THE USE AND ABUSE OF MUSIC

EMERALD STUDIES IN ALTERNATIVITY AND MARGINALIZATION

Series Editors: Samantha Holland, Leeds Beckett University, UK and Karl Spracklen, Leeds Beckett University, UK

There is growing interest in work on transgression, liminality and sub-cultural capital within cultural studies, sociology and the social sciences more broadly. However, there is a lack of understanding of the problem of alternativity: what it means to be alternative in culture and society in modernity. What 'alternative' looks like is often left unexplored. The alternative is either assumed un-problematically, or stands in for some other form of social and cultural exclusion.

Alternativity delineates those spaces, scenes, sub-cultures, objects and practices in modern society that are actively designed to be counter or resistive to mainstream popular culture. Alternativity is associated with marginalization, both actively pursued by individuals, and imposed on individuals and sub-cultures. Alternativity was originally represented and constructed through acts of transgression and through shared sub-cultural capital. In contemporary society, alternative music scenes such as heavy metal, goth and punk have spread around the world; and alternative fashions and embodiment practices are now adopted by footballers and fashion models. The nature of alternativity as a communicative lifeworld is now questioned in an age of globalisation and hyper-commodification.

This book series provides a stimulus to new research and new theorising on alternativity and marginalisation.

It provides a focus for scholars interested in sociological and cultural research that expands our understanding of the onto-logical status of spaces, scenes, sub-cultures, objects and practices defined as alternative, liminal or transgressive. In turn, the book series enables scholars to theorise about the status of the alternative in contemporary culture and society.
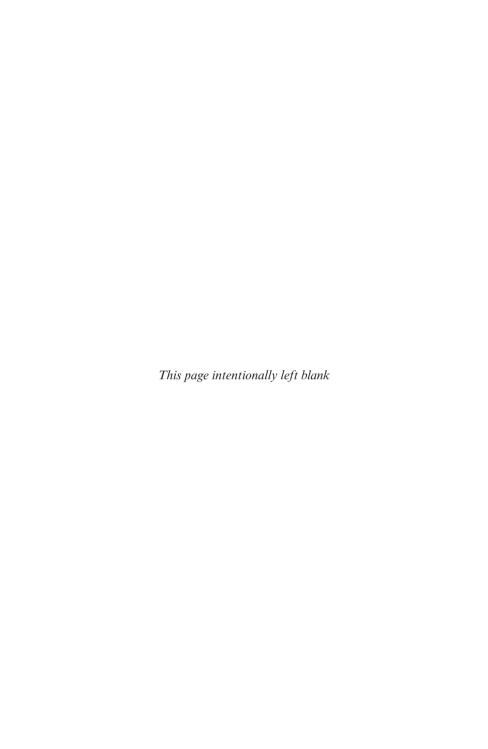
Titles in this series

Amanda DiGioia, *Childbirth and Parenting in Horror Texts: The Marginalized and the Monstrous*

Karl Spracklen and Beverley Spracklen, *The Evolution of Goth Culture: The Origins and Deeds of the New Goths*

Samantha Holland and Karl Spracklen (eds), *Subcultures, Bodies and Spaces: Essays on Alternativity and Marginalization*

Marie-Cécile Cervellon and Stephen Brown, *Revolutionary Nostalgia: Neo-Burlesque, Retromania and Social Change*

Asya Draganova, *Popular Music in Contemporary Bulgaria: At the Crossroads*

This page intentionally left blank

THE USE AND ABUSE OF MUSIC

Criminal Records

ELEANOR PETERS

Edge Hill University, UK

Reprints and permissions service
Contact: permissions@emeraldinsight.com

To Liam, thanks for your love, support and tolerance of dodgy heavy metal

This page intentionally left blank

CONTENTS

ACKNOWLEDGEMENTS

My family and friends have also played their part. Thanks to Liam, for his encouragement and proofreading skills, and to our brilliant daughters, Caitlin and Roisin, for all their love and patience while I was writing this and to my lovely mother-in-law, Deirdre. Thanks to my friends for the support, encouragement, childcare and not complaining about my absence; Carol, Clare, Claire, Laura and Rose. My late parents influenced my interest in music in different ways, Mom with her hard rock and Dad with his easy listening, so I hope Don is humming along with the Rat Pack and Henzie is hanging with Jim and Jimi.

INTRODUCTION

Music, like drugs, is intuition, a path to knowledge.
A path? No – a battlefield.

Attali (1985, p. 20)

Music may not be an obvious choice for criminological con-
sideration, but there are promising areas for analysis in the
relationship between sound, music, rights and harm. There
are connections between music and crime beyond the obvi-
ously criminogenic ones of copyright and peer-to-peer file
sharing, for example, towards wider harms that can be scru-
tinised in the interplay of the state, state agents, corporations
and individuals. Cultural criminologists have included music
in their analysis of other cultural forms such as film, art and
television – but there is not (yet) a critical criminology of
music[1] although there are other academic disciplines which
have well-established analyses of music such as sociology,
psychology and cultural studies.

