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MUSIC & ENTERTAINMENT INDUSTRY
EDUCATORS ASSOCIATION

Journal of the
Music & Entertainment Industry
Educators Association

Volume 16, Number 1
(2016)

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Music & Entertainment Industry Educators Association
1900 Belmont Boulevard
Nashville, TN 37212 U.S.A.
www.meiea.org

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Designing a Transmedia Entertainment Business Management Curriculum

Ken Ashdown
Vancouver Film School
Fifth House Group

Abstract

The aim of this case study is to describe the development of a transmedia entertainment business curriculum to address many common concerns about modern entertainment business producing, and more specifically, to revise an existing entertainment business management program in an effort to make it truly transmedia. The term *transmedia* was coined by Jenkins (2006) as entertainment that “unfolds across multiple media platforms, with each new text making a distinctive and valuable contribution to the whole” (97-98). This paper discusses the program curriculum’s goals, design principles, main methods of assessment including so-called term “hub projects,” and key challenges. It also presents some observations and recommendations arising from the implementation and delivery of the program between 2010 and 2015.

Keywords: curriculum design, producing, transmedia entertainment, entertainment industry, pedagogy, andragogy, experiential learning, Vancouver Film School

Introduction

As the number, variety, and availability of postsecondary educational offerings in the entertainment business increases, so grows the body of scholarship on the content, development, and delivery of entertainment industry curricula. This is particularly true in the music sector, where the industry terrain continues to shift dramatically. Hill (2003), Marcone (2004), McCain (2002), and Sobel (2007), are among the advocates for a careful re-examination of music curricula and represent a small sample of the voices contributing to a vital and necessary dialogue. Less abundant, however, is the literature on pedagogy or andragogy¹ specific to other sectors of the entertainment industry, and more particularly, the business thereof. As Collis, McKee, and Hamley (2010) note, as recently as 2010 there were still relatively few university degree or certificate programs training the next generation of business-oriented producers of televisual content,

even though the technical production of film and TV has been taught for decades at many renowned institutions of higher learning. As such it's no surprise that scholarship on teaching and learning the business of producing *per se* has not attracted as much attention in the academic canon. Rarer still are those educational institutions and programs that train producers of *transmedia entertainment*—that is, entertainment that “unfolds across multiple media platforms, with each new text making a distinctive and valuable contribution to the whole” (Jenkins 2006, 97-98).

The aim of this case study is to describe the evolution of one such transmedia entertainment business program curriculum from a constructivist perspective, outlining its goals, design principles, main methods of assessment, successes, challenges, and finally presenting some observations arising from the implementation and delivery of the program between 2010 and 2015 at the author's home institution.

Rationale for Program Redevelopment

The original Vancouver Film School (VFS) Entertainment Business Management program (EBM) was implemented in early 2006 as a natural complement to the range of entertainment production offerings at Vancouver Film School, which had grown gradually and organically from a single class in film production in 1987 (Vancouver Film School 2016). By the time the EBM program was launched, the traditional VFS program model was well established: each one-year, entertainment production-oriented offering is comprised of six terms of roughly two months each, and approximately 1,000 contact (classroom) hours. With rare exceptions, each individual, accelerated course consists of seven instructional sessions of three hours each, and aside from a relatively small number of full-time faculty members and staff members in each program, instructors are primarily (if not exclusively) current industry executives and practitioners. The school now houses a dozen such intensive technical/vocational programs including Programming for Games and Interactive, 3D Animation, and Sound Design. With a focus on hands-on learning of production tools and techniques, each student graduates with a portfolio of entertainment productions.

As originally designed, the EBM program bore only a superficial resemblance to this distinctive VFS model; it had all the basic duration and layout features, but lacked the production-oriented focus of the other VFS programs. The EBM student's portfolio was mainly limited to business

documents like production plans, budgets, marketing assets, and so on, with the assumption or expectation that these would be used to produce the entertainment after graduation. In contrast, the other, less technologically oriented programs like Acting or Writing for Audiovisual Media culminated in a portfolio of productions, or at least one capstone project (typically a short film), for each graduate. Thus, EBM differed in its absence of course content devoted specifically to production methodology. This was partly due to a desire to avoid overlapping or competing with other VFS programs, and partly based on the assumption that its students would already be familiar with entertainment production processes and workflows; its initial target audience included graduates from the school's other production-focused programs and mid-career learners with some entertainment industry experience. The early EBM also fell short of the "hands-on" instructional approach favored by the school, with the majority of in-class activities and assignments remaining cognitive and conceptual in nature.

In most respects EBM resembled the common college or university music and entertainment business programs where the courses were mainly theoretical in approach; more traditional in their assessment methods (i.e., essays, exams, and case studies); and delivered as discrete units in independent subject matter silos. It bore few hallmarks of the type of integrative experience envisioned by Chase and Hatschek (2011) or the "optimal experience" described by Beeching (2005, 145-46). Still, within its first three years EBM had demonstrated sufficient demand for a quasi-"360 degree" entertainment business program featuring music, broadcast, and film, but program and VFS administration felt the key to its long-term viability was to bring the program into closer alignment with the school's other cohort-based offerings.

The primary goal, then, was to develop a best-of-breed, MBA style vocational program in the full, competency-based VFS mold and inspired by innovative executive schools like Hyper Island² and Denmark's Kaospilot,³ with their experiential approaches to executive education, particularly in the digital realm. Secondary goals included incorporating more course content to reflect newer entertainment realities such as branded entertainment, crowdfunding, and digital entertainment production; collaborating with other VFS programs and departments in one or more cross-disciplinary curricular (or co-curricular) projects to foster networking among the school's roughly 1,200 students; and identifying interdepartmental synergies and/or potential cost savings.

Design Principles

Although the program had been continually modified over the two-and-a-half years since its inception, early changes were largely incremental. Course sequencing was periodically tweaked for flow, and content regularly updated. In late 2009 the author was tasked with a complete, top-to-bottom redesign to achieve the new program goals. The redevelopment was founded on a handful of key premises and principles:

1. EBM Learning is Experiential

To be most effective, the new EBM curriculum had to be, first and foremost, learner-centered, engaging, and meaningful, not instructor-led and abstract. Students may be attracted to the program or school, in part, by industry expert practitioner-instructors, but what makes them succeed is learning that is experiential, i.e., active, reflective, applicable to their current tasks, and ultimately transferable to other situations and contexts (Beard and Wilson 2002; Kolb 1984; Kolb and Kolb 2012; Kolb, Boyatzis, and Mainemelis 2001). Until the curriculum redesign, learning seemed to last only until the next evaluation, when the latest chunk of course content was to be tested, then soon forgotten. Students' desire to achieve good grades, not ongoing practice, was a key driver of success. Reflection and application only became apparent in later years as graduates occasionally returned with tales of how they were finally able to relate EBM concepts to their real-world employment situations.

2. EBM Learning Activities are Problem-Based

In keeping with the first principle, problem-based learning (PBL) should be used wherever appropriate because when we “solve the many problems we face everyday, learning occurs” (Barrows and Tamblyn 1980, 1). A critical role of entertainment producers is that of problem-solver and troubleshooter, so it follows that we should train our students in this direction from the outset. From its origins in medical training, PBL has been applied successfully in a wide variety of disciplines and subjects, including business administration (Hung, Jonassen, and Liu 2008; Merchant 1995). The motivational aspect of PBL (Savery 2015) also makes it an attractive strategy from the instructor's point of view. Not surprisingly, under the original EBM curriculum, students found it harder to self-motivate when their classroom activities and assignments were purely conceptual and not grounded in their own experiences. These need to be applicable either immediately, or at least in a readily imaginable future.

Although some research suggests improvements over conventional instruction on a number of dimensions including student satisfaction and graduate performance, PBL is not without its caveats, including potential costs and determining the appropriate amount of instructor guidance; it's also unclear to what extent the research findings are reliable and can be generalized (Albanese and Mitchell 1993). There is also the question of instructors' relative ability to incorporate PBL into lesson plans, as discussed under Constraints. Our own anecdotal experience in EBM, however, showed that problem-based learning could be instrumental in motivating the learners and making the learning stick.

3. Articulation is Key

EBM needed to walk the talk and mirror the transmedia ethos. Just as each transmedia property in a given franchise must be self-contained, it also forms part of a larger, holistic entity that creates deeper meaning, invites active exploration, and fosters community-building among its consumers (Jenkins 2006). EBM should reflect this, and not just via the entertainment projects created by its students. Courses, lessons, and other units of learning should be able to stand alone, but stronger linkages needed to be forged between lessons, course content, learning outcomes, and the possible career paths. Skills and knowledge learned through application in one specific context must be seen to relate to other situations or sectors. These connections must be made explicit rather than implicit in case students, overwhelmed by an intensive workload, are unable to see them.

4. Transmedia, Not 360

The old EBM curriculum was more of a multimedia or "360 degree" entertainment business program. In this paradigm, a popular TV show might spawn a film and/or a soundtrack (for example), supported by a promotional website. These outlets may exist in parallel but one is entirely dependent on another. To be truly transmedia, as described in Design Principle #3 above, the EBM program needed to embrace other forms of self-sufficient but equally intertextual entertainment such as graphic novels, apps, and alternate reality games. It also needed to rebalance the emphasis on traditional, offline media like broadcast to put the digital realm front and center.

5. Authentic Environment, Tasks, and Assessments

Actual challenges—i.e., those that are not purely academic exercises—stimulate problem solving, critical thinking, knowledge synthesis, and applying skills in real-life contexts (Ormrod 2000). In the new EBM there are no thought experiments or purely theoretical drills. Every effort was made to reduce or eliminate any essays or exams because the entertainment industry executive’s typical workday seldom requires her to recall and regurgitate facts for three consecutive hours. She is more likely to be planning and executing marketing campaigns, managing projects, or raising venture capital. Therefore, students should be creating real business artifacts such as marketing campaigns, project charters, or pitch decks, and not merely reading and discussing case studies (although these can have a limited place in the classroom). Logically, they must also put the business artifacts to use.

Accordingly, authentic assessment, or performance assessment (Hambleton 1996), measures student achievement using methods that mimic real-life tasks (Driscoll 1994, Ormrod 2000, Woolfolk 2001). For example, an EBM project pitch may be evaluated by members of industry whom the students have only just met for the first time. While the pitch meeting can be as stress-inducing as the prospect of taking an exam for some, it is a far more relevant and realistic scenario they would encounter on graduation. Exceptions to the principle of authentic assessment were allowed in the introductory Term 1, when students are still acclimating to the EBM learning environment and when much of the learning was necessarily definitional and exploratory (see Constraints for further discussion).

6. Portfolio Production

Consistent with the other VFS programs, students of the revamped EBM had to graduate with a substantial portfolio that contained not only the entertainment content they produced over the course of their year, but also a demonstrable record of their business achievements arising from those productions. These include sales, social media metrics, chart positions, and other key performance indicators common to industry. In each of their six terms, students were tasked with pitching and producing a minimum viable product (Ries 2011) for a given category, such as a game, licensed entertainment product, live event, etc. These were referred to as *term hub projects* (further described under Structure), and together with the capstone Final Projects, they constituted the student’s portfolio along-

side the compilation of requisite business artifacts, such as the aforementioned project plans, pitch decks, budgets, promotional collateral, and other practical documents found in the original EBM graduate collection.

7. Most Activities, and All Major Projects, are Team Based

For the faculty, the obvious advantage of this principle was fewer assignment submissions to evaluate, a significant savings of time and effort. Its prime benefit to students was spreading the notoriously heavy workload among team members. But the main consideration was the substantial evidence of the effectiveness of collaborative learning and teamwork as a time-tested and legitimate instructional strategy (Johnson, Johnson, and Smith 1991; Slavin 1988; Slavin 1989-90). Active exchanges among participants in group work have been shown to promote critical thinking, learner interest and engagement, and knowledge retention (Johnson and Johnson 1986; Totten, Sills, Digby and Russ 1991).

While most of the copious research to date has been done on learners at the pre-college level, scholarship on the brain and adult cognition increasingly supports the use of collaborative learning techniques in adult education (Barkley, Cross, and Major 2005). There is considerable discussion about the difference between collaborative learning and cooperative learning (e.g., Bruffee 1995, Matthews et al. 1995, McInnerney and Roberts 2009), terms often used interchangeably. Some of the debate concerns the degree of emphasis on individual input and achievement, relative interdependence, or age, experience and related factors, but the distinction is beyond the scope of this paper. The redesign of EBM allowed for both collaborative and cooperative strategies.

Another benefit of extensive team-based classwork, assignments, and term hub projects was that it provided fertile ground for the leadership component of the program, discussed under Structure. Most entertainment business productions or firms are necessarily group efforts, and the EBM teamwork principle helped ensure authenticity in this regard, while providing important social context for the learning of leadership and emotional intelligence skills and building a community of practice.

8. Learning, Like Industry, is Iterative

In the traditional college classroom, students are seldom given opportunities to try again, except after a poor grade—if at all. Discouraged by failure, they may not follow up. Under the old EBM curriculum, how

successfully students absorbed and processed feedback remained virtually unknowable, as they generally had one opportunity to submit their best effort. Businesses, however, must learn by reviewing internal and market feedback to survive and thrive (Senge 1990). To encourage active experimentation and (calculated) risk-taking in a safe environment, it was important that students consistently incorporate formative and summative feedback. With each successive assignment, project, or term, the goal was constant improvement, which meant repetition would not only be unavoidable but indeed desirable. This emphasis on constant iteration in response to feedback is also consistent with the prevailing “lean” entrepreneurial mindset and methodology.

9. Learn Principles, Not platforms

Given the rate of change of technology and the business landscape in general, we felt it important to maintain platform agnosticism throughout the program. Except where absolutely unavoidable, EBM embraced no particular tools; budgeting, for example, had to be learned just as readily with pen and paper as on Excel, FreshBooks, or Movie Magic. Principles transcend platforms, so truly mastering a skill is the ability to apply it, regardless of the context, with negligible additional effort or adaptation required. This design principle was doubly practical because most EBM students choose to bring their own notebook computers loaded with their preferred applications; this principle avoided the obligatory purchase or license of any additional software that might go unused after their EBM year.

Constraints

The three most significant constraints in the redesign project were likely familiar to most curriculum designers: time, budget, and accreditation.

Although discussions with the school’s Director of Strategic Program Development about the program redesign took place in September of 2009, the rollout of the new curriculum was slated for January of 2010. That left less than three months to redesign the entire program, at least in broad strokes. It was technically feasible to implement one term while still developing the next, but that was tantamount to laying new track as the train sped onward: not a comfortable situation, and one fraught with potential dangers. Given the tightly integrated nature of each component of

the program, we felt compelled to redevelop the curriculum in its entirety in that three-month window so that only the operational details remained to be handled, and individual lessons planned. Most critical was the scheduling of key learning milestones and projects/assessments.

Because the program was still relatively new, and enrollment limited by physical capacity (maximum class size was twenty-five students), the budget was also restricted. There had to be no net increase in per capita expenses, except where a tuition fee increase could be justified or higher enrollment would cover any new costs. After a great deal of discussion, recalculation, and assurances, relatively modest additional funds were found to support one of the major term hub projects, but with it came both a tuition increase and one extra intake per year, for a total of three cohorts in various stages of the program simultaneously. There were obvious concerns about the increased workload of the extra intake, but these were offset by the hopes that the influx of additional students and the reduced gap between intakes would create an atmosphere of heightened camaraderie and mutual support more conducive to learning (Lave and Wenger 1991). Newer inductees could also apprentice with the more senior students on the term hub projects where appropriate, gaining experience and production credits.

In Canada, education is regulated at the provincial level. The new program had to meet the accreditation standards of the Private Career Training Institutions Agency (PCTIA), the British Columbia (BC) government body responsible for registering and accrediting private post-secondary schools. Standards are set with input from the BC Ministry of Advanced Education and Labour Market Development (BC Ministry of Advanced Education 2016).⁴ Having recently completed a periodic PCTIA school and program review to positive feedback, we were confident that the core of the new curriculum would likewise meet or exceed standards.

A constraint unique to VFS programs was the school's distinctive one year/six-term, cohort-based educational model, described earlier. Each of the six, two-month terms typically contained five to seven courses (for a total of about 40 to 45 courses over the program) of seven sessions each. Consistent with this, each course comprised three instructional hours per class, for a total of 21 instructional hours (the so-called "7-21 model"). This meant, in effect, that each course could only be roughly half as long as the typical college or university course in a normal trimester or semester system.

Another complicating factor was the school's recent implementation of the open-source Moodle learning management system (LMS). EBM had been chosen as one of the first VFS programs to migrate to the Moodle platform in preparation for possible blended and/or distance delivery. This transition coincided with the last cohort under the old EBM curriculum so instructors, teaching assistants, and the program manager were already familiar with the technology and processes, but did not anticipate the amount of work required to revamp the program structure and individual course content in Moodle.

Since the decision was made to refocus EBM on portfolio production, the new curriculum had to strike a delicate balance so that students would learn the basics of any entertainment production methodology and workflow, without competing or overlapping with other programs (such as the longstanding Film Production program, which had its own Producing stream of elective courses).

The final constraint on the program development was limited instructor input. As stated, the majority of VFS and EBM instructors are contract-based adjunct faculty, mainly industry practitioners with limited time—and sometimes patience—for the nuts and bolts of curriculum development. This could be a blessing or a curse, depending on one's viewpoint; the axiom of “too many cooks” and the parable of the five blind men and the elephant come to mind. But of the seven curriculum design principles espoused in Boyatzis, Cowen, Kolb and associates (1995), the sixth—that the curriculum change process should be led by the faculty—was given least consideration here. This was far from ideal but necessary for practical reasons, not the least of which was that the majority of the program had to be redeveloped over the Christmas/New Year holiday between 2009 and 2010.

Method

This is not to say that input was neither sought nor received from instructor-practitioners; on the contrary, their feedback on the curriculum design was essential. Consultations with faculty members mainly focused on how to best operationalize authentic assessments and evaluations, achieving optimum intra-program articulation, and the seamless integration with the newly-conceived term hub projects. Other VFS program Heads and faculty members were extensively involved in discussions about collaborations across the respective program curricula. Input

was also provided by the incoming EBM Head of Department, whose term of appointment coincided with the new curriculum rollout and who had valuable and specific proposals regarding the nature and form of some of the term hub projects, among other program aspects.

As a first step, however, the baseline competencies and learning outcomes for the multifaceted program had to be established. The daunting job of extensive curriculum redevelopment was streamlined significantly by the prior work of the Cultural Human Resources Council (CHRC). The CHRC is one of over thirty industry sector councils formerly supported by the federal department of Human Resources and Skills Development Canada (HRSDC), and originally created in 1995 to strengthen the Canadian cultural workforce (Cultural Human Resources Council 2016). One way in which the CHRC continues to do this is by preparing up-to-date training gaps analyses, job profiles, and competency charts for the benefit of employers, workers, and educators alike. These competency charts were invaluable in specifying the essential skills required of workers in entertainment media production, marketing, and distribution, specifically producers and other entertainment executives in the fields of digital media, film and broadcasting, live performing arts, music and sound recording, and writing/publishing.

Since their first publication these competency charts had been used periodically to vet the existing EBM curriculum, so the next phase was a matter of reviewing what could be kept, and what could be discarded; what worked previously, and what didn't; and what could fit comfortably into the new structure. This was achieved through subsequent consultations with instructor-practitioners and the program's advisory board members, all of whom were senior executives in their respective entertainment industry fields and disciplines.

The author then used the Designing A Curriculum (DACUM) method for competency-based learning to align individual learning outcomes with course and program goals. Coincidentally, the DACUM process had its origins in Vancouver (Joyner 1995, see also Adams 1972, and Blank 1982). The most arduous and challenging phase was mapping out the curriculum on a weekly, and even daily, basis to understand how it all needed to fit in order to integrate with the term hub projects and accomplish all goals in the context of the one-year program.

As ambitious and audacious as it was, there were understandable concerns about what we came to call "just-in-time learning," i.e., the ac-

quisition of key skills when students required them to perform their immediate tasks and complete their assignments. These concerns were allayed by the iterative nature of the program described earlier, which meant that students would have recurring opportunities to improve and perfect their skills as the program progressed.

The final step was to produce a series of visual aids, including charts and PowerPoint slide decks, to help orient students, instructors, and administrators at the start of each new intake. These soon became useful to review at the beginning and end of every term in order to help everyone maintain focus and understand how all learning, courses, and assignments fit in the “bigger picture.” An example of one such aid is shown in Figure 1.

Program Structure

The most prominent feature of the new curriculum was the *term hub projects*, so called because these entertainment productions formed the nucleus of all instruction and assessment. They provided a vital, practical linkage to all courses, content, and evaluations, offering a platform for all the hands-on, experiential, and problem-based learning. As indicated, these productions varied each term to enable students to experience the ideation, development, production, and marketing breadth of transmedia content, including film and TV, live events, music recordings, and games. This is in contrast to (but does not necessarily contradict) Garfrerick’s (2006) hub-and-spoke model, where the program major serves as hub and the supporting areas of study are the spokes.

Term 1’s hub project was a short segment of a webisodic series called *The Blast Light*, modeled after an *Entertainment Tonight* type of news-magazine show but focusing on the students creating hundreds of impressive works being generated every eight weeks within the many and varied departments of VFS. The reason for focusing internally was twofold: first, it would provide an opportunity for EBM students to network with potential collaborators and future colleagues as they sought subjects for their feature segment. Second, it would create goodwill between EBM and the rest of the school at a time when EBM was still the “new kid on the block,” and not yet fully understood or appreciated throughout the school. One requirement of the project was to interview an external (non-faculty) industry executive for the piece, commenting either on the project itself or on the industry context in which the featured student work would eventu-

ally compete. This provided an early opportunity to extend their networks into the local industry, as well as enhance their understanding of the entertainment media business landscape. Once created, the EBM students' assignment was to promote the webisode online and generate relevant social media success metrics such as views, comments, likes, etc.

In Term 1 students also began to develop and pitch concepts for the Terms 3-4 Compendium genre film project, described below. Figure 1 depicts the relationship of the various Term 1 courses to the relevant hub project(s).

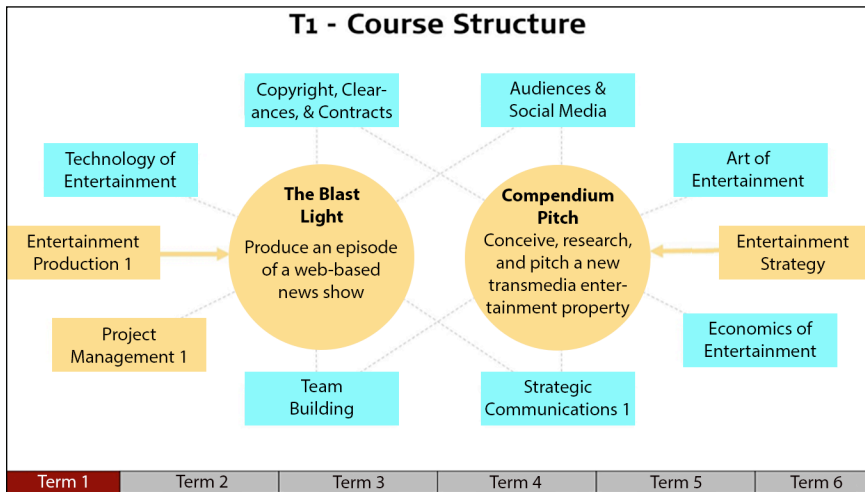


Figure 1. Term 1 course structure. Image courtesy Sebastien de Castell.

The Term 2 hub project was a compilation album of licensed tracks. The main goal here was to familiarize students with the processes involved in licensing intellectual property, product development, and the creation and execution of marketing strategies. The pre-launch market research and post-release sales and accounting gave students a second and more in-depth opportunity to engage in considerable data processing and analysis, as advocated by Wald (2011). For operational and motivational reasons, it was decided that one hundred percent of net proceeds from the sale of each album project would be donated to a charity of each student team's choice.

Concurrent with the album project in Term 2 was a live event. Typically, student teams chose some sort of album launch concert to support

their charity compilation at the end of the term, although for about a year the entire cohort collaborated to produce an award show officially known as The Impact Awards (and unofficially as the “E.B. Emmies”).⁵ Core skills learned using this vehicle included project management, sponsorship development, financial management, talent management, and promotion. Here too the students were afforded an opportunity to extend their internal and external networks by sourcing acts for the show, identifying nominees for the award categories, cultivating media contacts, etc.

The Term 3 term hub project was a short film, part of an ongoing series of short genre films called Compendium. Each cohort could choose its own genre, but the project had to meet three key criteria: first, it had to be based on a public domain intellectual property (for simplicity’s sake, to avoid rights issues). Second, it had to feature some form(s) of special visual effects, whether practical, in-camera, CGI, or a combination, to ensure student-producers had the experience of budgeting, scheduling, and choosing the most appropriate method(s) of achieving their desired aesthetic. Third, to the fullest extent possible the project had to be feasible while making use of all existing film-related departments in the school: each actor (with certain exceptions) had to be an Acting Department student or alumnus, the script had to be written by a student from the Writing Department, makeup by the Makeup Department, any CGI effects or motion graphic titles created by Animation or Digital Design students, and so on. The project was mainly crewed by students from the Film Production Department. Development and pre-production for this significant project took place across the first two EBM terms, and postproduction carried on through the end of Term 4.

A game of some description was assigned in Term 4. This could range from a paper prototype of a parlor game to an alternate reality game (to promote or complement another term hub project) or even a lightweight demo for a video game. The acceptable level of complexity was dependent on the students’ relative interest in games; the hardcore game fans were naturally predisposed to undertaking more ambitious projects such as the video game demos, in collaboration with the Game Design program students. As with other term hub projects, students were able to use the game project to rehearse or further refine skills that may have been first acquired in earlier terms, including, but not limited to, project management, budgeting, scheduling, and marketing. The game project commenced in Term 4 (with conception and development) and carried over into Term 5 (execution).

Terms 5 and 6 were otherwise reserved for the development and execution of the capstone Final Project. This was generally undertaken as a solo producer project, although students could choose to work in teams. The Final Project could be nearly anything entertainment-related, as long as the students could pitch it well enough to acquire the underlying IP, crowdfund or raise sponsorship for it, cast it, crew it, and realistically shepherd it successfully through all phases of production, postproduction, and marketing. It also had to be in alignment with their career aspirations. Students were required to negotiate the grading criteria for their Final Projects, and these were invariably pegged to skills and deliverables required by, and most relevant to, their intended career paths.

With these major projects defined, and the learning outcomes clearly identified, we had the basic framework for a curricular structure. We then set about putting flesh on the bones. This proved to be somewhat easier than imagined, when framed with two key questions: what do students absolutely need to be able to do, at minimum, to execute the full scope of this project? And to what level of expertise or granularity, for the given project at this particular point in time? The second question was critical in determining what outcomes could be saved for subsequent terms if necessary. For example, it might be enough to introduce students to the concept of audience analysis in Term 1 via a secondary market research assignment, but a primary market research activity could be postponed without harm.

As redevelopment progressed, each term took on a distinctive theme or thread. Term 1 was clearly about exploration, being necessarily introductory and definitional. It was about discovering and using new terminology, key concepts, identifying epochs and important works (artistically and/or commercially) in a given domain. We used this theme actively and deliberately to encourage students to explore genres, cultures/subcultures, and career paths unfamiliar to them, thus addressing (at least in part) concerns expressed by Ronkin (2000) and others regarding the expansion of student consciousness of an increasingly global entertainment context. Term 6, naturally, was about achieving a level of mastery in a particular domain and preparing for launch into the workforce or a business venture.

The entire program developed a narrative arc not unlike the classic hero's journey (Campbell 1972), complete with a series of trials and victories. Within it, each term had its own "mini-arc" too. We also began to use this consciously as a sort of template for further curriculum refinement, and to refocus students on their own paths to growth when they occasion-

ally became overwhelmed. It was also a useful symbol of the importance of narrative in a transmedia entertainment universe.

More intentional were the main academic “tracks” or business skill areas used to ensure consistency and reinforcement of key learning from term to term. The six tracks, as shown in Table 1, were Leadership, Strategy, Planning, Management & Finance, Production, and Marketing & Distribution. Each term was to contain at least one element of each, diving progressively deeper into the discipline as learning outcomes increased in complexity. Note that Strategy included two courses in Career Development, which was approached from a long-term, strategic perspective, but also timed to help students choose an appropriate Final Project. Management & Finance included a pair of courses called Results Management 1 and 2, which were fundamentally about business analysis and ensuring follow-up so that students did not focus exclusively on the “shiny new object” of the current term, losing sight of previously released projects that required attention and maintenance. Some courses, like Strategic Communications 1 and 2, were assigned somewhat arbitrarily to one particular track for convenience, in cases where course outcomes and content straddled multiple subject areas.

Design Benefits

Two main benefits were intended by incorporating term hub projects into this design. The first was to ensure the requisite experiential, problem-based, authentic experience for the learners. The second was to ensure each student graduated with a substantial portfolio of practical experience in lieu of—or preparatory to—an internship. The declining course load at the back end of the program, particularly Terms 3 and 4, was intended to give students more time to work on their capstone Final Projects.

