CHAPTER 1

*Music behind the music: Appropriation as the engine of creation*¹

“Appropriation” has become a keyword in writings about music. It encompasses various forms of copying, borrowing or recycling, which lead to the production of a piece of music based on pre-existing elements. In the field of what is conventionally called “contemporary” music, composers use it profusely. It is one of the main composition techniques in recent genres of popular music (rap, techno, “world music”) and is also widespread in African urban or Indian popular music. It is indeed the major technique used to compose *moppies* and combine choruses sung by Cape Town’s Malay Choirs and *Klopse*. Appropriation is a universal method of musical composition² and its very universality invites us to try and understand how it is used, what it means in various contexts and how it is related to creation.

The universality of appropriation

A theory of appropriation was formulated in the late 20th century to draw lessons from the emergence of a movement in plastic and visual arts. Artists considered as participating in “Appropriation Art” used many different techniques, ranging from identical reproduction to reformulated forms of ready-mades and collages, a continuum punctuated by several intermediary procedures. “Appropriation Art” designated an ensemble of works and artists presented in a number of influential New York galleries during a decade spanning the late 1970s to the late 1980s. It was considered as: “the very ‘language’ in which the postmodernist debate was conducted” (Evans 2009: 14). Appropriation, however, was nothing new. The emergence of a diverse artistic movement gathered under this label contributed to draw attention to the term and the techniques it covered; this must not conceal the fact that appropriation has always been used, everywhere, by human beings involved in creative processes. To note the universality of appropriation necessarily leads to asking why it is so widespread and what social significance
it may have in various social contexts. To look for answers to these questions, one may start from anthropologist Jean-Loup Amselle’s theory of an “initial métissage”, that is a métissage that had no beginnings, which, consequently, could never bring together pure and unmixed elements. Ethno-history actually brings to light infinite connections (branchements): cultures have always been invented and identities configured by mixing elements coming from societies considered, at one particular time, “different” (Amselle 1990, 2001).

Looking closely at how mixing and blending take place, it is obvious that appropriation is never unilateral: it is a multidimensional relationship that involves several agents (at least one who appropriates and another whose “goods” are appropriated) and impacts upon on their ways of being, as well as on their powers of innovation (Ziff & Rao 1997: 1–4). Appropriation is one of the modes of cultural transfer that is set in motion as soon as people or groups of different origins meet, whatever the situation of inequality and violence (slavery, colonisation) in which the meeting occurs (Gruzinski 1996, 1999; Turgeon 1996, 2003). It intervenes within the general mechanism of acculturation as defined by Roger Bastide: an ensemble of “processes that take place when two cultures are put in contact and interact: act and react one on the other” (Bastide 2006 [1998]). These processes cause changes in every culture that comes into contact with other cultures, and trigger creative dynamics. Serge Gruzinski, for instance, analysed how Aztecs in New Spain (Mexico) started, as soon as they were subjugated by Spaniards, to move from exactly replicating European models to inventing new aesthetic forms, and how, in turn, in the fine arts, their innovations influenced the European styles called “Mannerism” and “Grotesque” (Gruzinski 1996, 1999). In the first stages of colonisation, acculturation and appropriation implied immediate meetings of people: rubbing shoulders was a prerequisite for exchanges. Today, new techniques of communication no longer make that necessary. First, the discovery of printing and engraving stimulated the circulation and commercialisation of plastic models throughout Europe. Albrecht Dürer was one of the first artists to understand the benefits he could derive from having his works, identified by a logo, reproduced in large quantities and sold. Then, recording machines were invented, which made it possible to fix and transfer sounds and images; later the internet intensified and accelerated the circulation of cultural products, making it possible to access immediately almost any type of artistic creation emanating from any place in the world. Appropriation is not only about artistic productions, but also about aesthetic models. The examples of the Aztecs and Albrecht Dürer confirm it acquired this characteristic early on.

Focusing on a more recent period, anthropologist Bennetta Jules-Rosette, demonstrated that African tourist art represents the outcome of an intricate system of communication/interaction, in which African sculptors endeavour to meet what they assume to be the expectations of tourist art buyers and in this way contribute to fashioning these buyers’ representations of what African art is. An aesthetic of symbolic exchange appears in this mise en abyme (Jules-Rosette 1984:
Musicologist, Jean-Jacques Nattiez, following up on propositions by philosopher and linguist, Jean Molino, suggested that music should be considered as an “impure mix”. He converges with Jean-Loup Amselle’s theory of initial métissage and disproves notions of musical “purity” or “authenticity” (Nattiez 2009: 55). Such a primordial impurity is the consequence of what anthropologist, Georges Balandier, identified as a dialectics of inside and outside dynamics (Balandier 1951, 1971). Inside dynamics result from the impact of moral, social, economic and political mutations on musical activities. Within this framework, aesthetic research creates an additional, but autonomous, momentum. Outside dynamics arise from three inter-related phenomena: external constraints (especially commercial constraints linked to the treatment of music as a commodity); social representations of music from “elsewhere” (which can be depreciated and despised or valued because of an exotic fascination for faraway lands or a romantic idealisation of certain societies); and finally, choices made by musicians for reasons pertaining to the first two phenomena, as well as because of aesthetic preferences. Musical appropriation can therefore be defined as the adoption — spurred by internal and external factors and independent inclinations (which cannot be divorced one from the other) — of musical traits, genres, styles or elements of genres and styles coming from musical works or musical universes other than those of the borrower.

