Deﬁning Hip-Hop Aesthetics

Scholars have long relied on musical styles to describe, deﬁne, and sym-
bolize African American cultural production. Gospel, blues, jazz, soul, and 
now hip-hop have come to represent how both dominant culture and aca-
demics view and analyze African American life. The primacy of music 
within African American cultural criticism can be traced back at least to 
Frederick Douglass’s discussion of sorrow songs, developed by W. E. B. Du 
Bois in The Souls of Black Folk. In the late 1960s, Leroi Jones, now Amiri 
Baraka, characterized African Americans as a “Blues People.”1 Novels such 
as The Color Purple (1982) and Corregidora (1975) have relied on blues 
singers as central characters.2 Richard Powell has viewed African American 
art through a “Blues Aesthetic.”3 Sterling Brown and Langston Hughes 
frequently created blues-inﬂuenced poems and short stories. Jazz improvi-
sation has frequently inspired literary style, and jazz innovators have been 
frequent subjects of literature. Ralph Ellison, John Edger Wideman, Toni 
Morrison, Michael Harper, and others have turned jazz into literature. 
Scholars have applied jazz categories and metaphors to understand the art 
of Archibald Motley, Aaron Douglas, Jacob Lawrence, Romare Bearden, 
and many others.

While music certainly has proven fertile ground for cultural analysis 
and criticism, rarely have the relationships among music, literature, and vi-

sual art been symmetrical ones. Musicians, composers, and music critics 
have rarely turned to literature or visual art for inspiration or artistic para-
digms. The traditional explanation for this hierarchical or core-periphery
structure within African American cultural criticism has been that music is the most immediate repository of African American vernacular culture. In other words, the orality of African American culture can be most easily translated into music—not art or literature. The transcription of Black English, for example, has proven extremely problematic within literature, even as Black English has been common within musical lyrics. Gates’s theory of signifyin’ counters these trends, attempting to remove music in this account of how African American orality gets translated into literature. Even though Gates includes lyrical analysis in his book, he turns folk songs, blues lyrics, and urban toasts into literary documents. The sound and humor of black life get muted in order to place parody, satire, and metaphor as the identifying or core features of African American vernacular culture. This ambitious structure, however, merely inverts the asymmetry between cultural forms rather than explaining how art, music, and literature constitute complementary practices.

By downplaying the blues, the sorrow song, and jazz improvisation, Gates’s theory of vernacular culture in effect depoliticizes African American literature and dampens the critical vision (both explicit and implicit) contained within many texts. Although African American cultural criticism has long focused on property, the structure of Gates’s argument accentuates how the African American literary tradition is based upon writers reading and writing over one another. African American literature needed this organizing principle, according to Gates, to solidify its status in English departments during the culture wars of the 1980s. This highly technical argument, however, furthered the split between literary discourse and social activism. Even though signifyin’ involves both redefining and redistributing ownership interests over cultural and imaginative texts, Gates fails to make explicit connections to the burgeoning “property rights” movement of the 1980s. In contrast, hip-hop boldly announces its materialism to mock the moralizing impulse of idealistic Civil Rights leaders. Hip-hop, not Gates, succeeded in an aesthetic form in which a critique of property law could be articulated through African American vernacular culture.

The purpose of this chapter is to establish the basic elements of hip-hop aesthetics and show how this form shapes its cultural message.\(^4\) Hip-hop aesthetics possesses four central characteristics: (1) sampling, (2) layering, (3) rhythmic flow and asymmetry, and (4) parody or irony.\(^5\) In identifying these characteristics, it is my intention to create a sufficiently broad definition of hip-hop aesthetics to explore the interaction among contemporary
visual artists, musicians, and writers. Hip-hop aesthetics frequently relies on compositional and lyrical signifyin’, but not exclusively so. The goal of deejays, b-boys, graffiti artists, and emcees is to entertain, amuse, and create—not merely to signify. Any discussion of hip-hop aesthetics that omits how much fun it is makes an error similar to a discussion that confuses blues music with feeling “blue.”

One key aspect of hip-hop is the vicarious experience of making ownership and authenticity claims in a postmodern world where self and communal ownership are constantly in flux. Hip-hop finds pleasure in ownership rights at the very moment they may seem either irrelevant or insufficient for realizing America’s promises of freedom and equality. Analogous to Albert Murray’s reading of the blues, hip-hop aesthetics is not necessarily postmodern, but the tonic for the crises postmodernism has brought: the rupture between an object and the word, image, or sound that represents the object. Hip-hop initiated neither the deconstruction of black musical history nor the destruction of our nation’s urban centers. Rather, hip-hop chases away the “blues” of postmodern America and attempts to stitch together the ruptures of postindustrial America so ordinary folks can once again claim ownership over their cultural traditions, which the culture industries have commodified and transformed into their own private property.

The work of Anna Deavere Smith, which blends sound, image, movement, and wordplay, provides a wonderful illustration of how hip-hop aesthetics operates. I have chosen Smith’s work to illustrate hip-hop aesthetics for a number of reasons. First, her work allows me to discuss hip-hop aesthetics without potentially exposing her to legal liability. Smith appropriates or samples from comments elicited during her interviews with people, and she probably obtained releases and/or permission to use their words. Even if Smith did not do this, copyright protection requires that words be fixed in a tangible medium before copyright attaches. Because her interviewees spoke to her, they would not have any ownership rights over their comments. As a result, Smith is well-protected from potential lawsuits even though her methodology bears a striking resemblance to that of Biz Markie, Public Enemy, De La Soul, N.W.A., and the Beastie Boys, all of whom have been subject to lawsuits because of the texts they chose to sample. One of the challenges of researching and writing about hip-hop aesthetics is that a poorly chosen topic could open up the subject of the research to a lawsuit! Another factor in my choice of Smith as my exemplar is that she is the first hip-hop aesthete to win major recognition for her artistry. The MacArthur Foundation recognized her work in 1996 with a
“genius” grant. Finally, her work includes all the foundational aspects of hip-hop culture. To offer such an interdisciplinary model of hip-hop aesthetics will undoubtedly make the familiar strange for some readers because most studies of “hip-hop” focus almost exclusively on music and musicians. Hip-hop culture, however, demands a more thorough account of its diverse effects, especially as it captures the ethos of the post–Civil Rights era.

