Rethinking the music industry

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Abstract

This article examines a very basic question for popular music studies: what is 'the music industry?' It surveys the usage of the term in various arenas and argues that it is often used in ways which state or imply that the industry is a homogenous unit with shared objectives and interests. However, the reality is that this picture is, at best, outdated and an inaccurate portrayal of the organisational structure of the global music economy in the mid-2000s. In addition, to think of a single 'music industry' rather than music industries, plural, is simplistic and does little to aid understanding of those cultural industries which are primarily concerned with the creation, management and selling of music, either as a physical/digital product, a performance, or as a bundle of intellectual property rights. We tease out the implications of this, especially as they relate to understanding what is routinely referred to as 'the music industry' and the development of policies for it.

Introduction

Our argument here is a simple one – that the notion of a single music industry is an inappropriate model for understanding and analysing the economics and politics surrounding music. Instead it is necessary to use the term 'music industries' (plural). We show that this apparently simple distinction has a number of important implications, most especially for the understanding of those industries and the designing of policies for them. Having established the need to reconfigure existing notions of 'the music industry', we examine the implications of taking this on board. The article falls into three parts. We begin by examining some models which posit a single music industry and discuss their limitations. We then illustrate the need to move beyond such models. Finally we draw some conclusions about the need to talk about music industries, plural, rather than a single music industry.

Part One: defining the problem

We see two main problems with the term 'the music industry'. First, it suggests a homogenous industry, whereas the reality is of disparate industries with some common interests. Secondly, the term is frequently used synonymously with the recording industry. Thus the term 'the music industry' is often used in ways that lead to misrepresentation and confusion. It suggests simplicity where there is complexity and homogeneity where there is diversity. It also, as we will show, serves certain

vested interests. In order to illustrate this, we examine four important places where notions of 'the music industry' are formulated: representative and umbrella organisations, media reports, official reports and policies, and in the work of academics.

(1) Use by representative and umbrella organisations

The use of the term 'music industry' by representative and umbrella organisations within the music industries is the means by which those industries present a public face and can be seen as helping to form commonsense notions of 'the music industry'. When referring to the industrial processes surrounding music production, the most commonly utilised terms by such organisations are 'the music industry' and 'the music business'. On occasion, the 'record industry' is used, primarily as a means of detaching the process of making and selling music from such activities as, for example, concert promotion or music publishing. But in terms of providing an understanding of the relevant industries, use of the term 'the music industry' provides something of a smokescreen.

Moreover, the main characteristic of demarcations by such organisations is their overstatement of their case. For example, in one of its stated aims the representative body of the British *recording* industry, the British Phonographic Industry (BPI) blurs its distinction between the 'interests of British record companies' – which it claims to represent – with a wider definition of the 'music business' when it says that it wants to 'help create an environment in which the British music business can thrive and remain a world leader' (www.bpi.co.uk). It also describes one of its areas of operation as being 'the promotion of the music industry to the media, politicians and the public' (*ibid*.). Subtle, but vital, distinctions between the recording industry and the wider music industries are lost here. Three reasons seem possible for this: (i) The BPI believes that the recording industry can only thrive when other music industries also thrive, (ii) the BPI does not draw such distinctions, or (iii) the BPI *does* draw such distinctions but finds it expedient to represent the recording sector as being the whole of 'the music industry'. Whatever is the case here it would be naïve to believe that what is actually a *recording* industry association sees itself as promoting the interests of the whole range of music industries for purely benign reasons.

The reality is that the BPI is dominated by the major record labels and is thus representative of only a section of a sector, albeit one with significant economic clout. Meanwhile the dominance of the BPI by the major labels led to the formation of the Association of Independent Music (AIM) for independent labels in 1998. Unfortunately, overstating of the case is apparent here too. Following its foundation, AIM subsequently set up a 'friends of AIM' scheme in an attempt to broaden its membership and increase its revenues, offering potential applicants 'instant access to the fastest growing force in the music industry' (www.musicindie.org). However, AIM remains a lobbying group for independent labels, *not* the industries as whole.

The National Music Council, which actually represents a wide range of music industries, claims to be 'at the centre of a complex network of national music organisations' but sees its role as being to 'promote the interests of the music industry' – *singular* (www.musiced.co.uk). In addition, one of its members, the lobbying organisation British Music Rights (comprising the British Academy of Composers and Songwriters [BACS], the Music Publishers Association [MPA], the Performing Right

Society [PRS] and the Mechanical Copyright Protection Society [MCPS]), claims to provide 'a consensus voice promoting the interests of creators and publishers of music at all levels' (www.bmr.org). This representation of one sector or industry is rapidly conflated in their statements of aims and objectives, with the assertion that 'the British music industry is one of the most innovative, creative and dynamic in the world. However, the continuing success of our music business cannot be taken for granted' (*ibid*.). In this instance, BMR mistakes the writing and publishing industry for the 'music industry' as a whole.

Even the International Federation of Phonographic Industries (IFPI) blurs the distinction between the recording industry, which it represents, with a notion of a wider 'music industry'. Under a heading of 'Music: One of the Great Global Industries' (www.ifpi.org), it proceeds to describe the recording industry, before claiming one of its core activities to be 'promoting the value to modern economies of a thriving, legitimate music industry'. And, were this not confusing enough, back in the UK the Music Industries Association, a trade body representing musical instrument sellers, says that it is made up of 'leading business figures from the Music Industry' (www.mia.org.uk).