This is a universal phenomenon. In mediaeval Europe, troubadours writing in lenga d’òc (langue d’oc, an ancient form of Occitan) practiced trobar. The term, used to speak of a particular creative process, combined the notions of finding and composing; it clearly signified that troubadours’ creations were based on reusing what they “found” to produce personal “finds”. This is the reason why one piece, music and lyrics, could be rendered with many variants, using a composition method proceeding by addition (Thomas 1998: 36-38). In these times “composition was an organic process concerned with the past and the present while contributing to the future” (Thomas 1998: 36). To quote other works was a way of paying a compliment to fellow musicians and poets, and also of referring to meanings associated with these works. From the combination of the text of the work quoted with the text of the “new” composition, emerged complex correspondences: significations replete with contrasting and sometimes contradictory sentiments (Thomas 1998: 36). Later, all composers adopted similar attitudes. Johann Sebastian Bach, wrote musicologist Antoine Hennion: “never ceased to draw from others to imagine his music” (Hennion 2010: 42). Bach considered that God is the only creator and that, consequently, he, Bach, “does not create anything ex nihilo: he comments, he re-uses tirelessly already existing music, his own or other musicians’, in order to ornament God’s words” (Hennion 2010: 44). After Bach, most composers abandoned the idea that creation was only God’s prerogative; they nevertheless continued unabatedly to draw from
past and present popular and art music. In order to evaluate the extent of musical appropriation and to understand its consequences, J Peter Burkholder endeavoured to constitute the use of pre-existing music as an autonomous research domain. His goal was to study techniques of borrowing, relationships between various modes of borrowing and meanings of borrowings. He proposed more than two decades ago the outline of a typology and a timeline of musical borrowings which are still extremely useful (Burkholder 1994). In the history of Western art music, despite efforts made by historians and musicologists to hide it behind the myth of the individual genius, appropriation is ubiquitous. It is widespread in orally transmitted music (so-called “traditional” music). Contemporary artists in the field of popular music make the widest use of computers and recent communication technologies to increase their stock of material ready to be reworked: “Undaunted by traditional conceptions of literary and intellectual property, fans raid mass culture, claiming its material for their own use, reworking them as the basis for their own cultural creations and social interactions” (Jenkins 1992: 18). For these musicians, “every sound that has been caught is liable to be used” (Kosmicki 2010: 100).

Musical appropriation

Musical appropriation is so prevalent that it is no longer enough to signal it in passing. It is necessary, as advised by J Peter Burkholder, to zero in on the reasons and the consequences of this practice.

What is appropriated?

Appropriation may concern styles or genres. When Johann Sebastian Bach qualified his suites as “French” or “English”, when he titled a harpsichord concerto Concerto nach Italienischem Gusto (Concerto after the Italian Taste), he underlined his will to reproduce prevalent characteristics of the French, English and Italian music of his time that his audience would probably recognise. Claude Debussy and Igor Stravinsky adopted the same evocative approach when they took inspiration from American music. The fascination Afro-Cuban son exercised on Senegalese and Congolese young urban musicians led them to adopt not only songs, but a whole style of performance typical of Cuba (Shain 2002, 2009; White 2008). Ghanaian and Nigerian musicians rather looked to Trinidad and took to playing calypso (Collins 1989, 1996). Apart from these types of broad appropriation, there are more limited forms of borrowing: Béla Bartók from Hungarian and Slovakian popular songs, Leoš Janáček from Moravian songs or
Richard Wagner, who introduced in the prelude to *Tristan and Isolde*’s third act a Venetian gondolier’s song under the guise of an English horn solo (Nattiez 1997). Among Indian composers of Bollywood soundtracks or pop songs, using and mixing pre-existing tunes is extremely common (Guillebaud 2010). One of the most remarkable examples of appropriation brings us back to European 17th century: Georg Friedrich Händel was so fond of Giacomo Carissimi’s oratorio *Jephte* that he included note for note its final chorus in his own *Samson*.

Why appropriate?

Musicians decide to appropriate material they did not create for aesthetic reasons, for example for a particular sonic quality that will enrich the piece they are working on. They also often select what they appropriate according to the symbolic value they, and/or their audience, grant to traits typical of specific genres or musical cultures. In South Africa, the *ghoema* beat is included in works belonging to many genres, from “art” music to rap, in order to signify Cape Town and its history of mixing. Particular types of vocality and ornamentation techniques refer to the East and the Arabic world. Certain rhythmic patterns embody Jamaica and the myths surrounding reggae. In genres which appeared recently, such as rap, techno or “world music”, one can hear a multiplication of borrowings within the same piece. Combinatory mechanisms have become a predominant mode of composition, made easier by sampling and dedicated computer software (Arom & Martin 2011). Samples can be transformed. They can also be treated in a way that allows listeners to recognise the source: their insertion in a new piece produces a double effect, namely sonic and symbolic. However, a combination of pre-existing tunes pre-dates the irruption of samplers and computers. In Madagascar and Reunion Island, as well as in many other parts of the world, composers used to memorise songs, distinctive traits of styles, genres and motives and assemble them according to their own imagination (Mallet & Samson 2010).

These various examples highlight how important a role technical innovations play in processes of appropriation. It cannot operate in identical ways when musicians work in an environment where they have to come face-to-face to exchange, and when they find themselves in a world criss-crossed by virtual networks of communication. Ethnomusicologist, Peter Manuel, demonstrated how cassettes transformed the Indian musical landscape (Manuel 1993). Steven Feld and Annemette Kierkegaard showed that many genres of modern music could not have been conceived without a phenomenon which R Murray Schaffer baptised “schizophonia”, the separation of sounds from the situation in which they were originally produced (Feld & Kirkegaard 2010). In every case, it appears that appropriation is not just a morphological operation; it also implies symbolic manipulations.
Situation of appropriation

Musical appropriation has to be understood against a background of both particular situations, such as slavery and colonisation, as well as of the development of a commercial market for music and of the repercussions of technological changes (cassettes, internet) on the circulation of “goods” in this market. Consequently, social conditions and technological mediations have to be taken into account when investigating relationships between power and music. When Johann Sebastian Bach or Georg Friedrich Händel “borrowed” from their colleagues, they did not think of it as “appropriation”, but rather as a way of circulating music among peers. When Jesuits taught music to their indigenous flock in South America, or Christian missionaries to their followers in South Africa, they conceived music as a means to consolidate conversions and to instil in “heathens” the principles of European (Christian) civilisation. Both created a power relationship that imposed their culture and their faith as superior. The same mechanisms were at work in slave colonies of the Americas and the West Indies, but were indeed applied in a much more brutal fashion. In such situations, acquiring knowledge of the fundamentals of various European forms of music led indigenous converts in South America and African slaves in the so-called “New World” to develop an ability to play on symbols of European superiority. In a dialectical and contradictory manner, the internalisation of European pre-eminence was coupled in their mind with an increasing awareness that they could use the symbols of this pre-eminence, music among others, in order to fight European superiority and claim their own humanness.

