

5. COMMUNICATION

5.1 Introduction

This chapter is also interested in investigating the relations and non-relations between accumulation, regulation and networks, but focuses on the dimension of communication. Communication is understood here broadly as those semiotic forms, modes and techniques that constitute interaction between actors, but the specific focus of this chapter is on: 1) creative industries policies in London and Berlin; 2) the discourses circulating in and partly constituting networks of aesthetic production; and 3) the possible discursive interaction between creative industries policies and creative networks. In order to investigate this, however, there is a need to broaden the notion of communication beyond the regulationist concern with communication as an instrumental act (i.e. as linked to the reproduction of the value form and political form).

In order to come to grips with the simultaneous existence of multiple discourses, this chapter will commence (in section 5.2) with a brief analysis of the notion of texture as a key term for research on communication geographies. Reflecting a heterogeneous understanding of communication, it sensitizes our analytical perspective to the fact that policy discourses intervene in an urban space that is already overflowing with networked communication — the policy intervention, therefore, cannot make a clean sweep, but will have to negotiate with these already-existent networks. At the same time, the concept needs to be specified, since in the literature it remains unclear how textures intertwine with accumulation and regulation. Section 5.3 corrects this weakness by connecting textures more explicitly to the notion of strategic selectivity (a term already discussed in chapter three) and by emphasizing the discursive dimensions of the latter in order to direct attention to the selective appropriation by state institutions of broader and more diverse communicative textures. Sections 5.4 and 5.5 analyze this intertwinement in more empirical detail. Section 5.4 offers a detailed analysis of creative industries policies on London and Berlin, enabling us to understand the general narrative themes as well as

the specific shapes these themes take in the two cities and how this relates to the particularity of the respective urban environments. Section 5.5 shifts the focus away from the policy debates to the music networks in order to analyze the strategically selective impact of these policies on the music textures. This strategic selectivity is implemented through various interventions. The section will focus on: intellectual property; the appearance of free choice and commodification; the regulation of the built environment; and the discourse of flexibility and change. At the same time, this section also shows the highly contested nature of these interventions, which makes the enrolment of music networks into broader accumulation regimes and state strategies rather uncertain.

5.2 Urban Textures

André Jansson (2007) has recently proposed the notion of texture as a key concept for communication geography — a sub-field of research activity he locates within media and cultural studies and which is driven by the ambition to integrate the study of mediated cultures with questions of geography. Texture, according to Jansson, refers to “the communicative fabric of space” (194) and its analysis enables us to “understand urban space in a way that captures its communicative density, but at the same time allows us to point out more durable socio-material structures” (2006, 24). Following Benjamin Lee and Edward LiPuma (2002), he argues textures produce and are the effect of particular “cultures of circulation” (25).

Jansson’s conceptualization of texture is descriptive in the sense that it sensitizes attention to the communication-space nexus, but does not tie in with an explanatory social theory. This is typical for the ethnographic research strand that has occasionally adopted this notion as a heuristic tool and which has been highly attuned to the complexity, breadth and ambivalences of urban narratives, media and modes of communication (see, for example, Adams *et al.* (2001) and Lindner (2006)). In doing so, it offers an important decentralization of the political economic concern with communication as an instrumental act (communication as linked to the value form and political form). The following dimensions are important in this regard. First of all, urban textures are not simply semiotic traces of processes of regulation and accumulation as conceptualized by the regulation approach, but instead the result of the interaction of many networks. Henri Lefebvre — although certainly not an ethnographer, but a Marxist philosopher attentive to the complexity of the urban — perhaps understood this most clearly

when he argued that textures resemble above all networks or webs (1991, 118 and 222) that are “open on all sides to the strange and the foreign, to the threatening and the propitious, to friend and foe” (118). Second, textures might involve spatial manifestations, but they are also products of time. As argued by Gerald D. Suttles (1984), it is important to recognize the “time depth” (284) of local urban cultures, since these cultures do not simply emerge out of nowhere, but are the result of processes of variable duration. Although Suttles surely overestimated the coherency of the local, his comments enable us to understand the urban as “the site where multiple temporalities collide” (Crang 2001, 189) without losing out of sight the social, physical and material constraints through which these temporalities operate. The city, after all, is always both: becoming but also being, movement as well as stasis, circulation as well as sedimentation. Third — and this is where the ethnographic literature has been less useful — textures need to be analyzed as phenomena of negotiation and social conflict. This is the Marxist lesson of Lefebvre that is often lost in subsequent appropriations of his work, particularly in Anglo-American scholarship (Elden 2001). It also informs, as I have argued in chapter two, Hall’s notion of authoritarian populism. Both authors attempt to grasp the difficult relation between state regulation, capital accumulation and the social in a materialist manner. In the case of Lefebvre, this leads him to rely on his distinction between representational spaces (which constitute lived spaces that are affective, alive and passionate) and representations of space (which refers to conceived spaces that involve ideology, abstract knowledge and instrumentality) to explain this relation. As he argues:

We may be sure that representations of space have a practical impact, that they intervene in and modify spatial *textures* which are informed by effective knowledge and ideology. Representations of space must therefore have a substantial role and a specific influence in the production of space. Their intervention occurs by way of construction — [...] as a project embedded in a spatial context and a texture which call for ‘representations’ that will not vanish into the symbolic or imaginary realms. (1991, 42; Italics in original)

Lefebvre, however, is famous not only for his brilliant analyses of capitalism and cities, but also for his often opaque and dense writing style. To understand, therefore, in more depth and precision how these ‘interventions’ occur, it is helpful to connect the discussion of texture to the debate on strategic selectivity of the state.

5.3 Strategic Selectivity

As has already been addressed in previous chapters, strategic selectivity is a concept developed by Jessop to analyze the ways in which state institutions privilege particular social forces in shaping the organizational coherence of the state and its role in regulating the circuit of capital. The focus of this chapter is on the discursive dimensions of strategic selectivity, but it is important to keep in mind that these discourses are always subject to the structural biases of particular state forms. Grasping this bias necessitates a discussion of the concept of *structural* selectivity. Jessop rightly criticizes this concept for prejudging the forms and effects of the state — instead of theorizing selectivity as an outcome of particular sociopolitical struggles and thus as strategic — but the concept still informs his theoretical and substantive research as well as most neomarxist approaches towards discourse analysis.

Structural selectivity as a concept is inextricably intertwined with the history of materialist state theory and the role of form analysis. According to this tradition (which is much more diverse and internally conflicting than can be presented here), the basic social forms in which social relations under capitalism objectify are the value form — expressed in money — and the political form — manifested in the existence of a state separated from society (Hirsch 2005, 24-25). The value form has been analyzed by Marx who starts from the peculiarity of capitalist socialization as characterized by wage labor, private ownership of the means of production, commodity exchange and competition. It is in the value form of commodities that these social relations of production are embodied but simultaneously obscured, since social relations are always mediated through commodities that are defined by their exchange value on the marketplace. Social relations, in other words, are abstracted onto the plane of commodities and it is only through the estrangement and fetishization of commodities that actors can now see and experience their own sociality (or as Marx put it: “[...] the mist through which the social character of labor appears to us to be an objective character of the products themselves”!).

The political form can partly be derived from the value form. Similar to Max Weber, it is argued that the emergence of the state involves the monopolization of physical violence over a certain terri-

1 This quote is taken from <http://www.marxists.org/archive/marx/works/1867-c1/ch01.htm> (12.03.2008) and is an online version of the first English edition (1887) of *Capital*, Volume One, Part 1, Chapter 1, Section 4 (The Fetishism of Commodities and the Secret thereof). The original German is less poetic: “[...] den gegenständlichen Schein der gesellschaftlichen Charakter der Arbeit” (Marx and Engels 1968, 88).

tory. In this process, a juridical space is established in which the direct use of repression in order to appropriate surplus value is no longer required, since this is now achieved through the exchange of commodities (which includes labor²). This explains the institutional separation of the state and the economy in capitalist societies and it is in this broader context that one needs to locate Claus Offe's argument concerning the selectivity of political institutions. According to Offe, the state performs a 'double protective function' (Borchert and Lessenich 2006, 18) for the capitalist economy: first, state institutions need to protect capitalist reproduction as such from the narrow-mindedness and conflicting interests of single capitalists or capital fractions; and second, they need to protect capital from anticapitalist interests and conflicts (Offe 1972, 65-105).

There is always a tendency in such an interpretation — largely associated with the influential German state derivation debate as represented by authors such as Offe, Joachim Hirsch and Elmar Altvater — to understand the state as functionally arising from the needs of capital, which is problematic: it effectively closes the theoretical system and ignores non-economic determinations on the political field. Countering this functionalist tendency has therefore been one of the main tasks of subsequent theorists. Thus, whereas the early Offe tended to emphasize the formal unity of the state in the production of selectivity, Nicos Poulantzas (particularly in his later work) took a much more ambivalent position. On the one hand, he emphasized the heterogeneity of state institutions and the ways in which the various 'branches and apparatuses' of the state are characterized by different ideologies and linked to diverse social groups and classes. Here he comes very close to and draws on the work of Foucault and adopts a notion of power as relational and dispersed. On the other hand, he simultaneously emphasizes that a 'general line' is imposed on these heterogeneous state institutions (Poulantzas 1978). Poulantzas is clearly torn here between Offe's structural understanding of selectivity and state power and Foucault's ideas on power and strategy, but he never really manages to explain how these two approaches are connected (Jessop 1985, 134).

It is at this point of the debate that Jessop makes his intervention and advances the concept of strategic selectivity. Instead of assuming that "somewhere in the state there is something which can somehow guarantee bourgeois class domination", he argues that Poulantzas "should have taken seriously his own idea that the state is a social relation" (136). In effect, what Jessop does is to move away from abstract theorization towards a more sociological

2 See chapter six for a discussion of the ambivalent status of labor as a commodity.

meso-level analysis of the role of the state and social struggle in particular socio-spatial environments. He thereby acknowledges that neither the value form nor the political form in and of themselves produce cohesive institutional arrangements, but that these need to be given “a particular substantive unity and direction” (MacLeod 1997, 544). This broadens and re-politicizes the debate on materialist state theory by emphasizing socio-political contestation and the constructed nature of state projects and state strategies (for a discussion of this distinction, see chapter three). At the same time, the concept of strategic selectivity cannot be understood in its full depth without acknowledging this history of materialist state theory and the ‘older’ notion of structural selectivity. Jessop himself is quite careful in not pushing the constructivist argument too far and the form-analytical approach grounds his more substantive analysis. This does raise the difficult question as to how precisely the value form and political form concretize in particular state and economic institutions, but Jessop is understandably reluctant to confront this question, since leaving out the analysis of form altogether would endanger the unity presupposed by Marxist theory in general and regulation theory in particular.

More important for the context of this chapter is the observation that this conceptual shift from structural to strategic selectivity entails a stronger acknowledgement of the role of discourses in the processes of regulation and capital accumulation. The reason for this is that state strategies³ are strategically selective in the sense that particular social actors are privileged in order to direct state institutions towards particular forms of intervention. These selectivities and forms of intervention are not only but also (and necessarily) discursive: they include representations of the past and future, legitimizing arguments and specific economic imaginaries. The Marxist form-analytical legacy still grounds such an interpretation, since discourses are always seen to refer to capital accumulation and regulation. No free-floating discourses here.

3 Since the goal of this and the next section is the analysis of policy discourses concerning the creative industries, I will focus here on state strategies (that are aimed at socioeconomic intervention) and not state projects (aimed at providing state institutions with functional coherence).

5.4 Creative Industries Policies

After this brief discussion of materialist state theory and the status of the concept of strategic selectivity, it is now possible to move on to the analysis of policy discourses on the creative industries in Berlin and London. I understand these discourses to occupy the discursive dimension of a strategic selectivity aimed at sensitizing state institutions, the objects of intervention (i.e. those active within the creative industries) as well as other readers of these policy publications to: 1) the value and importance of the creative industries in the respective cities as an economic asset; and 2) the importance of supporting these industries in such a way that their economic potential can be fully exploited. At the same time, it is important to recognize that these discourses are never mere instruments in the promotion of the KBE, but always the effect of ambivalent and complex social struggles that are often quite specific to each city. Here I will focus on the most visible policy publications on the two cities and discuss the main discursive similarities and differences.