From the instructors’ perspective, the principal advantage of this design was that they could apply their own industry experience and expertise to a real-life problem or opportunity, serving as a facilitator of student problem-solving rather than a directive “sage on the stage.” The instructor’s traditional role of sourcing and adopting relevant course materials such as case studies, textbooks, etc., was still present but to a far lesser extent. Because of the highly specific, project-directed nature of the learning, no well-rehearsed lecture could adequately predict what needed to happen next in the classroom. Lessons could be somewhat more loosely structured to respond in the moment to every situation. Key concepts and principles

Term	One Year					
	1	2	3	4	5	6
Hub Project(s)	Blast Light Webisode	Charity Compilation Album + Live Event	Compendium Film	Game	Final Project	
Leadership Track Course(s)	Team Building	Leadership & Negotiations 1	Managing Creative Professionals; Business Ethics & Social Responsibility			Leadership & Negotiations 2
Strategy Track Course(s)	Entertainment Strategy; Art of Entertainment	Story & Script Development; Strategy & Analysis 1	Career Development 1	Final Project Development; Career Development 2	Business Development	Strategy & Analysis 2
Planning Track Course(s)	Project Management 1	Project Management 2	Project Management 3	Project Management 4		
Management & Finance Track Course(s)	Economics of Entertainment; Copyright, Clearances & Contracts	Fundraising & Sponsorship	Production Budgeting & Scheduling	Film Production 3 (Postproduction)	Proposal Writing	
Production Track Course(s)	Entertainment Production 1; Technology of Entertainment	Film Production 1; Entertainment Production 2; Event Planning	Film Production 2; Game Production 1	Game Production 2	Final Project Execution	Alternate Reality Game Production
Marketing & Distribution Track Course(s)	Audiences & Social Media; Strategic Communications 1	Distribution & Manufacturing 1; Strategic Communications 2	Results Management 1	Branded Entertainment	Developing Online Communities; Digital Technologies	Personal Brand & Identity; Results Management 2

Table 1. EBM program grid.

could be extracted from, or applied to, the immediate problem as needed.

From the school administration's perspective, the opportunities for interdepartmental collaboration created by the redesign provided a relatively low-cost way to leverage existing physical resources like studios and equipment. It also allowed for sharing of human resources (i.e., faculty and staff). The cross-program integration also offered new avenues of exposure and outreach, between students, with industry, and in all directions.

Design Risks and Challenges

Those few if compelling benefits were outnumbered by the potential risks and challenges posed by the new EBM design. Foremost was the “just-in-time learning,” which left no room for errors of timing. With so many moving parts all so interdependently integrated, problems would arise immediately if the synchronization of some components wasn't near-perfect. Sequencing was critical: a missed class or misplaced course might be disorienting, and could derail an entire project. To take just one example, specific sessions on publishing contracts and negotiation needed to occur before students could be tasked with obtaining music licenses for the Term 2 project. This required significant planning at the level of the individual course or lesson in addition to the macro-scale curriculum work.

Equally critical was that current faculty members be given a thorough grounding in the new curriculum, and any new instructors be “plugged in” to the fast-moving system as early as possible. This is always a challenge with faculty members who, except for two or three instructors, were all adjunct faculty and full-time industry practitioners. They needed to understand the projects, assessments, and curriculum articulation in sufficient detail, at least as far as their own courses are concerned—and ideally, how theirs interrelated with others'. This meant doing their own homework to stay current with student and project progress, or risk throwing it into chaos. In this context, Clark, Threeton, and Ewing's (2010) recommendation to provide in-depth instruction to pre-service teachers in authentic experiential learning pedagogy resonated strongly. There was no “Term 0” where students and faculty alike could be adequately prepared for the experience. EBM did, however, require students to attend a full-day program orientation workshop (in addition to the general school orientations) with icebreakers, a variety of self-assessments including team role preferences and conflict styles, and other introductory activities. These allowed

the faculty and staff to better prepare for classes, and gave students useful self-knowledge to serve them throughout their EBM year.

Although it promised a real-world experience, EBM was not real life. As a result, student expectations required careful monitoring and management. Timing issues or other academic hiccups risked signaling students that this was, after all, “just school,” and could be treated casually. For the program to be sufficiently engaging and authentic, students must not be taken out of the experience in the way distractions at the cinema can ruin a film. At the same time, students were cautioned that perfection was not expected out-of-the-box and that skills build progressively through constant iteration. Failure was, in fact, an option—as long as learning resulted from the experience, and students maintained the required minimum 65% (cumulative) passing grade over the entire year.

Other challenges had less to do with the design of the curriculum *per se* than to the nature and purpose of the program. A full decade after Jenkins coined the term, “transmedia” still has not penetrated the public consciousness. It seems that few even understand the fundamental role of an entertainment producer. Caricatures abound (Mel Brooks’ *The Producers* or the Tom Cruise character in *Tropic Thunder* come to mind) but the reality is much more complex and nuanced. We instinctively know what an actor, writer, director, or game coder does, but not what the producer does. This may be more of a marketing issue than an academic one, but it relates to the saleability (and thus viability) of the program, and it too requires the faculty and administration to carefully manage the expectations of current and prospective students.

The diversity of instructor backgrounds, experience, methodologies, etc., created the potential for incongruent directions. We knew from the previous EBM curriculum that this was almost inevitable, as the program represented many disciplines and sectors, each with its own customs, processes, jargon, tools, and workflows. Here the key was to caution faculty, staff, and students alike to view any apparent contradictions not as conflicting but as complementary approaches. Cognitive dissonance was largely avoided by reminding all involved that there is seldom a single “right” way to do anything in business.

A final risk with the new EBM program design was the absence of elective courses. While this made it marginally easier to develop the curriculum, and less expensive to deliver or administer, it had the potential to frustrate any students wanting or expecting the freedom to either choose

courses they felt were more interesting or relevant to their interests, or opt out of those that weren't. This was a constant peril in a program attempting to cover such a range of entertainment sectors and disciplines. We addressed this, in part, by giving students other choices at frequent junctures throughout the program. The Term 1 Compendium project, for example, allowed teams to select any genre for their film pitch, and they could choose to adapt any of the countless public domain works available. The Term 2 charity compilation album gave teams the opportunity to decide by consensus on a project beneficiary, and to determine its musical direction, among other key decisions. With the Term 3 & 4 Game project, students could elect to develop a game to one of three levels of completion (playable paper prototype, concept art stage, or full demo), depending on their desires, intended career paths, and abilities. Within project teams, students could negotiate their individual roles and contributions with their colleagues. Students' Final Projects gave them full and complete control over almost every creative or business decision, and allowed them to propose the measures by which their final deliverables were to be evaluated.

Such agency wasn't a panacea, as many choices required compromises with their fellow team members. Negotiation and decision-making sometimes added to the existing stress of student workloads. When the occasional question about lack of electives did arise, it helped to remind students that in a transmedia business environment a successful producer needs to be sufficiently familiar with every role, task, medium, or business process.

Observations and Results

Ultimately the efficiency and effectiveness of the new EBM curriculum would be evident in the implementation and, as with every newly devised course or program, there were the inevitable hiccups. Surprisingly, the expected major issues and challenges seldom arose, and were promptly rectified before the next cohort intake. Most changes made to the revised program proved to be relatively minor adjustments. For example, Career Development was expanded to two courses and moved up a full term to start in Term 3. Originally we assumed students wouldn't be sufficiently equipped midway through the year to make decisions about their career direction. While that may have been true to some degree, it was outweighed by the need to give them more class time and assistance in actively exploring career options, at least insofar as choosing appropriate

Final Projects (conceived in Term 4). This additional support and emphasis was especially well received by the anxious millennials, as predicted by Twenge (2006).

Ultimately the diversity of possible career paths, breadth of program content, and variety of instructors did not pose significant issues. It did, however, become evident that sufficient scaffolding of all projects and assignments was critical, along with proper and ample contextualization. Faculty and administration had to be prepared to answer the inevitable “why” questions, which invariably ended with “...because I’m not going into [insert sector or business discipline] as a career.” A larger issue turned out to be the diversity of the students themselves; EBM participants ranged widely in age, experience (from recent high school graduates to late-career adults in transition), and country of origin. Mostly challenges manifested in common intercultural or interpersonal misunderstandings. More frequently, because of the team-oriented nature of most projects and assignments, conflicts resulted from intergenerational impatience and differences in work ethic. This was not, strictly speaking, a curricular issue, although it did result (directly or indirectly) from the collaborative learning environment built into the program. Not surprisingly, another common source of conflict was team choice of assignments and projects. Almost any team decision was necessarily a democratic process and, as such, a competitive one. Not every idea could win. While this led to the occasional drama in or out of the classroom, it did reinforce the need to apply and improve the communication, pitching, and persuasive skills taught in the program. It also called on students to practice the conflict resolution skills learned in the program’s Leadership track.

One persistent pedagogical issue encountered in the new curriculum was the tendency for the courses to support the term hub projects, and not the other way around as intended. In the students’ (and some instructors’) minds, the term hub projects could appear more attractive and important than the classes, effectively diverting time and attention from them. We sometimes found students prioritizing set decoration (for example) or other activities that were incidental to the student-producers’ role, at the expense of their assignments, which were central. Attention to detail is important, but never at the cost of the larger objectives.

A related discovery was that some projects occupied a disproportionate share of time and attention, notably the Compendium films. It’s natural that in a film school most students would be most drawn to the televisual

projects rather than, say, the music or game components. But the Compendium project was also paid more due by instructors. This might have been because film and TV professionals comprised the majority of the faculty, or because the film project took participants out of the usual classroom and onto the more stimulating set. We also noticed a distinct “post-production let-down,” a sort of energetic anticlimax after the adrenaline rush of prepping and shooting their live action shows in Term 3. After the long build-up and eventual exposure to the on-set action it was harder to motivate students to follow through on the more mundane postproduction activities (for example), or indeed any work that was not perceived as equally sexy or fun. This required us to constantly look for ways to avoid allowing the production to overshadow the business elements.

Overall, the results of the new curriculum implementation were positive. This was mostly evident in the course evaluations and the school-wide, semi-annual student satisfaction survey, where EBM scores reached all-time highs. EBM grad placement rates, already high, edged up perceptibly. Anecdotally, at least, EBM students seemed to evidence Herington’s (2006) contention that authentic learning environments led to stronger student engagement and a greater grasp of how entertainment business disciplines fit into the bigger picture, compared to traditional MBA instructional strategies based on case studies and the like.

Attrition rates seemed to improve too; while the program still lost a modest number of students every intake, the new curriculum inductees tended to drop out at the beginning of the program instead of various points throughout the year. This could have been due to a number of factors, including a higher overall engagement level, loyalty to their teams, a desire to complete portfolio, or because they decided earlier whether they could survive the pace and volume of coursework, which were greater than in the previous program flow. Once committed, they tended to stay in the program.

An obvious outcome was the increase in quantity, quality, and depth of student portfolios. Final projects had always been part of the EBM curriculum, but not term hub projects, which automatically provided students a handful of practice pieces before attempting their capstone. Furthermore, EBM projects had seldom won awards, whereas the very first post-revision cohort produced a number of honors, setting the bar high for subsequent classes. (An unexpected side effect of this was a sense of rivalry from some faculty and staff members in other programs.) Many graduates

of the new curriculum went on to achieve significant career success with projects initiated or incubated in the new program, including one student's game-based business empire, a successful online and mobile DJ/remixing/mashup app, and assorted pilots or demos for TV shows and feature-length movies.

Areas for Further Research and Study

As a career college, Vancouver Film School is first and foremost a teaching institution and not a research school. The sheer volume of work that goes into instruction, as might be inferred from this paper, allows for little time for pure academic study and investigation. Clearly it would be beneficial to conduct a rigorous and thorough study of program outcomes and learner success, whether longitudinal, cross-sectional, or both. It would also be useful to perform a more careful analysis of student attrition rates, grades, course evaluations, and other measures.

One philosophical question that emerged during the curriculum development and subsequent deployment was whether or not to evaluate student success, in whole or in part, on the business results achieved by their work. When grading assignments such as marketing campaigns, for example, should we strictly evaluate on the basis of the content and structure of the plan, or should we also take into account the outcome of that marketing plan (i.e., sales, market share, or customer satisfaction achieved)? A mixture of both? If so, what is an appropriate blend? This suggests a review of the existing literature, and/or a comparison with disciplines such as mathematics, where grades might be awarded on the basis of obtaining the correct answer, the steps that went into obtaining the answer, or both, and how to weight them appropriately.

Acknowledgements

The author is grateful to Dan Moscrip, Sebastien de Castell, and Jessica Clark-Bojin, as well as fellow instructors in the VFS Entertainment Business Management Program, whose crucial roles in the development of the curriculum described herein cannot be overstated.

Endnotes

1. The author prefers the term popularized by Knowles (1980). Malcolm S. Knowles, *The Modern Practice of Adult Education: From Pedagogy to Andragogy* (Englewood Cliffs, N.J.: Prentice Hall/Cambridge, 1980).
2. With multiple locations globally, Hyper Island “designs learning experiences that challenge companies and individuals to grow and stay competitive in an increasingly digitized world.” For further information, visit <https://www.hyperisland.com/>.
3. Kaospilot is a hybrid business and design school, with educational emphasis on leadership and entrepreneurship. For more information, visit <http://www.kaospilot.dk/about/story/>.
4. For more information on the PCTIA accreditation process, see <http://www.privatetraininginstitutions.gov.bc.ca/institutions>.
5. The live event had originally been in Term 4, but was moved up to give students breathing room for their postproduction work on the Term 3 hub project and to develop their capstone Final Projects. It also made for a natural tie-in to the Term 2 charity compilation project.

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Music Industry Internship Administration: Overcoming Common Administrative Obstacles That Hinder Student Learning

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Abstract

Internships are a critical component of music industry education and often serve as the capstone experience in many music industry degree programs. Internships are intended to connect theory with practice and help the student transition from the classroom to the working world. Successful internship administration requires both the academic and worksite supervisors to adopt a team teaching mentality and to work together in order to achieve student learning objectives. Ten common obstacles in music industry internship administration are identified and discussed from both the academic and worksite supervisor perspective. Recommendations for overcoming these obstacles are offered to make the music industry internship a positive and rewarding experience for all concerned.

Keywords: music industry, music business, internship, administration, education, experiential learning, learning objectives, learning agreement, intern abuse

Introduction

Internships are a critical component of music industry education. This form of experiential learning provides students important opportunities to put into practice theory learned in the classroom. In many programs, internships also serve as the capstone experience to the degree program. These capstone internships often serve as a stepping-stone for students transitioning from the classroom to the workplace.¹

Internships also represent an important opportunity for employers to train and assess potential employees. The digital revolution has torn down many historic barriers of entry into the music industry and reinvigorated the “do-it-yourself” entrepreneurial spirit.² The lowering of these barriers has precipitated an explosion of small, entrepreneurial startups, “and a

lot of startups with unstable cash inflows usually need interns.”²³ With the increasing number of entrepreneurial startups flooding the marketplace, the demand for college-educated music industry interns is growing, and a cursory internet search will reveal a multitude of postings, listings, and advertisements for music industry internships.

While much has been written on the value and effectiveness of students interning in the music industry, there has been little formal discussion on the administration of these experiences and how common administrative obstacles hinder student learning. Overcoming common obstacles in music industry internship administration is critical in achieving the student’s learning objectives. Successful internship administration requires both the academic and worksite supervisors to work together to co-educate the student during the transition from academia to the working world. With enough cooperation, communication, and regular touch points between the academic and worksite supervisor, common administrative obstacles can be overcome thereby making the internship a positive and rewarding experience for all concerned. Not overcoming these obstacles can result in a poor internship experience that fails to achieve the student’s learning objectives, and potentially damages the relationship between academic and worksite internship supervisors, which in turn could limit the internship opportunities for future students.

Methodology

Obstacles in music industry internship administration were identified using qualitative methods that included the observational study of over 250 undergraduate internships in which the authors participated as either the worksite or academic supervisor. Observational research was supplemented through the review of interns’ reflective writing assignments, worksite supervisor evaluations, student exit surveys, and interviews with academic and worksite internship supervisors. Internships surveyed were conducted primarily in the Los Angeles market from 2001 through 2015 and spanned five different music industry sectors: music publishing, recorded music, live music, music in media, and music products.

Motivated by the need to overcome these administrative obstacles and help students achieve their learning objectives, the authors first describe the differing perspectives on interns and internships held by the academic and worksite supervisor. Next, they identify the theoretical mod-

el used to frame their observations and recommendations. Finally, they identify, describe, and offer recommendations to overcome ten common obstacles to music industry internship administration.

Supervisor Perspectives on Interns and Internships

Academic supervisors are frequently full-time faculty members who have at least one area of expertise in the music industry. They often work to strike equilibrium between achieving the student's learning objectives, meeting the needs of the company offering the internship opportunity, and minimizing the liability and risk management concerns of the university. Worksite supervisors are frequently junior-level industry employees with little to moderate experience working with interns. They often work to strike equilibrium between training the intern, managing their own workload and productivity, and maintaining a working relationship with the academic supervisor in order to guarantee a steady flow of interns in the future.

Academic supervisors tend to view interns as individual students with unique learning objectives and career aspirations. In their view, student learning objectives are intended to guide the intern's work. Internship tasks should be carefully assigned to ensure alignment with the learning objectives. The priorities of the internship are to achieve the learning objectives and ensure that the student gains valuable work experience.

Worksite supervisors, on the other hand, tend to view interns as an inexperienced pool of free laborers. They often see internships as opportunities for students to work alongside professionals in the real world. In contrast to academic supervisors, worksite supervisors often believe that intern tasks should be assigned as needed and that the available work should guide the internship learning objectives. While worksite supervisors hope interns will gain something from the internship experience, often their priorities are to manage their own workflow and not let the interns negatively affect their productivity.

While the differing perspectives between the academic and worksite supervisor seem at odds with one another and counterproductive to the administration of the internship experience, there is common ground that brings these two together. Both recognize the value of experiential learning and both want the interns to succeed in reaching their educational objectives. It is the intern that binds them together and requires them to work

as a team to successfully administer the internship experience. However, the administrative obstacles in which academic and worksite internship supervisors commonly find themselves entangled can stress this relationship.

What Constitutes an Internship?

While it is generally understood in both academia and industry that an intern is a student who works for a temporary period of time in order to gain experience, perspectives on what actually constitutes an internship can vary widely within the music industry. The music industry has historically relied on worksite experience as the main mode of educating its workforce and has frequently used the internship as more of an entry-level rung on the ladder of employment rather than the type of holistic learning experience academics desire for their students.⁴ As a result, music industry internships have, in general, leaned more towards internships resembling jobs rather than educational experiences.

In an effort to establish uniformity in the use and application of the term “internship,” The National Association of Colleges and Employers (NACE) recommends the following definition:

An internship is a form of experiential learning that integrates knowledge and theory learned in the classroom with practical application and skills development in a professional setting. Internships give students the opportunity to gain valuable applied experience and make connections in professional fields they are considering for career paths; and give employers the opportunity to guide and evaluate talent.⁵

In addition, NACE also recommends that the following criteria be met to ensure that an internship experience is considered educational and legitimate.

NACE Criteria for an Experience to be Defined as an Internship:

1. The experience must be an extension of the classroom: a learning experience that provides for applying the knowledge gained in the classroom. It must not be sim-

- ply to advance the operations of the employer or be the work that a regular employee would routinely perform.
2. The skills or knowledge learned must be transferable to other employment settings.
 3. The experience has a defined beginning and end, and a job description with desired qualifications.
 4. There are clearly defined learning objectives/goals related to the professional goals of the student's academic coursework.
 5. There is supervision by a professional with expertise and educational and/or professional background in the field of the experience.
 6. There is routine feedback by the experienced supervisor.
 7. There are resources, equipment, and facilities provided by the host employer that support learning objectives/goals.⁶

This definition makes it clear that internships are courses and not jobs, and that the goal of an internship is learning through practical application and experience. It is a definition that attempts to strike a balance between both academic and industry perspectives. It is this model that serves as the theoretical framework through which observations and recommendations are founded.

Intern Abuse in the Music and Entertainment Industries

Unfortunately, the entertainment industry does not have the best track record when it comes to the treatment of unpaid interns.⁷ The historical use and abuse of unpaid interns by the music industry to fill entry-level positions has largely been enabled by the disproportionate demand of students, and others, willing to work for free, who were seeking to launch their careers in the business.⁸ In addition, the lure of being close to music, creativity, fame, and fortune can be overwhelming to many students. The excitement of finally being free of the classroom and working in the field, coupled with a general lack of music industry experience, often place students in a position to have their labor exploited in the workplace.

In 2013, a class action lawsuit was filed by over three thousand interns against Warner Music Group alleging "blatant violations of minimum wage and overtime requirements, and major infractions of the Fair

Labor Standard Act.”⁹ The interns alleged that “Warner Music Group and its subsidiaries routinely abused interns by focusing their energies on... fetching coffee and grabbing lunch for paid employees.”¹⁰ Every intern is occasionally asked to do these things; however, these tasks provide no educational or vocational value, “which is a critical requirement for unpaid, apprentice-style internships.”¹¹ Thus, an internship consisting largely of such menial duties is very likely to fall within the definition of intern abuse. The mindset of students looking for internships in the music industry perpetuates this negative perception, as evidenced by an intern for a company that books music talent who spent her time “photocopying, filing, and responding to routine e-mail messages for her boss.”¹² She was quoted as saying, “If you want to be in the music industry that’s the way it works. If you want to get your foot in the door somehow, this is the easiest way to do it. You suck it up.”¹³

In addition to Warner Music Group, Viacom, ICM, and Universal Music Group have had to answer to complaints filed by unpaid interns.¹⁴ According to the complaint filed against Universal, the company “did not provide academic or vocational training,” yet the plaintiff “regularly worked between forty and fifty hours a week,” with duties that consisted almost solely of non-educational, non-vocational tasks such as “stocking drinks, delivering mail, and organizing storage rooms.”

In light of recent litigation over internships, more attention than ever is being placed on how these student work opportunities are conducted. The governing law applicable to internships, which contains the legal definition of “employee,” is the U.S. Fair Labor Standards Act of 1938, and while it appears that the legal text sets a high bar for classifying a worker as an intern, the reality of the situation is otherwise. Without full knowledge of the 1938 Act, many employers classify student workers as “interns” solely on the basis of their receiving credit for the internship, and this, employers believe, allows them to take on unpaid workers while remaining in compliance with the Act.¹⁵ In 2015, “21 internship-related lawsuits were filed,” and “the targets of unpaid interns’ lawsuits included Condé Nast Publications, Warner Music Group, Gawker Media, Fox Entertainment Group, NBCUniversal, Viacom, Sony, and Universal Music Group.”¹⁶

The term “provisional labor” is used by some to “describe the temporary, conditional, and ambiguous standing of interns, as they simultaneously build their employability and provide inexpensive labor.”¹⁷ This

ambiguity of standing often results in interns not being fully aware of their responsibilities or their employers' expectations, which in turn yields an unfruitful internship for students, a waste of resources and energy for firms, and a deterioration of the relationship between academic programs and key industry partners. Today, "[v]irtually every four-year program offers its students an opportunity to intern in the industry," and it is becoming increasingly apparent that it is "critical to participate in a music industry internship as, in this competitive business, an education is likely not enough for entry into the field."¹⁸ Internships are essential for imparting relevant, industry-specific experience, which is practically mandatory for a job in the music business,¹⁹ but these internships are also vital for the industry itself as it faces new challenges to its cost/revenue structure and attempts to keep expenses low while maintaining pace with a rapidly-shifting business landscape.

With the growing scrutiny placed on entertainment industry internships, employers need to be cognizant of how their internship programs are conducted. They must work more closely with academic supervisors to ensure, first of all, that the nature of the employment falls within, and fits the proper definition, of an internship, and subsequently, that the internships provide a meaningful learning experience for the students while creating a value-add for the firm. Many internships either function as entry-level positions, but without placing any impetus on the firm to compensate the interns, or they skew too far in the other direction, and in an effort to prevent substantive, compensable work being done by the interns, simply relegate them to menial tasks.²⁰ Both of these scenarios are unsuitable, but through a deliberate, controlled, and coordinated effort by both the academic supervisor and the worksite supervisor, such scenarios are avoidable. Music industry internships can and should be reevaluated and revamped to ensure a rewarding experience for the intern and a lasting, beneficial relationship between the academic and industry worlds.

Common Administrative Obstacles and Recommended Resolution Strategies

The ten common obstacles to music industry internship administration are categorized into four groups: 1) Academic/Worksite supervisor-centered, 2) Academic supervisor-centered, 3) Worksite supervisor-centered, and 4) Student-centered obstacles. While strategies to overcome individual obstacles vary, common strategic themes for resolution are sug-

gested. Overcoming these obstacles is critical in meeting the common and, at times, divergent needs of the academic and worksite internship supervisors while at the same time ensuring that the student's learning objectives are being achieved.

1) Academic/Worksite Supervisor-Centered Obstacles

These administrative obstacles lie with both the academic and worksite supervisors and center on how they view and relate to each other, and how the supervisors individually view and relate to the intern.

Failing to Embrace a Team Teaching Mentality

A fundamental obstacle in internship administration is the lack of a common understanding between the academic and worksite supervisors that they are co-educating the student and that their individual instructional efforts are asynchronous. These supervisors generally do not actively collaborate after the completion of administrative paperwork required by each respective institution. While both supervisors should work collaboratively with the student to develop the student's learning objectives, outside of that, these supervisors generally work in isolation from each other on a daily basis. Because of this lack of communication, the internship supervisors may not always agree on specific methods employed to achieve the internship learning objectives.

Academic and worksite supervisors may hold vastly different viewpoints on business practices, work ethic, and the stability of the intern's intended career path. Academic supervisors may feel that worksite supervisors are painting a distorted view of the music industry, one in which they unfairly present their personal experiences and biases as the definitive word on the subject. Worksite supervisors may feel that academic supervisors are too far removed and out of touch with the daily realities of the industry. At a point where the students are dealing with the transition from the academic to the working world, they are often caught in the middle trying to determine to which supervisor they should listen. Ultimately, it is important to understand that the supervisors' focus must be on the value that each brings to the student. While academic instructors may not have the depth of professional experience leveraged by worksite supervisors, they generally have more experience communicating and educating young people. And while the worksite supervisors may lack the depth of professional education experience possessed by the academic supervisors,

they tend to have more specific knowledge and experience in navigating the daily rigors of working in the music industry. In this co-educating arrangement, it is vital that each supervisor keep lines of communication open while respecting and relying upon the other's strengths rather than focusing on the weaknesses. Implementing regular touch points such as worksite supervisor performance evaluations and regularly scheduled telephone conferences can help to mitigate this obstacle and provide opportunities for the two supervisors to align their efforts.

Failing to Recognize Differences in Intern Relationship Dynamics

An internship is not entirely a class nor is it entirely a job. Through the internship experience, students move their educational endeavors from the classroom to the professional worksite. For this transition to be successful, it must also be accompanied by a corresponding shift in the supervisors' relationship dynamic with the students. When academic and/or worksite supervisors lose sight of this, obstacles such as the intern favoring one supervisor over another or the intern feeling overwhelmed and caught between supervisors may result.

For the academic supervisor, the relationship with the student should move from the typical instructor-student classroom dynamic to a role more like a coach who is helping a star player reach his or her highest potential. If this is the student's capstone internship experience, the student should be ready to move beyond the normal instructor-student relationship to something more professional and collegial. Academic instructors want their students to act professional in the workplace. That training extends beyond the classroom and is carried through how the academic supervisor engages and interacts with the student. It is important however to remember to establish professional boundaries in this evolving relationship dynamic. As the student becomes aware that the relationship with the academic supervisor is maturing, there may be a potential for the student to become too familiar, cross professional boundaries, or rely too heavily on the academic supervisor. The academic supervisor should not become the student's guidance counselor or employment agent. The academic supervisor should be there to encourage students to take their first steps into the working world, and to offer assistance should they stumble.

In contrast, the worksite supervisor should remember that interns are not employees and they therefore cannot adopt the typical employer-employee dynamic when working with them. Because most music indus-

try internships are unpaid, interns have different motivational levers than regular employees. Worksite supervisors therefore need to employ varied forms of motivation such as channeling the intern's intrinsic interests into corresponding learning opportunities and providing opportunities to interns that might not normally be available to employees such as brief mentoring meetings with company executives. It is important to remember however that the nature of any relationship must grow over time. With regular employees, professional growth is often managed in yearly cycles with the prospect of advancement only attainable after a certain amount of growth has been achieved. While employers expect it to take a few years for employees to move up the learning curve and reach a new plateau of professional development, that expectation needs to be recalibrated and compressed with respect to interns. The learning curve for interns should be relatively shorter than that of a regular employee, and should be judged accordingly. Interns should be empowered to move up their curve as rapidly as they can assemble the necessary skills and experience; however, it should always be recalled that interns are there to learn first and foremost, while still bringing value to their respective firms. As a result, internship duties and responsibilities, and the dynamic between the worksite supervisor and the intern, should evolve as the internship develops.

2) Academic Supervisor-Centered Obstacles

These administrative obstacles lie with the academic internship supervisors and center on how they ensure the validity of the internship offering, and the quality and consistency of the worksite supervision.

Determining the Viability of the Internship Offering

The digital revolution has torn down many historic barriers of entry into the music industry and reinvigorated the "do-it-yourself" entrepreneurial spirit. With an increasing number of entrepreneurial startup companies flooding the marketplace, the academic supervisor must exercise due diligence to ensure that the internship opportunity being offered is legitimate and that viable learning objectives can be achieved. Many of these startups are run on such a lean budget that the prospect of young, energetic (and often free) labor is very attractive. Many employers erroneously believe that students will learn just by passive observation. While once a common method of training in the music industry, students studying the music industry today have a breadth and depth of industry knowledge

that once took years of on-the-job experience to attain. Before employers reach out to educators seeking interns, they need to assess whether they have enough legitimate work to keep the interns engaged or whether they are just looking for unpaid assistants. They also need to consider whether the work is of significant merit to make a meaningful learning experience over an entire academic term.

It is important to note that the Wage and Hour Division of the U.S. Department of Labor (DOL) provides general information to help determine whether interns must be paid under the Fair Labor Standards Act (FLSA) for the services they provide employers. Conveniently summarized in FLSA Fact Sheet #71, academic and worksite supervisors should use these guidelines as a litmus test to help ensure that the internship opportunity being offered does not stray from its educational intentions and off into the realm of using interns to displace or substitute for regular employees. For interns to remain unpaid under the DOL, all six of the following criteria must be met.

FLSA Fact Sheet #71 – Test For Unpaid Interns:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.²¹

Academic supervisors need to keep in mind these criteria when assessing an internship offering. Not doing so can lead to superficial experiential learning opportunities and/or the intern being improperly used to fill what would normally be a paid employee position.