As a matter of fact, relations of appropriation are frequently unequal. Johann Sebastian Bach was younger than Dietrich Buxtehude, but rapidly became considered as his equal, if not as a disciple who had surpassed his master. Composers of Indian pop songs and techno DJs work on an equal footing, even if differences in reputation and popularity exist between them. However, the globalised economy of music that conquered the world in the 20th century created positions from where powerful actors could capture the creations of subordinated people. Here again the relationship is replete with ambivalence. Ethnomusicologist, Steven Feld, emphasised that:

Musical appropriation sings a double line with one voice. It is a melody of admiration, even homage and respect; a fundamental source of connectedness, creativity, and innovation. This we locate in a discourse of “roots”, of reproducing and expanding “the tradition”. Yet this voice is harmonized by a counter-melody of power, even control and domination; a fundamental source of maintaining asymmetries in ownership and commodification of musical works. This we locate in a discourse of “rip-offs”, of reproducing “the hegemonic”. Appropriation means that the issue of “whose
The effects of ambivalences led Bruce Ziff and Pratima Rao to distinguish between assimilative practices: “a process whereby cultural minorities are encouraged, if not obliged, to adapt or assimilate the cultural forms and practices of the dominant group” and appropriative practices: “a process whereby dominant groups may be criticized and challenged when they borrow the cultural forms associated with subordinate groups” (Ziff & Rao 1997: 5–7). Such a dichotomisation brings to the fore power relationships that underpin cultural transfers and highlights the existence of different strategies related to various power positions. Yet it may be understood as a rigid opposition between attitudes and practices that are actually always intertwined. This is why it is probably more fecund from a heuristic point of view to continue using the general term appropriation to embrace the combinations of these attitudes and practices in all their complexity, while keeping in mind that: “power and the relationships of power can be construed as central to the concept of cultural appropriation […]” because it implies a “differential access to sources of power and the consequences for cultures and cultural forms that flow from this differential access to power” (Ziff & Rao 1997: 5).

The transformative power of appropriation

The first stage of appropriation is unchanged reproduction, for example Georg Friedrich Händel’s inclusion of Giacomo Carissimi’s final chorus of Jephte in Samson. The mere practice of inserting a piece from a work by Giacomo Carissimi in an oratorio written by Georg Friedrich Händel transformed it, because the context in which it was placed was different. Analysts of “Appropriation Art” were quite aware of this. David A Mellor, discussing Richard Prince’s “rephotographies”, observed that they were “invaded — parasitized — by uncanny fantasies of forfeited existence” which permeated them with an “unintended and unwanted dimension of fiction” (Mellor 2009: 100). Photographer Richard Prince himself explained:

Rephotography is a technique for stealing (pirating) already existing images, simulating rather than copying them, “managing” rather than quoting them, re-producing their effect and look as naturally as they had been produced when they first appeared. A resemblance more than a reproduction, a rephotograph is essentially an appropriation of what’s already real about an existing image and an attempt to add on or additionalize this reality onto something more real, a virtuoso real, a reality that has the chances of looking real, but a reality that doesn’t have any chances of being real. (Prince 1977; own emphasis)
In this case, reproduction is a manipulation aimed at re-signifying what is reproduced. In pop music, “cover versions” are necessarily unfaithful to the original: they compete with the initial production and between themselves. Just as with “remakes” in cinema, they have to show specific traits in order to attract buying listeners; they try to be “better”, to be more “up-to-date”. When it is a genre or a style that is appropriated, the transformative process is more powerful: appropriation gives birth to new trends, even though they may keep the name of what has been appropriated. Jazz has provided many examples, be it in France, with the emergence of “French jazz” (Martin & Roueff 2002), or in South Africa, with “African jazz” (Ballantine 2012). Ska, reggae and rap have produced the same effects.

Appropriation is even deliberately used to produce something new. Indian popular music is, again, a case in point: composers move melodies around; sometimes they mix them, they place new texts on pre-existing tunes (Guillebaud 2010; Manuel 1993: chap. 7). Gipsy musicians from Kossovo, and many other places, “handle a tune as raw material, out of which they tend to create a new product, their personalized version. In the process of molding the product, Gypsy musicians consider all musical features changeable” (Pettan 1992: 128). Their attitude is similar to that of jazz musicians who always considered interpreting standards as a stepping-stone to improvisation, which could be in the form of variations on the theme or of original melodies built on the chord progression of the song “interpreted” (Williams 2010). Jazz improvisation is at the same time impromptu and fed by formulas widely circulating in the world of jazz, the memory of solos which have made a strong impact upon musicians and audiences, and imitations of individual characteristics which have been integrated in innovative styles. We shall see how, in Cape Town, moppie composers assemble elements of pre-existing melodies to organise a new tune on which they place original lyrics in Afrikaans.7

Significations and resignifications

Transformations caused by appropriation are not only morphological. To be sure, they contribute to giving a particular aesthetic quality to works in which borrowings are inserted or which are edified on such borrowings. But borrowings refer to other pieces, to other composers, and to the societies they come from: they exhibit a relation that is heavy with symbolic significations. Philosopher Paul Ricœur considered that to appropriate amounts to making what is appropriated one’s own in order to affirm or to recover the “act of existing”,8 to proclaim a desire to be (Ricœur 1969b: 323–325). Existing and understanding Oneself depend on the Other, on the Other’s understanding (Ricœur 1969a: 20–21). Relations existing between the Self and the Other
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devolve from the Other’s presence in the Self and the recognition of the Other
as another Self: they generate agency because they give the subject a power
of initiative, an ability to change what the subject has appropriated from
Others which appears as the portent of a capacity to change the world (Ricoeur
1990). To understand the motives and significations of musical appropriation,
it is necessary to start from the relationships between appropriation, identity,
alterity and transformative power.

