status of DJs in recent years is ... down to the fact that the music press and the record industry need DJ stars” (178).

Brewster and Broughton’s history of the DJ includes these artistic, shamanic, and authorial representations (19)—and more. They describe the “art of DJing” as “an emotional, improvisational art form” (19) and charge the DJ with “an ancient role” as “a religious figure” (13), and they romanticize the dramatic rise and fall of the “superstar” celebrity DJ as a “rock god or pop idol” (523). “If we’re happy to award a chef or a conductor or a record producer the accolade of artist,” they assert, “we should make room for the DJ, too” (492). They do also suggest—although they do not spell out—a sense of the DJ as a critic. They identify the DJ’s “fundamental talents” as “taste” and an “enthusiasm” (18) for sharing one’s taste, and they quote one DJ’s own description of his work: “‘DJing is two hours of you showing people what’s good’” (19). However, the DJ’s taste and enthusiasm lead Brewster and Broughton to liken DJs not to critics but to promotional presenters (as does the CRTC) or to “personal shoppers” (23), connoting not culture but consumerism.

Like Brewster and Broughton, Thornton (62) and Haslam (177) refer to DJs as “taste-makers” but stop short of calling them critics. Repositioning an artist and idol as a critic seems to tarnish the DJ’s “aura” that these accounts cultivate (Brewster and Broughton 538, 546). In contrast, Keith Negus groups DJs with the music press as “key opinion formers” (49). Similarly, Kodwo Eshun, in *More Brilliant than the Sun*, extensively explicates the theory and criticism that abound in DJ-based, Afro-Futurist music: in rap like that of the genre’s innovator Grandmaster Flash, who developed the “quick mix theory” behind his groundbreaking turntablism (quoted in Brewster and Broughton 215–16); in the early Detroit techno of Kevin Saunderson, Derrick May, and Juan Atkins, whose early work adapted the futurist theories of Alvin Toffler (Reynolds 18); and in the later techno of DJ and producer Jeff Mills, whose work includes theories of vinyl manipulation (quoted in Eshun 135) and music as explanation (132). Reflecting on such artists, Angela McRobbie notes “just how much thinking there is in black music. Such music can hardly contain the investment of artistry,

politics, history, and literary voice, so that as an aesthetic it is, by definition, spilling out and overflowing, excessive, a first destination for social commentary, dialogue, and rap that leaves those of us still caught in the prison of language far behind” (43–44).

But it is Reynolds who most clearly claims criticism as the DJ’s main function. In *Generation Ecstasy*, he discusses the positioning and image-making of the DJ as artist and author (271) but only to counter and complicate this image and position: “DJ culture represents that threshold stage at which repetition morphs into composition,” he writes; “DJs are chronic consumerists and collectors” (47). Moreover, he argues that the cultural work they do, based as it is in appropriation and adaptation, “confounds standard notions about creativity and authorship in pop music” (52) and—crucially—interferes with the twinned discourses of romanticism and intellectual property that have produced and privileged the “romantic figure of the creator” that DJ work displaces, substituting instead the figure of “the curator” (52). The romantic reference here calls out the ideology of individual expressivity that he sees as responsible for too much mediocre music: in the artistic aspirations of “concept albums” by DJs-turned-producers like Goldie and Sven Vath, Reynolds sees something like cultural class war: industry-conditioned pretensions to authorial artistry that entail the corresponding abandonment of “hardcore,” working-class aesthetics: “terms like ‘progressive’ or ‘intelligent’ trigger alarm bells; when an underground scene starts talking this talk, it’s usually a sign that it’s gearing up to play the media game as a prequel to buying into the traditional music industry structure of auteur-stars, concept albums, and long-term careers” (6). This romantic ideology of authorial artistry also assumes its class-coded value for the music industry as a staple rhetorical and public relations weapon of copyright maximalism (Marshall 5). Countering, then, conventional images of DJ as author (and valiantly revaluing criticism), Reynolds posits the DJ more properly as a critic: “The best DJs,” he writes, “are constructing a sort of argument about the historical roots of the music and where it should head in the future. In this respect, DJs are a lot closer to critics than the traditional conception of the artist” (274).

