

‘Home taping is killing music’: the recording industries’ 1980s anti-home taping campaigns and struggles over production, labor and creativity

Andrew J. Bottomley*

Media and Cultural Studies, Department of Communication Arts, University of Wisconsin Madison, 6117 Vilas Hall, 821 University Avenue, Madison, WI 53706, USA

In the 1980s, the major record labels in the United States and the United Kingdom publicly confronted consumers over the private copying of music onto blank cassette tapes. Industry trade groups, such as the Recording Industry Association of America and the British Phonographic Industry, mounted publicity campaigns combatting this practice of ‘home taping’, and, in addition, took legal action and lobbied governments for new copyright legislation. They condemned the practice as piracy, even though private, non-commercial copying was predominantly legal. In a significant precursor to the digital file sharing battles of the 1990s and 2000s, fans and musicians widely objected to these attempts at media control, often through highly creative responses. This article examines these anti-home taping campaigns as a historical conjuncture that reveals some of the ways content firms defend themselves against new media technologies, while also illustrating the complexity and diversity that exist within media industries like ‘the recording industry’ that are too often falsely presented as singular, homogenous groups. This analysis raises important questions about media production, labor, and creativity, in particular how the creative work of audiences is culturally discounted and copyright law is used to define creativity in highly restrictive ways.

Introduction

‘C30, C60, C90, Go!’, shouts Bow Wow Wow’s Annabella Lwin on the British new wave group’s debut 1980 single of the same name. Those few words – a reference to the different lengths of blank audio cassette tapes – were a rally cry to music fans and record collectors to use the newly ubiquitous analog tape technology to take their music consumption into their own hands. Lwin followed it with lines like: ‘So I don’t buy records in your shop / Now I tape them all, ‘cause I’m Top of the Pops’ and ‘My cassette’s just like a bazooka.’ And that is precisely what the recorded music industries feared: death by cassette. In the 1980s, the major record labels in the United States, the United Kingdom and elsewhere claimed that consumers were impinging upon the sales of pre-recorded vinyl records, cassette tapes and compact discs by privately copying music onto blank cassettes at home. Industry trade groups, such as the Recording Industry Association of America (RIAA) and the International Federation of the Phonographic Industry (IFPI), launched large-scale publicity campaigns, as well as legal action and lobbying of governments for new copyright legislation, designed to combat a practice that came to be commonly known as ‘home taping’. The major labels condemned the practice as piracy – even though private, non-commercial copying was mostly legal. Most famously, the British Phonographic Industry (BPI) trade group initiated a campaign using the slogan

*Email: abottomley@wisc.edu

‘Home taping is killing music, and it’s illegal’, featuring a Jolly Roger-style cassette tape-and-crossbones image. Suffice it to say, music fans did not take kindly to being called thieves, nor to being told what they could or could not do in the privacy of their own homes with things that they owned. Musicians objected, too, over their fans being persecuted by institutions that claimed to represent their interests, especially when many of them, like the young Lwin, actually supported home taping.

The recording industries rather quickly backed off anti-home taping campaigns like ‘Home taping is killing music’ that expressly accused its consumers of wrongdoing (although these allegations never disappeared entirely). Nevertheless, this moment retains historical significance for a number of reasons that I will explore in this article. I treat these anti-home taping campaigns as a discursive formation that is the site of numerous tensions both between producers and audiences and among various groups of producers within the media industries. First, the anti-home taping campaigns are a prescient example of media content firms attempting to defend themselves against economic threats brought on by new media technologies, particularly ‘read–write’ technologies.¹ The recording industries’ use of copyright law and ideological discourse in its defense is especially notable, and there are numerous parallels to the peer-to-peer (P2P) file-sharing controversies that would follow in the 1990s and 2000s. Second, the anti-home taping campaigns reveal some of the (often highly creative) ways in which audiences have responded to industry’s attempts to exert increasing control over media content. Related to this point, these campaigns can be seen as a crucial moment where the recording industries lost a large amount of consumer goodwill, which would only dwindle further with the later file-sharing crackdowns.

Third, the critiques that numerous artists made of the anti-home taping campaigns, often through parodies of the tape-and-crossbones logo and ‘Home taping is killing music’ slogan, illuminate the complexity and diversity that exist within the media industries. That is, what is commonly referred to as ‘the recording industry’, or even simply ‘the music industry’, is in fact a complex array of interrelated industries and groups of producers who operate according to diverse interests and ideologies.² It is far from a homogenous group with shared objectives and interests. Trade groups like the RIAA claim to speak for ‘the industry’ but, in fact, only represent a narrow set of special interests, a small (but powerful) subgroup of record labels that are focused primarily on the revenue stream earned on intellectual property rights. There is a clear strategic advantage to them attempting to monopolize the industrial discourse. Interestingly, many of the artists cited throughout this article similarly replicate the idea of a singular industry; it is a pervasive discourse that even those critiquing it have a difficult time escaping. The more severe problem is that the popular press and media scholars alike have a tendency to perpetuate these clichés and received thinking about a single ‘music industry’ – or, for that matter, a single ‘film industry’ or ‘television industry’. The result is simplistic thinking and caricatured portrayals of the media industries that lead to a narrow focus on specific industrial formations (e.g. major record labels, Hollywood film studios, national television networks), select groups of workers (e.g. executives, blockbuster artists or above-the-line talent, so-called authors) and limited areas of analysis (e.g. product sales, intellectual property rights). As Jonathan Sterne (2014) and Williamson and Cloonan (2007) point out, media scholars need to more carefully think in terms of ‘music industries’, plural, instead of a singular, homogenous recording industry. Too often, scholars conflate the music industry with the recording industry and the recording industry with the few ‘major’ or ‘mainstream’ multinational conglomerates.

Even within the recording sector of the music industries, there are thousands of local and independent labels worldwide and myriad more artists.³ As my analysis here suggests, there are disparate organizations and groups (e.g. record labels, recording artists, trade groups, equipment manufacturers) that make up the narrow corner of ‘the music industry’ that we know as ‘the recording industry’, and within that grouping there are many diverse perspectives. In his otherwise excellent book on genre cultures, Keith Negus (1999) suggests that, ‘such entities as the recording industry work in a systematic, coherent and orderly manner’ (8). This is an unfortunate analytical misstep; while there is certainly some value to attempting to discern organizational and structural patterns within an industry sector, the ‘logic’ of ‘the recording industry’ that Negus ends up observing belongs primarily to a small set of multinational major labels, not all record companies. What’s more, there are many more industry sectors that make up the music industries. These include, but are hardly limited to, the live performance industry, management and business services, song publishers and performance rights organizations, record production, press and promotion, education and retail. Easily, the bulk of media studies and popular music studies research on the music industries has centered on sound recordings and record labels only.

Fourth, the anti-home taping campaigns highlight struggles over the meaning and use of media technologies as well as raise important questions about media production, labor and creativity, in particular how copyright law is used to define creative labor in highly restrictive ways. This last point opens up a discussion about technological control and the creative work of audiences. Who determines how consumer electronics like tape decks are used in the home: the content owners, the equipment manufacturers or the users themselves? What constitutes ‘production’ and who is a ‘producer’ in the media industries? Should audience members making mixtapes at home count as media producers? Ultimately, I argue that this should indeed be considered media production since it is a form of creative work. I conclude the article with some suggestions about how the media industries and production studies subfields of media studies might benefit from considering more closely the role of audiences and their creative work.