Three things should be noted here. First, these organisations tend to portray themselves as representative of a greater section of the music industries than they actually are. Widening their scope increases the number of potential members and offers an illusion of access to an extensive range of organisations and contacts, thus making them more attractive to these potential members. Secondly, they mask their concerns and vested interests as being those of 'the music industry' as a whole. Thirdly, and most importantly for us, the notion that there is such a thing as a single music industry helps these organisations as it allows them to give the impression of talking on behalf of the widest possible range of interests when lobbying government and other parties on behalf of their members. For example, Peter Jamieson, chair of the BPI, used a keynote address at the UK's 'In The City' industry convention in September 2003 to speak of 'The Music Industry Crisis', only to go on to outline the issues facing the recording sector (Jamieson 2003, p. 1). Thus Jamieson argued that 'no one else (in the music industries) takes the same level of risk' as the recording companies (*ibid*., p. 2) and that it was this risk that justified 'a decent return'. In March 2004, Jamieson launched BPI funded research (Taylor, Nelson and Sofres 2003) on the impact of peer-to-peer file sharing with the statement that 'there is no clearer evidence of the damage that illegal downloading is doing to British music and the British music industry' (Born 2004).

The context here was the recording industry's battle against 'piracy' and peer-to-peer Internet services. In this battle, the recording sector, in pursuit of what Lash and Urry (1994, p. 135) detail as their function – 'the protection of intellectual property rights' – has used its representative organisations such as the BPI, the Recording Industry Association of America (RIAA) and the IFPI to perpetuate the myth of a single music industry. In the case of 'piracy', these representative bodies have had some success influencing policy by adopting an inclusive and indistinct definition of who they represent. In the USA, the RIAA has had some impact on the American legislative process. The most notable examples of this resulted in the Copyright Term Extension Act (1998), under which a twenty-year extension was added to the term of copyright, and the Digital Millennium Copyright Act (1998), which required webcasters to pay licensing fees to record companies and made it illegal to circumnavigate copyright protection technology.

Indeed, all the key issues facing the recording industry in recent times have been presented to legislators as issues affecting the music industry as a whole. For example, in a recent submission to the European Union aimed at lowering the rate of VAT on CDs, the IFPI pleaded to 'give a break to an industry facing a piracy epidemic' (IFPI 2003, p. 7), arguing that 'the (music) industry is going through a turbulent phase in its development' (*ibid.*).

This has also been highlighted by the recent attempts of some record companies and artists to extend the period of sound recording copyright in the light of recordings from the early rock 'n' roll era beginning to fall outside their control under the present fifty-year term. *Music Week* (24 July 2004, p. 6) reported that 'the music industry is preparing for a year long campaign to extend the term of copyright in sound recordings from fifty years across Europe'. There was no recognition that this may not represent the position of all the music industries (for example, how would managers feel about it?) until some three months later when the same publication claimed 'the music industry is burying its differences in its determination to present a united front in the campaign to extend the term of protection in sound recordings' (Ashton 2004).

While the Music Business Forum (another umbrella organisation which implies a single industry with a unified position) prepared a joint statement on copyright term extension, there was clearly dissent. John Glover, Chairman of the Music Managers' Forum (MMF) resigned from the organisation, while the Musicians' Union proffered only qualified support. Another MMF representative, Keith Harris, was quoted as saying 'obviously we all have our differences, but we are all in favour that copyright does not fall into the public domain' (*ibid.*). Thus we can see that the portrayal by representative organisations of themselves as being representative of broader industries is part of an attempt to convince the public and politicians that something needs to be done to help 'the music industry' combat the twin evils of peer-to-peer Internet services and piracy.

This has been achieved by a combination of methods. The BPI has taken advantage of what Marshall (2004, p. 190) describes as the 'different forms of piracy', and attempted, by blurring the differences between them, to forge a connection in consumers' minds between 'piracy' and organised crime and, even terrorism. As Marshall (*ibid.*) points out, piracy 'is a value-laden and contested' label given to a range of different activities. An example of this was an hysterical (in both senses of the word) article in *Q* magazine (September 2004, p. 17) under the heading 'Is CD Piracy funding Bin Laden?' This quoted extensively from the IFPI and Paul Doran of Control Risks Group who maintained that 'lots of the people involved in trading activities in these areas are Palestinians, Lebanese and Syrians' (*ibid.*, p. 18). The BPI has made the connection explicit, declaring that 'organised criminals often use piracy as a way of funding their other criminal activity' (Phillips 2005, p. 21) and exaggerated the scale of raids on UK-based counterfeiters (Cloonan 2005b).

In reality, piracy only affects *parts* of the industries and peer-to-peer services have been supported by some musicians such as Alex Kapranos of Franz Ferdinand[1] (Wojtas 2004), thus suggesting conflicts of interests which belie notions of one industry with a single interest. Moreover, our research in Scotland (Williamson *et al.* 2003; Cloonan *et al.* 2004) showed that even if there is such a thing as a 'piracy epidemic' – which we would dispute – it is not preventing the live sector and parts of the retail sector from booming, nor reducing the value of music copyright ownership. In other words, it is not a single 'music industry' which is in 'crisis', rather it is *one* of the music industries which is struggling to come to terms with the new business

environment which has been created by technological and communications advances. It is thus hard to escape the conclusion that single interest/industry representative organisations which present themselves as representing 'the music industry' are doing so in order to elicit public and political support for campaigns which may be in the interest of only *parts* of the industries and may not be in fans' interests.

