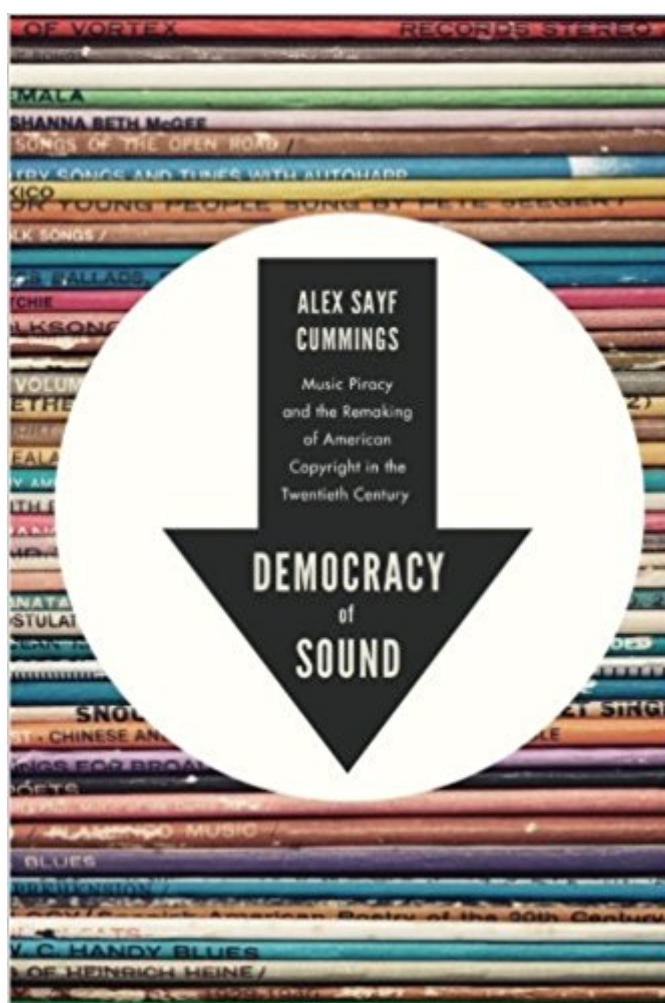


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# Democracy Of Sound: Music Piracy And The Remaking Of American Copyright In The Twentieth Century



## Synopsis

It was a time when music fans copied and traded recordings without permission. An outraged music industry pushed Congress to pass anti-piracy legislation. Yes, that time is now; it was also the era of Napster in the 1990s, of cassette tapes in the 1970s, of reel-to-reel tapes in the 1950s, even the phonograph epoch of the 1930s. Piracy, it turns out, is as old as recorded music itself. In *Democracy of Sound*, Alex Sayf Cummings uncovers the little-known history of music piracy and its sweeping effects on the definition of copyright in the United States. When copyright emerged, only visual material such as books and maps were thought to deserve protection; even musical compositions were not included until 1831. Once a performance could be captured on a wax cylinder or vinyl disc, profound questions arose over the meaning of intellectual property. Is only a written composition defined as a piece of art? If a singer performs a different interpretation of a song, is it a new and distinct work? Such questions have only grown more pressing with the rise of sampling and other forms of musical pastiche. Indeed, music has become the prime battleground between piracy and copyright. It is compact, making it easy to copy. And it is highly social, shared or traded through social networks--often networks that arise around music itself. But such networks also pose a counter-argument: as channels for copying and sharing sounds, they were instrumental in nourishing hip-hop and other new forms of music central to American culture today. Piracy is not always a bad thing. An insightful and often entertaining look at the history of music piracy, *Democracy of Sound* offers invaluable background to one of the hot-button issues involving creativity and the law.

## Book Information

Paperback: 274 pages

Publisher: Oxford University Press; Reprint edition (March 1, 2017)

Language: English

ISBN-10: 019067511X

ISBN-13: 978-0190675110

Product Dimensions: 9.2 x 0.6 x 6.1 inches

Shipping Weight: 1 pounds (View shipping rates and policies)

Average Customer Review: 4.6 out of 5 stars 5 customer reviews

Best Sellers Rank: #1,026,085 in Books (See Top 100 in Books) #95 in [Books > Law > Intellectual Property > Patent, Trademark & Copyright > Copyright](#) #625 in [Books > Arts & Photography > Music > Recording & Sound](#) #2425 in [Books > Textbooks > Humanities >](#)

## Customer Reviews

"This book is for music lovers and those of a certain age who remember artists from the Jazz and Rock days of the 1960s when tape recorders and vinyl were in place and bootlegged recordings of Bob Dylan and Janis Joplin were the in-thing to have. You can see how [Cummings] has enjoyed researching the detailed background of music piracy which makes this book a jolly good read providing the history of music piracy from the late 19th century onwards."--Entertainment Law Review

"Offers a detailed narrative account of how [copyright] issues became so complicated - and how, in the face of corporate pressure, they're becoming brutally simple...Cummings has provided a usable, musical past."--Jim Cullen, History News Network

"Valuable...Cummings' book makes clear that piracy will continue, and that that is far from being a bad thing."--Reason