The recording industries vs. the people

Starting in the late 1970s, recorded music sales began to suddenly and steeply decline worldwide, particularly in the USA and Europe. This was at the tail end of the vinyl era; prerecorded compact cassettes and 8-tracks were also sharing the market, but sales of these two analog tape formats were not making up for the losses in vinyl sales. Especially after 1978, total recorded music sales hit a steady decline that would not be reversed until the mid-1980s when the compact disc (CD) format emerged (Coleman 2003; Morton 2004; DeGusta 2011). Notably, this drastic decline followed a long period of sustained sales growth from the late 1950s through the mid-1970s (Gronow 1983). Thus, the post-WWII recording industries were relatively unaccustomed to dealing with downturns in sales. There were a few obvious factors that were impacting sales: the global economic recession of the 1970s; inflated prices and poor quality products (manufacturers turned to thinner, recycled vinyl to cut costs following the 1973 oil crisis); an over-reliance on megastars and perceived lack of exciting new artists and competition from other media, including video games, cable television and the nascent MTV (Music Television) (Grover 1982; Knoedelseder 1983). Some music industry scholars, such as Pekka Gronow (1983, 72), even suggested that sound recordings as a mass medium may have simply reached market saturation – people had already bought as many records as they needed.

However, major label executives and representatives focused their attention on another explanation, a pesky problem that they presumably thought was the easiest to resolve: home taping. That is, the availability of blank cassette tapes and the practice of consumers using home stereo tape decks to make mixtapes or duplicate entire albums onto cassettes for themselves or their friends. A number of industry studies claimed that home taping was causing losses of between \$1 and \$3 billion per year in the USA alone, based on the finding that about half of the people taping records were doing so to avoid purchasing them (Besen 1986; Hull 2002).⁴ All of this was possible because cassette tapes and home tape decks, in addition to portable playback devices like the Sony Walkman, had become widely available and relatively inexpensive consumer technologies by the late 1970s.⁵ Not only was home taping easy and cheap, but it gave audiences more control over their music listening experience.

More control for the audience meant a loss of control for the recording industries. With blank tapes and home tape decks, audiences could now perform a variety of actions that had previously been difficult or impossible. They could copy a favorite long-play record (LP) on to a blank cassette for mobile listening, bypassing having to purchase a second pre-recorded cassette or CD version of the same record. They could also make mixtapes, selecting only their favorite tracks by an artist or creating their own themed playlists (a now ubiquitous practice that was not widespread prior to the cassette). They could also record music off of the radio.⁶ But all of this activity was happening beyond the control of the copyright owners, who in most cases were the recording artist and their licensed representatives, the record labels. Only a few years earlier, the artists and labels would have had near-complete control over how their music was handled: they would have pressed the master recordings onto LP, distributed them to a licensed retailer that would then sell the LPs to consumers, and the consumers would have been able to play it on their turntables at home, but that is pretty much it. There was always the radio, of course, but that exposure was relatively limited, as those listeners would need to go buy their own copy of a record if they wanted to listen on their own schedule.

Indeed, the pre-home taping on cassette scenario is a perfect example of the exclusive rights to reproduce and distribute a recorded work that are afforded to a copyright owner under US copyright law (Lutzker 1992). However, what home tapers were doing in the late 1970s and 1980s was not copyright infringement under the existing law. If someone were to duplicate an LP or radio broadcast and sell it, then that would be piracy (i.e. bootlegging), which would, without a doubt, be illegal under US and pretty much any international law (Heylin 2003; Kernfeld 2011). Except the type of home taping that most music fans were doing was not bootlegging, since it was non-commercial and conducted in the privacy of their own homes. Their use was protected under the doctrine of first sale in the USA, which says that once you buy a record, it is yours (U.S. Congress 1989). Similar private use exceptions existed in the UK and most European countries. Even if home taping exceeded private use exceptions and thus infringed copyright laws, as certain legal scholars argued in the UK, it could not be policed: the harm of entering citizens' private homes to detect the copying was regarded as far greater than any economic harm it might have caused the copyright owners (Guibault 2007).⁷ Internationally, home taping may have been unauthorized but it was mostly permissible under the law as it stood.

The recording industries, nonetheless, wanted to put an end to home taping activity, and enacted a strategy that addressed audiences directly with a combination of moral and (quasi-) legal arguments. Trade groups like the RIAA, IFPI and BPI, which are private organizations that represent the major record labels and distributors (and *not* musicians, songwriters, publishers, et al. — at least not directly), were at the forefront of these efforts.

These activities ranged from issuing reports and press releases to the media to full-blown publicity campaigns with advertisements placed in record stores and major newspapers and magazines. As the *Los Angeles Times* reported in 1980, the majors had ‘take[n] the battle to the media’ (Trombetta 1980, T88). Throughout the decade, mainstream news outlets like the *Los Angeles Times*, *The New York Times* and *The Wall Street Journal* maximized the industries’ anti-home taping discourse by frequently running stories on the issue, nearly always centered around a trade-group-sponsored report or press release (or court action). These newspaper reports were almost always published in the business section and focused on problems like projected revenue losses, not consumer rights. If an alternative voice was presented, it was usually that of a cassette tape manufacturer or a politician, not a consumer or artist.

The most notorious of these anti-home taping campaigns was the BPI’s cassette tape-and-bones logo accompanied by the slogan ‘Home taping is killing music, and it’s illegal’



Figure 1. The British Phonographic Industry’s ‘Home taping is killing music, and it’s illegal’ logo as printed on the inner sleeve of Orange Juice’s self titled LP (1984).

Source: Author’s collection.

Photo: Daniel Murphy.

(Figure 1). The BPI launched the campaign in the fall of 1981 with an only slightly more subtle advertisement that ran in a number of the UK's largest circulation newspapers, including *The Times* and *The Guardian*. Half-page ads, signed by dozens of prominent British recording artists such as Elton John, Cliff Richard, Dexys Midnight Runners, The Boomtown Rats and Gary Numan, proclaimed boldly that, 'Home taping is wiping out music' (BPI 1981). This particular ad was aimed at getting consumers to support government adding a tax on blank cassettes, a point that I will discuss more shortly. It was a precursor, though, to the much more forceful 'shock' tactic of 'Home taping is killing music, and it's illegal' (Tyler 1981, 7). The slogan and its tape-and-crossbones motif were printed on every recording released by BPI member labels for the next few years. The first release to carry the slogan was K-tel's *Chart Hits '81: Volumes One and Two*; it was printed on the record's back cover and prominently displayed in a promotional television campaign ("U.K. Ktel" 1981). On vinyl records, the motif was typically printed largely on the inside paper sleeve that houses the actual record disc, though it was also sometimes affixed to the exterior jacket. The lobbying group presented the campaign as a form of 'public education' (Tyler 1981, 8), printed directly onto the product itself like a Surgeon General's health warning on a pack of cigarettes. Again, home taping in the UK may have actually been illegal (unlike in the USA, where its legality was firmer), and yet the copyright infringement was effectively unenforceable. As a result, the recording industries needed to convince music fans that they were committing a crime *and* get fans to self-regulate their behavior. The BPI's printing of the skull-and-crossbones motif on the records themselves was designed to do just that, reaching into the audiences' homes the way they could not forcibly do in person. 'We'll get that message across loud and clear to consumers in their homes', proclaimed BPI director general John Deacon ("U.K. K-tel" 1981, 3).