Analogously, Will Straw positions DJs among the music industry’s taste-making professionals, but he tempers his contextualization of DJs “serving as ‘intellectuals’ within a given musical terrain” by cautioning that this positioning risks “privileging the processes within popular music culture which most resemble those of an ‘art world’ and overstating the directive or transformative force of particular agents within them” (“Systems” 375). For Straw, the DJ (a taste-making professional whose “intellectual”

status is only thinkable in scare quotes) embodies a position that is not just “learned” but also accordingly gender-coded, in opposition to the “delirium” of the complementarily feminized dance floor crowd. As Straw argues, “being ‘hip’ in dance culture is about being cerebral, in possession of disembodied knowledge … The DJ in his booth and his head-nodding acolytes are contrasted with the implicitly feminine abandon and hysteria of the dance floor proper” (274). This gender-coding of DJ and dancer roles extends from the whole scene of the dance floor to the technical procedures of vinyl record playback: the phallogocentric subtext of needle and groove is both theorized in scholarship—for instance, in Friedrich Kittler’s *Gramophone, Film, Typewriter* (186)—and sometimes spelled out in dance tracks themselves, from Indeep’s “Last night a DJ saved my life” (1982) to Dannii Minogue’s “Put the needle on it” (2002).

I grant Straw’s point about the gender-coding of DJ culture, which has been emphatically masculinist since its postwar popularization (Stolzoff 110; Lhooq). It is arguable that the industry-cultivated and academically legitimized positioning of the DJ as artist or author constitutes a modulation of this masculinism, a valorization of virile virtuosity and production precisely to distinguish the DJ from the culturally feminized practices of consumption, collection, and arrangement. (And this masculinism, in turn, also arguably seeks to counter—or overcompensate for—entrenched, class-conditioned distinctions of musical authenticity in terms of “real” instruments versus “synthetic” technologies.) However, in wanting to remain alert to the contextual specificity of DJ culture—to resist reterritorializing it as an “art world”—Straw misrecognizes the extent to which DJ culture already resembles an “art world,” as Theodor Adorno reminds us, in an observation that challenges the “co-optation” thesis which holds that the music business belatedly co-opts “independent” talent and productions: “the musical underworld,” he presciently counters, “only lives on what is handed down to it” (30)—the underground, in other words, is “administered” (46). Less a *resemblance to* than a *modeling on*, then, DJ culture’s “art-world” structuring has only intensified, since Straw’s influential article appeared in 1991, with the steady ascent of DJ-based music to global popularity and its attendant cultural gentrification by the music industry. And in the process, Straw thus does a disservice of misrepresentation to canonical DJs like Flash and Mills who have positioned *themselves* as intellectuals. As Straw points out, the similarities between criticism and DJ play as critical thinking and canon-forming practices can serve to naturalize hegemonic oppositions between work and play and between mind and body. However, my reading of formal and functional congruencies

In contrast to  
the  
primitivist fetish  
of the shaman  
or the Romantic  
image of the  
artist, the  
positioning of DJ  
as critic  
demystifies the  
techniques of  
her or his  
cultural labour.

between DJ play and criticism does not aim to mutually legitimize them in terms of cultural and subcultural capital, respectively, but to clarify how the former conditions the latter—how dominant cultural discourses condition subcultural practices—and, more specifically, to recognize the importance and value of intertextual appropriation like DJ work as a valid, even urgent form of cultural and political criticism that the present copyright regime specifically targets and threatens.<sup>2</sup>

### The DJ as critic

In contrast to the primitivist fetish of the shaman or the romantic image of the artist, the positioning of DJ as critic demystifies the techniques of her or his cultural labour, building on the dance hall vocabulary of “selectors” and the explicitly theoretical discourse of DJs themselves, like those aforementioned. While some DJs, particularly those who move from playing other peoples’ tracks to producing their own, embrace the discourse of artistry, it is a discourse that ill fits the curatorial character of DJ creativity and misrepresents it instead according to long-standing, romantically derived values like *ex nihilo* originality, individual expressivity, and above all authenticity. Freighted thus with such values, the discourse of artistry does not just ill fit DJ work. It has become a powerful ideological weapon for the corporate rights holders who have perennially sought to suppress DJ work, as discussed above.

