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Turkey and Copyleft Music Production: Reflections on Bandista

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Abstract

This article focuses on copyleft music production in Turkey through a case study on Bandista, a music collective with strong oppositional stance formed in 2006 in Istanbul. Describing its musical performances as "situationist experiment of rage and rapture" Bandista became immensely popular in the Turkish political music scenery after releasing its debut album *De te fabula* narratur in 2009 under the copyleft scheme. The article tries to look at the copyleft with the notion of 'music as performance' in mind, and argues that copyleft politics are essential, especially for new music bands to form themselves as independent actors within the music scene.

Keywords: Bandista, copyleft music, Turkey, performance, punk

Introduction

Bookshelves, academic journals, popular magazines and from its earliest emergence the Internet itself is filled with books, articles, papers and web-posts about the issue of copyright, and most of the time people involved within the discussion about the pros and cons of the matter are divided into two distinctive camps. Fierce copyright advocate Adam D. Moore defines these camps as "cyber-punks, hackers, and net surfers who claim that 'information wants to be free' and that intellectual property rights give undue credit to authors and inventors", and on the other hand, "collected cannons of Anglo-American copyright, patent, and trade secret law" (Moore 2001: 1). Notion of copyright and heated debates over it seems to point to one of the most pressing issues within the current global economic order: Culture Industry and its continuation as “business as usual'. Needless to say, copyright in this sense is not limited to cultural production only, it covers a wide range of applications, procedures, commodities, and other productive industries as well, software business being one of the most prominent ones. Recent debates over whether the intellectual property rights of human, animal and plant DNA can be granted to private and/or public bodies (Gibson 2008) refer to the painful realization that issue at hand is not limited to creative production at all. They also touch upon a much broader issue of knowledge and information's ownership, and thus the matter of access to them. We are usually told that at the core of the issue lies the noble notion of protecting the creative 'author', the protection of ideas and business products from being stolen and exploited. Yet, copyrighting attempts seen especially in health and pharmaceutical industries, where most of the time the issue at stake is human life itself, points to the broadness and pressing side of the matter: it is not limited to cultural debate only. At this point we also have to acknowledge that the first steps towards modern intellectual property laws actually originated from the cultural production field, especially from the literary property debates (Redmond 1990; Rose

1993; Loewenstein 2002; Pettitt 2004), later spreading to other art forms (Stokes 2001), manufacturing processes (Sherman and Bently 1999) the pharmaceutical arena (Johns 2009), together with many other fields.

The domination of copyright-oriented practices and control over information access was constantly challenged. One of the most innovative attempts came from the very core of its foundation: the software industry, which for a long time was associated with being the most devoted advocate of intellectual property laws. Yet, people from inside the industry and academics, deeply dissatisfied with how software business is conducted and holding a strong belief that software should be accessible by everyone, took initial steps for the cause by introducing innovative concepts such as open source and copyleft (Rosen 2005; Berry 2008). Stepping on to the path opened up by free software movement it was not long before open source music production started to emerge, firstly in the form of amateur composers' royalty free music, and later by involvement of more and more bands and musicians. All of these changes and developments were taking place within the course of only a decade or two, and as music piracy started to boom, the academy too started to flourish with publications devoted to the theme of illegal music sharing and copyright issues, covered from very different perspectives, such as consumption, legal theories, distribution technologies, debate rhetoric, and cyber-liberties, to name only few (Jones 2002; Marshall 2004; Leyshon et al. 2005; Hinduja 2006; Logie 2006; Rimmer 2007; Fairchild 2008; Burkart 2010; David 2010; Pitt 2010; Ericsson 2011). Both within the academy, and the general debates themselves, the main emphasis of many studies was always on Western countries and musicians residing within them, and little was said about developing ones. Most of the time the common-held belief was that people from developing countries interested in the debate are only pirates or users who do not want to pay money for music they downloaded from the Internet. Mainstream press was never indifferent to the issue as well, and for years a number of articles about the matter continued to appear in them (BBC News 2009; Allen 2010). Neoliberal transformation, taking over Western countries, and later on rapidly spreading to the rest of the world, puts the issue of copyright at the heart of all matters. Take, for example, globalization, which according to Jan Nederveen Pieterse, the most important points are constituted by FOSS (Free and Open Software Systems), TRIPS (Trade-Related Aspects of Intellectual Property Rights) and patent laws, where "we find major corporations, governments in the global north and international institutions on one side, and most developing countries on the other. This is the real frontier..." (Pieterse 2010: 180). Yet, research conducted on the issue of copyright debates within developing countries is far from being satisfactory, and is usually carried on in the sense of either demonizing developing countries (Elst 2005; Dimitrov 2009) or looking from strictly legal or economic perspective (Pang 2006; Heath and Liu 2007). Within this vein this article tries to shed light on the issue by looking on copyleft practices as conducted within the socio-economical context of developing countries, aiming to provide an alternative course for the future studies as well. The main focus of this article is the Turkish punk band Bandista, which from its very beginning was distributing its music for free with the copyleft claim under the slogan "It is a present. Copy. Distribute".