Even though the BPI's 'Home taping is killing music, and it's illegal' campaign was restricted to the UK, it discursively made an impact in the USA and elsewhere. For one, the US media reported on it regularly. In an article for the *Wall Street Journal*, for instance, BPI spokesperson Richard Robson was quoted saying the campaign was designed to 'ram home to consumers that this is the most widespread abuse of the law in this country' (Revzin 1979, 29). No one has ever accused the content industries of understatement. In addition, the early 1980s was the beginning of the 'Second British Invasion' in popular music, which brought numerous UK new wave artists to stardom in the USA, such as Culture Club, Duran Duran and Billy Idol (Reynolds 2005). As a result, many UK-pressed recordings were imported into the USA, still carrying the skull-and-crossbones logo and its dire warning. Thus, even if US audiences were not the intended targets of the 'Home taping is killing music, and it's illegal' message, they were recipients of it nonetheless. American audiences were highly aware of this discourse, as the fan and artist parodies that I discuss later in this article attest. Indeed, today the UK-only BPI campaign is often mistakenly attributed to the US recording industries in both popular journalistic and academic discourse (see, for example, Lemley 2011). Thus, the BPI's national campaign was in actuality transnational.

In the USA, while the RIAA and its major label constituents may not have directly backed the BPI's 'Home taping is killing music, and it's illegal' publicity campaign, they nevertheless adhered to the same discursive strategy. RIAA members and representatives frequently compared home taping to piracy, and accused their customers of stealing in unequivocal terms. RIAA President Stanley Gortikov wrote in a 1982 editorial title 'Home Taping: Copyright Killer' that home tapers were 'poachers' and that home taping was 'lethal', proffering a litany of groups within the music industries who were being

‘victimized’ (16). In a 1983 speech to college students, Gortikov called home taping ‘personal piracy’ and equated it directly to bootlegging, arguing that it ‘is every bit as sinister as commercial criminal piracy’ (quoted in McCormick 1983, 6). Contrary to the actual law of the day, home taping was incontrovertibly held up as theft within this industry discourse – a depiction that was rarely questioned within journalistic discourse. Reading the popular press from the era, the question was never about whether or not home taping was legal: it was about how the industry should deal with this ‘piracy’.

Anti-home taping campaigns like these were based as much on moral arguments as they were on legal ones. Previously, I compared the BPI’s skull-and-crossbones motif to a Surgeon General’s warning, and indeed, much like cigarette smoking, home taping was framed as an epidemic. In the music industry trade publication *Billboard*, it was depicted as a ‘monster’ (Horowitz 1980, 58). In a 1982 National Association of Recording Merchandisers speech, Warner Communications executive Stan Cornyn identified taping as ‘the worst of the seven plagues facing the music business’. He added, ‘If home taping keeps on the way it is, then there may be precious little of our music left to tape at all’ (quoted in Goldstein 1982, G1). Gortikov described home taping as ‘an arrow right in the heart’ of the recording industries (quoted in McCormick 1983, 6). In these accounts, music fans were being discursively positioned as murderers at worst, and burdensome carrier monkeys at best. Fire-and-brimstone rhetoric like Cornyn’s and Gortikov’s shifted the focus from lost revenues to the imminent demise of the music business and, with it, popular music as a medium. That is, home taping was positioned as an existential threat, not just to the recording industries but also to *music* itself.

The Jolly Roger tape-and-crossbones logo, along with recording industries representatives’ repeated cries of thievery, plainly conveyed the belief that home taping was equivalent to piracy. The claim that ‘it’s illegal’ made the charge of criminality unquestionably explicit – despite the fact that it was a legally dubious contention in the UK (since anyone could tape legally if they obtained the inexpensive Amateur Recording License) and untrue in the USA. (Nevertheless, the recording industries were certainly trying to *make* it illegal during this time period, as I will explain more soon.) However, the very use of these images and terms invoked negative associations, and with it a moral dimension – a sense of good/bad character and conduct. Moreover, linking the threat to *music* itself – an entire art form that is fundamental to society – made the issue a matter of importance to not just a trade group and its clients but to the broader public interest. It would have been more accurate to say that home taping threatened ‘the recording industries’, but that danger would not have carried the same ethical appeal and, thus, would be much less likely to encourage people to alter behavior that was both legal and socially acceptable.⁸

The home taping struggle can be viewed as a moral panic. Drawing on sociologist Stanley Cohen’s influential research (1972) on the social construction of 1960s British ‘Mods and Rockers’ as deviants, William Patry (2009) has analyzed the Betamax case and the Motion Picture Association of America’s attempts to restrict the use of home video recording devices – which was occurring concurrently with audio home taping – through this framework. Moral panic here means an imminent danger to the very well-being of society that requires an immediate response, usually through aggressive legislative or police action. This manufacture of fear requires the creation of folk devils, or people who are portrayed as deviant and blamed for the rest of society’s problems. Notably, youth – those people aged between children and adults – are frequently targeted as folk devils in moral panics.⁹ The recording industries’ anti-home taping discourse is a textbook example of the use of a moral panic to turn an acceptable behavior into a criminal

behavior. Here, home taping – once again, mostly legal and widely practiced – was framed as an act that threatened the very existence of music, the loss of which would be a social harm that injured everyone in the society. While the campaign did not openly blame youth, it would have certainly been understood that youth bought the most records and were the most in-tune with new technologies like cassette tapes, and thus would have been the greatest perpetrators of home taping. Moreover, the references to illegality suggested that it was no longer a private matter and, therefore, required state intervention. Indeed, in the USA, the law exists only as a response to conduct that must first be deemed socially unacceptable by a substantially large segment of the society (Patry 2009, 145–146). This can be difficult to achieve in the case of intellectual property like recorded music, though, where strict copyright laws benefit select individuals (i.e. authors) over the wider public.

Home taping in the battle over copyright

The home taping struggle was much more than a protective fight over copyright infringement, real or perceived. At the same time, as the record buying public was being besieged with accusations of piracy, the RIAA and its allies pushed government for an expansion of copyright law based upon an increasingly restrictive notion of production and creativity. To be clear, the basic premise of American intellectual property law, including copyright, is to promote the ‘common good’ by encouraging access to intellectual expression on the one hand, and ensuring a plentiful supply of such expression by protecting the rights of authors on the other (Lessig 2004). In this way, it functions as what Julie Cohen (2012) calls an ‘incentive scheme’ to promote creative and intellectual progress. The basic notion is that if authors are allowed to profit off their creations, this will motivate them to produce – and ultimately, everyone in the society benefits from the widespread dissemination of this knowledge and culture, as well as the economic prosperity it generates. At the same time, there need to be limits, as certain knowledge and information must remain accessible to all (e.g. the principle of the public domain), and generally speaking, a careful balance needs to be struck between the public good and private gain. For instance, in the case of home taping, the rights of consumers to privately copy and share recordings that they own – which would fall under the public good – have to be weighed against the rights of authors to control and profit from their original creations. The law here is immensely complex but at the risk of oversimplification I merely want to point out that by design copyright has always been intentionally limited in its reach and duration. However, as numerous scholars have observed (Frith 1987; Lessig 2004; Cohen 2012), US copyright law has steadily shifted the balance in favor of the private interests of copyright holders, in terms of increasingly long copyright terms and both broader and stricter definitions of copyright infringement.

Thus, the recording industries’ ‘piracy’ narrative can be viewed as a precursor – a smokescreen even – for a larger push to implement more restrictive copyright regulations. This discourse operated as a type of industry lore – Tim Havens’ (2007) term for common sense assumptions perpetuated by the media industries’ that enable and constrain certain possibilities – which effectively shaped the agenda for the ensuing public debate about who had control over recording technologies and commercially recorded music content. The conventional knowledge that the recording industries should control all uses of recordings they ‘owned’ was hardly questioned during the 1980s.

