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## Prince of Intellectual Property: On Creatorship, Ownership, and Black Capitalism in Purple Afterworlds (Prince in/as Blackness)

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### ABSTRACT

This article focuses on a relatively rarely discussed aspect of Prince's life: his intellectual property rights politics. Despite seemingly conservative stances on infringement, Prince was an intellectual property radical, one who shaped perceptions of Black creatorship, critiqued the politics of contemporary and historical slavery, and provided space for thinking about new forms of Black capitalism. In particular, Prince's insistence on exercising creative control in his musical life, having complete authority over his name and the labor associated with it, and managing how and where his music was distributed showcase his commitment to confronting the structural dispossession caused by copyright and trademark law. This article concludes by contending that Prince, during the 2017 Superbowl, was not simply exploited or appropriated by White capitalists but acted as a rebellious spectral presence who continues to confront the "afterlives of slavery." Prince intrudes on the present in ways that shape the "microclimate"—and potentially shifts "the weather"—of Black creatorship, ownership, and Black capitalism, not without agency, but with the informed resistance of Black fugitivity.

### KEYWORDS

Prince; Blackness; copyright; intellectual property; racial capitalism; fugitivity

Electric word "life" It means forever and that's a mighty long time. But I'm here to tell you, there's something else. The afterworld. A world of never-ending happiness.

~ Prince Rogers Nelson

and tear shit up. always a pleasure the banned  
deep brown of faces in the otherwise  
whack. the cruel disposed won't stand  
still. apparatus tear shit up and  
always. you see they can't get off when  
they get off. some stateless folks  
spurn the pleasure they are driven  
to be and strive against. Man, hit me again.

~ Fred Moten

When Prince Rogers Nelson died at the age of 57 at his Chanhassen, Minnesota estate, like many, I found myself unexpectedly affected by his untimely death. But unlike many, I was not shocked that fans, in the days after he passed away, had no choice but to buy a song or an album, tune into stations such as Minnesota Public Radio's *The Current*, pay for a subscription to Jay-Z's Tidal, or hold impromptu dance parties in the streets to hear his music. Even posthumously, Prince managed to break a litany of records, including being the first artist since 1963 to have five albums in the Billboard Top 10 (Caulfield, 2016). This was possible in part because Prince, who once received the "Raspberry Beret Lifetime Aggrievement Award for Extraordinary Abuses of the Takedown Process in the Name of Silencing Speech" from the Electronic Frontier Foundation, worked so diligently to keep infringing versions of his music off the Internet that he once sued a fan for posting a video of her child dancing to "Let's Go Crazy" on YouTube (Electronic Frontier Foundation, 2013). By 2016, Prince, whose anti-piracy crusade won him few fans, had managed to systematically erase himself from the Internet, leaving digital natives in unfamiliar territory with respect to mourning his death. But in the post-Prince world, his estate failed to keep pace with the flood of videos, bootlegs, and photographs posted to the Internet each day. Prince's uncontrollable virtual specters lingered, reminding us of his music, his politics, and his unapologetic Blackness.

Although it is easy to demonize Prince for his zealous commitment to anti-piracy measures by reading him as an advocate for strong copyright, trademark, and even patent protection, doing so ignores his complicated relationship with intellectual property law and his intentional and implicit critiques of the racialization of knowledge production. Prince intervened, quite vocally, in the disciplinary politics of (intellectual) property, refusing the pigeonholing of Black art and confronting the inequalities—particularly based on the ideological insistence that Black people are less than full humans and lack capacity for creativity and innovation — that underlie information ownership. Although not without conceptual complications, Prince's battles for the recognition of Black creatorship and against copyright infringement aided in reshaping narratives around Blackness and personhood in ways that celebrate Black creatorship and critique its devaluation. Until the end of his life, when he famously commented at the Grammy's that "Albums still matter. Like books and Black lives, albums still matter," Prince refused the "multiscalar discourses of ownership" (McKittrick, 2006, p. 3) that anchor the objectifying and fetishizing logics of anti-Blackness and settler colonialism and crafted new ways of thinking about Black creativity.

This article tells a cultural history of Prince's critiques of intellectual property law's racial inequality, examining his radical rearticulations of creatorship and (intellectual) property and his performances as a "body in dissent" (Brooks, 2006). Prince created a "microclimate" (Sharpe, 2016) of racial creatorship in America over the course of his career, one that may not have shifted "the weather" (Sharpe, 2016) of anti-Black racism but imagined a new and persistent ecology of music that continues to radiate through the environment and restructure Black creatorship on a broad scale. This article highlights examples through which Prince built his own microclimate, including exercising creative control in his musical life, changing his name to the Love Symbol, and articulating a framework for labor and capitalism in which Black artists could be protected

from infringement. The final portion of the article turns to the 2017 controversy around Prince's "appearance" at the Superbowl, reading it not as an example of zombie exploitation of Black labor even after death but as fugitive rebellion, a spectral occupation of (White) creatorship and (intellectual) property, which transforms the world after Prince through the performances of the musician who inhabits the world after ours. In this sense, Prince's appearance at the Superbowl is not an example of the disempowerment that arises from the "afterlives of slavery" (Hartman, 1997). Instead, it is proof of the possibilities of radical resistance to them, even from the Afterworld.