A significant challenge faces anyone who attempts to define hip-hop aesthetics: it is continually in flux. Myriad forms and genres of hip-hop have come and gone. Battles between boroughs, coasts, record companies, and generations have marked hip-hop’s history. Technical innovations and legal decisions have also contributed to the quick pace of change within hip-hop. Music videos, trends in film, and demographic shifts have also impacted the aesthetic. This book selects 1991 as the approximate average or mean for identifying the characteristics of hip-hop aesthetics for three reasons. First, *Grand Upright Music* changed the legal environment for sample-based hip-hop music production and caused a split in how art, music, and literature apply the elements of hip-hop. Second, acts like Public Enemy had by this point become crossover artists, merging with rock, shifting the audience for commercialized hip-hop. Third, this year serves as an approximate midpoint between the earliest days of hip-hop and today’s very different scene. For my purposes, it constitutes the “average” or “norm” of an ever-shifting cultural formation. The downside of this approach is that I am forced to generalize. The resulting generalizations asserted here cannot and will not explain every song, artwork, or writing by Americans of African descent, nor could any other generalization. Rather, the traits of hip-hop aesthetics help illuminate how hip-hop’s approach to artistry (and pleasure) frequently incorporates a critique of legal and economic institutions.

During the 1980s, Anna Deavere Smith began working on a series of performances pieces entitled *On the Road: A Search for American Character*. To create these “scripts,” Smith “interviews people and later performs them using their own words.” Her most well-known pieces from this series focus on exploring racial tensions surrounding explosive issues in various locales. For *Fires in the Mirror*, Smith interviewed a range of residents (African Americans, Jewish Americans, and Caribbean Americans) from Crown Heights following the killings of Gavin Cato and Yankel Rosenbergbaum and the violence that ensued. *Twilight—Los Angeles, 1992* examines local responses to the riot that followed the first Rodney King verdict.
Throughout these performances, Smith shifts her tone, posture, syntax, and appearance to signal changes in character. Smith’s work constitutes a perfect instance where word, image, movement, and sound converge within a shared aesthetic framework. To distinguish the literary, musical, or visual from the rest would reduce the richness of her work. As one-person shows, these performances highlight Smith’s virtuosity as an actress and her ability to synthesize a “polyphony of perspectives” within a coherent performance text. Critics such as Debby Thompson and Tania Modleski have analyzed these texts through the lens of postmodernism and have concluded that Smith’s approach to racial performance repeats or mimics racial identities to recognize their lethal hold on our imaginations and the possibilities for freeing our minds. By illustrating hip-hop aesthetics through Smith’s work, this chapter seeks to connect her creative process to developments throughout contemporary African American culture and demonstrate how such artistic strategies cannot be confined to distinct media, such as art, music, and literature, but form an aesthetic unity. This chapter concludes by considering how Smith’s work, and thus hip-hop aesthetics more generally, deconstructs several central principles of intellectual property law.

Sampling

The Negro, the world over, is famous as a mimic. But this in no way damages his standing as an original. Mimicry is an art in itself.

—Zora Neale Hurston, “Characteristics of Negro Expression”

My description of hip-hop aesthetics begins with sampling—not lyrical analysis or the beats. Much writing on hip-hop downplays its production to focus on the violence, misogyny, or cultural nationalism of its lyrics or to connect its polyrhythmic complexity to African origins. While these issues or elements require careful consideration, overemphasizing them causes critics and scholars to overlook the underlying aesthetic processes hip-hop embodies and its critique of political economy. Sampling, as a creative method or framework, bridges the acts of consumption and production. It requires cultural workers to rearrange the symbols, phrases, rhythms, and melodies circulating within American culture into something completely new. Sampling is part active listening and part production. Hip-hop is re-
lentlessly engaged with the world of sounds, images, texts, and commodities through which African Americans and others experience contemporary life. Hip-hop did not originate with political or artistic manifestos, but at dance parties and in public parks. Deejays played records on turntables and then transformed these songs by emphasizing, looping, or repeating the parts audiences enjoyed (i.e., the breaks) and disregarding the rest. Sampling developed a refined aesthetic based on transforming recognizable elements into something new and fresh.\textsuperscript{12}

Joseph Schloss describes hip-hop, in part, as a sonic collage.\textsuperscript{13} In many ways, collage is an apt metaphor for hip-hop aesthetics because the newer generation of writers and visual artists has foregone extended studies of individual characters or situations. In its place, we often find a collection of loosely related characters, scenes, storylines, images, logos, and narratives. This strategy not only challenges the pacing or rhythm of contemporary African American texts but also constitutes a further elaboration of signifying. Sampling or collage, unlike the blues, is not primarily concerned with bending notes, wringing experiential angst out of a familiar song,\textsuperscript{14} or writing over tradition,\textsuperscript{15} but locating a “cohesive organizing principle” that fuses together the familiar elements in an aesthetically satisfying way.\textsuperscript{16} To produce a text, the hip-hop aesthete must understand the sociohistorical context of the sampled material and comment ironically on it through layering and rhythmic flow.

To please and surprise their audiences, deejays such as Afrika Bambaataa, Afrika Islam, and Kool Herc DJ, sought out beats from all kinds of music, from soul to jazz to rock to calypso to reggae to Bugs Bunny soundtracks.\textsuperscript{17} Grandmaster Flash explains that “to every record, there’s a great part. This is what we used to call ‘the get down part.’ . . . And this particular part of the record . . . unjustifiably, was maybe five seconds or less. This kind of pissed me off. I was like, ‘Damn, why’d they do that?’ You know? So, in my mind, in the early seventies, I was picturing. ‘Wow, it would really be nice if that passage of music could be extended to like five minutes.’”\textsuperscript{18} For Flash, the technology of the 45 and the structure of the single, with its series of verses and repeating choruses, had caused both musicians and record producers to bury the sounds to which people wanted to dance.

According to Schloss, the break—what Flash names the “get down part”—does not exist until a deejay hears a rhythm or percussion track and identifies it as a sample for use in a related but completely different composition. DJ Jazzy Jeff claims, in an interview with Schloss, that many initial musicians and producers didn’t understand the very music that they
had recorded. It took hip-hop producers who created samples from their work to show them the importance of the sounds and rhythms they had created. Schloss even suggests that hip-hop producers can transform compositions from other musical forms into hip-hop merely by listening to them with an ear practiced in identifying samples. Domino claims that merely by listening to a Beatles song, his ear can change its rock and roll sensibility into hip-hop.

While record companies, copyright holders, and legal discourse tend to view sampling as theft, hip-hop producers understand the process as being much more like research and development. Samples, within the logic of hip-hop, have an affinity with heretofore unknown elements or with land for which no one useful economic purpose has been found. According to John Locke, the architect of modern theories of property, property is created when a person does labor on an object and thus marks it as her own. Hip-hop sampling embodies that moment when an artist mixes her work with a sound, text, logo, or image and redefines that object due to her own labor. Locke’s theory of property argues that humans will never exhaust nature’s bounty because our creativity will constantly find new uses for discarded or devalued items. Although few tend to connect hip-hop artistry and John Locke, the practice of sampling echoes his optimistic view about the creativity of the human mind. Locke, like the proponents of hip-hop culture, argued that government’s central purpose was to protect property rights. Within hip-hop, piracy or biting another’s style—not sampling—constitutes theft because it does not add anything to the original. If a new perspective, beat, or take on something old is created, then it is sampling. Sampling thus constitutes a fairly unique and culturally specific way of defining originality, even if it relies on words, images, or sounds produced by another person.