The recording industries tried throughout the decade to restrict private, non-commercial home recording practices through changes in copyright law. These efforts included

making home taping a form of copyright infringement not covered by the fair use exception (Lutzker 1992; McKuin 1993–1994; Hull 2002). Ultimately, the industries failed on that front, as home taping was once and for all confirmed as a non-infringing activity with the passage of the Audio Home Recording Act of 1992 (AHRA), an amendment to the US Congress' Copyright Act of 1976 (U.S. Congress 1992).¹⁰ The AHRA, though, was a legal and economic compromise, in that it upheld the audiences' legal right to home taping while also providing the recording industries with a number of concessions.

In many ways, while copyright itself is not inconsequential, the home taping struggle is better viewed as a battle over the control of sound recording and playback technologies within the music industries. In fact, the RIAA and its supporters dropped their aggressive tactics toward customers fairly quickly – even though its impact was lasting and they never completely backed off calling home taping criminal. Instead, throughout the 1980s, the recording industries went most strongly after the consumer electronics sector that manufactured blank tapes and tape equipment. For years, a publicity war raged in the press and in legislative halls. The major label lobby pitted the tape manufacturers as exploiters: parasites whose products were worthless without the creativity and hard work of the recording industries. 'Open up a blank cassette', Gortikov urged, 'It's a scramble of plastic, film, oxides, hubs, spindles. It's useless in itself. It becomes valuable to its maker and its purchaser only when it comes alive and records our copyrighted music' (1982, 16). Both in the USA and the UK, there was also a xenophobic quality to many of the anti-tape manufacturer arguments, since the majority of manufacturers were foreign, in particular Japanese. One BPI advertisement explicitly stated: 'Consider the humiliating fact that all blank tapes are imported' as a reason for implementing a blank tape royalty (BPI 1985, 17). The record companies and song publishers also appealed directly to music retailers (who sold both prerecorded music and blank tapes), urging them that 'Home taping to us... is like shoplifting to you' (Coalition 1986, N11). On the other side, the consumer electronics industry responded that they, along with the millions of home tapers, were being 'scapegoat[ed]', citing a range of factors for the recording industries' woes, including economic recession and a failure to innovate (Wayman 1982). Their own trade group in the UK ran ads accusing the record labels and artists of greed, portraying the proposed tape levy as a 'legal perversion' that would rob the ordinary citizen to further enrich 'the privileged few at the top of the music industry' (TMG 1986, 6).

At first, the recording industries attempted to block the sale of blank tape and tape machines altogether. However, when that strategy proved unsuccessful, they focused on forcing manufacturers to pay a tax on blank media and recording devices, as well as get copy-protection devices built into recorders that would block the duplication of all prerecorded materials (Holland 1984). Indeed, the AHRA placed a small tax on all new digital sound recording media and equipment. This tax was paid into funds managed by the US Copyright Office, which were then dispensed to recording artists and other copyright owners as compensation for sales presumably lost to home taping.¹¹ The AHRA also required hardware manufacturers to incorporate copy management systems into recorders to prevent serial copying (though regular copying was still allowed). Some critics have accused these provisions of effectively suppressing digital audio tape (DAT) as a mass-market consumer technology (Anderton, 1994). Thus, the recording industries' strategy shifted during the 1980s from attempted total control to a mix of compensation and indirect control via early forms of digital rights management (DRM) technology (Herman 2013).

The recording industries may have lost the bigger battle in the struggle over home taping, but it nonetheless set an important precedent for the phenomenon of P2P file sharing

that would soon follow in the 1990s and 2000s. Indeed, to date, the anti-home taping controversies of the 1980s have received almost no sustained attention in the media studies or popular music studies literature. If they are examined at all, it is usually as a harbinger of the digital music piracy battles of the 1990s and 2000s, and even then home taping is typically only discussed as a footnote or an aside in legal and economic analyses of digital music and copyright. There is generally a sense in these writings that home taping was trivial and insignificant compared to the much more widespread practice of digital file sharing. The ‘Home taping is killing music’ phrase, Kembrew McLeod quips, ‘sounds quaint after the rise of digital distribution’ (2005b, 521). The convergence of music and the Internet has been widely studied by McLeod and others, and in this article, I am setting aside the larger legal discourses and controversies surrounding digital file sharing. What is most relevant to my discussion here, though, is how little the recording industries seemed to learn from their experiences battling home taping.

Although legislation like the AHRA upheld the private duplication of copyrighted musical works and, in doing so, prevented the industries from making copyright protections even more restrictive, it is precisely along these lines of intellectual property and piracy that the industries tried to stop file sharing. Now, I do not mean to suggest that home taping and digital file sharing are identical, as digital media technologies essentially allow a single copy of a sound recording to be uploaded onto the Internet to provide an unlimited number of perfect-quality copies to total strangers. This situation is different from tape copies, which are imperfect duplications and typically only shared among a few individuals. Nevertheless, the recording industries have responded to this later instance of unauthorized copying by continuing to concentrate on protecting a business model that revolves around the manufacture, sale, ownership and possession of physical property. It is a strategy that requires strict copyright and policing efforts that label anyone who uses technologies like file-sharing software a pirate or a thief (Garofalo 2003). The moral panic and folk devil arguments that I discussed earlier were fully deployed again, particularly in the late 1990s and early 2000s surrounding the popular file-sharing service Napster and the industries’ efforts to (this time successfully) get the US Congress to pass new copyright legislation, in the form of the Digital Millennium Copyright Act of 1996. Except this time, the industries actually did prosecute individual users for ‘illegal’ downloading – more than 30,000 of them in the USA – including not just college-age techno-geeks but also war veterans, middle-aged single mothers, grey-haired grannies and homeless people (Electronic Frontier Foundation 2008).

‘The music industry is killing music’: fans fight back

Most of all, the home taping controversy represents a struggle between the recording industries and their audiences over both recording technologies and sound recordings. The recording industries suing their customers in the 2000s certainly did not sit well with those audiences. As Eric Harvey has described, this litigious approach to file sharing did little to stop the practice and, in the process, ‘led to a decade-long hemorrhaging of consumer goodwill toward the music industry’ (2010, 239). I would argue, however, that consumer goodwill eroded long before digital technologies was even part of the equation. Although the industries never attempted to prosecute a home tapper in the USA or UK, through discursively criminalizing the entire practice of private copying, they blanket-accused anyone who tape recorded of being a thief. In this way, the anti-home taping campaigns positioned audiences and recording industries in a distinctly adversarial relationship. For instance, one letter to the editor in the *Los Angeles Times* accused the

industries of greed, querying, 'Is David Geffen planning to apply for food stamps in the near future?' The writer went on, stating, 'If producers, record artists and executives would lower their inflated incomes, perhaps the conglomerate distributors could lower their prices for albums' and audiences would buy more records rather than tape them (Ross 1983, 99). A series of reader letters printed in *Melody Maker* in Barton (1982) aired a list of grievances and justifications for home taping: over-priced records, 'crap' quality prerecorded product and convenience. 'I would like to say to the record companies: "get off our backs!"' cried one writer, himself a musician ('Spoil(er) Sports', 10). Other consumers remarked on the record companies' overreach with blank tape taxes, noting that home taping served many purposes beyond duplicating commercial recordings. 'The question I and thousands like me ask is: What right do they have to tax us for recording the sounds of our families, friends, and communities?' (Schwartz 1984, A18). Whatever the case, the relationship between audience and industry was clearly contentious in the 1980s.

