My Kind of Sound

My Kind of Sound:

Popular Music and Audiovisual Culture

Edited by

Enrique Encabo

Cambridge
Scholars
Publishing

My Kind of Sound: Popular Music and Audiovisual Culture

Edited by Enrique Encabo

This book first published 2021

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

TABLE OF CONTENTS

PREFACE

Music rocks the world. Music fulfils our lives: living or remembering that summer song, deliberately looking for sad music when feeling down or when we wish to revisit the memories of that unforgettable concert. Even through hard times such as those experienced during the COVID-19 pandemic, music plays a leading role in our lives, serving as a hymn of resistance –like the case of the spontaneous recovery of the songs *Resistiré* (1987) or *Bella Ciao* (antifascist Italian hymn) in Spain and Italy respectively. Other examples include music as a tool to finance healthcare expenditure like the macro-concert promoted by the World Health Organization, Global Citizen and the artist Lady Gaga "One World: Together at home" (2020).

The title of this book, My kind of Sound, alludes to the importance and significance that music has in our lives. The relationship between music and identity is based on conceptions about meanings and identification, especially powerful when connected with youth and popular music.[1] As Simon Frith observes, "the social functions of popular music are in the creation of identity, in the management of feelings, in the management of time... [Popular music] is special... not necessarily with reference to other music, but to the rest of life."[2] We narrate ourselves in a musical way and music sound is "the result of human behavioural processes that are shaped by the values, attitudes, and beliefs of the people who comprise a particular culture."[3] Nowadays we know we cannot study music in culture but music as culture,[4] as will be observed in the pages of this book, attending to emerging phenomena such as the rise of the Reggaeton music around the world, the popularity of TV series (and their soundtrack as well), or music industry changes and uncertainties in the new millennium.

The chapters of this volume are written by prestigious professors and researchers from Universities from Canada, Scotland, Ireland, Colombia, Spain and Portugal among others. Indeed, we need to focus the relationships between music and audiovisual culture in a transnational and also interdisciplinary way. For a better exposition of the topics covered, we have divided it into three main sections, preceded by a main chapter.

The main chapter is a contribution from well known professor and researcher Franco Fabbri. In his text, "Sounds similar! Reflections on music identity and recognition", he explores the complexity of music copyright attending aspects such as consumption, production and ideology.

In the first section, *Decoding Music Icons*, we deconstruct different aspects of popular music works from the point of view of aesthetics, cover images, production and music videos. This section shows that diverse contexts and experiences of popular culture and mass music such as Jonas Brothers, Miley Cyrus or Zac Efron, deserve to be studied taking into account their wide audiences and the enthusiasm they generate among their followers, in addition to considering the new modes of consumption, interpretation and cultural appropriation through web 2.0 and the transmedia world. Similarly, it examines artists such as David Bowie and Nirvana, who have transcended their own activity to become representatives of an era.

The second section, *Music Industry Trends*, documents the evolution and transformation of the music industry in the recent years, through the re-conceptualization of the Record Industry, and the rise of Reggaeton as an international aesthetic and sound. Music is art but it is also industry, and it is a business, and the two are intertwined: through the sale of tickets original formulas are obtained and, in the same way, products (not just musical but multimedia) are born from alternative culture–sometimes labelled by musicians themselves or by the critics using names like indie, punk, grunge, post-rock and others–eventually becoming mainstream. The nineteenth-century debate around art for art's sake (*l'art pour l'art*) makes no sense in our global village, strongly mediated and conditioned by everything that surrounds sound–image, merchandising, live experience, narratives, musical instruments, aesthetics, opinions, criticism etc. and, of course, the "paramusical fields of connotation"[5]–not only being *part of* music, but being music itself. As Frow and Morris[6] indicate, a network of representations–sounds, texts, images, talk, codes of behaviour, and the narrative structures organizing these–shape every aspect of social life.

In the last section, *Music On The Screen*, we observe the important contribution of music to the narrative and success of popular TV series, analysing cases such as *Babylon Berlin*, *Vikings* (and its supposed Medievalism), or the cyberpunk media *Ghost in the Shell*. From *Blade Runner* (1982) to current television mainstream productions (the launch of which, on many occasions, occurs earlier on the internet than in any other

media), the music-image alliance does not only satisfy and distracts us, but also challenges us and forces us to rethink our view of the world.

As can be seen in this volume, we incorporate contributions from musicology, but we also contemplate integrate insights from economic sciences, sociology, cultural studies or the new feminisms. As David Walton points out, it is more effective to contemplate music as a contested space in which a very diverse set of analytical practices take place, considering it as a product of constant negotiation.[7] Music, as a cultural phenomenon, is not easy to approach. In order to understand it better it is essential to gather together a multiplicity of approaches besides musicology, including analysis related to social, cultural and ideological changes and, of course, perspectives from the economy and markets in and around the music industry, in order to try to understand it–and thus, also understand ourselves– while appreciating its importance, value and popularity in contemporary society.

References

Frith, Simon. "Towards an aesthetic of popular music." In *Music and Society: The Politics of Composition, Performance and Reception*, edited by Richard Leppert and Susan McClary, 133–149. Cambridge: Cambridge University Press, 1987.

Frow, John, and Meaghan Morris. *Australian Cultural Studies: A Reader*. Champaign, IL: University of Illinois Press, 1993.

Merriam, Alan. *The Anthropology of Music*. Northwestern University Press, Evaston: Illinois, 1964.

Myers, Helen (Ed.). *Ethnomusicology: An Introduction.* London: McMillan Press, 1992.

Tagg, Philip. *Music's Meanings: a modern musicology fron Non-Musos*. New York: Huddersfield MMMSP, 2013.

Vila, Pablo. *Music and Youth Culture in Latin America. Identity construction processes from New York to Buenos Aires*. Oxford: Oxford University Press, 2014.