### **"Make the rules, then break 'em all 'cuz you are the best"**

Prince was neither the first nor the only artist to raise objections about the politics of race and intellectual property law or race and inequitable contractual arrangements. However, he was exceptional in the consistency and explicitness with which he advocated for his principles around creatorship and Blackness, even as a young artist. Prince began and ended his career as a visionary and a perfectionist who required the utmost creative control over his work. Although that in itself did not distinguish Prince from other Black musicians, his success in securing a record deal that reflected his desire did. In the late 1970s, Prince and his then manager, Owen Husney, negotiated a contract with Warner Brothers before the release of *For You* (1978) that guaranteed the 18-year-old artist unprecedented authority over writing and producing his music. (Husney, 2016). In addition to securing complete creative control over his work, Prince refused to be included in Warner Brothers' R & B catalog, which would have required him to "build [his Black base] and then crossover" (Husney, 2016). That refusal, something that not even artists like Michael Jackson and Stevie Wonder had managed, was an important act of claiming equality of creatorship and ownership, one that pushed back against the notion that Black art was and is inferior and deviant as compared to White art. More importantly, it was a disruption of the racialized subject/object distinction that underpinned, and continues to underpin, Black subordination. Prince was clear from the beginning: He and his work would never be objects of White exploitation or racist devaluation.

The ideologies of creatorship that Prince confronted had their roots in the belief that Black people lacked the capacity to create with "true imagination" (Jefferson, 1998) and manifested in the structural barriers that legally excluded them from owning intellectual properties (Greene, 2008). Daphne Brooks observed that, given no access to control over property, naming, or wealth, "the mythically rendered black body ... was scripted by dominant paradigms to have 'no movement in a field of signification'" (Brooks, 2006, p. 5). In the context of intellectual property law, conceptions of Black creatorship simply did not exist; it was not even until the late 1800s that they became structurally thinkable. As Brooks demonstrates, Black entertainers and activists embraced performative practices to refuse "the spectacular and systemic representational abjection of black peoples" (p. 5). Prince's demands for creative autonomy were an important historical continuation of this undoing of Black abjection, particularly insofar as they involved contributing to schemas of Black creatorship and related microclimates. The precedent that Prince set in his first recording contract carried through his career. A savvy

businessman who understood the value of owning his master records before most in the industry, Prince not only avoided the fate of jazz musicians who were not able to profit from their art, he encouraged other artists to follow the model he set early in his career.

Flashing back to the beginning of Prince's career highlights some of his first moments of staging "embodied insurgency" (p. 3). In 1981, after facing a racist, sexist audience throwing things at him and the band while opening for the Rolling Stones, Prince said:

This is absurd. Why should we put up with that? Those are people who've grown up with the Rolling Stones and just look at my image in a multiracial group and me in my high heels and thigh-high stockings, bikini briefs, no shirt and a trench coat. This is enraging them and I'm not going to put up with it. (Touré, 2013)

Prince adamantly opposed the tropes of Black masculinity and property-making that the audience imposed on him, declaring that he would not "put up with it." And, as his gender bending, name changing, Blackness embracing career demonstrates, he did not put up with it. Instead, he altered the "rhetorical culture" (Hasian, Condit, & Lucaites, 1996) and racial rules of Black musical creatorship, articulating himself as human instead of object and property-maker instead of property. Prince contested not only the racially discriminatory context of copyright law that had kept Black musicians from owning their own creative works (Cooper, 1979; Greene, 2008) but also, as I show in the next section, invested in the radical notion that it was a criminal act to infringe upon the copyrights of Black artists.

Flash forward to one of his final concerts, the Rally 4 Peace in Baltimore, Maryland after the horrific death of Freddie Carlos Gray while in police custody. Prince announced to the audience: "The piece I'm talking about is p-i-e-c-e. The next time I come through Baltimore, I want to stay in a hotel owned by one of *you*. I want to leave the airport in a car service created and owned by one of *you*" (CapnOfCrunch, 2015). The inequity of ownership—and the interrelationship between property rights, intellectual property, bodies, and Black life and Black death—which were *always* a central concern of Prince's, framed the beginning and end of his career. Songs such as "Sign of the Times," "Ronnie Talk to Russia," and "Dear Mr. Man," a collaboration with Dr. Cornel West, and support for organizations like #YesWeCode, and #BlackLivesMatter, at the insistence of Van Jones, offered more evidence of Prince's long-time commitment to Black liberation and racially equitable understandings of creatorship. Prince's first record deal framed a larger commitment to undoing intellectual property's racial tropes of ownership.

