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The history of audio sampling reaches as far back as the phonograph (Miller, 2004). Although many artists have utilized pastiche and collage in their work, few scholars have examined the products, processes, and implications of sound collage. This paper utilizes Kim-Cohen's (2009) call for "non-cochlear" analyses of sound to examine the career and works of mashup artist Gregg Gillis, or Girl Talk. Kim-Cohen's (2009) non-cochlear approach asks us to connect "sonic arts to broader textual, conceptual, social, and political concerns" (p. xix). Appropriately, I contend that Girl Talk's sound collage albums prompt listeners to think in non-cochlear terms regarding progressive attitudes toward fair use and intellectual property. Girl Talk's case is curious because his albums include hundreds of samples without any of the artists' permission. Yet, due to his mainstream success and because his work points to the conceptual, Girl Talk has quickly become the poster child for copyright reform.

Keywords: Plunderphonics; Girl Talk; Sampling; Collage; Copyright

In October of 2009, two carpools of friends and I traveled across state lines to see a concert. No instruments would be on stage, no singer at the microphone—just a skinny white guy in sweatpants with a computer. If we were lucky, we would party onstage with a hundred other fans. We had heard the rumors about the performer's extreme antics; he has been known to strip down to his underwear (Richardson, 2010; Tough, 2009). YouTube videos provided us with enough expectation as to what was going to go down: one guy, one laptop, and a microphone to keep things interesting.

Fifteen minutes pass the scheduled go time and the crowd is getting restless. They begin chanting: "Girl-Talk! Girl-Talk! Girl-Talk!" Then, from behind the curtain: "Let me hear you, Mississippi State!" The crowd roars, and Gregg Gillis runs across the stage. He slaps hands with young fans crowding the stage. We all get butterflies. There he is. This is the guy we have been listening to for months. This is the guy responsible for my "instant party music" on my iPod. He runs to his computer and gets to work.

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Recently rising to exceptional status, Girl Talk, a.k.a. Gregg Gillis,[1] has spent the last decade creating sound collage albums, each comprised of over 300 individual samples of *other* musical artists' work (Levine, 2008). Further, there has been no record of him receiving permission to use such copyrighted material (Anderson, 2006; Ayers, 2008; Levine, 2008; Newton, 2008). However, he still continues to make music, and the nation is beginning to lend a serious ear.

Time ranked his album *Feed the Animals* #4 of 2008 (Tyrangiel, 2008) …"number 16 on an NPR listeners list, and … top spots on … Rolling Stone and Blender" (Richardson, 2010, para. 4). The "out of nowhere" (unannounced) release of his fifth album, *All Day*, was in such high demand that it "broke" the internet (Montgomery, 2010). Several fans spent "all day" waiting to download the free album from Girl Talk's website: "As soon as the announcement was made the site servers started slowing under huge user demand. The site was down early Monday, and fans spent most of the day trying to download the new album unsuccessfully" (Richardson, 2010, para. 6). With so many interested in his work, Girl Talk has established himself as one of the most popular figures in DJ culture—a special realm of the music industry emerging from the culture of recording "in which music and sound circulate as a network of recorded entities detached from the specificity of time, place, and authorship, and all available to become the raw material for the DJ's art" (Cox & Warner, 2004, p. 329). Gillis's sound collage features an unprecedented amount of source material. Yet, with such notoriety, how does Gillis evade copyright infringement? The bottom of the album's website[2] reads:

> *All Day* by Girl Talk is licensed under a Creative Commons Attribution-Noncommercial license. The CC license does not interfere with the rights you have under the fair use doctrine, which gives you permission to make certain uses of the work even for commercial purposes. Also, the CC license does not grant rights to non-transformative use of the source material Girl Talk used to make the album.

Artists often refer to "fair use" when incorporating other artists' work into their own. Creative Commons is a nonprofit organization that aims to increase this type of sharing, transformation, and collaboration: "The combination of our tools and our users is a vast and growing digital commons, a pool of content that can be copied, distributed, edited, remixed, and built upon, all within the boundaries of copyright law" ("Creative Commons," 2013). Organizations like Creative Commons seek a more nuanced approach, allowing creators the freedom to customize which rights they waive or reserve for potential consumers and collaborators.