Law regulates and disciplines popular culture and it is
experienced differentially by people according to factors such
as age, class and ethnicity. A musician might find they are
prosecuted if their music is defined as obscene. They may
encounter problems if their lyrics are perceived as glorify-
ing terrorism. A musician may record a song and that, and
its accompanying video is perceived as inciting violence by

the police. This can result in the performers being given an injunction preventing them from performing and their video is erased from the internet. Power can be exercised in discriminatory ways which impacts on musicians and they can experience censorship, whether that is state, commercial or societal suppression. In many countries, musicians are subjected to imprisonment just for making music and this erosion of the freedom of expression means many will either give up making music or go into exile.

Music is generally perceived as good thing (Edwards, 2011) but there have been many harmful uses of music (Johnson & Cloonan, 2008). Music being used as part of the 'torture lite' raft of 'enhanced interrogations' draws an art form into being used as a weapon to injure physically and psychologically. This is also the case in the use of sounds or music to disperse crowds or the undesirables from shopping areas. Causing physical and psychological harm is likely to be a criminal offence on many occasions; and will certainly violate a person's human rights.

Crime and music are phenomena that people recognise and understand. Crime is usually defined as acts that break the law, or as the *Collins English Dictionary* defines it, 'crime is an illegal action or activity for which a person can be punished by law'. The definition of crime is a contested one; criminology may traditionally discuss crime as it is defined via the criminal law however, this book will be taking a critical criminological approach to the study of music and crime.

A critical approach to explaining crime considers that often only those behaviours that conflict with the interests of the powerful segments of society are defined as crimes (Quinney, 1977). Strictly perceiving crime as solely those acts that are contrary to criminal law, hides from view the many harms[2] experienced that are not crimes, for example, premature deaths through poverty and austerity (Dorling,

2013; Standing 2014), deaths and injuries in the workplace (Tombs & Whyte 2009, 2007), consumer fraud (Croall, 2009) accidents and disasters (Davis, 2013; Whyte, 2009), medical harm (Baker, 2019; Braithwaite, 2014), homelessness (Kinsella, 2012) and state violence and human rights violations (Green & Ward 2004; Schwendinger & Schwendinger, 2014). Harms are complex, and definitions difficult but as Hillyard and Tombs (2004) suggest, the issue of suffering is important; a death has occurred whether by murder, car accident, death at work or via a medical 'mistake' and all these causes of death result in suffering for family, friends and the wider community. If crime is considered as behaviours that conflict with the interests of certain segments of society, then it highlights that some groups and individuals have the power to shape public policy. The legal definitions of crime and deviance overemphasise the powerless and their crimes towards the powerful and underemphasise the powerful and their crimes to the powerless (Milovanic & Henry, 2001). As Hendy (2013, p. xiv) states, 'the ability of powerful people – or powerful groups of people … to shape the soundscapes or listening habits of others less powerful' is just one reason why a critical look at the connection between music and crime is necessary.

The framework for the analysis in this book is adapted from Naughton[3] (2007, p. 165). It will consider music through the following four 'lenses', firstly, social harm in terms of denial of the 'autonomy, development and growth, and access to cultural, intellectual and informational resources generally available in any given society'; secondly, psychological harms arising from events and behaviours outside an individuals' control; thirdly, physical harms, such as death, assault and brutalisation by state officials, and lastly financial harm. The first lens is addressed in Chapter 1 which focusses on music being categorised as deviant, and in Chapter 6 which covers

censorship of music and musicians. The second lens is covered in Chapter 4 which addresses music used to punish, and in Chapter 5 which looks at noise pollution and the inability to escape noisy environments. Lens three is tackled in Chapter 2 which considers 'murder music', and in Chapter 3 which considers music used in war and conflict situations. Lens four is addressed at various points throughout the book, but mainly in Chapters 4 and 6.

MUSIC, SOUND, NOISE

According to Helmholtz (in Thompson, 2017, p. 24) there are two categories of sound; noises and musical tones. At the noise end is white noise which is wideband, singular noises and unpredictable, consisting of all frequencies rather than a 'narrowband' of frequencies which is what constitutes musical tones because they are energy focussed on specific bands of frequencies. Noise and music are not objective terms because they are connected to perception, for example music is regarded as positive sounds while noise is 'a problem, a disordered sound that is unpleasant to the ears' (Brabazon, 2012, p. 50), an unwanted sound (Thompson, 2014). Music can be considered through melody and the vocal or instrumental sound, but it is a socially defined set of sounds interpreted and constructed differently by listeners (Kotarba, 2009). From a sociological perspective 'to make music is not just to put sounds together in an organised way, but also to ensure that these sounds make their mark' (Frith, 1996, p. 100).