With Warner Brothers, who adopted a primarily noninterventionist management strategy, Prince's career exploded. In the 1980s, Prince turned out hit album after hit album, including *Dirty Mind*, *Controversy*, 1999, and, in 1984, the stratospherically popular *Purple Rain*. Despite public relations debacles such as his much-publicized refusal to participate in the historic recording of "We Are the World" for USA for Africa, Prince continued churning out hits, ending the decade with his immensely popular eleventh studio album, the soundtrack for *Batman*. It seemed that Prince could do no wrong. But then, in 1994, Prince's relationship with Warner Brothers ran aground as the pop musician became (in)famously known for his very public dispute with his record label. In a now legendary-but-then-bizarre story, Prince, changed his

name to the unpronounceable Love Symbol, ♡. The Artist Formerly Known as Prince (the Artist), as he was often called, spent years appearing in with the word SLAVE written on his face. Though Prince's behavior was, at the time, a public relations disaster that prompted wild media speculation, neither Prince nor Warner Brothers relented. Warner Brothers released a greatest hits album in 1996 over Prince's objections. Prince spent the next years trying to break with his record label.

### **"Take My name, I don't need it!"**

Prince's decision to change his name to the Love Symbol criticized the copyright and contract politics that had, over hundreds of years, reflected and condoned treating Blacks as less than with respect to material and intellectual labor. It was also a move through which Prince put himself in conversation with American histories of slavery (and its afterlives), even if unintentionally (Steigler, 2009, pp. 223–224, 226), by asserting that his situation was analogous to that of a chattel slave. Read vis-à-vis Kevin Bales' conception of "new slavery" (Bales, 1999) as a perpetual condition of economic coercion and the Supreme Court's conception corporations as persons in *Citizens United v. FEC* (2010), Prince's claim to slavery is a prophetic and incendiary critique of America's investment in racial capitalism and property. He makes visible and aggressively criticizes those daily practices through which individuals are enslaved by (racial) capitalism and sacrificed at the altar of purportedly democratic neoliberalism.

Prince's act of changing his name to an unpronounceable symbol delinks him—performatively if not legally—from the racially inflected disciplinary practices of record companies and courts, in a manner that "revises the idea of binarism, gestures toward what we (whoever 'we' might be) haven't yet imagined, because we can't say it" (Fuchs, 1996, p. 140). ♡ points to and refuses slave naming practices, which attempted to deprive Black subjects of their personhood and identities. It is a new identity, one that claims the value of Black creatorship and Black entrepreneurship in ways that evoke the history of "bodies in dissent" and gesture to new futures. It is unspeakable critique of the present, marker of shared racial pasts, and commitment to Afrofuturist worldmaking (Bakare, 2014) all at once. Through ♡, Prince simultaneously criticizes those who would exploit his labor by reproducing his music without paying for it, produce unoriginal covers of his songs, invite contractual arrangements in which he would not own his own work, and visually marks the property value of his music and the uniqueness of his identity.

Control over naming is an important tool in perpetuating the (after)lives of slavery that Hartman and Brooks engage; forcible naming is a practice of cultural coercion and marginalization. For instance, in one of the most memorable scenes in Alex Haley's hit mini-series *Roots*, Omoro Kinte holds his child up to the sky and bestows upon him a name. After Kunta Kinte is forcibly taken to America, he is brutally beaten until he repeats that his name is Toby. "When the master gives you something, you take it," the man whipping him says. These scenes exemplify not only the significance of naming in African and African American cultures but also the psychological depersonalization central to slavery in the United States. The process of imposing names, usually of English origin, on enslaved persons was both a disciplinary and proprietary practice, one

through which slave masters intervened in every part of the social lives of their slaves. Slavery, like other forms of domination, required a dual process of marking as different and incorporating as the same. Terrence Epperson wrote,

A slave master's imposition of English names upon recently arrived Africans would seem to represent an incorporative aspect of domination, yet even here is a subtle marking of difference and inferiority. The lack of family names and the overwhelming use of familial diminutives simultaneously connoted attitudes of condescension, parental authority, and intimacy toward slaves. (Epperson, 1990, p. 30)

Naming thus became a practice doubly intertwined with Black personhood and Black citizenship, first through the denial of the right to engage in traditional African ritual naming practices and then through the imposition of slave names and the concomitant proprietization of enslaved persons. Neither were African Americans granted the rights as autonomous subjects to keep their given name nor were they allowed to keep others from depriving them of their rights as persons.