1 Gillis and his stage name share influence over the non-cochlear impacts of his sound art; thus, I use the names Girl Talk and Gregg Gillis interchangeably throughout this essay.

2 www.Illegal-art.net/allday, 2013.

Leading movement toward a more creative commonplace in the United States is CC co-founder, academic and activist Lawrence Lessig. Making connections with artists and representatives from the U.S. to Brazil, Lessig's platform focuses on reducing legal restrictions on copyright law. Creative Commons is a project that may aid in making his vision a reality. But simply creating customizable copyright licenses is certainly not a cure-all. And Girl Talk has raised a number of perplexing questions. As he gains broader interest, his induction into the mainstream carries along much more than just the music. His performances are not your run-of-the-mill concerts, and the legal issues are already stirring controversy. What exactly *has* Gillis done? What does it mean to make a sound collage album with over 300 samples?

To answer these questions, I turn to Kim-Cohen's (2009) call for a "non-cochlear" approach, which asks us to connect "sonic arts to broader textual, conceptual, social, and political concerns" (p. xix). Such a lens fills a particularly glaring gap in the theoretical discussion of sound and sonic works because it accounts for the conceptual—prioritizing ideas over aesthetics. Kim-Cohen (2009) contends that despite Marcel Duchamp's retinal/conceptual distinction in the visual art world, *sonic* art somehow missed this conceptual turn, and thus, he specifically calls us to rehear, rethink, and re-experience the ontology of sonic art: "If a non-retinal visual art is liberated to ask questions that the eye alone cannot answer, then a non-cochlear sonic art appeals to exigencies out of earshot" (p. xxi). Indeed, I argue that the non-cochlear aspects of Girl Talk's albums are what appeal to pressing social issues regarding copyright law.

But how does one analyze in non-cochlear terms? Kim-Cohen (2009) bases the non-cochlear notion off of the conceptual turn, but he never fully provides a description of *how* the non-cochlear may be a distinct mode of analysis. Kim-Cohen (2009) admits the non-cochlear approach is still in its infancy and "only now emerging," which warrants further testing and development of his theory (p. xxiii). Pelias and VanOosting's (1987) paradigm for performance provides useful parameters for a non-cochlear analysis. As Kim-Cohen (2009) recognizes the conceptual sonic art as the collision point between arguments and aesthetics, Pelias and VanOosting (1987) ground performance studies in the practice of aesthetic communication and acknowledge four basic components of performance theory: *the performer*, *the text*, *the audience*, and *the event*. Because non-cochlear aspects of a sonic art may point to the artist, the artistic process, the listeners, and their political implications, this performance paradigm is suitable for such analysis.

By applying this non-cochlear approach I seek to demonstrate how Gillis has earned a unique *ethos* concerning fair use through his practices within DJ Culture. Girl Talk's albums are not the sole catalyst but are fruitful access points in this analysis, as it is the non-cochlear aspects that have granted him

exceptional status. Appropriately, I argue Girl Talk's sound collage albums prompt us to think in non-cochlear terms regarding fair use, intellectual property, and the function of performance in initiating social change. By utilizing Kim-Cohen's (2009) framework and listening to more than just the essential sound-in-itself, we may better understand how Girl Talk's sonic art casts a significant ripple in today's audio culture.

Thus, this non-cochlear analysis is guided by the following questions: What can Girl Talk's work tell us about ready-made sonic art? How does Girl Talk escape legal action while sampling so many artists with no permission? How does Girl Talk's mainstream success act as vehicle for the copyright reform movement? To better understand the significant social and non-cochlear impacts that Girl Talk's career poses, I first offer a brief background of Girl Talk (*performer*) and his sonic art (*text*); second, I consider how his work challenges legal and musical norms (*audience*); third, I examine how his performance of DJ culture validates his unique ethos (*event*); and finally, I consider a few implications and avenues for future research.