Certainly, audiences and the recording industries had not entirely seen eye-to-eye before. Since at least the 1950s with the birth of rock 'n' roll, record company executives, managers, publicists and the like have routinely been depicted in popular culture as greedy, manipulative and corrupt (Keightley 2003). The major record companies were massive multinational corporations and would have represented 'the man' in the eyes of the youth counterculture, the largest segment of the record-buying public. But despite these discourses of the industries as inauthentic or villainous, audiences still bought records and remained respected customers up through the mid-1970s. That changed markedly with the anti-home taping campaigns, where suddenly the industries' own customers were turned into their mortal enemies. This was in part a legal issue, as audiences did, of course, have the legal right to at least some forms of private copying – and consumer advocacy groups like the Home Recording Rights Coalition sprung up to protect these consumer rights. But it was a moral issue, too: after all, no one likes being called a thief. As Simon Frith (1987) explains, the claims of piracy went against most audience members' ethical common sense. 'They *own* record/radio/cassette players, so why can't they do what they like with them? Copy a record for a friend? Tape the best tracks from a [radio] show?' (60). The accusations only made the megalithic major labels seem more greedy and out-of-touch, especially after record labels' profits started to soar again in the mid-1980s with the proliferation of the CD format (Coleman 2003). I would argue that the audiences' loss of goodwill toward the recording industries that developed out of the home taping controversies of the 1980s made them less susceptible to the industries' claims of digital music piracy in the 1990s and 2000s, which hit a tipping point when the industries further alienated their customers by actually taking legal action against them.

Indeed, there is little evidence that the 1980s 'scare' campaigns curbed home taping in any noticeable way, same as the more recent file-sharing legal campaigns have not significantly reined in 'illegal' downloading. Studies from the late 1980s showed that home taping was more rampant than it had been in the early 1980s when the anti-home taping campaigns were enacted (Hull 2002). Combined with the law being in the consumers' favor and the industries crying wolf in terms of economic losses, the ineffective attempt to criminalize home taping seemed to cement the audiences' belief that they had the moral high ground and that the recording industries were manipulative and self-interested. This has had long-term effects on attitudes toward music listening and consumption. The practice of home taping got revamped in the 1990s with CD burners and recordable CD formats, such as CD-R and CD-RW.¹² Soon after, the technology shifted again with MP3s, P2P file sharing, digital music playlists and so on.

Even those younger generations who never experienced analog home taping in the 1970s, 1980s or early 1990s still culturally inherited the basic practice. For instance, the continued use of the now-anachronistic term ‘mixtape’ in today’s digital music culture hints at how the notion of user-centered control over music reception prevails in the present day (Drew 2005). Indeed, as Frith (1992) has observed, each subsequent sound recording technology has operated on this principle of enabling greater and greater decentralization in music making and listening. Other ideas about the ‘remix culture’ of the Internet are similarly rooted in practices that were first developed and achieved widespread dissemination through analog tape technologies (Lessig 2008). Thus, putting legal and economic issues aside, home taping was (and still is) a cultural practice that enjoyed widespread social acceptance.

The anti-home taping campaigns, then, are best viewed as a means for the recording industries to gain control over cassette tape technology in order to perpetuate their existing business model (i.e. selling their intellectual property in the form of unalterable *objects*, such as prerecorded LPs or CDs). This model, though, contrasted with the realities of socially accepted behavior, which favored home taping. This inconsistency was not lost on audiences, who responded in a range of ways, including brazenly mocking the “Home taping is killing music, and it’s illegal” slogan and accompanying tape-and-crossbones logo. For instance, music fanzines copied the logo but reworked the slogan to read “The music industry is killing music” or “Home taping is killing music, so be sure to do your part!” Such comments displayed a deep-seated ill will toward the industries, or at least indignation at having been unjustly labeled a criminal.

Still others adopted the more positive counter-slogan “Home taping is skill in music,” drawing attention to the creativity involved in home recording (Smith 1998). As the *New York Times* letter writer alluded to above, home taping involved a range of practices extending well beyond the duplication of pre-recorded music. These included personal uses, such as office dictation and family home recording, as well as independent music production. Indeed, a wave of home studio recordists sprung up in the 1980s with the release of affordable four-track recorders like the TASCAM Portastudio, which used standard compact cassette tapes (Colbert 1983). Nevertheless, through calls for tape royalties, DRM, and the like, the major label lobby was essentially laying claim to the entirety of audio tape technology, attempting to control its development and use in order to suit only their best interests. These attempts at technological control not only impinged the consumer electronics industry, it penalized anyone who used tape technologies for alternate purposes, including musicians who were working outside the traditional recording industries.

It is my argument here, too, that the making of original mixtapes was another creative ‘skill’ that went unrecognized in the recording industries’ power grab to control tape recording technologies. The ‘Home taping is skill in music’ counter-slogan was sometimes appropriated from the home recordists and given the addendum ‘... and gives it life’, to further emphasize how fan practices like making tapes and sharing them does not ‘kill’ music but rather keeps music alive and thriving. That is, sharing among friends is one of the main ways that people discover music. Indeed, as Barry Brown and Abigail Sellen (2006) point out, ‘value judgements about music sharing are inherent in the terminology that one uses to talk about the activity – does one speak of music piracy, or music sharing?’ (39). While the industries obviously used the language of piracy, evoking theft and abuse, the audience preferred to use the language of sharing, which evoked the values of community and reciprocity. There was a distinct alternative culture of production here operating outside the professional music production culture.

Many fans, along with the consumer electronics manufacturers and even the US Federal Communications Commission (FCC) (Bierbaum 1982), responded to the recording industries' claims that people were taping to avoid purchasing by arguing that home taping actually increased sales. This argument was based on the notion that through tape copies individuals discovered new music that they would not normally purchase, and also that they copied music to 'try before they buy' (Brown and Sellen 2006, 39). In any case, fans asserted what they perceived as their moral right to copy music, often by creatively turning the recording industries' own publicity campaign back around on itself.

Notably, the parodies have continued to this day. Fans have more recently appropriated the BPI's motif to suggest, for instance, that 'Home taping never killed music.' Or, replacing the cassette with an iPod, proclaiming that 'DRM is killing music, and it's a rip off.' Others have more cheekily suggested: 'Downloading is killing home taping' or 'Simon Cowell is killing music, and he's a twat.' Still others have adapted the motif to other creative industries, such as 'Home sewing is killing fashion' and 'Home cooking is killing the restaurant industry.' Search the Web and there are dozens of other similar parodies to be found. While a number of these revisions are absent of any real political judgment and are arguably little more than nostalgia or kitsch, they nevertheless suggest that the anti-home taping discourse still carries rhetorical weight more than 30 years on. In particular, the first couple examples mentioned in this paragraph are signs that the anti-home taping campaigns fostered a longstanding distrust and discontent for the industries among audiences, even among those fans who likely would have been too young to have experienced the original 1980s campaign.

Recording artists, record companies and 'the music industry'

At first glance, the anti-home taping controversy appears to be a clear-cut case of the music industries against home tapers and consumer electronics manufacturers. Trade organizations like the RIAA regularly claim to speak for 'the music industry' writ large. For instance, on an anti-piracy webpage on the RIAA's website, it reads, 'Thanks for being interested in the *music industry* and *our* positions on various issues' (RIAA "For Students" 2012a; emphasis added). Here, the RIAA claims to speak with a single voice on behalf of not only the entire recording industry, singular, but also the entire music industry. Similar language appears in most of the organization's press releases and public communication. Upon closer inspection, the RIAA indicates that it actually represents a much smaller group within the recording industries: 'the major music companies' (RIAA 'Who We Are' 2012b). Even this is a rather ambiguous and deceptive category, though, as the organization states that its members 'create, manufacture, and/or distribute approximately 85% of all legitimate music produced and sold in the United States' (RIAA 'Who We Are' 2012). This makes it sound as though a majority of American record labels – of which there are thousands when the full range of independent labels is counted – are dues-paying members of the RIAA. But in actuality they are not; in particular, the large majority of independent record labels are not RIAA members (Rose 2003).