Naming is accordingly significant not only as a cultural practice, one that marks and creates identity, but also a political one. It is "a powerful strategy of rhetorical colonialism" (Endres, 2009, p. 49), one through which groups can be assimilated, disciplined, and excluded from political participation. Lack of control over naming operates as a disciplinary mechanism through which domination and erasure are affected. The example of *Roots* highlights the relationship between naming, autonomy, and legibility. It also highlights the productive capacity of "Afro-alienation acts" (Brooks, 2006, p. 4), or those performative practices that in Elin Diamond's play on Laura Mulvey's work, involve "looking at being looked at ness" (Diamond, 2003, p. 52). Prince's embrace of ♠ triples the practice of rendering Blackness strange, by simultaneously highlighting the anti-Blackness of creatorship, Prince's alienation from self, and the persistence of slavery. ♠ contended that because his contract with Warner Brothers was no longer consensual, the moniker "Prince" became a corporate entity, a brand decoupled from the person. Prince's anger and frustration with Warner Brothers' authority over his record production was a related but distinct problem from the company's authority over his given name: the Prince part of Prince Rogers Nelson had become a commodity.

On its face, one might read Prince's name change as proof that the musician had no control over his name or naming rights, a settler colonialist act of appropriation, objectification, and erasure. After all, his corporate "master" commodified the identity his parents gave him, taking away his rights to control his name and erasing him, as a person, from him, as a brand. However, such a reading would miss the incompleteness of Warner Brothers' control over "Prince," the brand, and the counterinterpellative force of Prince's decision to change his name to ♠ When the master gives Prince something, he does not take it. ♠ "appropriates the power of designation ... he circulates, performative, unstable, queered, dismantling the conventional links between possibilities for naming and structures of oppression" (Fuchs, 1996, p. 145). ♠ signifies resistance, critique, instability, ambiguity, possibility, and trickery as tools to undo the links between (intellectual) property and whiteness (Harris, 1993). In becoming unspeakable, Prince, the musician, remakes "Prince," the brand, and Warner Brothers, the company. ♠ points to the hypocrisy and inefficacy of a record company that denies the contract authority of its biggest star, a Black, transgressive, gender-bending, sexual provocateur


who marks his identity with a simultaneously empty and overdetermined signifier. Prince's very persona highlighted the futility of Warner Brothers' musical biopolitics and contractual coercion, even as it demanded that he produce records at Warner Brothers' desired pace, with the company's desired content.


In addition to changing his name, Prince wrote SLAVE on his face in an anything but subtle performative critique of corporate ownership of labor and racial capitalism itself. The visual representation of the word was abstract, the L extending across letters and tying the A, the E, and the V together above the rest of the characters in alphabetic bondage. In a 1995 press release, Prince commented on the labor position of having to produce particular types of records for Warner Brothers, on the company's timetable: "It seemed reminiscent of much that had been experienced by other African-Americans over last couple of hundred years. They had turned me into a slave and I wanted no more of it" (Dash, 2016). He declared in 1996, "People think I'm a crazy fool for writing 'slave' on my face, but if I can't do what I want to do, what am I? When you stop a man from dreaming, he becomes a slave. That's where I was. I don't own Prince's music. If you don't own your masters, your master owns you" (DeCurtis, 1996). Prince's appeal to slavery served as racialized commentary on his alienation from self, specifically by pointing to the ways he had been deprived of his fundamental rights to liberty and property. "Prince" is transformed from a radically free artist into a laborer beholden to corporate masters without concern for creative autonomy. Where Prince's story breaks with that of chattel slaves is that he has the autonomy of celebrity, which allows him to exist on a legible and visible public cultural plane and wield immense social and economic power. Yet although Prince may have never been in a position of physical or economic precarity, the force of his argument about labor freedom remains, as one about the racialized roots of capitalist and property relations.




Where Brooks theorized Black resistance through Brechtian Black feminism, Judith Butler offered another framework for understanding Prince's performative intervention:


One is not simply fixed by the name that one is called ... the name holds out another possibility as well: by being called a name, one is also ... given a certain possibility for social existence, initiated into a temporal life of language that exceeds the prior purposes that animate that call ... injurious address may appear to fix or paralyze the one it hails, but it may also produce an unexpected and enabling response. (Butler, 2013, p. 2)