Ensuring that the Worksite Supervisor is Actually Working with the Intern

The bait-and-switch gambit is nothing new to the music industry. In the context of internship administration, the student and academic supervisor are lured into accepting an internship opportunity with the belief that the intern will be working with a particular worksite supervisor (usually a department head or some other senior manager), only to later find out that he or she will actually be working on a daily basis with a subordinate. In these instances, the senior staff member usually wants to be designated as the worksite supervisor in order to maintain a higher-level relationship with the academic supervisor and ensure the continuity and quality of future interns. Unfortunately for the academic supervisor, the intern often accepts this arrangement without fully understanding the difficulties this obstacle can bring to the internship. The intern just wants the prestige that comes with having some connection to the senior staff member. The senior staff member may indeed spend some time working with the intern, but the real growth and learning for the intern is accomplished through the contact and mentoring of the day-to-day worksite supervisor.

This obstacle can further complicate the administration of the internship when senior staff members insist on completing the intern performance evaluations. For academic supervisors, the way to avoid this obstacle is to make it clear to senior staff members that while their time with the intern is encouraged and appreciated, the administration of the internship, and all accompanying intern performance evaluations, is to be completed by the day-to-day worksite supervisor. The academic supervisor often has a difficult enough time forging the team teaching dynamic with one worksite supervisor. Requiring the academic supervisor to interface with a hierarchy of worksite supervisors only serves to further complicate this administrative relationship.

3) Worksite Supervisor-Centered Obstacles

These administrative obstacles lie with the worksite internship supervisors and center on their inexperience at working with interns, perpetuating the cycle of music industry intern abuse, and not investing enough time and energy in interns during the first critical weeks of the internship.

Worksite Supervisors Who are Inexperienced at Working with Interns

While many music industry professionals like the idea of giving back and having interns in their companies, not all worksite supervisors have the experience necessary to make this a productive relationship. This obstacle often manifests itself in a number of ways including the worksite supervisors, 1) not being prepared or having enough assignments for the intern each day, 2) unclear and/or confusing instructions on how to complete assignments, and 3) becoming irritated with the intern when they feel they have to explain everything. Worksite supervisors in this position will often not admit this lack of experience to their superiors, and they rarely have the time or the inclination to reach out to the academic supervisor for assistance. Instead, they often find some way to blame the intern for the poor internship experience.

To further complicate matters, students typically do not inform the academic supervisor of this situation because they have a very limited point of reference from which to judge the worksite supervisor's performance, and do not want to be known for criticizing their worksite supervisor for fear of later retaliation. As a result, the academic supervisor is often unaware of this situation and must rely on reading between the lines of internship status reports from both the intern and worksite supervisor to identify the problem. Once identified however, the academic supervisor, who is positioned to offer assistance and perspective to both parties, can usually overcome this obstacle. By ensuring that worksite supervisors understand team teaching objectives, perspective and experience are gained, and they will often become willing participants and valued partners in the internship experience.

Worksite Supervisors Teaching the Way They Were Taught

A natural instinct for all teachers is to teach the way they were taught. Through education research, we now know more about how students learn than we did a generation ago.²² And while researchers have illustrated that teacher-centered instruction is not always the most-effective practice to follow in the classroom, worksite supervisors are not career educators and often rely on whatever instincts they have to make it through the internship experience.²³ Historically, the music industry has relied on work-site experience as the main mode of educating its workforce. Specialized knowledge was often compartmentalized in a relative few who protected

this knowledge as a form of job security. This knowledge tended to be passed down only to those who suffered through a rather oppressive apprenticeship that bordered on indentured servitude. This practice didn't reward the most capable and/or promising candidates, but instead favored those who simply persevered and survived. Those who clawed their way up the industry ranks in turn perpetuated the practice on those they trained. Though waning, this instructional culture can still be found in certain music industry sectors today.

As a result of the proliferation of music industry degree programs in higher education, students entering internships today have a much stronger foundational understanding of the music industry than their predecessors. With the entrepreneurial spirit of the industry revived in the information age, there is increased competition among firms to secure high quality interns who possess an understanding of the industry's customs and practices. Worksite supervisors who persist in the poor treatment of interns generally find it difficult to secure interns. Those who still cling to the notion that the only way to learn the business is to teach the way they were taught need to let go of the protectionist doctrine of "not wanting to train their replacement." They would do well to remember that in this relationship-centric industry, it is important not to burn bridges, because one never knows when a former intern could be one's future boss. For the academic supervisor who runs into this administrative obstacle, there is little that can be done short of keeping lines of communication open and trying to work with worksite supervisors to improve their educational practices. Unfortunately, this culture can be so ingrained in a company that the academic supervisor is left with few alternatives and either ends up removing the student from the internship, appealing to company management to select a different worksite supervisor, or not recommending this internship to students in the future.

Worksite Supervisors Who are Not Patient as the Intern Progresses Up the Learning Curve

A common complaint from worksite supervisors is that they do not have enough time to train interns and that it would be faster to do the work themselves. This obstacle usually results in an underutilized intern, poor intern performance evaluations (because the worksite supervisor does not perceive the value the intern brings to the firm), and an overall poor learning experience. What worksite supervisors need to remember is that

interns are not temporary employees and instead should be seen as an investment in future productivity.

The intern's learning curve will typically be longer than that of a temporary employee with some previous experience. While worksite supervisors can become frustrated with an intern's learning pace around week two of the internship, interns typically start hitting their stride about week four, assuming the intern is working approximately twenty hours per week. These first few weeks of the internship are a critical investment period for worksite supervisors that may result in more work initially, but will pay dividends later on if they remain patient and see it through. Students are interning to learn and that takes time.

For the academic supervisor, this obstacle can be difficult to identify. If the intern is receiving poor performance evaluations, is it because the intern is truly performing poorly, or is it because the worksite supervisor has not invested enough time to set the intern up for success? The academic supervisor is often forced to read between the lines from both intern and worksite supervisor reports to determine what is actually happening. Once identified however, this obstacle can usually be managed or remedied by the academic supervisor who is positioned to offer perspective to both parties.

One technique that has been employed by worksite supervisors who simply do not have the time or patience to invest during the early weeks of an internship is to engage multiple interns and stagger their internship periods so that a senior, more experienced intern can help train the junior and less experienced intern. This also provides the senior intern an opportunity to train and supervise a pseudo-subordinate while providing the junior intern with a slightly more experienced peer upon whom to rely. While this method does have some advantages, it can also contribute to the worksite supervisor's lack of engagement in the intern's training and overall development, which in turn can present difficulties when the worksite supervisor is required to complete the intern's performance evaluations.

4) Student-Centered Obstacles

These administrative obstacles lie with the students and center on their failure to connect theory with practice, utilize the academic structure of the internship to focus, guide, and ultimately maximize their experiential learning, and remember their academic obligations even though they are not physically in a classroom.

Students Who Fail to Connect Their Academic Knowledge to Their Internship Experience

A primary educational objective of an internship is to connect theory to practice. Students weary of the classroom and eager to begin their experiential learning often forget to consciously connect their academic knowledge with their internship experience. They can become so engrossed in the internship that they begin to erroneously believe that their academic classes were of little value and that their internship is where the “real learning” is occurring. And while worksite supervisors often appreciate their zeal and dedication to the internship, if interns don’t connect their academic knowledge to their worksite assignments, they can appear undereducated and unaware of basic industry concepts, customs, and practices. This can erode a worksite supervisor’s trust in the intern’s abilities, which often results in less significant tasks, assignments, and learning opportunities for the intern.

Students need to be reminded by their academic supervisors of the value of their foundational academic knowledge and how it helps them consciously (or unconsciously) succeed in the internship. Many times, what students perceive as industry “instinct” or “common sense” actually has roots in prior classroom lessons and discussions. Required weekly reflective writing assignments, especially during the critical first weeks of the internship when the student is moving through the worksite learning curve, can help to overcome this obstacle. In these reflective assignments, students should not only detail what they are working on and what they are learning, but also how their weekly work assignments connect back to their academic knowledge gained in the classroom. In reviewing and commenting on these reflective assignments, academic supervisors should take every opportunity to connect students’ internship experiences to core knowledge learned in academic settings so that students explicitly see the crossover and interrelation between academic concepts and real-world experiences.

Students Who Fail to Use a Learning Agreement to Guide the Internship Experience

Because of the amount of competition involved in entering the music industry, many students are just happy to get an internship and be in the same room as music industry professionals. Furthermore, once they are in, students tend to think that knowledge and experience will flow

around them like a rushing river and that they will somehow pick up what they need to succeed along the way. Academic supervisors understand that this is a naïve approach and the likelihood of having a successful internship experience is greatly enhanced when all interested parties enter into a formal learning agreement. While these agreements can vary in length and specificity, and can at times resemble employment contracts complete with liability waivers, non-disclosure agreements, and work-for-hire clauses—in the event a student creates protectable intellectual property within the scope of the internship—at its heart, a well-conceived learning agreement should detail the fundamental duties and responsibilities of the intern and worksite supervisor as well as the specific learning objectives of the internship experience (see Appendix 1 for an example). Learning objectives should be specific, measurable, and attainable. They should not be broad and vague such as “learn about artist management.” Clearly defined learning objectives serve as extremely useful tools to shape and focus the internship experience. A simple method to get students to focus their learning objectives is to have them begin their list of objectives with the following sentence fragment:

“At the conclusion of this internship, I will be able to demonstrate...”

This sentence fragment communicates to the student the time frame in which the learning objectives must be achieved, and the level of experiential proficiency expected. To ensure that all interested parties buy into the learning objectives, they should be jointly developed by the intern and the worksite supervisor before, or at the latest, during, the first week of the internship and then approved by the academic supervisor. With this oversight, the academic supervisor can offer assistance in further refining and focusing the internship’s learning objectives.

Not employing a learning agreement with defined learning objectives can lead to a rather amorphous internship experience. This can leave the intern rudderless while simultaneously placing the academic supervisor in an awkward position if the internship begins to descend into a string of menial tasks with little educational value. While many worksite supervisors are willing to complete learning agreements at the beginning of the internship experience, many only use it as a tool to shape the beginning of the experience and not as a continuing roadmap throughout the

internship. It is important to understand that as interns learn and grow, it is natural for their duties and responsibilities to be adjusted. This does not mean however that the overall internship learning objectives are abandoned. The internship learning agreement should be viewed as a guide and not necessarily as a mandate. Academic supervisors need to remind both students and worksite supervisors of the importance of this agreement and encourage both to review it and use it as a tool to refocus the internship at defined intervals.

One such way to accomplish this is for worksite supervisors to have students complete an “entrance survey” at the beginning of the internship outlining their interests, competencies, and desired learning outcomes. This should be followed with a “midpoint survey” halfway through the internship which has the students reflect on how they believe the internship is progressing, including their perception of whether their assigned tasks align with their learning objectives and the value their work brings to the project, department, and/or firm. At the conclusion of the internship, the students should complete an “exit survey” where they reflect on what they have learned, discuss progress in achieving the internship learning objectives, detail achievements of which they are most proud (which might be used in letters of recommendation), and possibly even include suggestions for future interns based on insights they gained during the internship. And if the internship devolves into areas that were clearly not agreed upon or productive to the student, the academic supervisor has a signed agreement, as well as multiple follow-up documents, to support discussions with the worksite supervisor, or as justification for removing the student from the internship altogether.

Students Who Forget that the Internship is an Academic Course

The music industry can be seductive. The lure of being close to music, creativity, fame, and fortune can be overwhelming for some students. If the internship in question is the student’s capstone experience, it will likely be one of the last classes taken prior to graduation. These students are prepped and eager to begin working in the industry. The excitement of finally being free of the classroom and working in the field can cause some students to forget that the internship is yet another academic course. This usually happens around week three of the internship. This obstacle often results in the student not responding to the academic supervisor’s correspondence, missing administrative deadlines, and submitting late re-

ports. While this is a period where academic supervisors should be working to wean students off academia, they also need to remind them that the internship is still an academic course, and that the academic supervisor has a significant role in the administration of the internship and in the final course grade.

Worksite supervisors need to remember that the music industry is seductive and that interns are impressionable. They need to set a good example of professionalism and not downplay the role of the academic supervisor, especially to the intern. They need to take the various administrative forms required by the academic institution seriously, including the internship learning agreement as well as all intern performance evaluations. By not doing so, the worksite supervisor is sending a strong message to the intern that the academic work associated with the internship is not important. This can place the academic supervisor in an awkward position and erode the team teaching dynamic.

For academic supervisors, keeping the worksite supervisor engaged and participating in the process as well as maintaining regular touch points with the students (such as meetings, assignments, telephone updates, e-mail correspondence, etc.) can help keep that connection alive and remind the interns that the academic supervisor is not going to compete for their attention, and that the internship experience is still a graded academic course.

Conclusion

Music industry internships are not without administrative obstacles. Overcoming these administrative obstacles is critical in achieving the student's learning objectives. To do this, both the academic and worksite supervisor must work together to co-educate students during their transition from academia to the working world. And while their goal of achieving the student learning objectives may be the same, they may disagree in any number of ways regarding how to actually achieve those objectives.

Successful internship administration requires that both the academic and worksite supervisors work together to assess the viability of the internship offering, adopt a team teaching mentality, and understand the inherent differences in intern relationship dynamics. Together, internship supervisors must work through common worksite-related obstacles including remaining patient as the intern progresses up the learning curve, helping inexperienced worksite supervisors move beyond their instincts to

teach the way they were taught, stopping the cycle of unpaid intern abuse common to the music industry, and ensuring that the worksite supervisor is actually spending enough time with the interns to enable them to achieve the internship learning objectives. In addition, the internship supervisors must work together to navigate through student-related obstacles such as students forgetting that the internship is still an academic course, failing to connect their classroom academic knowledge to their worksite experiential learning, and failing to use the internship learning agreement to focus and guide the internship experience.

With enough cooperation, communication, and regular touch points between the academic and worksite supervisor, these ten common obstacles can be overcome thereby making the administration of a music industry internship a positive and rewarding experience for all concerned. And in turn, the successfully administered internship nurtures a symbiotic relationship between the academy and industry. It is this relationship that one hopes, in time, will grow to guarantee the music industry a more productive, college-educated workforce while at the same time empowering the industry to evolve and abandon outdated practices that take advantage of unpaid interns.

Appendix 1

Internship Learning Agreement (excerpt)

The following excerpts are examples of the language that could be used to detail the critical components of any internship learning agreement:

1. Fundamental Responsibilities of the Student
2. Fundamental Responsibilities of the Worksite Supervisor
3. Internship Learning Objectives
4. Internship Duties and Responsibilities

Language is intentionally written in a conversational tone directed at the student and worksite supervisor by the academic supervisor. It is recognized that some academic institutions however may prefer, or require, language of a more legal nature.

Fundamental Responsibilities of the Student

Show respect for the company in which you are interning. This internship is a valuable educational opportunity and a privilege for you. While you are providing a service to the company, it in turn is investing precious resources in your learning process.

Use common sense and conduct yourself in a professional manner at all times. Every company has its own rules, policies, procedures, and expectations for which you are responsible. Be sure to familiarize yourself with these and other aspects of the company's culture at the beginning of your internship.

Be punctual and responsible. Even though you may not be paid for your services, you are participating in this internship as a reliable, trustworthy, and contributing member of the larger team. Always arrive on time and immediately notify your internship supervisor if you are unable to come in or anticipate being unavoidably late.

Appropriate attire. Your internship is being conducted in a work environment. Your attire should be neat and appropriate at all times.

Ask for help when in doubt. Discuss any questions or concerns about your internship with your worksite supervisor. Should a problem arise that cannot adequately be resolved by the worksite supervisor, bring your concerns to the attention of your academic supervisor.

Student: I have reviewed and agree to adhere to the guidelines for the Fundamental Responsibilities of the Student during my internship.

Student Signature: _____

Date: _____

Fundamental Responsibilities of the Worksite Supervisor

Be prepared to have your intern work. One of the most consistent problems in dealing with interns is not having enough work prepared (in advance) in order to keep them consistently busy (as tasks and deadlines don't always align with an intern's work schedule). Though some interns may be natural self-starters, most interns will look to the worksite supervisor for assignments and project guidance. It is in everyone's best interest (from a worksite and academic perspective) to use the intern's time as efficiently as possible.

Interns are not free labor. "An internship is a form of experiential learning that integrates knowledge and theory learned in the classroom with practical application and skills development in a professional setting. Internships give students the opportunity to gain valuable applied ex-

perience and make connections in professional fields they are considering for career paths; *and give employers the opportunity to guide and evaluate talent.*" (http://www.naceweb.org/connections/advocacy/internship_position_paper/)

This definition makes it clear that internships are courses and not jobs, and that the goal of an internship is learning through practical application and experience. Accordingly, interns should not exclusively be relegated to such tasks as data entry, answering telephones, filing, photocopying, etc. Though it is understood that interns will occasionally be assigned such duties as part of their learning experience, it is understood that these duties should not be an ongoing or majority part of the internship. For additional information on this topic, please see *Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act* (U.S. Dept. of Labor, Wage and Hour Division: <http://www.dol.gov/whd/regs/compliance/whdfs71.pdf>).

Internship Supervisor: I have reviewed and agree to adhere to the guidelines for the Fundamental Responsibilities of the Worksite Supervisor and the guidelines in *Fact Sheet #71* (U.S. Dept. of Labor, Wage and Hour Division) during this internship.

Supervisor Signature: _____

Date: _____

Internship Learning Objectives

Detail at least three learning objectives that the student will achieve by the conclusion of this internship. Ensure that all learning objectives are specific, measurable, achievable, relevant, and can be completed within the duration of the internship.

“At the conclusion of this internship, I will be able to demonstrate...”

- 1.
- 2.
- 3.

Intern Duties and Responsibilities

Identify and describe the duties and responsibilities in which the student will be engaged. Duties and responsibilities should be designed to help the student achieve the above learning objectives.

- 1.
- 2.
- 3.

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Best Practices in Music Industry Education

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This research was funded in part by a research grant from the Music & Entertainment Industry Educators Association.

Abstract

We as educators have an intuitive sense that experiential education works in music industry education, though surprisingly, there is very little data to support our intuition. Using a survey of MEIEA membership, as well as face-to-face interviews with faculty members and administrators at music industry studies programs throughout the United States, the author collected data on music industry programs in 2014 and 2015 in order to determine the “best practices” in music industry education.

Keywords: music industry education, best practices, high-impact practices, experiential education, hands-on learning, learning by doing, internships, real world learning, classroom simulations, student success, music industry, music business

Introduction

Almost a century ago, John Dewey (1859-1952) wrote his classic *Experience and Education*, in which he made a case for what we now call “hands-on learning” and suggested that students do best when their education directly relates to the world around them, and they are actively involved in the process. Many scholars have built on Dewey’s work and added to the body of literature surrounding the efficacy of hands-on experiential learning. More recently and most notably, David A. Kolb’s *Experiential Learning: Experience as the Source of Learning and Development* underscored the importance of “learning by doing.”

Dewey, Kolb, and others have written extensively about what many of us in music industry education feel we know intuitively: “learning-by-doing” is among the most effective teaching methods we have. We use hands-on learning¹ in Music Industry Studies (MIS)² all the time, from student-run record labels and music business journals, to student-run con-

cert series and even nightclubs. Many of our undergraduate MIS programs require internships in the industry, a quintessential hands-on experience.³ Few of us would argue against the effectiveness of experiential learning, and many of us tell our students that it is one of the most important aspects of their education.

Surprisingly, however, there is very little data on experiential learning's efficacy in music industry education. Indeed, my research found that we have a very strong belief system that our classes and activities are working, but little hard evidence to support it.

Still, there are several studies of note. In 2005, Richard Strasser at Northeastern University conducted in-class simulations and role-playing—in other words, “real world” simulations—in a music marketing and promotions class. He concluded, “Student evaluations indicated that the simulation had a strong impact on learning and meeting the course objectives” (Strasser 2005). David Tough of Belmont University published a paper in 2012 on Robert Gagné's instructional theories, theories that were developed in perhaps the most crucial hands-on learning environment of all, fighter pilot training. Tough noted the potential for applying Gagné's ideas to teaching audio engineering, but as of that writing he had not implemented or tested their effectiveness (Tough 2012).

Students believe in the effectiveness of internships, arguably the most experiential learning activity of all. Two studies, one by Claudia McCain at Western Illinois University in 2002 and the other by Stephen Marcone at William Paterson University in 2004, found that the majority of students in both programs regard internships as their most important classes.⁴

My goal in this study was to continue this research; these are the questions I am endeavoring to answer:

1. What experiential opportunities are currently in use in MIS programs?
2. What are the outcomes of these experiential opportunities/classes?
3. How are successful outcomes measured or defined in MIS programs?
4. What are the *most* effective experiential learning methods in MIS education? In other words, what are the “best practices” in MIS education?⁵

5. On what do we base our measure of these practices' effectiveness? Is it hard data, anecdotal data, or something else?

Certainly, I want to add to the findings in the aforementioned studies by Strasser, Tough, McCain, and Marcone. Finally, I will close with some recommendations of my own.

Methodology

I used two approaches in the study. First, I created and conducted an online survey of MEIEA (Music and Entertainment Industry Educators Association) members, the vast majority of whom are working music industry education professionals.

Second, I planned a series of site visits to university programs across the United States. Boston was my starting point: there is a strong and diverse music industry and music scene, there are three educational institutions that have well-known music industry programs and one is a state school, which is important since many of our music industry programs are at publicly-funded state colleges and universities.

I visited Northeastern University, the University of Massachusetts Lowell, and the Berklee College of Music, at various times between September 26 and October 2, 2014, toured the campuses and music departments, and interviewed administrators, faculty, students, and alumni.⁶ I also conducted interviews and studied sites in Los Angeles in early December 2014 (California State University, Northridge), and I have conducted ongoing observations at my own university of California State Polytechnic University, Pomona (Cal Poly Pomona).

In general, the interviews were open-ended conversations of about one hour, in several cases much longer. There were a set of standard questions that I asked every interviewee:⁷

- What do you want your students to know when they graduate from your program? What is the one most important thing?
- Tell me about your internship requirement: for example, how many hours are required, how are they supervised or monitored, etc. If no requirement, why?

- Do you have a capstone project requirement, why or why not?
- What kinds of experiential education opportunities do you have, both in your program and on campus, for your MIS students?
- How do you measure your graduates' success?
- Do you track your alumni? How?

After my first round of site visits to Boston, I revamped my online survey, adding questions not on my original survey question set. For example, each of the programs I studied in Boston are housed in different departments or administrative sectors of a larger school, each with slightly different administrative oversight. Accordingly, I added questions about administration and governance to my online survey.

Next, to reduce potential biases, eliminate unclear questions, and to strengthen the content validity of the survey, I had our Cal Poly Pomona music faculty and a campus survey guru—Cal Poly Pomona Faculty Development Director Victoria Bhavsar—review the question set. The penultimate step was our Institutional Review Board (IRB).

The final survey consisted of thirty questions distributed to the MEIEA membership, which at that time included 242 members in 42 institutions. The survey was administered online over three weeks in late November/early December 2014. The response rate was just shy of 30% (29.8%). My last step was to examine the data, both the survey results and interview transcriptions from my Boston site visits, for patterns or anomalies.

Finally, I visited additional sites in 2015. This time I chose three schools in Nashville and two in Florida. Nashville is a major music center⁸ and has a large population of MIS students, especially at Belmont University and at Middle Tennessee State University, with over four thousand MIS students between them. I added Miami and Jacksonville for several reasons: first, Miami is an important music center in the Spanish-speaking world⁹ and observations in Miami could be valuable for us at Cal Poly Pomona, where over forty percent of our students identify as Hispanic or Latino. Furthermore, the University of Miami—generally thought to be the nation's first university to offer a music industry degree program—always seems to be at the forefront of music industry education. Jacksonville University, on the other hand, is in a smaller music market in Florida

that is a bit off the beaten path. I believed it was important to have that perspective as well.

Here is an overview of the campus interviews:

September/October 2014

University of Massachusetts Lowell*

Berklee College of Music

Northeastern University

December 2014

California State University, Northridge*

September 2015

Belmont University

Middle Tennessee State University*

Tennessee State University*

University of Miami

Jacksonville University

Ongoing

California State Polytechnic University, Pomona*

*An asterisk denotes a publicly-funded institution.

In approaching and analyzing the interviews, I was particularly influenced by a 1988 study entitled *Music, Talent, and Performance*, a unique look at a major east coast classical music conservatory. Author Henry Kingsbury examined an institution—most people believe it was the New England Conservatory of Music—from the point of view of an anthropologist/ethnomusicologist in order to shed light on the rituals and belief systems that exist inside of the conservatory.

He discovered that in spite of the difficulties the students would face finding employment as performers after they graduated, during their time at the conservatory they were insulated and isolated. “My sense is that a [music] conservatory is probably more appropriately compared with a seminary than with a professional school,” he wrote (Kingsbury 1988). “The commitment among...students seem[s] more personal, moral, and emotional than professional or economic,” he added. When discussing the students’ potential for employment after graduating, Kingsbury quotes a career counselor at the conservatory who said to him, “If we only admitted

students who could make a career in music, we'd have to close our doors tomorrow."

Though I'd like to think that we in MIS education are offering our students the opportunity to create careers in music, I think it is fair to ask if we are doing all we can to maximize student success in our programs. So, my final aim—responding to question number five above—is to examine if our program cultures influence our collective beliefs about the success of experiential education; in other words, is hands-on education working based on hard data or do we just have "blind faith" that it is working?

A caveat about a limitation of this study: since I surveyed MEIEA members, larger programs had a slightly larger influence on the outcomes. Schools like Middle Tennessee State University, for example, have more MEIEA members on their campuses than Cal Poly Pomona or Tennessee State University, and as a result the survey reflects more of what larger schools are doing; I will point out those incongruities as they arise. Likewise, a thirty percent response rate is not extraordinarily high for a small population such as ours in MEIEA. Still, taken along with the many interviews I conducted over eighteen months, I believe I can identify strong trends, pinpoint important issues common to many of our MIS programs, and address the questions that I sought to answer.

Findings

First, I will give an overview of the data I collected, then I will examine the interview results and offer a few general thoughts along the way. I will conclude with my best answers to my original research questions.

Table 1 below shows that, as with the interviews, survey results came from a fairly even mix of public and private institutions, 53-47% respectively.

Most of those teaching in MIS programs were either currently or previously active in the music industry, and most instructors continue to work in the professional world. Most program administrators (78%) were formerly music industry professionals.

Most respondents' campuses (83%) offered a baccalaureate degree, and a third offered a masters or above. (This percentage may be slightly exaggerated due to the large number of MEIEA members at larger, masters-granting schools.) About 11% were AA-granting institutions only. About half of all programs were accredited.

Public Institutions	53%
Private	47%
AA granting only	11%
BA, BS, BM	84%*
Masters and beyond	29%
Program administrators have industry experience	Yes: 78% No: 22%
Accredited (Various: NASM, AACSB, etc.)	Yes: 53% No: 35% Don't know: 12%

Table 1. Profile of survey respondents. *Note: this percentage may be slightly exaggerated due to the large number of MEIEA members at larger, masters-granting institutions.

School or college of music	31.0%
School or college of fine or performing arts	12.6%
School or college of humanities	1.8%
School or college of communications ¹⁰	12.6%
School or college of business	12.6%
Other, or not applicable	29.7%

Table 2. Response to the survey question: "Under what administrative umbrella is your program housed?" (Results in tables do not equal 100% due to rounding.)

About 45% of survey respondents were at music, performing arts, or humanities divisions of larger universities, with most of the rest distributed among colleges of business, marketing departments, or communications units (see Table 2). A few were housed in unique areas, such as in a school of public and environmental affairs or in a school of media. We are aware of this idiosyncratic aspect of MIS education, and it does point to an issue I will talk about in more detail below: namely, the difficulty of defining student success when programs come from such different points of view academically.

Program size varied, with about 20% of the respondents coming from schools with 75 or fewer music industry majors; the largest single group of survey respondents came from schools in the 76-125 range, about 30%; and about 40% came from schools with 300 or more majors. 10% report no majors at all (see Table 3).

≤ 24 students	5.5%
25-75 students	14.6%
76-125	29.1%
126-200	9.1%
201-300	9.1%
301-500	3.6%
501-999	5.4%
1,000+	14.6%
No "Majors"	10.0%

Table 3. Program size: number of students in MIS major.

None	7.3%
5 or fewer	63.6%
6-10	7.3%
11-15	1.8%
16-20	3.6%
21-25	3.6%
26 or more	12.7%

Table 4. Number of full-time, tenure-track faculty members.

None	7.4%
1-3	38.9%
4-6	24.1%
7-9	7.4%
10-12	1.8%
13-15	5.6%
16-20	0.0%
21-25	3.7%
26 or more	9.2%
Don't know	1.9%

Table 5. Number of part-time faculty members.

Note Table 4. Respondents were asked for the “Number of full-time, tenure-track faculty” in their industry programs. Most respondents, 63.6%, report programs with five or fewer full time, tenure track faculty members; also note the minor spike at 26 or more (12.7%).

Now compare this to Table 5, the number of part-time instructors. These numbers are not what I expected. Many of the schools I studied in-person have as many or more working industry professionals teaching than full-time, tenure track faculty members. As of this writing at my home institution of Cal Poly Pomona, for example, we have 220 MIS majors, two full-time faculty members (with one new hire added as of September 1, 2016), and as many as twenty part-time instructors during any given term.

This suggests to me that the full-time faculty is teaching everything at many small programs, from copyright and ensembles to running a record label or private instruction on an instrument (and indeed, my interview at a smaller program, Jacksonville University, supports this hypothesis). Though I know some faculty members are truly superhuman, I wonder if this is good for experiential education opportunities for students, which are known to be faculty-intensive activities (Kolb 2014).

(Also note, a little over seven percent report no full-time or part-time faculty. I have no explanation for this statistical anomaly except that perhaps some schools classify their instructors as staff.)