Appropriation can be used to improve a piece of music by giving it a particular
“flavour” or by remodelling a conventional form. When composers work on an
equal footing, this may consist of drawing inspiration from and paying tribute to
a “master” or a respected colleague. This is frequent in European “art” music, jazz,
techno and rap. Musicologist, Sabine Trébinjac, recounted that already in second-
century BC China: “Hans considered that music, especially military music, had a
particular power; to analyse the theft of the enemy’s music in order to defeat him as
a way of appropriating his luck and his virtue is therefore well founded” (Trébinjac
1997: 239). When composers are linked by uneven relations, appropriation acquires
other dimensions. The appropriation of musical characteristics of a dominating
group’s music by dominated musicians seems to manifest an acceptance of its
intrinsic superiority, but it also affirms the subaltern’s capacity to do as well as, if
not better than, the “masters” in their own realm. In Cape Town, amateur coloured
singers of the Eoan Group gave outstanding performances of Italian operas in Italian
(Eoan History Project 2013) and Trinidadians “bad boys” turned steel drum players
gave amazing renditions of European “classical” hits (Stuempfle 1995). In such
cases, the use of the Other’s music amounts to a form of the symbolic cannibalism
advocated by Oswaldo de Andrade in Brazil: “anthropophagic thinking” is selective,
it implies absorbing what represents the Other’s strength in order to acquire it, but
it is capable of distinguishing the positive elements of the Other’s civilisation and of
rejecting what cannot be used to the “cannibal’s” benefit (De Andrade 1995, 2015).
Decades later, Haitian poet René Depestre developed similar ideas under the name
“maroonage”: “The socio-cultural history of the dominated masses of the western
hemisphere is globally a history of ideological maroonage which allowed them,
not to re-interpret the sword-brandishing, cross-toting and whip-waving Europe
through an alleged ‘African mentality’, but to exhibit a heroic creativity in order to
elaborate painfully new modes of feeling, of thinking and of acting” (Depestre 1980:
99). Here, “maroon” does not simply mean to escape, to flee the plantation, but also
to take from the Master’s possession what can be used to reconstruct a new life, a
new comprehension of oneself. In this perspective, it may not even be necessary to
abscend: the invention of a new practice, be it religious or artistic, may contribute
to recovering self-esteem, the conscience of being human, even while in shackles.

Members of dominating groups also draw from the music of the dominated.
In so doing, they affirm their capacity to “improve” the material they borrow, to
cleanse it of its rustic or plebeian dirt and give it a legitimate form, resounding with
rich harmonies. This is, for instance, what Greek composers Manos Hatzidakis
and Mikis Theodorakis pretended to do with demotic music or rebetiko, in a way emulating French composer Joseph Canteloube who “adapted” popular songs from Auvergne (a mountainous region of south-central France). However, the ambition of “art” music composers to “enhance” popular music does not preclude the fact that they can also be motivated by the will to pay tribute to the popular culture of their country. Peasants or urban workers, in spite of the exploitation they suffer, have also been considered as guardians of traditions, of an authentic national heritage which could be re-used and re-formulated in a nationalist perspective. Beyond a strict musicological interest, this is what led musicians such as Béla Bartók, Zoltán Kodály and Leoš Janáček to conceive works inspired by songs and dances they had heard, noted and sometimes recorded in the rural areas of central Europe. This type of work, including recognisable elements taken from the music of subjugated groups has indeed a political dimension: it can sound like a nationalist claim, but can also be heard as a protest against the oppression certain groups are submitted to. In South Africa, especially in the 1980s, “contemporary” composers such as Kevin Volans, Stefans Grové and Michael Blake inserted traits characteristic of black African music in some of their works, when white members of the rock ensemble, Bright Blue, quoted Nkosi Sikelel' iAfrika in an mbaganga\textsuperscript{10}-sounding piece, which became one of their greatest successes: “Weeping”\textsuperscript{11}. Musicians borrowing from the music of people considered “different” often express, at least symbolically, the will to break away from the group in which they live, its traditions or the way it is governed. Such breaks are moved by identification mechanisms, which turn the people from whom music is borrowed into an ideal or a counter-model, in contrast to the organisation of the society to which the borrowers belong. When young urban African musicians wanted to demonstrate that they too belonged to a world of modernity and that such a world was not the preserve of Euro-Americans, they injected in their music elements from metropolitan pop repertoires, as well as from original West Indian genres that radically differentiated them from their rural counterparts (Collins 1989, 1996; Shain 2002, 2009; White 2008). In the United States, young whites who decided to play jazz when it was just budding (e.g. Bix Beiderbecke) or reinterpreted black rhythm and blues (e.g. Elvis Presley), distanced themselves, at least for a time, from their native milieu and its cultural norms.