The main focus of the book is on popular music, but there are also discussions of other types of music and to a lesser extent sound. The study of sound has often been a poor relation to the academic analyses of other senses in the social

sciences; there has been what Garcia Ruiz and South (2018) identify as a hierarchy of the senses. In visual culture, there is a distance between observer and the object of gaze, whereas auditory experience is marked by a greater degree of spatial intimacy (Gandy, 2014, p. 12). Music involves socially determined meaning because it is not just the lyrics or the intentions of the performer in their articulation, communication and transmission of music that is heard, received and interpreted by the listener.

This book mostly focusses on the political and social aspects of noise, but will also consider other elements, defined by Novak (2015) as aesthetic[4] and technical.[5] Kauzlarich and Awsumb (2012, p. 502) say 'few expressly critical criminological studies have been conducted on the relationship between music and deviance'. This book aims to be part of the contribution to fill that gap. Music has arguably been more considered in sociology (DeNora, 2000) than it has in criminology, the work of cultural criminologists notwithstanding. DeNora (2003, p. 1, original emphasis) identifies that for some, 'music because of what it can *do*, should be made subject to regulation and control'. The idea that music can be so dangerous is what makes the powerful want to control it; there is transgression and dangerous qualities in the potential of noise (Pickering & Rice, 2017). Thompson (2017, p. vi) describes music as the 'poetics of transgression', and it is this quality which gives music its power. Just obtaining musical instruments (Trew, 2018), or even getting half way through a concert without police intervention (Roth, 2018) can be an intrinsically political act in some areas of the world. The social and political use of music in everyday life has power – it can include, exclude, dominate and erase.

This book is presented in three sections: firstly, the consideration of deviancy and transgression[6] and how theorists have defined and responded to these concepts, then how the focus

on youthful subcultures as dangerous has had an impact on many people's lives and reputations. The belief that music can incite harmful behaviours – music that is professed to lead its fans to harm – dangerous violent music, such as perceived homophobia, misogyny and violence in rap and heavy metal, to far-right neo-Nazi bands and the association of certain bands to nationalism and racist hatred. However, it is not a one way process, because there are times when the state has adopted so-called deviant music for its own end with the state appropriation of 'murder music' in its use by genocidal regimes or by state agents to torture those it perceives as a threat.

The use of music as tool of torture, or nationalism and warfare, as accompaniments to horrific state crime is discussed. The way in which the state and corporate organisations use music and sound to include and exclude; to see some people as inherently deviant, unwanted, anti-social and who, therefore, should be removed. The music industry can curtail the ambitions of groups through systematic exclusion and this is a harm, whether it is institutionalised racism regarding the genres of grime and drill, or systematic sexism and misogyny in the music business.

The final section looks at silence, whether this is the desire for quiet in a noisy world – one where music and sound is constantly there in the background, or used in the foreground as a way of social control – or the silencing that can occur when some people's music and messages are deemed to be too dangerous and deviant. Censorship is not just as simple as the state banning something or somebody; corporate interests, religious and pressure groups and the moral majority have all influenced who can and cannot be heard. As Hendy (2013, p. xiv) points out music and sound 'are too intangible and slippery a thing to remain in the service of elites without also being available for use in inventive and subversive ways by

the dispossessed'. The book ends by considering how musicians have used their music and songs for political protest and to influence positive social change.

The origins of this book began while teaching a human rights related module called justice, rights and the state. When looking at torture, the use of music in Guantanamo Bay and other locations ignited an interest in the use and abuse of music (Peters, 2016). Some of the events analysed in this book are well known and have been subject to numerous analyses, others less so. These examples represent how music-making can be a crime, how music is used to purposely harm, oppress, annoy or disturb populations; how some genres of music and their fans can be criminalised, how censorship is a human rights violation suppressing people's rights to be a creative person possessing free speech and the ability to pursue music as employment. This book may be written by a criminologist, but in the spirit of *Expanding the criminological imagination* (Barton et al., 2006), different academic disciplines will be drawn on throughout this book. Therefore, I hope the resulting discussion will be of interest to scholars and students in fields such as sociology, social policy, urban geography, cultural studies, musicology and leisure studies just to name a few.

NOTES

1. There are those who would say they are critical cultural criminologists (Martin, 2009).

2. There is a growing emphasis on taking a social harms perspective within criminology and there are also debates about whether zemiology (from zemia which is Greek for harm) should be considered a separate discipline or as part of critical criminology (Hillyard & Tombs, 2017).

3. Naughton's framework was adapted from the work of Paddy Hillyard and Steve Tombs.

4. An orchestra playing constitutes music, an instrument banging against a music stand would not (Pickering & Rice, 2017), although as Novak (2015, p. 126) suggests 'noise is inherent in all musical sounds'.

5. Noise can be understood as technological sound, which degrades the sonic balance of nature (Novak, 2015).

6. Cultural criminologist Mike Presdee uses the phrase 'carnival of crime' to explain the pleasure of playing at the boundaries (Presdee, 2000).