- Do you feel that you have enough qualified instructors to adequately meet the needs of your students?

Answers to this question yield another interesting statistic. About 60% of respondents say that their faculty meets the needs of students, but more telling, 40% do not. Again, I ask, can this be good? Are programs able to supervise internships or senior capstone projects, or are they even compulsory? To some degree the next question offers an answer.

- Is an exit exam or capstone project required for undergraduate students?

Capstone projects are only required in 49% of programs, exit exams in 15%, and both in about 10%. That leaves many programs with no culminating experience for their students, or definitive capstone work product with which to assess program student learning outcomes (SLOs) or success, whatever the definition in that program.

- Do you require internships for undergraduates?

Only 58% of program respondents say their students are required to have internships; that leaves 42% with no internship requirement. A sidebar here: 40% of respondents' programs have staff internship coordinators rather than faculty.¹¹

To summarize and comment on these selected survey results: it seems we as music educators in the music industry studies area may shy away from requiring student activities such as exit exams or interviews, capstone projects, and internships that are labor-intensive for faculty, and we may move the responsibility of internship coordination to staff, rather than faculty. I will discuss why I point this out, and my recommendation for improvement shortly.

The next survey question asked respondents to rate several measures of success for undergraduates:

- Please rate, from most important to least important, the following items as they pertain to measuring the success of your undergraduates:
 1. **Students are critical thinkers**
 2. **Students are employed in their chosen field**
 3. **Students are excellent communicators**
 4. Employers seek out students of program (tie)
 4. Students are life-long learners (tie)
 5. Students have fulfilled SLOs (student learning outcomes) of program
 6. Students have a solid musical foundation
 7. Students are prepared for graduate work

Note, the first three items (**in bold**) were the highest-rated measurements of success among survey respondents.

At this juncture, I will bring the interview data into the mix. The interviews will shed light on how faculty and administrators describe their hopes and wishes for their students, and how the individual programs measure success, especially as it relates to the preceding rankings.

I asked every faculty member and administrator I interviewed—over twenty in all—what they really wanted students to know when they graduate from their programs. Though there were many different answers, the

interviews reiterated the survey results above: critical thinking skills, finding jobs, and communication skills were mentioned most frequently.

Critical thinking and communication skills can be developed in general education classes, though my interviews—and the very existence of music industry education—suggest that we expect that our students gain by learning music industry-specific knowledge while in school. Anecdotally, when I talk to professionals who hire, they are concerned with critical thinking and communication skills, too, though less concerned with industry-specific knowledge. “We can teach them the business on the job,” said a CEO at a major music publishing company, “but we can’t teach them to think.” Perhaps our belief in the value of our programs is based, as the Kingsbury study concluded about conservatories, on an abundance of “faith.”

I had to wonder then, what value are we adding in Music Industry Studies programs? I’m convinced the answer is hands-on education, which helps student solve problems in real-world simulations, or in the case of internships, real-world situations.

Table 6 shows a very interesting result of the survey. This was a big surprise to me. Even though employment after graduation is considered a top-three measurement of MIS education’s success, we in MEIEA do an inadequate job of tracking it. A surprising 20% of respondents do not track alumni at all, and many of the rest leave it to their alumni offices or associations, which may have very little understanding of how we measure success in the music industry. Social media and anecdotal information—two methods of tracking that are equally unreliable, in my opinion—are the remaining methods for following student success after graduation.¹²

We do not formally track alumni	20%
Exit interviews	18%
Social media	67%
Alumni club or association	38%
Anecdotal information	40%
Through our campus alumni office	51%
Other	17%

Table 6. How do you track your alumni (choose all that apply)? (Percentages do not total 100 since respondents could choose multiple answers.)

The survey data was confirmed by my interviews and site visits. Most programs do not formally track graduates. Exceptions do exist. Northeastern University has published a study that states that 90% of its graduates university-wide over the last decade are working or in graduate school, though their sample size is very small in MIS and they do not carefully track whether students are employed in the same field that they studied as undergraduates.¹³ The University of Massachusetts Lowell has a very active alumni association that works closely with the MIS program, though they do not have specific employment data on the MIS graduates (in their case, the Sound Recording Technology and Music Business graduates).¹⁴

It seems then, much like the conservatory studied by Kingsbury, we are relying on beliefs rather than facts when it comes to the success of our students. Something as simple as asking our graduates about their employment and work history, within a year or two of graduating, could clarify this issue immensely. Truly, it seems many of us in MIS base our measurements of success on a kind of magical thinking; this is exactly what Kingsbury was getting at in his study when he compared the conservatory to the seminary.

Conclusions

I will conclude by going point-by-point through the questions I was trying to answer with this research project. I will conclude with recommendations based on my research and further analysis of the data I collected.

How are Successful Outcomes Measured or Defined in MIS Programs?

Based on the data I collected, my best answer is that it varies and it is hard to give one measurement of success. Considering that there is a business school model, a communications school model, a music school model, and many other models—all with different core course requirements, electives, and expectations and measurements of success for their students—it is not surprising that student success in MIS isn't clearly defined by our MIS educators.

Program outcomes vary even within subcategories, such as MIS programs in music schools or colleges. Berklee MIS students must take instruction on an instrument or in voice for four full years. University of Massachusetts Lowell has a three-year requirement. At Cal Poly—where

our program resides in a music department within the College of Letters, Arts and Social Sciences—we include one year of private instruction. Clearly, even in music-based programs there is a huge disparity in what we believe is important for our students to learn.

The one significant commonality in general agreement among survey respondents, and the interviewed faculty and administrators, is that graduates finding employment in their field is among the most important measurements of success. Unfortunately, there is little hard evidence to suggest that one way of approaching music industry education is better than any other at helping students find jobs in their field.

We really don't know the placement rate of MIS students at Belmont University, University of Miami, Middle Tennessee State University, Jacksonville University, or Cal Poly Pomona.¹⁵ We do have a strong belief system in place about student success after graduation, but we don't track it very well. We need to develop ways to track alumni—including those students who aren't doing that well—and learn what graduates are doing after a year, after two years, and beyond. We also need to take into consideration how the students themselves measure success: even though they may work at the local coffee shop after graduation, if their bands are working, touring, and recording they may consider themselves successful. At present, we have mostly unreliable and anecdotal information about our graduates' careers.

What Experiential Opportunities are Currently In Use In MIS Programs?

I discovered a wide variety of experiential activities and classes across our MIS programs (see Table 7). I did not follow students in individual experiential classes to measure the class outcomes (though I was able to interview several). How well each of these activities meet the student learning outcomes seems totally dependent on the program, though my sense of their success is that it also depends very much on the individual teaching the class, who oversees a student's project, or who is directing the student management team.¹⁶

What are the Outcomes of These Experiential Opportunities/Classes?

There is solid agreement among interviewees, previous researchers, and students themselves: *hands-on learning that simulates the real*

Music business journals
Record labels
Live sound services
Mobile recording services
Student-run event classes or concert series
Student-managed nightclubs
Student-run coffee houses
Startup incubators
Marketing consultancy classes/projects
Booking and contracting concerns
Broadcast and streaming radio/TV
Online music magazines
Internships
Community-engagement projects and Service learning ensembles

Table 7. What experiential opportunities are currently in use in MIS programs?

world, as much as possible, is crucial. The closer we can come to creating real world environments, the better, and the more times a student has this hands-on experience, the better; these are the “best practices” in MIS education.

What is the *Most* Effective Experiential Learning Method in MIS Education?

Based on the survey information I collected, as well as on the interviews I conducted, music industry internships top the list of “best practices.” It was the opinion of many of those I interviewed that internships are more important than any class simulation exercise because “hands-on” experience is almost impossible to duplicate in the classroom. Belmont University’s Concert Promotion class, ably taught by Dr. David Herrera, simulates real-world experience quite well, but still has a budget every semester to augment student-event budgets if their event’s income falls short of expenses. Berklee College of Music’s *Café 939* helps students gain valuable experience, but it doesn’t always turn a profit.¹⁷ As Serona Elton pointed out in our conversation at the University of Miami, “As real

as we try to make [the classroom experience] for students...it is still not 'real world.'" This outcome confirms what Claudia McCain (2002) and Stephen Marcone (2004) suggested in their previous studies.

On What Do We Base Our Measure of These Practices' Effectiveness? Is It Hard Data, Anecdotal Data, or Something Else?

Data on the effectiveness of MIS experiential education is mostly anecdotal. Studies such as this one and those of McCain, Marcone, and Strasser certainly point us in the right direction—towards more experiential opportunities for students, especially internships—though we lack the hard data to prove it once and for all. Furthermore, most U.S. programs don't do a good job of carefully tracking our alumni in their careers. In my opinion, rigorous studies of our alumni's careers are needed.

Recommendations

In addition to requiring internships, and creating cultures in which internships are prized, I believe we could supervise internships more closely, which in some schools might require more full-time faculty or staff. Additionally, I would encourage students to acquire multiple internships, not just the minimum number needed to graduate, which most often is only one class (usually requiring between 150 and 300 internship hours in a semester). (On the other hand, Northeastern University's Cooperative Education program (Co-op) gives students the opportunity to alternate study and full-time work, with up to three six-month periods of paid co-op work counting toward the degree.) Finally, I would also suggest that music industry programs create opportunities that allow students to re-enroll for a year or more after graduation, either through their career development services office or department from which they graduated, in order to further pursue internships in the year after graduation. This will allow recent graduates the opportunity to continue to build their resumes and gain on-the-job experience after graduation.¹⁸

Next, I believe we need to do a better job of tracking our graduates. Yes, we should follow up to see who is employed after graduation, but we also need to follow our students in their professional lives. Musicians rarely have linear or well-defined career paths (Beeching 2010), and we as music industry professionals are uniquely qualified to understand the success of our graduates. Working with alumni offices, we can help them

understand that a musician is on a successful career trajectory, even if the musician still has a “day job” a year out from graduation. This, too, is an area that might require more dedicated hours from full-time staff or faculty members.

Concluding Thoughts

Sadly, I feel that this study is really only scratching the surface of efficacy in music industry education programs. One unexpected outcome of my research was illuminating, though perhaps should not be surprising. The programs that offer the most experiential learning opportunities to students are those that have buy-in from administration and faculty at all levels. For example, take the Berklee College of Music’s *Café 939*. There is no doubt as to the education it offers Berklee students: hands-on opportunities for booking and producing shows, running the front-of-house activities, marketing and promoting events, and exposing students to all elements of stagecraft and sound reproduction. Even though it might not be a profit center, its value seems clear to all constituencies: students, faculty, and administration.

Such a unified vision is less common in MIS programs housed in larger universities, though not unheard of. The University of Massachusetts Lowell Sound Recording Technology (SRT) program, started over thirty years ago by Dr. William Moylan, has a reputation for excellence and, based on my observations and interviews with faculty members and SRT graduates, the program has a good placement rate in the music industry. This can be traced back to Dr. Moylan’s hiring by the university, his and the university’s long-term vision for the Sound Recording Technology program as a “program of distinction,”¹⁹ and Moylan’s ability to build and sustain relationships with students, employers, and senior administrators at Lowell. Moylan himself is a musician, composer, and sound recording expert and he brings his expertise to the management of the program.

Whereas the University of Massachusetts Lowell is a relatively small program in a public university, the Berklee College of Music is the largest music school in the world. Berklee’s sole reason for existence is providing education for musicians and for the music industry. Indeed, the president of Berklee, Roger H. Brown, himself a musician and entrepreneur, needs no special convincing of the importance of music, or what constitutes “research and scholarship” for the Berklee faculty. From my interviews and observations, it is clear Berklee has created a culture of success throughout

its programs. It also understands the importance of experiential learning. Noteworthy examples at Berklee include the student-run *Music Business Journal*, supervised by Dr. Peter Alhadeff; the previously mentioned *Café 939*, which is an up-to-date, 200-capacity nightclub; the two record labels, Heavy Rotation Records and Jazz Revelation Records; and a placement office for graduates with four dedicated staff positions.²⁰

The Belmont University Curb College of Entertainment and Music Business is run by music industry veterans as well; all of the administrators, from department chairs to the dean, come from the industry. Additionally, the college's size within the greater university—it is among the largest divisions at Belmont University and in 2015 admitted the largest number of incoming freshmen of any division there—helps to guarantee its influence in the institution. Also noteworthy, Belmont has excellent recording facilities, including two professional studios, the historic RCA Studio B and Ocean Way Nashville. Belmont's location adjacent to Nashville's "Music Row"—this is also where many of Nashville's other professional studios and other music concerns are located—ensures especially easy access to internships for Belmont students.

Thirty miles away in Murfreesboro, Middle Tennessee State University's music industry program has long enjoyed a reputation for success and, anecdotally, the success of its graduates. Its MIS programs in Audio Production, Commercial Songwriting, and the Music Business are also administered by music industry professionals. They have five studios of various sizes, a studio dedicated to mixing sound for visual media, various post-production facilities, and a state-of-the-art mobile recording/production bus. An administrator there referred to the program as "a jewel in the crown" of MTSU.²¹

Is it necessary for successful MIS programs to be administered by former or current music industry professionals? This I cannot say for sure, nor would I suggest that this has to be the case. I can say that the evidence suggests a tendency. In the many programs I have studied, the programs that have the best facilities, the largest MIS student enrollment, and—again, anecdotally—the best reputations for MIS student success, tend to have music industry professionals at the helm of individual departments or entire divisions.

Rather than insinuating that non-MIS faculty should step aside as administrators of MIS-dominant programs, I am suggesting that this concluding observation should open a dialogue among colleagues in pro-

grams, as well as dialogues between the faculty and administration. Those of us teaching in the music industry should reach out to our colleagues, our department chairs, and our deans and provosts to encourage this dialogue.

Just as music departments protect and nourish private studio instruction in voice or on an instrument—perhaps the most “hands-on” kind of instruction there is—so must music industry programs create hands-on opportunities for their students. It is not necessary to be among the most expensive or well-funded schools to do this, either. Especially noteworthy are University of Massachusetts Lowell and Middle Tennessee State University, public universities that have built excellent MIS programs even while tuition is quite low.²²

What is clear is that programs that are called “programs of distinction” or “jewels in the crown” did not earn those monikers by accident. Programs such as those at Belmont, Middle Tennessee State, Lowell, Berklee, and the University of Miami have created cultures that embrace change, rather than run from it. They have made peace with their benefactors in administration and in the private sector, and they have created the necessary relationships with donors and senior administrators to help their programs grow and thrive.

After this study, it is my view that any program can ultimately achieve similar results with time. We must, however—to modify the words of Henry David Thoreau a bit—“begin where we are.” We must have a long-term vision, but we can all begin this academic year by creating classes that simulate real-world activities, and support activities on our campuses that have our students “learning by doing.”

Endnotes

1. Throughout this paper, the terms “hands-on learning,” “learning by doing,” and “experiential learning” are used interchangeably.
2. For this study, the term Music Industry Education includes recording technology, songwriting, composition for media, and music business education.
3. I use the term “internships” to describe on-the-job training for which students generally receive college credit in lieu of payment, and receive mentoring and evaluation of their work as well.
4. Both McCain and Marcone used surveys to conduct their research.
5. “Best Practices,” as used here and throughout, is as defined by the students and educators in MIS: an educational practice that has a significant impact on student learning. This is most often defined in accordance with program learning outcomes, though some say that “student placement” is the significant outcome worth measuring. Unfortunately, a thorough study of placement rates for students graduating from MIS programs is beyond the scope of this project.
6. For the purpose of this study, I have included only faculty and administration interviews.
7. There were other questions that were part of the question set, though they were not relevant to this paper’s focus.
8. According to a study commissioned by the city of Nashville: “the Nashville area has more music industry jobs than any other U.S. city in relation to population and total employment, even more than New York or Los Angeles.” <http://www.nashville.gov/News-Media/News-Article/ID/1914/Music-Industry-Provides-10-Billion-Impact-on-Nashvilles-Economy-Annually.aspx>.
9. All three major labels have Latin music divisions based in Miami or they have a major presence there. See comprehensive list of Latin music record labels at www.latinpopartists.com.
10. This number is as of 2014. Since that time, the MTSU program, which at the time was housed in Communications, has moved to its own College of Media and Entertainment, likely changing this number.
11. Belmont, for example, does not require internships, though they have created a “culture in which internships are sought out and valued,” according to Rush Hicks (Interview, September 1, 2015).

12. Jiliang Tang and Huan Liu at Arizona State University, among others, have pointed out the problem of “information credibility” in social media postings. See Tang & Liu, *Trust in Social Media*, 2015, doi:10.2200/S00657ED1V01Y201507SPT013.
13. Email correspondence with Larry Bernstein, Ph.D., Senior Research Associate, Office of Institutional Research and Data Administration, Northeastern University, March 28, 2016.
14. Interviews with William Moylan and Alan Williams, University of Massachusetts Lowell, September 29, 2014; conversations with Office of Alumni Relations employees, September 26, 2014.
15. I heard from several administrators at different institutions, who preferred not to be quoted by name, that this was something they felt “needed attention.”
16. See Carl P. Maertz, Philipp A. Stoeberl, and Jill Marks, “Building Successful Internships: Lessons from the Research for Interns, Schools, and Employers” *Career Development International* 19, no. 1 (2014): 123-142 for more on this topic as it pertains to internships.
17. Interview with Don Gorder, Berklee College of Music, September 30, 2014.
18. Though settled in 2016, a 2011 lawsuit against Fox Searchlight has influenced many in the entertainment industry to only use unpaid interns who are concurrently enrolled in a university or college. See *Glatt, Footman, et al. v. Fox Searchlight* for more on this issue.
19. Interview with William Moylan, University of Massachusetts Lowell, September 29 2014.
20. As of September 2014.
21. Interview with Beverly Keel, Middle Tennessee State University, September 3, 2015.
22. In 2016-17, for full time, in-state students, tuition at Middle Tennessee State University is about \$10,000. University of Massachusetts Lowell is around \$14,000. By contrast, tuition and fees at Berklee will be about \$45,000 in 2016-17, and the University of Southern California, which also has a popular MIS program, will be more than \$52,000.

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Taking The Liberty: Toward a Theory of Copyright and Creativity

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Abstract

In the three-hundred-year history of statutory copyright debates have continued to rage about the aims of copyright law and how it can best fulfill them. Striking a balance between the disparate interests of content creators, publishers, and the public domain has proved persistently difficult. Yet, a myopic focus on the intricacies of legal policy has often obscured the underlying issues that plague copyright law on a fundamental, ideological level. This article will argue that the fundamental problem in copyright law is an incomplete theorization of the nature of creativity and creative work. It will trace an intellectual history of copyright theorization in two major theoretical frameworks: classical liberalism and cultural Marxism. Based upon this review, it will suggest a third framework, ritual economy, as capable of theorizing the economics of creative work more completely. It concludes with an application of ritual economy to the popular music industry.

Keywords: copyright law, intellectual history, legal history, music industry, ritual economy

The justification for statutory copyright protection seems self-evident. Creators of copyrightable works invest substantial time, skill, and capital into the content they create, and therefore should have some legal recourse if others profit from their works unfairly or use them contrary to the creator's original intent. Yet, in the more than three-hundred-year history of copyright law key issues surrounding authorship, ownership, and public use of creative works continue to persist. This suggests that legal protection alone cannot construct an optimum environment in which creativity can occur. It also suggests that the theorization of the essential nature of creative work is still incomplete. This article will trace an intellectual history of copyright's theorization in two major theoretical frameworks: classical liberalism and cultural Marxism. Based upon this review, it will suggest a third framework, ritual economy, as capable of theorizing

the economics of creative work more completely. It will also argue the necessity of rehabilitating authorship in theoretical literature, and will begin to develop an ontological foundation for legitimate authorship by drawing upon the ritual economy paradigm. It concludes with an application of the ritual economic view to the illustrative example of the popular music industry.

Introduction

The Statute of Anne, ratified into English law in 1710, is considered a seminal early copyright statute.¹ It began with a statement of the central issue that it was enacted to address:

Whereas printers, booksellers, and other persons have of late frequently taken the liberty of printing, reprinting, and publishing...without the consent of the authors or proprietors...to their very great detriment, and too often to the ruin of them and their families...²

In the context of the time, this “taking of liberties” represented a cultural shift away from the practice of honoring the copyrights of authors as a moral—or at least a contractual—obligation. The technological innovation of the printing press, the rise of a literate public, and the economic opportunities in providing that public with written content turned a matter of honor into a matter of money.³ The primary beneficiaries of this turn were not necessarily authors themselves, but those with sufficient wealth and infrastructure to capitalize upon the production and dissemination of creative works. For authors and their designated rights holders, infringement had become detrimental enough that Parliament enacted legislation ostensibly on their behalf.

Yet, after three centuries of statutory copyright protection the creative industries continue to operate in an environment where content creators supply the raw material—in the form of literature, artwork, music, photography, films, software, and other copyright protected mediums—while receiving only a fraction of the financial benefit their works produce. Technological advances may have made the shift from a copyright system based on moral rights and contracts to one based on case law and statute necessary, but that shift has done as much to entrench the power of those with the means to capitalize on the creative works of others as it has to

effectively protect content creators. This is a result of the inherent paradox of legal protection. At the moment a citizen is protected from harm by law, they are also rendered dependent upon the State for the enforcement of that protection. Thus, while infringers of copyright may ultimately be held liable for their transgressions, liability can only be determined by time-consuming litigation that keeps copyright holders from pursuing their normal course of work, by an expensive reliance upon the legal system for adequate representation, and by submission to the uncertainty of the judicial apparatus that may or may not rule in the rights holder's favor.

The entrenchment of power in the creative industries is also accomplished by the specialization of labor. In most industrialized nations copyright protection is, in principle, available to any citizen. In practice though it can only meaningfully impact work that has potential for economic capitalization. If there is no value in infringing upon a work no one will do so. The achievement of a certain degree of mastery at a craft is necessary to produce work that has economic value. In an advanced capitalist economy, this level of specialization typically precludes content creators from also obtaining the specialized knowledge necessary to secure the rights to their own works. They are even less prepared to defend those rights legally if the need arises. In general, content creators in a position to produce works of such quality that they require protection are not in a position to provide for that protection themselves.⁴

These twin paradoxes of dependence and specialization are fundamental to the structure of creative industries. Since the enactment of the Statute of Anne, the balance of power that they create has typically favored the "industry" representative at the expense of the "creative" in terms of financial benefit. Yet, the very technological developments that precipitated the need for statutory copyright protection in the early eighteenth century are quickly maturing to a point of universal access to information. More than ever before, content creators are able to retain the rights to their works, as well as to produce and distribute them, independently of industry mechanisms if they so choose.

The predominant narrative of copyright history emphasizes the legislation that enacts it and the case law that reifies it. In this narrative, individual actors are only relevant insofar as they make incremental contributions to the overall structure within which copyright functions. Such a history is to be expected. The history of law is the natural purview of legal historians and scholars, and the practice of law demands a history

attentive to legal precedent and the minutia of legislative reform. Copyright is unique, however, in that it inherently presumes an outside actor, the content creator, who is capable of producing work of such value that it requires protection. Situating the history of copyright law *exclusively* inside legal and legislative narratives has ultimately served to marginalize content creators and to perpetuate an environment in which their work can be exploited. The necessarily specialized language of existing histories is incompatible with the common vernacular. What is needed, then, is a revision to the history of copyright law, one that empowers making informed choices about the rights to one's own work rather than wholesale reliance upon the creative industries.

A History of Theory

While comprehensive histories of copyright law are typically of the legal and legislative variety, a significant body of theoretical literature regarding copyright does exist. The theoretical tradition that first informed statutory copyright began with the work of John Locke, and it underscored the historical and ideological context within which the Statute of Anne came about.⁵ The Lockean conceptualization of the supremacy of individual will was constructed in direct opposition to the monarchical, feudal society of the United Kingdom in the seventeenth century. Locke's goal was to create an ontological basis for individual freedom, and the school of thought that derived from his work is known as classical liberalism. John Durham Peters noted, "Locke arguably invents the concept of communication as the sharing of thoughts by individuals."⁶ By conceptualizing communication as the transmission of fully formed ideas from one autonomous individual to another, classical liberalism created a *de facto* theory of communication in which "each individual is a monarch in the kingdom of significance."⁷ This philosophical construction ultimately helped to achieve a cultural, political, and economic emergence from feudal society. It also helped to legitimate the rise of capitalism, and it is within the nascent capitalist system that statutory copyright protection emerged.

The supremacy of the individual will emphasized in classical liberalism was driven by an underlying assumption that the result of maximizing individual liberty would be a society of maximum efficiency. This is reflected most clearly in the free market economic theories of Adam Smith, but also in other Scottish Enlightenment ideas such as the compatibilism of David Hume or even the romanticism of Robert Burns. Whether the

goal was an efficient maximization of economic resources and labor, or a maximization of human freedom and artistic expression, the assertion was that the best possible outcome would be achieved by making each individual as autonomous and self-sustaining as possible. Thus Smith's "invisible hand" that drove an economy towards maximum efficiency was the cumulative effect of each individual citizen's pursuit of her or his own self-interest.⁸

The Statute of Anne anticipated Smithian economics in its aspiration for the "encouragement of learned men to compose and write useful books."⁹ The notion of the creative impulse being driven by a guarantee of remuneration has proven to be a historically resilient one. The language used in the Copyright Clause of the American Constitution eighty years later revealed a similar understanding of the drive for innovation in the creative industries as directly proportional to the likelihood of economic compensation:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.¹⁰

In this line of reasoning, exclusive rights secure the likelihood of compensation and therefore fuel the drive to innovate.

This kind of thinking persists today, as does the idea that content creators are the primary beneficiaries of copyright protection. The public's right to knowledge and the free flow of information also figure into the copyright reform discourse.¹¹ Yet, of these three parties in the creative industry value chain—The Creative, The Industry, and The Public—creators supply the raw material and the public supplies the capital while industry representatives continue to reap a significant percentage of the revenue, even as disruptive technologies diminish their monopolies on publishing and distribution. The critique of political economic structures that promote this set of conditions is, of course, also the subject of an extensive theoretical discourse beginning with the work of Karl Marx and continuing through the various traditions that descend from him.

A History of Copyright and Marxism

While achieving the end of monarchy may provide a point of compatibility between the philosophies of Locke and Marx, their prescribed means to accomplish the empowerment of the lower classes are theoretical antitheses. The work of Locke and the Scottish Enlightenment thinkers that followed him became part of an intellectual milieu that contributed, at least in part, to the golden age of British Imperialism. From the vantage point of continental Europe in the mid-nineteenth century, Marx found this sort of imperial state to be as guilty of oppressing its working class citizens as aristocratic society ever was, and perhaps more efficient at doing so. He once described the capitalist system as “the restoration of monopoly in a more terrible form.”¹²

In the same line of argument Marx wrote, “Political economy starts with the fact of private property; it does not explain it to us.”¹³ Much work in the Marxist tradition has explicitly challenged bedrock economic principles of capitalism such as the division of labor and the process of commodification, but it is in this challenge to the presupposition of private property that the intersection between Marxism and copyright law has become most salient. For Locke, the ability of a person to obtain private property, with the power of the State legitimizing and enforcing that right, was the natural outcome of one’s labor.¹⁴ Marx took a fundamentally different view of the nature of labor which he found to be “*external* to the worker...it does not belong to his intrinsic nature.”¹⁵ In Marx’s view, the central premise of statutory copyright law, that content creators or their designees could legitimately lay claim to owning specific works at all, was very much in question.

The relationship between Marxism and the creative industries is open, and indeed has been subject to, a wide variety of interpretations. That Marx’s own writings were more concerned with the critique of political and economic structures than with culture and art explicitly can be explained by the common reading of his base/superstructure model. The orthodox interpretation of this model theorized an economic base, constituted by the division of labor and the relations of production in a society, as determinant of superstructural phenomena such as literature, art, and music.¹⁶ Modern literary and cultural Marxisms have not, as a rule, called for the abolition of private claim to intellectual property, but in theorizing culture they have often constructed models in which economic modes of production are determinant of creative works. This assertion is a direct

contradiction to the portrayal of copyright in classical liberalism as an assurance of economic incentive so that individuals will autonomously determine to create.

Moyra Haslett found that Marxist theorists generally agree their approach “is more comprehensive” in its consideration of class structure and the processes of production and “thus is the more explanatory.”¹⁷ Cultural Marxism has arguably addressed the theoretical issues of copyright law more comprehensively than any other theoretical tradition. It has explained the commodification, first of written works, then of art and music, and eventually of all mass media products as the logical conclusion of content creators claiming ownership to their original works. This claim transformed the nature of that work from a benevolent contribution to society into a commercialized product in the marketplace subject to the pressures of generating livelihoods and returns on investment.

Cultural Marxism has also articulated the phenomenon of celebrity as the fetishized commodification of the laborer. The fetishization of authors to produce a marketable brand that enhanced the economic potential of their work is a historical occurrence that coincided with the emergence of capitalism and copyright.¹⁸ Walter Benjamin’s theorization of mechanical reproduction has shown how the convergence of creative works and mass communication technology made “a genuinely popular culture possible.”¹⁹ Likewise, the convergence of capitalism, commodification, and technology, in concert with a popular culture that thrives off of copyrighted material, created a milieu in which content creators often have not received adequate compensation for their work. Cultural Marxism predicted this reality and leveled upon it a justifiable burden of criticism.

Unfortunately, cultural Marxism has yet to theorize a viable alternative. Even among those of the Marxist tradition that saw popular culture as a form of resistance to the hegemony of dominant culture, the foremost being Stuart Hall, cultural studies as a whole has yet to move beyond some version of a reflection theory in which superstructural culture reflected an economic base. Raymond Williams contended that this has been due to the kind of determinacy a simplistic reading of the base/superstructure model suggested.²⁰ Though adherents of cultural Marxism have labored tirelessly to define the exact parameters in which the base determines the superstructure, Williams argued that as long as cultural theory is based upon a model in which preexisting economic conditions are considered to any degree determinant of culture the resulting theoretical formulations will possess

little value. Determinacy does exist for Williams, for without it no useful analysis would be possible, but cultural studies must move beyond the base/superstructure model into the more useful concepts of hegemony and totality to find it.²¹ Janice Peck charged that, by retaining the determinacy of the base, the work of Hall and others resulted in a field of cultural studies that has “thereby conserved economism—the very thing it sought to abolish once and for all.”²² Peck echoed Williams’s call for a new line of theoretical work that reimagined the base/superstructure model, the nature of determinacy, and the division between culture and “not-culture.”