Appropriation and identity

What is at stake in these examples (and many others could have been given) is the configuration and expression of identities and processes in which music plays an important role (Martin 2013: chap. 1). Ethnomusicologist, Nathalie Fernando, observed: “The question of identity is central to inter-ethnic borrowing. Characteristics of the Other’s music may appear as potential material
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for building one’s own identity” (Fernando 2007: 59). Musical appropriation relies on identifications which are one of the essential mechanisms of identity construction. Music allows one to hear a play on sameness and difference; it tries simultaneously to erase the differences of Others with whom borrowers identify and to produce differences within groups from whom borrowers want to distance themselves, be it their membership group or not. This play is one of the forms taken by the agency that Paul Ricœur linked to appropriation. It not only causes morphological changes, it also transforms symbolic significations attached to music and triggers what Peter Manuel called a process of resignification: “On a strictly musical level, appropriation can involve the active alteration, however subtle, of acquired styles, as competent imitation gives way to creative syncretism and further evolution. More importantly, however, appropriation is a socio-musical process, involving the resignification of the borrowed idiom to serve as a symbol of a new social identity” (Manuel 1994: 274). When pieces or styles of music circulate between groups, sometimes in surprising round trips, it generates chains of metamorphosis, such as Christopher Waterman brought to light in his study of several versions of the song “Corrine Corrina” (Waterman 2000).

Together, formal modifications and resignification in music manifest a transformative power that can be symbolically extended to lived realities: for subaltern groups, they hold an emancipating potential. The effort to exist and the desire to be which Paul Ricœur discerned in appropriation nourish a will to fight in order to bring about changes in situations of inequality and oppression. From a different premise, Marxist philosophers linked the appropriation of the means of production to the liberation from alienation, in the perspective of a total reinstatement of a denied or mistreated humanness (Cotten 1982). This link was analysed in detail by Perla Serfaty-Garzon, an expert in environmental psychology: “This type of possession aims at making something one’s own, that is to adapt it to oneself and in so doing to transform this something into a prop supporting the expression of oneself. Appropriation amounts to grasping an object and exercising a dynamics of action on the social and material world with the intention to build the subject” (Serfaty-Garzon 2003: 27).12 Many illustrations of the liberating potential of musical appropriation can be found. One of the most powerful is the use made of African-American religious songs, in which European Protestant hymns were upset (or transformed) by the mixing of hymns with conceptions of polyphony and polyrhythms coming from various regions of the African continent. The invention of black gospel in the 19th century associated musical innovations with a reinterpretation of certain aspects of Christian dogma put forward by European settlers and their descendants. This led to a theology of salvation no longer based on obedience, but on emancipation. The liberating potential of black spirituals was fully realised when these songs served first as communication codes for activists involved in networks known as the Underground Railway, which organised slaves’ escapes; then as models for militant songs sung during the Civil Rights Movement (Martin 1998).
Appropriation and property rights

Until the 19th century, appropriation was free. When the notion of copyright was applied to music, and generated a number of related rights, it stirred up debates and legal controversies. Ethnomusicologist, Anthony Seeger, summed up the main issues of these disputes:

The copyright law in force today is based on a number of cultural presuppositions, four of which are central to issues faced by ethnomusicologists. First, the law is based on the concept of individual creativity — individuals copyright products of their own creation. Second, it is based on the idea that an individual should receive compensation for a limited period of time, after which the idea may be used by anyone without paying a royalty. After the expiration of a copyright, music enters “the public domain” and royalties may not be collected on it. Third, the law leaves somewhat unclear the status of arrangements of “traditional songs”. Fourth, the musical item copyrighted is item-title based. (Seeger 1997: 60)

These presuppositions are relatively new. Copyright was first instituted as much to punish individuals guilty of “subversive” writings (Foucault 1994: 799) as to protect the literary rights of writers. According to historian, Roger Chartier, it engendered a new economy of writing which put an end to: “the practice of collaborative writing that was demanded by patrons, troupes or theatre entrepreneurs and the reuse of stories already told, shared commonplace ideas, accepted formulae or the continuation of works which always remained open” (Chartier 2011: 282–283). In 1831, the addition of musical compositions to the American law on copyright had similar effects (Mangolte 2010). But it was based on the ideas that a musical composition was necessarily produced by an individual composer, that it was possible to isolate singular works to which the law could be applied, and it implied for a long time that only written pieces of music could be registered. It therefore ignored a large part of musical production, probably the largest: so-called “traditional” music, orally transmitted and not written, as well as many genres of today’s music in which composition and performance set in motion an art of combining that necessarily implies borrowing (Kosmicki 2010; Mallet & Samson 2010).

The many loopholes that persist in the legal approach to musical property are the source of controversies regarding the “theft” of dominated people’s “culture”, a practice the Writers’ Union of Canada defined in 1992 as: “the taking — from a culture that is not one’s own — of intellectual property, cultural expressions or artefacts, history and ways of knowledge” (quoted in Ziff & Rao 1997: 1). This formulation remains clumsily braced on an essentialist notion of culture. A
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musician from a “rich” country who borrows from or imitates music from a “poor” country is perceived as a “thief”; however, musicians from “poor” countries often acknowledge the fact that they may benefit from such a “theft” because “rich” and famous musicians contribute to giving the material they have borrowed a large exposure and help introduce musicians from “poor” countries to the globalised music market (Guillebaud 2010). However, the fact that some musicians derive important revenue from works integrating elements taken from other cultures cannot be denied. The most famous example is that of the New Age “world music” practised by French duet, Deep Forest. They used ethnomusicological recordings to produce compositions that generated important financial gains, which were neither repaid to nor shared with the ethnomusicologist who recorded the original material and the person who performed it (Feld 1996, 2000; Zemp 1996). Californian lawyer, Sherylle Mills, considered that: “Deep Forest remains an excellent example of the alarming vulnerability of non-Western music in today’s commercial music world. As the fate of the sampled music in Deep Forest reveals, current Western copyright schemes are inadequate for the protection of non-Western music and, consequently, are in desperate need of updating” (Mills 1996: 60). This highlights the combined effects of the legal individualisation of the creator, of the commodification of music and, consequently, of the application to artistic productions of rules conceived for commodities. Music, more than ever, generates financial benefits that provoke a struggle for their distribution. It may also disseminate deformed representations of the societies from which musical traits have been appropriated and be seen, within these societies, as offensive to the spirituality of the music. In spite of attempts to adapt laws to the reality of musical practices in every type of society, many problems remain. Essentialist notions of identity and cultural heritage carry a fixist conception of culture. It seems difficult to accommodate in Western law, in which originate international rules governing artistic property rights, notions of cultures emphasising their mutability, their ignorance of borders, their intense relations and their intricate entangledness, such as proposed by Édouard Glissant’s theory of Relation (Glissant 1990). Bruce Ziff and Pratima Rao observed:

It is one thing to try to retain a faithful rendering of a practice, such as a traditional method of storytelling (if this is possible); it is another to try to preserve the practice forever only in its current form (1997: 14) […] The difficulty here lies in the law allowing creative processes to continue while responding to unacceptable appropriative practices, whatever these may be. (1997: 18)

An adaptation of laws on musical property rights allowed in some cases the redress of dishonest appropriation of particular pieces whose composer was known. Solomon Linda’s heirs finally recovered the rights to his most famous song, “Mbube”, after a long legal battle that involved influential personalities who
could give evidence that Solomon Linda composed the song; this was thanks to archival material and recordings that were admitted as substitutes for written scores (Malan 2000).

Nevertheless, the challenge Bruce Ziff and Pratima Rao put forward has not yet been answered. In an ideal world, a solution would probably be to consider musical productions as common goods and put them under creative commons licenses. This would facilitate a return to the free circulation of musical works and to their unrestricted appropriation for creative purposes, a conception that would resonate with pre-19th-century practices and is today shared by most techno DJs. However, given that the present world is structured around wide inequalities, mechanisms would have to be devised to protect the rights of the most disadvantaged. Neither existing laws, nor adjustments that have been recently made, in Brazil for instance, in order to protect the rights of “communities” over their cultural productions, seem to bring satisfying solutions. Many measures have been criticised because it has been observed that: “proprietary approaches only benefit powerful people who are able to obtain that restrictions be respected. The application of proprietary approaches creates a risk of embezzlement and public servants or private actors may monopolise the benefits accruing from agreements they entered into as representatives of the communities” (Aigrain 2010: 173). Alternately, to treat collective heritage as common goods would make it possible to: “acknowledge the rights of communities to receive benefits, in financial or other forms, when users of the common goods employ them in economic activities or utilise them as a basis for innovation”. These benefits would be placed in a “security fund initially financed by states, then by levies on benefits realised by the users” (Aigrain 2010: 173). Implementing such a system may appear somewhat utopian; to make do with present legal regulations, actors involved in music production — musicians, producers, ethnomusicologists, archivists, etc. — have to improvise ad hoc bricolages which include informal solutions (an ethnomusicologist delivers money directly into the hands of musicians, whose recording has been used for the soundtrack for an advertisement) and legal suits (as in the case of “Mbube”).

Appropriation and creation

To be able to freely appropriate, that is, borrow and transform already existing works, or not, changes the conditions in which creation can blossom. From time immemorial, everywhere, musicians have drawn from other musicians’ ideas in order to invent their “own” music. If, in the past, composers had been submitted to the conceptions of artistic property that prevail today, one can imagine the number of claims which would have been lodged against Johann Sebastian Bach, Igor Stravinsky, not to mention Charles Ives. There is a general agreement on
the fact that: “Practically speaking, there is no ‘creation from nothing’ (ex nihilo). There is always something ‘before the beginning’, just as there is always something ‘after the end’. Put another way, everything is ‘all middle’” (Pope 2005: xv). Consequently, large numbers of creative musicians: “rather than to elaborate new ideas or concepts, are deft at revealing original correspondences between already existing forms. Their creations often sound like arrangements, variations or bricolages” (Guillebaud et al. 2010: 8).

New technologies multiply possibilities to discover and to use correspondences, to conceive original arrangements organised by bricolage. Creation more and more resembles an “assembly line” associating many “workers” who are not necessarily mentioned on concert posters or recordings’ liner notes and whose names do not appear on the registers of copyright (Côté 1998: 73–88).

“Refreshers” and “establishers of discursiveness”

To recognise that arrangement and combination of pre-existing elements from many different origins are the basis of creation questions the very notion of creation: if every work results from assembling and mixing, what is original? A first answer consists in considering creation as a dynamics, a movement; as is creativity. Rob Pope, a professor of English who teaches creative teaching and writing strategies proposed that: “creativity will be provisionally defined as the capacity to make, do or become something fresh and valuable, with respect to others as well as ourselves” (Pope 2005: xvi). He explained: “fresh because this means more than just “new” or “novel” and because ‘refreshing’ may involve making strange things familiar as well as familiar things strange” (Pope 2005: xvi). Beyond a few puzzling formulations, the emphasis Rob Pope puts on the link between to become and to “refresh” must be considered seriously: it posits that refreshing (which can be understood as rejuvenation and renovation) pre-existing pieces in works resulting from combination is a mode of becoming. Creativity is a momentum which extends the effort towards existing and the desire to be, dispositions Paul Ricœur attaches to appropriation. Creation is loaded with symbolic significations; it is one of the reasons why it appears as an undeniable characteristic of humanness: as the expression of a will to exist as a full-fledged human being (Cassirer 1979).