5.4.1 GROWTH OF THE CREATIVE INDUSTRIES

All policy documents on the creative industries are structured by one founding assumption. This is the assumption that creativity *will become* increasingly important in the emerging KBE. Every single document departs from this starting point; indeed, the current hype surrounding the creative industries is incomprehensible without this assumption, since it is propelled forward by the hope that creativity will save the urban post-industrial economies from their structural downturn (and the anxiety that this might not take place). In that sense, the discourse on the creative industries is very much a language of sorcery used to pacify anxious minds and conjure up cities of affluence.

In Berlin, most of these discourses are produced by actors associated with *Projekt Zukunft* (Project Future), which is a local government initiative “devoted to structural change which lays the foundations for an information and knowledge society”.⁴ In London, most of the policy research has been undertaken by the Greater London Authority (GLA) and it is guided by the same assumption. According to their report *Creativity: London’s Core Business* (2002a), for example, we are dealing here with “a fundamental transformation of London’s economy” (5). As discussed above, urban textures

4 Flyer Projekt Zukunft, *Creative Industries Initiative: Creative Industries Berlin* (2006). Also available online: http://www.berlin.de/SenWiArbFrau/ProjektZukunft/inhalt/pdf/kuwi_flyer_e_2006.pdf (12.08.2007).

are also products of time and utterances such as these clearly represent attempts to fix the temporality of textures: the future — in case we had any doubts — will unavoidably be dominated by information and knowledge. This temporal meta-narrative as such is still relatively weak in the sense that it only sets very broad discursive coordinates in which communication is allowed to take place, but it is substantively specified through the further elaboration on a number of themes.

The first theme deals with the growth of the creative industries and positions the creative industries as the economic avant-garde that will direct us to the future knowledge society. Since the emergence of this new society is unavoidable — due to this being assumed within the meta-narrative — the policy literature needs to represent the growth of the creative industries as a *natural* outcome of current social transformations. Linguistically, this often produces a strategy of “passivization” (Thompson 1994; 66) in which central terms and the processes they refer to are not connected to specific actors, but are instead passively constructed. Thus, according to London’s then Mayor Ken Livingstone, “[w]e are becoming more individual and more discerning. This process requires greater and greater creative content in the goods and services that we buy. Both markets and firms become more diverse and more focused on particular niches” (GLA 2002a, 1). Similar strategies of passivization are at work in Berlin, as the following quote illustrates: “an ever growing part of industrial production and economic value creation is knowledge-based”. This leads the authors to argue that “[t]he number of creatives is consistently growing” (Stadtforum Berlin 2006, 31). These are assumptions, of course, but powerful assumptions nevertheless and the virulence with which they have been promoted within policy circles has certainly contributed to the globalization of the creative industries discourse.⁵

Recently, however, this growth assumption is starting to be questioned more explicitly even within policy circles. Thus, London’s Creative Sector 2007 update takes a much more cautious approach, arguing: 1) that the creative industries declined over the period 2001-2004; 2) that they suffer from elastic demand and are therefore highly volatile to consumer demand and business spending power; and 3) that an important part of the creative industries is dependent on the private sector of finance and business services for its sales (GLA 2007). This leads the GLA to conclude that: “over a sufficiently long period, their [the creative industries] average

5 For other policy publications on London and/or Berlin also referring to the likelihood or even unavoidability of a knowledge-oriented future and the growth of the creative industries, see: GLA (2004a, 73); Häfele, Lehner and Ratzenböck (2005, 3); LDA (2006, 15); Mundelius (2006, 1 and 184).

growth rate may not be higher than the rest of the private sector, but it does show that they are more volatile, and for this reason more vulnerable in periods of general downturn” (28). Ironically, this much more skeptical position is an effect of governmental pressure to come up with ‘evidence-based’ policy (i.e. policy backed up by statistical and quantitative data) in order to prove the importance of the creative industries in the first place. This position has often been criticized for being instrumentalist towards culture and typical of New Labour’s neoliberal politics, but here it seems that the quest for evidence has to an extent turned the discourse of growth against itself. It remains to be seen if this is to have any effect on the larger meta-narrative.

5.4.2 CREATIVE ENTREPRENEURS

A second theme in many ways qualifies the inevitability of growth and the future knowledge society by emphasizing the important role played by creative entrepreneurs in constructing and developing the knowledge economy. There is a clear tension here between the first (emphasizing teleology) and the second theme (emphasizing agency), which is never addressed by the policy literature. For if the knowledge society is unavoidable, why bother to act at all? We might as well sit back and relax. But if we need to act as entrepreneurs, how can one then argue that the knowledge society is our destined future? Clearly, there is a strategy of depoliticization at work here in which local opposition and alternative forms of socialization are ignored in favor of a unidirectional and one-dimensional future (Peck 2005, 751; Gough 2003, 63-64): the current promotion of entrepreneurialism is necessary for the emergence of the knowledge economy to become likely. This promotion takes place in relation to two levels: the individual and the institutional. In relation to the first level, the policy literature is characterized by a constant going back-and-forth between description and prescription. The following quote, taken from the 2005 creative industries report on Berlin, is typical in this regard:

The businesses and people engaged in the cultural sector are not lacking in potential and internationally competitive products; and surely they are not lacking innovative minds either. But financially they are sometimes set up inadequately and they do not have enough business-knowledge. [...] Moreover, there is in almost all subsegments a weakness in relation to international marketing. For these reasons, many small- and medium-sized businesses cannot take sufficient advantage of their growth- and internationalization opportunities. (Projekt Zukunft 2005, 107).

This quote contains both a description of cultural producers in Berlin (they are full of potential and produce internationally competitive products) as well as a prescription offering a rationale for more state intervention (there is a lack of finance, business knowledge and international marketing). It is this lack that inhibits these entrepreneurs to fully exploit their potential. The quote also gives further direction and 'content' to the notion of entrepreneurialism. For one thing, entrepreneurial activities are intimately linked to export-orientation and the internationalization of capital. Having positioned creative entrepreneurs at the forefront of this development, it enables policy documents to discursively add another temporal dynamic, which complements the broader meta-narrative of structural transformation and the emergence of the knowledge society. This is the dynamic of 'the real-time economy' (Hope 2006, 285-288) and involves the assumption that we are currently living in a global marketplace characterized by an economy of speed, global competition and high levels of flexibility and competition. Instead of criticizing this dynamic and pointing towards the socio-historical conditions of its (partial) emergence, the creative industries policy literature intensifies the dynamic by embracing it as a challenge. The 2002 GLA report probably expresses this most succinctly when it states that "[t]iming is the key to modern flexible service delivery; it is what the Creative Industries have to deliver" (GLA 2002a, 35). Not surprisingly, therefore, almost all policy documents identify the problematic access to finance and venture capital as one of the key obstacles to the further growth of the creative industries.⁶

In relation to the institutional level, the policy documents build on the prescriptive dimensions of entrepreneurialism and develop a variety of strategic discourses and technologies that can intervene in and regulate the economic sphere in such a way that the imagined knowledge society can become a reality. Again, there is a constant tension in the policy literature here, since it emphasizes that individualistic creative entrepreneurs with innovative ideas abound, while simultaneously arguing that this is not good enough and that state intervention in order to intensify these entrepreneurial activities is of absolute necessity. This is a clear example, of course, of roll-out neoliberalism as described by Peck and Tickell (2003) during which the earlier phase of dismantlement of Keynesian-welfarist and social-collectivist institutions is stabilized through the construction of neoliberalized state forms and modes of governance dedicated to the promotion of economic entrepreneurialism. These interventions — largely discursive at this stage, but increas-

6 See, for example: Creative London (2003, 27); GLA (2003, 44); Projekt Zukunft (2005, 107); LDA (2006, 45-46); Projekt Zukunft (2006, 2).

ingly implemented in practice — are aimed both at the creative entrepreneurs themselves and at the institutional context in which they operate and from which they emerge. Thus, the policy documents emphasize the importance of providing services to the creative entrepreneurs that can help them to increase their business knowledge. This has been developed furthest in London and the GLA and other governmental institutions highlight the important role played by business skills and knowledge on all levels of development. For example, the Supporting Talent to Enterprise Programme (STEP) — funded by the London Development Agency (LDA) and the European Social Fund — has been developed in order to train “emerging talent” in London in such a way that it leads to “employment and enterprise opportunities” in the creative industries (LDA 2006, 43). The Creative Business Accelerator Programme focuses on fine-tuning creative businesses through awareness events and workshops so that they can gain access to finance and achieve high levels of growth. Also funded by the LDA, it is offered free of charge and operated by the Greater London Enterprise (GLE), an economic development company that is commercially run but owned by the borough councils.⁷ The Creative Capital Fund provides capital investment and business support to entrepreneurs. Managed by AXM Venture Capital Ltd as a matching fund (the fund investment needs to be matched by private investment), the core funding of £5 million has been provided by the LDA and the European Regional Development Fund. And finally, the Cultural Industry Development Agency (CIDA) has a broader remit and deals with the typical UK-hybrid of business support and networking events, promotion of cultural diversity, access to culture, and urban regeneration.⁸ Although many activities focus on communicating ‘practical’ entrepreneurial knowledges and funding opportunities as close as possible to the lifeworld of cultural producers, it is also argued that the shift towards a knowledge economy needs to have consequences for formal educational institutions, such a universities and colleges. To a large extent, this amounts to the argument that educational institutions need to be more attuned to industry-

7 The GLE has a long history. It was set up in 1982 by the Greater London Council (GLC) under the name of the Greater London Enterprise Board in order to counter the loss in manufacturing jobs. After the abolishment of the GLC, the GLE membership was passed to the local boroughs. Thirteen boroughs each invested a long-term, non-interest bearing £100.000 loan in the company. On the basis of this public funding only, the GLE has worked commercially ever since and is an influential voice in the economic development strategies of the boroughs, while remaining outside the framework of public spending controls. See: <http://www.gle.co.uk> (13.08.2007).

8 See: <http://www.cida.co.uk> (13.08.2007).

relevant skills and adapt their curricula to shifts in demand (see GLA 2004a, 92-95). Creative & Cultural Skills — one of the 25 publicly-licensed but industry-led Sector Skills Councils in the UK — has been created precisely for this reason and intimately links skills and education to a boost in productivity and globally competitive creative industries.⁹

Within Berlin, the policy discourses concerning institutional interventions are similar to London, but less advanced. Most of the work so far has concentrated on increasing network opportunities and creating presentation platforms for the creative industries. Sponsored by Projekt Zukunft and the European Regional Development Fund (ERDF), soklingtberlin.de — a database referencing firms in the music industry in Berlin has been developed.¹⁰ The website CreativeCityBerlin replicates many of these data, but aims to offer an information platform on all sectors in the creative industries.¹¹ Projekt Zukunft also supports the development of industry-wide networks. In the meantime, organizations such as the Label Commission — dedicated to intensifying professional exchange between all labels in Berlin — and the Club Commission — an association of club owners oriented towards enabling communication between club owners and functioning as a point of contact to local councils and the Berlin senate — already fulfill to a large extent this envisioned role. The policy documents also point to the need to provide more entrepreneurial support in the form of developing business plans and coaching (Projekt Zukunft 2005, 112; Mundelius 2006, 200), but this has so far largely remained on a discursive level. A similar situation applies to the question of access to finance. The music industry as a whole is funded between 770.000 and 2.9 million euro each year — with the money deriving from the Federal Ministry of Economics and Technology (Projekt Zukunft 2005, 46). In contrast to London, however, there is no clear policy on the development of new financial instruments for the creative sector. But this might be starting to change: in May 2007, a first panel discussion on this topic was organized.¹² Finally, in the Berlin policy documents there is less attention to precise strategies towards formal educational institutions and their role in relation to the creative industries, even though German universities and colleges are undergoing a restructuring of their activities similar to the UK due to the globalization of a competitive education market.

9 See: <http://www.ccskills.org.uk> (13.08.2007).

10 See: <http://www.soklingtberlin.de> (13.08.2007).

11 See: <http://www.creative-city-berlin.de> (13.08.2007).

12 http://www.berlin.de/SenWiArbFrau/ProjektZukunft/themen/kultur/kulturwirtschaftstagung_2007.html (13.08.2007).