Walton, David. *Doing Cultural Theory*. London: Sage Publications Ltd, 2012.

Notes

[1] Pablo Vila, *Music and Youth Culture in Latin America. Identity construction processes from New York to Buenos Aires* (Oxford: Oxford University Press, 2014).

[2] Simon Frith, "Towards an aesthetic of popular music." In *Music and Society: The Politics of Composition, Performance and Reception*, edited by Richard Leppert and Susan McClary (Cambridge: Cambridge University Press, 1987), 144.

[3] Alan Merriam, *The Anthropology of Music* (Northwestern University Press, Evaston: Illinois, 1964), 6.

[4] Helen Myers (Ed.), *Ethnomusicology: An Introduction* (London: McMillan Press, 1992).

[5] Philip Tagg, *Music's Meanings: a modern musicology fron Non-Musos* (New York: Huddersfield MMMSP, 2013).

[6] John Frow and Meaghan Morris, *Australian Cultural Studies: A Reader* (Champaign, IL: University of Illinois Press, 1993).

[7] David Walton, *Doing Cultural Theory* (London: Sage Publications Ltd, 2012), 3.

CHAPTER 1

SOUNDS SIMILAR! REFLECTIONS ON MUSIC IDENTITY AND RECOGNITION

FRANCO FABBRI
CONSERVATORIO "ARRIGO BOITO", PARMA

1. An overview of issues with identity and/or recognition

i. Naming a tune

Il Musichiere (approximately, "the music maker" or also "the music collection'", sounding similar to the French term "chansonnier": the equivalent Italian word, "canzoniere", would have unwanted literary connotations) was a game show on RAI, Italian television, in the late 1950s. Two contestants would sit in rocking chairs wearing white sneakers (provided by "televisione italiana", as presenter Mario Riva used to repeat now and then), and rush across the stage when they recognized a song performed by the resident orchestra or by a singer accompanied by the same orchestra. The one who first rang a bell close to the presenter's position was asked to tell the song's title, and if it was correct he or she would win a point. The contestant who first reached three points would win, and each of the contestants would get a golden coin for each point gained. Other games followed during the programme; the last and most difficult one was trying to recognize a tune hidden by a squeaking noise in a tricky arrangement played by the orchestra ("un cigolio musicale"): it represented the "magic word" to open a safe containing the jackpot.

Il Musichiere, which went on air every Saturday night during the main TV season from 1957 to 1960, was extremely popular in Italy. People at home tried to anticipate the contestants' answers, and in 1958 a board game replicating the show (it included a toy piano and a real bell) was launched. The authors were Pietro Garinei and Sandro Giovannini, a well-known

team of playwrights and lyric writers (they wrote "Arrivederci Roma", "Roma nun fa' la stupida stasera", and other hits), a kind of Italian equivalents of Lorenz Hart or Oscar Hammerstein. *Il Musichiere*, actually, was the Italian version of *Name That Tune*, a TV show debuting on NBC Radio in the US in 1952, and running on NBC and CBS from 1953 to 1959, and subsequently–with similar or slightly changed formats and titles–in the following decades. *Il Musichiere* borrowed from the US original the main feature, the competition between contestants to recognize a song.

The *Name That Tune* format was imported into many other countries, over a time span going from the mid-1950s (Australia being the first, in 1956) to the present (an Armenian version started in 2015, a Greek version in 2017). It is obvious from the title of the original broadcast, and also from explanations given by presenters, that the game was based on the recognition of a melody (a "tune"), usually the refrain or hook of a popular song. While trying to guess the "magic word" disguised by noise in *Il Musichiere*, contestant Francesco Ziino protested that he could not hear the instrument playing the melody, and the presenter, in a generous effort to help the contestant, sang the tune. When interviewed to explain the sources of their knowledge, contestants most often responded that they knew songs by collecting them, either by transcribing the lyrics, or by recording: it is surprising to learn that in 1957 Mr. Ziino, a barber from Palermo, could own thousands of recordings of songs, but it is true that at that time cheap open reel tape recorders existed, and were used for the purpose of collecting songs, mainly recorded from radio broadcasts.[1] I will call this kind of music knowledge, based on the comparison of melodies (or other distinctive elements) with a mental archive of memorized songs, *common competence*, drawing from Italian music semiotician Gino Stefani, whose concept of *competenza comune* is wider and more complex than the allegedly simple recognition of a melody, but certainly includes it.[2] I would add that after sixty years from *Name That Tune* the shared idea about how a song is recognised, in many parts of the world, doesn't seem to have changed, if, for example, we look at YouTube clips aimed at denouncing plagiarism cases. But I'll be back to this subject later.

ii. Naming a recording

Let's consider a very common situation for today's music listeners. We hear a piece of music broadcast on radio or television, or played by any record player, be it an old jukebox, a phonograph, an iPod or other mp3 player, a smartphone or a laptop accessing a streaming service, etc., and

we don't recognize the song. No problem: we start Shazam on our smartphone, and soon, provided the connection with the web is working, we get the response. Shazam recognized the song for us. Or maybe not: because we know that Shazam simply compares sampled snippets of the music sounding in our environment with a database of records, approximately corresponding to the "songs"[3] made available by streaming services such as Spotify or Apple Music (that is, about fifty million "songs"), and only if those acoustic fingerprints collected from our sonic environment correspond exactly to the equivalent parts in any song in the database, then Shazam gives us its response. Therefore, Shazam isn't able to recognize any song not included in the database, be it a commercial record released by a small, marginal label, or an old commercial analogue record that was never converted into digital format, or any commercial record lost in a fold of copyright agreements, or whose master can't be found in record companies' warehouses, or any unreleased recording, or any live broadcast. Of course, live music, even performed in front of us, is completely out of question. To some respect, Shazam operates in a fashion similar to *Name That Tune* contestants, in that it compares perceived sounds to an archive of songs; but common competence is far more flexible, as it can detect a song performed live, in an arrangement completely different from released recordings of the same song, and even (if we are good enough), when it is disguised by noise. By the way, what do we mean when we say "the same song"?