Turkish music scene and Bandista

The musical scene of Turkey with its population of about 70 million people has always been vibrant and active. And so have been the debates over the issue of copyright as well. As far back as 2001, the International Federation of the Phonographic Industry (IFPI) was calling for action against the music piracy in Turkey (IFPI 2001). At some point the turbulence over the issues of copyright protection and music piracy reached a point where quite lot of recording artists "vowed that they wouldn't release any albums of new material until the struggle against copyright piracy was won" (Güray 2009: web source) and for years Turkey was on the International

Intellectual Property Alliance (IIPA) Watch List (IIPA 2010). Despite all claims of overwhelming musical piracy, Turkey is still one of the most lucrative music markets in Europe. According to the Turkish Phonographic Industry Society (MÜ-YAP) statistics close to 10 million local and 2 million foreign CDs were sold in Turkish music markets in the year 2009 alone (MÜ-YAP n.d.). Turkey has long been known for its vivid politically oppositional music scene as well. Politicized Turkish musicians and bands such as Grup Yorum, late Ahmet Kaya, Grup Kızılırmak and many others have been performing for decades. They were not only popular within Turkey itself, but their albums and concerts always attracted attention of European listeners as well, and not only due to the existence of Turkish migrant populations and political refugees in European countries. The emergence of oppositional music scene in Turkey can be traced back to days of 1968 student protest movements, and since in those days "rock music was considered to be part of cultural imperialism" practically all of the Turkish leftist musicians have been performing traditional folk music, where the lyrics of folk songs were modified in favor of left wing politics (Gedik 2011: 51-2).

Figure 1. Bandista album covers (created by the author, permissions by band).

It was against this background that Bandista, a music collective established in 2006 in Istanbul and which till that day had only one public performance at Turkish alternative rock festival Rock-A, released its debut album *De te fabula* narratur on May 1, 2009 under the copyleft scheme through its website http://tayfabandista.org. The album enjoyed tremendous success with a large number of downloads, even if the main sound throughout all songs were ska and punk, genres with low success rate in Turkey, and total strangers to political scene. Yet, Bandista fully shook the Turkish oppositional music scene and in no time established itself as the leading performer in a realm that for more than four decades was dominated by traditional folk music. Bandista's extraordinary success was due in part to the band's constant emphasis on copyleft politics and its productivity, as the band continued to distribute all of its music for free, and in the course of only three years produced two full-size and four mini-albums, where each mini-album included two to three tracks.