To privilege a positioning of the DJ as critic over that of DJ as artist or author is not so much to deny the DJ a share in creativity as it is to ques-

2 To clarify my own background and interests for this study, I have participated in DJ culture (see mixcloud.com/sonicfiction), studied the subject, and taught it, in undergraduate and graduate courses. In my 2007 undergraduate course on DJ Culture at the University of New Brunswick Saint John, the students' assignment work took the form of DJ mix podcasts accompanied by critically reflective rationales. One group of students collaborated on an alternate soundtrack for the 1986 film *Top Gun* that critiqued the film by reimagining its main characters as gay boyfriends. Many student podcasts introduced me to music I hadn't heard before but wanted to hear more of (a testament to the DJ's role as critic). And considerations of fair dealing and concerns over potential allegations of infringement weighed heavily in the design and delivery of that course, which I taught before Bill C-11's amendment to better protect user-generated content and educational uses under fair dealing auspices. Adapted to postsecondary teaching, the appropriation-based “produsage” (Bruns) of DJ culture—that is, its reconfiguration of creativity in terms of commentary and consumption-as-production—both problematizes the university as an institution pivotally invested in intellectual property, and occupies it as a practice of critical pedagogy, posing questions about cultural ownership and collaboration, about the forms that commentary and critique can take, and about their function at the present time.

tion conventional definitions of creativity (and authorship along with it), along the lines for instance of Carolyn Guertin, who both argues that the conventional definition is itself based on intertextual appropriation (37), echoing similar claims by authors like Eliot and critics like Frye (quoted in McCutcheon 71, 73), and analyzes how digital remix culture has repositioned that non-romantic definition of creativity back at the forefront of popular culture today (41). To recognize both the intertextual basis of conventionally conceived creativity and the emphatically intertextual character of DJ craft and its digital remix successors is, moreover, to recognize the mutual constitution of the creative and the critical and to theorize their articulation and interconnection beyond the institutional, hierarchical divisions of their labours into “primary” and “secondary” orders of discourse.

Even instances of the more historically industry-friendly figure of the radio DJ illustrate the mutual constitution and cross-pollination of creativity and critique. Wolfman Jack in the U.S., John Peel in the UK, and Canada’s David Marsden (one of the founders of the groundbreaking Toronto radio station CFNY) offer exemplars of radio DJs who bring profound creative vision to the establishing of their cultural authority and influence as major music critics. As cultural intermediaries, tastemakers, and gatekeepers, radio DJs have helped to make and break whole genres. In the early 1950s, the U.S. radio DJ Alan Freed leveraged his white privilege to promote a nascent black American sound that became famous as rock ‘n’ roll (Brewster and Broughton 46). In the late 1970s, another U.S. radio DJ, Steve Dahl, leveraged both white privilege and heteronormativity to demonize disco, a campaign that culminated in a 1979 record-detonating publicity stunt at Chicago’s Comiskey Park and the somehow still-circulating slogan, “Disco sucks” (290–91). Despite Dahl’s efforts, disco never died: itself a genre innovated by club and party DJs like Francis Grasso (138) and David Mancuso (150), disco was rejuvenated by minoritized club DJs like Frankie Knuckles and Larry Levan, whose radical reinterpretations of disco in DJ playback and remix engendered house and garage, dance genres that have since enjoyed global popularity under the umbrella catch-all term “EDM.”

The precise kind of work—or play—that the DJ does, in the context of the tightening global copyright regime, transgresses its policies, like the U.S.’s Digital Millennium Copyright Act (DMCA), and its processes, like DRM software, that don’t just over-regulate but even criminalize a broad spectrum of sharing and copying practices: policies and processes that constitute what Guertin calls “digital prohibition” (15). Appropriation

tive cultural practices like DJ work become, by virtue of their very form, more than politicized; they become contraband, subversive by default—an articulation, then, not merely of Foucault's model of commentary but more pointedly of his conception of *critique*, the attitude and “movement” of “not being governed quite so much” (45): “Critique is the movement by which the subject gives himself the right to question truth on its effects of power and question power on its discourses of truth” (47). For all DJ culture's hegemonic complicity with patriarchy and capital, the forms that it takes constitute—*in their taking*—resistant critique as well as repetition-based commentary.