After this analysis of the meta-narrative of creative industries policy and the two main themes — the growth of the creative industries and the central role performed by entrepreneurs — it now becomes possible to move on to the more specific patterns in these discourses. It is important to investigate these patterns, since, first of all, they show that the discourse on the creative industries is not homogeneous and, second, they constitute concrete utterances that can be criticized in a detailed manner: an immanent critique that turns the discourse against itself. At least four aspects are important in this regard.¹³

5.4.3 MAPPING AND QUANTITATIVE DATA

First, the policy publications emphasize the important role played by quantitative data, largely by way of example: ‘mapping’ has become one of the most favorite activities within policy circles and the various publications are stock-full with data, graphs, figures and maps — “a policy wonk’s dream”, as Kate Oakley (2006a, 2) aptly puts it. However, these exercises are not only criticized from outside the policy community, but its limitations are increasingly addressed among the ‘policy wonks’ as well, even though much of this criticism tends to remain hidden in footnotes. One of the most important doubts to have emerged over recent years is that statistical analysis might be useful, but that the quantitative data on which one has to rely exclude important information on many of those actors one claims to analyze: the cultural producers. I cannot discuss this problematic of data collection here in much depth, but the following points have raised concerns. For one thing, all statistical research on the creative industries starts from a definition of creativity, but it has turned out to be rather tricky to offer a practicable working definition of this term. Whereas, the 2002 GLA report still defines creativity as the “capacity to produce customised products on a large scale to tight deadlines”, in the 2004 report this has been revised. Creativity is now called “the creative factor” and is understood to involve the “capacity to deliver customised products to tight deadlines from incomplete or abstract specifications” (GLA 2004b, 14-15). This is a productive shift of meaning, since it enables the GLA to include in their statistical analysis not only the creative industries as such and other industries in which creativity might play a role (this was already possible with the 2002 definition), but also to focus more precisely on creativity as a *factor* of

13 Labor would be a fifth aspect that is also addressed in the creative industries policies. This will not be discussed here, but as part of the separate analysis of labor in chapter six.

production. In effect, this enables a decentering of what used to be understood as the future core business of post-industrial cities: the creative industries. Instead, as pointed out in the 2004 GLA report, “what may in the long-term be most notable are the creative industries processes involving innovation and customisation” (16). Creative industries policy, in other words, becomes a discourse in support of general industry restructuration. The policy documents on Berlin are still much more in thrall with the creative industries as such — using the definition to refer to book and newspaper publishing, film and television, art, advertising, music, theater, architecture and heritage, and software and telecommunication (Projekt Zukunft 2005), although it seems that the recent subordination of the creative industries under the ‘cluster communication’ heading (also including information- and communication technologies, postal services and polling and marketing research) involves a similar decentralization.¹⁴ Also, not only has the detailed attention to questions of statistical analysis shown that the creative industries are actually capable of decline (as analyzed in the 2007 GLA report), the research has also discovered the problematic ‘fit’ between the data sources and the actors to which these sources are supposed to refer. Thus, in Berlin the data on the creative industries are extracted from the statistics on turnover tax (*Umsatzsteuer*) and the statistics on employment. The turnover tax statistics, however, only registers those firms with an annual turnover of at least 16,617 euro (Projekt Zukunft 2005, 10), which excludes non-profit cultural activities, publicly funded cultural institutions and a substantial amount of creative entrepreneurs due to their low levels of capitalization. The statistics on employment are based on those employees that are subject to social insurance contributions (*sozialversicherspflichtig Beschäftigte*) and who work at least 15 hours a week or earn at least 400 euro each month. These data are combined with data derived from the Artists’ Social Welfare Fund (*Künstlersozialkasse*) in order to include other employees not registered by the turnover tax statistics and to include the increasing group of self-employed workers (Projekt Zukunft 2005, 10). Although an improvement, these statistics are incapable of registering those workers that are not accepted into the Artists’ Social Welfare Fund as well as the considerable amount of unpaid and voluntary work undertaken within the creative sectors. In London, similar problems apply. The data on employment are more sophisticated than in Berlin, which largely has to do with the complex notion of the creative factor in production adopted by the GLA. In effect, the

14 See “Cluster Kommunikaton: Wirtschaftsdaten Berlin 2000 bis 2005”. Online at: http://www.berlin.de/SenWiArbFrau/ProjektZukunft/inhalt/pdf/Cluster_Kommunikation_Berlin_Kurzfassung.pdf (14.08.2007).

GLA calculates three kinds of workers: 1) employees in the creative industries; 2) self-employed workers in the creative industries (these have been included since the 2004 update and at that time roughly increased total employment estimates by 10 to 20 per cent (GLA 2004b, 3)); and 3) creative workers outside the creative industries. The original source of the data is the Annual Business Inquiry (ABI), which is based on a sample of firms taken from the Interdepartmental Business Register (IDBR), which in turn is compiled from tax records. Firms are obliged to register once they reach a turnover of £61000 (April 2006), although they can and frequently do register with lower levels of turnover.¹⁵ Although these statistics apparently cover 99 per cent of economic activity and 2.1 million out of 4.4 million businesses in the UK, it is likely that the rate of exclusion in the case of the creative industries is much higher than average. The IDBR does not include data on types of activity particularly prevalent within the creative industries: self-employment, firms with low levels of turnover (except those that choose to register) and non-profit organizations. Although on the one hand this underestimates the actual amount of creative employees, at the same time it is likely that the statistics overestimate the economic value of the creative industries by only marginally including organizations with low and no levels of turnover. This bias is only partly compensated by also relying on the data from the Labour Force Survey (LFS; since 2005 the Annual Population Survey), which is employee-based and therefore does include self-employment.

5.4.4 THE AMBIVALENCE OF PUBLIC FUNDING

Second, the policy publications are characterized by an ambivalent position towards the role of public funding for the creative industries. On the one hand and in line with the neoliberal impulse behind the meta-narrative, policy emphasizes that public support is needed *in order to* increase the economic productivity of the creative industries. For example, the London Cultural Capital report might emphasize the value of supporting creativity, but this is done above all out of a fear of losing out in the competitive marketplace: “[t]o keep a competitive edge, London needs to maintain its creative flair and readiness to break new ground. In an area dominated by self-employment and small companies, support structures for small businesses and to nurture new talent needs to be established” (2004a, 18). And in a report on the Berlin borough Pankow, Marco

15 I owe this information to Alan Freeman, supervisory economist at GLA Economics. The registration threshold amount has been taken from National Statistics (2006).

Mundelius clearly operates with this instrumentalist notion of cultural subsidies, when he argues that the goal of public support should be to activate cultural entrepreneurs in such a way that they will be able to help themselves (*Hilfe zur Selbsthilfe*) through the production of market-relevant products (Mundelius 2006, 5-6 and 203). This instrumentalist understanding of culture also shows in the rhetoric on branding cities, which is supported both by the London and Berlin policy documents.¹⁶ On the other hand, there is an acknowledgement that the voluntary and non-profit sectors are important to cultural production and that culture as such — i.e. without linking it directly to economic development — plays an important role in the livability of cities (GLA 2004a, 196; Respect 2003, 19-22), even though most of these comments are scattered throughout the policy papers and subordinated to the larger project of economic innovation. The Berlin case seems to be slightly different in this respect. Maybe because of its relatively high levels of public cultural funding (almost three times as high as London or Paris (Häfele, Lehner and Ratzenböck 2005, 8-9)) — derived to an important extent from the federal government and which the Berlin Senate understandably wants to retain — there is an almost old-fashioned social-democratic emphasis on the value of culture. As the 2005 *Kulturwirtschaft* report describes: “[t]he production of culture, cultural activities and the support of cultural institutions is impossible without public support; in addition, charitable engagement plays an important role” (Projekt Zukunft, 107). Although this certainly does not lead to a disavowal of the economic role of culture, the rationale of the report is described more cautiously and neutrally as focusing on the interrelations between public cultural funding and commercially oriented firms in the creative industries (e.g. 3, 7, 109-110 and, specifically on music, 46-49).

5.4.5 SPATIAL SELECTIVITIES

Third, the strategic selectivity of these discourses also translates into *spatial* selectivities, which ‘on the ground’ create their own problems and tensions. Building on Martin Jones (1997, 1999) and Jessop’s strategic-relational approach (as discussed in chapter two), Brenner (2004) has suggested that state institutions are endowed with distinctive spatial selectivities, which leads them to privilege certain spaces at the expense of others and to channel socio-economic activities into these privileged areas. Necessarily articulated through a range of policy instruments, these spatial selectivities

¹⁶ See, for example: Creative London (2003, 17); GLA (2004a, 17); Stadtforum (2006, 10).

also show up in the creative industries policies on London and Berlin. Most of these spatial selectivities are mediated through the notion of clusters — a term I already discussed in chapter four. Here I will build on this discussion and concentrate in particular on the discursive dimensions of the cluster debate. Not surprisingly, the policy debate surrounding clusters — also called cultural quarters or creative hubs — is strongly driven by a spatial economic logic, as identified by Brenner. Thus, both in London and Berlin creative clusters are seen as “the focus for investment and support” (LDA 2006, 30), a “rationale for investment” (Creative London 2003, 33), a way of “strengthening the strengths” (Mundelius 2006, 201 fn. 185) or as “strategic spaces” on which to concentrate attention and resources (Stadtforum 2006, 10). Whereas in Berlin, this spatial strategy increasingly seems to take on a de facto ‘revanchist’ orientation (Smith 1996) — for example, through the use of highly problematic notions such as ‘spaces of conquest’ (*Eroberungsräume*) (Stadtforum 2006, 36)¹⁷ — in London there is at least a more explicit acknowledgement of the need for a spatial redistribution of creative industries throughout the city and the problems caused by gentrification and displacement.¹⁸ For example, the aim of the GLA seems to be one of achieving equalization and distribution *within* a framework of economic concentration. Ten creative hubs have been identified and in some cases are being developed throughout London (LDA 2006, 30). The assumption underpinning this approach is that every borough can in principle benefit from “having a full range of cultural facilities and identifying what industry clusters, however small, have the potential to grow” (GLA 2002a, 50). Although to an extent this is surely a case of mismatched rescaling — the devolution of responsibilities to local scales without an accompanied increase in resources in order to effectively meet these new responsibilities (Miller 2007, 235-236) — there is funding attached to this devolution and since 2003, more than £50 million has been approved in these areas, around 50 % of which derives from the Creative Industries budget (LDA 2006, 30). There is also a repeated acknowledgement that gentrification might lead to exclusion of existing residents and ideas have been advanced to create “more sustainable property arrangements” (GLA 2004a, 140), but so far these have largely remained paper plans incapable of making any

17 See in particular the next point for a further discussion of this issue.

18 I realize, of course, that there is a substantial amount of discussion taking place in Berlin on the question of gentrification, but these debates tend to take place outside of the main regulatory institutions concerned with the creative industries. See, for example, issue 323 (Oct. 2007) of the *Mieter-echo*, the magazine of the association for tenants: <http://www.bmgev.de/mieterecho/mepdf/me324heft.pdf> (31.01.2008).

structuring impact, which seems directly related to the fact that the GLA lacks the power to implement radical policy shifts due to its reliance on the central state as well as local councils. Despite these 'counter'-utterances, however, there is a strong sense in the policy papers that the meta-narrative of economic development overrules all other concerns. This becomes particularly obvious in those cases where the priorities of economic development and local concerns with livability clash. Intertwined with the development of creative hubs throughout the city of London, for example, is the attempt to designate — through London's Spatial Development Strategy (for which the Mayor of London is officially responsible) — many of the areas in which these hubs are located as Entertainment Management Zones (EMZs). These zones would be partly financed through a 'Business Improvement District' (BID) model in which private sector organizations — funded by a compulsory charge on local property owners — manage the organization of public services in the designated area.¹⁹ The designation of an urban area as EMZ would enable the Mayor to prioritize entertainment activities and discourage "potentially conflicting uses" such as housing, unless "special precautions are taken by those developing such uses to guard against the effects of the problems that might arise" (GLA 2002b, 42). Although couched in a technical language, the rationale for this is purely economic, which becomes clear in the case of Westminster City Council, which tried to limit the growth of late-night entertainment in response to residents' complaints. Although sympathizing with the residents of the area, according to a report on late-night entertainment in London, "the Mayor must make sure that London's World City status is not compromised, and that every effort is made to minimize bad behaviour and the nuisance it can cause, without cutting back what should be an important and valued industry for central London" (GLA 2002b, v). Later on in the report the position is spelled out even more clearly: "[...] if there is major conflict between the Mayor's view and local opinion on a matter that directly concerns the World City, the Mayor's view should prevail" (25). It is striking to see how such a reification of the 'World City' status effectively disarms all local opposition and imposes a 'general line' (Poulantzas 1978) on all lower-scale governmental institutions. Such an objectification — assuming an unavoidable logic to this status, while ignoring its socio-historical constru-