Girl Talk: Performer and Sonic Text

Gregg Gillis started experimenting with his laptop in 2000 at Case Western Reserve University in a time "when Napster was huge and both computer-made music and sampling were long established" (Walker, 2008, para. 3). Gillis has five albums to his name, but he is mainly noted for three: *Night Ripper* (2006), *Feed the Animals* (2008), and *All Day* (2010). Despite listing thanks to every artist sampled in his albums, Gillis has received no permission to use their original works (Anderson, 2006, p. 32). Since then, Girl Talk's success has allowed Gillis to quit his day job as a biomedical engineer and follow music as a career (Farrugia, 2010; Levine, 2008). His albums are released with a "pay-what-you-want" format (not unlike Radiohead's approach to *In Rainbows*), but Gillis finds his primary profit in his touring schedule. Ayers (2008) explains that Girl Talk's growing acclaim has "led to bigger and more lucrative live bookings for Gillis, who can now command upwards of $20,000 for a 90-minute set. In 2007 alone, he played 104 gigs" (p. 29). But how does Gillis get away with profiting off performing live shows consisting solely of *other artists'* works? While cover bands and other samplers typically ask for permission, Girl Talk has not.

In the fall of 2010, Gillis unveiled his fifth album, *All Day*. The album was, like others, available online. However, Richardson (2010) points out: "With 373 samples, and at 71 minutes, *All Day* is longer and more musically complicated than previous albums. Using a dozen or more samples to create a song, Gillis says that at times 'ten samples will go by in ten seconds' on the new album" (para. 5). Furthering the boundaries of sampling, Girl Talk is clearly upping his game.

So what does Gillis actually do? The first instances of sampling reach as far back as the emergence of phonograph (Miller, 2004). Briefly, digital

sampling is "the process in which physical sound waves are converted into binary digital units and used to recycle sound fragments originally recorded by other musicians" (Stapleton, 2002, p. 3.38) Since the technological revolution with "advent of digital media" (Cox & Warner, 2004, p. xiv), laptops and audio editing software provide the ease and instantaneity of creating homemade mashups. These technological advances blur once easy distinctions—Girl Talk is not a musician; he does not play an instrument or sing. Furthermore, he is not regarded as a typical DJ because he uses only a laptop and audio editing software like AudioMulch to cut, splice and transform other musical artists' tracks (Levine, 2008).

In John Oswald's 1985 essay "Plunderphonics, or Audio Piracy as a Compositional Prerogative," the term "plunderphonics" came to be "the umbrella term for any music made completely out of existing audio recordings, including copyrighted material, and then altered in some way to create a new composition" (Kot, 2010, p. 164). Gillis finds inspiration for his own plunderphonics from John Oswald and several contemporaries, such as Negativland, who have been successfully sued over their work: "John Oswald physically cut up tapes, he made insane cut-ups using pop music, and when you hear them now, they sound surprisingly similar to the hip-hop production techniques that would come along 20 years later" (as cited in Cooper, 2008, p. 38). But these artists were met with firm reprimand: Michael Jackson forced all copies of Oswald's album Plunderphonics to be destroyed by court order, and Negativland had to remove their U2 EP after "the band's label objected to their unrecognisable cut-and-paste adaptation of I Still Haven't Found What I'm Looking For" (Cooper, 2008, p. 38). Yet, Gillis has incorporated tracks from The Jackson 5 and U2 in his past two albums. The only distinction between Girl Talk and bands like Negativland is that Gillis has not incorporated any original material. DJs have been creating mashups for years, but Girl Talk's work has helped usher the mashup into the mainstream, creating set of non-cochlear consequences.

But how does one apprehend these non-cochlear consequences? For Kim-Cohen (2009), since non-cochlear sonic art points to the conceptual, works like Girl Talk's "might engage philosophical texts, musical discourse, social roles enacted by the production and reception of sound and/or music, conventions of performance, or the inherent presumptions underlying the experience of audio recordings" (p. 156). Such engagements prompt listeners to consider the sonic text and its relationships to artists and audiences. Thus, the researcher may describe the sonic work in terms of its content or form, by focusing the ear *beyond* sounds themselves. Echoing Duchamp's non-retinal framework, listeners reject standard notions of aesthetics and foreground the conceptual. Ideas become more important than art's composition. As practices within DJ culture gain more salience, Girl Talk's works challenge several cultural and legal presumptions of sonic art.