An Alternative History

Classical liberalism and cultural Marxism have both failed to provide an adequate basis for the full theorization of copyright and creativity. An alternative tradition that can inform the theoretical consideration of copyright begins with what James Carey has called the “most useful view of communication and the mass media in the American tradition.”²³ It was handed down to mass communication research around the turn of the twentieth century from a group of sociologists who were interested in journalism and the mass media, and who took a humanist, rather than an organizational, approach to their discipline. Beginning with the work of John Dewey and George Herbert Mead, this school of theory would eventually be dubbed “symbolic interaction” by Herbert Blumer who defined it as a theory of the “peculiar and distinctive character of interaction as it takes place between human beings.”²⁴ Critically, by beginning from an assumption of human interaction as both individually expressive and communally interpretive, symbolic interaction offered an approach that could avoid reductionism and account for a wide variety of empirically observable phenomena.²⁵

Carey found symbolic interaction to be a philosophical and methodological reaction against the utilitarian legacy that classical liberalism had left upon the study of media. He established a link between the sender/receiver model of communication that descended from Locke and the so-called limited effects view of the media, a connection that led American mass communication research to become “largely a mopping-up operation” in the mid-twentieth century.²⁶ Carey also found that symbolic interaction shared a common intellectual history with cultural Marxism as both turned from the central question of classical liberalism—“What are the conditions of freedom?”—toward the converse question of “How it is that the social order is integrated through communication?”²⁷

Carey further developed his own interpretation of symbolic interaction based upon an idea he attributed to Carl Hovland that “in the United States communication is substituted for tradition.”²⁸ Carey wrote:

In the absence of a shared and inherited culture, communication had to accomplish the tasks of social integration that were elsewhere the product of tradition...there was not a shared traditional culture available to people who were forming new communities and institutions...the only means by which these communities could be organized and held together was through discussion, debate, negotiation, and communication.²⁹

The influence of this passage is evident in Carey’s theorizing of the ritual view of communication, which he posed as an alternative to the transmission view that dominates the Western, industrialized world. He described the ritual view as “directed not toward the extension of messages in space but toward the maintenance of society in time; not the act of imparting information but the representation of shared beliefs.”³⁰

The field of economic anthropology has constructed a theoretical framework that in many ways parallels symbolic interaction and the ritual view of communication. Known as ritual economy, it incorporates an anthropological view of ritual, the Marxist critique of political economy, and a socio-cultural understanding that is compatible with this branch of communication theory.³¹ Ritual economy has proven particularly useful in studying cultures that either pre-date or have demonstrated resistance to capitalism because it acknowledges both economic relations and ritual symbolism as motivating factors in human interaction.

Patricia A. McAnany and E. Christian Wells have described ritual economy as “a theoretical approach for understanding and explaining the ways in which worldview, economy, power, and human agency interlink in society and social change.”³² They have further defined it as the “process of provisioning and consuming that materializes and substantiates worldview for managing meaning and shaping interpretation.”³³ This conceptual definition grew from a desire to move beyond anthropological work hindered by a dualistic analysis of “economic systems *or* ritual practices” and instead examine “the ways in which nonmaterial motives are embedded in material transfers.”³⁴ Inherent in this formulation are several key

assumptions that position ritual economy to theorize creative work and its protection more completely than previous frameworks.

A Theoretical History

The first assumption is found in ritual economy's common heritage with cultural Marxism that places it as a critique of classical liberalism. The tenets of classical liberalism are the dominant language of the American copyright discourse as evidenced by its appeals to individual autonomy, its claim of the public's right to information, and its understanding of creative motivation as primarily economic. To attempt a critique of copyright law from within its own discourse may well produce incremental reform, and this has been the goal of many existing histories. But to attempt a wholesale reexamination of the way copyright is theorized, the essential nature of intellectual property, and how it is that content creators can better manage ownership of their works in an advanced capitalist society a critical theory is required. Ritual economy provides such a critical theory.

Ritual economy also sidesteps some of the major critiques of cultural Marxism. Martin Jay noted that the so-called Frankfurt School, through a synthesis of Marxist economics and Freudian psychoanalysis, developed a position that served as a "critique of both 'scientific' and 'humanist' Marxism."³⁵ Though the movement would eventually experience its own internal fractures over "the meaning of psychoanalysis," the legacy of the Frankfurt school has been a renewed focus on the "legitimacy of the individual" in Marxism.³⁶ Ritual economy serves a similar legitimizing purpose by emphasizing individual worldview while retaining the central role that political economy plays in the choices that individuals can make and the ways they interpret meaning.

Further, ritual economy escapes the reductionist tendencies of structuralist Marxisms. In the search for an essential structure of language that remained consistent regardless of historical time or place, structuralism ceded an ontological basis for meaningful social change. By theorizing all power of determinacy as inherent in a preexisting structure, an individual, a society, or even a full-scale political revolution could only hope to achieve a level of influence so incremental as to be insignificant. The poststructuralist critique of this view was principally a call to acknowledge that complexity, not structural simplicity, was the empirical account of reality. Thus, poststructuralism found that a new epistemology able to account for the complexity of human interaction was needed in the social

sciences. Postmodernism went further still to find that the nature of reality itself had changed in the rise of mass communication technologies and the kinds of human interaction they made possible. Thus, for postmodernists, a new ontological approach to reality was necessary to theorize this shift. Ritual economy answers both of these critiques by theorizing worldview as something that is both materialized and substantiated—something that is real and something that can change—without minimizing the complexity of how class structure and political economy interact in influencing it.

The emphasis on worldview leads to the second assumption of ritual economy that effectively informs a theory of copyright and creative works. The notion that economic incentive is the driving force behind the creative impulse is as empirically falsifiable as the structuralist notion that communication is ahistorical. If, as classical liberalism suggested, economic decisions are primarily made by rational actors working in their own best interest it is hard to imagine a context in which genuine creativity can exist. Creativity is risky, and it presumes some portion of time being devoted to imagination at the expense of time devoted to production. Creativity also presumes a worldview in which motivation can be intrinsic to the creator rather than solely the byproduct of economic incentive.

While Marxist notions of class and economic modes of production do inform the context within which creators create, if they are theorized as determinant they likewise preclude intrinsic motivation. This strikes at the heart of why cultural Marxism has ultimately conserved economism. A critical theory that culminates solely in critique can only arouse unrest without providing for its resolution. The school of cultural Marxism that uncritically ascribes to the determinacy of the base is hard pressed to resolve key issues regarding so-called superstructural phenomena such as culture and art.

Certainly some content creators describe themselves as creating primarily for financial gain, but many do not. Those content creators that also become successful capitalists tend to rise to the top in a capitalist system, and at the top they receive media exposure, marketing budgets, and public relations management that help them exert significant influence upon popular culture. Yet, the dominant discourse among elites in the creative industries still retains the familiar tropes of intrinsically motivated creativity, of a special enablement of genius or innate talent, and of the desire for their work to have cultural impact as much as economic reward. The legitimacy of this discourse among popular culture elites may well be de-

servicing of scrutiny, but the mere fact that it exists and that naked appeals to financial gain are largely avoided is itself evidence of the primary role that ritual plays in shaping discourse. Whatever interior motive an individual artist may have, their public face almost always professes a sense of making art for art's sake. From the perspective of content creators then, neither classical liberalism's claim of economic incentive nor cultural Marxism's claim of economic determinacy can allow for a worldview in which cultural production is compatible with intrinsic motivation. To make theoretical claims about why content creators create that disregards their own self-narratives is to marginalize them in a way that is ethically unacceptable.³⁷

The third and final assumption of ritual economy that positions it to better theorize copyright and creativity is its emphasis on process. By situating the materialization of worldview as an ongoing, malleable process, ritual economy provides a theory that can utilize historical inquiry to affect social change. Cultural studies is often preoccupied with the present and the future, and in a meaningful sense this is its rightful purview. Culture happens in the now, and with an endless stream of new content to fuel inquiry why bother with the past? Yet, when cultural processes are theorized as material the history of culture becomes material as well. Just as the practice of law demands a history that can support appeals to precedent, maintain consistency, and dispense justice, likewise the practice of culture cannot be understood apart from its history. Ritual economy is employed here as a theory that is compatible with the claims of symbolic interaction and the ritual view of communication, that retains the strengths of cultural Marxism while answering its critiques, and that offers historical analysis as an appropriate methodology. By beginning from a theory of ritual economy, it is possible to conceive of a content creator's history of copyright law that can adequately account for individual agency and community interaction while aspiring to culminate in social change.

A Theory of Copyright and Authorship

Such a history is theoretical in the sense that it is theoretically based, but it is also so radically divergent from the dominant historical narrative as to be theoretical in the sense of imagined. Bernard Miège noted "most of the analyses of the cultural industries devote little attention to artistic creation and are even less concerned with artists."³⁸ To answer his call to re-center discourse, theoretically based historical work in copyright law must move beyond the critique of previous frameworks and begin to es-

establish a foundation for future research that is artist-centric by rehabilitating an ontological basis for authorship.³⁹

The emphasis on individual autonomy in romanticism, the artistic articulation of classical liberalism, is the origin of the “genius author” archetype. While this mythic figure persists to the present day in the discourse of the creative industries, the complexity of cultural production in an advanced capitalist society challenges its legitimacy. No artistic success is the result of individual genius alone. Terry Eagleton voiced a common cultural Marxist criticism when he traced the emergence of the genius author construct as a defense against commodification “just when the artist is becoming debased to a petty commodity producer.”⁴⁰ Michel Foucault’s poststructuralist critique of authorship alleged that the author’s name “has no legal status,” and instead emphasized the role of the “author function” in legitimizing discourse.⁴¹

The emphasis on process in ritual economy allows for a theorization of copyright and authorship that moves beyond both of these views. As copyright law evolved after the Statute of Anne, authors developed complex relationships with publishers that began to obscure claims to individual authorship. In the present day, these relationships are exceedingly complex for authors, artists, musicians, and other content creators to navigate. Even those content creators with the most legitimate claims to “genius” have some level of dependence upon legal representatives, publishers, marketing professionals, and other members of the creative industries. Yet, it is in deconstructing these complex processes of relationship, rather than in viewing content creators as either a vaunted genius or a petty capitalist, that an opportunity for a more meaningful understanding of culture and cultural production exists.

The either/or dichotomy that has demanded an allegiance to one of these two extremes has been detrimental to true progress in the understanding of culture. Just as reflection theory in cultural studies has conserved economism, this false dichotomy has conserved a discourse that ultimately disempowers content creators. It thereby promotes their exploitation by those who ascribe to a worldview in which maximizing financial gain has its own, self-evident justification. By conceiving of culture as a process and conducting a thorough historical analysis, it is possible to avoid either extreme as well as the cold vulgarity of dissection that results from applying a coroner’s scalpel to a subject that is still very much alive. In doing so, the central problem of value in the creative industries, at least from

the content creator's perspective, is revealed to be not one of the value of specific works. It is one of the value of living a life devoted to creativity.

Foucault suggested elsewhere that history may be remembered quite differently if it begins from a point of view in which "universals do not exist."⁴² By beginning in this way, he was able to pose an answer to the question "How can you write history if you do not accept a priori the existence of things like the state, society, the sovereign and subjects?"⁴³ In the case at hand, the interest is not in suggesting that the political economy of the creative industries does not exist. The interest is in the fact that, for many content creators, an alternative reality more meaningfully exists. When decisions made by content creators are driven by a worldview in which personal sacrifice for artistic excellence supersedes economic capitalization, one primary result is likely to be their exploitation. Ritual economy as articulated here suggests the image of an economy within an economy, two radically divergent logics for assigning value that nonetheless exist simultaneously between content creators and industry representatives. Critically though, in the ritual economic view the root cause of this divergence can be addressed as a clash of worldviews rather than as the determinacy of economic modes of production.

For all the impact that political economy may have upon the creative industries, creative individuals remain generally vulnerable to exploitation by "industrial" individuals. It is therefore unlikely that a specific set of statutory copyright reforms for a capitalist system, socialist system, or any political economic system will end their exploitation. The specialized nature of their labor requires that they prioritize a lifestyle of creativity above economic concerns, and as long as their work possesses economic potential the preconditions of exploitation will persist. There does remain an opportunity to develop an inquiry into the factors that sustain exploitation though, and the hope that the past is able to suggest steps toward a more equitable future.

A Synthesis of History and Theory

To begin a content creator's history of copyright, the central question must turn from "how has copyright law changed over time?" in an effort to discover future directions for policy reform. It must instead ask the question "how have content creators interpreted and used copyright in practice?" in an effort to discover how they can better navigate and influence existing copyright systems. The structuring principles of this history

are not the chronology of legislation or the language of judicial rulings. Instead, they must emerge from the surviving works of content creators themselves and the legacies their works have created. If many creative individuals are more concerned with constructing an opportunity in life to create rather than with the maximization of economic potential, their history must not proceed from an understanding of economics as determinant. Economics may play a highly influential role, and a better understanding of economic processes may certainly be in their best interest, but economic concerns are neither a beginning nor an end unto themselves.

Similarly, if the value of building and contributing to a creative community is considered superior to the monetary valuation of their works, a content creator's history must proceed from an understanding of both individual agency and community interaction as central to the creative process. To understand how content creators have historically used copyright a historian must return to the primary sources they have left behind, and must be prepared to contextualize the evidence in a theoretical framework that allows for an understanding of their worldview. Worldview is complex, changing, and at times contradictory. For example, many content creators in Anglo-American culture would chafe at an absolutist reading of Marx's call to surrender all legal claim to authorship, but their day-to-day activities are often profoundly communal. Ritual economy can reconcile these contradictions by questioning "the simplistic notion that making, exchanging, and using things are invariably motivated by purely materialistic concerns."⁴⁴ In this way, a history becomes possible in which the political economy of the creative industries significantly influences the outcome of its production, but does not usurp all power of determination and agency from individual actors.

The theoretical critique of authorship has proven useful for illuminating the communal nature of cultural production, for challenging industry reform efforts paraded in the name of author protection, and for recovering creativity as an essential part of the collective human experience rather than the purview of a genius elite. Yet, in a postmodern society where individual authorship is more universally possible than at any other moment in human history, theoretical scholarship must move beyond the authorship critique and establish a discourse that legitimizes individual contribution. Herbert Blumer noted, "The most outstanding consequence of viewing human society as organization is to overlook the part played by acting units in social change."⁴⁵ Misunderstanding the part that content creators can

play in social change has been a negative consequence of the authorship critique, and future work should move beyond this outlook.

The intellectual history traced here addresses both a problem of access and a problem of understanding. Content creators need meaningful access to information about the history of copyright to better manage ownership of their work. They also need to pair with that access a deeper understanding of the context within which creativity occurs in a capitalist, market-driven system. But although content creators are the focal point of this proposed historical revision, it is not only their understanding that is its concern. The history of copyright in theoretical literature reveals a lack of understanding about the nature of creative people and creative work. The move toward the ritual economic view proposed here is thus a synthesis of history and theory, one that can challenge theoretical inconsistencies in the dominant historical discourse and utilize historical scholarship to further inform theoretical understanding.

Conclusion

There is some precedent for the application of ritual economy to the theorization of copyright and creativity. In *Noise: The Political Economy of Music*, a work that drew heavily upon the history of French copyright law, Jacques Attali theorized that music's "styles and economic organization are ahead of the rest of society because it explores, much faster than material reality can, the entire range of possibilities in a given code."⁴⁶ He found music to be "prophetic" of political, economic, and cultural trends in an apparent reversal of base/superstructure determinism.⁴⁷ His historical argument was rooted in an understanding of the ritual function of music in community life and social cohesion. As a result, his analysis yielded a richer and more nuanced theorization of the political economy that copyright helped to create in the popular music industry than orthodox interpretations.

The unfolding of popular music history since *Noise's* initial publication in 1977 has largely vindicated its predictive portions. Attali theorized that an economy of repetition, made possible by the advent of sound recording, would continue to expand until it eventually collapsed upon itself. Yet, the bleakness of this apocalyptic vision was tempered by his theorization that an economy of composition would rise in the wake of the music industry collapse. This market correction would be characterized not by the efficacy of its copyright reform, but by a renewed emphasis on direct,

meaningful relationship between the musician and the audience.⁴⁸ Clearly, this model describes a variety of empirically observable phenomena evident in the music industry today. As arguably the creative industry most affected by emerging media, piracy, and systemic inequalities in revenue sharing, the music industry is a natural focal point for studying copyright and creativity. A history of copyright and popular music is especially well suited to a revision informed by the ritual economic view. Future work might also explore the validity of extending the prophetic qualities Attali found evident in music to copyrightable cultural production in general, but of course to do so it must finally abandon economic determinism and reflection theory altogether.

As many forms of music have increasingly relinquished a ritual, communal role in human interaction to become a commodity in the marketplace, issues of creative ownership and the exploitation of musicians have become even more pressing. It is now more relevant than ever to contribute to a discourse that encourages musicians and other content creators to make informed choices about the ownership of their work. Musicians have been especially exploited because their worldview is often dissonant with the underlying assumptions of capitalism and bourgeois political economy. Many musicians are attracted to the medium out of a sense of community, a sense of purity, and a sense of returning to something primal or basic about human experience. Spiritual and religious terms are common descriptors among them. The word “magic” is often used specifically. This suggests that any attempt to understand the music industry using a theoretical framework that assumes musicians as rational economic actors, or economic incentive as determinant, will be limited at best.

Utilizing a theory that emphasizes worldview, such as ritual economy, helps to explain a variety of music industry phenomena such as the relative poverty that many working musicians willingly submit to, the veneration of creativity as a structuring ethos for business decisions, the cyclical emergence of musical subcultures that challenge the hegemony of the mainstream, the community formation surrounding so-called “jam band” music, and the recent rise of financing album production using crowdfunding platforms.⁴⁹ It may also suggest that the music industry is ripe for a significant economic recovery. A ritual economic view can interpret the recent financial crash in the music industry not merely as an inevitable result of digital downloads and piracy, but more broadly as a rejection of the over-commodification of music and a realignment of the economics of

music with its ritualistic role in human interaction.⁵⁰ In consideration of copyright specifically, it is common practice among many musicians today to encourage the infringement of their own works by reposting fan cover versions of their songs on social media. This phenomenon simply cannot be explained by a rational actor position. It can be explained by a theory of authorship that legitimates musicians as intrinsically motivated creators with a worldview that valorizes contribution to a shared community.

The orthodox deployment of political economy in cultural Marxism is adequately equipped to theorize the commodification of books, art, music, and other copyrightable content. It is perhaps equipped to theorize the cyclical resistance to hegemony by various subcultures and their inevitable absorption into the mainstream. What it cannot explain is the consistency with which ritual symbolism reasserts itself into the economic decisions of content creators and their audiences. When diverse theorists such as Raymond Williams in cultural studies, E. Christian Wells in anthropology, and Jacques Attali in economics begin to converge in an understanding of orthodox political economy as hindered by its inability to explain the ritual behavior evident in the economics of cultural production, the history of cultural production is ripe for revision. As the intersection of law, politics, and creativity, the history of copyright seems a logical place for that revision to begin.

If a central justification of statutory copyright law is the protection of content creators, a better understanding of their strengths and vulnerabilities is essential to informing the copyright reform discourse. If there is any hope of taking the liberty of creativity back from modes of production that are currently dominant, that hope is more likely to be realized by empowering content creators to make informed choices about the ownership of their work than from legislating equality into an innately exploitable environment. As such, the thrust of scholarly inquiry into the history of copyright must move beyond efforts to suggest avenues for legal reform, especially when the history of copyright policy reform shows that research-based suggestions are often ignored.⁵¹ Instead, it must find ways for content creators to obtain some agency in the making of their own history. Copyright is a sphere in which the letter of the law and the spirit of the law are highly disparate. Future work on the history of copyright law that adopts the ritual economy framework proposed here can help to explain that division, and, hopefully, to mend it.

Endnotes

1. Though much legal scholarship acknowledges copyright as itself the historical product of British censorship laws, the monopoly of the Stationer's Company, and the transition from a patronage model to a market model of artistic production. See for example Benjamin Kaplan, *An Unhurried View of Copyright* (New York: Columbia University Press, 1967) and Lyman Ray Patterson, *Copyright in Historical Perspective* (Nashville: Vanderbilt University Press, 1968).
2. Danby Pickering, *The Statutes at Large, from the Eighth to the Twelfth Year of Queen Anne*, Vol. 12 (Cambridge: Printed by Joseph Bentham, Printer to the University, 1764), 82.
3. See Elizabeth L. Eisenstein, *The Printing Revolution in Early Modern Europe*, 2nd ed. (Cambridge, U.K.: Cambridge University Press, 2005).
4. The obvious exception being the content creator who also practices law.
5. The example of British copyright theory is illustrative as it relates to early statutory copyright, but not necessarily of international copyright policy at large. However, while the Anglo-American justification of copyright differs significantly from that of other countries, classical liberalism and cultural Marxism remain two theoretical frameworks that inform the copyright discourse globally.
6. John Durham Peters, "John Locke, the Individual, and the Origin of Communication," *Quarterly Journal of Speech* 75, no. 4 (November 1989): 391.
7. *Ibid.*, 392.
8. Adam Smith, *The Wealth of Nations*, Vol. 1 (London: J. M. Dent & Sons Ltd., 1964), 400.
9. Pickering, *The Statutes at Large*, 82.
10. U.S. Constitution, art. 1, sec. 8, cl. 8. Note that this clause is sometimes referred to as "The Copyright and Patent Clause" or "The Progress Clause" as well.
11. Pickering, *The Statutes at Large*, 82. Consider the heading of the Statute of Anne that begins with the phrase "An act for the encouragement of learning..."

12. Karl Marx, "Estranged Labour," in *Karl Marx, Frederick Engels Collected Works Volume 3: Karl Marx, March 1843-August 1844*, ed. and trans. Jack Cohen et al. (London: Lawrence & Wishart, 2010), 270.
13. Ibid.
14. The word "outcome" is deliberately used here to sidestep the debate over natural law versus natural rights in Lockean philosophy. Whatever one's view in this debate, it is clear that Locke's appeal to a natural basis for private property is in direct contrast with Marx's conception of the nature of labor.
15. Marx, "Estranged Labour," 274 [emphasis in original].
16. Karl Marx, *A Contribution to the Critique of Political Economy*, ed. Maurice Dobb, trans. S. W. Ryazanskaya (New York: International Publishers, Inc., 1970). The preface is the most commonly cited passage for the origins of the base/superstructure model, though references to it range widely throughout Marx's writings. Note that the *degree* of determinacy between the base and the superstructure is the subject of much conceptual debate in cultural Marxism.
17. Moyra Haslett, *Marxist Literary and Cultural Theories* (New York: St. Martin's Press, 2000), 5.
18. See Terry Eagleton, *The Ideology of the Aesthetic* (Oxford: Basil Blackwell, 1990) and Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 2006).
19. Haslett, *Marxist Cultural Theories*, 31. See Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction," in *Illuminations: Essays and Reflections*, ed. Hannah Arendt, trans. Harry Zohn (New York: Schocken, 1988) for Benjamin's original argument.
20. Raymond Williams, "Base and Superstructure in Marxist Cultural Theory," in *Problems in Materialism and Culture: Selected Essays* (London: Verso, 1980), 31-35.
21. Ibid., 35-40. See also Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*, ed. and trans. Quintin Hoare and Geoffrey Nowell Smith (London: Lawrence and Wishart, 1971), 245, 364-367.
22. Janice Peck, "Itinerary of a Thought: Stuart Hall, Cultural Studies, and the Unresolved Problem of the Relation of Culture to 'Not Culture,'" *Cultural Critique* 48, no. 1 (Spring 2001): 242.

23. James W. Carey, "The Chicago School and the History of Mass Communication Research," in *James Carey: A Critical Reader*, ed. Eve Stryker Munson and Catherine A. Warren (Minneapolis: University of Minnesota Press, 1997), 24.
24. Herbert Blumer, *Symbolic Interactionism: Perspective and Method* (Englewood Cliffs, N.J.: Prentice-Hall, 1969), 78-79.
25. *Ibid.*, 82. Blumer wrote, "I know of no instance of human group action to which the three premises [of symbolic interaction] do not apply. The reader is challenged to find or think of a single instance which they do not fit."
26. Carey, "The Chicago School," 17.
27. *Ibid.*, 25.
28. *Ibid.*, 26.
29. *Ibid.*
30. James W. Carey, "A Cultural Approach to Communication," in *Communication as Culture: Essays on Media and Society* (Boston: Unwin Hyman, 1989), 18.
31. While economic anthropology as a whole is sometimes posed as a contrasting model to political economy because of its focus on exchange rather than production, the theory of ritual economy reconciles these two paradigms.
32. Patricia A. McAnany and E. Christian Wells, "Toward a Theory of Ritual Economy," in *Dimensions of Ritual Economy (Research in Economic Anthropology Vol. 27)*, eds. E. Christian Wells and Patricia A. McAnany (Bingley, U.K.: JAI Press, 2008), 1.
33. *Ibid.*, 3. This introductory chapter by McAnany and Wells attributes the formulation of this definition to Wells's previous work, but it is codified in this exact wording for the first time in the reference noted here.
34. E. Christian Wells and Karla L. Davis-Salazar, *Mesoamerican Ritual Economy: Archaeological and Ethnological Perspectives* (Boulder: University Press of Colorado, 2007), 2 [emphasis in original].
35. Martin Jay, *Permanent Exiles: Essays on the Intellectual Migration From Germany to America* (New York: Columbia University Press, 1986), 16.
36. *Ibid.*, 18.

37. Which is not to say that these self-narrations should not be the subject of investigation, but simply that an individual's explanation of her or his own creative process must be considered as evidential on some level.
38. Bernard Miège, *The Capitalization of Cultural Production* (London: Journeymen Press, 1989), 76.
39. See Peter Jaszi, "Toward a Theory of Copyright: The Metamorphoses of 'Authorship,'" *Duke Law Journal* 1991, no. 2 (1991). While I agree that the poststructuralist critique of authorship reveals some important theoretical inconsistencies in the intellectual history of copyright, my central argument here is that the deconstruction of authorship also has inherent theoretical problems. Thus, a turn towards the ritual economic view may map out a theoretical framework that can move beyond both authorship veneration and authorship deconstruction to approach a true totality of authorship in individual, social, and political economic spheres. This assertion may in fact be a way to reconcile the contradiction that Jaszi admits in his conclusion that his study cannot resolve.
40. Eagleton, *Ideology of the Aesthetic*, 65.
41. Michel Foucault, "What is an Author?" in *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon, 1984), 107.
42. Michel Foucault, "10 January 1979," in *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979*, ed. Arnold I. Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2008), 3.
43. Ibid.
44. Wells, *Mesoamerican Ritual Economy*, 2.
45. Blumer, *Symbolic Interactionism*, 88.
46. Jacques Attali, *Noise: The Political Economy of Music*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1985), 11.
47. Ibid., 4.
48. Ibid., 133-148. Note Attali's insistence that his economy of composition "is not a return to ritual" is meant to communicate that it should be seen as a progression, not a regression, in the development of music history. Attali's theorization of popular music economics is compatible with the theory of ritual economy as articulated here.

49. In consideration of these phenomena, the author suggests the following articles published in the annual *Journal of the Music and Entertainment Industry Educators Association*: Luiz Augusto Buff and Peter Alhadeff, "Budgeting for Crowdfunding Rewards," (2013); Monika Herzig and David Baker, "Beyond Jamming: A Historical and Analytical Perspective on the Creative Process," (2014); Paul Linden, "Race, Hegemony, and the Birth of Rock & Roll," (2012); Paul Linden, "Malcolm Chisholm: An Evaluation of Traditional Audio Engineering," (2013); Casey Lowdermilk, "Improvisation and Reciprocity: An Analysis of the Jam Band Community and its Unique Business Model," (2007); Simeon Pillich, "Cautionary Tales from the Changing World of the Hollywood Film and Television Studio Musician," (2011); Cheryl L. Slay, "Slaying the Starving Artist Paradigm and Teaching Professionalism in the Entertainment Business: The Entertainment Law and Professionalism Clinic," (2012); and Alan Williams, "Navigating Proximities: The Creative Identity of the Hired Musician," (2010).
50. See Jason Lee Guthrie, "Economy of the Ether: Early Radio History and the Commodification of Music," *Journal of the Music and Entertainment Industry Educators Association* 14, no. 1 (2014): 288-290.
51. Jessica Litman, "The Politics of Intellectual Property," *Cardozo Arts & Entertainment Law Journal* 27, no. 2 (November 2009): 313-320.

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Note: the author wishes to thank Dr. Jay Hamilton of the University of Georgia for his insightful comments and long-suffering contributions to the argument presented in this article.

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Insistency: A New Methodology for Lyrical Analysis

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Abstract

This study proposes and demonstrates “insistency-based analysis” as a research tool for the study of popular music lyrics. Insistency analysis supports content analysis by considering lyrical repetition (motifs) over time as significant of artistic intent within a given body (population) of lyrics, in this case, those of Tom Waits. Literary review shows this study among a minority using computer-aided analytics in content analyses, while indicating the unrealized potential of structuralist literary analysis for studying popular lyrics. The method is a two-stage design in which the study sample (high frequency lyrics with strong distribution) provides rich content for structural analysis (qualitative). Opposing paradigms signify core issues such as “emptiness” or “solitude” whose particular, diachronic articulation across the discography may be studied for consistencies or developments in artistic expression. A practical demonstration of the method uses insistent lyrics and motifs to both signify artistic preoccupation and ultimately to test hypotheses regarding the development of Waits’ lyrical style.