(2) Media use

The media can be seen here as the conduit of music industries' information to the general public. Within this sphere it is apparent that the increased media profile of recording industry organisations in recent years has resulted in the phrase 'the music industry' becoming synonymous with the actions of industries' organisations such as the BPI, RIAA or IFPI. Once again the most stark examples of this come in reports of piracy and peer-to-peer services where media representations of the problems caused to the recording industry by these phenomena have led to headlines detailing how the 'music industry sues file sharers'.[2] The reality is that music uploaders in the UK and United States have had legal action taken against them by organisations which are dominated by, and represent the interests of, the major recording companies here working together when their interests coincide. Presenting 'the music industry' in this way as a collective mass, rather than a number of smaller, less economically significant, companies and industries, is a means of both increasing the influence of the biggest record labels which dominate the recording industry trade organisations and of disguising the social and political differences within 'the industry'.

Our point here is not that the media and academics are wilfully misleading the public in the same way as the interest groups at work within the production of music, rather it is that their terminology, values and facts have often been adopted unquestioningly in what Harker (1997, p. 47) describes as an example of 'music business common sense' having 'an osmotic influence' on their 'critical awareness'. However, such misunderstandings are not solely down to negligence on the part of a few news journalists and sub-editors. The definition of the recording industry as 'the music industry' has become enshrined in trade publications such as *Music Week* and *Billboard*, which repeatedly report on the actions of a single music industry. Indeed, *Music Week* now heads its digest section as 'Your guide to the latest news from the music industry'. Within these pages there are abundant examples of the conflation of the recording industry with the wider industries. Thus on 20 March 2004, *Music Week* reported that 'the music industry is still contemplating prosecutions of individual file sharers in Europe' (www.musicweek.co.uk). When the BPI finally took action against twenty-eight music uploaders in October 2004, this was duly reported in the media as the actions of 'the music industry'. Thus the BBC reported that 'the British music industry is to sue 28 internet users it says are illegally swapping music online' (http://news.bbc.co.uk/go/pr/fr//1/hi/entertainment/music/3722428.stm) and *The Guardian* headlined its story on the Grokster/Streamcast case 'Music industry victory will spark file-sharing lawsuits' (Teather 2005) despite correctly identifying in the story that record companies were behind the move.[3]

In fact, while the recording and publishing industries may welcome these moves, it is by no means immediately clear what other sectors such as recording studios, retailers and promoters have to gain. Closer to home for us, it has become increasingly apparent that existing copyright legislation harms the education sector and is increasingly a barrier to fuller understanding of popular music and its related

industries (cf Whiteley 2004). Meanwhile, media descriptions of 'the music industry' do little to encourage public understanding of those industries involved in producing and policing access to popular music and the conflicts within them.

(3) *Official Use*

Recent years have witnessed the political economy of 'the music industry' being examined in some detail for and on behalf of government and government organisations on a British (DCMS 1998; Laing 2000; Wilson *et al.* 2001; Williamson *et al.* 2003), European (Laing 1996) and global (Anderson and Kozul-Wright 2000; Wunsch-Vincent and Vickery 2005) level. Each of these has examined the value and structure of different aspects of the local, national or international music economy. Additionally, in the UK, umbrella bodies such as the National Music Council (Dane *et al.* 1996; Dane *et al.* 1999; Dane and Morton 2002) have produced similar investigations with a view to providing supporting evidence for taking the industries' cases to government. Whatever other merits they may have, these reports provide revealing insights into the complexity of the music industries. While the reports may talk of a single 'music industry', closer examination of them shows that such a simplistic notion is misplaced. Indeed they often show that in order to understand 'the music industry', it is necessary to examine a cross-sector of indus*tries*. Thus the reports are sites where the notion of a single music industry has been unpicked, and (not always explicit) recognition given to the reality of a series of inter-related industries.

They also provide ample evidence that use of the term 'the music industry' is by no means settled. Their starting point is generally that of determining the breadth of the industry – that is what is, and is not, included. Importantly, when confronted with the simple question we began with – 'What is the music industry?' – diverse answers with diverse emphases emerge. For example, the landmark report by British Invisibles (1995) on the *Overseas Earnings of The Music Industry* identified five areas of earnings – recording; publishing; performing; musical instruments; and musical theatre and miscellaneous (British Invisibles 1995, p. 2), and went as far as to suggest that 'it is arguable whether it is more accurate to talk of several music industries, rather than a single industry' (*ibid.*, p. 6).

In 2002 the National Music Council (Dane and Manton 2002) reported the industry as being made up of seven sectors – composers and publishers; instrument and audio makers and sellers; promotion; management and agency-related activities; live performance; recording; retail and distribution; and education and training, although there are slight variations in the way it has described the industry in three reports spanning six years (Dane *et al.* 1996; Dane *et al.* 1999; Dane and Manton 2002).

Wilson *et al.*'s report for the Department of Culture Media and Sport on the problems faced by small and medium enterprises (SMEs) in 'the music industry' when accessing finance identified six sectors – record production; music publishing; artist management; concert promotion; recording services; and online music services. As the report itself acknowledged, this omitted not only retail (Wilson *et al.* 2001, p. 3), but also musicians, presumably due to their status generally as 'sole traders' rather than SMEs.[4] In what now seems like a classic understatement they also noted that 'there is a lack of consensus as to precisely what types of businesses are representative of ''the music industry''' (*ibid.*, p. 94). In terms of policy, the Department of Culture, Media and Sport's website talks of a single music industry comprising eight different groupings – 'composers; producers; managers; music publishers; artists; concert

promoters; record companies; and live music entrepreneurs' (www.culture.gov.uk). Our own research in Scotland identified eight sectors – artists; composers and orchestras; the live music industry; the recording industry; the media; other creative industries; ancillary services; education; and retail (Willamson *et al.* 2003). But we are outdone by the Welsh Music Foundation which identifies fourteen sectors in its 2005 directory (www.welshmusicfoundation.com) – business services; community music; core industry; education; industry organisations; live; manufacturing and distribution; media; press and promotion; public services; publishing companies; record labels; recording services and retail.[5]