iii. Recognizing variants

Recognising songs is also an important part of an ethnomusicologist's work. It requires specific abilities, although common competence is also helpful. Guessing if a given performance replicates a known folksong, or is a variant of it, or even a combination of two or more known folksongs, has been an element of the practice and prestige of folklorists, ethnomusicologists, folk revivalists, for decades. The discussion on the origins of "Bella ciao", the well-known Italian partisan song, is strictly intertwined with the recognition of ethnomusicology as an academic discipline in Italy, between the early 1960s and the mid 1970s. Much more recently, I was involved in the discovery that an allegedly traditional song sung at religious festivals in a Greek island, Tilos, was in fact derived from two popular songs published in Naples in the first decade of the twentieth century, and then translated into Greek and recorded by Greek *estudiantinas* in Smyrna. I first recognised the tunes, then I realized that the way the song was performed was peculiar, as the melody sounded

clearly as in the minor or major mode, but the accompaniment wasn't; then, turning to the old recordings in Smyrna, I found that they "sounded Neapolitan" to me, and so submitted the songs to a colleague in Naples, who in turn asked a few record collectors if they recognized them. And finally it turned out that the Neapolitan "originals" existed, and that the versions sung in Greek were covers.[4] The relation between melody and accompaniment, "sounding Neapolitan", the "original version" and its covers: is this also part of common competence?

iv. Comparing material

Scholars interested in the analysis of popular music and of audiovisual "objects" are certainly familiar with Philip Tagg's musematic analysis, a powerful method allowing the detection of *musemes*, that is, basic units of musical meaning. One of the key steps in Tagg's analytical process is the construction of a set of music objects, bearing structural similarities with the object of analysis. Let's read Tagg's explanation:

> In the expression "analysis object" (AO), "object" (…) just means an identifiable piece of music in audible form, the object of analysis. It can be a pop song, a classical symphony movement, a jingle, a film music cue, a TV theme etc., and it usually has a name or title of some sort. When used in this sense, a musical object, if stored as recorded sound, will typically occupy one CD track or constitute a single audio file. Therefore, interobjective procedures (…) involve the establishment of sonic relationships between an analysis object (AO) and at least one other musical object (piece, song, movement, track, etc.). The recurring proposition in interobjective analysis is that something in musical object A (the AO) *sounds like*[5] something in musical object B (or C or D… or Z).[6]

The set that includes all those "other musical objects" discovered by the analyst, usually with the help of colleagues, students, friends (answering the question: "Does this piece remind you of any other?"), is called Inter Objective Comparison Material, IOCM.

Tagg's fundamental methodological premise is that musical structural parameters can be identified in the analysis object, and compared with similar such parameters in the IOCM. There is no strict definition, according to Tagg, about which kind of structural element can be the source of the feeling of similarity experienced by the listener:

> Now, that SOMETHING THAT SOUNDS LIKE… could be almost anything. It might be a turn of melodic phrase, a riff, a sonority, a rhythmic pattern, a harmonic sequence or type of chord, a particular use of particular

instruments, of vocal timbre, of acoustic space, any of which could be presented at a particular speed in a particular register at a particular level of intensity and so on. Any such "something", can be poïetically identified as a particular configuration of different parameters of musical expression of the sort just mentioned (rhythm, pitch, timbre, etc.). It will also usually be a combination of several such "somethings". It could be a particular harmonic sequence played by particular instruments using a particular rhythmic pattern, or a particular melodic turn of phrase delivered with a particular vocal timbre at a particular pitch and volume in a particular type of acoustic space towards the front, back, left, right or centre of the mix. Most of these "somethings" will be short enough to fit into the extended present but they can also be processual, comprising the order and manner in which different sections (episodes) in the AO are presented, varied, extended, shortened or repeated.[7]

In my opinion Tagg's musematic analysis works exceptionally well, although my judgment may be biased. And being one of those who now and then have pointed out to him that a certain piece sounded like another, and for this or that reason, I definitely share that feeling of discovery and clarity, an *aha!* experience, when that happens. But I cannot avoid thinking, and I'm sure Philip Tagg is also aware of this, that similarity is a fuzzy concept. There are close similarities, and distant similarities: in some cases two objects are so similar that one doubts if they are identical, in some other cases one thinks: "Yes, they are similar, but..." In the framework of musematic analysis similarity definitely works, but in this respects it looks similar (ops!) to other fundamental concepts and theories: you can easily calculate the trajectory of an object in space using a combination of Newtonian mechanics and general relativistic effects, and forget quantum mechanics at all, but if that object is a black hole things are different! To make it short: what is similarity? What is identity?

v. Plagiarism

The feelings associated to the discovery of musical similarities are not limited to the circles of music analysts putting Tagg's method to test. Music professionals, including authors, performers, publishers, arrangers, sound engineers, producers, record companies' executives, and thousands (many thousands, sometimes) of fans are involved in discussions about plagiarism cases. In the last decade such discussions have taken place in the social media, and YouTube has been extensively used to circulate home-made comparisons aimed at demonstrating the existence of plagiarism.

YouTube: Albert One Vs. Zucchero ("Take Me to the Sunshine" by Carpani, Zucchini, Piccinelli vs. "Quale senso abbiamo noi", by Fornaciari, Tricarico)

I chose the Albert One vs. Zucchero example as a demonstration of the skills involved in the creation of this kind of clips, but also because there seems to be a clear similarity between various elements in both sound objects, in agreement with Tagg's observations: the vocal melodies are very similar (Albert One's has an extra final note), chord progressions too (again, Albert One's has an extra chord change corresponding to that final note), beat and rhythm are so close that the two pieces could be easily superimposed, and also the arrangement and the production styles seem to be close. And the pieces are in the same key! You might like to know that in the end the plagiarism case (raised by Albert One, an Italian DJ, against Zucchero, an internationally known Italian singer-songwriter and rocker) was rejected by the court. I'll explain why at the end of my paper.