Your Work Is (Not) My Work: Engaging Legal and Musical Audiences

Sonic art is made significant through its audiences. After laying out the relationship between artists and sonic art, as well as its conceptual engagements, the researcher may then direct attention toward historical, cultural, and social conditions and practices whereby the researcher may ascertain how such a sonic work (or body of works) functions within such contexts. What does the sonic work *do*? Why is the work significant? Why is work significant to particular audiences? Since Girl Talk has gained such popularity, his career has functioned as a springboard for several special interests. Sound collage albums of this magnitude have engaged two primary audiences: supporters of copyright reform—a movement seeking more progressive policies on copyright law—and musicians who benefit from Girl Talk's practices.

Copyright & Fair Use

Gillis's work challenges copyright infringement, but how strict are these policies? How frequently does legal action occur? Marybeth Peters, who worked over fifteen years with the United States Register of Copyrights, explains: "The answer will always be: it depends…whose it is, and how upset they are" (as cited in Gaylor, 2009). Indeed, as documentaries *RiP: A Remix Manifesto* (Gaylor, 2009) and *Good Copy Bad Copy* (Christensen, Johnsen, & Moltke, 2007) illustrate, the subjectivity of the content and context are subject to the complicated webs of copyright law and creative use. The process of negotiating these ambiguities is, in many ways, left up to a case-by-case basis. However, if artists like Girl Talk continue to push the conversation further into the mainstream, significant dialogues could take place within the music industry. Until then, artists run the risk of staggering penalties if mainstream artists ever sued them for copyright infringement. Croot (2009) estimates that it would cost around 4.2 million dollars just for Gillis to clear all the rights for his latest album.

Last reviewed in June 2012, the following is the description of Fair Use from the U.S. Copyright Office. Because of the tenuous relationship between specific federal law and its ambiguous enforcement, it is important to cite portions of this document to a substantial extent:

> Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered fair, such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair:
>
> 1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes.

2. The nature of the copyrighted work.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for, or value of, the copyrighted work.

> The distinction between what is fair use and what is infringement in a particular case will not always be clear or easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission…. When it is impracticable to obtain permission, you should consider avoiding the use of copyrighted material unless you are confident that the doctrine of fair use would apply to the situation. The Copyright Office can neither determine whether a particular use may be considered fair nor advise on possible copyright violations. If there is any doubt, it is advisable to consult an attorney. (U.S. Copyright Office)

The language is ambiguous and open-ended but provides a liminal space in which Girl Talk can thrive artistically. Gillis explains, "My interaction with major labels the past couple years gave me hope that they see we're not negatively impacting the artists" (as cited in Newton, 2008, p. 42). So does the quality or success of the remix play an influencing role in legal action? Or is it personal? In 1997, despite prior negotiation for sampling, The Rolling Stones successfully sued The Verve for drawing on their work in "Bittersweet Symphony" on the grounds that the samples were too long; The Rolling Stones' publishers received 100% of the royalties while Jagger and Richards received writing credits (Gaylor, 2009). Yet, Gillis uses the exact same sample from "Bittersweet Symphony" in his track "Once Again" and remains unscathed (Anderson, 2006). Gillis was concerned about potential legal action: "I expected some sort of cease-and-desist. But nothing happened, and it was liberating. And …there's fair use in U.S. copyright law, which allows for certain works to be creative without asking permission from [the owner of] the source material" (as cited in Newton, 2008, p. 42). Gillis has been known to throw around the term *fair use* quite loosely.

Gillis contends, as long as the tracks are "transformative," they remain within fair use: "It doesn't create competition for the source material…I don't really see what I am doing as negatively impacting anyone" (as cited in Cooper, 2008). Yet, if Girl Talk's most recent albums are so popular, some copyright conservatives may challenge that such tracks compete for listening time. Why listen to Black Sabbath's "War Pigs" on its own if it can be coupled with "Move Bitch" by Ludacris, especially if the album is free? Further, much of Gillis's fair use claims hinge on the "transformative"

argument—without defining degrees of length or recognition. Indeed, although his skills certainly seek to remove music or lyrics from their original contexts, part of the fun of listening to mashup albums is *recognizing* how such songs have been modified and recontextualized. Some critics question just how "transformative" the works really are. Critics note a progression from experimental to a polished, pop sound: "Mr. Gillis does not radically reconfigure songs or search out obscure samples" (Levine, 2008, para. 6), but rather, his samples have become more "recognisably mainstream" (Cooper, 2008, p. 38). Listeners are likely to recognize (and enjoy) the pairing of Black Sabbath and Ludacris on the opening track of *All Day*, which undermines any claims of the sample being "transformative."