Such characteristics of humanness may be instilled in a work by “refreshing” a musical style or genre: A noticeable modification of musical parameters may destabilise the pre-existing balance between these parameters and establish a new one. Musical history is marked by moments of renewal: for example, in jazz, the advent of be-bop in the 1940s, then of “jazz-rock” in the 1960s; in Trinidadian music, the modernisation of calypso imposed by The Mighty Sparrow in the 1950s, then the invention of soca by Lord Shorty (Ras Shorty I) in the 1970s. Such
changes in what are, at a particular time, conventional parameters are evidence of a dynamics of creativity; however, they do not radically transform aesthetic languages. Attempting to understand what can constitute a real break, a rupture, Michel Foucault suggested that it was necessary to identify writers — but his line of reasoning can also be applied to musicians — who could be considered as “establishers of discursiveness”, because they “not only made possible certain analogies, they have made possible certain differences” (Foucault 1994: 805). “They have produced something more: they have made possible the formation of other texts and they have provided rules for it” (Foucault 1994: 804). Many composers introduced ruptures in the conventional language of their time and often theorised them: Johann Sebastian Bach and Jean-Philippe Rameau, Arnold Schoenberg, Terry Riley; Ornette Coleman and the explorers of “free jazz”. In many instances, it is impossible to identify individual musicians who introduced elements leading to a break. Several of them, not always known or recognised, have laid the foundations of a “new discursiveness”: African-American musicians in the late 19th and early 20th centuries who, in several regions of the United States, invented a totally new conception of improvisation; urban youth, who attempted to distance themselves from American rhythm and blues and re-introduced Jamaican elements in their music, creating a dynamics that led from ska to reggae; techno DJs, who took advantage of new technologies to appropriate and manipulate sounds and brought about new treatments of timbre and sonic texture; Dakarais musicians, tired of playing replicas of Afro-Cuban music who initiated mbalax by drawing from several Senegalese rural sources. However, it is more difficult to single out such ruptures in orally transmitted music, which have only been recently recorded. Ghanaian musicologist, Kwabena Nketia, nevertheless insisted on the importance of studying mutations in African music, arguing that: “A musical culture must [...] be regarded as something dynamic and capable of growth or change in relation to the social and the musical or their juncture and as something that develops its own characteristic modes of expression and behavior” (Nketia 2005: 87). Another musicologist from Ghana, Kwasi Ampene, empirically applied this principle to a study of Akan music and analysed how some musicians introduced innovations that could be considered as establishing new rules (Ampene 2005).

Appropriation is at the heart of these creative processes. “Establishing discursiveness” is indeed initiated by individuals or groups of musicians. However, to create dynamics of original creation demands that the innovations they propose be accepted, taken over and appropriated by other musicians and their audiences. Roland Barthes announced the “death of the author” and emphasised the role of the reader: “A text consists of multiple writings, issuing from several cultures and entering into dialogue with each other, into parody, into contestation; but there is one place where this multiplicity is collected, united, and this place is not the author, as we have hitherto said it was, but the reader: the reader is the very space in which are inscribed, without any being lost, all the citations a writing
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consists of; the unity of a text is not in its origin, it is in its destination [...]”
(Barthes 1984: 69).25 If “text” is replaced with “musical work”, “author” with
musician and “reader” with listener, this assumption appears perfectly relevant
for music. Musical creativity and creation appear as dialectic processes in which
participate, on the one hand, initiators of change, “establishers of discursiveness”,
and on the other “judges” belonging to the worlds of musicians, of listeners, of
commentators, who draw the attention of audiences to the works of music makers.
In this perspective, musical creation must be apprehended with a “systemic
approach”. Mihalyi Csikszentmihalyi, a psychologist who dedicated part of his
research to understanding creativity, explained: “[W]hat we call creativity is a
phenomenon that is constructed through an interaction between producers and
audience. Creativity is not the product of single individuals, but of social systems
making judgments about individuals’ products” (quoted in Pope 2005: 313).
Cape Town nederlandsliedjes provide a good illustration of the position of music
in social systems in which competition organisers, judges and music lovers play
a decisive role.26

Appropriation and hegemony

Appropriation is present at both ends of any creative process: at its beginning
it provides material to be reworked or to get inspiration from; at its end, it puts
in circulation new material which others can rework or draw inspiration from.
Any music can enter into infinite combinations in various forms: written, oral,
computerised or mixed. Appropriation gives a measure of changes occurring in
musical languages and may signal the advent of “new discursiveness”. It carries
symbolic significations that weave relationships between the Self and the Other,
and between identity and alterity. Consequently, it contributes to identity
configuration. Appropriation has a definite relational dimension: it affirms
that the knowledge of Oneself necessitates the presence and the recognition of
the Other in Oneself and in one’s desire to be (Ricœur 1990). Appropriation
creates a dynamics of relations that contains a strong potential for inventing and
transforming the world. The realisation of this potential is, however, subordinated
to power relationships governing the world. In the epoch of financial capitalism,
appropriation can consequently be used as yet another mechanism for exploiting
dominated people’s resources and, contrarily, as a means which the same
dominated people may use to fight domination symbolically, while it never ceases
to build bridges facilitating exchanges. The multiplicity of functions appropriation
may have makes it a stake in power struggles, one example being the opposition
between a rigid conception of property rights as upheld by advocates of capitalism
and free trade versus the open notion of common goods promoting unhindered
exchanges between music makers and between music lovers. In this perspective,
music appears as another arena where power struggles take place: a field of hegemony, in the Gramscian understanding, in which strategies of domination, acquiescence to domination and opposition to domination are at the same time pitted against one another and entangled (Roseberry 1994; Sayer 1994). This is why the study of musical circulations and appropriations can reveal subtle mechanisms of identity configuration and unsuspected workings of the dialectics of domination and resistance. Cape Town New Year festivals, as a whole, illustrate the complexity of these phenomena. A closer look at two choral repertoires sung by Klopse and Malay Choirs will illustrate how adjustments of existing notions of identities take place in a period of rapid mutations, and proceed by fine tunings, seeking to achieve new balances in a mix of identity conceptions and identifications. Fine tunings cannot iron out ambivalences which have developed over more than three centuries; therefore attitudes towards domination and identity configurations are still underpinned by hesitations, contradictions and ambiguities, which music is better able to express than most other artistic languages.
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Notes


2. Discussing the implications of creative commons in the field of knowledge, Giovanni Ramello stressed that “composition” relies on the re-arrangement of pre-existing elements: “It is no coincidence that the generic term denoting creative activity is ‘composition’ (we speak in effect of literary composition, musical composition, etc.) whose Latin etymology specifically invokes the above-described process: ‘cum ponere’ means literally ‘to put together’, suggesting that creation is first and foremost a novel arrangement of existing elements” (Ramello 2004: 5).