Bandista has a very strong political stance, and the harsh opposition developed by the band towards the internalized norms of the music industry can even be seen in its name. Instead of referring to themselves in terms of the classic music system, such as band or group, Bandista calls itself *tayfa*, (”a crew or a collective”) a name with very strong emphasis on solidarity and cooperation. This stance can also be seen in the number of people within Bandista, currently said to employ around twenty members, (everyone involved with the band in one way or another is referred to as a member, including sound engineers and technicians). The 'strange' composition of the band is reflected in their political position within the oppositional music scene as well. Mostly drawing from the libertarian and anarchist philosophical traditions, the band's political stand is neither the continuation of the traditional leftist, most of the time orthodox Marxist stances of the oppositional Turkish music bands, nor the total split with their customs. Bandista members explain that they "get thrilled when the band's name is cited together" with the 'legends' of the leftist protest music tradition, yet still they see themselves in a somewhat different light, emphasizing that they "enjoy different enthusiasms", that their main worry is "to produce different sort of music" and that their actual intention is "not to change the protest music, but to change the practices of everyday life". Bandista considers as its "main revolutionary duty to augment the available alternatives within the society, without trying to calculate the actual public responses". Bandista explains its basic musical formula as the deconstruction of "whatever sound, text and image possible in favour of a border and class free world", in line with traditional legacy of punk music, where, as Ryan Moore explains, "[s]uffused with self-reflexive irony...punks have recycled cultural images and fragments for purposes of parody and shocking juxtaposition, thereby deconstructing the dominant meanings and simulations which saturate social space" (Moore 2004: 307). Even if rooting itself in the "cultural diversity of Anatolia", Bandista declares that it has very strong internationalist approach, as the sounds they produce "varies from Django to Reggae, from Bratsch to Ska, Dub and Afro-Beat", music types they call "queer" and practices they refer to as "bratsching", a verb coined after French-based music ensemble Bratsch, worldwide known for its musical mixings of very diverse folk traditions. Bandista refers to its music as "an action, not an art" and states that each performance is a "situationist experiment of rage and rapture".

The main source of information for this article is the interview conducted on April 5, 2012 with two Bandista members, one male and one female, who, after the collective discussed the matter at length among themselves, were appointed as some sort of band representatives for the interview. The interview lasted for approximately two hours and revolved around the discussion of a set of semi-structured interview questions, which were initially prepared for the purpose. Semi-structured interviewing technique is a common ethnographical tool which provides wide and rich data-set for analysis and is used especially within the explorative research, yet, where necessary, reportages about the band appearing in various media, as well as the band's songs and lyrics were also consulted.

"Not Punk Style, but Punk Stance": Bandista and copyleft

Bandista is a highly politicized music band and has very strong and grounded opinions about the number of issues, some of them very interesting. For example, even if some of the authors who criticize matters related to intellectual property rights base their perspectives on issues such as the diminishment of freedom of expression (McLeod 2007), the damage towards personal freedoms (Gantz and Rochester 2005) or the threats it creates towards creativity (Vaidhyanathan 2001; Demers 2006), Bandista bases its critique on a different viewpoint, as first of all, they do not believe in the individual creativity of musician, or any artist in this sense, and state that they have a serious struggle with the mystification of art:

> The basic matter here is that we do not believe that any product or sound that we produce is actually coming out of us. After all it is a cultural thing, something learned before. Even if I play guitar, there is definitely someone who taught me before how to play, and any sound that I make with it definitely was heard by me before. Even if there is a potential for individual creativity within this sense, we claim that by putting back into the realm of anonymity whatever we produce we are re-anonymizing it.

Anonymity is a very important concern for Bandista in relation to the various media appearances as well, as can be seen from their strict rules of never using individual band members' names during the interviews, nor putting their making personal appearances on television shows. This stance itself is worth of further exploration in the era of explosive mediatization, where appearance on television screens is considered to be an essential strategy for bands to promote themselves. Yet, the most curious issue came up during the discussion with Bandista members of the relation between the actual politics of copyleft and the deconstruction within Bandista songs of lyrics and music of other musicians' copyrighted songs, since, as it turned out, in Bandista's case, the issue of copyleft is actually a political stance. They further explain this as:

> What we actually mean when we say that our music is copyleft is a political statement, in reality it does not correspond to the judicial one. We get the copyright of our music when we publish them. For all songs, the ones we produce ourselves, the ones we get out of the realm of anonymity and the ones which have legal copyright owners we pay all necessary dues, according to the banderole regulations of Ministry of Culture [of Turkey]. Before anything else we do this as a legal precaution, since leaving the issue of copyleft so open-ended when in reality there is no actual legal counterpart of it, for example we cannot let some bank to use our song in their advertisements two months later. In such case the bourgeois jurisprudence comes in. In a place where our legal rules are not governing, we see ourselves justified to use bourgeois legal system to govern when necessary. Except for this, copyleft is a claim, it is an assertion.

Bandista members elaborate on their embraced assertion of copyleft as an attempt to put their music into the realm of anonymity, that is to "support the right of anyone to copy, circulate and distribute band's music freely, with a single precondition of not to follow commercial purposes". One of the most famous songs of Bandista is "*Benim Annem Cumartesi*" ("My Mother is a Saturday"), featured in their mini-album *Paşanın Başucu Şarkıları* (OPZZZ, 2009), written as a homage to a more than a decade-long struggle of mothers, known in Turkish media as *Cumartesi Anneleri* ("The Saturday Mothers") due to their regular Saturday protests in Istanbul, whose politically oppositional children disappeared while being in law enforcement agencies' custody and whose fate is largely unknown. This song partly appeared in one of the episodes of Behzat Ç, a popular Turkish television series, and this case was one of the very few instances when the juridical status of Bandista songs was 'remembered' and copyright release agreement was signed with the representatives of the television channel broadcasting the series. Except for such rare moments, Bandista has very relaxed stance towards their songs being used in non-commercial projects of amateur filmmakers or being performed by other musicians at their concerts. In order to overcome the "conservative preservation of the musical works", Bandista members actually even encourage the deconstruction of their own songs, for example by suggesting to "reduce the metronome and the bpm of the songs" or to "play the songs in reverse".

The debut album of Bandista, *De te fabula* narratur ("The tale is told of you"), derives its name from Latin author Horace's Satires, and is widely known as a famous sentence used by Karl Marx in the preface of the first edition of *Das Kapital*. This album was recorded in a professional music studio, whose owners are close friends and associates of Bandista, and generously offered them their studio and equipment for a long time period. The whole process of album recording also worked as an invaluable lesson for Bandista:

> This production was fully our own. While we were doing it [the album], within the process we learned quite a lot of sound technologies, as for example microphone angling, sound editing and mixing, that is the stuff which can be considered as the engineering of this occupation... We learned how the music production really happens.

In this sense even their first album, albeit being recorded in a professional studio, bears all the marks of a Do It Yourself (DIY) process, which helped Bandista during their later efforts, when they decided to 'free' the process of music production even more and re-appropriate the means of production even further:

> Digital technology is drastically advanced and gives us many opportunities. We did the recording of our second album in many different places with only a sound card and a laptop. For example, when we were on a one-week tour in Cyprus, we created a two-day break from the concerts and used one of our friends' house to record.