Samples of conversation, clothing, and mannerisms form the basis of Anna Deavere Smith’s performance pieces. Although Smith is rarely viewed as part of the New Black Aesthetic (NBA), or the Post-Soul generation, her method of textual production exemplifies precisely what is new about hip-hop aesthetics. Smith is a relentless “sampler.” If deejays must pay their hip-hop dues by “digging in the crates” to find the right sounds, then Smith has paid her dues by interviewing hundreds of people to find the “samples” for *Fires in the Mirror* and *Twilight—Los Angeles, 1992*. She makes no attempt at creating unique characters or plots de novo. Rather, she employs the personas and words of actual people to craft her own nar-
ative or performance out of borrowed poses, tones, mannerisms, hair-
styles, and statements. Much like Grandmaster Flash on the turntable,
Anna Deavere Smith uses the interviews to locate the poetry within her in-
terviewees.\textsuperscript{25} It is precisely these poetic moments that Smith isolates from
an hour-long interview and samples via a two-to-seven-minute mono-
logue. Smith explains how she chooses to include a sample within her per-
formance: “I try to find a section that I don’t have to interrupt [the voice of
the character with the questions she asked in the interviews]. The perfor-
ance is much more difficult if I’ve created chaos in their frame of
thought.”\textsuperscript{26}

Hip-hop producers, such as DJ Jazzy Jeff and Domino, argue that they
transform original sounds by the mere act of listening with an ear trained in
the hip-hop aesthetic. Without specifically drawing on hip-hop deejaying to
illustrate her methodology, Smith outlines a very similar process for con-
structing her performance pieces. In her introduction to \textit{Fires in the Mirror},
Smith prefaces her discussion about her methods by referencing one of her
grandfather’s favorite phrases: “If you say a word often enough, it becomes
your own.”\textsuperscript{27} Although her father disputes the exact phrasing, Smith is
clearly concerned with the very problems that have haunted hip-hop musi-
cians: is sampling an original act, and who owns a text based on samples?
Again, Smith makes no explicit connection to hip-hop, but she tries to show
that through her presenting herself “as an empty vessel, a repeater,” the
words spoken during her interviews have demonstrated their power and al-
lowed her to learn about contemporary American culture.\textsuperscript{28} This approach
enables Smith to go beyond traditional acting methodologies that ask actors
to look inside themselves to develop a character. Rather, sampling has con-
vinced Smith “that the activity of reenactment [her term for sampling]
could tell us as much, if not more, about another individual than the process
of learning about the other by using the self as a frame of reference.”\textsuperscript{29} A bit
later, Smith claims, “To develop a voice one must develop an ear.”\textsuperscript{30} These
quotations taken together articulate the ethos behind sampling in
post–Civil Rights era African American cultural production. Smith uses
sampling to both focus an audience’s attention on the best parts of a person’s
view or critique of American culture and demythologize any and all racial
categories by demolishing stereotypes and monolithic conceptions of iden-
tity. Smith claims that her use of sampling allows her to get beyond the
worn stereotypes of mass culture and complicates simplistic portrayals of
raced individuals, presenting their stories with humor and pathos.
Layering

Whatever the Negro does of his own volition he embellishes.
—Zora Neale Hurston, “Characteristics of Negro Expression”

In addition to relying on sampled sounds, hip-hop has also relied on extensive references to local landmarks, popular culture, celebrities, and high-priced commodities. Although these references are not recorded and reworked through the aid of technology, mixing, rapping, graffiti, and breaking have consistently invoked popular culture and translated it into their compositions. A typically humorous example of this is EPMD’s “The Steve Martin,” where the lyrics describe a dance where the goal is to imitate and mock Martin’s dance moves as the lead character in the 1979 film _The Jerk_, about a white person raised by blacks who never quite fits despite his best efforts to act “black.” By layering this Steve Martin reference (which is as much a visual reference as a musical one) over drum, horn, and bass tracks, along with scratching sounds, as Erick Sermon and Parrish Smith rap back and forth, the layering of sounds, images, and symbols opens a space for giving these items a new meaning, thus creating a way for hip-hop artists to make ownership claims over texts. Tricia Rose argues that “hip hop has always been articulated via commodities [i.e., already owned objects] and engaged in the revision of meanings attached to them.”

Layering is one way to “deterritorialize” dominant images, sounds, and phrases and make fun of and out of them.

The power of Anna Deavere Smith’s performances hinges on her ability to weave together an underlying narrative out of the multiple characters and issues she presents. Her plays are deceptively simple because they move so quickly among characters, settings, and viewpoints that the viewer rarely has time to reflect upon the sutured nature of the narrative. In the terminology of hip-hop aesthetics, _Fires in the Mirror_ and _Twilight—Los Angeles, 1992_ relentlessly layer sample upon sample to complicate any simplistic attempt at realism or representation through the development of one character, story, or theme. Rather, these works seek to examine the nature of perception itself. Smith’s performances tie together a range of emotional responses, idiosyncratic views, and disparate images. There is nothing necessary about their connection to one another. What Smith produces is a bricolage that comes to represent the perceptions these events elicited, not the events themselves. By editing, shaping, and organizing these samples, she imposes a kaleidoscopic order upon the chaos of human experience. Within a kaleidoscope, objects produce random shapes that a mirror
will form into complex patterns. Smith, in effect, orders the random views offered by local residents and fashions them into a singular object.

Smith’s use of layering is not unprecedented within African American cultural history. On the contrary, this tradition is long-standing, even if the contemporary era has refocused the practice. In perhaps its earliest African American form, the strip quilt illustrates the layering within African American cultural production: “In this type of quilt the scraps of cloth are first sewn into strips, which are then assembled into various patterns.” While people from many ethnic and racial groups have engaged in scrap quilting, African American versions distinguish themselves through five characteristics: “(1) the dominance of strips; (2) bright, highly contrasting colors; (3) large design elements; (4) offset designs; and (5) multiple patterning.”

Layering appears to have a long history within African American cultural production, predating the invention of electronic samplers. African American women layered fabrics into elaborate designs that conformed to African aesthetic standards, emphasizing asymmetric patterns. Quilting, as a paradigm, emphasizes both working-class and female perspectives because it moves away from the artist as solitary genius and places her or him within a social context where creations serve both pragmatic and artistic purposes.