Within the various reports there appears to be a general consensus on the importance of recording, live music, publishing, and artists and composers as distinct sectors. Other ancillary services (such as management, distribution, and professional services) appear more difficult to place. However, the emphasis on other areas, notably the music media, retail and education, tends to vary, presumably in accordance with the needs and definitional frameworks of the authors and funders. The point to note there is that attempts to define the component parts (often referred to as 'sectors') of 'the music industry' have become a contested and unresolved area. In our own work mapping the extent of the industries in Scotland (Williamson *et al.* 2003), industry organisations such as the Performing Right Society (PRS) disputed the inclusion of retail in our report, arguing that 'the music industry is composed of those who create and exploit IP rights' (letter from PRS Scotland to authors, 2 October 2003). The net effect of such an analysis would have been to reduce the value of the whole of the music industries in Scotland by some 28 per cent. It is also notable that the DCMS excludes retail from its definition, yet seems willing to entertain the possibility of the live music industry being detached from the wider 'music industry' to which they constantly refer, through the formation in 2003 of the Live Music Forum, primarily to address concerns arising from the passing of the Licensing Act (2003).[6] However, the lack of consensus has at least one benefit as is allows for the possibility of viewing the single music indust*ry* as, in fact, a number of distinct, but interrelated indust*ries*. In other words, there is in effect covert recognition within government that there are music industries, plural, rather than a single industry.

(4) Academic use

The general starting point for the academic study of popular music and its associated industries is with the work of The Frankfurt School, and in particular, Theodor Adorno. The School's analysis of 'the culture industry' of pre- and post-Second World War United States posited a model of cultural production based on 'structural standardisation' (Adorno 1990, p. 306). Longhurst describes the Frankfurt School's analysis as showing that the principles of mass production applied 'to the production of culture as well as the production of motor cars' (Longhurst 1995, p. 6). In terms of our argument here, it is notable that while he was not overly concerned with definitional problems, Adorno's work actually set something of a precedent by over-privileging (the effects of) the record(ing) industry to the exclusion of other music-related industries.

In fact it is not until the post-Beatles era that the serious academic study of popular music and its related industries emerges from a range of disparate academic disciplines (see Cloonan 2005a). In the USA, Paul Hirsch's *The Structure of the Popular Music Industry* (Hirsch 1969) concentrated on the recording and radio industries,

while acknowledging other influences such as promotion, managers and agents. Chapple and Garofalo's *Rock and Roll is Here To Pay* (1977) examined radio, artists, managers, agents, promoters, and the rock press in addition to the recording industry. The classical Marxist framework adopted here had the merit of emphasising conflict, rather than unanimity. In the UK, Simon Frith's first book, *The Sociology of Rock* (1978) and its updated version *Sound Effects* (1983), both offer a tantalising taste of the complexity involved as they survey musicians, the recording industries, radio and the music press – thus suggesting that the idea of one industry was misplaced. Frith's work has subsequently moved on from discussing rock (Frith 1978, 1983) to the much broader study of popular music (Frith 1996) and from a focus on production to one that places a much greater emphasis on the importance of rights (Frith 2001). There have also been a number of studies (cf Hull 1998; Barfe 2003) which have concentrated on the recording industry and, in doing so, recognised it as an autonomous industry.

However, most academic studies of the popular music industries have continued to privilege the *recording* industry as being *the* music industry. Thus, following the early pioneers, an array of articles and books followed which equated the recording industry with the music industry. The following, while not exhaustive, gives a flavour of this. In 1986 Dave Laing analysed 'the music industry and the cultural imperialism thesis' simply in terms of the recording industry. Eleven years later, McCourt and Rothenbuhler (1997) wrote about the effect of SoundScan software on the 'the popular music industry', but again conflate this with the recording industry. Lopes' (1992) analysis of 'the popular music industry' is restricted to an analysis of the Billboard charts, a method repeated by Burnett (1993) in his analysis of 'the popular music industry in transition'. While more acerbic than most in his analysis of the exploits of the recording companies, Dave Harker (1997) still conflates 'music industry' rhetoric with that of the major recording companies. The message coming out of these and similar articles would appear to be that there is one music industry and to all intents and purposes it *is* the (popular music) recording industry.

A similar pattern is evident in three important academic introductions to Popular Music Studies which each show the importance of understanding 'the music industry' by making it the subject of their second chapters. In *Popular Music and Society*, Brian Longhurst (1995, p. 30) argues that 'The popular music industry is dominated by six companies' which he lists as the (then) major recording companies. In *Popular Music in Theory* (1996), Keith Negus devotes a chapter entitled 'Industry' to the internal machinations of the recording industry, while the second chapter of Roy Shuker's *Understanding Popular Music* (2001) is entitled 'Every 1's a winner – the music industry', but once again deals only with the recording sector. So in three key introductory texts, students are given the impression that the recording industry *is* the music industry – an argument which would doubtless please the BPI, RIAA and IFPI. In sum, in these accounts, conflation and partiality are present when broader, more complex analyses are needed.

Numerous other examples could have been given here. However, our point is not simply to name the guilty parties, but to show how seductive the notion of a single music industry is. The problem is that such accounts do little to aid an understanding of the popular music industries in the contemporary era. In effect they mislead readers. A more holistic approach is needed. For example, perhaps the most successful account of the emergence of the modern music industries is Richard Peterson's 'Why 1955?' (Peterson 1990). Part of the persuasiveness of Peterson's argument is rooted in the way he illustrates how the changes across a range of disparate, but

connected, industries precipitates the emergence of rock and roll. Not only does Peterson suggest that changes in musical style are not in themselves enough to explain the emergence of rock and roll, but his analysis intimates that concentration on the machinations of one industry (the recording) would be an inadequate explanation.