Here, Butler speaks of reclaiming hateful names, by performing their meaning in ways that resist their interpellative force and mitigate their injuriousness. The argument points us to the manner in which Prince remade an injurious practice, that is, the imposition of a name on a person against their will, by taking it to its logical extreme: the symbolic representation of self-alienation as a means of rewriting identity. Slave naming, an act aimed at stripping individuals of their subjectivity, left space for interpellative resistance. Not only is such resistance historically legible, as Brooks describes, but it is also visible in the example from *Roots*. Kunta Kinte's repetition of his name is a performative refusal to accept the erasure of his identity, one through which he confronts the power of violent force. African American use of symbols—including the X in Malcolm X's reclaimed name—can be read as another form of interpellative resistance, one that symbolically marks the practices of coercion, propertization, and erasure that were imposed upon slaves. Signifiers of aporia and overdetermination, Prince and the letter

X simultaneously call forth memories of the trauma inflicted on Black persons while also claiming the agency to embrace new names. Read in this context—much like Malcolm Little’s refusal of his slave name—Prince’s refusal to be known as “Nell’s son” and his rejection of his corporate brand name suggest that  is a sign of performative reclamation, a remembrance of violence in moment of renaming against alienation.

Consider, as well,  in the larger context of racialized contractual practices in the United States. Because of the institutionalization of slavery and advent of Jim Crow, African American illiteracy rates remained high into the 1920s. In 1870, 80% of the Black population was illiterate compared to 20% of the overall population. In 1900, 44% of the Black population was illiterate. It was not until 1979, that rates of literacy between the Black population and overall population were comparable (National Assessment of Adult Literacy, n.d.). Because they often lacked the ability to read and write, many African Americans signed legal documents with an X, a legally valid indication of their assent to the terms being placed in front of them (Russell, 2012).

Although the practice of using a signatory X was not unique to African Americans, it disproportionately affected them because of Black illiteracy rates. The signatory X is a practical legal mark, which operates in a profoundly different manner than Malcolm’s X or Prince’s glyph. The latter marks absences, erasures, memories, possibilities, reclamations, reconstitutions, and impossibilities, while the former is an executory symbol. The diametric opposition of these marks is notable. Malcolm X and the Artist Formerly Known as Prince implicitly and explicitly comment on the signatory X, using their symbolic reinventions not as signifiers of their illiteracy but as markers of their hyperliteracy. Here, Prince’s glyph exceeds the abstraction of Malcolm’s X, as it marks a language of gender and sexuality that he has refined in public culture over time. In the ultimate act of sublime inventional prowess, in which he conceptually bested his masters,  became indecipherable to Warner Brothers, whose literacy did not match that of their star artist. If anything, Warner Brothers, who spent considerable time and money remarketing one of their top artists, in part by sending floppy disks with the Love Symbol to media outlets and figuring out how to refer to , played the fool. Prince remade himself as  without the company’s permission and against its wishes. Put succinctly, Prince’s recreation of his identity prevails: “[t]he *unnaming* of the immediate past ... was reinforced by the insertion of a mysterious initial, a symbol of the long, unacknowledged selfhood that had survived and transcended slavery ... *naming*, a staging of self in relation to a specific context of revolutionary affirmation” (Gates, 2016).

Prince’s ultimate vindication with respect to his name came in 2000, at the expiration of his contract with Warner Brothers. Prince began the celebration concert at Paisley Park, where he played songs from his three-disc album *Emancipation*, with the booming voice of Dr. Martin Luther King Jr. saying, “Free at last, free at last, thank God Almighty we are free at last.” The symbolic significance of titling the album *Emancipation* and celebrating with Dr. King’s victorious words is evident: Prince had finally reclaimed his autonomy and his identity from Warner Brothers and reemerged as a marker of the Afrofuturist possibilities of the disenfranchised in the nation. The elaborate spectacle of renaming himself  and rewriting the narrative of slavery in the present successfully operated to critique the past and create a new framework for understanding Black creatorship in the future. Still, the narrative of “piracy” that Prince

embraced to get there was a racially complex one, embedded within a larger and more problematic desire for Black capitalism. I turn to it in the third and final example of his intellectual property politics.

### **“Now you got to share the land”**

After Prince reclaimed the name given to him at birth, he found himself in another legal battle over musicians’ rights, this time online. His NPG Music Club, which he started in 2001 and named after his then-band the New Power Generation, became one of the first online subscription-based programs to offer fans special music and concert opportunities. After closing the NPG Music Club in 2006, Prince turned his attention to other online music opportunities, including licensing his works to streaming services such as iTunes and Spotify. By 2014, however, he had done an about face on online music, removing his songs from all streaming sites. Rarely one to make business decisions quietly, Prince famously declared “[t]he Internet is completely over.” He explained “I don’t see why I should give my new music to iTunes or anyone else. They won’t pay me in advance for it and then they get angry when they can’t have it” (Fallon, 2016). In Tweets, he offered more insight into this thinking: “Essentially, streaming has offered labels the ability to pay themselves twice while reducing what is owed to artists...” (Prince, 2015). The precipitating event for Prince’s decision to stop streaming his work was his renegotiation of his contract with Warner Brothers in 2014. In that negotiation, Prince gained ownership to his master records, something that he had wanted for quite some time. Dissatisfied with the streaming models adopted by platforms like iTunes and Spotify, dismayed by record company profiteering, and invested in controlling his own image, Prince chose to only stream with Jay-Z’s Tidal. For a considerable period of time after the musician’s death, Tidal remained the only streaming site on which substantial portions of Prince’s catalog were available.