A number of myths, and also of unexplained firm beliefs, characterise the layman's knowledge about music plagiarism. Among the myths there is the idea that there is a quantity, usually a number of bars (some say four, some eight), against which plagiarism is measured. There is no such thing in copyright law. A firm belief, widespread in some circles, is that melody is the only parameter that counts in plagiarism. Once, during a discussion in front of the court's technical consultant, I was discussing the similarity of two melodic fragments, which were at the basis of an alleged plagiarism case. I pointed out that the melodies were not identical, and that anyway the relevant chord progressions were different. With a patronising attitude, a colleague (a composition teacher in a Conservatory) told me: "You know, only melody counts in plagiarism cases". By the way, his transcription of the two excerpts was wrong.

This is thought-provoking. On the one side we have one of the founders of modern popular music analysis who states that "SOMETHING THAT SOUNDS LIKE… could be almost anything", on the other side we have a representative of the still hegemonic musicological mainstream who states that in a plagiarism case, that is in a conflict where an author is accused of appropriating the main character of another author's work, that "something" can only be a melody. It's reasonable to guess that the difference is in the way "music", a "music object", a "music work" are defined. That is, that we are confronted with two different music ontologies.

2. Similarity and identity: an opposition or a continuum?

In his recent book, *Música dispersa. Apropiación, influencias, robos y remix en la era de la escucha digital*, and especially in the second chapter, "Ser, parecer, aparecer, acceder y conocer la música", Rubén López-Cano offers the reader a wide and detailed overview of music ontologies, as discussed–mostly–by philosophers.[8] I am not going to delve into the distinctions among different types of ontological approaches (for this, and for all relevant details, I recommend going straight to López-Cano's excellent coverage); my impression is that, with very few exceptions, philosophers, in search of a metaphysical definition of "music" and "music work", have universalized the conceptual scheme created by nineteenth-century music critics and musicologists, that of absolute music, as if the canon of European art music–or "classical music" as it was first named around the mid-nineteenth century–was the only one worth its name, in the whole world. Reading another similar overview of music ontological theories, ethnomusicologist Marcello Sorce-Keller, told me he was shocked to see how most philosophers seemed to ignore the existence of comparative musicology, folklore studies, ethnomusicology, music anthropology, and built their theories as if there were no other music cultures but the Euro-classical one, anywhere in the world. He added that the real issue in reflections about the definition of concepts like "music" or "music work" would be to confront with distant cultures, where to our Western ears everything may seem to sound similar, not just with those we are familiar with: that's where music philosophers should start. I commented by noting that most philosophical accounts not only ignored ethnomusicology (or popular music studies, or jazz studies), but didn't even contain references to the work of musicologists, also those known for being supporters of the "absolute music" mainstream. Even the toughest–I'm thinking of Carl Dahlhaus or Hans Heinrich Eggebrecht[9]–didn't think of music as an object in a metaphysical vacuum, and couldn't avoid considering the existence of a historical and cultural context for music practices.

Anyway, ontological theories clearly influenced by conventional musicology (as Philip Tagg calls it) maintain that a musical work can be identified with a score, separating the work from its sonic implementation, and thus, as Christopher Small commented, reifying it.[10] According to other ontologies, music is any practice with or around sounds: supporters of this position can be found among music scholars, like the above mentioned Christopher Small, who said that music is not a "thing", but a human practice, or John Blacking, or Gino Stefani, or Philip Tagg, and

composers like Edgard Varèse, John Cage and Luciano Berio.[11] Some philosophers accept that a musical work is a set comprising its score, if any, and all possible interpretations. More recently, popular music scholars have identified a work (that is, a song) with a "track"–a recording–pointing out the fact that after the 1950s songs are created, in the form that will be listened to by an audience, in a recording studio, and scores are mere transcriptions, made for legal or commercial purposes.[12] Others have attenuated this view, arguing that a popular music piece, as a work, is i) an abstract or notated musical structure (the song), ii) its arrangement, and iii) the track.[13] Thirteen years ago I proposed Umberto Eco's concept of cognitive type[14] to address the multiplicity of sound events and types that are usually referred to with a unique title, implying that they are different aspects of the same work:

> ... we can say that they are occurrences of a cognitive type, intending by this term a private instruction set located in the obscure, pre-semiotic zone between perception and recognition. (my translation).[15]

I hope that this brief overview has clarified why music ontologies are relevant to a discourse on similarities between pieces of music: in all the examples I have given in the first section of this paper, the implied question was: "What are we comparing to what?" So, whether we want it or not, such theoretical debates affect many practical aspects of "musicking", in various communities. By the way, I'd like to point out that the debate on music ontologies isn't only due to a recent revival of metaphysical philosophy, but may be connected to the usage (and fashion) of a similar concept in computer science, that is ontology as "a full description (naming, typology, properties) of the conceptualizations of phenomena and their interrelations in a domain of discourse",[16] which is the first requisite for the study and design of computer applications.