We believe that to argue that there are music indust*ries* rather than an indust*ry* represents a considerable shift in thinking. This can be further shown by examining the work of perhaps the most in-depth academic work on UK (and broader) 'music industry' as undertaken by Keith Negus (1992). His first book, *Producing Pop*, is sub-titled 'Culture and conflict in the popular music industry'. However, it makes scant mention of either conflict (preferring, as Dave Harker [1997, p. 49] puts it – to 'downgrade conflict and struggle into ''disagreements'' and ''different levels of enthusiasm''') or to those parts of the music industry outside the work of the record companies. In essence, Negus' account is yet again a study of the recording industry which, for example, gives less than two pages to live music and retail.

Subsequent work by Negus (1996, 1999) has been equally lacking in detailed study of the non-recording parts of 'the music industry', instead concentrating on the work of the record companies and, in particular, the majors. Although he sometimes makes it clear that his analysis is restricted to the recording sector (Negus 1998), Negus' failure to embrace the other music industries, and to use the term 'music industry' in a manner that is interchangeable with 'the recording industry', is particularly frustrating as he actually addresses many of the issues which show the need for a wider definition of 'the music industry'. As well as highlighting significant differences within the recording industry in the way in which different genres are produced, marketed and consumed, he is cognisant of regional differentiations of the type detailed by Guilbault in her study of the 'industry of calypso' (Guilbault 2002, p. 192), where she attempts to locate that industry within the world of music industries (plural) (*ibid.*).

Overall, Negus' work gives academic credence to the major recording companies' claims, as expressed through their sectoral organisations, that they *are* the music industry. But the notion of a single 'music industry' as pursued by Negus and others is both inaccurate and unhelpful. In essence, a great deal of academic work has over-privileged the recording industry at the expense of other sectors. Thus we have yet to see detailed academic analysis of live music as industry, artist management, of music publishing and so on. However, there have been important developments in more recent works which have looked at the production and consumption of music within the wider sphere of the creative or cultural industries. These have generally moved towards a plural definition of the music industries. Thus Jason Toynbee (2000, p. 19) argues that the 'singular form, the music industry' is a 'misnomer' on the basis that the processes involved in popular music production and dissemination have from the advent of the recording industry been 'disintegrated'. Indeed, Toynbee's assertion implies, and we would concur, that not only is there no such thing as a single 'music industry,' but neither, in fact, has there ever been simply one.

David Hesmondhalgh (1996) has also written of 'the music industries', plural, and later (Hesmondhalgh 2002, p. 12) opted for a definition of them as recording, publishing and live performance. However, in the introduction to *Popular Music Studies*, Hesmondhalgh and Negus talk of the music industry, singular, on page 6, and industries, plural, on page 8, thus suggesting some lingering confusion. Similarly,

Simon Frith has written that 'it may well be misleading . . . to regard the music industry as a single industry, rather than as a series of industries ordered by a single rights regime' (Frith 2000, p. 390). However, in other places he has still referred to one industry (Frith *et al.* 2001, p. 33) and it is clear that the rights he speaks of are more integral to some of the music industries than others.

It is also possible to challenge the notion of a 'single rights regime', especially in the light of differences in the international interpretations of such a regime. Indeed, Frith and Marshall (2004, p. 9) highlight the 'quite significant differences between the ways in which the various rights are defined in different countries'. This is evidenced in the relative importance of moral rights under the French copyright regime, and the weakness of neighbouring rights in the USA, which caused British Music Rights (2005) to recently condemn the USA for operating 'beneath acceptable international copyright standards'. But while Frith has acknowledged the different strands of the 'industry', and spoken of the need to differentiate between the *music* industry and the *recording* industry, he has yet to fully spell out the implications of this. Our argument is that the term 'the music industry' has never properly accounted for the complexity and changing nature of the real world. Moreover, we believe that this argument has important implications.

Part Two: From industry to industries – the implications

There are (at least) six important reasons for refraining from using the term 'music industry' and to move to the term music industries. These relate to history, geography, inequality, conflict, education and policy.

Our historical argument rests on the way in which, as outlined above, the term 'music industry' has become synonymous with the recording industry. In the past, when the recording sector was dominant within the industries, this might have had some intuitive appeal. However, it is something of an anachronism at a point where the value of the recorded music industry appears to be in decline and the other industries such as live music and music publishing are increasing in value. While the official statistics produced by the IFPI are subject to a number of inconsistencies in their compilation (Harker 1997), they do suggest that sales of recorded music are of decreasing importance to the overall economic value of the music industries. According to the IFPI figures, since 1999 the value of recorded music sales has declined from a peak of $38·5 billion in 1999 to $33·6 billion in 2004 (IFPI 2005), reducing the significance of the recorded music industry within a wider 'music industry' context. Based on the IFPI's 2004 figures, sales of recorded music remained in decline, but sales in all the music industries (live music, music publishing, merchandise, music video/DVD) were increasing, resulting in an estimated combined value for all the music industries (including recording) of $48 billion (Miller 2003).