In part, Prince’s about face on music was related to industry-wide struggles over copyright infringement, specifically music piracy. Prince redoubled his efforts to combat piracy, including copyright infringement of his music and images, sometimes alienating his fans with his zealotry. Yet in pushing for strong copyright protection, Prince took aim at hundreds of years of theft and “racial plagiarism” (Pham, 2017) of Black art, including music from Blues to jazz, and the underlying commitment to treating Black people as property, not humans. Take, for instance, a statement that he made several years ago in an interview with the *Guardian*: “We made money [online] before piracy was real crazy. Nobody’s making money now except phone companies, Apple and Google. I’m supposed to go to the White House to talk about copyright protection. It’s like the gold rush out there. Or a carjacking. There’s no boundaries” (Lynskey, 2011). Through his anti-piratical stance, Prince made clear that Black musicians, like their White counterparts, deserve full property rights for their creative works. Prince’s call for property ownership in the Rally 4 Peace was emblematic of his embrace of Black capitalism as is his lyric in “Dear Mr. Man,” “Your thousand years are up; now you got to share the land.” Prince crafted a narrative of Black entrepreneurship and Black communitarianism that celebrates the work of Black creators and values Black lives. In Prince’s narrative, Black people are equal citizens who have a right to access the

American Dream, which James Baldwin argues in his famous speech “The American Dream and the American Negro,” was never granted to them (Baldwin, 1965). Unlike in the world of racial capitalism that Cedric Robinson pointedly noted has existed since the beginning of colonialism, Prince’s Black capitalism imagines new and powerful labor and commodity relations. Although Black capitalism, as Prince imagines it, is not radically invested in undoing the inequities produced by capitalism or intellectual property law, it is invested in undoing the racist logics that make dispossession and disenfranchisement thinkable political and social options.

Prince’s imaginings of commodity relations have formed the foundations for a popular cultural narrative of Black capitalism in which Black art merits respect and protection. For instance, Fox’s hit television show, *Empire*, takes up Prince’s piracy narrative with surprising realism. In the first episode of the show, rap and R & B magnate Lucious Lyon explains in a prelude to announcing that his company is going public, in words almost identical to those that Prince used just a few years earlier before testifying about copyright policy before Congress:

I started selling drugs when I was nine years old in Philadelphia. I did it to feed myself. But it was the music that played in my head that kept me alive when I thought I was gonna get shot ... Times have changed, though. The Internet has destroyed the musician’s ability to make money because our work is downloaded for free online. And now it’s impossible for the disenfranchised kids growing up in the projects to overcome poverty the way that I did. We are gonna change all of that. (*Empire*, 2015)

In Lucious’ fictional world, *Empire* Entertainment posits itself as the protector of the Black urban poor, providing a way out of the confines of the structural oppression of race and class. Lucious, in selling *Empire* Entertainment, asserts that Black musicians, particularly during the rise of rap and hip hop, used music as a tool of racial uplift. The realities of intellectual property ownership are more complicated than *Empire* would have us believe. After all, for an artist to own their catalog is likely a necessary, though not sufficient, means of undoing the structural inequalities that fuel systematic oppression. Nonetheless, the music mogul’s own success is represented in the show as a means of empowering Black youth. In a scene later in the season, at Cousin Bunky’s funeral, Lucious gives a child an advance on his first record, symbolically showing how he parlays his success into support for the Black community. The micronarrative of copyright law and creatorship that show creator Lee Daniels tells through Lucious is part of a notably intersectional, though still quite imperfect, story of Black creatorship and Black entrepreneurship that the show weaves. In later seasons of the show, Cookie, not Lucious, becomes the hustler extraordinaire that keeps the company and the family together. She is coded as a Black woman with the intellectual prowess, street smarts, and esthetic instincts to keep *Empire* Entertainment afloat. Yet there are no illusions that she does so through government subsidies or small business loans. Cookie’s founding donation to *Empire* Entertainment is drug money for which she pays—and ultimately profits.