Scientists in the field of Music Information Retrieval (MIR) have dealt for decades with issues of recognition, similarity, and identity, mainly investigating how a computer application, by parsing music files, can detect genres, styles, formal structures, harmonic progressions, rhythms, equalisation and compression, and, of course, melodies. With few notable exceptions, MIR scientists have made research on songs from the Western popular mainstream, both for quantitative reasons (i.e. the assumption that most listeners in the world, today, listen to that kind of music), and also because such research is paid for by big companies in the field, from Sony to Google, to Amazon, to Apple, to Spotify, or by companies offering services to those majors. According to some of the accounts I read, melody

should be privileged because psychologists say so, but no explanation is given if the dominance of melody in music recognition should apply also to experimental (or pop) electronic music, to music of the twentieth century's avant-garde, to free jazz and creative music, and especially to many non-Western music cultures. That said, and having remarked that the best-known and most used music recognition application, Shazam, is not based on melody detection, it must be acknowledged that melody is at the centre of many theoretical debates.[17] A typical example, often used to put some music ontologies to test, is the following: "How many wrong notes have to be played or sung, before we can say that what we heard is not the piece that was announced?" Is there a limit? What do we compare that performance to: a score? Another performance? A record? Melody is the most used example, and parameter, for such comparisons, even if any other musical structural element could be taken into consideration. What interests me–because it's relevant both in theory and in practice–is if anything like a threshold, or a border, can be spotted, dividing identity from similarity. The answer, of course, depends on how we define the identity of a piece of music. Let us not think only of a "terrible" opera singer, or an amateur violinist: let's think of the usage of standards in jazz; of covers of popular songs; or the way Bob Dylan performs his own songs; or how a judge in a plagiarism case can rely on the count of identical notes, and the case is repealed, and another judge comes to the opposite decision; or how the performer of a *taxim* can play notes from the wrong tetrachord in a *maqam*, and so be criticised for having performed the piece wrongly, even if it's improvised. I would say that in real life, in real music practice, there is no clear dividing line between identity and similarity: there seems to be a border, yes, but it's a fuzzy one, and it couldn't be differently, because music events aren't unidimensional objects (they aren't objects, first of all), but can be perceived as multidimensional sets of structural parameters. I would describe the polarity between identity and similarity as a field, as a cloud, whose intensity is subject to the judgement of members of a musical community. Something very difficult to be captured and reproduced by a computer application.

Let me summarize one of the examples I used in my article from 2006, where I suggested that a musical work can be seen as a cognitive type. While writing, I was listening to a CD with a recording of Shostakovich's *Fifth Symphony*. The CD cover warned that the conductor, Rudolf Barshai, "… shared the life, really knows the music… as a colleague and friend, he was asked by Shostakovich to premiere the 14th Symphony, and later authorised to transcribe the 4th and 8th String Quartets into the 'Chamber Symphonies'". In other words, that performance of the *Fifth* had to be

really authoritative. I could be certain that what I was listening to was Shostakovich's *Fifth Symphony*, although the stereo system wasn't of top quality, and, by the way, I couldn't be sure if what I was listening to was the recording of a real live performance, or an edit of various takes, like in a rock album. If I had been listening to a radio broadcast, disturbed by static or by interpolations from another station, that for me would be Shostakovich's *Fifth Symphony* as well, and the same could be said if I had been listening to that CD in a car while driving fast in a motorway, or from earphones while skiing, or, "live", behind the curtains of an auditorium, because I was late and wasn't allowed to enter the hall. And a slower or faster performance (*to a certain degree*) would be, for me, a performance of Shostakovich's *Fifth Symphony*, and the same would be the case if the orchestral pitch was set to 446 or 436 Hz instead of 440. I am really flexible! As Jonathan Sterne put it, in the course of my life I have developed a number of *audile techniques*,[18] which allow me to hear "something", and recognize it, in a pretty wide range of conditions.

However, and this was a really serendipitous chance, a few days after writing the above list of examples, I attended the showing of a documentary on Shostakovich's life, which included excerpts from two different performances of the *Fifth*, one conducted by Evgenij Mravinskij, the other by Leonard Bernstein. A person sitting next to me, a music critic, said: "They sounded like two different symphonies!"

Here we are confronted, again, with Stefani's concept of popular competence vs. analytical competence, or with two different ontologies: if the work is a "cloud" of heterogeneous abstract and concrete units, identity is a fuzzy concept, gradually fading into similarity and even dissimilarity; if the work coincides with a score, and the task of the performer is to be "true to the work", if two performances sound different (and I promise: they didn't sound so different to me!), then they could well be performances of two different works.

But, to conclude this section, let me point out an important distinction: recognition and definition are two separate concepts, related to different cognitive processes. At the level of sets of music events, like styles or genres, one thing is how members of a community identify traits, which are common to different individual events, and create by convention a set of norms that *define* the genre or style, and another thing is how an individual *recognizes* an event as belonging to a style or genre.[19] The second concept belongs to the sphere of the aesthetic, the first to that of the poïetic. I think that this distinction can be safely applied to individual

pieces of music, and I would even argue that recognition is related to the aesthetic reception linked with common competence, while definition is related to the poïetic attitude of analytical competence (like tasting food versus knowing a recipe). In the next and final section, we'll see how this distinction is often blurred, for ideological reasons, in plagiarism cases.

3. Plagiarism, and the meaning of the concept of "appropriation"

Plagiarism is not defined in copyright law. Plagiarism is just one of many possible infringements of copyright, or *droit d'auteur*. In the Italian "Legge sul diritto d'autore" (a very long text) there is no occurrence of the word "plagio" (plagiarism), at all. Second, as I anticipated, a quantitative threshold for plagiarism is never mentioned, anywhere. Plagiarism is mentioned in courts' sentences, of course. Here's an extract (my translation from Italian):

> Plagiarism consists in the appropriation of the creative elements of someone else's work, as it isn't enough that one or more ideas present in one of the works under comparison be found also in the other, but it is necessary that in the work created later one can find a real transposition of the individualizing nucleus that characterizes as original the supposedly plagiarized work (Tribunale di Bologna, 9.2.2006).

On the one hand, what has to be intended as "creative elements", or "individualizing nucleus", is actually at the core of the debate during the discussion of plagiarism cases, especially about music.