While, according to these figures, the recorded music industry still represents about 70 per cent of the 'music industry', this percentage is likely to decline substantially in the coming years, largely a result of the growth of the live music industry and the exploitation of publishing and synchronisation rights. These latter industries were estimated in 2004 at being worth $10 billion (Hardy 2005) and $3·8 billion (Enders Analysis 2002), respectively. In addition there are other growth sectors: music DVD and video is now worth $2·6 billion (IFPI 2004), and the *Financial Times* reported that music publishing has become far more interesting to venture capitalists than the recorded music industry (Hemsley 2005). Meanwhile it is estimated that the legal

download industry, such as iTunes and Napster, will be worth $3·9 billion by 2008 (Informa 2003). There is also other evidence to suggest that the economic value of music industries outside of the recording sector is rising. For example, it is instructive to compare the value of Warner Music, when it was sold in 2003 to Edgar Bronfman's consortium for $2·6 billion, to the $4·4 billion paid by Clear Channel to acquire America's largest concert promoter, SFX, in 2000.

Secondly, our work within Scotland (Williamson *et al.* 2003) gives us some more localised reasons for bringing into question the wisdom of a definition of 'the music industry' which is based on the dominance of the recorded music sector. While this situation may be accurate in countries where the major labels are located or have subsidiary operations, creating economic benefits in the form of both job creation and sales, in Scotland the recorded music industry is not dominant within the music industries. By our calculations (*ibid.*, p. 80), Scottish-based record labels generated less income (£39·5 million in 2002) than the domestic live music industry (£45·8 million) and accounted for only 37 per cent of the total income generated by the music industries in Scotland. To support the argument that the live music industry in a small country such as Scotland is more important, we can examine the behaviour of the multinationals. Clear Channel and Ticketmaster both have interests and, in the latter case, offices in Scotland, while none of the major record companies are present. Once again to concentrate on the recording industry would be to over-privilege its relative importance. Most of the music produced in Scotland is outside the major label system studied by the majority of 'music industry' analysts. Furthermore, Scotland is hardly the only small nation in this situation. Moving towards a pluralistic, globalised[7] model of music industries would provide more insight into the organisational structure of the industries in countries where the activities of the major record companies are not the most important economic, let alone cultural, factor.

Our third argument is also derived from our particular geographic perspective. It is that existing notions of the 'music industry' fail to take account of the diversity within the industries and the inequalities that arise as a consequence. Concentration on the machinations of the major labels over-privileges not only the recording sector, but also a particular business structure based on multinational operations. This means that comparatively little attention has been paid to smaller music companies. Once again the Scottish experience is illustrative as the country contains hundreds of record labels, the vast majority of which do not operate along the lines of those described in the work of Negus and others. For example, the Fence label in Fife on Scotland's east coast has built successful careers for a number of acts based on a strong sense of community generated through its website and the production of home-made CDRs. Meanwhile the jazz label, Caber Music, has released a number of critically acclaimed albums after receiving substantial public subsidy from the Scottish Arts Council.[8] Similarly, the economics and perspective of smaller, specialist or local concert promoters, such as Medicine Music in Elgin in northern Scotland, are a world removed from the operation of Clear Channel, or even major UK promoters such as Mean Fiddler or SJM.

The (ab)use of the term 'music industry', in effect, eliminates these smaller operators from the debate, and instead reinforces the worldview of the bigger operators. It is perhaps in this context that a representative of the Glasgow-based Chemikal Underground label told us that the notion of a Scottish music industry was 'a complete misnomer' (Williamson *et al.* 2003, p. 106) as it doesn't exist in the sense of being a discrete entity capable in itself of sustaining local musicians. We agree.

However, we would extend the argument and say that the term 'the music industry' is itself a complete misnomer.

Related to the issue of inequality is our fourth point about usage: that the term 'music industry' disguises conflict *within* the industries. It assumes the common interest of musician and label, of promoter and venue, and of organisations which are in daily competition with each other. On occasion, key industries' personnel have even publicly acknowledged this state of affairs as a source of concern. Speaking at the industries' convention 'In The City' in 2003, BPI chair Peter Jamieson lamented that he had 'been struck by the degree of industry infighting' (Jamieson 2003, p. 6) he had witnessed. In fact music industries' businesses may work together when their collective profits are threatened (as in the case of piracy, low-cost CDs), but they are also competitors, seeking to maximise their profits at the expense of others.

Although Negus (1999) studies conflict within 'the popular music industry', he does so primarily within the context of artists' disputes with record companies and the internal tensions between departments within the bigger record labels. What is more important for our purposes is the point at which music industries' companies' motives and interests diverge. Recent examples of this have included the successful attempt by the BPI to prevent CD-Wow from selling CDs obtained from outside Europe (Gammell 2004), the 2004 dispute between MTV and the independent record companies (Tomlinson 2004), the decision of AIM to seek the intervention of the Office of Fair Trading over the launch of the combined physical sales and downloads chart (AIM 2005), and the dispute between songwriters and composers (represented by the MCPS-PRS Alliance) and the record companies over royalty rates for digital downloads (Talbot 2005).

The decision of the BPI and seven online companies to take MCPS and PRS to the copyright tribunal in the UK over royalty rates charged on digital downloads (Marriner 2005) adds to the evidence that the development of legal digital markets are a source of internal conflict between different parts of the music industries. This contrasts with the illegal download markets, where the majority of legal disputes have been between the record companies and external organisations and individuals.

In fact, one way of viewing popular music history is to see it in terms of conflict – such as the ASCAP/BMI dispute which acted as a precursor to rock and roll (Gronow and Saunio 1997, p. 90); the industry disputes around punk (Savage 1991) and George Michael's dispute with Sony (Laing 2000). In such instances the actions of certain music businesses bring to mind Marx's description of capitalists being like 'hostile brothers' (Marx, *Theories of Surplus Value*, cited in Callinicos 1983, p. 125), uniting only when their interests coincide and locked in conflict the rest of the time.