With Gillis's transformation argument holding little weight, one might be perplexed at Girl Talk's ability to avoid any legal action. But, as Peters reminds us, issues of copyright infringement are in the hands of the artists and those that own the song rights. Presumably, no one is upset *enough* to file a lawsuit, even as Gillis's fame and notoriety continue to rise. On the contrary, Girl Talk has received a number of "secondhand compliments" from approving artists, such as Outkast's Big Boi, who attended one of Gillis's shows to say thanks for using their song in his work (McCabe, 2009, p. 11). Gillis also noted similar approval from Sophie B. Hawkins's manager and Thurston Moore of Sonic Youth (Village Voice, 2008). Artists are slowly coming forth and embracing mashup culture. With remixing, sampling, and homemade mashups becoming more pervasive (Furigana, 2010), musical artists are growing more comfortable being sampled and seeing the value in sound collage. Although the non-cochlear de-emphasizes aesthetic standards in favor of ideas, Girl Talk earns his political clout through the pleasing aesthetic of his albums. With his albums ranking so well on the charts, to be included in any of his works has become a rank of distinction—providing artists with an invaluable form of promotion through extended airplay and heightened exposure.

Some musical artists might be comfortable with a more liberal conception of fair use, but the songwriters, producers, and executives want to see their fair share of royalties. The industry prompts dissonance between artists' creativity and capitalists' interests. Just because the artists are largely in control of how they compose their music does not mean that they have a particular say over how their music is used and sold. Throughout his career, Gillis has paradoxically promoted that artists should have a say over what happens to their music, but also that anyone should have fair use to engage in plunderphonics.

Gillis banks on the concept of fair use, but law professor Roger Schechter explains that this concept might work against the artist's favor: "A case decided two years ago basically said it doesn't matter how little you take, all sampling requires a license.…There's an older case that went the other way, but it's up the Supreme Court to set the record straight" (as cited in

Anderson, 2006, p. 32). Further, Herreman's (2009) case study on *Feed the Animals* and copyright infringement went so far to say:

> Not a single factor would weigh in Girl Talk's favor. While examining the *de minimis* defense, it was concluded that some of the samples used could be discharged as non-infringing, yet the majority would not qualify as "trifles" and therefore still be actionable. (p. 29)

Yet, many critics marvel from the sideline as Gillis continues to challenge notions of copyright and fair use—as no one has taken legal action. Perhaps musicians and record executives approve of (or tolerate) his works and practices. Gillis has garnered so much support that he has been dubbed "a ready-made hero for copyright reformers; if he were sued, he'd have some of the best copyright lawyers in the country knocking on his door asking to take his case for free" (Mullin, 2010, para. 4). Thus, Girl Talk's mainstream success may have secured him exception from the law. Gillis has established a unique ethos, providing the non-cochlear foundation to his success.

With his newfound credibility within the mashup scene, Girl Talk's case has quickly become a household name for supporters of copyright reform: "At the Electronic Frontier Foundation, probably the most well-funded public interest group working in the copyright space, lawyers have made it clear … they're positively eager to litigate a case over music sampling … a clear-cut case of fair use" (Mullin, 2010, para. 5). Gillis is hailed for his ability to create new works from old parts and pieces of audio tracks, but some critics argue that he is not original or creative and simply riding the coattails of others' hard work. Girl Talk's developing political support and wide fan base could open up serious possibilities in the world of intellectual property and fair use.