Netflix’s series, *The Get Down*, reflects a similar narrative. Though crime is represented as endemic to the Bronx in the late 1970s, music, both disco and hip hop, offer a way out of the deteriorating neighborhood in New York. In one of the show’s central plots in the first season, DJ-in-training Shaolin Fantastic and his crew must demonstrate their loyalty after getting caught with a Grandmaster Flash bootleg tape. Though the

show's creator, Baz Luhrmann, had a history of collaboration with Prince, including on *Romeo + Juliet* and *The Great Gatsby* (Tribeca, 2016), *The Get Down* does not explicitly echo Prince's language in the same way as *Empire*. It nonetheless partakes in mythmaking around the American Dream and Black entrepreneurialism that echoes Prince's thematic foci. Grandmaster Flash seeks only to protect his intellectual property, which as we know from historical hindsight, gives rise to an entire new genre of music. The first season sets protagonist Ezekiel on the road to success, confirmed in the show's frequent flash forward moments. By preventing the circulation of bootleg tapes, Grandmaster Flash ensures the value of the good he is selling. If it is only possible to consume his music at his parties, he must profit. Many years later, Prince used the digital version of Grandmaster Flash's theory of preventing bootlegging to posthumously secure a record breaking five spots in the Billboard Top 10. As such, *The Get Down* becomes part of a larger metanarrative of Black creatorship. In a post-Prince world with post-Prince popular culture, there is public space in which to engage that question. Moreover, there is greater ideological space than ever before for Black artists to think not only about claiming their creative autonomy, just as Prince did over the course of his career, but also controlling their (intellectual) property and personas, as creators, citizens, and whole persons who are entitled to full property rights.

Anti-piracy measures and support for Black capitalism are not without complications, however. With respect to the former, Prince's statement reflects and invokes a narrative of racialized infringement, one in which Asian actors often bear the brunt of the blame for "copying" and "stealing" works from the developed world (Liang, 2009). Though he largely targets his ire at corporations instead of demonizing particular racial groups, Prince nonetheless implicitly endorses filling the floating signifier "piracy" with racialized meaning. Prince invites, as well, a narrative of racial uplift through material accumulation, which centers the need for access to the property-related aspects of the American Dream and valorizes a race liberal understanding of racial justice (Melamed, 2011). The term Black capitalism was one that Richard Nixon used in the 1960s, as a means of undercutting Lyndon B. Johnson's Great Society (Weems & Randolph, 2001). As James Boggs put it, "When we talk about the system, we are talking about capitalism ... And when we talk about capitalism, we are talking about the system that has created the situation that blacks are in today!" (Boggs, 2011, p. 185). Situating Prince's calls for Black creatorship, then, which are radical with respect to their recognition of Black creativity and Black personhood, requires also acknowledging their fundamental economic conservatism. As the racialized battle to protect U.S. intellectual property demonstrates, his anti-piracy stances justify neocolonial expansion internationally. Moreover, his embrace of Black capitalism endorses an economic order that is both intertwined with race liberalism and the necessary oppression of labor. Prince, then, offers important starting points for envisioning Black creatorship and Black personhood but not radical racial justice. Achieving the latter requires dramatic reimagining of economic relationality, including intellectual property itself.

### **Prince is dead, long live prince**

Prince's (intellectual) property battles did not end with his death. In a Halftime Show that is widely regarded as the best of all time, he performed in the pouring rain at

Superbowl XLI in Miami, FL. Prince also performed, in a manner of speaking, at Superbowl LII in Minneapolis, MN, with Justin Timberlake—this time in a video of a live performance projected onto an enormous piece of billowing fabric. Days before Timberlake was to perform, Black Twitter exploded with rumors that he would be featuring a Prince hologram and outrage at the notion that Timberlake would do such a thing. After all, “Prince Hated Holograms Before They Were Even Invented,” announced *Fader* (Gore, 2018). A practicing Jehovah’s Witness who was known to go door-to-door with Sly and the Family Stone bassist Larry Graham to spread God’s word, Prince once said that holograms were demonic. When all was said and done, Timberlake did not use a hologram in his tribute performance, though he did use rare footage of Prince performing, ironically enough, the song “I Would Die 4 U.”

There were never any actual plans for a Prince hologram (Lockett, 2018). And, according to Tweets from Prince’s estate, his family authorized his performance at the Superbowl. The controversy over Timberlake’s use of Prince’s image did not subside, however. Citing his involvement in Nipplegate, appropriation of hip hop, and a Timbaland song that insulted Prince, Black Twitter expressed its outrage over Timberlake’s choice to perform with Prince, albeit through video footage and not hologram. Summing up the problem, Michael Harriot at *The Root* wrote in biting critique, “It all belongs to them. We belong to them. Therefore[,] the theft of our culture, art, words and very lives should never be referred to as appropriation or theft ... It’s American” (Harriot, 2018). Built into this critique is underlying reference to the very property relations that have facilitated injustice and violence from settler colonialism on.