The penultimate area where we consider the notion of the singular 'music industry' to be formed, institutionalised and, in some instances, contested is across the increasingly large number of courses in both further and higher education that aim to provide access routes into the industries. Using the UK as an example, there are three issues that are worthy of consideration here: the names of courses and their content, the involvement of recording industry organisations in the education sector, and the formalised links between the industries and the education sector, particularly in the shape of the recently formed Sector Skills Council for Creative and Cultural Skills, which is responsible for setting industry-wide competency standards.

A survey of the courses on offer at UK universities shows a range of titles for courses covering the broad sphere of popular music studies and studies of the music industries. For example, the University of Liverpool has recently launched a masters

degree in Music Industry Studies, Buckinghamshire Chilterns University College offers a BA (Hons) in Music Industry Management, the University of Westminster an MA in Music Business Management and a BA (Hons) in Commercial Music, which is also on offer at the University of Paisley.

In the Further Education (post-school) sector, references to a singular 'music industry' or 'music business' are found more widely. For example, in Scotland, courses at James Watt College (Higher National Certificate / National Certificate Music Business), Stow College (Advanced Diploma Music Industry Management), and Jewel and Esk Valley College's (Advanced Diploma Music Industry Management and Marketing) all do this. The point here is that regardless of their content, the nomenclature serves only to reinforce ideas of a single music industry, dominated by the large record companies.

This assists the industry organisations in their attempts to impose their worldview through the education sector. The British Phonographic Industry (BPI) has its own education department, responsible for the publication of the *Music Education Directory* (BPI 2005), as well as organising seminars and producing information packs for school leavers. For example, *Access All Areas* (BPI 2004, p. 3) asks, 'So you want a job in the music industry?' and offers the advice that 'most music industry employees do not end up marrying pop stars'. Similarly, a series of seminars organised by the BPI called 'Music: It's the Business' was launched with the announcement that 'BPI is continuing its support for education and training in the music industry' (www.bpi.co.uk).

While this kind of rhetoric is hardly atypical of these types of publications and events, the BPI appears uncertain as to whether its remit extends beyond the sector or industry it represents. As part of the Music Business Forum, an organisation set up in 2002 to lobby and liaise with the All Party Music Group in the UK Parliament, the BPI, along with twenty-one other trade and representative organisations across the music industries, is able to have a much more direct and influential role in the content of music industry/industries education. In November 2005, the Music Business Forum formalised a sub-sector industry partnership with the Creative and Cultural Skills Council (www.ssda.org.uk). There is, however, already evidence of the manner in which the organisations represented could use this arrangement to pursue their political aims as well as the more benign objectives relating to employability. In its response to the Cox Review (Cox 2005, p. 2) set up by the UK government to strengthen 'the links across university departments and with industry' (*ibid.*, p. 5), the Music Business Forum highlights the importance it attaches to the 'campaigning dimension' (*ibid.*, p. 5) of the Sector Skill Councils with particular regard to matters surrounding intellectual property.

The MBF document argues for 'transforming IP from an obscure and opaque subject which currently forms little or no part of the school curriculum, into a concept people learn about at the points at which ''it touches their lives''' (*ibid.*, p. 3). The aim of the rights and industry organisations would appear to be to ensure that a non-critical approach to copyright and intellectual property rights, in accordance with their worldview, is promoted at an early age. Whether this will be an outcome of the partnership remains to be seen. Nevertheless, the influence of the vested interests and champions of the outdated notion of a singular music industry, centred on those who create and exploit IP rights, is also at work in the education sector.

Our final point concerns policy. The use and misuse of the term 'music industry' is of increasing significance, especially in an era in which government agencies are

interested in the industries in unprecedented ways. They want to 'help' 'the music industry'. Thus, in the UK, the DCMS claims to 'sponsor the music industry acting as its advocate within Government' (www.culture.gov.uk). While the notion of a single industry is again posited here, of more importance is the fact that the DCMS cannot help an industry until they know what it is.

As noted above, the issue of the scope of 'the music industry' has preoccupied a series of mapping exercises and consultations. In spring 2004 it also resulted in contradictory signals being sent by the UK Government's Minister for the Arts, Estelle Morris. Speaking at the Music Radio Conference, she appealed to 'the music industry' to 'try to give the government one point of contact' (*Music Week*, 3 May 2004, p. 3) and admitted that 'what I find difficult is that it is such a diverse industry. There are so many organisations representing so many aspects of the music industry. In other sectors there is one focal point' (*ibid.*). However, Morris simultaneously praised the work of the Music Industry Forum and the Live Music Forum as 'very, very important'. The Music Industry Forum was established in 1998 to provide the Government with industry information and to provide a means by which it could meet and formally discuss its concerns over issues requiring legislation, notably over copyright. The Live Music Forum came into being in 2003 as a result of concerns within the live sector that the provision of live music was being jeopardised by proposed legislative changes concerning the licensing of premises which serve alcohol. There is a tension here as although the Live Music Forum was set up as a short-term working party, its very setting-up is tacit recognition by the government that diverse sectors are involved. However, the UK government was also, via Morris, appealing for a single industry to speak with 'one voice'. In the light of previous experience (the Music Industry Forum stopped meeting at one point because of what the Musicians' Union described as 'internal difficulties' on the industries' side; Smith 2002), it is to be expected that any such voice would speak for the vested interests of particular sectors, rather than for the industries as a whole.