Keywords: lyrical analysis, popular music, songwriting, Tom Waits, content analysis, structuralism, insistency, recording industry, research methodology

Introduction

Germane to the effort of integrating the study of the popular music industry into academia is a need for academic models and methods derived from supporting disciplines. The current triad of disciplines to which the study of the recording industry is appended includes mass communication, music, and business. Whereas the academic study of business is interested in effective models of management, marketing, and finance, schools of music offer a complementary viewpoint typically treating the creative aspect of the music business from a fine arts or arts administration perspective. Approaching the music business from the perspective of mass communication is an effective median given that it often focuses on both

production and promotional skills—those required to capture the creative performance and package it for commercial exploitation. Mass communication also offers an effective lens for looking at the deliberate establishment of music business studies within the academy. It was only within the last fifty years that mass communication itself was forging the boundaries of its own academic territory.¹ This process required the formulation of a theoretical corpus as well as a research methodology. Just as that discipline borrowed from established disciplines like literary criticism and sociology among others, the study of the popular music industry is likewise in need of research models. Unlike mass communication however, this emerging discipline requires a very wide set of such models and theories due to the breadth of its endeavor (including composition, performance, production, and promotion among others). The current paper responds to this need in part, by demonstrating how music industry scholars and students may perform lyrical analysis. The model we will reveal supplements traditional literary analysis with a quantitative component helpful for increasing accuracy and reducing speculative arguments.

As an example of this research procedure, which I am calling insistency-based analysis, I will offer as an academic point of access the notoriously prolific and often slippery lyrical corpus of Tom Waits.

Tom Waits' status among the upper echelon of American singer songwriters is evident on many levels of evaluation. His list of awards, major label contracts, sales figures, longevity, international appeal, and continued relevance are a few indicators used to fete his artistic prowess. Waits is also a deeply unique artist with a chameleon-like style that is as unpredictable as it is hard to define. In comparison to his fellow Rock and Roll Hall of Fame inductees, we might refer to Howlin' Wolf, Bob Dylan, Neil Young, Frank Zappa, Miles Davis, and still fall short in an effort to effectively describe Waits' style. Rock critics and scholars of contemporary popular music (cf. Steve Huey, Barney Hoskyns, and David Yaffe) use terms like "experimental," "avant-garde," and "abstract" to describe his relationship to convention, yet many of his other releases coincide beautifully with their record label billing as "jazz," "rock," "blues," or other codified genres. There is something deeply puzzling about his work that compels listeners to pay attention in a way that few other artists can achieve. Perhaps this ability to move in and out of popular musical form speaks to Waits' longevity and relevance. As a result, the question of what fundamental messages lay at the heart of Tom Waits' oeuvre may seem

like an intimidating one. This study will demonstrate an approach to this artistic body of work by way of lyrical analysis that enables researchers to locate core issues addressed by Waits and to assess his particular articulation and evaluation of those issues.

The conceptual framework chosen for this study is based on the idea that artistic media, such as music or poetry, are media of communication. The ability to derive any message or messages from such media depends heavily on the level of specificity or vagueness endemic to its own signifying system. For example, instrumental music has a wider semantic field of interpretation than does poetry due to the fact that words are far more precise than tones with respect to the communication of a given message. In our effort to identify issues at the core of a diverse artistic body, we are thus better served by a lyrical analysis than by a musicological one. The interrelated ideas of repetition and artistic development are fundamental to the interpretation of art because they do not depend on contextual analyses such as historical, biographical, comparative, or other interdisciplinary readings that bring external information to illuminate the artistic object of interpretation. Instead, the idea of insistency signifies artistic intent by providing a methodological framework in which certain artistic terms self-select as more significant than others. In sum, our theoretical framework posits the idea of lyrical repetition (motifs) over time (diachronic) in the service of distilling a vast linguistic body to its most insistent terms. Our study is therefore a demonstration of a proposed method designed for content analyses of larger, text-based bodies of work—such as the lyrics of a given artist.

Literature: Content Analyses Among the Study of Popular Music Media

The serious study of popular music is relatively young, intensifying over the last seventy-five years due in large part to the works of cultural theorists like Theodor Adorno, Max Horkheimer, and Herbert Marcuse. These scholars provided a theoretical entry point for interdisciplinary scholarship to address popular music, notably that of sociologist Pierre Bourdieu, socio-musicologist Simon Frith, and “new” musicologist Keith Negus. Most of these entry points preclude musicological argument by looking at popular culture from the perspectives of aesthetics and social identity. In fact, traditional musicology has been of limited benefit to the study of popular music because of the high culture-low culture debate as

well as the interdisciplinary orientation of the study of popular music in comparison to the more conservative, inward-looking orientation of musicology. Nonetheless, there have been some studies of pop culture luminaries like the Beatles that have been based on more narrow musicological concerns like melody, composition, and music theory.² Another contributing factor is that there has been greater interdisciplinary symbiosis between poetic analysis and the study of popular music lyrics in academia. This is reflected by the large-scale integration of creative writing programs in comparison to the limited and more rigid study of musical composition and performance.

The content analyses of popular music consulted for this study consist of three primary types: musicological analyses of songs, textual analyses of songs, and the more recent study of popular music videos. The chronology of this area of research shows an initial period of interest in the study of popular music lyrics informed by both traditional literary analysis (mostly qualitative, thematic analysis) as well as the more recent study of popular culture from a mass media perspective. The influence of the latter includes an increasingly quantitative approach and a marked interest in media effects—especially that of television, music, video games, and advertising. As a result, the study of pop music videos has developed into a means of analyzing popular music that is of comparable viability to the more traditional literary approach. Despite the decline of the pop music video as a required promotional vehicle in today's recording industry, there remains a body of scholarship from the MTV era that includes a group of content analyses.

Our research has benefited from a number of studies analyzing the content of popular music. The relative youth of popular music or music business as an academic discipline has practical implications on this group of works. First of all, the studies tend to have a general or exploratory perspective that one would expect when surveying a less well-known academic terrain. Secondly, an interdisciplinary methodology is typically claimed but not always applied in a rigorous or exhaustive manner. For example, the majority of the works consulted for this study are oriented towards a thematic understanding of the basic semantic structures of popular music. As such they are concerned with the general or most apparent ways popular music conveys meaning. Therefore, the distinction between studies based on music videos versus those based on lyrical analysis is diminished by the larger goal of identifying themes and semantic struc-

tures—often in relation to issues of race, gender, genre, or the work of well-known artists.

One common theme in the selected literature is gender. The relationship between popular music and the representation of women is an area of research showing the importance of gender as a confounding factor with respect to stereotype. In “Female Body Image as a Function of Themes in Rap Music Videos: A Content Analysis,” Yuanyuan Zhang, Travis L. Dixon, and Kate Conrad sample 258 female characters from MTV, BET, and VH1 year-end video countdown programming for measurement in relation to themes of sex, violence, materialism, and political awareness.³ Stereotypical gender roles for men and women were also verified in Cara Wallis’ “Performing Gender: A Content Analysis of Gender Display in Music Videos.”⁴ These studies confirmed existing stereotypes concerning the objectification and subservience of women compared to the leadership and aggressiveness of men. On the other hand, Janelle Wilson’s “Women in Country Music Videos,” along with Julie Andsager and Kimberly Roe’s “Country Music Video in Country’s Year of the Woman,” look at the representation of women in country music videos to find a modified version of the stereotypical version upheld in rap and R&B videos.⁵ These studies find that, while women are cast as minorities, they hold a stronger threat to the status quo. Women take on greater agency and power in the country videos, a difference signifying an area for further research. John Tapper, Esther Thorson and David Black’s “Variations in Music Videos as a Function of Their Musical Genre” is an important step in this direction because it subjects a wide selection of popular music genres to comparison.⁶ The comparison is based on a wide array of variables including race and gender, as well as sex, violence, politics, and a selection of extra-diegetic video production techniques they term as “structural variables.” Due to the breadth of this study however, the findings are unable to convey much depth or detail. The methodology of these studies typically benefits from national broadcast channels with music video programming (i.e., MTV, VH1, CMT, BET, etc.) to derive their samples in various means, sometimes purposive, sometimes random, or even census.

The wider thematic spectrum of the Tapper article (above) is also representative of studies analyzing the lyrical content of artistic works. In his book, *Top Songs In The Sixties: A Content Analysis Of Popular Lyrics*, Richard Cole looks at the one hundred top songs of the 1960s for their participation in very general thematic categories including love, sex,

violence, and protest. There is no statistical analysis performed, and the qualitative interpretation Cole performs is imported from literary analysis. A subset of these studies includes works purposively chosen due to some specific attribute (like their genre or a commonality of their production). Beth Messner, Art Jipson, Paul Becker and Bryan Byers' "The Hardest Hate: A Sociological Analysis of Country Hate Music," Shannon Stirman and James Pennebaker's "Word Use in the Poetry of Suicidal and Non-Suicidal Poets," and Alan West and Colin Martindale's "Creative Trends in the Content of Beatles Lyrics" represent this subset and they provide another example of the literary heritage of popular music studies.⁷ Each study focuses on lyrics: those of suicidal poets, those of a famous artist, or those of an esoteric genre. In Messner's case, the sample was determined by the authors' ability to locate these rare recordings, as well as by the paucity of their distribution. Beyond this, Messner's hermeneutic method is not unlike Cole's: it is a qualitative assessment of predominant thematic categories including white power and unity, black dehumanization, and black infantilization.

In the other cases, as exemplified by the works of Stirman and Pennebaker as well as West and Martindale, the sample was a comprehensive "census" sample that was then subject to computer manipulation. In comparison to the rest of the studies in this review, this is a key difference resulting in a more rigorous quantitative method of measurement. Stirman used Linguistic Inquiry Word Count (LIWC) computer software while West and Martindale used COUNT and LEXSTAT. These important tools allowed the authors to precisely measure the participation of various keywords relative to categories derived from their theoretical perspectives. Consequently, the authors were able to test their hypotheses in an efficient and direct manner. These latter two studies are decidedly quantitative, thereby depending more on descriptions of how the programs and experiments are set up rather than lengthy arguments to make their points.

The two articles dedicated to Tom Waits' music provide an excellent demonstration of the wide range of interdisciplinary orientations informing popular music analysis. In Stephan Wackwitz and Nina Sonenberg's "The Flying Slaves: An Essay on Tom Waits," and James Peterson's "The Depth of the Hole: Intertextuality and Tom Waits' 'Way Down in the Hole,'" the popular song is linked to other forms of media as well as other academic disciplines.⁸ Wackwitz and Sonenberg show the influence of early African American oral mythologies in Waits' lyrics, thereby lending

the weight and historical orientation of African American studies to that of popular music studies. On the other hand, Peterson's article focuses on a single composition of Waits ("Way Down in the Hole") as a paratext for the cable television series *The Wire*. Despite serving as a historical component to Peterson's argument, its primary function is to show how the song works to frame issues raised in the television show. While the Wackwitz and Sonenberg article loosely examines some content of Waits' lyrics, neither of these studies on Waits' songwriting have a quantitative component.

Research Questions, Hypothesis

Given that this is the first study of its kind with respect to the study of Tom Waits' lyrics, we draw greater benefit from research questions to reveal some contours of this new terrain. Rather than imposing a specific area of inquiry on the corpus of Waits' lyrics, our study is interested in listening to what Waits' art is telling us. Despite the high academic currency of studying stereotype or gender inequality in the media (both fine areas of research to be sure), our first question has to do with identifying the most insistent messages in the overall corpus. Following the example of Stirman as well as that of Martindale and West, can we not also find a correlation between word frequency and comprehension of aspects pertaining to the overall artistic gesture?

- RQ 1: What are the most frequent lyrics used by Tom Waits across his entire work?
- RQ 2: What sorts of basic issues or preoccupations are revealed by these frequent words?
- RQ 3: What sorts of trends do these basic issues exhibit when assessed both across the career (diachronically) and within a given period (synchronically)?
- H1: The lyrical development from early to recent career will proceed from favoring concrete referents to abstract language.

The single hypothesis carried by this study will be used to test a bit of "accepted wisdom" regarding the music business. Namely, that early-career artists have less creative liberty than those with a proven name. This logic favors a conservative approach to songwriting that is less experimental and more inclined to simple, clear, and easy to understand artistic

messages that are less challenging for listeners. Implicit in this argument is the opposition between concrete language (for more palatable, mimetic, and representational forms of art) and abstract language (for more experimental form, less oriented towards mainstream consumption).

Method

From an objective perspective, the application of the theoretical framework outlined above has important methodological implications. First of all, the design of the study draws on both quantitative measures (what are the core issues? how much ink is consecrated to core issues or motifs?) as well as qualitative ones (how does the way these issues are addressed make this art unique in its articulation of the issues, motifs?). The design is therefore a combination of these approaches, also known as triangulation. Our study benefits from a two-stage design in which an initial quantitative experiment will yield seminal information to then serve a second, qualitative interpretation. Like many of the studies in our review of literature, the qualitative interpretation is thematically oriented. The high frequency (i.e., “insistent”) lyrics are grouped into diametrically opposed paradigms that refer to primary themes (i.e., “core issues”). Unlike these earlier studies however, the current essay will subject the quantitatively determined core issues to textual analysis by relocating the salient terms into the body of the songs and reading for specific evaluation and personalized treatment. These discrete instances are then available for assessment in terms of semantic shifts across the various stages of Waits’ career.

The collected data includes lyrics from all of Tom Waits’ studio record releases. We excluded live shows and bootlegs as well as guest appearances, compilations, or records with duplicate material. This yielded a total of twenty albums released from 1973 through 2011. The rationale for exclusivity is that the attempt to capture the core artistic messages gained more benefit from the full-length studio album than from the live show, guest appearance, or compilation (collective work) style of record. It is the opinion of the author that studio records traditionally require a greater amount of focus on the part of the artist, musicians, and producers (and associated players) in order to craft a very intentional work that proceeds from specific artistic ideas and messages. The other types of recordings may lose that focus based on the improvisational spirit of a live show or the dilution of creative authority from other players vested in the release of guest albums, compilation albums, and the like.

The lyrics from these twenty full-length studio albums were gathered via an initial census sample from www.tomwaitslibrary.com. The total songs from these twenty albums number 299. Lyrics from each of the songs were downloaded into Microsoft Word documents, one for each album. These documents were then used to verify accuracy of the lyric entries by reading along to the studio records and correcting for spelling. As nearly as possible, documented lyrics correspond to what the listener hears. Titles were included and nonsense words were omitted. A few songs have extremely repetitive endings, considered to have been appended to the essential lyrics; these endings were reduced to about half of the actual recorded amount. The total word count for the twenty albums selected for the study is 64,454. The full corpus of lyrics was then entered into a word frequency software program (AntConc). The computer program was pre-loaded with lemma word lists to consolidate the results into derivative word forms removing variations due to conjugation, tense, and similar lexical shifts. AntConc functions include a word list ranking terms in order of frequency, a “concordance” function that reveals selected words in their original context as well as a “concordance plot” showing the distribution of words as they sequentially occur (based on albums as well as location within each album).

The master word list was generated, providing a restructuring of the initial census sample. After filtering 43 non-salient entries (specific parts of speech including articles, prepositions, conjunctions, and subject pronouns), the total number of entries was 4,728. From this refined list, we derived a secondary sample by selecting lyrics that occur at least ten times. This resulted in a “high frequency” sample of 740 words or the top 15.65% of the most frequent salient terms. In order to avoid entries that spike due to localized repetition (i.e., a song that repeats a few words for a long time), our list was then measured for distribution. Distribution is assessed on a 1:1 ratio vis-à-vis appearance on an album. Terms that appear 12 times in the corpus but are limited to 2 albums have a frequency of 12 and a distribution of 2. The resulting term of “insistency” is derived through multiplication: $12 \times 2 = 24$. A word with a frequency of 12 but with a distribution of 10 would be considered as more insistent, as the multiplication shows ($12 \times 10 = 120$). Therefore, the final distillation of lyrics is based on their insistency.

A sample of lyrics with an insistency rating of 200 or above yielded 260 terms, or 35% of the high frequency sample. These terms make up the

study sample. They are noteworthy for being used frequently and across multiple records. Each term was then coded with a three-digit numeric in the example of i, ii, iii to indicate the insistency score (i), the frequency (ii), and the distribution (iii). See Appendix 1 for the alpha list of these insistent lyrics. All three figures are placed next to the given terms according to the following example: “*fell* 204, 17, 12.” This indicates a total score of 204 as the product of 17 total occurrences distributed over 12 albums ($17 \times 12 = 204$).

Results

The quantitative component yielded a list of 260 words representing the top 35% of the most frequent and well-distributed lyrics in the Waits lexicon. The range of scores for our final list of salient lyrics starts at a minimum of 200 (*trouble*) and ranges up to 4,392 (*say*). The score totals include 5 terms above 4,000, 13 terms from 3,000-3,999, 11 terms from 2,000-2,999, 40 terms from 1,000-1,999, 69 terms from 500-999 and 122 terms from 200-499. The full results list has been organized by salience (below) and alphabetically (see Appendix 1). Significant themes include strong paradigmatic insistence on the relationships between body and spirit as well as that between nature and civilization. There is a particular insistence on the natural world that warrants further study. With respect to our initial research questions, regarding the most frequent lyrics used by Tom Waits across his entire work, we find the most complete and direct statement in Table 3. In summary however, the tropes of desire, affection, and urgency are most directly implicated by a selection of the most insistent lyrics such as *want* (3971, 209, 19), *love* (4220, 211, 20), and *now* (3720, 186, 20). The predominance of the word *no* (4280, 214, 20) is also noteworthy in its potential relation to this group. The second research question concerns basic issues or preoccupations that are revealed by these frequent words. The research provides a list of eight representative paradigms including a set of four belonging to a master-trope of lack or powerlessness (“emptiness,” “breaking down,” “confusion,” and “isolation”) as well as an opposing four belonging to a master-trope of plenitude or strength (“fullness,” “building up,” “knowledge,” and “togetherness”). Sample opposing paradigms are provided in Tables 1 and 2.

Union	Solitude
come	lonely/alone
us	goodbye
meet	bye
everyone	miss
give	leave
two	away
hold	one
along	nobody

Table 1. Union vs. Solitude.

Emptiness	Fullness
miss	fill
need	whole
without	full
nothing	keep
only	heaven
take	bring
want	much
hole	top

Table 2. Emptiness vs. Fullness.

Table 3. Insistency Results for Tom Waits Lyrics.

200-299 (62)

cut 299, 23, 13
 should..... 299, 23, 13
 win..... 294, 42, 7
 lonely/alone. 294, 42, 7
 shot 290, 29, 10
 ice 288, 24, 12
 other..... 286, 26, 11
 while..... 286, 26, 11
 song 286, 22, 13
 river 280, 28, 10
 joe..... 280, 35, 8
 young..... 279, 31, 9
 crack 276, 23, 12
 any..... 275, 25, 11
 bullet 272, 34, 8
 kid..... 270, 30, 9
 once..... 270, 27, 10
 far 264, 24, 11
 goodbye..... 261, 29, 9
 against 260, 20, 13
 Saturday 260, 26, 10
 sweet 260, 26, 10
 bottle 253, 23, 11
 listen 253, 23, 11
 mind 253, 23, 11
 glass..... 252, 21, 12
 foot..... 252, 21, 12
 sin 252, 42, 6
 ask 250, 25, 10
 much..... 250, 25, 10
 bye..... 245, 35, 7
 got to 245, 35, 7
 drive 243, 27, 9
 jack 243, 27, 9
 sign 243, 27, 9
 hat 242, 22, 11
 smoke 242, 22, 11
 kill 240, 24, 10
 stick 240, 24, 10
 tomorrow 238, 34, 7
 mean 234, 26, 9
 shake 230, 46, 5
 strip 230, 46, 5

nail..... 230, 23, 10
 please 230, 23, 10
 small 230, 23, 10
 wild 230, 23, 10
 believe 225, 25, 9
 gold..... 225, 25, 9
 cross 220, 20, 11
 care..... 216, 24, 9
 blow..... 210, 42, 5
 fill..... 210, 21, 10
 miss 210, 21, 10
 outside..... 210, 21, 10
 thought..... 210, 21, 10
 wing..... 209, 19, 11
 wrong 209, 19, 11
 hill..... 204, 34, 6
 fell..... 204, 17, 12
 trouble..... 200, 25, 8
 us..... 200, 20, 10

300-399 (39)

hang..... 396, 44, 9
 talk..... 396, 33, 12
 remember.... 396, 36, 11
 shine 390, 26, 15
 gun..... 390, 39, 10
 change 390, 39, 10
 ground 387, 43, 9
 end 384, 32, 12
 show 377, 29, 13
 run 374, 34, 11
 inside 372, 31, 12
 throw 370, 37, 10
 drink 364, 52, 7
 whole..... 364, 28, 13
 close 363, 33, 11
 own..... 360, 30, 12
 yellow 360, 30, 12
 shoe..... 360, 40, 9
 along..... 348, 29, 12
 dig..... 342, 38, 9
 pay..... 341, 31, 11
 star 330, 30, 11
 bed 324, 27, 12

stranger 320, 32, 10
 crow..... 319, 29, 11
 alone..... 319, 29, 11
 open 312, 26, 12
 sea 315, 35, 9
 business..... 315, 35, 9
 woman..... 312, 39, 8
 catch..... 310, 31, 10
 cry..... 310, 31, 10
 meet 310, 31, 10
 burn 308, 28, 11
 diamond 308, 28, 11
 green 308, 28, 11
 stone..... 306, 34, 9
 heaven 306, 34, 9
 buy..... 300, 30, 10

400-499 (21)

devil 494, 38, 13
 bird 490, 35, 14
 life..... 490, 35, 14
 bring 484, 44, 11
 water 481, 37, 13
 arm 468, 36, 13
 blood 462, 33, 14
 must 448, 32, 14
 try 440, 40, 11
 watch..... 440, 40, 11
 would..... 435, 29, 15
 two 434, 31, 14
 grow 430, 43, 10
 better..... 429, 33, 13
 everyone..... 429, 33, 13
 tear 423, 47, 9
 high..... 420, 35, 12
 late..... 420, 35, 12
 start 407, 37, 11
 Jesus 403, 31, 13
 hole 400, 40, 10

500-599 (30)

walk 590, 59, 10
 another..... 588, 42, 14
 dollar 588, 42, 14

Table 3. Insistency Results for Tom Waits Lyrics. (Cont.)

ring	588, 42, 14	700-799 (8)	1200-1299 (5)		
bone	576, 48, 12	hair	784, 49, 16	head.....	1292, 76, 17
true.....	576, 48, 12	hell.....	770, 55, 14	long.....	1280, 80, 16
wear	576, 48, 12	last.....	768, 48, 16	until/till.....	1280, 80, 16
rose.....	570, 57, 10	too	765, 45, 17	black	1245, 83, 15
dance.....	561, 51, 11	tree	756, 54, 14	dead.....	1207, 71, 17
need	560, 40, 14	blind	744, 62, 12	1300-1399 (2)	
sun.....	555, 37, 15	give	732, 61, 12	town	1380, 69, 20
pull.....	552, 46, 12	call	702, 54, 13	some.....	1360, 80, 17
again.....	552, 46, 12	800-899 (11)		1400-1499 (5)	
kind.....	550, 55, 10	live	885, 59, 15	red	1496, 88, 17
play.....	550, 55, 10	stay	885, 59, 15	look.....	1485, 99, 15
hard	532, 38, 14	full	880, 55, 16	day.....	1428, 84, 17
still	532, 38, 14	god.....	880, 80, 11	more.....	1425, 75, 19
without.....	528, 33, 16	hear	871, 67, 13	keep.....	1424, 89, 16
car.....	528, 44, 12	fall.....	858, 66, 13	1500-1599 (3)	
same	520, 52, 10	think.....	854, 61, 14	lose	1575, 105, 15
window.....	520, 40, 13	face.....	848, 53, 16	blue.....	1558, 82, 19
bad	517, 47, 11	new.....	848, 53, 16	every.....	1540, 77, 20
everything ...	516, 43, 12	lost.....	840, 56, 15	1600-1699 (5)	
sing	516, 43, 12	house.....	806, 62, 13	good	1692, 94, 18
stand.....	516, 43, 12	900-999 (6)		train	1680, 105, 16
top	516, 43, 12	light	990, 66, 15	let	1674, 93, 18
could.....	510, 34, 15	someone.....	969, 57, 17	road	1615, 95, 17
side.....	507, 39, 13	turn.....	938, 67, 14	nothing	1600, 80, 20
line.....	504, 36, 14	sleep.....	928, 58, 16	1700-1799 (3)	
wait.....	504, 42, 12	morning.....	923, 71, 13	cold.....	1722, 123, 14
600-699 (14)		girl	915, 61, 15	big.....	1717, 101, 17
ride	693, 63, 11	1000-1099 (6)		always.....	1710, 95, 18
kiss.....	672, 48, 14	hold	1095, 73, 15	1800-1899 (3)	
found	645, 43, 15	wind.....	1056, 66, 16	world	1890, 126, 15
place	644, 46, 14	tonight.....	1027, 79, 13	heart.....	1820, 91, 20
ever	644, 46, 14	boy.....	1022, 73, 14	eye.....	1800, 100, 18
die.....	624, 52, 12	hand	1020, 68, 15	1900-1999 (4)	
coming.....	616, 44, 14	name	1008, 56, 18	right	1989, 117, 17
roll	616, 44, 14	1100-1199 (4)		moon.....	1962, 109, 18
stop.....	616, 56, 11	street	1185, 79, 15		
nobody	611, 47, 13	break	1185, 79, 15		
feel.....	602, 43, 14	sky	1122, 66, 17		
money	602, 43, 14	find	1120, 56, 20		
wish	602, 43, 14				
fire	600, 40, 15				

Table 3. Insistency Results for Tom Waits Lyrics. (Cont.)

dog..... 1900, 95, 20	2700-2799 (0)	here 3660, 183, 20
over 1900, 100, 19		come..... 3610, 190, 19
2000-2099 (0)	2800-2899 (0)	
	2900-2999 (1)	3700-3799 (2)
2100-2199 (1)	leave 2988, 166, 18	now..... 3720, 186, 20
gonna..... 2196, 122, 18		time 3700, 185, 20
2200-2299 (2)	3000-3099 (2)	3800-3899 (1)
only..... 2299, 121, 19	away 3026, 178, 17	her 3840, 192, 20
off 2280, 114, 20	one 3024, 168, 18	
2300-2399 (2)	3100-3199 (1)	3900-3999 (1)
little 2394, 126, 19	see 3162, 186, 17	want 3971, 209, 19
way 2376, 132, 18		4000-4099 (0)
2400-2499 (2)	3200-3299 (1)	4100-4199 (1)
rain 2432, 128, 19	old 3287, 173, 19	night 4180, 209, 20
tell 2413, 127, 19	3300-3399 (1)	4200-4299 (2)
	man 3380, 169, 20	no 4280, 214, 20
2500-2599 (2)	3400-3499 (1)	love..... 4220, 211, 20
dream 2592, 144, 18	back 3400, 170, 20	
make..... 2538, 141, 18	3500-3599 (0)	4300-4399 (2)
2600-2699 (1)	3600-3699 (3)	say 4392, 244, 18
home 2664, 148, 18	take..... 3667, 193, 19	will..... 4320, 216, 20

Qualitative Analysis

Scanning the most insistent terms on the list provides a number of potential themes like love, desire, urgency, solitude, sensation, and speech, among others. This gesture is qualitative and therefore subjective in nature. As such, its results reflect a greater degree of what the researcher deems as important. Nonetheless, the themes suggested by the list accrue further significance when grouped into paradigms listing similar insistent words under a rubric that tries to comprehend some basic meaning shared by the group. For example, the theme of “solitude” is suggested by a group of terms including *lonely*, *goodbye/bye*, *leave*, *away*, *nobody*, *one*. Such a grouping is one of the first steps in the method of literary analysis known as structuralism. This is one—but not the only—interpretive system that

our insistency measure can fuel. To follow the typical method of structuralism, the paradigm of solitude should be countered with an opposing paradigm. Our list of insistent terms provides support for such a paradigm under the rubric of “togetherness.” This paradigm is fleshed out by terms like *come, meet, everyone, two, hold, give and love*.

The above structure of opposing paradigms is not a heavily interpretive process—it is a qualitative analog of data collection in quantitative analysis. It provides a point of reference to both micro-level analysis and macro-level analysis. On the first hand, this structure enables qualitative interpretation through close reading of the salient terms in the context of the songs from which they had already been isolated. On the other hand, the structure may be compared to other such structures. When similarities are found, the structures themselves may be arranged into larger meta-paradigms signifying philosophical or epistemological orientations at the core of the lyrical work.

To exemplify this latter process, we may note similar paradigmatic opposition between “emptiness” (*need, without, nothing, only, want*) and “fullness” (*fill, whole, full, keep, heaven*), another between “breaking down” (*cut, crack, break, fire, burn, strip, gun/bullet*) and “building up” (*grow, hold, more, much, remember, make*), and yet another between “ignorance” (*blind, lost, lose, stranger, fall*) and “knowledge” (*find, know, road, hold, way*). When the rubrics themselves are gathered into lists, the meta-paradigm that results signifies a second-order opposition. In this case, “emptiness,” “breaking down,” “ignorance,” and “isolation” belong to a common meta-theme of lack, or powerlessness, while the opposing list (“fullness,” “building up,” “knowledge,” and “togetherness”) belong to an opposing meta-theme such as plenitude or strength. In turn, this second-order opposition signifies basic philosophical issues at the core of the lexical system. In this case, the issues may be identified as “to have (or not)” or “to be able (or unable).” Here, the increasingly abstract, conceptual orientation of the macro-movement is reflected by the infinitive verbs.