The RIAA's primary clients are the few major record label conglomerates (aka 'the major labels'), which, in 2015, has reduced to just three companies: Universal Music Group, Sony Music Entertainment and Warner Music Group.¹³ These three companies alone account for more than 75% of the recorded music market share (Music & Copyright 2012). On top of that, the major labels operate a number of the nation's largest retail distributors of physical and digital recorded music, such as RED Distribution (Sony) and Alternative Distribution Alliance (Warner). These subsidiaries up their market share even

further. A majority of otherwise independent labels are reliant upon these major label-owned companies for distribution, and it is through these distribution partnerships that the RIAA can claim to represent them. Yet, the independents have almost no representation within the RIAA; for instance, of the RIAA's current 15 board members in 2015, only 2 are classifiable as independents (Curb Records and Concord Music Group) and one of those is distributed through a major label-owned company. All of this is to say that the RIAA acts for a much narrower set of special interests than it presents itself as representing.

These trade groups also regularly suggest that they are protecting the legal rights and best interests of musicians and recording artists. For instance, the RIAA states that a significant part of its mission is 'to protect the intellectual property and First Amendment rights of artists and music labels' (RIAA 'Who We Are' 2012). Yet, artists themselves have no direct involvement in the operations or actions of a group like the RIAA; it is only the major label executives. During the initial hoopla over home taping in 1980, Arista Records executive vice president Elliot Goldman announced, 'Home taping is parasitic. There's a whole panoply of people who are not getting paid for their work, including artists, songwriters, and musicians' (Trombetta 1980). Goldman's comment offers a sentiment common of record label executives: that they have the best interest of artists in mind. However, the history of popular music is riddled with stories of conflict between recording artists and record companies over contracts and copyright. As Matt Stahl (2012) points out, recording artists 'typically work under unequal contracts and must hand over long-term control of the songs and albums they produce to their record companies' (2). The relationship between recording artists and labels is far more complex than I can venture into in this article, but suffice to say that recording contracts can be notoriously draconian, subjecting many artists to levels of control and domination that border on 'indentured servitude' (Stahl 2012, 160).¹⁴

Notably, as I discussed earlier, copyright exists on the principle that it promotes the arts, learning and science by incentivizing authors, in this case musical composers, to create new and innovative works. However, as Stahl (2012) indicates, in the recording industries, performers and composers are often not the copyright owners. As part of the artist's recording contract, these proprietary rights are frequently shared with or transferred outright to the record label for a lengthy period of time, or sometimes even surrendered completely. Therefore, the copyright owner is frequently not the content creator, or 'author'. Indeed, Frith (1987) describes the contemporary record label business model succinctly: 'each piece of music represents "a basket of rights"; the company task is to exploit as many of these rights as possible... Musical rights (copyrights, performing rights) are the basic pop commodity' (57). Therefore, when label executives and groups like the RIAA claim to be protecting the intellectual property rights of artists, what they are in fact protecting are record companies' chief assets: the rights to the creative work of artists that are under record labels' control. In other words, these groups' claims to speak for artists are deceptive, and the interests of musicians and labels, while intertwined, are rarely identical.

Indeed, it was not just fans who took offense to the recording industries' anti-home taping campaigns: many musicians were critical of them as well. Some, like Bow Wow Wow, whose home taping anthem 'C30, C60, C90, Go' I cited in the introduction to this article, openly encouraged fans to practice home taping. The cassette version of the single left the second side blank, presumably so the consumer could record their own music on it. The American hardcore punk band, The Dead Kennedys, also released a cassette version of their 1981 mini-album *In God We Trust, Inc.* with one side blank. On it, they

printed a tape-and-bones logo and the text, 'Home taping is killing record industry profits! We left this side blank so you can help.' Numerous other artists parodied the 'Home taping is killing music, and it's legal' slogan and tape-and-crossbones logo to lambaste the groups who claimed to represent them. Similar to The Dead Kennedys, the rock band Rocket from the Crypt produced t-shirts in the 1990s that read: 'Home taping is killing the music industry: Killing ain't wrong.' The Dutch punk band The Ex appropriated the 'Home taping is killing music' slogan as well, switching it read, 'and it's about time too!' On the cover of his *Workers Playtime* album (1988), the British folk-punk Billy Bragg printed: 'Capitalism is killing music: pay no more than £4.99' (Figure 2). The intent of these gestures ranges from annihilation of 'the record industry' and 'the music industry' – which in these cases seemed to imply the major labels, in particular – to more subtle critiques of corporate profiteering, in the case of Billy Bragg.

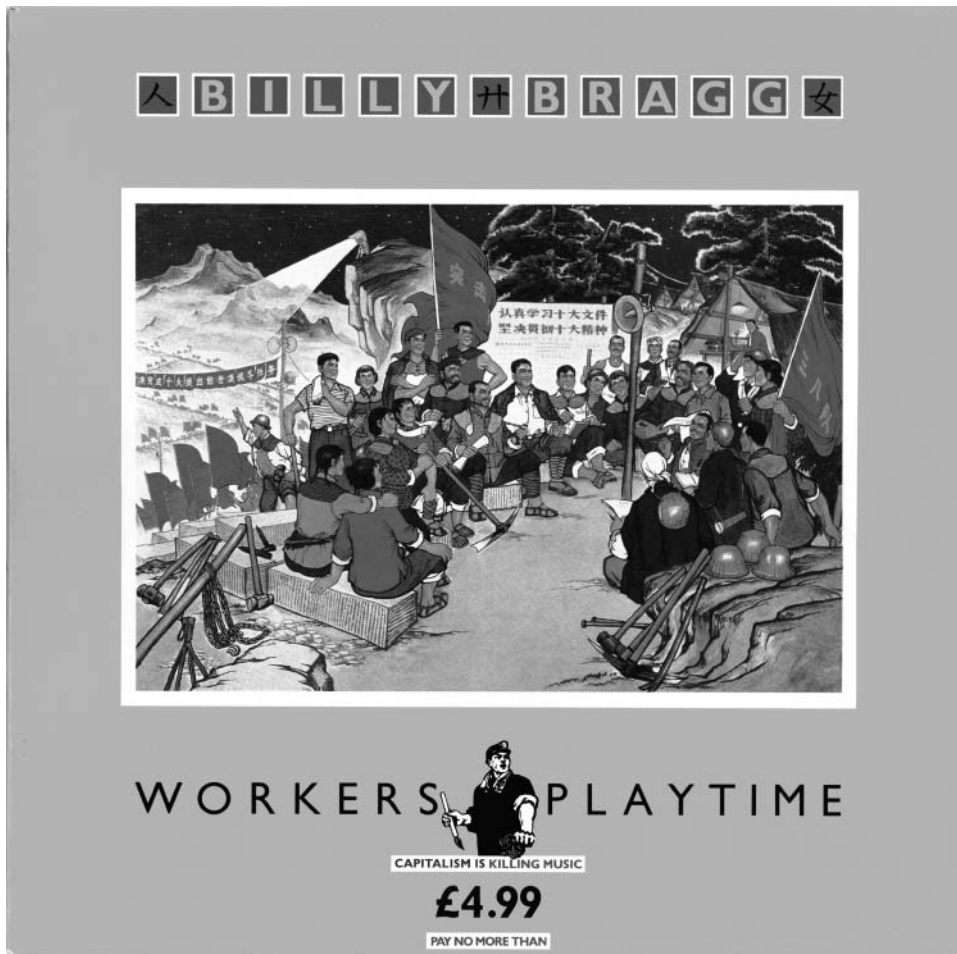


Figure 2. The cover of Billy Bragg's *Workers Playtime* LP (1988) with the phrase 'Capitalism is killing music: pay no more than £4.99.'