As Harriot pointed out, Timberlake’s use of Prince’s image, even permissively, raises many questions about Black labor, even after death, as well as (intellectual) property. Prince, who had no will and operated in a copyright structure with no posthumous moral right to integrity of musical works, *de facto* gave control over his estate to his family, who soon after the Superbowl gave Universal Studios complete authority to manage Prince’s music. The Afterworld, in Prince’s parlance from “Let’s Go Crazy,” might be read as Heaven itself, a place free from the pain, complications, and suffering of life. But although Prince may be in the Afterworld, there is a world after Prince that is very much of this Earth, in which he is part of the circulation of the “afterlives of slavery” (Hartman, 1997). In her theorization of the afterlives of slavery, Hartman notes the manner in which the effects of slavery structurally persist after its end—but also how African Americans continue to resist them. Read alongside Hartman and Sharpe, Prince’s performance at the Superbowl might be interpreted as one that exploited his labor. Popular cultural critic Anthony Oliviera tweeted after Timberlake’s performance, “the myth of the zombie emerged in pre-revolutionary Haitian culture, and sprang from the anxiety among its enslaved peoples that even in death, it was possible to be made to perform deathless labour on the master’s behalf.” Oliviera’s reading, like Harriot’s, reminds us that intellectual property, too, is part of the complex landscape of slavery’s afterlives.

However, despite the problems with Timberlake’s performance, failing to find Prince’s agency in the Superbowl is a lost opportunity to think about the contours of (intellectual) property and fugitivity. More apt than Oliviera’s zombie frame, which

treats Prince as agencyless tool of Whiteness and capitalism, is reading the musician as spectral presence who “insists on the continuing existence in the present of traumatic racial histories that American modernity would rather forget” (Hurley, 2015, p. 313). The zombie is inapposite in this case because, as Jessica Hurley explains, it is “a *walking embodiment* of past populations that will not stay dead but extrude threateningly into the present, where systems of government disintegrate in the face of an unruly, unrulable population of the no-longer-human” (p. 313, emphasis added). The zombie is not spiritual but *material*, a soul imprisoned in a body over which it lacks control (McGee, 2012, p. 242). The zombie frame, then, while it makes important commentary on forced labor, fails to describe the state in which Prince appears at the Superbowl. He does not take the form of the walking dead, laboring without consent, but rather appears as an ephemeral presence who continues to do the radically resistive work he did in life. Timberlake offers his homage with and to the recorded images of a man who was larger than life—particularly in Minnesota—and whose existence came to define the Superbowl itself.

Imagining Prince’s spectral presence at the Superbowl as part of Fred Moten’s larger conceptualization of fugitivity leaves space to read him as an intrusive and liminal figure who, at the hands of his family, critiques slavery and appropriation as he did in life, even from the Afterworld. Such a reading transforms Prince from object of Timberlake’s exploitation to returned spirit acting against Whiteness, racism, and racial capitalism. Prince’s presence at the Superbowl, particularly given his (intellectual) property politics in life, changes its “microclimate,” and advances his lifelong struggle to change the “weather” of anti-Blackness in creatorship. Prince’s colleagues and proteges, including Spike Lee and Janelle Monae, invoke his presence in ways that continue his life’s work of refusing to be owned and refusing to be less than his White counterparts. In this way, Prince epitomizes fugitivity, which Moten writes, is “a movement of escape, of the stolen that can be said, since it inheres in every closed circle, every enclosure” (Moten, 2008, p. 179). Film footage allows the musician to deftly escape the confines of the Afterworld and create space for retelling his narratives of (intellectual) property and ownership. Indeed, Prince creates a new category of existence in this world from the Afterworld, an act that is consistent with his historical persona. As he reminds us in song: “I am something that you’ll never comprehend.” As during his life, Prince defies categorization at the Superbowl, forging his own path in life after death.

Prince’s intellectual property afterlives, including at the Superbowl, are evidence of his posthumous rebellion against a legal system that inadequately protected him and other Black artists. Prince’s negotiations with record labels, investments in racial justice, name change, and antipiracy battles all showcased his commitment to producing cultural schema for understanding and protecting Black creatorship as inalienable property right. Through a series of Afro-alienation acts and structural seizures of power, Prince created a career that performed the very understandings of Black creatorship and Black capitalism that he believed would result in racial justice. Prince’s second Superbowl appearance does not merely replicate the forced labor of slavery or the theft of Blues, jazz, and rock ‘n roll. It is evidence that the post-Prince world is not a world without Prince but one in which Prince terraforms his own Afterworld and its racial microclimates, particularly around race, copyright, and creatorship.

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