Any analysis of Smith’s performance pieces must attend to their layered structure and their methodological connection to strip quilting, especially as a gendered paradigm for cultural production. *Fires in the Mirror* and *Twilight—Los Angeles, 1992* do not provide linear or chronological accounts of the events they explore. Rather, they form a quilt, with multiple patterns but no clear narrative or geometric center. These strips of commentary, however, all contain brilliant hues of experience and emotion. Scrap quilting, although a traditional folk art, anticipates developments in postmodern and postcolonial theory. According to Tania Modleski, “Smith radically and viscerally contests ideals of authenticity, in effect ‘deterritorializing’ her characters and getting them to act on new common ground—the stage.” Modleski relies on postcolonial theory to argue that Smith’s aesthetic breaks down traditional ideas about artistic genius and reality in order to demonstrate the constructed nature of cultural truths and products. The postcolonial provocateur, according to Modleski, must deconstruct as she creates because the hidden truth of cultural production, African American or not, is that the quilting circle presents a better paradigm for describing artistic processes and the social construction of reality than other models do. Layering, the selection and placement of samples, constitutes an essential element of African American cultural work, especially in the post–Civil Rights era.
To give a specific example of how layering works within Smith’s method, I want to explore the section “Hair” from *Fires in the Mirror*. In this relatively brief section, Smith performs three characters who articulate the relationship between hair and identity and demonstrate what all human beings share—concern with appearance—and how racial discourses articulate that concern in culturally specific ways. The first portrait, of an anonymous teenage black girl, presents the claim or call to which the following sampled characters will respond. She starts by explaining how she learned she was black and then quickly adds the 1960s Black Power slogan, “Black is beautiful.” Like fabric redeployed in a strip quilt, Smith takes this tired and now empty phrase and tries to build a new pattern around it. The girl then adds, “White is beautiful too,” indicating that she is taking this conversation in a different direction than the original phrase might have suggested, especially within the context of a play about racial conflict. The girl then describes how her black friends “bite” the styles—everything from hairstyles to gym shoes—of their Puerto Rican classmates. In this monologue, the anonymous girl borrows the phrases of her parents, a previous generation, and her friends, presenting a layered text within a layered text.

Smith next provides a portrait of Al Sharpton discussing how he patterned his own hairstyle after James Brown’s hair. Sharpton promised to do so because Brown took the fatherless Sharpton under his wing. Performing as Sharpton, Smith says: “It’s a personal thing between me and James Brown. And just like in other communities people do their cultural thing with who they wanna look like, uh, there’s nothing wrong with me doing that with James. It’s. It’s us. . . . So it’s certainilu not a reaction to Whites. It’s me and James’s thing.” Smith interviewed Sharpton because he had organized protests after the Crown Heights riots, but she selected his comments about his hair to include within the play because they best fit the theme about identity she sought to develop. Last in this section, Smith explores how Lubavitcher women approach the relationship between hair and identity. Through Rivkah Siegal, Smith shows how Hasidic women shave their heads and wear wigs. Rivkah describes how she wears five different wigs and how her coworkers believe that she has cut or dyed her hair. This scene culminates with Rivkah stating: “I’ve gone through a lot with wearing wigs and not wearing wigs. It’s been a big issue for me.”

Although these three portraits fill only ten pages within *Fires in the Mirror*, they suggest how carefully Smith chooses and layers each sample or “fabric strip.” As part of the opening movements of the performance, the
section on “hair” incorporates analysis of gender, race, religion, and marital status through a borrowing of the visual appearance, words, and syntactical patterns from two “ordinary” people and one famous person. While ostensibly exploring the origins and consequences of the Crown Heights riots, Smith stops to meditate on the cultural foundations of beauty within African American and Jewish communities. Brilliantly, she both exposes the historical connection between whiteness and beauty and suggests that this relationship may be breaking down even as institutional racism persists. When the anonymous girl introduces the hip-hop phrase “biting” into the conversation about beauty and style, it suggests Smith’s awareness of hip-hop’s reliance on sampling and her acknowledgment that the aesthetic standards of hip-hop rely on incorporating existing styles into one’s own style, potentially transforming the borrowed style. Sharpton’s defense of his trademark hairstyle homage to James Brown, itself reminiscent of hip-hop’s sampling from Brown’s oeuvre, illustrates the danger of appropriation, as some members of the black community claim Sharpton’s hairstyle relies on white standards of beauty. Smith, however, tries to show that Sharpton’s reuse of Brown’s style is a thing of a beauty because it symbolizes his emotional connection to a father figure. Last, Rivkah Siegel’s concern about her extensive reliance on wigs suggests that “borrowing” too much can lead to as many problems as it solves. By layering these three samples next to one another, Smith comments on her own aesthetic practices even as she humanizes both sides of the Crown Heights riots. This methodology also transforms the meaning of the original words from Smith’s interviews and helps connect the interviewees in ways they had not originally conceived. Layering thus allows Smith to juxtapose a wide range of concerns—many of which would remain socially invisible without her intervention—within a relatively concise space.

Flow and Asymmetry

The presence of rhythm and lack of symmetry are paradoxical, but there they are. Both are present to a marked degree. There is always rhythm, but it is the rhythm of segments.

—Zora Neale Hurston, “Characteristics of Negro Expression”

Perhaps the most recognizable element of hip-hop music is its rhythm or its driving beat. According to Tricia Rose, “rap music centers on the qual-
ity and the nature of rhythm and sound, the lowest, ‘fattest beats’ being the most significant and emotionally charged.” She argues further that hip-hop “involve[s] the repetition and reconfiguration of rhythmic elements in ways that illustrate a heightened attention to rhythmic patterns and movement between such patterns via breaks and points of musical rupture.” While the idea of the break, the moment where the drummers and bassists briefly improvise or solo, has long been a part of music, it took early hip-hop deejays to repeat this evanescent moment and transform into a song in its own right. By identifying, sampling, and repeating funky bass and drum tracks, the driving rhythm of hip-hop was born. As Rose suggests, the “flow” or rhythm of hip-hop was essentially repetitious because only the best sections of music were repeated over and over again, frequently for humorous effect. De La Soul, for example, sampled a familiar section of a Steely Dan’s “Peg” to ground their “Eye Know,” and Boogie Down Productions relied on a sample of ACDC’s “Back in Black” to articulate their claim that they have a “Dope Beat.” As time passed and the technology developed, deejays selected only particular instruments within a track to sample and created layered and “fat” rhythms to drive their sonic collages.

While hip-hop does not offer a uniform beat that all songs share, it does contain a fairly unique attitude toward repeated, rhythmic patterns. The idea that African American music is rhythmically oriented has been long assumed. Ronald Radano, however, has recently challenged this view and demonstrated that percussive rhythms have been associated with African American music only since the Civil War. Rhythm is not a natural element of African American music, but one that has been nurtured and constructed over time. The rhythmic patterns that underlie hip-hop, in its many forms, are not simply retentions or “holdovers” from African musical culture, but the product of particular choices made by artists at distinct historical moments.