New Attitudes

Advocates of copyleft, a practice to make one's work free for access and adaptation, argue that copyright law has become so restrictive that it impedes creativity. Fair use has become enough of an issue that Gillis's congressman, Representative Mike Doyle, Democrat of Pennsylvania, spoke on his behalf during a hearing on the future of radio (Lessig, 2008; Levine, 2008). A shift in the cultural landscape may be another reason why some are warming up to fairer (and freer) use. Cox and Warner (2004) argue that this shift is mainly due to a second technological revolution, focusing on digital media, which has:

> led to creation of a vast virtual archive of sound and music available on the massive scale…. Exploiting these technologies and networks [in cyberspace], the emergent audio culture has achieved a new kind of sonic literacy, history, and memory.… [This digital revolution] flattens the distinction between "high art" and "mass culture," and

> treats music history as a repository from which to draw random-access sonic alliances and affinities that ignore established genre categories. (p. xiv)

Girl Talk draws from this rich sonic history. His sampling, altering, and meshing of various sources challenges established genre categories and forges a genre of its own. Paul Miller (2004), a.k.a. DJ Spooky, explains:

> DJ culture—urban youth culture—is all about recombinant potential…. Each and every source sample is fragmented and bereft of prior meaning—kind of like a future without a past…. The samples are given meaning only when re-presented in the assemblage of the mix. (pp. 349-350)

Yet, the fragments in Girl Talk's albums are not "bereft" of meaning. Rather, the recognizability of sonic fragments is what makes the albums so popular and aesthetically pleasing. Moreover, prior meanings *carry over* into new contexts. Listeners are fascinated by the interplay of recognizable melodies and lyrics colliding together within new contexts and then forging new, intertextual meanings. Because Gillis draws from such a wide range of time periods and genres, his albums become a sonic collage, a collective sound (and history) of American music. However, sampling in DJ culture is more than just entertainment or sonic art. For Miller (2004), DJ culture is political and subversive:

> 1) by its very nature it critiques the entire idea of intellectual property and copyright law, 2) it reifies a communal art value structure in contrast to most forms of art in late capitalist social contexts, 3) it interfaces communications technology in a manner that anthropomorphizes it. (p. 353)

By composing, creating, and performing DJ culture, Girl Talk's plunderphonics is a significant method of social and cultural change.

Sampling has a longstanding history, but the ease and availability to create a homemade mashup is increasingly pervasive: "As access to computers and music production software persists, the boundaries between studio and bedroom producers continue to dissolve" (Farrugia, 2010). Anyone who has experimented with an audio file and posted it somewhere online is subject to legal action. The law has not had time to catch up to the rapidly changing societies. Stapleton (2002) points out that despite the increasing practice of digital sampling, "The Digital Millennium Copyright Act of 1998 fails to directly address sampling…. Accordingly, it is uncertain whether failure to license a sample constitutes copyright infringement" (p. 3.39). Years passed before anyone remedied this dilemma. Yet, as mashup and remix artists continue to make their way into mainstream culture, so do these issues.

Gillis's career signifies the brink of a possible new age in intellectual property. The dialogues concerning fair use have not gained enough momentum to substantially alter the current fair use doctrine. But with some

of the most extreme cases of sampling to date, Gillis's mainstream success allows for issues concerning sampling to come to the fore. For artists, lawyers, and other movement supporters, this just might be the *kairos*, or the opportune moment, to voice concerns.

Plunderphonic Performance: Validating Ethos Through Sound Collage Event

Girl Talk's live shows provide non-cochlear complements to his unique *ethos*. Pelias and VanOosting (1987) contend that performance depends upon a mode of inquiry that "demands physical, sensuous involvement in a performance event" (pp. 221-222). With the fluid and contingent collisions of performer, text, audience, and event, a Girl Talk concert is a vital area of non-cochlear inquiry.

The driving force behind Girl Talk's live shows is the use of AudioMulch, which allows Gillis to loop, connect, and alter segments of audio in real time. And in true DJ fashion, he plays off of his audience. Girl Talk concerts receive substantial attention because the audience joins him on stage (Tough, 2009). Concert manager David Scheid provides a typical scenario of debriefing security before a show:

> I'll come out first, and I'll start the computer. Some intro music will play, and Gregg will come out, maybe slap some hands. He needs a couple of minutes alone up here. And when he throws [the confetti], you can just sort of step back. *Step back?* If some kids are having trouble getting up on the stage … feel free to help them up. *Help them up?* But not too many. We want to get the stage full, but the goal is not to have a free-for-all. It's usually ten or fifteen minutes of craziness, and then it mellows out. You really don't have to worry about [Gregg] too much.…There will be kids right on top of him, but he's fine. (as cited in Tough, 2009, para. 5-8, emphasis in original)