19 Unfortunately there is no space to discuss the literature on Business Improvement Districts and to highlight the problematic implications of this development, such as increased policing, privatization of public space, and the exclusion of homeless people. See: Steel and Symes (2005) and Ward (2007).

ction — is typical and shows up both in the London and the Berlin policy documents.²⁰

Related to this spatial dimension of strategic selectivity is the narrative on affordable or temporary spaces. Both in the Berlin and the London policy documents, there is a repeated acknowledgement of the importance of such spaces for creative entrepreneurs to be able to experiment.²¹ However, whereas in London the concern for these spaces is driven by the awareness that creative producers are constantly in danger of being displaced due to a fully privatized and competitive property market, in Berlin these spaces are seen as potential spatial technologies for economic development. In other words: temporary or affordable spaces in London are seen as an antidote to highly-capitalized businesses and in Berlin as a stepping stone towards these businesses as well as one method of stabilizing urban areas. Thus, the *Strategies for Creative Spaces* report on London mentions that “affordable workspace is caught between the objectives of property-led regeneration (residential and commercial) and the gentrification impacts which ensue, and the demand for start-up and rentals at below market rates” (2006, 22). This is partly, but insufficiently countered by non-commercial studio providers as well as the so-called incubator programs funded by the London Development Agency (LDA). The latter not only offer business advice (as discussed above), but also try to provide access to working spaces below market rates. Berlin has in recent years seen an institutionalization of the much older and established practice of appropriating empty property. The Berlin Senate has become increasingly interested in regulating these practices, since there is the hope that these “interim spaces” (termed *Zwischennutzung* in the German debate) can offer important “developmental impulses” to the larger “transformation process” of Berlin (Stadtforum 2006, 8). Real estate owned by the city (and marketed through its own property agent, the Liegenschaftsfonds Berlin) and private investors, but where it is unlikely that this will be sold or rented out in the medium- to long-term, are now increasingly marketed to cultural and other entrepreneurs at low to running costs (gas, electricity, etc.). Publicly funded mediators such as the *Zwischennutzungsagentur* institutionalize the contact between real estate owners and cultural workers.²² The extent to which, in this process of institutionalization, certain actors are excluded is an important question, but

20 See: GLA (2004a, 76-77); Projekt Zukunft (2005, 9); Stadtforum (2006, 19, 28 and 39).

21 See, for example: Creative London (2003, 18 and 28); GLA (2003, 42 and 44); Respect (2004, 60-61); Projekt Zukunft (2005, 111); LDA (2006, 21-23 and 33); Mundelius (2006, 201); Stadtforum Berlin (2006, 8 and 42).

22 See: <http://www.zwischennutzungsagentur.de> (18.08.2007).

would involve in-depth ethnographic research beyond the scope of this book project.

5.4.6 THE DISCOURSE OF SOCIAL INCLUSION

Fourth, there is a huge gap in the policy literature between the support of the creative industries as a strategy of urban regeneration and social inclusion and the actual role of the creative industries in reproducing and even exacerbating exclusions along the lines of class, race and gender. On the one hand, the policy documents emphasize the important role played by the creative industries in promoting cultural diversity and social inclusion. This is particularly the case in London and the UK where economic competitiveness and social inclusion have been understood as overlapping and mutually reinforcing strategies — after all, New Labour’s ‘third way’ politics was developed on the basis of this assumption (Oakley 2006b). One therefore repeatedly comes across statements that “[c]ultural diversity is at the heart of creativity and innovation” (GLA 2003, 1) and that the “Asian presence within London’s creative industries is a huge asset, with the potential to improve the competitiveness of the sector [...]” (v). At the same time, there is an increasing acknowledgement that the creative industries are actually highly exclusionary — and even more so than the broader economy in which it operates. Although racism and discrimination are never addressed as possible causes for these exclusions²³, the London policy documents do highlight quite explicitly that there is a problem of under-representation in relation to ethnicity as well as gender. Although the participation of Black, Asian and Ethnic Minority (BAME) employees in the creative industries has risen from 11 to 15 per cent between 1995 and 2004, this is still below their participation in the broader London economy (which rose from 15 to 23 per cent). Female participation actually decreased during this period from 42 to 37 per cent, paralleling and intensifying a decrease in the broader workforce from 44 to 43 per cent (GLA 2007, 44-45). The situation in the music industries is even worse: although female employees constitute (in 2003/04) 41 per cent of the total, BAME employees only amount to six per cent (GLA 2007, 54). Keeping in mind that the history and aesthetics of music and contemporary music scenes are unthinkable without the influence and participation of ethnic minorities, this is a depressing score. Reluctant to address causes, the policy documents tend to refrain from clear policy proposals as to how to address this prob-

23 A minor exception would be Respect (2003, 15). Here the phrase “embedded racism and open discrimination” is used once.

lem. Nevertheless, it is identified as a problem, which is more than can be said of the policy work that has been undertaken so far on Berlin. Here, the priority clearly lies with the economic development of the creative industries – the questions of cultural diversity and social inclusion to a large extent remain separated from the policy debate on the creative industries. A pragmatic separation in many ways, it simultaneously highlights the fundamental class politics at work in and through the creative industries. In the 2006 *Stadtforum Berlin* report, for example, Richard Florida's notion of the creative class takes central place in the argument and effectively inherits the hopes which in the early 1990s were invested in Berlin's role as a 'service metropolis' (Krätke 2001). With so much hope invested in one economic strategy, it is not unlikely that a similar disillusionment will take place within the next couple of years. Below the radar of these shallow transformation strategies, however, the class politics of the discourse become obvious in those moments when agency is thematized: who is supposed to deliver these creative dreams? In Berlin, the main answer seems to be to attract as many creative entrepreneurs as possible. This is because Berlin can only develop if it can survive the competition for 'creative heads' (*kreative Köpfe*) (Stadtforum 2006, 39). Following Florida, these creative entrepreneurs are of course highly mobile and always on the lookout for those cities in which they can live their modern lifestyle that appreciates urban diversity, authenticity, identity and tolerance (31). The target audience, therefore, to which Berlin needs to cater is this creative class, which is further differentiated into three groups: the urban middle-class; the urban avant-garde; and "generally older people". The urban middle-class includes "traditionally well-off singles and couples without children", families that have made a conscious decision to live in the city as well as older people who "appreciate the classic bourgeois ambience" (39).²⁴ The urban avant-garde, on the other hand, is much more experimental and radical and interested above all in those urban areas and forms of housing that are incomplete and open to multiple uses. The group of older people is categorized as no longer interested in a quiet retirement, but instead as oriented around a "post-familial and post-occupational life phase". Finally, it is emphasized that there needs to be a clear strategy in order to increase property ownership among these groups (40). Resonating with this imaginary is clearly an ideal of bourgeois creativity, strongly tied to an actor connotated as middle-class, individualistic, cosmopolitan and white. This contradicts the other line of argument — also visible in the report, but subordinated to the more dominant theme of creativity — that Berlin is a

24 The original German is: "Sie schätzen das bürgerliche Ambiente".

city of solidarity (6). Two points speak against this claim. First, the notion of creativity prioritizes those actors that are already structurally advantaged: a particular fraction of the middle-class as analyzed above. Throughout the policy publications, cultural diversity and migration is usually not understood as an integral part of the creative industries. In all fairness, however, it must be acknowledged that the downplaying of ethnicity in public debates is not specific to Berlin, since the reference to ethnicity as part of identity politics and affirmative action is much less central in Germany than it is in the UK. This, however, does tend to obscure actually existing social exclusions (as investigated by various authors. See, for example, Murie and Musterd 2004 or Caglar 2001). A second point speaking against the solidarity claim is the fact that the solidarity propagated is very much in line with a neoliberal logic of activation. Instead of acknowledging the structural inequalities in which actors operate and compensating for this through a politics of transfer, it is argued that such a politics needs to be rejected in favor of a strategy that enables actors to seize their own chances (45-47).

5.5 Variety and the Problem of Retention

For these creative industries policies to have a strategically selective impact on the urban textures produced by music networks (as well as their form and dynamic), they need to be implemented through interventions in the economic and social spheres. Analyzing this necessitates a shift of attention away from the policy debates to the discourses produced by the music networks, while retaining a grasp of the wider determinations operating on these networks. Here it is important, however, to acknowledge that the mere existence of music discourses that do not conform to the logic of the creative industries discourses discussed above is not in itself an indication of the limited structuration by the latter of the former. Authors in the cultural studies tradition often adopt such a position — for example, when celebrating the multiplicity of voices and practices in resisting dominant cultural imaginaries — but this ignores that the regulation of an emergent accumulation regime does not involve the regulation of *all* economic and social activities in order to gain and/or retain dominance. Strategic selectivity does operate on a wide *variety* of discourses, but involves a *selection* of particular discourses for interpreting events and legitimizing actions (as we have seen in the previous section). If successful, this selection can lead to the *retention* of these discourses and their institutionalization in organizational rules, the habitus of actors and the built environment, eventually enrolling these organizations, actors and

buildings into broader accumulation regimes and state strategies (Jessop 2004c).

These strategies, in many ways, acknowledge the path-dependency of socio-spatial development and the unavoidability of a “layering process” (Brenner 2004, 107), in which state strategies need to be articulated with older social-spatial structures. This means that strategies will often focus on promoting those older and well-established regulatory techniques that enable the reproduction of the capital relation, while simultaneously attempting to realign these with the emergent meta-narrative of the KBE. Considering that the previous dynamic of accumulation and regulation will have partly generated the characteristic texture of the social fabric (Maderthaner and Musner 2002, 874), it is to be expected that social actors — or, more precisely, the social structures into which actors are born and in which they are socialized — are ‘pre-formed’ in ways that enables the reproduction of the value and political form.²⁵ Actors and their everyday lifeworld, in other words, are already ‘statized’ and ‘economized’ before the regulatory state even undertakes specific interventions. This is true at least on the most abstract level i.e. in relation to the systemic features of capitalism: wage labor, private ownership of the means of production, commodity exchange and competition. These systemic dimensions underpin all capitalist social formations and as such need to be understood as a *longue durée* temporality. Lower levels of abstraction introduce more concrete and substantive historical and sociological structures and processes and thus focus on medium-term and short-term time scales (Brenner 2004, 17-23). It is important to emphasize these multiple temporalities, since the discourse on the KBE is not a fully new occurrence, but needs to be related to the underlying nature of capitalist social formations.²⁶ In the context of the creative industries (including music networks), the following features central to the reproduction of the capital relation have gained a certain stability over a longer period of time — although not necessarily a *longue durée* temporality, they do pre-date the current post-Fordist era — and are currently re-articulated to fit new requirements. As one can observe, however, this re-articulation is a highly contested process.

25 To an extent, we are full circle here: from structural selectivity to strategic selectivity to structural selectivity, but the structural dimension has now ‘incorporated’ the accumulated effect of earlier strategic decisions.

26 This doesn’t necessarily relativize the regulation theoretical concern with different eras of capitalism, but merely emphasizes the underlying unity underpinning these eras.

5.5.1 INTELLECTUAL PROPERTY

First, intellectual property has for a long time played and still plays an important role in extracting value from music. As many authors have shown, copyright law — based on an understanding of a cultural object belonging to an individual author — has been central to the ownership of cultural commodities since the nineteenth century. The role of copyright law is to regulate a core ‘problem’ of public goods, namely its non-excludability and non-rivalry. Cultural commodities tend to act like public goods, since the act of consuming them does not decrease their value nor does it prevent consumption by other consumers (in contrast to food, for example). Copyright law responds to this problem by limiting the right to copy, thereby creating artificial scarcity (Hesmondhalgh 2002, 58) and, in effect, transforming public into private goods. Considering that one of the major objectives of creative industries policies is the continuation of capital accumulation, it is not surprising that these policy discourses emphasize the importance of intellectual property to creativity, even though this dimension is re-articulated in relation to the meta-narrative of the KBE. Thus, in a folder on the Berlin music industry, Peter Zombik, the director of the German federation of the phonographic industry, strongly argues for the prosecution of users of file sharing networks and ‘music piracy’ in general: “[i]n order to maintain the functional capability of the market, private duplications once again need to become a matter of exception” (Projekt Zukunft 2006, 6). The London policy documents adopt a similar line (e.g. Creative London 2003, 28), although it is simultaneously recognized that intellectual property is only relevant to those sectors “where origination feeds into a mass market in dissemination” and not to those based on “very short runs of product” (GLA 2004b, 15). In London, these discourses are institutionally implemented through an organization such as Own It, an ‘intellectual property advice service’ supported by the London Development Agency (LDA) and offering free advice on exploiting intellectual property through seminars, workshops and online information.²⁷ In Berlin, Projekt Zukunft has organized the conference Music Online Basics and published work on their website addressing this topic (Projekt Zukunft 2005 and 2006). As a local group of the nationally organized VUT (association for independent record companies, publishers and producers), the Label Commission is also involved in the organization of roundtables on questions of copyright and licensing among its members.²⁸

27 See: <http://www.own-it.org> (27.08.2007).

28 See: <http://labcom-berlin.net> (27.08.2007).

In many ways, these policy initiatives can be read as part of a discourse of crisis (Hay 1999), since they have emerged precisely at that moment in time in which capital accumulation through intellectual exploitation has become highly problematic and insecure due to processes associated with digitization (e.g. 'illegal' file sharing or sampling — see below). It needs to be recognized, however, that these policy initiatives do resonate with interests of actors within the various music networks. Many are interested in some form of intellectual property, since this is seen as virtually the only route to making a living with music. This is particularly the case for record label owners and distributors, since copyright, licensing and, in a wider sense, privatization are necessary for the financial sustainability of their business.