"From Supreme Court battles over player piano rolls to the music industry's \$75 trillion lawsuit against Limewire, Democracy of Sound shows how we arrived at today's debates about music ownership and piracy. Cummings is not only a skilled historian, but also a lively story-teller who can explain complex copyright issues with admirable clarity. For anyone with an opinion about the politics, economics, and ethics of music copying, this book offers essential perspective."--David Suisman, author of Selling Sounds: The Commercial Revolution in American Music

"Piracy may be the dominant issue troubling musicians and the culture industries today, but as Alex Cummings shows, struggles over appropriation, sharing, and theft have long shaped the entire history of recorded sound and the music business. Combining legal, cultural, and business history, Democracy of Sound elegantly and impartially illuminates how Americans made music into a thing, while fighting bitterly over who would gain access to that music. Anyone with any interest in the future of copyright or in our cultural past should read this important book."--Charles F. McGovern, author of Sold American: Consumption and Citizenship, 1890-1945

"Beautifully crafted, intelligently researched, and cogently argued, Democracy of Sound offers readers a compelling analysis of the changing legal status of recorded music in the United States from the 1870s to the present. Many books have been written about intellectual property; few have done more to make its significance accessible to the general reader. It will appeal not only to specialists in American studies, music, and law, but also to anyone who cares about American popular culture, past and present."--Richard John, author of Network Nation

Alex Sayf Cummings is Assistant Professor of History at Georgia State University.

If you love music you should read this book. It is a fantastic way to understand how the music industry has become what it is.

The book is well written and researched and delivers both sides of the issue. A great book for students of history.

Alex Sayf Cummings takes us through the entire history of piracy and, most important, copyright of music. He introduces us to some of the more fascinating characters, the notorious pirates, the music lovers who started the idea of sharing music and collecting the work of the greats from Jelly Roll Morton to the Grateful Dead. He takes us through the rapidly changing technology of recording sounds/music, showing us the difficulty the legal system had and still has in trying to keep up and understand the implications of technological changes and how copyright and property rights intersect as politics changed. It is a great book for music enthusiasts and for those who are interested in the concept of intellectual property and what it means in today's digital age.

The story of music copyright is a subset of the story of the total disregard for intellectual property rights in the USA. This is explored to the fullest in the Smuggler Nation. Music copyright has its own twisted story, but the model fits right in, and is an important aspect of the sordid history of appropriation in the USA. As America grew, smuggling, piracy and copying was not merely ignored, it was actively encouraged - right in the highest levels of government, the office of the president. The nation built it into its genes. With books, for example, there was 25% tariff to help keep imported books out, and since foreigners were also not allowed to hold US copyrights, American publishers simply bought one copy and reset it for sale in the USA. Bravo. Then, the pendulum swung from that extreme to the other, as the USA became the most lawbound, locked up copyright haven in the world. This is now the land where Brownies get busted for singing Happy Birthday at a beach bonfire in California. And where the record companies got together to sue limewire.com for \$75 Trillion, supposedly representing the losses they somehow suffered over Limewire's brief time online, although it would appear to be more money than there has ever been in the whole world in all of history. But US copyright law is now on the publishers' side. When electronics permitted the democratization of music, the ownership of it suddenly became an issue. Even when the laws changed to finally permit such ownership rights, the police had to be taught and convinced it was even worth pursuing, because until 1971, it was normal. Major record companies accelerated the push, pleading horrific hardship at the hands of bootleggers who were able to sell a few hundred

copies. With every change in their direction, the companies promised lower prices would result from tighter protection from pirates. And of course, with every increment of tighter protection for them, the record companies raised prices - and came back for more. It's the same story in patents, where the promise of uninhibited innovation has led instead to massive lawsuits, and the total inability to build upon previous innovation - a stifling of creativity. What is most interesting is the rationale used by the copiers and the bootleggers and the pirates. They claimed music wants to be free, that it is part of our heritage, that it belongs to everybody, that everyone has the right to appreciate rare recordings of long gone artists, and of every variation that occurs in every live performance. This should all sound very familiar, because it is precisely the argument we see today in reference to information on the internet. And if Congress continues to be as subservient to giant corporations as it was and seems to be, there is little hope of the internet surviving in its current form. For that alone, this book merits a read. I would have liked *Democracy in Sound* to be a little more colorful. Cummings could have interviewed some of the characters - the pirates, the publishers, the artists - that it portrays. The straight history of it all gets dry in places. But the importance of it all in the scheme of things, is hugely important to the way the country works, and its future or downfall. David Wineberg

*The Democracy of Sound: Music, Piracy and the Remaking of American Copyright in the Twentieth Century* by Alex Sayf Cummings (Oxford University Press, 2013, 272 Pages, \$29.95) makes a persuasive argument for the positive elements gained from bootlegging and even piracy in democratizing the distribution of recorded sound, particularly music, to the broader world created by the creation of new technologies and its spread worldwide. In a book based on his doctoral dissertation at Columbia University, Cummings examines the history of copyright law back almost to Gutenberg, with emphasis on the legal precedents in the nineteenth and twentieth centuries, the effects from the rise of new media and popular culture through the influence of the counterculture, Deadheads and Hip Hop, and the globalization of piracy. Much of the text is critical of court support for establishment capital and organizations against the urge to democratize sound, but is always balanced and scholarly in its discussion of the role of the courts and business interests. The book is remarkably free of cant and extreme rhetoric in its exploration of this explosive topic. Read the full review on my blog on publication in April.

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