The job description of a big, beefy venue security officer explicitly instructs him to keep the fans *away* from the talent. Yet, Gillis's act attempts to remove the divide between performer and audience member. The event encourages fans and artist to share the same space, to interact. Sharing performance space (and power) echoes practices of copyleft and the ideals of Creative Commons. Everyone should have the ability to share and to participate. Everyone should have fair access to space and content. The event embodies the zeitgeist of Girl Talk's works: The concert brings together fans from all geographic areas just as the sound collage brings together voices from all musical genres. The fans struggle for freedom in a space that still enlists security, and the ringleader does his best to convince the gazing authority to stand down. In terms of performance, Girl Talk's plunderphonic event functions *metaphorically*, whereby the performance may exchange or displace written (or sonic) text with performed text:

> Whatever the comparison, the performance paradoxically declares both subordination to and power over the written [or sonic] work: even while approximating, representing, substituting for, the performance nonetheless clarifies and illuminates to the point of resolving, for a time, the work's ambiguities. (Strine, Long, & Hopkins, 1990, p. 185)

Girl Talk's sound collage albums set up the non-cochlear foundation for a live event in which Girl Talk may test and validate his unique ethos with his audience. The proximity of bodies, eliminating the space between performer and audience members, reinforces the spirit of copyright reform in revising legal boundaries between artists and copyright holders. In a typical concert, if a fan infringes on the performer's space, the security kicks that fan out. But at a Girl Talk concert, security is encouraged to facilitate the blurring of boundaries.

Thanks to YouTube and word of mouth, crowds arrive to Girl Talk's shows with certain expectations (Walker, 2008). Gillis notes a few extreme happenings: "I've had multiple shows where people have had sex onstage. That's as extreme as you can get. I think because people know it's going to be one hour, they prepare for that one hour of debauchery" (as cited in Newton, 2008, p. 42). Gillis even accidentally knocked out a front tooth after stage diving over his family (Kot, 2010). One major expense for him is computers; his live show takes such a toll on them that he went through three reinforced Toughbook laptops in one year (Levine, 2008). The performances render a level of excitement and extremity, and even echo a suggestion of free-for-all Carnival—temporary space and time dedicated to subverting norms and living out excess (Bristol, 1985). Although audiences arrive with expectations, Gillis is certainly the ringmaster. When reaching its ideal peak, the Girl Talk concert facilitates a carnival space in which physical and sonic boundaries are not easy to discern, rule of law no longer has a stranglehold on behavior, and bodies (and voices) can freely participate with one another in a truly intertextual space.

Unfortunately, Girl Talk's concerts never fully realize this carnivalesque ideal. My friends and I were excited about the prospect of sharing the same spaces as the artist. But to our surprise, we found that only a batch of *pre-selected* revelers was allowed to participate in that space. Girl Talk's manager explains that, yes, the fans and the artist can share the same space, "but the goal is not to have a free-for-all" (Tough, 2009, para. 7). There were still rules and boundaries. Only those lucky (young, attractive, and thin) enough can get away with being on stage—in the same way that Girl Talk has only earned exceptional status; he has not revolutionized public policy.

The carnival scenes in these shows create a great amount of anxiety for those representing law and order. There is still the gaze of security—even if they *are* suggested to step aside. Venue owners have shut down shows because performances have grown out of hand (Conner, 2011). Event management

and security officers grow apprehensive that their patrons and their space may be at risk—just as record executives and legal representatives worry that their clients and their works will be exploited. Girl Talk's performances draw attention to this tension between the concerted carnival and the social contract. If everyone plays along in good fun, it can be a good time. Of course, the carnival scene is never perfect. But the carnival works because everyone participates in the community and agrees on what is acceptable and unacceptable. Girl Talk's performances remind us that fair use is much like the behavior in concert: Participate. Have fun. Bend the rules, but if someone is not cool with what a participant is doing, that individual must be ready to face the consequences. The shut-down shows reflect the misgivings that so many have regard to music and intellectual property.