The basic techniques of DJ performance consist of selecting and organizing sequences of recorded music and sound: “The essence of the DJ's craft is selecting which records to play and in what order” (17). Equipped with one's selection of tracks—whether a crate of 12-inch vinyl singles or a laptop full of mp3s—the performing DJ plays one track after another, and often blended together, in a mix called a “set,” usually improvised for the occasion. Dance DJs tend to strive for a “seamless” mix, in which two or more tracks match beats and mix melodies, one track ending while the next starts. By “beat-matching” the two tracks, switching between them (“crossfading”), and tweaking their signal levels on the fly (“EQing”), the DJ produces a mix of continuous, uninterrupted music. As with rap, some of the techno genres structured more by breakbeat samples (drum solos excerpted from old funk records) combine “seamless” mixing with abrupt “crossfades”: quick transitions between beat-matched tracks, rather than their gradual and sustained overlap. In addition to mixing and beat-matching tracks, a DJ performance may also include samples and sound effects from other sources (for example, a DJ may mix in a sample or even a beat from a third track; alternately, some mixers feature built-in effects and filters). Recent digital developments have enabled DJs not just to dispense with lugging heavy vinyl around but also to mix ever-smaller fragments of tracks, using devices that interface analogue systems and digital applications, as well as strictly digital devices. Richie Hawtin's mix CDs *Dex EFX & 909* (1999) and *DE9* (2001) modeled this trend, which has continued amidst newer digital innovations for sample playback and sequencing, innovations that prompt critical rethinkings of DJ practice such as Tobias van Veen's theory of “controllerism” (van Veen and Attias 5). For instance, DJ AraabMuzik (also known as Abraham Orellana) improvises tracks and sets, live, using Akai MPC (Music Production Center) samplers, which are consoles for triggering and transforming pre-loaded samples and creating sound effects in performances that, it is no contradiction to say, are

at the same time both “playback” and “live” (see AraabMuzik, “dubstep live”). Thus, even “seamless” mixes often feature unexpected juxtapositions and elements of novelty and surprise to augment the soundscapes and aesthetic effects they construct: “a great DJ will hit a room with musical moments so new and so fresh that it’s irrelevant that the music is recorded … a DJ’s job is to channel the vast ocean of recorded sound into a single unforgettable evening” (Brewster and Broughton 18).

Since a DJ’s materials are extant, pre-recorded texts, a DJ’s own style is distinguished by play with genre expectations, taste, and *kairos*: a term from classical rhetoric that might be summarized as contextually contingent knowledge of the opportune moment, “a sense of the present and timely action” (Sutton 413). The DJ distinguishes her or his style in terms of genre by playing with a given genre’s conventions and expectations. To succeed professionally, DJs tend to specialize in very specific music genres (much like academics specialize in very specific research subjects), sometimes by advancing them, other times by challenging them or by otherwise reproducing or reinventing them. Electronic dance music in particular is famously fraught with numerous genres and subgenres, as has been observed by Kembrew Macleod, who identified over three hundred genres named in dance records and magazines in just one year (60); he argues that “the constant generation of new jargon—or subgenre names” serves as a gatekeeping discourse integral to electronic dance music’s proliferating formations of highly specific “taste communities” (73).

Closely connected to a DJ’s relation to genre is that to equipment and technique or, in a word, to technology: like the mastery of genre taxonomy, the DJ’s technological skill demonstrates both access to capital and a rarefaction of cultural capital, not unlike the literary critic’s skill with prose form, quotation, and modes of communication like publishing institutions.

Known for working within or against a given genre, then, a DJ articulates taste and *kairos* in the selecting and sequencing of tracks, which build a rapport with the audience, making the performance a more collaborative improvisation. Cueing (preparing the next track to mix with that being played) and monitoring (listening to both the playback signal on the PA and the cue signal in the headphones) perform selectivity and timing in the structuring of the mix: a kind of conducting in the placement and orchestration of different tracks either together or in sequence. Cueing and monitoring also enact a kind of surveillance that we also must recognize in commentary, as a practice of explicating a primary text that also announces its subjection to scrutiny and judgment. Cross-fading (cutting from one track or signal to another) enacts the DJ’s critical recontextual-

ization of the original materials, as does the application of looping, sound effects, and scratching. These recontextualizing practices also might be said to represent something like the DJ's own style or voice.

In terms of its techniques and principles, then, DJ practice exemplifies Foucault's model of commentary at least as much as that of the author function. Foucault notes that the difference between primary (creative) and secondary (critical) texts is provisional (57)—what is important is the power of this differentiating principle to sublimate “the chance element of discourse” into “repetition in disguise” (58). Commentary is thus a paradox: “commentary must say for the first time what had, nonetheless, already been said, and must tirelessly repeat what had, however, never been said” (58). Foucault's definition of commentary thus describes DJ practice pretty precisely. The DJ improvises a performance of playback, a sequencing of selections: such a performance is premised on repetition—but repetition with a critical difference unique to each performance. We begin to see correspondences between the remix and the review, between playback and promotion, between amplifications and inscriptions of authority. “Like criticism itself,” writes Reynolds, “DJing depends on a certain arrogance, a propensity for characterizing oneself as an authority” (275). Yet scholarly and popular readings of DJ practice tend to ignore this correspondence, instead championing the more romantic (and thus more music industry-friendly) image of DJ as author, artist, or shaman.