On the other hand, "creative character" and "originality" (or "novelty") are basic requisites for a work in order to be protected under copyright law: lawyers and consultants defending supposed plagiarists make use of such requisites to reject allegations preliminarily, either by negating the creative character of the original work, or by searching for other preceding works that present the same "creative elements". Here's an example, from a famous Italian case:

> Creative character and novelty are constitutive elements of an author's rights on his/her intellectual work; it follows that, before verifying if a work may be the result of plagiarism of another, the judge must verify if the latter meets the requirements to benefit of the demanded protection, and this both under the point of view of expressive completeness, and under the point of view of novelty (Cass. Civ., Sez. I, 23.11.2005, N. 24594 Bacalov c. Endrigo).

These technical details, which of course are neither details, nor technical–
as they belong to the philosophical core of copyright and *droit d'auteur*–
lay at the basis of different judgements on supposed plagiarism cases by
lay people on the one side, and "experts" on the other: a typical case of
divergence between common competence and analytical competence. It
isn't uncommon that plagiarism cases that were initiated by a wave of
popular indignation end up differently from expectations, as the judge or
the court value that "individualizing nucleus" of the preceding work
wasn't transferred to the following one, or that the preceding work wasn't
fully developed as a work, or wasn't actually new. It goes without saying
that such aspects are intensely, even ferociously debated between lawyers
and technical consultants involved in a plagiarism case. The issue is
crucial, to many respects, as it is also related to diverging musicological
theories: for whom are similarities or identities relevant? For the wide
audience, or for experts and professionals? And where such similarities or
identities must be located? In the recorded version or in the score? And
which score? The answer would be difficult anyway, on a purely
theoretical ground, but it is complicated by the fact that the economical
consequences of plagiarism–and hence the amount of compensations
demanded by the author(s) and publishers of a plagiarized song–are based
on the sales of records, on broadcasting rights, on live performances, much
more than on today's almost irrelevant sales of printed scores, so whatever
an expert (and the history of copyright and *droit d'auteur*) may say about
structures that can be identified in a score, the economical consequences
are based on listening, by the "crowds".

Many plagiarism cases are never brought to court. Usually, a case is
started by means of a letter from the plaintiff (normally, his/her lawyer)
addressed to the defendant and his/her publisher and/or record company,
claiming plagiarism. The letter is often accompanied by a more or less
detailed analysis of the songs, drafted by a consultant. The response from
the defendant is also normally drafted by a lawyer and accompanied by an
analysis. Consultants at this point may be "people in the business": friends
or collaborators of the plaintiff, employees or collaborators of the
publisher or record company. When the case seems to be bound to have
great economic relevance, "experts" (we'll see which kind of experts) are
involved from the start. In its initial phase, a plagiarism case is "liquid", so
to speak: often, if the defendant's lawyer feels that the cost of the trial and
of requested compensations may become too high, he/she may suggest
his/her client(s) to come to an agreement, a transaction, for a more or less
symbolic sum (an average example could be 50,000 dollars, compared to
500,000 dollars plus legal expenses). This also happens if plagiarism is so

blatant that the defendant's lawyer advises to accept to pay the cheapest compensation possible, and avoid to go to court. Due to the concentration of capital in the music industry, it is also more and more common that such transactions be arranged within the same publishing and/or recording major.

When a case can't be solved with a transaction, it is then passed to a court. This implies the choice of official technical consultants for the plaintiff and the defendant, and–in Italy–of a technical consultant for the judge.

What kind of consultants? At least in my country, only very few academic musicologists are called for the task. It is more common to invite teachers of composition in conservatories or other music schools, or "classical" composers (which is the same, in most cases, as composers of modern concert music normally earn their living from teaching). As a matter of fact, plagiarism cases put to test methods and theories of musicology, because it can be said that modern classical composers and music teachers in conservatories embody, so to speak, the shared values of nineteenth and twentieth century conventional musicology, through which they were educated, became music professionals, and live every day. Commonplaces like "the music work is the score" are among the pillars of conventional musicology. Composers or teachers are also chosen because of their solid involvement in music practice (which can't be said, sadly, of all academic musicologists or ethnomusicologists), and also for their prestige, for obvious reasons.

All reports by technical consultants usually begin with the identification of the pieces to be compared, quoting titles, authors, publishers, registration numbers and dates of the deposit with the relevant performing rights societies (if any), titles and codes of released phonograms (if any). It's a bureaucratic formality that leaves room for considerable ambiguity. The texts alluded to in the apparently innocuous list above are many: 1. the manuscript used for the deposit with the performing right society (in Italy, SIAE); 2. the score archived by the publisher; 3. the published score (if any); 4. the phonogram(s). Today (since decades) in popular music most scores (including those used for deposit) are more or less accurate transcriptions of the phonogram, which should be considered the primary source. But the historical cultural framework of copyright and *droit d'auteur* is based on printing; it is also corroborated by conventional musicological ideas about the identification of the musical work with the score. Quite often technical consultants, lawyers, and the judge, are confronted with different texts: a phonogram, a transcription of it

(abridged, simplified, inadequate in rendering complex sound structures), and an even more schematic transcription, usually prepared quickly during the early phases of production, or on the basis of a demo, just for copyright purposes. Authors of such transcriptions (the song's authors, or employees of the publisher) often seem to be unaware of the importance of the document they are drafting. In a recent plagiarism case, with the first sentence still pending, the core of the controversy is a riff, which is present in both songs considered, but is missing in all scores! Reference to phonograms, in a case like this, is mandatory. Conventional musicologists' fixations grab the scene: days are spent to check transcriptions made by consultants, and examine details as if those transcriptions were actually the original work.

Actually, looking at such issues with the eyes (more than the ears) of a classically trained composer, any melody could be hidden anywhere, if you don't consider its context. In the recent case I mentioned earlier in this paper, the Albert One vs. Zucchero dispute, a consultant (again, a composition teacher) found the same notes both in the theme of a Tchaikovsky concert and in one of Bach's best known choral preludes (by the way, the same that was copied for the organ line of "A Whiter Shade of Pale"): the point is, however, that these notes are only identical in pitch, because they appear in different contexts (especially, they are located on different implicit accents in a bar). If one looks at the score, of course the notes are there: but if one hears the music, it takes a while, even for an expert listener, to realize that the melody is similar (and not identical, as a melody isn't only defined by pitch).