Part of hip-hop’s innovation has not just been the repetition of the break, but the shifting of rhythmic, base, and percussion tracks in the middle of a song. Tricia Rose has called this rupture. Hip-hop both presents a rhythm or flow and deconstructs it, by stopping or modifying the beat. It is not uncommon that a rhythm or bass line will fade away or be cut off abruptly, producing this rupture or asymmetrical effect. Audiences learn to take pleasure in the rhythm and the deejay’s ability to break down one rhythm or vibe and replace it with a completely different one. Both rhythmic flow and asymmetry follow from hip-hop’s extensive use of samples and layering. Unlike jazz or blues musicians, who tend to improvise from
or bend notes and melodies from within one song, hip-hop musicians’ atti-
tude toward flow and rupture requires a much larger palette of sounds,
from which one lays down a rhythm track. In this account, sampling and
layering enable the very rhythmic effects for which hip-hop is well-known. Ideas and aesthetic judgments about samples, repetition, and rhythmic
flow “push along” not only hip-hop music but other forms of contempo-
rary African American cultural production as well. Frequently, rupture ap-
ppears as rhythmic asymmetry in visual and literary art.

Although most commentators and audience members initially notice
the content of her work, or its subject matter, Smith’s On the Road perfor-
ance pieces also constitute experiments in dramatic time and timing. While many academics have emphasized how Smith performs identity
within a postmodern framework, they have neglected the temporal aspects
of these performances. In other words, even though the postmodern is fre-
quently represented as the compression of space and time, scholars of per-
formance and identity formation tend to emphasize the spatial logic un-
derlying race over the temporal aspects when confronting On the Road. Smith’s intervention into the public dialogues about the Crown Heights ri-
ots and the Rodney King verdict both imitate and interrogate the tempo-
rality of contemporary cultural discourse. In the introduction to the book
version of Fires in the Mirror, Smith comments, “American character is
alive inside the syntactical breaks.” She adds that the piece “was not orig-
inally intended for the printed word. Our effort has been to try to docu-
ment it in such a way that the act of speech is evident.” Smith clearly held
some reservations about publishing a book from her performances because
“words are not an end in themselves. They are a means to evoking the
character of the person who spoke them. Every person that I include in the
book, and who I perform, has a presence that is much more important than
the information they give.” In these quotations, Smith signals her trepi-
dation that the book versions of the performances will cause readers to
overvalue the words and neglect the images and sounds that specify the
meaning of these words. Her concern is that words alone lack the rhythmic
or temporal elements that can provide the necessary clues for proper un-
derstanding. For Smith, the rhythms of speech can convey as much mean-
ing as the words themselves. In preparing the written version, she took
great pains to include all of the verbal miscues and accompanying gestures.
Both books also contain photos from the performances, which convey how
Smith’s posture and appearance shaped the word’s meanings as well.

The emphasis on rhythm is not confined to her portrayal of individual
characters, but pervades the rhythmic flow and asymmetry that the performance and text create. The pace of *Fires in the Mirror* and *Twilight—Los Angeles, 1992* is relentless. The viewer/reader does not have more than a few minutes to acquaint herself with a particular persona and his or her rhythm. Part of what Smith performs through the vast array of personae is the hurried pace or rhythm of contemporary dialogues on race. The pace is more important than the words. In a more musical vein, Smith privileges conversational rhythm over the topics or melodies of the dialogue. Jazz music developed the break, what Albert Murray defines as “a temporary interruption of the established cadence . . . which usually requires a fill” or solo.\(^52\) It was in the break between rhythmic patterns that jazz virtuosity could be displayed and performed. Smith’s performance pieces create a cadence or flow, which in turn produces the expectations for rupture. The audience/reader of Smith’s performance pieces comes to listen and watch for the breaks and contemplate their meaning, as much as the content provides. Murray argues that “on the break you are required to improvise, do your thing, to establish your identity, to write your signature on the epidermis of actuality.”\(^53\) Unlike the jazz musician who improvises on the break, Smith embraces hip-hop’s approach of bending, deconstructing, and reconstructing a melody or rhythm by layering samples on top of samples.

The emphasis on rhythmic flow and asymmetry in her composition causes the audience to respond in a positive manner toward Smith’s work. Comparing her work to a film documentary or a news report, Janelle Reinelt quite rightly notes that Smith’s performance pieces convey an ambiguous critique of race relations. Reinelt also observes that Smith’s “objectivity and fairness is noted in almost every review; she earns the right to speak for others because the performance creates the impression of fidelity and fairness to the interviewees.”\(^54\) Keeping in line with hip-hop aesthetics, Smith is trying to “keep it real.” Her ability to weave her interviews into a flowing whole creates the semblance of truth despite the many fragment of truth contained therein. In these plays, offering authenticity, or the illusion of authenticity via flowing layered samples, becomes more important than stating a clear or coherent critique. In the introduction to *Twilight—Los Angeles*, Smith is very clear that she “is looking at the processes of the problems. Acting is a constant process of becoming something. It is not a result, it is not an answer. It is not a solution.”\(^55\) Although Smith never explicitly connects these processes with hip-hop, the dialogue she performs replicates the very conversations cultivated by hip-hop aesthetics.
Tricia Rose has described hip-hop as “black noise” or a “black cultural expression that prioritizes black voices from the margins of urban America. Rap music is a form of rhymed storytelling accompanied by highly rhythmic, electronically based music.” Although not music, Smith’s performances also present marginalized voices and stories through flowing layered samples. It is not just the content, but the method and rhythm of presenting that content, which defines hip-hop aesthetics.

Irony and Parody

The Post-Soul imagination, if you will, has been fueled by three distinct critical desires, namely, the reconstitution of community, particularly one that is critically engaged with the cultural and political output of black communities; a rigorous form of self and communal critique; and the willingness to undermine or deconstruct the most negative symbols and stereotypes of black life via the use and distribution of those very same symbols and stereotypes.

—Mark Anthony Neal, *Soul Babies*

Up to this point, my discussion of hip-hop aesthetics emphasizes structures or methods, not the themes or subject matter of contemporary African American cultural production. Analysts and critics of hip-hop music, contemporary visual arts, and recent literature tend to focus on the meaning, not the processes that created the texts. As a result, reading contemporary African American cultural criticism would cause many readers to conclude that the message dictated the artistic processes that created the resultant texts. By foregrounding sampling, layering, and rhythmic flows and ruptures, my goal has been to counter this scholarly trend and suggest that there is a mutually constitutive relationship between form and content. According to Albert Murray, the blues could be used to narrate tragedy, comedy, melodrama (or romance), and farce. The blues, at least according to Murray, could tell whatever story the artist wanted to tell. While most hip-hop critics acknowledge how hip-hop’s aesthetic structure shapes its message, it is still not uncommon to encounter scholarly and popular analyses of hip-hop’s lyrics or messages that separate the two. After reviewing a broad array of contemporary African American music, art, and literature, it appears that hip-hop aesthetics provides an ironic form for those who deploy it. Sampling, layering, and rhythmic flow/asymmetry, as
a unified aesthetic system, undermine strong political or cultural statements—either nationalist or integrationist—despite the efforts of some message rappers.