At the same time, the discourse on intellectual property remains a highly contested field and there are strong alternative narratives and practices produced by these music networks involving a much more open and public conception of music production, circulation and consumption. To a large extent, alternatives are developed through simply ignoring and avoiding copyright regimes. On a musical level, this involves the often-discussed practice of sampling (Bradby 1993; Schumacher 1995; Demers 2003), which is central to the sociality and historicity of many popular music genres, but problematic from the perspective of copyright law obsessed with attributing *individual* ownership to particular cultural commodities. A more recent phenomenon building on this tradition of sampling is the hybrid genre of mashups (or bastard pop), which combines samples of one piece of music with that of one or more other tracks from different genres in order to create something new (McLeod 2005). Although the genre gained its greatest popularity among an indierock and pop R&B audience in the early 2000s — producing hybrids such as The Freelance Hellraiser's "A Stroke of Genius" (combining the pop R&B of Christina Aguilera with the indierock of The Strokes) or Go Home Productions' "Ray of Gob" (mixing together Madonna and the Sex Pistols) — the widespread adoption of this technique would have been unthinkable without the broader shift towards a digitization of music (audio software as well as internet distribution). Genealogically, the genre can be interpreted as a further development of John Oswald's experimental compositions (termed 'plunderphonics' by Oswald²⁹) and the more explicitly politi-

29 Please note that Oswald's original use of the term plunderphonics referred to a composition based on sounds taken from the work of one single artist and nothing else. In later work, such as his album *Plexure*, which is based on around thousand short samples of various pieces of popular music, Oswald 'violates' his own definition, but the term plunderphonics is now

cal collage work by Negativland. The latter have always argued that their activities and the appropriation of music by other artists should fall under the fair use clause, which (in US copyright law) allows the limited use of copyrighted material without requiring the permission from the rights holders.³⁰ In Berlin and London, events such as Mash-Up Your Bootz (U5 Club), M.A.S.H. Up! (Mudd Club), Bastard (Asylum) and Uber (93 Feet East) present or have presented this music to a wider club audience.

Of more lasting importance, in my view, than these discussions concerning sampling and briefly fashionable genres is the broader fact that many actors operate outside centrally organized intellectual property regimes altogether. This applies, of course, to those artists that only perform in private contexts and limit the distribution of their music to friends and acquaintances, but it also includes those involved in the production and (free as well as commercial) distribution of mixtapes and white labels. Mixtapes (originally cassettes, but now usually CDs or MP3 playlists available online) contain a compilation of tracks, often mixed together by one artist. Not only does this enable DJs to show off their mixing skills, it is also a useful medium of connoisseurship: through the conscious selection of tracks and the juxtaposition of these tracks in a new order, an artistic signature is created. White labels are 12"-inch vinyl records with plain white label stickers that are used by DJs to test audience response in clubs before the official release. They are also used as promotional tools and sent to radio DJs and journalists in order to create a small hype surrounding the music. Both white labels and mixtapes often rely on tracks by other artists (as part of a mix and/or remixed) without having obtained legal permission, which makes these media officially illegal. Nevertheless, they can easily be bought or downloaded online and purchased at specialist record stores. Websites are too numerous to mention in any comprehensive sense, but can be oriented towards the global (such as Dogs on Acid or the Discogs forum), the national (such as the Future Music forum for Germany or the Drum & Bass Arena for the UK) or the regional and urban scale (such as Keepitrollin.de for Berlin or London Drum & Bass).³¹ Most are focused on one genre or

used in a much more encompassing sense to refer to music that is largely or completely based on samples.

30 See, for example, their book and CD *Fair Use: The Story of the Letter U and the Numeral 2* (Seeland 1995).

31 See: <http://www.dogsonacid.com>; <http://www.discogs.com>; <http://www.future-music.net>; <http://www.breakbeat.co.uk>; <http://www.keepitrollin.de>; <http://www.londondnb.com> (all last checked on 29.08.2007). Please note that the increasing role of internet distribution has made this distinction

closely related genres, such as drum and bass, breakbeat and jungle. The websites just mentioned focus on these types of music, but other genres actively represented with DJ mixes include dubstep, grime, house, trance, ambient, acid and techno. Stores such as Rotation Records or Hard Wax in Berlin and BM Soho or Phonica in London also sell white labels.

Those actors that explicitly engage with questions of intellectual property often exhibit a more politically reflexive understanding towards this issue. Two main lines of debate and practice (not mutually exclusive and often overlapping) have emerged over the last decade. First, actors have been enrolled in networks oriented towards the production of free or open source culture.³² Activities so far have focused on: the development and use of open source software; the adoption of non-commercial licenses; and (to a minimal extent) the construction of open source hardware. These practices highlight the need for any critical theory to pay analytical attention to the materiality and 'objectness' of the social. Although Marxist theory (including the regulation approach) has always claimed for itself first place as *the materialist* theory, its reduction of objects to its function as commodities has tendentially led to a move away from the material dimensions of the social towards a non-materialist and even idealist form of theorizing (Pels, Hetherington and Vandenberghe 2002).³³ Its capacity to grasp the ways in which technological cultures are oriented towards, what Latour calls, ob-

between mixtapes and white labels rather diffuse and these formats now increasingly overlap with other formats such as podcasts or online radio.

- 32 I am aware of the difference between 'free' and 'open source' in the context of new information and communication technologies. As Stallman (who is, of course, on the side of 'free' i.e. GNU) put it in one of his writings, "[o]pen source is a development methodology; free software is a social movement". See: <http://www.gnu.org/philosophy/open-source-misses-the-point.html> (29.08.2007). For the purpose of the analysis presented in this chapter, however, this distinction is less important. I will therefore use 'free' and 'open source' as equivalents.
- 33 See, for example, Kirsch and Mitchell (2004). Although they offer a useful critique of actor-network theory (ANT), in developing their own position they fall back onto a Marxist discussion of 'dead labor' and the commodification of social life. The last thing I want to do is to argue against the important role played by commodification in social life — my analysis of the value form, of intellectual property (see above), the appearance of free choice as well as the institutionalization of capitalist relations in the built environment (see below) hopefully makes this clear. At the same time, in limiting their discussion of the materiality and objectness of the social to a discussion of dead labor, they dramatically impoverish their language and are therefore incapable of analyzing those object-centered actions not or only partially characterized by commodification.

jects as “matters of concern” (2004) is therefore very limited. Besides continuing the analysis of commodification processes, we also need to understand objects as channeling the “collective performativity of practices” (Mackenzie 2005, 77) that goes beyond their mere economization. As Adrian Mackenzie argues in his analysis of the free operating system Linux: “[...] Linux quite literally co-ordinates the circulation of specific social actions pertaining to information and communication networks. At the same time, co-ordinated actions centred on Linux constantly modulate it as an object in self-referential ways” (77). This is what we see happening within open source music networks in an analogous manner. Quite a number of actors, for example, program and use open source audio software. The basic assumption underlying open source software is that the source code is publicly available under a license that permits users to freely use, modify and distribute the software.³⁴ To take one example, a real-time programming environment such as PD (Pure Data) — based on the Max programming language and used for the creation of digital audio as well as audio/video projects — was originally developed by Miler Puckette, but is conceived as free software and is constantly extended by many other artists and developers. Similar to Linux, therefore, PD as a software object concentrates social action and acts as a matter of concern. For the purpose of the current analysis, the technical details of PD are less important than its social implications. Whereas copyright can be seen as a strategy of privatization through the control of objects, here we have a clear example of an object generating open communication textures through programming practices.³⁵ The resulting representative discourses, in many ways, challenge the language of individual achievement particularly prevalent within pro-copyright and creative industries policy circles: artists/developers constantly highlight the importance of PD as a ‘community effort’ and as collaborative work. Also important are the actual practices spawned by the existence of PD. Workshops focused on learning, collaboration and experimentation are regularly organized across the world. In London, this has been undertaken by networks such as GOTO10 and OpenLab. In Berlin, workshops on PD have been organized by xxxxx. Also, in 2007 the Technische Universität hosted the 5th

34 Although it is still possible and allowed to make money from open source, this takes place through service revenue streams (e.g. packaging of software or customer support) rather than license revenue streams.

35 Ideally, of course, for in reality, these networks are still shot through with exclusions along the lines of gender and race. Also, the complexity of programming problematizes access to these networks. Nevertheless, in contrast to intellectual property, the intentionality behind these practices is one of opening up and not closing down communication flows.

International Linux Audio Conference, which included presentations on PD as well as other software.³⁶ Even on the level of actual programming, the social concerns structure practices. The aversion towards proprietary software has led programmers to emphasize PD as an open development model centered on the notion of extendibility: while the core of PD remains relatively stable, it is infinitely extendable by so-called abstractions, external objects or GUI (graphic user interface) enhancements.³⁷ Finally, PD is merely one of many free or open source software packages available. There are other programming languages (Csound or SuperCollider) as well as audio recorders/editors (such as Audacity or the more extensive Ardour), drum machines (Hydrogen), DJ mixing tools (Mixxxx), radio broadcasting (Campware) and other more specific software applications. Naturally, these are only a few examples and the rapidity of technological change will mean that software titles will disappear, whereas others will be developed in the near future.

The adoption of non-commercial licenses by those involved in music networks has been another important route towards the development of music textures more open to contemporary practices of exchange. Netlabels such as After Dinner, 4Four, Electronical or Essential Reload in London and Pentagonik, Pulsar Records, Yuki Yaki or Minlove in Berlin as well as hundreds of other netlabels worldwide release their music online on a non-commercial basis, often through the licensing scheme of Creative Commons (CC).³⁸ Festivals such as the Netaudio '06 in London and Netaudio Festival Berlin in 2007 bring together netlabel owners and artists, while simultaneously promoting their music to a wider audience.³⁹ It is striking, however, that the vast majority of netlabels operates with a CC license which — when it comes to the ‘openness’ of sound — falls back behind the achievements of mashups, mixtapes, white labels and most open source software. This is because the particular CC license adopted — captured with the phrase “Attribution-

36 See, for more information: <http://www.pawfal.org/openlab>; <http://goto10.org>; <http://www.metamute.org/en/Give-It-All-Zero-For-Rules>; http://1010.co.uk/xxxxx_research_institute.html; <http://www.kgw.tu-berlin.de/~lac2007/index.shtml> (30.08.2007).

37 See the PD community site for more info: <http://www.puredata.org> (30.08.2007).

38 See: <http://after-dinner.net>; <http://netlabel.4four.org>; <http://electronical.org>; <http://www.essentialreload.co.uk>; <http://www.pentagonik.de>; <http://www.pulsar-records.de>; <http://www.yukiyaki.org>; <http://www.minlove.net>. The Numia Netlabel Yellowpages (<http://numia.scene.org>) list a total of 450 labels, but this is still incomplete (30.08.2007).

39 See: <http://www.netaudiolondon.cc> and <http://www.netaudioberlin.de> (30.08.2007).

NonCommercial-NoDerivs"⁴⁰ — promotes the non-commercial use and distribution of the music, but does not allow subsequent actors to sample or remix this music. It is not quite clear why most netlabels have selected such a conservative option (since more permissive CC licenses are available⁴¹), but it seems related to the continuing importance of a nineteenth-century notion of authorship that sees art as subjective expression. As we now know, this notion was intimately related to the institutionalization of copyright mechanisms that bestow to legal individuals the right to own and commodify cultural objects (Woodmansee 1994; Rose 1995; Marshall 2005). Even though this romantic notion of authorship is less relevant today, its long-established institutional mechanisms of ownership still permeate the contemporary social texture, even in those situations where restricted copyright laws do not play a role at all.