### A literary precedent for DJ practice: The cento

Amidst the more prevalent comparisons of DJ practice to twentieth-century avant-garde and postmodern art forms (such as *musique concrète*, cut-up, and conceptual art), classical antiquity provides an obscure but useful precedent for reading DJ practice as criticism: the literary genre of the cento, a poem composed entirely of lines quoted from other works. The cento has historically been dismissed by literary critics (Okáčová 1), who perennially deride it as derivative and mechanical. The cento's reception history parallels that of the DJ's treatment by traditional musicians, who regularly mount romantic defences of authenticity against the DJ's artifice. The cento's real scandal may be that it blurs the distinctions between discourses, as a primary form adopting secondary functions. Montaigne pointedly distanced “his *Essais* from … centos and their implicit approbation of the ‘language of authority’” (Verweyen and Witting 171–72). William Hazlitt's essay style leads Tom Paulin to compare its “bricolage of quotations” to the cento (27). Most recently, Marie Okáčová reads “the cento … as a sort of verse comment on the communicative function of

language” (5). The cento has proven a suitable vehicle for other sorts of commentary and critique as well. Here is the first stanza of a cento called “Original Poetry,” attributed to “Sir Fretful Plagiary” (the name of the critic character in Richard Brinsley Sheridan’s 1779 play *The Critic*) and published by Laman Blanchard in an 1842 satirical miscellany:

Blind Thamyris, and blind Mæonides,  
Pursue the triumph and partake the gale!  
Drop tears as fast as the Arabian trees,  
To point a moral or adorn a tale. (“Sir Fretful” 35)

Each line in the whole poem is a direct quotation from another previously published work; in this stanza, the lines are borrowed, respectively, from Milton, Pope, Shakespeare, and Johnson. This cento and the accompanying editorial commentary constitute a specific critique of the 1842 Talfourd bill, one of the first in a long (and still continuing) line of copyright term extension bills. The poem expressly satirizes the discourse of “originality”: “*These poems bear no resemblance to anything ever before offered to the public,*” the commentary insists in italics (35). Appropriating and recontextualizing the words of canonical poets, the cento ambivalently reproduces and undermines their cultural capital and authority, and in this distinctive case, it does so to critique the legal foundations of said capital and authority in copyright law.<sup>3</sup>

The parallels between the cento and the DJ mix are thus formal, ideological, and aesthetic: in the major treatise on cento poetics, the fourth-century rhetorician Ausonius “emphasi[zes] the neat coalescence of the individual … verse units, the linkage of which should become virtually invisible so that the piece could give the impression of an organic whole” (Okáčová 3). The seamless and surprising mix is a classical ideal for centos and DJ sets alike.

### **Sampling DJ craft as criticism: *Uneasy Listening***

Reading the DJ set as a performative and textual kind of criticism soon shows that it is capable of critiquing both musical form and social issues. The work of the American DJ Z-Trip provides a useful illustration. Z-Trip commands considerable cultural capital among U.S. DJs today, and one

<sup>3</sup> For a fuller analysis of the cento and its relationship to Romantic literature, intertextual appropriation, and copyright law, including a more detailed treatment of the satirical 1842 cento cited here, see my article “The Cento, Romanticism, and Copyright,” in *ESC* 38.2 (2012), to which the present study provides a companion piece.

The set's ever-shifting online availability or unavailability speaks not just to the technical caprice of digital culture but equally to the clearance culture for which it has become a moving target of cease-and-desists and notice-and-take-downs.

of his early, career-establishing successes was a 2001 DJ set called *Uneasy Listening* that he collaborated on with his colleague DJP. First released as a limited-edition CD, *Uneasy Listening* quickly became a hot download and a do-it-yourself success story for the music press. Since that initial release, it has been available in various online sites and forms: in the late 2000s, Z-Trip offered a download version via his own website; as of this writing, the mix is freely streamable in Soundcloud (but not downloadable from that cloud music-hosting service). The set's ever-shifting online availability or unavailability speaks not just to the technical caprice of digital culture but equally to the clearance culture for which it has become a moving target of cease-and-desists and notice-and-takedowns. The set pairs rap anthems and electro beats with pop, rock, and country songs, in an improbably dance-friendly mix. Moreover, *Uneasy Listening* develops—in its form and content—an explicit critique of music genre. With a title that parodies corporate radio programming, *Uneasy Listening* interrogates genre as a force of cultural segregation. The download edition's track list literally spells out the argument, challenging listeners to redefine hip hop and expand their tastes:

This is the first / Of a series of projects / Dedicated not just to / Pushing the envelope open / Rather, ripping the envelope / Up into little pieces / And throwing them in / Dust in the wind / The air / We think after / Hearing it, / You'll understand. / No title / File under: / Megafresh B-boy / Body-rocking / Not-your-standard hip-hop / Mixology / No title / Strictly limited edition. / Only 1000 copies / In existence. / (2001 release).  
(Z-Trip and DJP)

Following a collage of comical and combative samples, the set kicks off with Glen Campbell's "Rhinestone Cowboy," backed by an electro beat and with its chorus changed by quick-cut sampling to re-name the title figure a "rhinestone B-boy." As it progresses, the set brings together such unlikely pairs as Kurtis Blow and Rush or the Eurythmics and Martin Luther King, Jr.

In an especially inventive pairing, Z-Trip mixes Bruce Hornsby's civil rights homage, "The way it is" (1986), with Run DMC's first single, "It's Like That" (1983). This is one of several passages that pair the most commercially popular—and most culturally polarized—genres in U.S. pop music: country and rap. The synchronized juxtaposition of Hornsby's and Run DMC's lyrics constructs an imaginary call and response between the songs

as representatives of different genres, and the culturally distinct audiences they hail, vocalizing agreement on class disparity in the U.S.:

HORNSBY: The man in the silk suit hurries by / As he catches  
the poor old lady's eye / Just for fun he says "get a job"

RUN DMC: It's like that

HORNSBY: That's just the way it is

RUN DMC: The way it is

HORNSBY: Some things will never change

RUN DMC: It's like that

Hornsby's lyrics ironically warn us not to "believe that [...] some things will never change," and the very sampling of the Run DMC lyric echoes that message: in its own right, as a reference to rap's Bronx-to-bling success story and, in the hands of Z-Trip, as a display of the skill that can make DJing a viable vocation. Attacking music genre as an ideological weapon of racialized and gender-coded class war, Z-Trip's DJ work makes an argument with scholarly parallels in research like Oscar H. Gandy's: "the production and consumption of [media] audiences defined by race and class govern the reproduction of economic and social disparity along similar lines" (338).

The very title of Z-Trip and DJP's mix also aptly illustrates the critical function of DJ work. *Uneasy Listening* plays on the commercial radio format called "easy listening." Z-Trip has continued the critical work begun in *Uneasy Listening* in more recent mixes and sets: from an "Anti-war" mix in 2003, to his *Party for Change* tour, and an accompanying download mix, which supported Barack Obama's presidential campaign in 2008–09. A remarkable clip from a 2008 performance for an audience of U.S. troops in Kuwait shows Z-Trip ending his set with Adele's "Hometown Glory" over which he repeatedly scratches a sample of the Dead Kennedys' front man, Jello Biafra, saying "We support our troops most. That's why we say: Bring them home!" ("Live in Kuwait"). In the 2012–13 *Beastie Boys v. Monster* case, Z-Trip also found himself unexpectedly put in the position of licensor: the case hinged (however absurdly) on whether his written exclamation "Dope!" in response to a Monster company rep showing him a video of his mix of Beastie Boys tracks constituted a granting of permission, on behalf of the rights-holding Beastie Boys, for Monster to use the video in its advertising. The court ruled that said exclamation did not constitute written permission (not least because the rights weren't Z-Trip's to permit in the first place). Consequently, "when asked for comment on Beastie

Boys' court victory, Z-Trip told *Rolling Stone*, "Dope!" (Newman). And in their successive different digital iterations (for example, mp3 and cloud stream), Z-Trip's mixes also show how the DJ set, as the musical successor of cento, collage, and montage, has adapted its analogue origins to digital technology. DJ work provides a precedent for new forms of criticism in the digital mediascape of content surplus. "With so much music flooding us," write Brewster and Broughton, "we'll need DJs to keep us afloat" (549).