> "Take Me to the Sunshine" vs. Tchaikovsky's *Piano Concerto* No. 1 in B♭ minor, Op. 23

> J.S. Bach's *Choral Prelude* BVW 645

There was also another similarity: both songs involved in the case sounded similar to a fragment of the final instrumental section of a 1983 hit, "Doot Doot", composed and recorded by Freur, a Welsh new wave-synthpop band.

> "Doot Doot", from 2'55" (Karl Hyde, Rick Smith, Alfie Thomas–Freur, 1983)

These "precedents"–Tchaikovsky, Bach and Freur–were considered enough by the judge to come to the conclusion that Albert One's song wasn't original, and so lacked the basic requisite for copyright protection.

Zucchero was absolved. Let me point out that in this case, like in many others, "anything goes", that is, contrasting theories are accepted and mixed, putting together incompatible evidence.

Conclusions

In 2018 I presented at a conference in Huddersfield a keynote paper titled "Plagiarism: Musicology's Proof of the Pudding?" My aim was to show how musical plagiarism, in theory and in practice, puts to test musicology's basic assumptions and traditions. Here the aim is more ambitious, if you want, because I enlarged the field from plagiarism to other practical examples and theoretical issues about music identity and recognition, and I also implicitly extended the meaning of the term "musicology" to other studies, from philosophy to computer science and its musical applications. However, it is rather unlikely that, for example, some music ontologists accept to confront their metaphysical theories with empirical observations of everyday music practice, or that computer scientists, or scientists in the field of cognitive science, feel the need to confront with basic musical theoretical issues. Some time ago I approached a few scientists in the MIR field, asking them if they were willing to have a discussion with musicologists, and the answer was, regularly: "But we know music already, we don't need to talk with musicologists!" And I am confident that if I contacted philosophers asking them to collaborate with music historians or ethnomusicologists, the response would be similar. But I promise I will insist on this seemingly useless work.

References

Berio, Luciano. *Intervista sulla musica*, edited by Rossana Dalmonte. Bari: Laterza, 1981.

Blacking, John. *How Musical is Man?* Washington, Seattle: University of Washington Press, 1973.

Cage, John. *Silence: Lectures and Writings*. Cambridge, MA: MIT Press, 1966.

Dahlhaus, Carl, and Hans Heinrich Eggebrecht. *Was ist Musik?* Wilhelmshaven: Heinrichshofen's Verlag, 1985.

Eco, Umberto. *Kant and the Platypus*. London: Secker & Warburg, 1999.

Eerola, Tuomas. "Similarity, Melodic". In *Music in the Social and Behavioral Sciences: An Encyclopedia*, edited by William Forde Thompson, 1003-6. London: SAGE, 2014.

Fabbri, Franco. "La musica: un falso molto autentico, veramente fasullo". *Rivista di estetica* 31 (2006): 161-71.

Gracyk, Theodore. *Rhythm and Noise: An Aesthetics of Rock*. Durham: Duke University Press, 1996.

Gruber, Thomas R. "A translation approach to portable ontology specifications", *Knowledge Acquisition*, Volume 5, Issue 2 (1993): 199–220.

López-Cano, Rubén. *Música dispersa. Apropiación, influencias, robos y remix en la era de la escucha digital*. Barcelona: Musikeon, 2018.

Meyer, Leonard B. *Style and Music. Theory, History, and Ideology*. Chicago and London: The University of Chicago Press, 1989.

Müllensiefen, Daniel and Klaus Frieler. "Cognitive Adequacy in the Measurement of Melodic Similarity: Algorithmic vs. Human Judgments". *Music Query: Methods, Models, and User Studies*, *Computing in Musicology*, 13 (2003).

—. "Measuring Melodic Similarity: Human vs. Algorithmic Judgments", In *Proceedings of the Conference on Interdisciplinary Musicology (CIM04), edited by* Richard Perncutt, Annekatrin Kessler and Fränk Zimmer, 2004.

Small, Christopher. *Musicking. The Meanings of Performing and Listening*. Middletown, Connecticut: Wesleyan University Press, 1998.

Stefani, Gino. "Musica come. Progetti antropologici (e didattici)". *Nuova Rivista Musicale Italiana*, X/3 (1976).

Stefani, Gino. "A Theory of Musical Competence". In *Critical essays in popular musicology*, edited by Allan Moore, 19-34. Aldershot: Ashgate, 2007.

Sterne, Jonathan. *The Audible Past: Cultural Origins of Sound Reproduction*. Durham, NC: Duke Univ. Press, 2003.

Tagg, Philip and Bob Clarida. *Ten Little Title Tunes. Towards a Musicology of the Mass Media*. New York & Montreal: The Mass Media Musicologists' Press, 2003.

Tagg, Philip. *Everyday Tonality. Towards a Tonal Theory of What Most People Hear*. New York & Montréal, Mass Media Scholars Press, 2009.

—. *Music's Meanings. A Modern Musicology for Non-Musos*. New York & Montréal: Mass Media Scholars Press, 2013.

Varèse, Edgard. *Il suono organizzato. Scritti sulla musica*. Milano: Ricordi, 1985.

Zak, Albin J. *The Poetics of Rock: Cutting Tracks, Making Records*. Berkeley: University of California Press, 2001.

Notes

[1] Definitely I bear witness that in the early 1960s that recording practice was widespread in Italy: I first listened to early Beatles singles from a Geloso tape recorder, owned by a friend.

[2] Gino Stefani, "A Theory of Musical Competence". In *Critical essays in popular musicology* (Aldershot: Ashgate, 2007), 19-34.