Finally, a third route oriented towards the production of free culture is the building of open source hardware. In the context of electronic music, this is certainly less developed than the first two routes, but of potential importance due to the technology-focus of many electronic music strands. In theory, the procedure is similar to the one adopted by open source software developers, but in practice there are some differences due to the specificities of hardware. Above all, there is a clearer distinction between 'documentation' and 'products' with the latter referring to the hardware and the first to instruction details such as circuit board layouts, mechanical drawings, diagrams and descriptive text.⁴² Whereas open source software is in principle free (all one needs to invest is time) and fully within the digital realm, the components comprising the 'product'-section of open source hardware still need to be bought. Also, it is unlikely that each single component used will be open source due to the complexity of contemporary communication technologies, although work is being done on the design of open source CPUs (e.g. Freedom CPU or OpenSparc), graphic cards (Open Graphics Project) and complete computers (e.g. Simputer, OpenBook or ECB AT91). As Philip Torrone from *Make Magazine* points out, open source hard-

40 See: <http://creativecommons.org/licenses/by-nc-nd/3.0> (30.08.2007).

41 The only netlabel I came across that did adopt a more permissive stance was After Dinner, which operates with an "Attribution-NonCommercial-ShareAlike" license that enables the altering of open source pieces.

42 My distinction between products and documentation is derived from the TAPR Licenses. TAPR is a US organization supporting radio amateurs and radio art, but has recently developed a TAPR Open Hardware License (<http://www.tapr.org/OHL>) as well as a TAPR Noncommercial Hardware License (<http://www.tapr.org/NCL>) (30.08.2007) that can be adopted by the broader hardware developing community.

ware can be divided up into layers and each of these layers raises its own licensing concerns. These layers include the mentioned instruction details, a list of parts, the source code running on the microprocessor chip and the application programming interface (API — the source code that communicates with the electronics from a computer). In most cases, only some of these layers will be fully open source.⁴³ Open source audio hardware has been developed in a number of directions and one can now buy or construct open source MP3 players (Minty MP3, Daisy MP3, Sakura MP3, DSPdap), turntables that link up with Pure Data (Homemade MIDI Turntable), an open source reproduction of the Roland TB-303 synthesizer with built-in sequencer (x0xb0x) as well as an open source radio transmitter (OpenFM).⁴⁴ The concern among these developers with flexibility and extendibility of their hardware mirrors the interests expressed by open source software developers. At the same time, their experimental crafts-oriented focus overlaps with the underground tradition of circuit bending (involving the short-circuiting of low-voltage electronic audio devices) (van Heur 2005) and can be seen as part of a longer history of experimentation with media infrastructures, going all the way back to radio amateurs in the 1920s and 1930s (Haring 2007). In Berlin, open source instruments were discussed and performed at the mentioned Linux audio conference by the Spanish collective Recursive Dog, but other actors are of course also involved in the production of their own hardware, although not directly under the heading of 'open source hardware' (see, for example, Robert Henke's Monodeck I and II⁴⁵). In London, a company such as Tinker.it organizes workshops on Arduino (a popular open source computing platform). Once again, others are involved in the building of hardware, but not directly (or not yet) linked explicitly to the open source label.

Next to these practices oriented towards the development of open source culture, a second more 'liberal' line of debate and practice does not so much advocate free culture, but aims for the development of alternative licensing models that reject outdated forms of copyright and licensing, but which still enable the payment of rights holders. The discourses here tend to cluster around glob-

43 See: http://www.makezine.com/blog/archive/2007/04/open_source_hardware_what.html (30.08.2007).

44 See: <http://www.ladyada.net/make/minty/index.html>; http://www.teuthis.com/html/daisy_mp3.html; http://www.teuthis.com/html/mmc_mp3.html; <http://dspdap.sourceforge.net>; <http://casainho.net/tiki-index.php?page=Homemade+MIDI+turntable>; <http://www.ladyada.net/make/x0xb0x/index.html>; http://openfm.adaptedconsulting.com/index.php/Main_Page (30.08.2007).

45 <http://www.monolake.de/monodeck> (30.08.2007).

ally relevant themes as well as those that are partly specific to the countries (and the associated legal regimes) in which they take place. In Berlin, the monthly electronic music magazine *De:Bug* is an important source for journalistic information on copyright questions and articles as well as the blog posts are regularly devoted to open source culture, digital rights management and alternative licensing models. Contrary to the dominant policy position on copyright (see the Peter Zombik quote above), *De:Bug* has always been highly critical towards the criminalization of file sharing and the prosecution of its users, knowing very well that many of its readers belong to this group, while also being aware of the central role played by digitization processes in developing and transforming electronic music scenes, genres and aesthetics. Although digital rights management (DRM) — involving the use of technologies limiting access to the cultural object (such as encryption algorithms enabling the use on a limited amount of players or restricting the amount of possible copies) — occasionally received cautiously positive assessments⁴⁶, the general line has been one of critique. The reason for this is that DRM is seen to obstruct the free transmission of music from one medium to another (i.e. from record to hard disk or from hard disk to mp3 player and CD), a practice central to contemporary music cultures.⁴⁷ At the same time, many of the contributing writers as well as readers do try to make a living from music and it is not surprising therefore that the magazine does not simply (or not only) advocate free culture, but also tries to think through the possibility of alternative licensing models. *De:Bug*, in other words, walks a thin line between opening up and closing down communication networks, which can largely be explained with reference to its structural position within these networks. Their position towards the GEMA (the German association for musicians' rights that collects licensing fees for music performance as well as reproduction) reflects this ambivalence. As Thaddeus Herrmann and Sascha Kösch succinctly put it: “the GEMA: in principle, a good

46 See: Bunz, “Am Rande der Lizenzierung / Filesharing zwischen DRM & Pauschale”, in: *De:Bug* 83, June 2004, 27; Herrmann and Kösch, “GEMA vs. IFPI / Musik soll sich wieder lohnen”, in: *De:Bug* 83, June 2004, 28.

47 See some of the blog posts by Bleed that support the 2007 move away from DRM solutions among major music industry players: <http://www.de-bug.de/blog/archives/drm-frei-im-preiskampf.html>; <http://www.de-bug.de/blog/archives/internetradio-bald-nur-noch-fur-windows.html>; <http://www.de-bug.de/blog/archives/drm-frei-apple-und-emi.html>; <http://www.de-bug.de/blog/archives/drm-frei-yahoos-weihnachtsversprechen.html>; <http://www.de-bug.de/blog/archives/steve-jobs-fordert-das-ende-von-drm.html>; <http://www.de-bug.de/blog/archives/emusic-startet-in-europa.html> (31.08.2007).

thing"⁴⁸. This does not, however, lead *De:Bug* to abstain from criticism and the problems identified are wide-ranging. The GEMA is seen as overly bureaucratic and as operating with an allocation formula that privileges the few well-known at the expense of the majority of small artists. It is also argued that it operates with an unrealistic notion of the internet: instead of acknowledging that the internet is an interlinked and fundamentally relational form, the GEMA pretends that "the net is a chain of firms that need to be held liable for breaching copyright law"⁴⁹. Thus, it concentrates itself on prosecuting downloading sites, while simultaneously developing licenses for emerging technologies, such as podcasting, online radio and — somewhat obscurely — the presentation of one's own tracks on a personal website.⁵⁰ Bleed, in contrast, argues that the GEMA should consider copyright royalties on flatrate internet-connections. This still wouldn't solve the problematic allocation formula, but it would make superfluous the registration and control of thousands of sites and software solutions by focusing on the internet providers (a much smaller amount) based in Germany.⁵¹ Although not mentioned by Bleed, such a shift in licensing practices would also make the copyright regime more public, since the impossibility of comprehensive registration (unless one opts for forms of control close to DRM, which raises highly problematic data protection and privacy issues) will necessitate the implementation of allocation formula that would either distribute the collected fees among all members of the GEMA or between different genres or categories of music. Important for the theoretical context of this book is that these examples show the need for Marxist theory and the regulation approach to engage with questions of intellectual property and copyright regimes on this level of concreteness, since a mere identification of copyright

48 Herrmann and Kösch, "GEMA vs. IFPI / Musik soll sich wieder lohnen", in: *De:Bug* 83, June 2004, 28.

49 See: <http://www.de-bug.de/blog/archives/tips-an-die-gema.html> (31.08.2007). The extent to which such a notion is unrealistic becomes clear the moment one takes a look at the actual flow of music on the internet. For example: an MP3-file can be stored on a blog, but through an RSS-feed a user can have this file automatically downloaded to his personal computer. Or: online radio stations such as Last.fm (accepting for the moment that this is a radio station) combine streaming music with music that can also be downloaded. One's personal profile at Last.fm can be linked to and automatically updated on other sites, such as the social networking site Facebook or on other websites.

50 See: <https://lizenzshop.gema.de/lipo/portal> (31.08.2007).

51 See: <http://www.de-bug.de/blog/archives/tips-an-die-gema.html> (31.08.2007). There are similarities here with "culture flatrate" proposed by others, although differences are articulated as well. See: <http://www.de-bug.de/blog/archives/kulturflatrate-revisited.html> (31.08.2007).

as central to the reproduction of a capitalist economy is not enough. As this second 'liberal' line of debate shows, the current moment of crisis also opens up opportunities for shifting the logic of copyright *within* the system of copyright.

In London and the UK, there is no music magazine similar to *De:Bug* that addresses these questions in any depth. Although *Mute Magazine* reflects on intellectual property on a regular basis, it is only marginally connected to the analyzed music networks.⁵² Discussion was generated, however, on a variety of websites and online forums concerning the implementation of the Digital DJ License. Developed by the Phonographic Performance Limited (PPL), a music industry organization involved in collecting airplay (incl. internet) and public performance royalties, the license 'allows' DJs to perform digital copies of tracks they might have legally bought as record, CD or download. Similar to the logic of the GEMA, a distinction is made between the media technologies on which the music is stored, enabling exploitation on a number of points in the creative process. In addition to the license fees already paid (by the venue) to be able to play recorded music in a public setting, an additional fee must now be paid by those DJs performing with a laptop or MP3 player. Even though it seems rather unlikely that this new license can be legally enforced, it generated discussion on a wide variety of websites with virtually all commentators expressing dismay at the implementation of this license.⁵³

5.5.2 FREE CHOICE AND COMMODIFICATION

Second, the appearance of 'free choice' in consumption is central to liberal capitalism (Jessop and Sum 2006, 260), only to have been propagated more strongly with the current discourse on the KBE. Knowledge-based modes of production are embraced as the central route towards a future that reproduces the well-established belief in the formally free individual consumer in the marketplace. At the same time, it is further accentuated through the promotion of export-oriented production and a globally integrated economy.

In the case of the music networks under discussion, the central role played by monetary exchange relationships is hard to avoid, even on the basis of a cursory browsing of journalistic media such

52 See: <http://www.metamute.org> (31.08.2007).

53 See: <http://news.bbc.co.uk/1/hi/entertainment/4609378.stm>; <http://arstechnica.com/news.ars/post/20060116-5990.html>; <http://greatbearmd.livejournal.com/110625.html?#cutid1>; <http://www.pledgebank.com/djlicense>. For more information on the Digital DJ License, see the PPL website (<http://www.ppluk.com>) and the Digital DJ License website: http://www.digitaldj.co.uk/paris/digitaldj_licence_popup.asp (31.08.2007).

as music magazines. Besides the obvious fact that electronic music producers (in the broad sense, i.e. musicians, but also record labels or distributors etc.) are central nodes in global commodity networks, these magazines communicate their commodities to a local, regional and global audience — in that respect, there is no difference between major conglomerates and so-called independents. Similar to other commercial publications, advertising revenues are next to subscription revenues an important source of income and music magazines in Berlin and London are therefore filled with adverts. Browsing through magazines such as *De:Bug*, *Groove*, *The Wire*, *ATM Magazine*, *DJ Mag*, *Knowledge Magazine* or *Straight No Chaser*, it becomes clear that around twenty to forty per cent of the contents are advertisements — related to music (music labels, events, record shops, distributors, technology) as well as the intended lifestyle (clothing, mobile phones and other gadgets). The differences between music magazines largely have to do with the selection of certain advertisers at the expense of others and not the acceptance or rejection of advertising as such.⁵⁴ Exceptions are explicitly non-commercial magazines such as *The Sound Projector* or online magazines such as *The Milk Factory*, in which advertisements are minimal or non-existent, but these are not as influential as the commercial magazines and (although certainly important for some) play quite a marginal role within the broader music textures of London and Berlin.