Traditional analyses of irony, such as Northrop Frye’s, define the practice as giving “form to the shifting ambiguities and complexities of unidealized existence.” The most ironic moments are those where the position or view of the creator is most submerged, leaving the audience to interpret the many possible meanings and to wonder whether the irony is intended or incidental. Hayden White has argued that irony can constitute a mode of historical narration: “Irony tends to dissolve all belief in the possibility of positive political actions . . . it tends to engender the belief in the ‘madness’ of civilization itself and to inspire a Mandarin-like disdain for those seeking to grasp the nature of social reality.” Offering a more pragmatic account, Richard Rorty argues that much postmodern criticism embodies this ironic attitude and that the ironist questions the value of any and all terms, ideas, texts, images, or sounds because they offer mere representations of reality, which in turn can be redescribed. Rorty concludes, much like Hayden White, that irony is irredeemably private and will not serve as the basis for social justice movements.

Postmodernists, on the other hand, tend to offer more positive accounts about the potential political effects of irony. Gilles Deleuze argues that it is the primary way to challenge law’s inequities. For Deleuze, irony creates the very concept of difference because it highlights contradictions, paradoxes, and language’s complexity. Translated to hip-hop aesthetics, irony—at least for Deleuze—creates the very racial, gender, and class differences hip-hop frequently seeks to articulate. Linda Hutcheon develops this point further to show how irony can make explicit the conflicting assumptions between interpretative communities. Hutcheon’s argument is premised on the idea that irony is only possible when multiple discursive communities exist and create contrasting interpretations of a given text. In his study of African American satire, Darryl Dickson-Carr examines how degenerative irony has operated within African American literature. Basing his analysis on Hutcheon’s theoretical approach, Dickson-Carr argues that irony in the post–Civil Rights era targets both the narratives that found Western culture and the contradictions and tensions within the African American community.

Within the logic of hip-hop aesthetics, keeping it real is a claim about the need for artistic authenticity and being true to one’s roots, not a desire for realism in art per se. When a hip-hop artist insists on keeping it real,
it does not mean that he or she is producing a verbatim or completely accurate image or description of existence. Rather, realness requires an unsentimental perspective on contemporary life that recognizes how the mere repetition of a text, sound, or image illustrates the ongoing production of discursive communities based on race, gender, and sexuality. As the epigraph to this section notes, Neal has identified cultural critique and deconstruction of stereotypes (both positive and negative ones) as central goals of contemporary African American cultural production. Central to articulating these criticisms, hip-hop aesthetics deploys irony to insist on the continuing importance of race in shaping discursive communities, social experiences, and legal doctrines.

Both the music of Dead Prez and the comedy of Dave Chappelle illustrate how irony operates by exploring existing social cleavages. Dead Prez is a hip-hop group whose name simultaneously references both money, because U.S. currency tends to celebrate past political leaders, and a revolutionary politics, which would lead to the metaphorical deaths of our current leaders.71 Dead Prez is unusually political by hip-hop standards. Its conscious deployment of irony is designed to remind the hip-hop nation of its putative political commitments and assert that community’s cultural, political, and racial difference from the mainstream.72 The group’s race-conscious politics have caused them tremendous difficulty in securing a recording contract. On the other hand, Dave Chappelle has found commercial and popular success with his ironic commentaries about the myth of a color-blind America. In one skit, Chappelle imagines how the country would respond to George W. Bush’s public persona and his policies if he were black.73 Through his ironic portrayal of President Bush, Chappelle demonstrates how race still shapes public opinion, the political order, and perhaps most importantly the country’s sense of humor. Both Dead Prez and Chappelle examine the illusion of authenticity demanded by hip-hop. Dead Prez reveals the “false consciousness” of hip-hop stars who create radical street personas but willingly trade that persona for material success, which disconnects them from their community. Chappelle deconstructs racial stereotypes and taboo topics in a putatively color-blind society. Even as he questions the logic of authenticity, Chappelle relies on his racial identity to save his own racialized representations from being viewed as racist depictions.74 Unlike Dead Prez, whose antiracist and anticapitalist politics are pretty clearly presented, Chappelle has politics that are harder to discern.

Perhaps no song more than N.W.A.’s “Fuck tha Police” better represents the irony implicit within hip-hop lyrics. The song questions legal au-
thority and seems to advocate armed resistance against the police when necessary. Due to this song, a number of police departments made it difficult, if not impossible, for N.W.A. to perform. They read the song’s lyric literally and mistakenly believed that N.W.A. advocated the killing of law-enforcement officials. What such a literal reading missed was the literary framing of the song. The song begins by claiming that the “NWA court” has begun and that Ice Cube must take an oath that his testimony will be truthful. The scene is clearly fictional and fantastic, as Dr. Dre plays the judge and the prosecuting attorneys include MC Ren, Ice Cube, and Easy E. Moreover, by parodying the traditional courtroom oath, the song clearly understands itself as an imagined response to the struggles of urban life and a parody of the false racial truths typically offered in courtrooms during the height of the War on Drugs. The song concludes with the fictional court rendering the judgment that the police officer is a “redneck, whitebread, chickenshit muthafucka.” The officer immediately cries that he wants justice. Despite the harsh language and vivid imagery, the song is clearly fictional and ironic. Some whites heard the song as echoing their own fears about black lawlessness, but N.W.A. seems to criticize how race affects police actions and legal decisions. It is not the exhortation to anarchy some understood it to be, but a plea to inject hip-hop youth’s perspective on law enforcement into public dialogues. If law enforcement ever experienced the other side of the police stick, as Ice Cube suggests, it too would cry injustice. Following Deleuze, N.W.A.’s irony merely accentuates the social cleavage that already existed.