In fact this call for 'one voice' has wider currency. Whilst we were conducting the research which mapped the extent of the music industries in Scotland, we were struck by how often we were told by people working within the industries (especially in the public sector) that the way forward was for a lobbying body for 'the Scottish music industry' so that government could talk to it. This has subsequently become enshrined in Scottish Arts Council (SAC) policy objectives, and in 2004 it commissioned research into the feasibility and logistics of such an organisation. At the time of writing, this research has been concluded but not published, though it is understood that the recommendation of a three-year, publicly funded body was rejected by the Scottish Arts Council. What is important here is that the argument for such an organisation was that if politicians had a body they could talk to, then everything would be O.K. This is at least consistent with Morris' view that one body should speak to government on behalf of 'the music industry'. This is not necessarily our view. Our main concern is the emergence of a consensus in favour of such an organisation from those within the music industries. It appears that representatives of the various industries are becoming increasingly reliant on the support of government agencies and are willing to act unquestioningly in counter-intuitive ways to retain minor amounts of patronage.

This can also be seen in a wider UK perspective. When the New Labour government (which was elected in May 1997) was first showing an interest in the cultural industries, trade journal *Music Week* reacted in what Jones (1998) describes as

a 'comparatively muted' manner, pointing out that 'the music industry is a business instinctively suspicious of government intervention and one which has done very well . . . without it' (Music Week, 27 September 1997). This contrasts with the warm welcome the same publication (Talbot 2005) and the industry organisations have given to the appointment of James Purnell as Minister for Creative Industries and Tourism and to his idea of a 'Music Council' (Ashton 2005).

Both Peter Jamieson of the BPI and Emma Pike of British Music Rights welcomed the moves in terms of a single music industry. Jamieson praised Purnell's 'interest in developing an even stronger relationship with the music industry', while Pike claimed a Council would 'give us a strong platform and unified voice to deal with the challenges facing the industry' (*ibid.*). Tellingly, both the policy and the reaction hark back to Mike Jones' pessimistic view of the Blair government's policies with regards to music, where 'the bond with the music industry is only at the level of the corporations' (Jones 1997, p. 31) and both producers and consumers are alienated as a result.

Yet it makes no sense to make policy decisions based on the notion that retailers speak with the same voice as songwriters or that concert promoters have the same perspective as music publishers or artist managers. Here we return to the notion of all aspects of music production as part of the cultural industries – where the issue is not an opposition of creativity and industry, but a question of what it means to be creative in a capitalist economy (Toynbee 2003; Hesmondhalgh and Pratt 2005) and to the notion that life in the music industries is about conflict and inequality.

Part Three: Conclusions

The importance of policy shows that the issue of defining the music industries is not merely one of academic nitpicking. The aim of this article has not been to score cheap points against those who have pioneered the academic study of music-related industries. Rather it has been to recognise the significant contemporary organisational changes within the music industries and to redress the balance away from a concentration on the recording industry. While we have taken a traditional academic approach to the study of the notion of a 'music industry' – deconstructing it to see if it works, finding it wanting and proposing an updated model – our point has been to move away from relatively simplistic notions and towards a recognition of complexity. As academics we should be suspicious of attempts to push square pegs into round holes in ways that defend entrenched interests and/or give ministers an easy time, and be looking to continually challenge over-simplified models of 'the industry'.

One way of achieving this, which the scope of this article does not allow, is to consider models of the music industries drawn from academic disciplines previously under-utilised by Popular Music Studies' scholars. For example, Leyshon's (2001) model of 'the musical economy as a networked economy' and his subsequent work (Leyshon *et al.* 2005) attributes the domination of the record companies to 'per-unit pricing and the enforcement of copyright law' (*ibid.*, p. 186). As well as cultural/economic geography, there is a growing body of work on the music industries in the field of business and management studies (Gander and Rieple 2002; Graham and Burnes 2004) which, along with the existing approaches, can contribute to a more complex and accurate description of the music industries.

Our purpose here has been to advocate the need to talk about the music industries in the plural and to recognise the diversity of interests and scale of activities in the different areas of music production. In drawing upon the local examples of

which we have most experience, we have attempted to move the discussion away from the corporate machinations of big business to highlight the lived experience of the majority of musicians and operators in the music industries. We conclude that there is no such thing as a single music industry. There are, however, people working in a range of industries centred around music. These are music indust*ries* and it is them that we should study and engage with. We share Frith's view that the job of academics is 'to develop an account of the contemporary music industry that is empirically accurate and theoretically instructive' (Frith 2000, p. 390). For us, talking about the music industries, rather than 'the music industry', is part of the successful achievement of that task.

Endnotes

1. Interestingly, Franz Ferdinand's record label, Domino, took a different view, threatening legal action against the website when it leaked their album ahead of release.
2. See, for example, Viega (2004), http://news.bbc.co.uk/entertainment/music/3418047.stm and http://www.cnn.com/2004/TECH/internet/06/23/downloading.music.ap
3. On 27 June 2005, the US Supreme Court ruled that software companies could be held liable for allowing computer users to breech copyright on music and films. This resulted from a lawsuit filed against Grokster and StreamCast networks by a collection of twenty-eight music and media corporations in 2001 (Teather 2005).
4. SMEs – Small and Medium Enterprises – are generally defined as businesses with less than 250 employees (Wilson *et al*. 2001, p2).
   Musicians are difficult to categorise in this framework as some (e.g.session musicians) will be self-employed individuals, while others will set up SMEs to manage their financial affairs.
5. The Welsh Music Foundation categories are used primarily for listing rather than, as in the other examples, analytical purposes.
6. The Licensing Act applied only to England and Wales, not Scotland and Northern Ireland.
7. Since the completion of the report, the major Scottish-based concert promoter, DF Concerts, has ceased to be a Scottish-owned company.
8. The Scottish Arts Council is a publicly funded body which distributes funding to a range of artists and organisations (see www.scottisharts.org.uk). As part of this, Caber Music received start-up funding of £99,950.

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