The changing nature of music technology is one of the main features of the modern music scene, yet this change is not unique to our era and the "growth, persistence in our culture, and technological improvement of sound recording reflect its evolutionary, not revolutionary nature" (Jones 1992: 14). In classical Marxist theory, re-adapting the means of production forms the basis for liberation of the working class, and in this sense Bandista points to a very important issue within the general debates on copyright. If musicians and music bands can produce and later distribute their own music without requiring a significant economic investment this situation will definitely create a model of musical production less-dependent on the music industry, thus rendering the whole fuss created over the issue of music sharing and piracy meaningless, as the study conducted by Andrew Leyshon also indicates (Leyshon 2009). In an interview given to Turkish independent news agency Bianet in 2009 Bandista expressed the sincere feeling of deep shock and surprise they experienced in Ankara, when at Middle East Technical University's spring festival concert which they gave only seven days after the release of the debut album over the Internet, more than 10 000 people joined in singing their songs all together and at the moments when Bandista members themselves "stuttered while singing, they didn't and continued to sing our songs" (Özcan and Çakır 2009: web source). Such instances also contribute to the realization of the nature and thus re-definition of concertgoers not as an audience but as "participants", as Bandista had done from their early days. In this sense Bandista strongly insists on building "organic relationship", an "organic touch" with people, who they see not as random strangers, but interpret as "friends" who contribute to the sound of Bandista, and thus evaluate their concerts as "meetings". Most of the Bandista concerts occur not within the traditional concert venues, but on the streets, mainly as part of solidarity acts with an underprivileged, unheard and underrepresented strata of society such as imprisoned students, striking workers and undocumented immigrants. Since the infrastructure of each street is different from another, the constitution of band at each occasion is different as well, turning each Bandista song into a different version of original one and each concert into a "unique performance". Such an awareness of the performance-based nature of their concerts makes Bandista insist even more on the difference between the exchange-value and use-value of their songs, terms they borrow from Marxist economics, and which forms one of the basic critiques they raise against the music industry, which "continues to shortchange artists through a combination of shady accounting practices, usurious recording contracts, widespread failures to pay back royalties, and dramatically overpriced retail product" (Rodman and Vanderdonckt 2006: 254). This differentiation is explained by their constant insistence on a "punk stance" over "punk style", which they try to embed not only into their lyrics, music and songs, but also in the general aura of their concerts, as well as the way they produce and distribute their music:

> The practicing of music, its coming into practice is definitely a performative act, and the basis of this is related to the difference between the exchange-value and the use-value of this music. There is a difference between enjoying music as it is performed, seeing and

> witnessing other people enjoying it, and listening to music which you went and bought from a supermarket shelf.

Bandista further clarifies its copyleft attempts by stating that in its nature copyleft is actually "an action of defending public rights" and within this vein, their whole acceptance of copyleft is deeply structured on the performance embedded in it, since it involves "labor within", as Bandista explains. This statement of Bandista invites a closer look into the relation of performance to our general debate on Bandista's copyleft politics. In discussing the meanings of liveness and performance in contemporary media saturated culture, Philip Auslander makes a curious observation that the "ideological distinction between rock and pop is precisely the distinction between the authentic and the inauthentic, the sincere and the cynical, the genuinely popular and the slickly commercial, the potentially resistant and the necessarily co-opted, art and entertainment" (Auslander 2008: 81). Based on this strict separation of different expectations arousing from various forms of music, he argues that "rock fans need to see the performers produce the sounds on their recordings live in order to believe that those sounds are the authentic products of those performers" (Auslander 2006: 265). Punk, as a follower of the rock ideology, seems to rest on the same assumption as well: performance-based authenticity quest. After all, punk from its early emergence was the music of rage, and thus required wild performance as the necessary mechanism to involve its listeners and concertgoers in the overall performance. This is also closely related with the general idea of what exactly music, musical production and recorded songs are about. As Christopher Small rightfully notes

> The idea that musical meaning resides uniquely in musical objects bears little relation to music as it is actually practised throughout the human race. Even within the Western classical tradition the exclusive concentration on musical works and the relegation of performance to subordinate status has resulted in a severe misunderstanding of what music is really about, and an impoverishment of our experience of it. For it is not true that performance takes place in order to present a musical work; it is the other way around. Musical works exist in order to give performers something to perform. (Small 1999: 11).