Besides actual advertisements, a second dimension of commodification becomes visible within the actual journalistic content: reviews of new music releases and music technology. A substantial part of all music magazines is devoted to reviewing the latest record releases; indeed, it could be argued that music networks are to a large extent unthinkable without this promotion and circulation of records (e.g. Straw 2002). If anything, these record reviews illustrate the by now inseparable intertwinement of aesthetics and commodification: although the discourse used is regulated by normative aesthetic conventions, reviews simultaneously — and through the use of aesthetic discourses — invoke the reader to buy the record. The review of new music software and hardware exhibits a similar intertwinement and, as Paul Théberge has argued, has led musicians to increasingly become “consumers of technology”, aligning

54 Thus, *De:Bug* not only presents music-related advertisements, but also advertisements by clothing companies such as Carhartt, G-Star or Onitsuka Tiger, cigarette producers such as Gauloises or mobile phones from Sony Ericsson. *The Wire*, in contrast, focuses almost exclusively on music in their advertising. In both magazines, approximately twenty per cent is occupied by advertisements. This is much lower than the more ‘mainstream’ *DJ Mag*, which uses around forty per cent of its space for adverts.

“their musical practices with a kind of behavior akin to a type of consumer practice” (1997, 6). Wolfgang Fritz Haug has coined the term “commodity aesthetics” to describe this process of integrating aesthetics into the production, distribution and marketing of commodities (1986).

These processes of commodification, it must be added, are by no means merely regressive. On the contrary, it could be argued that the shift towards global forms of production has created opportunities for the development of a truly cosmopolitan culture that is no longer limited by local and national loyalties (Robotham 2005, 16). This is not a popular argument within many strands of leftist academic theory — bearing, as it does, too many similarities to liberal and even modernization analyses of global change — but the fact remains that contemporary individuality is constituted by a global sociality that has vastly expanded the range of experiences, practices and discourses available. The comment by Marx and Engels in the *Communist Manifesto* concerning the ways in which the bourgeoisie has “rescued a considerable part of the population from the idiocy of rural life” while subjecting the countryside to the rule of the cities resonates — in all its ambivalence — with this argument.⁵⁵

5.5.3 BUILT ENVIRONMENT

Third and more directly related to the urban is the regulation of capital accumulation through the built environment. Buildings such as bars and clubs are regulated through a variety of laws and controls, which potentially enrolls the built environment into the broader accumulation regime and state strategies associated with the KBE. In the previous chapter, I argued that the promotion of creative clusters is driven by this concern, but the regulation of the built environment also has consequences for the communicative textures of London and Berlin produced partly by the music networks.

It is on this level of analysis that actor-network theory (ANT) is very helpful, since it shows how the production and experience of music is a relational phenomenon: there is no such thing as an autonomous musical ‘text’ or an independent actor; both need to be seen as embedded within and a partial effect of various socio-technical networks. Changing one node within such a network will

55 See: Marx and Engels (2002, 224). Please note, however, that there is a problem of translation. ‘Idiocy’ in the original 19th-century German (*Idiotismus*) not only had the current meaning, it also referred to a specific idiom as well as the original Greek word *idiotes* — a private person withdrawn from public life and isolated from the larger community.

have implications for and change (at least to an extent) other nodes. The concept of enrolment as developed by ANT (e.g. Callon 1986) captures this dynamic, referring as it does to the incremental coordination and alignment of (previously) separate entities with an emerging mode of regulation. Applying this heuristic concept to regulatory strategies of the local state, it becomes possible to analyze the regulation of buildings such as clubs, bars or galleries not as a neutral process, but instead as a highly political one in which these entities are aligned with the requirements of the emergent KBE.

This process of enrolment is particularly visible in the case of venues in Berlin, which is not surprising considering that Berlin has undergone dramatic socio-spatial change and a 're-introduction' of state regulation in the eastern parts of the city (such as Mitte or Prenzlauer Berg) since the fall of the wall. Many interviewees referred to (and perhaps idealized) this golden era of the early nineties in which everything was possible and where one could temporarily occupy a building and organize an event without permission from property owners or the local state. The increased regulation during the 1990s and continuing into the present is seen to revolve around two interrelated aspects: security and safety considerations and the shift from illegal to legal venues.

In relation to the first aspect, concern was expressed that the security and safety controls by local state institutions makes the continued reproduction of non-commercial and small-scale events difficult, since complying with these rules involves substantial financial investment. As Till Harter, owner of the 103 Club, acknowledged: "clubs naturally have to fulfill the security requirements like escape routes, fire control, fire alarm system, ventilation system, and smoke extractor, since no politician [...] wants to assume responsibility in case something happens. The requirements that stem from these security concerns are of course high and small club owners often cannot afford this" (interview, 26.01.2007). These (often understandable) security issues are not directly related to the regulation of capitalist social relations, but the financial costs that accompany its implementation do pressurize venue owners to increase income in order to recoup these costs. Also, there is a sense in which this institutional bias against non-regulated venues is further intensified by the (at least partially) adversarial relation between legal and illegal venues. Even though most venue owners acknowledged the value of informal and non-commercial initiatives that often take place in illegal venues, they simultaneously emphasized the need to legalize and regulate these venues, since simply condoning their further existence would involve a distortion of com-

petition. Olaf Kretschmar, press speaker for the Club Commission and owner of the Oxymoron club, expressed this most succinctly:

Having something like 50 or 100 people, that should be possible somehow. It isn't funny, however, to have an illegal club with 800 people inside. 800 people without an emergency exit is simply shit. That isn't funny anymore. It is also serious distortion of competition, since they don't pay taxes, no GEMA etc. – that makes no sense (*das ist halt Käse*). [...] The politics of the Club Commission is that these locations obtain a concession, that they try to do so, that these people register with the GEMA. (interview, 12.05.2007)

Such a stance means the Club Commission occupies a rather ambivalent position within the broader regulatory framework: although the commission can be understood as a 'bottom-up' initiative that represents large, medium-sized and small clubs — commercial as well as non-commercial — and with a wide variety of audiences, their support of legalization measures naturalizes this partial commercialization of clubs and overlaps with (or at least does not counter) the creative industries strategies of the Berlin senate oriented towards the economic development of cultural production. At the same time, it must be said, legalization does not simply cause the ecological dominance of capitalist relations; much remains possible, even within such a legal framework. In Berlin, the pressure to legalize has led many venues to apply for the status of association (*Verein*), which is a legal status indicating a non-profit orientation and membership-based audience. Although such a status does restrict the possible uses of venues, in practice it has enabled actors to continue many of their previously illegal activities within a legal context. An example would be the venue Zur Möbelfabrik (ZMF), located in the center of Mitte, which became a *Verein* after a few years of illegal activities. This was directly the result of pressure by the local state (on the level of the borough) and has led the ZMF to officially operate as a gallery space with membership lists and a social and non-commercial orientation. Within this legal framework, however, many of the earlier activities continue to take place. As Maarten de Jong of the ZMF points out: "the status of *Verein* is actually a form to enable things" (interview, 28.06.2007). Enrolment, in other words, of these venues in broader accumulation strategies remains precarious, even though the general trend is in the direction of increased state regulation.

Similar processes are visible in London, although illegal venues and events are less important (or, in any case, much less visible) than in Berlin. Interviews mostly focused on the impact of the Licensing Act 2003, which came into force in November 2005 and replaced previous separate licenses (largely on the supply of alcohol and entertainment) by one integrated license. One of the policy

rationales for this new license was to get rid of “red tape at a stroke”⁵⁶ and some venue owners indeed emphasized this reduction of bureaucracy as one of the main advantages of the new license. As Tammi Willis from the Ginglik venue in west London argued: [t]he main advantage is that what used to be lots of different licenses for alcohol and for entertainment have been combined in to one”. She also enjoyed the reduced costs (in comparison to earlier public entertainment licenses), the possibility to extend opening hours and the option of temporary event notices (TENs), which authorizes ad-hoc events without too much bureaucratic regulation (interview, 3.12.2007).

Others were more skeptical about the supposed benefits of this new license and emphasized the role of the license in promoting commercial entertainment at the expense of non-profit-oriented activities. As Jonathan Moberly from the Foundry venue in the Hoxton area argued: “[...] one of the things that annoys me about government legislation is that it just assumes that the only reason, the main motivation for making music is to make money. [...] It doesn't even enter into their frame of reference that people might do this not to make money”. Comparing the old regulations with the new license, he emphasized the increased regulation: “[...] the idea where there was a level below which you could simply get on with things was set into the law; under the new law there is no level, there is no minimum level of activity that you can do” (interview, 30.11.2007). Moberly refers here to the ‘two-in-a-bar rule’, which enabled event organizers to put on a performance with a maximum of two musicians without a Public Entertainment License (PEL). As a result, small venues merely had to pay for an alcohol license of around £30 for three years and could organize concerts without paying expensive fees (set by individual councils). Under the new license, however, this ‘two-in-a-bar’ rule has been abolished. As a result, the opportunities for non-profit activities to operate outside a licensing scheme (designed for commercial businesses) has been greatly constrained.⁵⁷ The only organizations exempted from the entertainment fees of the new licensing regime are places of religious worship, village and parish halls, community buildings as well

56 http://www.culture.gov.uk/what_we_do/Alcohol_entertainment/licensing_a_act_2003_explained (5.12.2007).

57 There are still exceptions to the rule, but these have become less easy to identify: thus, ‘incidental’ music — i.e. music that is not central to the main event (for example, a band playing at an exhibition opening) — is allowed without licensing. Similarly, ‘spontaneous’ music — i.e. an audience member that suddenly starts singing — is also allowed. Both instances, however, cannot be advertised, since this would make the music either less incidental or less spontaneous than it is allowed to be.

as schools and colleges. This, of course, completely ignores the high level of non-commercial cultural activities within the broader cultural sector.

And indeed, there is a sense in which the license institutionalizes relative freedom and flexibility for event organizers, while simultaneously embedding this freedom within a framework that grants state institutions increased powers to intervene. Thus, the Licensing Act has a fourfold objective: to prevent crime and disorder; to ensure public safety; to prevent public nuisance; and to protect children from harm.⁵⁸ At the same time, however, it also propagates a compliance with copyright law and the payment of Phonographic Performance Ltd (PPL) and Performing Rights Society (PRS) licenses, even though this is in no sense directly related to the objectives of the Act. Apparently, the non-payment of copyright licenses is understood as a danger to public safety and a criminal offense. As described by the 'Guidance issued under section 182 of the Licensing Act 2003'⁵⁹:

Copyright law is intended to safeguard the livelihood of authors, composers, arrangers, playwrights, film-makers, publishers and makers of recordings and is extremely important and offences relating to copyright are made "relevant offences" by the 2003 Act. Conditions attached to premises licences should not require adherence to requirements in the general law that the use of copyright material must be authorised. Licensing authorities should however strongly remind applicants of the need to obtain Performing Right Society (PRS) licences and Phonographic Performance Ltd (PPL) licences and to observe other copyright arrangements; and that failure to observe the law in this area could lead to an application for the review of the premises licence or the club premises certificate on grounds of the crime prevention objective. (75)

There is a certain flexibility in relation to this enforcement of copyright law, in the sense that it is understood as an imposed condition — i.e. a condition that needs to be imposed only in those cases where the four licensing objectives are in danger of not being achieved — and not a mandatory condition. But it seems likely that the categorization of copyright infringement as a 'relevant offence' — which juristically links it to the Copyright, Designs and Patents Act 1988 — and the advice to licensing authorities to 'strongly remind applicants' to obtain PRS and PPL licenses will influence the licensing review process.

58 <http://www.opsi.gov.uk/acts/acts2003/20030017.htm>, part 2, 4(2) (06.12.2007).

59 <http://www.culture.gov.uk/NR/rdonlyres/597B72E2-61BC-44AD-98D2-6BC7208FD740/0/RevisedGuidanceJune2007.pdf>, revised version 28.06.2007 (06.12.2007).