Source: Author's collection.

Photo: Daniel Murphy.

Many other artists reproduced the tape-and-crossbones logo without any explicit commentary attached, leaving the exact intent of the message ambiguous. The new wave band Devo displayed the tape-and-crossbones image as a backdrop in the music video to their 1982 single 'Time Out for Fun'. The flashing image engulfed the screen for a few seconds, implying an *A Clockwork Orange*-like subliminal message. Other groups like the alternative rock band Sonic Youth and the post-punk band The VSS reproduced the tape-and-crossbones logo on t-shirts. In each instance, though, the mere presence of the image reads as denunciatory rather than an endorsement or celebration of the BPI/RIAA's mission. Notably, a number of the bands and artists cited here were affiliated with the punk movement and small independent record labels. The punk and indie rock principle of do it DIY calls for economic independence from major labels, yet the movement's ideology also often takes the form of an us/them oppositional stance against the popular culture mainstream and capitalist enterprise (Hesmondhalgh 1999; Dale 2008). Thus, it is perhaps not surprising that they would condemn the anti-home taping campaigns, as the campaigns were the products of the corporate major labels.

Nevertheless, quite a few of these artists, although perhaps having punk roots or embracing a punk aesthetic, were actually signed to major labels at the time that they produced their parodies. EMI for instance, released the Bow Wow Wow "C30, C60, C90, Go" cassingle (though the controversy it provoked is rumored to have factored into the band's soon being dropped from the label). Rocket from the Crypt were signed to Interscope when they manufactured the 'Killing ain't wrong' shirts in 1993, and Sonic Youth were on the Geffen roster. Likewise, Warner Bros. issued the Devo 'Time Out for Fun' video. Parodying the 'Home taping is killing music' motif may be read as a calculated claim to a radical identity – an attempt by these artists to retain some rock authenticity despite 'selling out' to a major label. Still, each of these parodies indicates that the positions of the RIAA et al. were hardly shared by all of the artists under the employ of the major record companies, yet alone the entirety of the music industries.

Granted, in the case of the 1980s home taping controversies, the RIAA did partner with other music business organizations that more directly represented performers and recording artists. These included performance-rights organizations like the American Society of Composers, Authors, and Publishers (ASCAP), Broadcast Music Inc. (BMI), and the Society of European Stage Authors and Composers (SESAC). In 1982, these groups and a number of other major song publishers and musicians' unions joined forces with the RIAA to form an advocacy group called the Coalition to Save America's Music (Halliday 1982). Notably, similar to the British musicians who signed the 'Home taping is wiping out music' ad in 1981, these artist-affiliated groups were only willing to go after the tape and hardware manufacturers, not consumers. Unlike the major label trade groups and executives, artists did not speak out publicly against home tapers. It seems that during the 1980s, performers and composers were unwilling to risk alienating their fans by calling them thieves the way artists like Metallica eventually would in the early 2000s during the Napster controversy (Borland 2000). After all, most musicians rightly recognize that their fans are their greatest asset: getting a loyal fan to attend concerts and buy non-recording merchandise like t-shirts over the course of many years can be much more valuable to a musician than copyright (royalties making up a small fraction of most artists' income) or a relationship with a record label (which tends to come-and-go, lasting for only a few albums).

Conclusion: home taping: production, labor, creativity?

The study of anti-home taping campaigns that I have presented in this article raises a number of important questions about media production, labor and creativity. For instance, what constitutes 'production' and who is a 'producer' in the media industries? As many scholars in the emerging fields of media industries studies and production studies have observed, all media texts require complex networks of collaboration, or what sociologist Howard Becker calls 'patterns of collective activity' (1982, 1). This approach calls into question romantic notions of the artist or author by showing that all media production is a complex process that involves a wide range of actors and resources. It requires a focus on the complex division of labor that exists within large-scale media industries like the record business (Miller 2011), as well as a focus on individual producers, including especially those in devalued or overlooked 'below the line' roles, to borrow a phrase from the film and television industries (Caldwell 2008; Mayer 2011). This leads to the simple but significant observation that media production is a highly complex process that occurs within an intricate network of people, resources and discourses, and as a result seemingly common-sense categories like 'production' or 'producer' need to be recognized as socially constructed and always in flux.

Most relevant to my study here is Matt Stahl's (2009) observation that, in the media industries, copyright is the thing that separates authors from non-authors, and thus largely determines what counts as production and who counts as a producer. However, as I discussed earlier, most copyright in the music industries is owned or controlled by the record companies, not the recording artists – and certainly not all of the middlemen and women in between, from assistants and publicists to recording engineers. The transfer of copyright that takes place in recording artist contracts is not unlike 'work for hire' in the film and television industries, where the creative work of employees becomes the intellectual property of the employer, making the media company the copyright owner and the legal 'author' of the work (Stahl 2009, 55–58). Thus, as Stahl writes, 'authorship is not a simple function of creativity' (55). Authorship as it has been codified into copyright law is not reflective of the labor or time spent in creating a work, but merely of control over a final product (Patry 2009, 65). As the principal controllers of copyright in the music industries, the record labels and industry trade groups are in a uniquely powerful position to control authorship discourses – this is precisely what the RIAA and its supporters were doing with their anti-taping campaigns.

There is a certain rhetorical power to the recording industries propagating romantic conceptions of musicians and artists as authors (and indeed, performers and composers do still profit from royalties obtained through copyright). However, one of the greatest powers ceded to a copyright owner is the ability to restrict use, that is, to determine what *cannot* be done with, say, a song or album, in terms of its publication or reproduction. What this ultimately means is that copyright law and ideology unduly influence common sense notions of production, labor and creativity. Or to be more specific, they determine whose production, labor and creativity should count as meaningful (i.e. lawful), and therefore, who gets to claim the role of producer, author or creator. The result is that the labor and creativity of, say, Elton John gets recognized and privileged, whereas the labor and creativity of a multitude of technical workers and support staff is made invisible. More to my point here, though, the creative work of home tapers – the audience – is not regularly recognized as media production or as creativity, nor are they recognized as producers.

Specifically, mixtapes deserve recognition as a form of production and creative work. The cassette mixtape has been declared ‘a form of American folk art’ (Matias Viegner quoted in Moore 2004, 35).¹⁵ To create them, music fans invest a great deal of time and effort into selecting a unique set of songs – usually united by a common theme, such as an activity, holiday or musical genre (e.g. love songs, Halloween songs, heavy metal songs) – and then carefully planning out their flow. Copying them onto a tape is then a tedious, laborious process. Moreover, a great deal of work is often put into the packaging of mixtapes: playlists are handwritten and personalized, album sleeves are often collages crafted out of found artwork from newspapers and magazines, and sometimes the cassette cartridges themselves are painted or otherwise decorated. Nevertheless, this is not creativity that is recognized within commercial industries adhering to a strict copyright regime because it is one-of-a-kind, non-commercial, existing outside ‘industry’ in any conventional sense.

To be sure, mixtape production is primarily a social practice, not an economic one. It is a way of sharing music with like-minded people, as a means of exposing them to new artists and songs and, more importantly, simply expressing one’s identity and building personal connections (Moore 2004; McLeod 2005a; Brown & Sellen 2006). ‘It takes time and effort to put a mix tape together’, states Dean Wareham of the indie rock bands Galaxie 500 and Luna, adding, ‘The time spent implies an emotional connection with the recipient’ (quoted in Moore 2004, 28). Mixtapes ‘act to make tangible the connection between a creator and their listeners’, writes Ceci Moss (2009, para 2). In these ways, making a mixtape should register as a creative act or an act of production within any common sense definition of creativity. Yet, by serving as a direct connection between select individuals and not between individuals and a market, most theories of media production and creative labor do not recognize such efforts.