[3] I'm using the term "song" as this is the standard term for an individual piece of music on the Internet, but let's keep in mind that even the *Adagio* from Mahler's *Ninth Symphony* would be named "a song".

[4] The two songs are "Tik-Tak" and "Dhen se thelo piá", and they are covers, respectively, of "Questa non si tocca?" (1910) and "Mbraccia a me" (1908), both by Antonio Barbieri and Vincenzo Di Chiara, published by Bideri, Naples. The "traditional" version sung in Tilos combines the chorus of the first and the bridge of the latter.

[5] My italics.

[6] Philip Tagg, *Music's Meanings. A Modern Musicology for Non-Musos* (New York & Montréal: Mass Media Scholars Press, 2013), 230.

[7] Ibid.

[8] Rubén López-Cano, *Música dispersa. Apropiación, influencias, robos y remix en la era de la escucha digital* (Barcelona: Musikeon, 2018).

[9] Carl Dahlhaus and Hans Heinrich Eggebrecht, *Was ist Musik?* (Wilhelmshaven: Heinrichshofen's Verlag, 1985).

[10] Christopher Small, *Musicking. The Meanings of Performing and Listening* (Middletown, Connecticut: Wesleyan University Press, 1998).

[11] John Blacking, *How Musical is Man?* (Washington, Seattle: University of Washington Press, 1973); Gino Stefani, "Musica come. Progetti antropologici (e didattici)". *Nuova Rivista Musicale Italiana*, X/3 (1976); Philip Tagg, and Bob Clarida, *Ten Little Title Tunes. Towards a Musicology of the Mass Media* (New York & Montreal: The Mass Media Musicologists' Press, 2003); Philip Tagg, *Everyday Tonality. Towards a Tonal Theory of What Most People Hear* (New York & Montréal, Mass Media Scholars Press, 2009); Edgard Varèse, *Il suono organizzato. Scritti sulla musica* (Milano: Ricordi, 1985); John Cage, *Silence: Lectures and Writings* (Cambridge, MA: MIT Press, 1966); Luciano Berio, *Intervista sulla musica* (Bari: Laterza, 1981).

[12] Theodore Gracyk, *Rhythm and Noise: An Aesthetics of Rock* (Durham: Duke University Press, 1996).

[13] Albin J. Zak, *The Poetics of Rock: Cutting Tracks, Making Records* (Berkeley: University of California Press, 2001).

[14] Umberto Eco, *Kant and the Platypus* (London: Secker & Warburg, 1999).

[15] "... possiamo dire che si tratta di occorrenze di un tipo cognitivo, intendendo con questo termine quell'insieme privato di istruzioni che si colloca nella zona oscura, pre-semiotica, tra percezione e riconoscimento." Franco Fabbri, "La musica: un falso molto autentico, veramente fasullo". *Rivista di estetica* 31 (2006): 161-71.

[16] Thomas R. Gruber, "A translation approach to portable ontology specifications", *Knowledge Acquisition*, Volume 5, Issue 2 (1993): 199–220.

---

[17] See Daniel Müllensiefen and Klaus Frieler, "Cognitive Adequacy in the Measurement of Melodic Similarity: Algorithmic vs. Human Judgments". *Music Query: Methods, Models, and User Studies*, *Computing in Musicology*, 13 (2003); Daniel Müllensiefen and Klaus Frieler, "Measuring Melodic Similarity: Human vs. Algorithmic Judgments", In *Proceedings of the Conference on Interdisciplinary Musicology (CIM04)*, 2004; Tuomas Eerola, "Similarity, Melodic". In *Music in the Social and Behavioral Sciences: An Encyclopedia*, (London: SAGE, 2014), 1003-6.

[18] Jonathan Sterne, *The Audible Past: Cultural Origins of Sound Reproduction* (Durham, NC: Duke Univ. Press, 2003).

[19] This was clearly pointed out by Leonard B. Meyer, *Style and Music. Theory, History, and Ideology* (Chicago and London: The University of Chicago Press, 1989), 7.

PART 1:

DECODING MUSIC ICONS

CHAPTER 2

NIRVANA'S *NEVERMIND*[*]:
EXPLORING THE AUDIOVISUAL MOSAIC

CHRISTOPHER VEZZA
UNIVERSITY OF GLASGOW

In 2011, the re-release of Nirvana's *Nevermind* (1991, Geffen Records) and ensuing press coverage newly sparked public intrigue over a record that can be seen as a seminal point of reference in recent alternative popular music discourse.[1] Indeed, Asbjørn Grønstad and Øyvind Vågnes's *Coverscaping: Discovering Album Aesthetics* lists *Nevermind* as an artefact that has become so iconic that it has inscribed itself into the very lexicon of popular culture.[2] Moreover, the iconoclastic and by now heavily mythologised cover art can be seen to form part of the general economy of twentieth/twenty-first century popular imagery, immediately evoking important historical events, cultural moods and aesthetic contexts.[3] Despite such heady thoughts on the group's success, the record has received little in the way of formal analysis. My thoughts on this, to put it briefly, are that the broader struggle to find an appropriate theoretical framework through which to analyse the multimodal intricacies of the LP may contribute to deflecting scholarly attention. However, specifically in relation to Nirvana, Giles Hooper has attributed this neglect to a "generational lag".[4] That is to say, popular musicologists often prefer to deal with music that is familiar to them. Alternatively, Catherine Strong's perspective on grunge's neglect in academic circles is informed by a belief that the "genre" had a reputation of an "overly commercialized, debased form of the rock music academic's genre of choice, punk, and as such was dismissed as unworthy of consideration".[5]

The present chapter has a broader and perhaps more ambitious aim than simply to throw light on a form of popular music that has hitherto been largely ignored. Starting from a contextual account of album aesthetics, I seek to retrace a theoretical perspective from which readers might conceptualise the manner in which musical meaning is mediated through