The integration and rationalization of various licenses into one overarching license, in other words, increases the possibility of state regulation. This integrative function is further pursued in the Licensing Act by linking the regulation of particular venues to the regulation of complete urban areas. This is achieved, first of all, by extending the amount of local authorities that need to approve licensing applications: from the police to the fire and rescue authority, the enforcement agency for health and safety at work, the authority for environmental health, the planning authority, the authority responsible for protection of children to the weights and measures authority (dealing with trading standards).⁶⁰ Each of these authorities can, in principle, question certain aspects of the application in relation to the four core objectives of the Licensing Act. This potentially increases the opportunity to exclude venues that do not 'fit' the envisioned function of particular urban areas on the grounds that they constitute a 'public nuisance', a central term that is left deliberately undefined in the Act, since it is argued that the existence of public nuisance needs to be judged by the local authorities. Second and within this regulatory framework, part eight of the Act significantly extends the powers of the police to close down venues that are causing disorder (i.e. that are obstructing the achievement of the four core objectives), are likely to do so "imminently" or that are a partial cause of disorder "in the vicinity" of the premise.⁶¹ This temporal as well as geographical expansion of police intervention is further consolidated in the Act by enabling the police to actually close down venues merely for being "situated at or near the place of the disorder or expected disorder"⁶². In other words, this enables the police to close down all venues within a particular area that is seen to cause disorder. This amounts to a spatialization of 'danger' (Belina 2007) that abstracts from individual cases and that tries to regulate by collectivizing control. That said, it is important to remain aware of the limits set to this strategy. First of all, in order to close licensed premises in a geographical area, the police needs to get a court order. Second, the duration of the closure (both of individual venues and of multiple venues within geographical areas) cannot exceed 24 hours. Third, the identification of a disorder as "in the vicinity of" and related to the premise can always be

60 <http://www.opsi.gov.uk/acts/acts2003/20030017.htm>, part 3, 13(4) (06.12.2007).

61 <http://www.opsi.gov.uk/acts/acts2003/20030017.htm>, part 8, 161(1) (06.12.2007).

62 <http://www.opsi.gov.uk/acts/acts2003/20030017.htm>, part 8, 160(1) (06.12.2007).

contested in the courts.⁶³ Nevertheless, the powers of the police are increased — no matter how contested — and the Licensing Act 2003 makes it clear that it sees an important role for police regulation, not only concerning direct intervention (involving closures), but also in relation to the promotion of CCTV in venues, their participation in Crime and Disorder Reduction Partnerships (CDRPs) and Business Improvement Districts (BIDs).⁶⁴ Pushed to its extremes, this might ultimately lead to what Adam Krims has termed “integrated aestheticized space” in which music production becomes merely one moment embedded in highly regulated urban environments (2007, xxxi).

5.5.4 THE DISCOURSE OF FLEXIBILITY AND CHANGE

Finally, the flexibility and constant change that is promoted as part of the KBE also emerges in the many discourses produced by the music networks. This temporal dynamic is one of the few dimensions that can be considered relatively new and not merely a re-articulation of older regulatory strategies.⁶⁵ The extent to which electronic and experimental music networks have adopted this understanding of temporality is — on the surface at least — striking and becomes visible in relation to: 1) the discourses surrounding the use of buildings (this constitutes in many ways the other side of the coin of the regulation of the built environment discussed above); and 2) the rapidity of genre change in the case of electronic music.

Most interviewees addressed the problem of temporary usage and the pressure to move out once more lucrative options for the owners of the buildings emerged, but the vast majority of them adopted a highly relativist and pragmatic position. Thus, one reason for working in a certain area was simply that the particular space was already used for a different job, thus enabling actors to cut costs. As one of the organizers/owners of the Delete Yourself events and Alt<Recordings label in London pointed out, “I didn’t choose to move here, but was offered free desk space in another organization as part of a consultancy deal” (interview, 20.09.2006). Others made clear that they did not even use a separate working space, but sim-

63 <http://www.culture.gov.uk/NR/rdonlyres/1F29E260-DF43-4D98-BB92-86890846F505/0/Policeclosurepowersguidance.pdf> (06.12.07).

64 <http://www.culture.gov.uk/NR/rdonlyres/597B72E2-61BC-44AD-98D2-6BC7208FD740/0/RevisedGuidanceJune2007.pdf>, revised version 28.06.2007 (06.12.2007).

65 Of course, on a deeper level, capitalist development as such is characterized by temporal change, but I would argue that the discourse of change was very much subdued during the high era of Fordism – in which a relative stable social form was constructed.

ply coordinated their activities from home: “It’s not meaningful to think of *BM Bemused* as a location. I run the magazine from my home. ‘*BM Bemused*’ is just a mailbox” (interview, 13.12.2006). Both these comments came from actors based in London and not from actors in Berlin, which might reflect the stronger need to cut down costs in London due to high property prices.

Irrespective of the city, however, interviewees mentioned the importance of finding interesting spaces in guiding their locational decisions. In explaining this, however, they exhibited the extent to which they had internalized and naturalized the logic of processes associated with gentrification and urban change. Thus, in an interview with the Best Kept Secret agency in London, manager Nick Matthews adopted a narrative of aesthetic innovation to explain locational choice, thereby aestheticizing processes of urban change:

[o]ur residency and club nights have been focused in Shoreditch, which is the scene in London right now; where everything happens and cross-fertilizes and, I guess, sets the tone for so many other places to follow. It has been like that for a while and it feels a little bit that people have spread further into surrounding areas as well, like Hackney, Dalston, Clerkenwell, Islington and also Kings Cross, which was strong in the acid house days [...] (interview, 21.09.2006)

Others were more explicit about underlying causal mechanisms, but still accepted these developments, since their position allows them to profit from these changes. As I already pointed out in chapter four, venues and stores are likely to benefit from urban economic development due to the increase in visitors and residents with money to spend. Matthias Gordon, owner of the Leila M record store on the Rosa Luxemburgstrasse in Berlin Mitte, addressed this most clearly:

I mean, that this will become an expensive neighborhood is clear. [...] The property owner (*Hausverwaltung*), since they own half this street, can conduct serious neighborhood management (*Quartiersmanagement*). [...] That is, well, the usual method of gentrification. It is no secret how one starts gentrification. [...] For us, this is good. In the last years, we have ... we do better and better because of this development [...] since, first of all, there are more people here that have some money to spend (*die nicht jedem Euro umdrehen müssen*), since buying music isn’t cheap — 15 euro for a CD; they who haven’t got any money will download from the internet or burn a CD from a friend or something like that. (interview, 29.03.2007)

Whereas in London, interviewees regularly mentioned the importance of affordable spaces — for example, “I can afford it as it’s relatively cheap (Skull Disco interview, 12.12.2006) or “[...] by London standards, the rent isn’t extortionate” (Tirk Records, interview,

6.12.2006) — in Berlin, the comparatively low rents have led to a highly pragmatic stance towards urban space and a general feeling that it will always be possible to find affordable spaces, despite increasing rents in certain areas of the city. According to Till Harter (103 Club): “I believe that good clubs will always find a space. One could observe, when Prenzlauer Berg and Mitte became relatively closed, then clubs of course left; but here in Kreuzberg and Friedrichshain, where there are so many industrial wastelands [...]. There is so much space in the city, I don't believe that shortage of space will become a problem” (interview, 26.01.2007). Others did mention their reluctance to move to a different space, but mainly because this involved a lot of organizational effort and not because they feared they would not find a new space: “I don't see that there are no alternatives any more. But it isn't as fun as in the past. I don't like to move, in contrast to others; for that, I have too much stuff” (Ben Biel, Maria am Ostbahnhof, interview, 23.01.2007).

Second, on the level of aesthetics, it could be argued that the discourse of flexibility and change has left its marks on the practical engagement with the genre-system and has resulted in a ‘speeding-up’ of genre change. As other authors have pointed out, the shift from Fordism to post-Fordism has led to a more central role for forms of production oriented towards niche markets. Within the literature on flexible specialization, this has led to claims that we are seeing a move away from mass production towards crafts production, the products of which are efficiently distributed throughout the world as a result of new technologies enabling just-in-time responses to global shifts in demand (Piore and Sabel 1984). Others have rightly criticized this account on the grounds that it does not acknowledge the continuing importance of oligopolies and large-scale conglomerations (e.g. Hesmondhalgh (1996) and Krims (2007) for music). At the same time, when it comes to the music available, hardly anyone denies that we are witnessing niche marketing and a diversification of music genres. As Krims points out: “[n]ow, unlike twenty years ago, one can locate dozens, if not hundreds, of constantly mutating dance genres in specialized urban shops [...]” (2007, 98). Other authors have come to similar observations. Alexei Monroe, for example, argues that the experimental and minimal electronic music label Mille Plateaux needs to be understood as a “rhizomatic network” enabling progressive deterritorialization (2001). In an earlier article, Will Straw highlighted how the development of early electronic dance music involved a continuous shift and transformation in genres (while defending simultaneously a certain kind of coherence and collective purpose): electronic acid house of 1987/88 gave way to the garage house of 1988/89, which received competition from Italian house in 1990. Although briefly

displaced within popular music circles by the slowed-down Soul II Soul sound, Italian house re-emerged early 1991 (1991: 382). These genre shifts have remained central to electronic music networks up to this day, although it has become clear that the sense of collective purpose precariously fabricated in this earlier phase is now no longer existent.

In London, drum and bass — as one genre within the broader category of electronic music — has been highly popular, evolving out of the breakbeat hardcore and acid house and rave scenes in the late 1980s. In the course of the 1990s, dub, reggae and dancehall influences played an important role in the further development of drum and bass (sometimes under the heading of ragga jungle), although other experiments were pushing for styles less influenced by reggae, linking up with ambient music and including samples derived from soul and jazz music. From the mid-1990s on, techstep increasingly left a mark on drum and bass networks, drawing on earlier industrial and techno music and moving to more minimal and darker sounds. Its commercial position was overtaken by the emergence of UK garage, a genre also influenced by early jungle and drum and bass music, but one which had included more house and R&B elements along the way. More recent lines of influence can be drawn to genres such as speed garage, 2-step, breakstep, grime and dubstep. Berlin is often associated with being a techno city, but this ignores the high amount of differentiation and development within this genre. The transatlantic link between techno producers in Detroit and the Berlin Tresor club with its relatively harsh and minimal techno sounds as well as the impact of the Berlin Love Parade are often mentioned and celebrated, but behind these signature sounds many other genre developments have been taking place. Minimal techno — often substituting the harshness of Detroit techno for much more 'sophisticated' and stylish sounds — has played a central role in Berlin, branching off into various directions and linking up with other developments such as microhouse, glitch, clicks and cuts, lowercase, electronica and electro-acoustic music. These are merely two examples and other genre developments in these cities could have been discussed. But the main point has not been to participate in the often highly parochial scene discussions concerning the status and value of a particular sub-genre, but to illustrate the mere fact of the proliferation and constant transformation of electronic music genres. There are clear parallels here with the emphasis in policy discourses on the necessity of brief temporalities, flexibility and constant change, even though it remains impossible to detect one-to-one causal links between accumulation, regulation and networks.

5.6 Conclusion

This chapter has tried to analyze the semiotic dimensions of accumulation, regulation and networks as well as the interrelations between these processes. Similar to chapter four, it has been shown that a regulationist analysis needs to attend to the partial decoupling between regulation and accumulation as well as the emergent dynamics of networks if it is to be developed into a cultural political economy of contemporary socio-spatial change. Section 5.2 offered some first theoretical thoughts on how to contribute to this development by arguing that the notion of texture is a key term for research on communication geographies, since it directs our analytical attention to multiple, interacting and overlapping networks that need to be articulated with capital accumulation and regulation. Successful articulation or enrolment is by no means certain. In order to analyze, however, how these networks are selectively appropriated, section 5.3 focused on the role of strategic selectivity, in particular its discursive dimensions. Section 5.4 analyzed in detail the main creative industries discourses in London and Berlin and identified the most important narrative themes as well as its biases. Section 5.5 directed attention towards the actual music networks in order to analyze the strategically selective impact of these policies on the music textures. This selectivity is implemented – if at all – through particular interventions, largely by promoting well-established regulatory techniques that enable the reproduction of the capital relation, while simultaneously attempting to realign these with the emergent meta-narrative of the KBE. The following interventions were analyzed: intellectual property; the appearance of free choice and commodification; the built environment; and the discourse of flexibility and change. Although regulation does take place, this section also showed the highly contested nature of these interventions, which makes the enrolment of music networks into broader accumulation regimes and state strategies rather uncertain.