Girl Talk's concerts provide non-cochlear complements to his works. Rather than engaging just his albums, we recognize that to engage the non-cochlear is to engage the essential level embodiment—a key component of performance. Girl Talk's conceptual sonic art performs through the live show and engages sight and sound *through* the body—and bodies *respond*. Aesthetic communication, and thus, performance, is also defined terms of effects or response (Pelias & VanOosting, 1987). A non-cochlear analysis necessarily implicates and apprehends the participation of bodies in relation to conceptual sonic art. Thus, Girl Talk's concerts feature non-cochlear elements (e.g., performance of bodies) that participate in larger debates concerning copyright and intellectual property.

Conclusion

After considering Gregg Gillis's fame and notoriety as Girl Talk, how his music career challenges norms for his audiences, and how the live event reaffirms his unique ethos, he is clearly paving the way for revolutionary status in audio culture. Gillis's talent as a mashup artist is gaining the eyes and ears of several established musicians and lawmakers. Despite nearly 22 million dollars in potential legal actions, Gillis's musical career indicates that Americans may be developing a more communal attitude toward sampling and intellectual property. Record labels, artists, and even legislators are starting to see the value in such collage work.

Gillis's albums, like *Night Ripper*, *Feed the Animals*, and *All Day*, are tapestries of more than just sound. With so much recontextualization of lyrics and music, some fans are tempted to draw interpretations from his works. Gillis, however, claims that there is really no substantial thought put into the semantics of the lyrics:

> I never sample anyone ironically, and I never want to be tongue-in cheek. I understand that some of these songs are cheesy or corny or tacky to people, but I try not to think about music in those terms any more…. It's entertainment. And, for me, it has always been about one

> thing—celebrating the world of pop. (as cited in Cooper, 2008, p. 38)

Gillis makes this claim of just hearing sound-in-itself, but his albums and live performances pose serious implications. How is sampling The Verve's "Bittersweet Symphony" not some type of jab at The Rolling Stones? Gillis even uses John Lennon's "Imagine" on the closing track of *All Day*. In the context of the fair use controversy, how could Gillis not be making some type of statement with a song that even Lennon said was inspired by "a world at peace, with no denominations of religion …without this my-God-is-bigger-than-your-God thing" (Lennon, Ono, Sheff, & Golson, 1981, p. 212)? When *All Day* ends with the lyrics, "You may say that I'm a dreamer/ But I'm not the only one/I hope someday you'll join us/And the world will be as one," the non-cochlear meanings and histories with the past begin to interplay with a vision for the future (Gillis, 2010, Track 12). The result is a clearly constructed argument.

What does it mean to create a sound collage album with over 300 samples? For Girl Talk, his case marks a progressive attitude toward ownership and fair use within the music industry—and several listeners are jumping on board. Previous scholarship (Cox & Warner, 2004; Kim-Cohen, 2009) reminds us that each of these songs carry specific non-cochlear meanings, memories, and histories. Miller (2004) argues that the sample "operates as a kind of synecdoche—a focal/coordinate point in the dramaturgical grid of life" (p. 351). Whether he means to or not, by weaving together selections from the past five decades of music in sonic history, and "squeezing as much pop culture as possible into the shortest amount of time—[Gillis is] an apt hero for the iPod Shuffle Generation" (Grimm, Stiernberg, & Makepeace, 2010, para. 4).

Amidst the so-called legal controversy, Girl Talk has emerged as a poster child for copyright reform. His plunderphonic performances continue to subvert established authority and audiences are beginning to follow suit. In 2007, Girl Talk played a show at Washington University. After few power outages (thanks to clumsy onstage dancers) and an unruly audience member getting tased by the police (after groping audience members and instigating altercations), the event was declared shutdown half an hour early (Zaleski, 2007). But the fans and Girl Talk weren't through. After feeble attempts to negotiate between event management and the crowd, Girl Talk spoke up: "Somebody tell me where I'm playing right now. Who has PA at their house? I'm going to play all night." An audience member responded and within seconds Gillis exclaimed, "We're going to Sammy's house!" The crowd erupted.

Digital copyright policy is out of date the minute it is passed into law; it struggles to keep up with our practice. No matter the policy, our performances and our sonic practices cannot be contained. For Girl Talk, his listeners, and activists like Lawrence Lessig, it is only a matter of time until copyright conservatives face the music.

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