In contrast to this movement toward abstraction, micro-level analysis proceeds from the same paradigms down to the level of the text to support more intimate observation of how these lexical families are deployed. The value of this gesture of close reading is that it allows us to witness the impact of these salient terms within the context of the songs from which they have been isolated. To exemplify this process, let us return to the initial opposition of paradigms with rubrics “solitude” versus “togetherness.” The

micro-level (or “close reading”) approach is motivated by the questions “how” and “with what evaluation” does the author frame the issues signified by the paradigm. To accomplish this analysis and answer these leading questions, it is necessary to study the use of the terms in their original contexts. Initial consultation of *alone* as a leading term in the “solitude” paradigm is a telling example. Initial use in the *Heart of Saturday Night* album (1973) includes a gesture of self-affirmation through the experience of solitude: “*Don’t follow me, I’m traveling alone.*” This evaluation is reaffirmed in the subsequent release, *Nighthawks at the Diner* (1974): “*...you must be strong to go it alone,*” as well as by mid-career, “*there’s nothing wrong with a lady drinking alone,*” (*Rain Dogs* 1985). By recent career however, there is a change in the evaluation of solitude conveyed through the use of the lyric *alone*: it begins to signify vulnerability. In the *Orphans* trilogy (2006), we find the lyric, “*and he was all alone, and he sat down and cried.*” Likewise, in the 2011 release *Bad As Me*, we find “*I’m not alone, I’m not afraid, this bird has flown.*” These micro-level analyses are significant of the particular treatment accorded by Waits to the salient issues provided by the quantitative analysis.

Word frequency programs like AntConc provide a concordance plot function visually depicting the distribution of specific lyrics across the albums. Such a function has empowered our study to filter the lexical corpus for terms with greater distribution. It may also be used to observe diachronic trends in distribution. For example, the most insistent abstract term is *love* (4220, 211, 20). The concordance plot shows that the number of uses of this term in the first half of Waits’ career is 95, while it is used 116 times over the second half. This observation offers tenuous support to the idea that Waits’ lyrics tend toward abstraction over time. On the other hand, *rain* (2432, 128, 19) is an insistent concrete term whose use on the earlier albums (53 occurrences) is 29% less than that observed during the more recent albums (75 occurrences). This observation helps to contradict the assertion that Waits’ early work uses more concrete language than his later work. Certainly, this type of observation provides little more than a hypothesis that must then be tested by closely reading the contexts provided by the individual songs, albums, and periods. For the purposes of our study, the value of this example lies in its illustration of the method at hand.

The qualitative element of our research enables us to respond to the remaining research questions and hypothesis posed above. The third re-

search question regards any trends exhibited by these basic issues when assessed in relation to time. Our analysis selected one such trend in the evaluative treatment of the use of the term *alone* in the “solitude” paradigm. It demonstrated a shift from a positive evaluation of solitude as strength and independence to a negative evaluation of solitude in association with sadness and fear. Our hypothesis, that we would find more concrete lyrics early in Waits’ career and more abstract lyrics on the more recent albums was not supported by the demonstration examples we provided with *love* and *rain* representing abstract and concrete language types respectively.

As a demonstration of a research method designed for the analysis of popular music lyrics, this study is very limited. Due to limitation of space, it provides only the most cursory deductions and exploration of Tom Waits lyrics. The relationship between his treatment of the human body and the natural world as intertwined, physical domains provides a compelling direction for future explorations into the work of Tom Waits in particular. The method presented is limited in terms of its ability to extrapolate and generalize. Moving from lexical instance, to paradigms and then to meta-paradigms tends toward greater abstraction and removes us from the determining and evaluative substance that is the context in which the lyrics are used. The method is perhaps best used to help guide researchers of lyrics to rich semantic domains in the larger landscape of the artist’s total corpus.

Conclusion

This article has sought to demonstrate a hybrid methodology for the analysis of lyrics. The particular import of this study speaks to the persistent concern over the value of popular music. The ambivalence of this issue—its particular urgency—comes in large part from the diverse ways popular music is assessed. Like the variety of disciplines supporting the way it is understood in the academy, there is a divergent report on the value of popular music from the perspectives of economics, musicology, sociology, and mass media; the first two showing devaluation and the latter two showing increases in value. The current study responds to this quandary with a research methodology useful for allowing scholars to speak to the poetic value of popular music. Clearly, not all lyrics will stand up to this type of analysis, just as there are variations in the quality of any art form. The works that do withstand the proposed research methodology are powerful and compelling examples that validate the industry

in which they circulate against claims of vacuousness. The implication of this research demonstration is therefore important with respect to the study of popular music because it represents a means for the validation, celebration, and exemplification of high quality in a less opinion-based fashion. Sales figures also work in this way, with the exception being that plenty of money is made from popular music with little artistic substance.

To resume the hybrid nature of this method, it brings together modern, computer-assisted quantified analysis to strengthen a specific form of modern literary interpretation. The initial move is to digitize the body of discourse for study. In our case, it was the entire corpus of lyrics from Tom Waits' studio discography. The digitized files should be verified for accuracy and prepared for computer-aided analysis (usually by eliminating meaningless or highly repetitive addenda). The files are then entered into a word-counting computer program (AntConc is the one used for this study). The functions of the program allow for the entire lexicon to be rated by frequency. From this list, we took the words in the top fifteen percent of frequency. This list was then checked for distribution by using the concordance plot function on AntConc. This displayed the amount of albums using each of the high-frequency terms. Multiplying frequency by distribution number (1-20 based on how many of the 20 albums used the terms) resulted in an insistency score. We selected terms with a score of 200 and above, resulting in 260 terms.

At this point, the qualitative gesture began to come into evidence. The 260 terms were consulted for association and grouped into paradigms where possible. Based on the similarities binding the terms in the paradigm, a rubric or title would be assigned. An antonym would then be derived as the header for an opposing paradigm, and the list would be consulted to locate terms for the structurally opposing paradigm. This revealed central issues addressed in the artistic work and the paradigms then served as reference points for close readings of individual songs. This gesture allowed for the truly qualitative assessment of authorial intention by determining the values placed by the author on the insistent terms and the larger issues to which they belong. From these analyses, a deeper sense of the artistic message may begin to emerge.

Appendix 1. Alphabetical Insistency List.

again.....	552, 46, 12	crack.....	276, 23, 12	good.....	1692, 94, 18
against.....	260, 20, 13	cross.....	220, 20, 11	goodbye.....	261, 29, 9
alone.....	319, 29, 11	crow.....	319, 29, 11	gotta.....	245, 35, 7
along.....	348, 29, 12	cry.....	310, 31, 10	green.....	308, 28, 11
always.....	1710, 95, 18	cut.....	299, 23, 13	ground.....	387, 43, 9
another.....	588, 42, 14			grow.....	430, 43, 10
any.....	275, 25, 11	dance.....	561, 51, 11	gun.....	390, 39, 10
arm.....	468, 36, 13	day.....	1428, 84, 17		
ask.....	250, 25, 10	dead.....	1207, 71, 17	hair.....	784, 49, 16
away.....	3026, 178, 17	devil.....	494, 38, 13	hand.....	1020, 68, 15
		diamond.....	308, 28, 11	hang.....	396, 44, 9
back.....	3400, 170, 20	die.....	624, 52, 12	hard.....	532, 38, 14
bad.....	517, 47, 11	dig.....	342, 38, 9	hat.....	242, 22, 11
bed.....	324, 27, 12	dog.....	1900, 95, 20	head.....	1292, 76, 17
believe.....	225, 25, 9	dollar.....	588, 42, 14	hear.....	871, 67, 13
better.....	429, 33, 13	dream.....	2592, 144, 18	heart.....	1820, 91, 20
big.....	1717, 101, 17	drink.....	364, 52, 7	heaven.....	306, 34, 9
bird.....	490, 35, 14	drive.....	243, 27, 9	hell.....	770, 55, 14
black.....	1245, 83, 15			her.....	3840, 192, 20
blind.....	744, 62, 12	end.....	384, 32, 12	here.....	3660, 183, 20
blood.....	462, 33, 14	ever.....	644, 46, 14	high.....	420, 35, 12
blow.....	210, 42, 5	every.....	1540, 77, 20	hill.....	204, 34, 6
blue.....	1558, 82, 19	everyone.....	429, 33, 13	hold.....	1095, 73, 15
bone.....	576, 48, 12	everything ...	516, 43, 12	hole.....	400, 40, 10
bottle.....	253, 23, 11	eye.....	1800, 100, 18	home.....	2664, 148, 18
boy.....	1022, 73, 14			house.....	806, 62, 13
break.....	1185, 79, 15	face.....	848, 53, 16		
bring.....	484, 44, 11	fall.....	858, 66, 13	ice.....	288, 24, 12
bullet.....	272, 34, 8	far.....	264, 24, 11	inside.....	372, 31, 12
burn.....	308, 28, 11	feel.....	602, 43, 14		
business.....	315, 35, 9	fell.....	204, 17, 12	jack.....	243, 27, 9
buy.....	300, 30, 10	fill.....	210, 21, 10	Jesus.....	403, 31, 13
bye.....	245, 35, 7	find.....	1120, 56, 20	joe.....	280, 35, 8
		fire.....	600, 40, 15		
call.....	702, 54, 13	foot.....	252, 21, 12	keep.....	1424, 89, 16
car.....	528, 44, 12	found.....	645, 43, 15	kid.....	270, 30, 9
care.....	216, 24, 9	full.....	880, 55, 16	kill.....	240, 24, 10
catch.....	310, 31, 10			kind.....	550, 55, 10
change.....	390, 39, 10	girl.....	915, 61, 15	kiss.....	672, 48, 14
close.....	363, 33, 11	give.....	732, 61, 12		
cold.....	1722, 123, 14	glass.....	252, 21, 12	last.....	768, 48, 16
come.....	3610, 190, 19	god.....	880, 80, 11	late.....	420, 35, 12
coming.....	616, 44, 14	gold.....	225, 25, 9	leave.....	2988, 166, 18
could.....	510, 34, 15	gonna.....	2196, 122, 18	let.....	1674, 93, 18

Appendix 1. Alphabetical Insistency List. (Cont.)

life..... 490, 35, 14	over 1900, 100, 19	star 330, 30, 11
light 990, 66, 15	own..... 360, 30, 12	start 407, 37, 11
little 2394, 126, 39	pay..... 341, 31, 11	stay 885, 59, 15
line..... 504, 36, 14	place..... 644, 46, 14	stick 240, 24, 10
listen 253, 23, 11	play..... 550, 55, 10	still..... 532, 38, 14
live 885, 59, 15	please 220, 22, 10	stone..... 306, 34, 9
lonely/alone 294, 42, 7	pull..... 552, 46, 12	stop..... 616, 56, 11
long..... 1280, 80, 16	rain 2432, 128, 19	stranger 320, 32, 10
look..... 1485, 99, 15	red 1496, 88, 17	street..... 1185, 79, 15
lose 1575, 105, 15	remember... 396, 36, 11	strip 230, 46, 5
lost..... 840, 56, 15	ride 693, 63, 11	sun..... 555, 37, 15
love..... 4220, 211, 20	right 1989, 117, 17	sweet..... 260, 26, 10
make..... 2538, 141, 18	ring 588, 42, 14	take..... 3667, 193, 19
man 3380, 169, 20	river 280, 28, 10	talk..... 396, 33, 12
mean 234, 26, 9	road 1615, 95, 17	tear 423, 47, 9
meet 310, 31, 10	roll 616, 44, 14	tell 2413, 127, 19
mind 253, 23, 11	rose..... 570, 57, 10	think 854, 61, 14
miss 210, 21, 10	run 374, 34, 11	thought..... 210, 21, 10
money 602, 43, 14	same 520, 52, 10	throw 370, 37, 10
moon 1962, 109, 18	Saturday 260, 26, 10	time 3700, 185, 20
more 1425, 75, 19	say 4392, 244, 18	tomorrow 238, 34, 7
morning..... 923, 71, 13	sea 315, 35, 9	tonight 1027, 79, 13
much..... 250, 25, 10	see 3162, 186, 17	too 765, 45, 17
must 448, 32, 14	shake 230, 46, 5	top 516, 43, 12
nail..... 230, 23, 10	shine..... 390, 26, 15	town 1380, 69, 20
name 1008, 56, 18	shoe..... 360, 40, 9	train 1680, 105, 16
need 560, 40, 14	shot 290, 29, 10	tree 756, 54, 14
new..... 848, 53, 16	should..... 299, 23, 13	trouble..... 200, 25, 8
night 4180, 209, 20	show 377, 29, 13	true..... 576, 48, 12
no 4280, 214, 20	side 507, 39, 13	try 440, 40, 11
nobody 611, 47, 13	sign 243, 27, 9	turn..... 938, 67, 14
nothing 1600, 80, 20	sin 252, 42, 6	two 434, 31, 14
now..... 3720, 186, 20	sing 516, 43, 12	until/till..... 1280, 16, 80
off 2280, 114, 20	sky 1122, 66, 17	us..... 200, 20, 10
old 3287, 173, 19	sleep 928, 58, 16	wait..... 504, 42, 12
once..... 270, 27, 10	small 230, 23, 10	walk 590, 59, 10
one 3024, 168, 18	smoke 242, 22, 11	want 3971, 209, 19
only..... 2299, 121, 19	some..... 1360, 80, 17	watch..... 440, 40, 11
open 312, 26, 12	someone..... 969, 57, 17	water 481, 37, 13
other..... 286, 26, 11	song..... 286, 22, 13	way 2376, 132, 18
outside..... 210, 21, 10	stand..... 516, 43, 12	wear 576, 48, 12

Appendix 1. Alphabetical Insistency List. (Cont.)

while..... 286, 26, 11
whole..... 364, 28, 13
wild..... 230, 23, 10
will 4320, 216, 20
win..... 294, 42, 7
wind..... 1056, 66, 16
window..... 520, 40, 13
wing..... 209, 19, 11
wish 602, 43, 14
without..... 528, 33, 16
woman..... 312, 39, 8
world 1890, 126, 15
would..... 435, 29, 15
wrong 209, 19, 11

yellow 360, 30, 12
young..... 279, 31, 9

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Zhang, Yuanyuan, Travis L. Dixon, and Kate Conrad. "Female Body Image as a Function of Themes in Rap Music Videos: A Content Analysis." *Sex Roles* 62, no. 11-12 (2010): 787-797.

PAUL LINDEN carries twenty years of experience in various sectors of the recording industry. His professional resume includes credits as a performer, songwriter/publisher, agent, and manager for U.S.-based Blues groups in Western Europe. Dr. Linden holds a Ph.D. in Literature from Emory University (2003) and a Masters in Mass Communication from the University of Southern Mississippi (2013). His research interests include interdisciplinary and theoretical approaches to music industry studies. A selection of recent publications includes “Coping with Narcissism: Causes, Effects, and Solutions for the Artist Manager,” “Race, Hegemony, and the Birth of Rock & Roll,” “Malcolm Chisholm: An Evaluation of Traditional Audio Engineering” and “Alain de Roucy et la Voix Anonyme de la *Chanson de la Croisade Albigeoise*.” Dr. Linden’s research has been cited in the recent authoritative history of Fender amplifiers, *The Soul of Tone: 60 Years of Fender Amps* (Hal Leonard 2007) and *Vintage Guitar Magazine*. He is also a regular contributor to magazines like the *Tone Quest Report* and the French-based magazine, *Blues & Co*.



Reviews

Thomas R. Leavens. *Music Law for the General Practitioner*. Chicago: American Bar Association, 2013. <http://shop.americanbar.org/ebus/store.aspx>.

Music Law for the General Practitioner was written as a primer to music industry issues faced by general practitioner lawyers (important point: not music industry educators). It is marketed as providing "...lawyers with comprehensive information on the business and legal topics that are likely to be encountered when representing a musical talent, producer, or consumer." However, for music industry educators, the utility of the volume is in two primary places: 1) its confrontation of the impact of digital technology on the industry, and 2) its user-friendly coverage of multiple topics not typically found in music business works, namely tax, estate planning, and music industry issues encountered by non-industry people.

Weighing in at just under 250 pages, Leavens' text is co-authored and edited by Heather Liberman. When the book was written, Leavens and Liberman were partner and associate, respectively, at the entertainment law firm of Leavens, Strand and Glover, though Liberman has since moved on to become General Counsel of South by Southwest. As a gating matter, it is readily apparent that Leavens and Liberman have music industry credibility sufficient to lend credence to the book. For example, in addition to his current private entertainment law practice, Mr. Leavens has taught the Entertainment Law and Music Law courses for many years at Northwestern University School of Law and has also served as inside general counsel for a publicly traded record company, a digital music company, and a media production company. Liberman also has teaching experience, having taught Entertainment Law at DePaul University School of Law.

Since *Music Law for the General Practitioner* was written for a primary audience other than music industry educators, it is not a perfect fit for music industry educators' (or students') use. Nonetheless, if used appropriately, it could provide significant value as a useful tool in our arena (i.e., music industry education) as well.

Overview and Synopsis

The first chapter, a philosophical introduction, contains a list of the fundamental elements of music (e.g., rhythm, timbre, loudness) originally authored by celebrated cognitive psychologist, musician, and record producer, Daniel Levitin.

Chapter two is a great overview of why there is economic value in music. It is first divided into the major rights important to music industry revenue (e.g., copyright, trademark). Within each of those major categories, the topics are further parsed. For example, within copyright there are separated topics on work for hire, fair use, etc. The chapter concludes with other topics relevant to economic value, such as contracts and moral rights.

The book's third chapter is a good overview of publishing. While comprehensive, it conveys nothing one wouldn't learn from many other books on this popular topic.

Chapter four is "How Bands Are Organized and Financed, and Planning for the Eventual Breakup." Other books focused on the industry dedicate some space to this topic, but *Music Law for the General Practitioner* devotes extra time here, with discussion of financing (an important topic missing from some other books). Refreshingly, it also takes into account that most bands end—and often acrimoniously so. As a result, this book's focus on how to plan for exit strategies is a welcome point of emphasis.

In chapter five, we move into sound recordings. This chapter, also covering a topic on which entire books have been written, is the book's longest at thirty-eight pages. The information in this chapter, like the information in the chapter on music publishing, would be familiar to the typical music industry educator, but probably new to the typical music industry student. In a length suitable for college-level homework, it conveys the basics of the record industry in an understandable manner.

From record companies the book segues to personal representatives. Here, *Music Law for the General Practitioner* is somewhat unique as it groups three major types of personal representatives—agents, personal managers, and business managers—into a single discussion. This presentation could be helpful to a reader's understanding of how personal representatives are the same and how they differ as well as how they work with one another. Interestingly, this chapter does not discuss lawyers, leaving them to their own chapter.

Chapter seven addresses personal appearances, from street performances to stadiums. The majority of the chapter's twelve pages deals with the latter (performances in public venues) before concluding with a discussion of money flow and ticketing.

Distribution has also received a lot of attention elsewhere. The eighteen-page chapter here is concise, well-written, and a good overview. It speaks to distribution of both physical product and digital with each broken down into several sub-topics.

One very interesting chapter, which readers are not likely to find in a user-friendly style elsewhere, is "Tax Considerations for the Musician." This chapter provides new information, even for typical educators in the music business field. It addresses topics from ordinary income versus capital gains, to deductions, exemptions, and even a brief overview of taxation relating to the type of business entity chosen.

Like the tax chapter, "The Musician's Estate" contains a fair amount of information that might be new to both educator and student. The chapter's opening question, "What comprises a musician's estate?" is one the answer to which many people would not know. The chapter also speaks to inventory, valuation, and income generation.

"Music and the General Business Client" is another unique chapter, addressing music industry issues encountered by non-music industry folks. It could be particularly useful to music industry educators because of the fair number of students who ultimately will only tangentially touch the industry. For example, a student who wants to open a club, a coffee shop, or even a hair salon, could benefit from this chapter's discussion of music at the work site. The chapter covers other topics in the same useful vein, such as advertising, sponsorships, and jukeboxes.

Chapter twelve is designed to give practicing lawyers advice on dealing with music industry clients. However, when one turns the chapter on its head, it's just as useful for the music industry educator or student, because it speaks to the relationship between lawyer and client. Seeing the lawyer's perspective is as useful for the would-be client as is seeing the client's perspective for the would-be lawyer.

Strengths, Weaknesses, and Impact on the Field

Music Law for the General Practitioner is well-written and contains a good deal of useful information about the music industry within a manageable space. That aspect of the book is a positive for music industry edu-

cators. The content is good, and the book is written at an appropriate level for the average collegiate music industry student. Moreover, its twelve chapters is a suitable segmentation for a textbook used in a fifteen-week college course. That the book is organized this way means it would nearly write its own syllabus when used as a textbook.

Another “pro” for *Music Law* is that it provides unique information not found in usable form elsewhere (i.e., that relating to taxes, estates, and how music affects non-music industry businesses). For the music industry educator, these chapters are a great way of rounding out knowledge on topics that don’t often arise in the typical music industry discussion.

The book’s primary potential weakness relates to the fact that its intended audience is not music industry educators, but rather, general practitioner lawyers. Thus, one might conclude that, for music industry educators, it is not a good resource or teaching tool. A more in-depth review of the book’s contents, though, belies that would-be conclusion. Indeed, one positive in this area is that other books (e.g., *This Business of Music*) are typically geared towards musicians, while this book provides a refreshing change of perspective. A second “con” is that a few important topics (such as touring and unions), as well as example form documents, are missing.

Finally, one reviewer on Amazon contends that the book’s price (US\$79.95 list price and \$56 on Amazon at the time of this writing) is high for this particular type and level of music industry content. Compared to other music industry books, this might be so (e.g., *This Business of Music* and *All You Need to Know About the Music Business*, respectively, are currently priced at \$21 and \$23 on Amazon). However, *Music Law* is priced competitively as compared to other textbooks, e.g., the Baskerville book *Music Business Handbook and Career Guide*, which sells for \$77 on Amazon. Make your own decision on this point.

Joe Bogdan

Kevin Lyman (Producer). *The New Music Biz: Bands, Brands, Managers, & Tours* (Video Series). Seattle & San Francisco: CreativeLive. www.creativelive.com.

Vans Warped Tour is the largest and longest running touring music festival in the United States. Its founder and proprietor is Kevin Lyman, a

live event veteran who started his career throwing college parties. Warped counted 2016 as its twenty-second year and shows no signs of slowing.

The Entertainment Institute (“TEI”), also founded by Mr. Lyman, is a music education platform that provides access to musicians and professionals through customized workshops, both online and in person. “Gurus” from all facets of the music industry present unique educational experiences by sharing their knowledge and experiences with fans. Through an online delivery partnership with CreativeLive, TEI offers *The New Music Biz: Bands, Brands, Managers, & Tours*, a series of thirteen videos, priced at US\$39.00 for the entire set, that have captured some of those live presentations.

Nine of the videos in the series feature conversations with Kevin Lyman, presented as informal interviews by Warped Tour Accountant and TEI co-founder, Jen Kellogg. Each Lyman-centric video is captured in front of a live studio audience. The other four videos are also styled as interviews, but with industry players other than Lyman, and they have no studio audience. They appear to be conducted back stage on the Warped Tour.

Kevin Lyman-Centric Videos

In the first two videos of the series that feature Mr. Lyman—*How an Idea Becomes a Show*, Parts one and two (running times: 31:31 and 33:59, respectively)—the groundwork is laid for a discussion of touring and festivals, primarily through identifying the people involved in making a tour possible as well as what each person is responsible for. They then segue into decisions concerning timing and revenue and the importance of traditional marketing versus social media.

Day of Show and Q&A (running time: 20:26) appears to be, in reality, the conclusion of the presentation begun in the first two videos. In other words, it appears as though the producer conducted an initial, ninety-minute session then cut it into three separate videos to begin the series. In this third video, Mr. Lyman discusses a typical Warped Tour show-day schedule as well as the different jobs involved in load-in and set-up on show day. He then takes questions from a studio audience, his answers to which include discussions of logistics such as security and health care.

In *The Old and New Music Landscape* (running time: 39:19), the topic is ways that music has changed substantively in the last several years, as well as the current curation process for a tour like Warped versus past methodologies.

The video named *Develop a Good Career Fit For You* (running time: 10:55) is intended to provide advice on ascertaining whether touring is the right life decision for the viewer, taking into account travel, stress, family, and physical activity as factors.

Another Lyman-centric video in the series is *Kevin Lyman's Career Story* (running time: 24:33). In this segment, Mr. Lyman walks the viewer through his career journey and the various crossroads he has faced along the way.

The *Recording and Distribution* video (running time: 10:21) includes a discussion of the people and logistics involved in creating and distributing recorded music. The real focus here, though, is on tactics that can be used to achieve efficiency in management of studio time and otherwise save money in the studio.

In *Being an Entrepreneur* (running time: 30:10), Mr. Lyman gives his advice on entrepreneurship, which includes success and failure anecdotes and lessons learned. The video concludes with the importance, according to Mr. Lyman, of the mindset that entrepreneurs need in order to succeed.

The title of the final video in the series styled as an interview with Kevin Lyman, is a play on a popular *Spinal Tap*-ism. It is *11 Ways to Turn Your Career up to 11* (running time: 31:58). In this video, Mr. Lyman advises the viewer on improving the chances of success in the music industry job search process through, for example, personal presentation skills and time management.

Other Videos

Four videos in the series feature interviews with people other than Kevin Lyman. In the video entitled *Damon Atkinson Interview* (running time: 17:58), drummer come tour manager Damon Atkinson discusses his transition from performer to operations personnel. In *Jake Round Interview* (running time: 43:54), the series gets the perspective of the founder of record label Pure Noise Records. Here, the primary topics are the importance of packaging of artistic material and sales-number maximization. The *Andy Biersack Interview* (running time: 45:16) brings an artist perspective. Mr. Biersack is the founder and lead vocalist for the American rock band Black Veil Brides. He discusses strategies for addressing the daunting task of marketing a band, and identifies a variety of income sources for musicians. Mike Kaminsky is a personal manager in the music industry and considers Kevin Lyman his mentor. In *Mike Kaminsky*

Interview (running time: 24:26), he reveals his tactics for discovering and marketing bands.

It is readily apparent, from the running times listed above, that the four interviews of people other than Kevin Lyman average far longer than the other videos in the series. This seems the product of less scripting and preparation for these videos versus Lyman's.

Analysis and Discussion

The video series is marketed to millennials as an introduction to the many options—both on stage and off—for building a career in the modern music industry. Central to its value, says the series' marketing material, is advice on building and maintaining a professional brand, opening doors, connecting with the right people, and expanding opportunities in a constantly changing environment.

Despite the fact that music industry educators are not the intended audience for *The New Music Biz*, it *does* offer multiple potential benefits to us. First, for any music industry educator concentrated in one area (e.g., the recording industry) who wants a refresher in another area (e.g., touring), there is value here in the relatively painless conveyance of a significant amount of current, useful information and insight. Second, and more importantly, the videos are a potentially useful tool to help address potential student disinterest and/or attention span issues. Currently students are likely to at least know of, if not be passionate about, Vans Warped Tour, so having the ability to use a video depicting Warped's Kevin Lyman is likely to hold students' interest and help spur in-class discussion.

On the negative side for music industry educators, perhaps *The New Music Biz* tries to cover too much ground in too short a time. Recording, touring, marketing...for the artist, the manager, the road manager, etc., all in a series of thirteen short-form videos. It might be too much, and too scattered, to be useful in any one field of interest and/or for any one class a music industry educator teaches. On the other hand, depending on a given institution's curriculum, the videos may address, to varying degrees, the content of a wide array of commonly offered courses covering topics like entrepreneurship, leadership, or introductory management or arts administration. Also somewhat to the negative for *The New Music Biz* videos is their twenty-eight-minute average length (topping out at more than forty-five minutes). Given the average length, it may well be the case that many are simply too long for in-class use (though they might be suitable for homework).

Finally, while it is clear from the videos that most were outlined prior to rolling tape, because they proceed as interviews they sometimes are disjointed and veer off topic. Fans of festivals in general, or Warped in particular, might enjoy the free-form exploration that the interview format offers, but the occurrence of that phenomenon could make the videos less useful, again, for the setting of any particular music educator's field of interest or classroom presentation.

Tactics one might use to make the video segments more usable in an educational setting might include assigning them as homework (rather than playing them in class), identifying particular segments (rather than letting large segments play from the start to end), and setting up the rationale for a given chosen segment, to focus the student on analytical thinking during viewing.

In the end, assuming the thirty-nine dollar price tag is not itself a hurdle for the music industry educator, the low barrier to entry presented by the minimal time required to watch one or two videos in order to make a decision as to whether to proceed further is enough to make taking a look, at the very least, a low risk proposition.

Joe Bogdan



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Edward Ray (with Barbara Hall). *Against All Odds: The Remarkable Life Story of Eddie Ray, A Pioneer Music Man*. North Charleston, South Carolina: CreateSpace Independent Publishing Platform, 2012.

Imagine a sixty-year career in the music business—a career that starts as a warehouse worker and ends with a federal appointment by the President of the United States. Imagine working at Decca, Aladdin, Imperial, Hi, Capitol, MGM, and Sounds of Memphis record labels, as well as working with such artists as Ricky Nelson, Fats Domino, Slim Whitman, David Bartholomew, Flip Wilson, Solomon Burke, Al Green, Lou Rawls, Rufus Thomas, Mike Curb, Pink Floyd, The Osmonds, Sammy Davis Jr,—just to name a few.

This was the career of record man Eddie Ray.

Over his career he worked his way up from the warehouse to become a buyer, distributor, producer, publisher, songwriter, A&R director, TV producer, record executive, promotor, educator, and federal employee. The attainment of each position was not only a personal accomplishment, but a triumph for a talented individual who happened to be African American, and he challenged stereotypes with every career move.

Against All Odds: The Remarkable Life Story of Eddie Ray, A Pioneer Music Man is Ray's autobiography. Co-author Barbara Hall helps Ray tell his story about breaking into the music business and climbing the ladder of success, as well as coping with his personal life while being involved with the music industry.