### Djing, digital culture, and dynamic fair dealing

Like a DJ set, a wide range of cultural production now takes a cento-like form and functions as criticism. As Rick Salutin suggested in 2005, *playback* has become a significant postmillennial "rhetorical device ... in the way that irony was the big trick of the 1990s.... You simply repeat what your foe or target said, letting the audience realize how dangerous or vacuous it is." His example is *The Daily Show*: "[Jon Stewart] plays a clip by a public figure. Then he repeats it himself in an amazed tone. It's devastating" (A17). Many "read-write web" programs and platforms like blogs, Facebook, Storify, and Twitter bear out Salutin's suggestion, as varied and aggregated forms of playback and repetition; moreover, they often read like digital centos. Twitter displays a reverse-chronological "feed" of updates from an Internet user's contacts; each update is presented whole, and is normally read discretely, but the overall presentation creates a collage of voices in a linear, temporal sequence. Some users have made the connection between read-write web applications and earlier appropriation and collage forms like the cento quite explicit and self-conscious, as in the case of Erik Rutherford's "O Mighty Techno Viking! A Comments Section Cento," a blog post composed of selected comments that were posted to a particular viral YouTube video. Storify is software with which a user can select any web object, from a tweet or Facebook comment to a whole web page, and sequence her or his selections in linear order on a web page, with or without interjecting commentary. The format of the "feed"—the vertically scrolling display of updates and new items in reverse chronological order—has become ubiquitous across read-write web platforms like Facebook, Tumblr, and Twitter. Somewhat like the DJ mix, this format balances continuity and juxtaposition. The feed presents discrete, discontinuous data points in a virtual scroll or stream whose apparent continuity is an effect of visual design, user-end networking and content generation, back-end programming, search algorithms (the so-called "filter bubble"), and information architecture, all deeply researched and highly developed for optimal user-friendliness and frequent if not continual use.

The feed format of many social media and websites belongs to a broader digital cultural milieu, built on infrastructures of cut, copy, and paste, in which “everything is a remix” (Ferguson). This milieu is continually generating new forms for creative and critical cultural production, in both user-generated and institutional sites. Captioned photo memes and animated GIFs exemplify user-generated remixes, often of corporate-owned content, that often articulate social commentary and criticism (remember #TellVicEverything and #BarbaricCulturalPractices?), that sometimes become commodified (for example, Grumpy Cat), and that now show seemingly inevitable signs of suppression by rights holders: for instance, the *Know Your Meme* website includes an archive of cease-and-desist letters and legal threats; Getty Images was recently revealed to have been getting out-of-court settlements for allegedly infringing reproductions of one of its photos as the “Socially Awkward Penguin” meme (Dewey).

The Canadian video artist Tasman Richardson pushes the boundaries of sample density and recognizability with his “Jawa technique,” whereby he composes high-tempo dance music from closely edited film and video footage. Composed strictly intertextually—that is, composed only of video samples—his works are at once visual collages and music tracks, resulting in the peculiarly synaesthetic-aesthetic experience that “what you see is what you hear.” With grounding in and resonance for both underground dance music and fine art scenes, Richardson’s work tends to be received as *avant* video art, but some of his pieces also work as commentary, especially “I Stole the Soul of Rock n’ Roll.” This dense montage from 2005 includes clips from videos of diverse pop tracks (by artists from The Who and Led Zeppelin to Public Enemy and Missy Elliot), clips of Charlton Heston, and—with postmodern self-reflexivity—clips from a documentary on the Beats’ cut-up technique. The whole montage maintains a danceable hip hop beat (shifting in the crescendo to drill & bass doubletime), while simultaneously mounting a pointed criticism of the music industry as litigiously jealous of its cultural properties.

For these developing situations of conflict and confrontation between copy-paste technology and copyright law, DJs have served as proverbial canaries in the coalmine—furthermore, they continue to play a critical role in challenging and shaping the IP regulation of digital culture. Since 2008, the Internet radio company Mixcloud has established itself as a popular podcast hosting and playback service, freely open to all users, with no fees or file size caps. Initially taken up by amateurs and hobbyists (like yours truly), Mixcloud quickly became a premier podcast platform, a showcase

for major DJs and producers (Fatboy Slim, Moby), journalists and institutions (*Wired*, Harvard, TED), and other public figures.