Even though these practices have been upheld as legal, through its control over copyright and authorship discourses, the recording industries have mostly succeeded at spreading a popular perception of home taping as, if not illicit, nonetheless derivative and unoriginal (i.e. not creative and not production). Across the more than decade-long legal and economic press coverage of the home taping controversy, the audiences’ legal right to tape was sometimes acknowledged but never upheld as a creative practice in its own right that deserved protection as a form of original media production. Moreover, I would argue that, in contemporary media industries and production studies research – even that, like Mayer (2012), which has attempted to broaden notions of what constitutes media and creative work – there is an undue emphasis on labor and production that are somehow embedded within the larger organizational structures of commercial mass media production. While home taping is certainly connected to the recording industries, it exists largely outside of it, in the sense that it is a private, non-commercial, relatively isolated social activity.

In recent years, much has been made of the Internet and user-generated content, and how networked digital technologies have fostered an explosion of amateur media production. For instance, Axel Bruns’ concept of ‘produsage’ suggests that in the Web 2.0 era the audiences’ engagement with media is no longer a mere act of consumption, it now involves an active mixture of production and use (2008, 13–14). Mixtapes, and home taping more generally, would surely qualify as a pre-digital forerunner of such amateur production practices. These celebratory claims about the proliferation of new amateur and semi-professional online production are often countered with criticisms about ‘free labor’ or ‘immaterial labor’, namely the audiences’ unpaid work that is being exploited by the media industries (Terranova 2004; Arvidsson 2005; De Peuter & Dyer-Witheford 2005;

Andrejevic 2008). While it is not within the scope of this essay to fully explore the different theories and debates surrounding the exploitation of audiences and user-generated content, what is noteworthy here is the notion that audience productivity is always somehow captured and put into the service of capitalist industry (i.e. exploited). However, the home taping phenomenon suggests a form of produsage that existed almost entirely outside the control of the industries. It was, I am arguing, a form of labor and production, but not the kind that could be captured by the media industries, the way posting mash-ups to YouTube or providing feedback about a television show in an online forum can be captured today. Perhaps, that complete lack of control is why the recording industries saw home taping as so especially unruly and needing of annihilation.

Through this analysis of the recording industries' 1980s anti-home taping campaigns, I have aimed to reveal how media industries use copyright law and ideology to discursively control ideas and values about the proper uses of media technologies and texts, as well as what constitutes production and who qualifies as a producer. At the same time, I have tried to show how audiences can resist these prescribed notions about who and what the media is for, and also how the media industries are far more diverse and complex than the dominant trade groups and corporations tend to promote. In the process of exploring these topics, I have also attempted to open up a number of new questions and avenues of research for the emerging fields of media industries and production studies. In particular, researchers in these fields would benefit from more closely considering how they define concepts like production, labor and creativity. It would be prudent to more fully address the role of audiences in relation to the media industries, and especially venture beyond the limitations of 'free labor' and other theories of commodification that see audiences as little more than economic actors being exploited by capitalist corporations. To that end, scholars would benefit from more closely considering the creative work performed by non-traditional producers for non-commercial purposes, such as mixtape makers.

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Notes

1. The term 'read write' refers to media technologies (hardware and software, as well as storage formats) that enable users to playback, or 'read', prerecorded content as well as record, or 'write', content. In other words, they are consumer electronics technologies that enable easy duplication. Audio cassette tapes and VHS videotapes are analog versions of read write technologies, whereas CD R, DVD R and MP3 are digital versions. (A majority of digital media formats available today are read write.)
2. Following Sterne (2014) and Williamson and Cloonan (2007), I refer throughout this article to 'the recording industries', plural, as a means of highlighting the heterogeneity that exists within even just this one sector of the music industries.

3. This was true also in the 'home taping' era of the late 1970s and 1980s, when the nascent punk, post punk and indie rock movements led to a proliferation of small record labels in the USA, UK and Europe. See Hesmondhalgh (1997, 1999).
4. As with much industry funded research in recent years studying the impact of digital music file sharing, the math in these studies is rather fuzzy. It is especially problematic to assert that every album taped equates to a lost sale – there is no guarantee that someone who tapes an album from a friend would have otherwise purchased a prerecorded copy of that album. In addition, that logic does not consider the role of publicity that home taping can serve, and the fact that someone might eventually go buy an album precisely because they taped it first and then discovered that they really enjoyed it.
5. The Dutch firm Philips Electronics invented the 'Compact Cassette' format in 1963, but it was initially slow to catch on, and only became a major market force in the mid 1970s (Morton 2004).
6. The private recording of broadcast content was perhaps the most controversial form of home taping, though even it was upheld as legal with the Sony Betamax case in 1984. See Wasser (2001).
7. Under the UK's 1956 Copyright Act, an Amateur Recording License (ARL) license could be purchased to legally duplicate recordings for personal use; however, despite only costing a few quid per year, it was reported that only about 10,000 Britons bothered to acquire it. Therefore, home taping writ large was legal, though any copying without the license was illegal (White 1977; Revzin 1979). This law was replaced by the 1987 Copyright Designs and Patents Bill, which effectively left the private copying regulations unchanged (Hennessey 1987).
8. Numerous popular press and trade publication articles of the era noted the widespread social acceptance of home taping – the clear consensus was that the public had few qualms about the practice. Yet, members of the public and their points of view were rarely given voice in the media coverage. Audiences were positioned as anonymous bogeymen in this home taping 'battle'. During one industry forum on the topic, it was claimed that audiences felt justified in their home taping since they still had to buy the blank tape and the taping equipment (Morris 1984). That is, the logic was that it was not stealing because they were still buying something.
9. In addition to Cohen and Patry, the concept and creation of moral panics and folk devils are described at length in Stuart Hall et al.'s *Policing the Crisis* (1978). Cohen and Hall et al. were both analyzing social phenomena in the UK context; Thompson (1998) has pointed out that British moral panics tend to be explained through society wide problems like crises of capitalism, while US moral panics emphasize specific interest groups, such as the media or schools, as well as more personalized, psychological factors. Across these national contexts, though, moral panic consistently refers to the alarm over an apparent breakdown in the social order, whatever the perceived cause; it is this basic concept that I refer to in my analysis here.
10. A similar outcome occurred in the UK, but without any tape taxes. See endnote 6.
11. A similar 'blank tape levy' was proposed in the UK, but ultimately rejected (Robertshaw 1988). Numerous other foreign countries, including Germany, passed blank tape taxes, however.
12. Recordable CDs were not available until the early 1990s, after the CD format had been around for nearly a decade; furthermore, CD burners were not affordable, standard equipment in personal computers until the very late 1990s.
13. During the 1970s and 1980s home taping era, there were about a half dozen major labels and a handful of major independents like Geffen, but it was still a highly concentrated industry sector.
14. Musician and recording engineer Steve Albini's seminal essay 'The Problem with Music' (1997) also lays out many of the exploitative production relations that major label recording contracts subject rock bands to.
15. It is ironic, then, that the anti home taping lobby turned these folk artists into folk devils, as previously discussed in the analysis of moral panics.

Notes on contributor

Andrew J. Bottomley is a doctoral candidate in media and cultural studies in the Department of Communication Arts at the University of Wisconsin Madison. He is currently completing his dissertation on the cultural history of Internet radio in the United States. His research interests include sound studies, production cultures, and the history of new and emerging media.

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