Conclusion

The case of Bandista, reveals two intertwined conclusions at once: first of all, instead of focusing on Western countries only, importance of looking at practices of copyleft politics within the socio-economical context of developing world, since they may provide really interesting examples for the sake of general discussion; and secondly, that copyleft politics emerge as an essential and in many ways revolutionary innovation tool for new music bands, which seek to form themselves as independent actors within the music scene. Even if the structure devised by Bandista is not an employment of the standard copyleft scheme, where free and open-source software is put on the Internet, left to be (re)used, (re)programmed and (re)developed by 'others out there', it is still an important empowerment strategy. What Bandista's experience here offers is a two-fold liberation tactic, where the first step is the re-appropriation of the means of production, that is by engaging in DIY processes, by learning the sound technologies and their engineering, recording and producing the music on one's own. This may seem as an enormous effort put onto the shoulders of the musician, yet it will offers a close resemblance to the musical past, especially 1950s, when small music labels producing rock 'n' roll music were starting to sprout all across the Unites States and "[m]ost of these companies consisted of only one person who took care of everything from A&R to record promotion" (Tschmuck 2006: 94). If musicians can produce their own music without the requirement of significant economic investment they will obtain their own economic independence, thus beginning the "process of bypassing the industry and creating a future that may render the current industrial giants irrelevant" (Halbert 2005: 67).

The second step in this process is, after registering the music with necessary legal authorities and obtaining the rights for one's works, thus securing them from being stolen, releasing the songs for free over the Internet. Such distribution strategies will provide music outfits, especially newly emerging ones, with an invaluable chance to strengthen their position within the field, without fearing for their songs to be stolen or rights for them to be claimed by others. Copyrighting the rights of one's music might seem a direct violation of the copyleft spirit, yet living in the times when we witness the "ultimate in class betrayal perpetrated by the litigious copyright owners of Woody Guthrie's 'This Land Is Your Land,' and the Fourth International's flagship song, 'The Internationale'" (Ross 2006: 749), this sensibility can be evaluated as a simple precaution taken by musical authors against "current societal developments, like the establishment of entrepreneurial copyright", which exponentially instills "antagonism between authors or users and those who exploit works" (D'Agostino 2010: 19). In this sense, Bandista's two-fold strategy provides a middle-way bridge between the copyright and the copyleft, giving music bands an opportunity to protect their songs from commercial exploitation, yet at the same time keeping songs 'free' to be re-used in solidarity and cooperation with other independent bands and musicians, who follow the same or close life and music principles of the band.

The liberation tactic embraced by Bandista, implementing 'true' copyleft politics only as a matter of choice for the distribution strategy, can immensely contribute to the newly emerging music band's establishment of its name and its further recognition, thus gaining fans and listeners, who later on will closely follow the band's future music and, more importantly, concerts. Needless to say, this situation will greatly benefit newly established musicians and bands who are in a constant struggle to be heard. After all, most of the revenues, if not all, gained by economically independent musicians, enjoying only local or middle-scale partial fame, come from their concert incomes, and if the name recognition and fandom is already there due to 'quality music' produced by the band, the concert audience and the income is surely going to be much higher, providing even further freedom and independence for music groups to produce their own music. This mutually-dependent intertwined relationship between independent music production and concert incomes can be better explained by using Karl Marx's clarification that "[w]ithout production, no consumption; but also, without consumption, no production; since production would then be purposeless" (Marx 1973: 91).

Implementation of the above-explained two-fold liberation tactic as the main empowerment strategy worked with great success in Bandista's case, and helped the band in establishing itself not only as widely known player within the music scene of Turkey, but in gaining international recognition as well (they are frequently invited to perform at international European festivals, even if all their lyrics are in Turkish). Immense success and recognition enjoyed by Bandista is mainly due to its implementation of live performance as the main entertainment factor in the concerts. Each Bandista concert is "an experience", "a unique performance" as they express it, where the audience is not a passive recipient of the music, but active participant in the whole process of liveness, even establishing its own rituals, such as the ecstatic screaming of political slogans at the end of some songs. The most important point related within our own discussion of copyleft here is, as Philip Auslander points out, that the live performance is the only thing within the highly commodified music world that cannot be copyrighted, that the "copyright and intellectual property law will provoke renewed consideration of the ontology of live performance and its position within a cultural economy dominated by reproduction" (Auslander 2008: 147).

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