3. The words métissage (French), mestizaje (Spanish), mestiçagem (Portuguese) do not have any exact translation in English. They cover complex processes which develop from the encounter of human beings coming from different backgrounds, who exchange, even under conditions of domination and violence, cultural knowledge and imagine original creations from their exchanges. It used to have a negative connotation, which has been in part overcome in theories of creolisation (Glissant 1997 [1969]: 213–214; Glissant 2007: 89). Hybridisation, rooted in biology, often connoting infertility, is not adequate. A phrase associating blending and mixing may be used in some cases.

4. The circulation and inter-influence of Greek, Etruscan and Roman forms provide other evidence of this process.

5. American composer Charles Ives (1874–1954) is the example par excellence of the use of appropriated music in original creations (Burkholder 1994).

6. Johann Sebastian Bach walked 400 kilometres to hear Dietrich Buxtehude in Lübeck; slave and slavers lived together in a system of violent oppression; Jesuits in South America interacted closely with the indigenous people they wanted to Christianise.

7. See Part Three: Moppies: Humour and Survival.

8. L’acte d’exister.

9. The few names cited do not constitute an exhaustive list of all composers who worked in this direction; they just illustrate a trend in which many other musicians participated.

10. In IsiZulu, mbaqanga designates cornmeal porridge, a poor people’s staple food. It is used in popular music as a label encompassing all sorts of styles derived from the marabi matrix (Martin 2013: 135–137), based on a simple chordal structure: I-IV-V , usually played on a fast tempo. These styles ranged from types of African Jazz to Zulu popular song, as illustrated by musicians such as the Soul Brothers and Simon “Mahlathini” Nkabinde (Erlmann 1996: 83–87).


12. “L’objectif de ce type de possession est précisément de rendre propre quelque chose, c’est-à-dire de l’adapter à soi et, ainsi, de transformer cette chose en un support de l’expression de soi. L’appropriation est ainsi à la fois une saisie de l’objet et une dynamique d’action sur le monde matériel et social dans une intention de construction du sujet.”

13. “l’écriture en collaboration, exigée par les protecteurs, les troupes ou les entrepreneurs de théâtre; le réemploi d’histoires déjà racontées, de lieux communs partagés, de formules consacrées, ou encore les continues révisions ou nombreuses continuations d’œuvres toujours ouvertes”.

14. A notion of musical property does exist in some oral cultures; however, it rarely matches conceptions of artistic property as canonised in Western law. Anthony Seeger asked: “In the case of the Suyá Indians of Brazil, how does one register a song composed by a jaguar, learned from a captive over 200 years ago, and controlled not by an individual but by a ceremonial moiety?” (Seeger 1996: 90).
15. For a discussion of the benefits and limits of creative commons, see: Ramello 2004.
16. Guillaume Kosmicki explained: “A techno composer deliberately abandons property rights on his musical productions which, by essence, are bound to be mixed, recomposed and to be used as improvisation material by other musicians in live performances […] The notion of copyright is fundamentally challenged by the principles on which the practice of this music is based; it implies de facto that the creator agrees to be dispossessed” (Kosmicki 2010: 110).
17. “les approches propriétaires ne bénéficient qu’aux puissants qui ont les moyens de faire respecter les restrictions, et que leur usage risquait de donner lieu à des détournements lorsque des acteurs administratifs ou privés s’approprieraient les bénéfices d’accords d’exploitation qu’ils passeraient au nom des communautés”.
18. Soit “reconnu un droit des communautés à obtenir des revenus ou d’autres formes de bénéfice lorsque les usagers de ces biens communs les utilisent dans des activités économiques ou comme points de départ pour d’autres innovations […] Une solution serait de recourir à un fonds garant, initialement alimenté par les États, puis constitué par des prélèvements sur les bénéfices d’usage.”
20. At the time of writing (5 November 2015), we learnt that, following a complaint filed by the estate of Sergei Prokoviev, composer Hélène Blazy was condemned by a French court for using the “Dance of the Knights” from the Russian composer’s ballet Romeo and Juliet (opus 64) in her inaugural music for the Burj Khalifa tower, the highest building of the world, erected in Dubai.
21. “les musiciens créatifs, plutôt que de produire des idées ou des concepts nouveaux, savent faire apparaître des correspondances originales entre des formes déjà existantes. Leur création ressemble souvent à de l’agencement, de la variation ou encore du bricolage.”
22. Rob Pope defines creativity as: “extra/ordinary, original and fitting, full-filling, in(ter)ventive, co-operative, un/conscious, fe<>male, re … creation” (Pope 2005: 52).
23. “instaurateurs de discursivité”.
24. Ils “n’ont pas rendu simplement possible un certain nombre d’analogies, ils ont rendu possible (et tout autant) un certain nombre de différences.” “Ils ont produit quelque chose de plus: la possibilité et la règle de formation d’autres textes.”
25. The English translation of this quotation is taken from an English version of this text translated by Richard Howard; it can be found at UbuWeb, where the quoted passage appears on p. 6. Available at http://www.tbook.constantvzw.org/wp-content/death_authorbarthes.pdf [accessed 4 November 2015].
26. See Part Two: Nederlandsliedjes and Notions of Blending.