My study of hip-hop, as a result, suggests that its approach to metaphor is primarily ironic because the standard meaning for a word or a phrase is rarely asserted or invoked. Tricia Rose argues that hip-hop relies on a “hidden transcript” with “cloaked speech and disguised cultural codes” that can “comment on and challenge aspects of current power inequalities.” Rapping provides emcees a way to articulate social criticisms that still are not quite “utterable” even if law guarantees formal equality. Hip-hop has thus become highly metaphorical, creating new words and terms and resignifying established symbols and icons. Sampling and layering have only added to the obfuscation within hip-hop, because lyrics, beats, rhythms, and even sound bites all produce and deconstruct messages simultaneously. If blues testified to the need to overcome existential angst and jazz attempted to forge identity and respect through improvisation, hip-hop finds joy in its technological and lyrical play but doubts that any transcendence or respect is forthcoming, especially from the world outside one’s neighborhood.
Some have found hip-hop nihilistic or self-indulgent. I would argue that its overall message, especially as articulated in art and literature, is primarily ironic. This irony, however, can have negative consequences because its very performance and potential inaccessibility have the potential to recapitulate the very stereotypes the form attempts to deconstruct. This emphasis on irony also undermines efforts to build a hip-hop-based coalition to challenge inequality and injustice.

From the outset, critics both admired the realism of Smith’s performance pieces and worried about the potential for her work to reinforce worn stereotypes. By analyzing *Fires in the Mirror* and *Twilight—Los Angeles* through the lens of hip-hop aesthetics, it is possible to understand them as ironic revisions of contemporary American history. Through these performances, Smith asserts that the words themselves should be understood not as literal truths, but as symptoms of a bigger problem:

I am interested in the difficulty people have in talking about race and talking about difference. This difficulty goes across race, class, and political lines. I am interested in the lack of words and mistrustful of the ease with which some people seem to pick up new words and mix them in with the old. The new words seem to get old quickly. This means to me that we do not have a language that serves us as a group.80

In the introduction to *Twilight—Los Angeles*, Smith restates her assumptions more economically: “Our race dialogue desperately needs this more complex language [one that can accommodate multifaceted identities].”81 In these quotations from the introductions of both performance pieces, Smith tries to make clear her ironic use of metaphor and language. Romantic, tragic, or even comic modes of narration can submerge the “truth” of identity under stereotypical forms. Instead, Smith refuses to allow the Rodney King or Crown Heights riots to be understood through these tropes. Rather, the performance pieces rely on sampling, layering, and rhythmic flow/asymmetry to undermine the narrative renderings various interviewees use to convey their viewpoint about the events.

The last section of *Twilight—Los Angeles, 1992* (“Justice”) illustrates how Smith deploys an ironic mode of narration to present an unidealized image of the riot’s causes and effects. To conclude her chronicle, Smith presents a defense lawyer for one of the acquitted (Harlan Braun), a Korean who owned a liquor store in South Central (Mrs. Young-Soon Han),
a Latina activist (Gladis Sibrian), and the organizer of a gang truce (Twilight Bey). Through these individuals, Smith articulates a multifaceted critique of how media accounts oversimplified the events in order to narrate the riots as romance, tragedy, or comedy. Unlike the standard versions of the riots, the picture Smith presents is much more ambiguous. Smith selects Harlan Braun to draw one possible conclusion about the riots: “What is truth?” And it’s a haunting question here too, isn’t it? Is it the truth of Koon and Powell being guilty or is it the truth of the society that has to find them guilty to protect itself?”

Through Braun, Smith demonstrates the irony of those who sought to find a single truth in the riots. Braun questions the very nature of truth and thus reminds the audience that Smith has layered her samples to interrogate the “linear” conceptions of truth in which events result from one primary cause and yield one lesson. Second, Smith performs the words of Mrs. Young-Soon Han. Han describes how the riots changed her once-favorable view of the United States and caused her to question the very ideal of justice. She also wonders whether Korean Americans will be able to find common ground with African Americans and live together with them peaceably. By placing Han’s voice after Braun’s, Smith deconstructs the racial binary on which most commentators relied to understand the case and demonstrates the multiple issues and views that shaped people’s perspectives of the event.

Third, Smith presents Gladis Sibrian, the director of the Farabundo Martí National Liberation Front. Sibrian discusses the powerlessness that people, especially African American and Latino/a youth, felt as a result of the riots. For Sibrian, the violence that ensued constituted anarchy because no one organized and channeled the emotions the court decision caused. The riots symbolize a failure because they reinforced feelings of powerlessness across racial and ethnic lines even as people took events into their own hands. Through Sibrian, Smith shows that no transcendence followed from this social explosion. The failure, however, did not result from a fatal flaw (as in tragedy), but is reflective of the irony implicit in the post-Civil Rights era. This section and the play culminate with Twilight Bey and his metaphor of twilight to describe the metaphysical uncertainty the performance piece presents. Although the putative theme of this section is justice, Smith leaves the audience with the image of twilight, the fleeting moments between day and night. This metaphor emphasizes the evanescence of the historical event and the perspectives on it, suggesting that justice itself may be an ephemeral condition.

Ironically, the former gangbanger gets the last word of the play, but
those final thoughts do not possess a determinate meaning, nor did he construct them for the exact purpose to which they are here used. Rather, he comes to embody the failure of grand narratives through his name and his philosophy. Twilight Bey becomes a metaphor for liminality himself, thereby losing the very individuality Smith appears to offer her interviewees. The layers of samples, culled from her many interviews, suggest that all perspectives contain some truth, even if no one perspective possesses the entire truth. The rhythmic flow, which is so central to the virtuosity of Smith’s performances, implies that the play of “time” holds the key to justice, not a discrete principle. Smith claims, in her introduction to *Fires in the Mirror*, that if one repeats a word enough times, it becomes one’s own. Yet this statement obscures the ironic form of ownership her performance methodology confers. The words she comes to own have been transformed through her own sampling, sorting, and pasting into a “new” composition. By sampling the words of her interviewees and then reconstructing them into a layered and flowing text, Smith interrogates who owns the performative spaces that the theater offers.

By sampling the words of her interviewees and then reconstructing them into a layered and flowing text, Smith interrogates who owns the performative spaces that the theater offers. While the people portrayed do gain some access to the stage, it constitutes an ironic access because Smith’s virtuosity as a performer and the stories of Crown Height and Los Angeles overpower their thoughts and personalities. Moreover, their words gain value within Smith’s narrative precisely to the extent her performance reshapes their meaning.

**Hip-Hop Aesthetics and Intellectual Property Law**

Anna Deavere Smith’s performance pieces exemplify not only the characteristics of hip-hop aesthetics but how its assumptions conflict with intellectual property law. *Fires in the Mirror* and *Twilight—Los Angeles, 1992* both share the copyright warning, common to most books or plays:

> All rights, including but not limited to live stage performing rights (professional and amateur), motion picture, radio and television broadcasting, recording, recitation, lecturing, public reading, and the rights of translation into foreign languages are expressly reserved to the author and subject to royalty.