For a young African American teen coming of age in the 1940s in Franklin, North Carolina, the entertainment industry was not a typical choice of vocation. Blessed with parents who valued education and hard work, Ray was very capable of pursuing bigger ambitions than those available around Franklin. Upon graduating from high school, he weighed his options and moved to Milwaukee, Wisconsin on a whim. As fate would have it, he secured a job at the local Decca distributor. Realizing Milwaukee winters were colder than what he was used to, he moved to Los Angeles, sight unseen. He soon found a job with familiar surroundings at Aladdin Records. There he would begin his apprenticeship with the owners, brothers Leo and Eddie Mesner. Ray's trajectory was set.

Given the historical context of Ray's career he undoubtedly received disrespect and mistreatment because of his race. One might expect to read

lengthy passages about such episodes. Instead, Ray focuses on his successes and other positive events in his life. Ray only mentions a few race-related episodes and his most detailed account deserves quoting:

“The year was 1953...I had no time or patience for the foolishness of racism. Of course it was and still is a fact of life for people of color, especially African Americans, so my experiences through the years of being deliberately overlooked, flat out denied, or openly ridiculed were in no way unique. I will say that because African American artists were becoming more visible in the music business in the 1950s, I felt I’d at least stand a chance of moving through the ranks of the industry. So I made it a point, actually a personal mission, to break through as many racial barriers as possible.”

And so it was. Ray broke through many racial barriers to become the first of his race to hold significant positions in the music industry.

Baby boomers or others who appreciate pop music history will be drawn to Ray’s career. His book is a good read to learn about a bygone musical era from somebody who was not only present, but helped shape it. His experiences provide much insight into the roles of small and large independent labels and distributors post World War II.

Those interested in similar positions as held by Mr. Ray might appreciate him sharing the “secrets” to his success. These include the ability to recognize talent early on in others, and an innate sense of timing. Asking for more work was another career strategy that endeared him to his supervisors and propelled him into management roles rather quickly. He also offers personal advice that helped him, and might help others. These include striving to find a stable foundation, a wholesome social outlet, and a way to help others.

For the benefit of music educators, one highlight of the book was Mr. Ray’s telling of the vocational commercial music school he founded in Memphis. It was the first of its kind, and according to his telling, helped lay the foundation for the University of Memphis’ industry-related programs. It is also impressive to note that while he was in Memphis—at nearly fifty years old—he decided to finish his college degree.

Ray's career culminates like a Hollywood story. It's as if his early career had prepared him for and propelled him toward his last major position. The small town of Franklin, North Carolina, approximately 1,500 population during his teen years, was about to have one of its own work for the President of the United States! Through his association with Mike Curb—then into politics—Ray's name was forwarded to President Reagan for federal appointment and Ray was subsequently installed as Commissioner of the Copyright Royalty Tribunal. He went on to hold the position for eight years.

Several years later, his protégé, Mike Curb, presented Ray with another opportunity: that of Vice Chairman and Operations Director for the North Carolina Music Hall of Fame located in Kannapolis. Ray was duly inducted in 2009. The North Carolina native had gone full circle. He was back where he started, though with a lifetime of experiences to share.

I had the privilege of meeting Mr. Ray and we enjoyed a lively and informative conversation. He was cordial, witty, well versed about music, and seemed to genuinely enjoy people. His book is an extension of his personality—upbeat and focused on the positive.

Mark Crawford

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Freed-Hardeman University. His musical experiences include writing and co-producing five independent music projects, performing at Opryland, and Fiesta, Texas theme parks, three appearances on TNN's *You Can Be A Star*, three-time first place winner for the West Tennessee Songwriters' Association songwriting contest, past member of the Nashville Community Orchestra, the Jackson, Tennessee Community Band, and the Jackson Community Jazz Band, road work and vendor support for various artists, multiple "garage" bands, numerous demos, story line and music composer for a children's musical, director of the Chester County Community Band, interim band director for Nashville Christian School, and guest conductor.

Barry Mazor. *Ralph Peer and the Making of Popular Roots Music*. Chicago: Chicago Review Press, 2015. www.chicagoreview-press.com.

Ralph Peer's legacy as a legendary figure in the early music industry who also markedly influenced the development of modern music itself is beyond question. His contribution to the development of the growth of music publishing and the development and promulgation of Latin music and what would come to be known as Country and Western, along with other genres, cannot be underestimated. Barry Mazor's documentation of Mr. Peer's accomplishments offers keen insight into how it all happened and what they mean to us today. The quality of this examination makes it quite useful as a text relating to key developments in the history of both popular music and the era within which it developed.

From the time young Ralph Peer seemingly fell into employment as a phonograph salesman through the years he thrived as a music publisher, he seemed to have a fortunate combination of business acumen and the ability to identify high quality music outside the mainstream. As an A&R

representative, his recognition of the potential of so-called “hillbilly” music, for example, led him to a fortuitous series of recording sessions in Bristol, Tennessee, which sparked the careers of the Carter Family and Jimmie Rodgers. He and his famed publishing company, Southern Music, were integral to the earliest growth in popularity of music from South America and Mexico in the United States and beyond. Southern Music eventually transformed into what we know today as Peermusic, the largest independent music publisher in the world.

Peer had a keen sense of awareness, a dedication to entrepreneurship, a focused work ethic, and he was a good leader. When he and his wife purchased a mansion in Hollywood, it is telling that the purchase was one of the rare times that he put money into something other than his business. It’s clear from the stories related by his associates and former employees that he was very supportive of them; he was respected a great deal by those who conducted the day-to-day work in his businesses. It’s also fairly evident that he was a shrewd and effective negotiator. When negotiating his pay with Victor Records, for example, he demanded, and received, a royalty on the sales of each record side he worked, which proved extremely lucrative.

With this text, Mazor strikes an almost perfect balance between biography and history. We learn enough about Ralph Peer the person to understand his general ambitions and motivations both privately and as a businessman. Additionally, the music industry within which he operated in his time is well explained. The detail with which his involvement in key industry developments is outlined (the establishment of BMI, for example) also enhances this effective combination. We are indeed offered several glimpses into Mr. Peer’s “human” side. For example, he amassed an incredible collection of camellias during his world travels. He was absolutely an interesting person, a renaissance man, to be sure. But for the most part, this is a story that sticks to the point of how he conducted business while also remaining dedicated to bringing high quality music to new audiences for the sake of the art itself, though it was also apparently quite lucrative for him.

It’s not that this book (also available as a creatively enhanced e-book with music samples included) is useless to a contemporary understanding of the music economy and the external forces that can sometimes affect it. For example, Mazor draws subtle parallels to more current challenges when describing the industry’s shifting reliance on song placements and

live performance income when revenues from recordings dried up during World War II when the shellac to manufacture records was in short supply. Even in the 1930s, independent music companies found it difficult to compete or to even be recognized by larger conglomerates that controlled the mass market, yet their nimbleness allowed them to break ground more easily. And in the early 40s members of the AFM took issue with their reduced income as a result of a new technology: jukeboxes. It would seem that some of the challenges encountered by the industry today have some similarity to those of yesterday, albeit with assumedly less at stake in those earlier times.

There are also general principles to be drawn from Ralph Peer's experiences. His success in A&R, for example, appears to be at least partially attributed to his openness and curiosity for diverse cultures and backgrounds. Though he and his company were the chief engineers of the integration of music from Mexico into the American songbook, he could not speak Spanish fluently. He was quite open-minded when identifying the market potential for the songs and artists he encountered, wherever they might be, and regardless of background. It is also apparent that healthy and well-maintained business relationships opened many doors, serving him well in his endeavors. His relationship with Roy and Walt Disney, for example, resulted in business partnerships that yielded films featuring music from Southern's catalog, particularly its Latin American music. Peer's relationships with his artists were apparently quite genuine and consistent with his reputation, which, according to the book, was a major reason for bluegrass legend Bill Monroe's signing with Southern.

It is clear that Mr. Mazor's research was exhaustive. A great deal of references, including diaries, letters, and interviews, are included. And where there was no available source to corroborate or support, it is noted. Terminology and concepts that might seem foreign to some readers are clearly explained. The many photos included in the book provide a helpful visual context. Additionally, Mr. Mazor appears to be quite astute when it comes to the creation of music and the fundamentals of composition, which is an asset to the book. On the other hand, it seems as if our main character, Mr. Peer himself, didn't leave much source material. There are a lot of second- and third-hand accounts and conflicting descriptions of what happened in certain instances, where there's no description of his assessment of what really happened. For example, for some recording sessions there are conflicting accounts as to whether Peer was actually in or near

the studio at the time. It is perhaps telling and ironic that both A.P. and Sara Carter shared recollections of Peer advising them not to share much about their personal lives because “it wasn’t good for business.” Maybe that explains this void of information.

Though there is much presented in the book, even more might not be a bad thing. If the book falls short in any way, it is simply that it could be longer. There are times when a reader might be left wanting more. For example, Mr. Peer worked with or came into contact with a great many artists, even managing some along the way. While we learn much about the Carter Family, Jimmie Rodgers, and several others, there are some artists for which a reader may want to know more in terms of how they were found or discovered, and what precise role Peer played in advancing their careers.

While this is certainly a story of progress and success, it has its share of tragedies and missed opportunities. The sad fate of Jimmie Rodgers, the divorce of Sara and A.P. Carter and what might have been had they been more willing to work together in later years, and the bad timing of World War II and the international opportunities thusly missed, are among the setbacks Ralph Peer had to address along the way.

There have been quite a few visionaries who advanced the business of music and the careers of artists throughout history. There could be some debate as to just how influential Ralph Peer has been, but it is clear just from the mentions of songs and artists he chose to work with that he was connected in at least some way to so much popular music of his time. Classics such as *Georgia On My Mind*, *You Are My Sunshine*, *Bésame Mucho*, *Keep On the Sunny Side*, *Blue Yodel No. 9*, and *Deep in the Heart of Texas* were affected in some way by Peer and/or his company. To various extents he advanced the careers of Fats Waller, Hoagy Carmichael, Buddy Holly, and Mamie Smith, among many others. He had at least some part in the advancement of several genres of music, including Folk, Country, Latin, Bluegrass, and Blues. Useful as an academic textbook or as leisure reading for the hobbyist, *Ralph Peer and the Making of Popular Roots Music* is excellent source material for a fan, a scholar of roots music, a musicologist, a researcher of music business history, or any combination thereof.

Storm Gloor

STORM GLOOR is an associate professor in the Music and Entertainment Industry Studies department of the College of Arts and Media at the University of Colorado Denver. He teaches courses in music marketing, the future of the music business, and is the faculty advisor for the College's internships. He has also managed the award-winning student-run record label, CAM Records. In 2010 he was the recipient of the College's Excellence in Teaching award and is currently a Faculty Fellow in the Center for Faculty Development.



Professor Gloor worked in the music industry for fourteen years and holds an MBA degree with a Marketing concentration. He is currently vice president of the Music and Entertainment Industry Educators Association (MEIEA) and a member of the Denver Music Task Force. He has presented at numerous events and programs, including SXSW.edu, the Future of Music Summit, South By Southwest, the Underground Music Showcase, the Denver Music Summit, and an Ed-Media world conference.

Mitch Weiss and Perri Gaffney. *The Business of Broadway: An Insider's Guide to Working, Producing, and Investing in the World's Greatest Theatre Community.* New York: Allworth Press, 2015. www.allworth.com.

Amid the hundreds of books discussing the rapidly-expanding, ever-changing music business, the latest book from co-authors Mitch Weiss and Perri Gaffney delves into one of the most lucrative yet often overlooked segments of the entertainment industry: Broadway. The twelve billion dollar-per-year business of Broadway is centered in a few streets in New York City, but it reaches all the way around the world. The authors' years of hands-on experience in this specialized area of the live entertainment business give this book an in-depth yet easily-understood perspective, which

makes it a great option for music industry and entertainment management professors seeking to enhance their curricula through a more thorough look at one of the most important aspects of the entertainment industry.

Broadway is for many people the exemplar of the word “showbiz;” however, most people do not think about the multitude of things that go into producing a single \$13 million Broadway production. The majority of consumers experiencing a live performance suspend their disbelief and allow themselves to be taken in by the world that is created onstage. To take a peek behind the scenes could dull the magic of a beloved musical or lessen the impact of a powerful drama. Thus, Weiss and Gaffney’s book is oriented more toward those individuals who wish to understand Broadway from a business perspective. The authors speak largely from a producer’s standpoint, but there are portions of the book that offer meaningful insights into all stages of a production. Because of this, the book is a useful tool for the college classroom, especially in a course teaching various aspects of this booming industry. The text explores the industry from several standpoints, including that of an investor, producer, actor, musician, costumer, stagehand, and carpenter.

The book is structured logically with six overarching parts, each encompassing a number of chapters that provide a deeper look into the topic under discussion, making it practical as a textbook to be used in a university course. Part One is a broad introductory section that discusses Broadway, the jobs, the people in control, and the Unions. The Jobs chapter is broken into brief overviews of each job as it falls into a category such as creative jobs, supervisory jobs, production and backstage jobs, or outside consultants and related jobs. The authors also break down a very complex union structure and explain each of the eighteen unions as they relate to the various players involved in each and every production.

Part Two begins to look more closely at what it takes to fill seats. The authors naturally discuss various aspects of marketing, press, promotion, and advertising. However, they go on to cover topics that are unique to Broadway and explain just how these particular events and products are extremely important to the success of individual productions, as well as the entire business of Broadway. Examples from this section include opening nights with their audiences of A-Listers and all-night after-parties, the Tony Awards, cast recordings, and merchandise. The Macy’s Thanksgiving Day Parade, which, despite the often brutal November temperatures in New York City, even boasts scaled down performances of many produc-

tions prior to the commencement of the parade. Each of these Broadway-specific events provide opportunities to leverage marketing opportunities that are not always available to other large-scale entertainment sectors; thus, they require a unique skill set and an ability to think creatively so that these events can be used to bolster a production's success. There is also the matter of critics and pivoting the opinions of critics into positive, attention-grabbing, seat-filling headlines even if the show is not necessarily well-received. The unique and inexplicable relationship of Broadway and *The New York Times* is also covered, and while the authors are unable to give detailed insight into why *The Times* wields such influence over Broadway, it is an interesting diversion and a breath of fresh air in a book that is based in practicality and pragmatism.

Throughout the book, key points are illustrated with examples from well-known productions, which serves to ground many of these seemingly conceptual topics in reality while also giving the readers a point of reference to which they can relate. Part Three, which talks about "Big Surprises" does this particularly well when discussing producing, investing, unique financials, and other surprises both good and bad. An example of this is the 1983 production of *A Chorus Line*, which is known as *ACL #3389*. This particular production marked *A Chorus Line* as Broadway's then longest running show with its 3,389th performance, and to celebrate that fact, every performer who had ever been in the show around the world was extended an invitation to come to Broadway and be a part of this historic performance. In total, 450 participated, and the cost of this one performance was estimated at over \$500,000 (in 1983 dollars), and the crew even had to build additional supports under the stage to support the weight of 450 performers. An incredible feat and a wonderful surprise for all in attendance, this one performance is credited with giving the musical so much publicity that it was able to run successfully for another seven years.

Part Four is perhaps the most practical portion of the book, broken into eleven chapters, each of which outlines what various members of a production "want you to know." The authors take time in each chapter to explain some of the most important functions, considerations, and behind-the-scenes action that takes place for any given production from the box office workers and the ushers to the playwrights and the press agents. This is where the authors really take a deep-dive into the daily work of every person who holds a position on Broadway and how each of them contributes to a show's success night after night.

No discussion of the business of Broadway would be complete without covering the budgets, and Part Five presents a set of financial statements for a fictional musical as a way to illustrate the cost and revenue structure of a typical Broadway production. For an instructional overview of the business of Broadway, these financial statements are an invaluable teaching tool, providing more context and clarity to many of the topics covered in the book.

Part Five is largely comprised of a detailed production budget and weekly operating budget for a fictional production, and it includes every line item that would be seen in the financial statements of an actual production. This includes the various categories that fall under physical production, creative fees, production fees, advertising/publicity, production salaries, rehearsals, cast, and general and administrative expenses. Seeing these balance sheets in black and white drives home the fact that Broadway operates entirely at a loss until opening night, and only then does a production begin to recover its expenditures and hopefully, if the show is successful, eventually turn a profit.

The detailed look into the financial side of Broadway productions is especially valuable, considering that the majority of available literature on the topic only makes short reference to a vitally important but often overlooked subject. Other commonly used music business books that discuss Broadway, such as *This Business of Music* (Krasilovsky, Shemel, and Gross) published in 2007, typically devote only one chapter or a portion thereof to this crucial topic and do not delve deeper than a general overview of financial matters. Weiss and Gaffney, however, know the significance of a production's finances, and they provide a much-needed update to the available literature on the business of Broadway. The level of depth and the fictional financial statements help to convey the weightiness of this topic without being overbearing, and their inclusion makes this section very teachable and extremely practical.

The final portion of the book is a collection of thoughts, advice, and remembrances from a wide range of Broadway veterans. While this may seem trite to some, it serves as an encouraging look at the diversity of experiences and opportunities available to anyone who has a passion for live entertainment and theater and who wants to be involved with this industry. No punches are pulled about the level of commitment, hard work, and tenacity that is necessary to succeed, but each individual is emphatic about the fact that a life in Broadway is entirely worth it.

For an entertainment management/music business program that is considering exploring Broadway in more detail, Weiss and Gaffney offer a practical, relatable, and easy-to-digest look behind the scenes at the myriad of moving parts that make up a multibillion dollar industry. At times, the text comes across as slightly overbalanced toward producers and potential producers; however, this is clearly borne out of the authors' own personal experience, and ultimately, the text does a commendable job of bringing visibility to all of the various aspects that make up the business of Broadway. The author of this review will be using this text as the basis for a new senior-level entertainment business course, through which he will endeavor to use the insights offered by the authors' industry experience to craft a more detailed look at one of the music industry's key players—Broadway.

Armen Shaomian

ARMEN SHAOMIAN is a pianist and educator with an extensive background in performing arts management and entertainment industries. Dr. Shaomian is an Assistant Professor in the Department of Sport and Entertainment at the University of South Carolina, where he has been creating curriculum and internships related to the study of the entertainment field, specifically in live entertainment and arts management. He is also the Founder and CEO of Armenize, Inc., an arts consulting agency specializing in nonprofit arts management and foundational strategies. Prior work includes Programs Manager/Associate Producer for the National Foundation for Advancement in the Arts (NFAA) and its signature YoungArts program. In his role as Associate Producer, Dr. Shaomian oversaw live performance logistics as well as strategic relations with the Baryshnikov Arts Center in New York City, the Smithsonian American Art Museum, and the John F. Kennedy Center for the Performing Arts in Washington, D.C., as well as the U. S. Dept. of Education and the United States Presidential Scholars program.



**Joanne Finkelstein. *The Art of Self Invention: Image and Identity in Popular Visual Culture*. London: I.B. Tauris, 2007.
www.ibtauris.com.**

The complex and contentious nature of the relationship between society and the individual has been the subject of theorization now for centuries. Joanne Finkelstein rightly identifies the history of popular culture as an ideal observation point from which to analyze this relationship in modernity. Yet, while her rich writing style and sporadic bursts of keen insight make her book an enjoyable read, its scholarly contributions are limited by an unsystematic approach to both history and theory.

The Art of Self Invention begins with a lengthy introduction in which Finkelstein lays out her program as a study of “the role of popular culture in the promotion of particular cultural practices that instruct us in how to present ourselves to others” (pp. 2-3). Her investigation spans five chapters split into two parts. Part I offers first a series of vignettes that highlight issues of self and identity, and then a brief history of manners. Part II includes chapter-length discussions of identity, advertising, and fashion. The afterword rehearses many of Finkelstein’s key points, and makes an effort to draw a conclusion from the wide-ranging topics she has covered. The critical weakness of the work is exposed in this attempt, however, as without a cohesive and systematic theoretical framework from which to begin her analysis, Finkelstein, and her reader, are left to wonder exactly what it all means.

This is not to imply that her argument is atheoretical. On the contrary, Finkelstein seems nearly as well versed in the writings of Locke, Barthes, and Adorno as she is in Shakespearean scholarship, modern art, and popular cinema. Rather, the problem lies in that her theorization is employed haphazardly, and seemingly more for dramatic effect than for establishing a clear logic that can explore the relationship between popular culture and the self. Finkelstein acknowledges the difficulty of this task, writing that the “organic relationship between popular culture and personal values is impossible to link causally yet equally it is impossible to deny” (p. 16). Yet this difficulty does not justify her decision to avoid defining key conceptual terms (p. 27), nor her failure to provide a foundation in which her source material can be ultimately explanatory of her subject. Thus the only analysis Finkelstein can justifiably attempt is one “not focused on defining the nature of the self or subjectivity...but on examining the playfulness

produced by deception and the ease with which we live with contradiction, paradox and invention in everyday social life” (p. 36).

The refreshingly accessible language in this thesis statement possesses an understandable appeal for the scholar of visual media. The esoteric theoretical literature of bygone decades can seem unnecessarily cumbersome to the study of popular culture. Efforts such as Finkelstein’s that attempt to synthesize dense theoretical works, and what is more interweave them with the familiar tropes of popular culture, are often well received. Yet one must resist the temptation to read her thesis as capable of producing anything more than descriptive analysis. Accordingly, if a work limits its own aspirations to mere description, the only criteria by which it can be judged is upon the utility of that description.

Based upon these criteria, *The Art of Self Invention* does have something to offer. Finkelstein’s descriptive critiques of popular culture’s influence upon “the importance we place on physical appearance” (p. 13), on the paradox of manners as “universally necessary” yet in constant flux (p. 104), and on the problems that result when “surveillance exists alongside social order” (p. 150) are particularly salient for a scholar of media studies. They might make for excellent conversation starters in a graduate seminar.

Other descriptive passages are less useful. Finkelstein’s analysis of the 1959 film *Pillow Talk*, referenced over ten times in the book, is used as an exemplar of everything from “predatory masculine appetites” (p. 18) to a collective unconscious channeling of transvestitism (p. 51) to the presentation of “dissemblance as a source of amusement and pleasure” (p. 221). Pharrell Williams is characterized as recycling the “Hugh Hefner playboy aesthetic,” and as deliberately inverting imagery from the Playboy Mansion in a music video, though no primary sources from the artist are cited to substantiate these claims of creative intent (p. 207). Like so many of the media references offered in the book, the author’s own interpretive notions are considered sufficiently evidential. The erroneous assertion that it is Luke Skywalker, and not Anakin, that becomes Darth Vader in the *Star Wars* series is particularly galling for a work so predicated upon a careful analysis of popular visual culture (p. 23).

This book benefits from its author’s appealing writing style that often mimics the narrative pace of the films and novels that are her primary units of analysis. Yet, without a comprehensive theory from which to analyze her historical subject, the book’s contribution to both theoretical and historical scholarship is lacking. Her concluding observation that to

cope with the pressures of societal life human beings “produce a subjectivity that seems to have an objective facticity... a surface we can style and groom” (pp. 228-229) is consistent with findings in disciplines as diverse as psychology, communication studies, and Finkelstein’s own field of sociology. The problem lies not within the claim itself, but within using the history of popular culture as evidence to substantiate it without a convincing social scientific rationale to do so. Thus despite its aesthetic qualities, *The Art of Self Invention* falls prey to one of its chief critiques of popular visual culture. It is more style than substance.

Jason Lee Guthrie

JASON LEE GUTHRIE is a Ph.D. Candidate in Mass Communication at The University of Georgia. His research explores media history, copyright law, and the music business. He teaches Media Production, Media Management, and Media Writing. He has toured with several bands, he managed a national concert tour in 2007, and he released “Cities,” an album of original folk material, in 2011. Guthrie received a Bachelor’s in Mass Communication from University of North Carolina-Wilmington in 2009 and a Master’s in Educational Media from Appalachian State University in 2011. He is a member of MEIEA, the Appalachian Studies Association, and the American Journalism Historian’s Association.



John Seabrook. *The Song Machine: Inside the Hit Factory*. New York: W.W. Norton, 2015. www.wwnorton.com.

John Seabrook's *The Song Machine* presents a fast paced, behind the scenes look at the complex ecosystem of writers, producers, artists, and label executives that collaborate to create and market the latest pop music confections. Mixed in is a rich appreciation for pop music history and the author's own musical tastes, which makes for an eminently readable volume. The impetus for the work is laid out near the beginning of the book when the author states:

Who *are* the hitmakers? They are enormously influential culture shapers—the Spielbergs and Lucases of our national headphones—and yet they are mostly anonymous. Directors of films are public figures, but the people behind pop songs remain in the shadows taking aliases by necessity, if not by choice, in order to preserve the illusion that the singer is the author of the song.

True to his word, Seabrook does unmask a great many of the most successful tunesmiths responsible for the past two decades of platinum pop hits, the product of the imaginary hit factory referenced in the title. One of the strongest sections of the book provides a detailed history of the transatlantic link that evolved in the 1990s between Sweden and the United States. Seabrook takes the reader back to Stockholm in 1992 and through a series of interviews, learns how Denniz Pop built the phenomenally successful Cheiron Studios. While the angst and slacker attitude of the grunge scene was taking American pop music by storm, Pop and his collaborators were literally changing the sound and approach to making hit songs. Churning out a series of 1990s top-ten worldwide hits for Ace of Base, Backstreet Boys, *NSYNC, and Britney Spears left no doubt that the Cheiron model produced gold and platinum success by the bucketful.

Pop, who had struggled to be taken seriously for years, proved to be not only a talented writer and producer, but an outstanding judge of talent, which he demonstrated by assembling a stable of the most talented Scandinavian collaborators under his umbrella who would jump in to contribute a new beat, a different lyric, or a bridge to the studio's latest creation. Similar to the model employed by Berry Gordy, Jr., at Motown, Pop pushed his

young charges to constantly better the latest version of each song or lyric, resulting in the most commercial, streamlined, danceable, radio-friendly tracks being made anywhere at that time. Emerging from this group was a pasty-faced singer plucked from a heavy metal band, Martin Sandberg, aka Max Martin, who would become the most prolific modern hit maker since Lennon and McCartney. Importantly, Seabrook points out that Martin, like many Swedes took advantage of the free after-school music training starting on recorder, then french horn and varied orchestral experience, before moving to drums and keyboards. This state-sponsored training provided Martin with the musical foundation with which he would change songwriting history.

Martin's work, and the work of another writer/producer, Lukasz Gottwald, an American guitarist better known as Dr. Luke, is woven throughout the remainder of the book, anchoring the insider's perspectives by the author's analysis of two of the most prolific hit makers today. As the narrative unfolds, the *American Idol* television show is introduced to guide readers through the evolution of the career of Kelly Clarkson from her audition in Dallas to her successful post-*Idol* career. Seabrook does a good job chronicling how a shy, twenty-year old from Dallas came to discover her own sensibility as an artist and writer over her first four albums, while simultaneously being buffeted by the strong direction of Clive Davis, who hand-picked the songs in her repertoire. The author wisely offers both sides of the Clarkson-Davis dispute, leaving the reader with a palpable sense of the tensions that arise at the highest levels of the business.

Another strength of the book is the fact that the author brings the reader into the studio during the song creation process. He offers a fascinating depiction of the "track and hook" approach so prevalent in today's songwriting milieu. Seabrook profiles Ester Dean, a top liner whose melodic gifts and ebullient spirit have formed the basis for hits by Rihanna, Nicki Minaj and Ciara. Sessions with Stargate and Ne-Yo provide further evidence of the trial and error approaches used to plot a path to the next *Billboard* hit, with the help of a revolving cast of collaborators, similar to the Cheiron model. What results is an informative, nuanced picture of the high stakes world of these musical Svengalis, the producers, beat makers, and top liners competing to get their tracks in front of the latest pop sensation.

The Song Machine lives up to its premise of illuminating the shadows the author references at the book's beginning and bringing the flesh

and blood writers and producers to life. But it doesn't shy away from some of the less appealing realities that have come to light lately. Seabrook outlines the tortured affairs of Kesha Sebert and Dr. Luke, detailing the artistic and business path that led to the ongoing high stakes, mudslinging battle in which there will likely be no real winners. Talent aside, it becomes clear that the heady power gained by being a top hit maker doesn't always come with commensurate good judgment.

Near the book's conclusion, the author interviews Spotify co-founder, Daniel Ek, who exudes optimism that Sweden's successful adoption of music streaming as a cure to the record industry's decline can be exported globally. As a counter, the author interviews mid-level artists Rosanne Cash and Marc Ribot, who see music streaming as a career dead-end if it becomes truly ubiquitous. Seabrook reports that even though Cash had 600,000 streams of her music in an eighteen-month period, her share of income from her record label was a paltry \$104. Readers will be left to ruminate just how such mid-level artists and writers will be able to survive unless twentieth-century (pre-streaming) record deals, which many argue are responsible for the dismal artist streaming payouts, are radically restructured.

Whether a reader is a casual fan of popular music or a serious researcher, *The Song Machine* offers an engaging, well-documented, and thought-provoking look behind the proverbial on-stage curtain, and should be an essential read for every aspiring songwriter, artist, and music manager who wishes to really understand the role hit songs can play in an artist's career.

Keith Hatschek

KEITH HATSCHEK is Professor of Music and Director of the Music Management Program at the University of the Pacific, Stockton, California. Prior to joining academia, he worked in the music business for more than twenty-five years. He is the author of two music industry books: *The Golden Moment: Recording Secrets of the Pros* and *How To Get a Job in the Music Industry*, which provides career development tools and strategies for young music professionals. A third edition of the music career text was released in 2015. Book projects in development include *The Historical Dictionary of the Music Industry*. He contributes monthly music industry commentary for the blog, *Echoes-Insights for Independent Artists*. Among his research interests are music industry curriculum and pedagogy, student-led music businesses, recording and music technology, and the life and work of jazz pianist, Dave Brubeck. He has presented a number of conference papers and public lectures at jazz festivals about Brubeck's role in Cold War jazz diplomacy, the Civil Rights movement, and musicians' collaborative efforts to address segregation in mid-twentieth-century United States. This latter topic will be the subject of a book about a jazz musical written in the mid-1950s by Dave and Iola Brubeck starring Louis Armstrong and Carmen McRae that tackled the problem of segregation.



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