Mixcloud also serves as a social network, enabling users to follow one another and comment (again, in cento-like fashion) on posted content and, as a retail portal, steering listeners interested in specific tracks to purchasing options. In the content it hosts and the feed format in which it presents the content, Mixcloud represents a kind of meta-DJ mix aesthetic: for each user profile, Mixcloud presents one's uploads—which are still predominantly DJ sets—in a linear, reverse-chronological sequence; that is, it displays a mix of mixes. But Mixcloud also shows symptoms of sensitivity and subjection to the restrictive global IP regime. Mixes uploaded to the site can only be played back via online streaming—they can't be downloaded for offline playback. The service also claims to remunerate artists whose tracks get used in mixes, through “blanket radio licensing deals with various collecting societies around the world” (“Tracklistings”). However, it is important to note that payment to royalty collecting societies is not the same as payment to individual artists; Canadian collecting societies have come under scrutiny for how (and how much) they pay in royalties to their member creators and rights holders (Geist). As mentioned above, Mixcloud also imposes restrictions on the number of tracks by any one artist in a given mix: a mix that includes more than a couple of tracks by one artist will not be playable in certain jurisdictions, such as the U.S. And recent changes to Mixcloud’s terms of service restrict how a mix’s track list gets displayed: the site only shows the track list up to the point currently playing. Mixcloud argues that this restriction helps listeners discover new music but also acknowledges it is a licensing condition (“Uploading”). Both despite and because of its adaptations to globalized copyright, Mixcloud has become a useful forum for professional and amateur DJs alike, while remaining an exemplary symptom of the perennial tensions between DJs and the artist-oriented music business, between music repurposers and music rights holders.

The online medium constantly yields new and changing affordances for critique and censorship alike. It is a medium that enables the remixing and recontextualization of any and all digital texts and artifacts, while also hosting increasingly sophisticated software-based copyright enforcement mechanisms—copyright “bots” that scan Internet activity for digital “fingerprints” of protected content which they can then automatically block (Doctorow, “Inept copyright”; Newitz).

It would be overstating the case to suggest that all DJs are de facto critics of copyright maximalism and clearance culture, although in some

of the more trenchantly “anti-commercial” genres, like underground hip hop and drum & bass, opposition to copyright maximalism has featured in the content of canonical tracks themselves, like Timelapse’s “Sued For a Sample” (1992), Krome and Time’s “The License” (first released in 1994 and remixed about every five years since), and more or less everything by the KLF (Kopyright Liberation Front). But—as this handful of examples suggests, and notwithstanding attempts to legitimize DJs as artists and authors—participating in DJ work and culture does position one in a historically predetermined opposition to music business and the law, a position of perceived parasitism, unoriginality, and otherwise secondary-order activity, a position that is structurally and discursively like that occupied by criticism and commentary. Furthermore, this is a position of presumptive piracy that Canadian educators have also found themselves increasingly placed in, lately, by royalty collecting societies and authors’ organizations, which have continually and vocally opposed the expansions of fair dealing for educators conferred by Bill C-11 and several Supreme Court decisions (Doctorow, “Canadian copyright”; compare Menzies). And in some DJ-based music scenes, infringement can be not merely legitimate but even expected. Of Jamaica’s famously copyright-flouting dancehall culture, Norman Stolzoff writes that unauthorized playback and sampling are received as ways to accrue and command cultural capital: “being pirated can actually benefit a young artist’s career”; as Stolzoff’s interviewee, dancehall artist Blacka P, puts it, “You mus’ get rob” (177). Jamaican dancehall’s thriving industry of uncleared culture furnishes an important model of DJ work for conceiving of a more dynamic culture of fair dealing, a more positive valuation of copying and sharing. A revaluation of repetition as flattery, promotion, and realist aesthetic (Shields 5)—not as infringement, plagiarism, or (in the vocabulary of hip hop) “biting.”

The digital abundance of content may be fostering a renaissance in modes of criticism, but, if so, the commentary about new forms of commentary remains muted and invites more attention. What interests are served by popular devaluations and mystifications of criticism and commentary? I am interested neither in making criticism seem cool by calling it the core principle of DJ practice, nor in making DJ work seem dull by reading it as criticism. (Note the romantic assumptions about primary and secondary work loaded into those common descriptors.) Instead, understanding DJs as critics helps us to ask questions about the continuing dominance of romantic ideology in shaping and selling popular culture, about the hierarchical ordering of discourse, and about the changing regimes and “copyfights” of intellectual property regulation. To identify the DJ as a critic

(Note the  
Romantic  
assumptions  
about primary  
and secondary  
work loaded  
into those  
common  
descriptors.)

is to recognize how appropriation-based cultural production functions as commentary and critique more generally. This recognition has productive implications for how we envision academic research and teaching, too. Understood more fully in her or his capacity as a critic, the DJ challenges idealized images of artistic authenticity, remixes the division of primary and secondary forms, and keeps in rotation a sense of the cultural commons—all in the process of getting us, collectively, to think on our feet.

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