This copyright warning seems particularly ironic because Anna Deavere Smith did not actually write *any* of the words she performed. Rather, she
selected these quotations/samples from her interviews, layered them in patterns, and then claimed ownership in the compiled or collaged text. Moreover, this legal claim seems to contradict the very assertion she makes about who owns the stage in her introductions. While I am notquestioning her artistic ability or her creativity, there appears to be tension between the hip-hop methodology employed and the legal form that allows Smith to assert some level of control over her creation and disseminate her art. Smith’s plays help reveal how intellectual property law enables texts created by hip-hop aesthetes to circulate within popular culture and threatens the vitality of hip-hop aesthetics as an ongoing cultural paradigm for textual production.

Intellectual property law creates properties out of written or visual texts (copyright); manufacturing processes and business inventions (patent); company names, logos, and slogans (trademark); and even celebrity personas (right of publicity). Copyright, patent, trademark, and the right of publicity are loosely connected legal constructions, to which different legal doctrines frequently apply. What they share, however, is the ability to create property out of intangible objects. As is frequently noted in the literature, especially by its strong proponents, intellectual property law (1) provides incentives for creators to create intangible property, (2) enables third parties to invest in other people’s ideas and the expression of those ideas, (3) allows our intellectual resources to flow to their most valuable uses, and (4) fosters private ownership and thus permits decentralized decision making about creativity and scientific discovery.85 According to the U.S. Code, intellectual property owners have the right to make copies of and distribute their work.86 The U.S. Supreme Court has recently made it clear that courts must create a “sound balance between the respective values of supporting creative pursuits through copyright protection and promoting innovation [and creativity]” when interpreting and applying intellectual property law.87

While property rights are ostensibly color-blind and race neutral, Cheryl Harris astutely notes that they have always been linked to identity traits, such as gender, religion, race, ethnicity, national origin, and social class.88 Unspoken assumptions about creators, authors, and scientists have limited the applicability of intellectual property doctrines because they tend to include romantic assumptions about authorship: creators of all kinds work alone, create new works of art or make discoveries through leaps of genius, and ignore historical or cultural contexts when they work.89 Hip-hop aesthetics does not follow the romantic conception of ge-
nious that underlies intellectual property law. As its practitioners and critics alike note, hip-hop aesthetics is concerned with “keepin’ it real” and authenticity claims as much as it is concerned with monetary rewards—although its practitioners willingly take the money. Even if hip-hop music has frequently concerned itself with the legality of sampling, hip-hop artists nonetheless assert their ownership rights over their songs and their styles.

Anna Deavere Smith’s performance pieces suggest a similar conflict of values and assumptions. Smith must blur the line between verbatim reportage and solitary artistic genius as she develops her project in order to please both the requirements of the theater community and the legal requirements for intellectual property protection. Her attempt to perform her critique that theater omits the multiplicity of voices that comprise the United States creates a potential legal conundrum: if she samples too directly, then she opens herself up to a lawsuit. If she samples wisely, as she does from excerpts taken from private interviews, she comes to “own” the very words she claims have been missing from the public dialogue. Thus, she has “stolen” from the very people with whom she claims solidarity. A number of groups and hip-hop stars have encountered similar dilemmas, seeking to include phrases from Martin Luther King speeches or samples of George Clinton and James Brown as testaments to their groundbreaking artistry. In these instances, hip-hop musicians must either pay up or delete the homage they wanted to make.

As I have tried to argue throughout this chapter, sampling, layering, and rhythmic flow/asymmetry lead hip-hop aesthetics toward ironic forms of narration and ambiguous criticisms of American culture. Intellectual property law and legal discourse, however, have historically assumed that meaning is directly correlated to the words, sounds, or images of a given text. While irony revels in ambiguity and double meanings, intellectual property law operates as if words have a distinct meaning without reference to any particular audience or cultural context. One of the primary analytical tools upon which courts have relied in copyright law is the idea/expression dichotomy. Thus, an author can own the expression or particularly wording of a concept, but not the concept itself, because legal discourse has determined that allowing authors to own particular articulations of an idea provides the necessary balance between innovation and property rights and between the creator and the public.

This scheme functions properly as long as particular expressions denote one distinct idea. Hip-hop aesthetics challenges this assumption of copy-
right law because its aesthetic theory presupposes ambiguity and double meanings and carefully constructs these texts to produce these ironies through sampling, layering, and rhythmic flows/asymmetries. Rather than assuming that a particular text constitutes a subset or articulation of a given idea, hip-hop aesthetics turns this relationship upside down and attempts to transform a single expression into a multiplicity of ideas. For example, when Jay-Z samples from the musical Annie in his song “Hard Knock Life,” he transforms the meaning of a “hard knock life” even if copyright law required him to pay a royalty for merely copying the song. The idea/expression dichotomy breaks down when applied to hip-hop producers because their verbatim copying frequently shows how multiple ideas exist within a single expression. It is precisely this free play of ideas, which hip-hop promotes, that intellectual property law regulates and limits.

The goal of hip-hop aesthetics is thus to reconstruct a textual object so that what appears solidly romantic, tragic, or comic becomes an elusive, ambiguous, and ironic commentary on contemporary social relations. Emphasizing authenticity or “keepin’ it real” is actually an ironic plea that serves as an antidote to the excesses of other narrative modes. Hip-hop does not dismiss tragedy, romance, and comedy because these narrative modes affect social relations even if they fail to represent cultural life adequately. Hip-hop aesthetes must engage tragedy, romance, and comedy to demonstrate how they saturate American culture and fill it with “white noise.” Contra postmodernism, hip-hop does not lament the “emptiness” of mass culture but deconstructs its “weight” and influence. It makes fun out of that “cultural baggage” by transforming the meaning of a text even as it appears to use a verbatim copy of it. Hip-hop aesthetics reveals that ownership, especially of cultural texts, is ultimately more bound by cultural and racial contexts than existing intellectual property law doctrines suggest. Thus, Smith’s claim in the copyright notice that she owns the expressions Fires in the Mirror and Twilight—Los Angeles, 1992 appears more coherent because she emplotted them, through sampling, layering, and rhythmic flows/asymmetries, into an ironic collage for the theater.

Smith’s performance pieces exemplify hip-hop aesthetic’s criticism of intellectual property law. Smith makes clear that the key to her meaning lies in her performance, not in its composition or as an abstract text. For her, identifying her work as a performance attempts to protect it from being reduced to a mere text or expression. Smith resists any effort to transform the ambiguity of her work into a romantic, tragic, or comic tale that falsifies the messiness of the Crown Heights or Rodney King riots. Intel-
lectual property law, however, cannot protect this kind of integrity because it does not acknowledge how particular expressions get plotted with distinct narrative modes. This gap within the assumptions of hip-hop aesthetics and intellectual property law reveals how legal discourse seeks to resolve such textual ambiguity by expanding (intellectual) property’s rule. Given its historic role in creating racial, gender, and class inequality, it is ironic that contemporary society is asking property concepts to resolve a whole host of ongoing cultural conflicts in the post–Civil Rights era.