

October 2003

# Virtue In Action

Thou Shall Not Steal... Does That Include Music? A Question of Integrity and Responsibility

**VIRTUE IN ACTION**

**FOSTERING CITIZENSHIP THROUGH CHARACTER EDUCATION**



**Across America,** young people are buzzing about the recording industry's new strategy of suing individuals who illegally download and share music files. Discussions on the issue include statements such as: "Would they really sue me?" "I haven't made any money doing this." "How could it be wrong?" and "Record companies deserve it."

Beneath all these statements are questions of integrity, responsibility for our actions, the responsibilities of record companies toward their consumers, rewarding artists for their work, and the law. In this lesson we will address these issues, and hopefully better form our own principles on how to operate as consumers in a free and technologically advanced society.

### **Background on Music Piracy**

Some internet sites allow us to legally access music by providing free samples, or by allowing a download for a short trial period before charging a monthly fee. Other sites enable us to download music for free, and place the music on a file within our computer that other people can access. Around the world, people are downloading music from other people's files without paying.

This type of downloading is referred to as music piracy. It has become widespread for many reasons. Many people do not want to pay \$20 for a new CD, take a risk buying music they have never heard, or prefer to create a CD using a couple of songs from several CDs. The music industry has made little progress in creating an online service that is inexpensive and offers a wide range of choices. In general, the recording industry has not met the demands of the millions of consumers who prefer to download their music.

### **Copyright Law**

Copyright laws state that artists own their work and can decide what to do with it. Once a song is copyrighted, it is illegal for anyone to give away digital versions of music without permission from the artist. Permission to personally use a song is granted when a consumer purchases music either from a store or a legal download site.

The Recording Industry Association of America (RIAA) has fought to end the practice of music piracy. In 1999, the RIAA targeted an online system called Napster that enabled people to listen to and download millions of songs for free. The RIAA won its lawsuit against Napster. However, other applications, such as KaZaA and Gnutella, rose to take Napster's place. The RIAA then

switched tactics and began asking Internet Service Providers (ISPs) to reveal the names of customers suspected of illegally downloading music. The ISPs initially refused, but in 2003, judges ruled that the RIAA could force them to provide the information.

This ruling gives the RIAA the right to search for and sue anyone caught downloading music--including teens and college students. In September 2003, the RIAA filed suit against 261 people. If found guilty, these individuals may owe the RIAA hundreds of thousands of dollars. The RIAA justifies its demands by claiming that music piracy is illegal in violating copyright law and is hurting industry sales.

Recording companies' sales have fallen from \$40 billion in 2000 to \$26 billion in 2002. Though many blame the recession as a partial cause for this decline, the RIAA estimates that it has still lost more than \$4 billion per year through music piracy.

### **Why Do We Have Copyright Laws?**

Copyright laws are based on the idea that a person who produces creative work should be able to own his/her work. In other words, the artist chooses how his or her work is copied, sold, and made public. Copyright laws enable people to make money from their work. By protecting the ability of artists to profit from their work, copyright laws encourage artists to be creative and innovative in meeting the demands of consumers, and to create entirely new art forms. If artists did not receive compensation for their work, they would likely not try as hard to produce quality music and other art forms.

### **Part II: Ethics, Integrity and Responsibility**

#### **Is Music Piracy Ethical?**

Some argue that music piracy may violate copyright laws, but it is not stealing. They claim that downloading a song is no different from copying a tape, which the recording industry is not taking legal action against. Some also believe that recording artists and the music industry already make too much money from them in

money spent on concert tickets, tee-shirts and other merchandise, and therefore it's okay to download music without paying. Another argument is that if people didn't download music for free, they would not learn of new bands and would not be able to support them by going to concerts, and possibly purchasing some of their music.

All of the above statements may be appealing at some level, either emotionally or logically, but that doesn't mean they are ethically correct. When we look at the ethics of a proposed action we examine the rightness or wrongness of the proposed action.

First, let's compare/contrast the downloading of music without paying to making a tape from an album or CD. Before the age of CDs, people used to commonly create tapes from their albums, and today from CDs. This is a form of downloading; however, the recording industry doesn't sue those making tapes. The reason is that the majority of listeners making tapes create them from an album or CD they already bought, and hence have paid for the right to use the music in a form that best fits their needs.

The correct comparison to today's music piracy would be a listener making thousands of tapes, and then giving them to others. In this case the listener would be giving away someone else's property, in this case an artist's music, to another person without permission. The taking or giving away someone else's property without permission is stealing.

It's easy to know that stealing is wrong when it involves a physical reality like running out of a sports store with a pair of Nike Air Force Ones. Downloading music without paying for it doesn't present the physical realities that we commonly associate with stealing, and hence it is easy to not put music piracy in the same category as stealing a pair of shoes. However, once we think about the reality of music piracy, we see that it is stealing in giving away, or taking someone else's property, without permission.

Let's now look at the argument of the music industry's already making too much money from us, so it's okay to download music for free. A good analogy would be a local sports store that charges high prices. Would any of us seriously argue that if we are a customer of a store charging high prices that we then have the right to take other merchandise from that store without paying? This would clearly be stealing.

Finally, some people argue that downloading enables people to discover unknown artists and bands than are not promoted in mainstream record stores. They think of downloading as an alternative to top-40 radio stations and enjoy the fact that it does not rely on flashy packaging or mass advertisement. However, if some bands want to build an audience, they always have the right to offer their music on the Internet for free. This is the beauty and power of the internet, in that it allows for different strategies over the same medium.

### **Responsibility**

One reason that music piracy has become so prevalent is that many consumers have come to the belief that the recording industry is no longer meeting their needs and preferences. Responsibility is in part defined as accepting and meeting the demands of our duty in life. The recording industry has a responsibility to their owners and workers to make money by meeting the demands of us – their consumers. It is apparent that the recording industry has been irresponsible in failing to meet our demands of offering effective and comprehensive online services to download the music of our choice.

When companies don't meet our demands as consumers, we have the right to encourage change by simply not buying their products. In a free and competitive economy, it is important to realize that collectively we as consumers have the ultimate power to influence the organizations that provide us with goods and services. We are now beginning to see the power of consumers as the recording industry is finally responding to falling sales by proposing diverse and affordable online services.

Responsibility is also defined as being accountable for our actions. In the case of music piracy, this means that if we violate copyright laws, we need to be prepared to accept the consequences of the punishments outlined in our nation's laws. In any society, laws and punishments are necessary to encourage both positive actions and to discourage harmful actions. The accountability aspect of responsibility also applies to the music industry, where recording companies' profits have fallen as they have failed to meet consumers' preferences.

### **Integrity**

Some may justify music piracy as a means of forcing the music industry to offer effective online services. However, we don't have to steal someone else's property to encourage this change. Simply not buying music in a youth sponsored

boycott, or even lessening music purchases, likely would have encouraged the same change without jeopardizing our own integrity. Integrity is defined as consistently following a moral or ethical code, which certainly includes respecting others' property and not stealing.

Our integrity is really tested when there is either an incentive or pressure to violate our ethics. In the case of music piracy, there are many incentives: getting music for free, getting back at the recording companies for charging high prices and not offering a good online alternative, and having the everyone else is doing it attitude. However, this is the real test of our integrity. Despite all of the incentives, we have the ability to say no to music piracy, and to affirm our own sense of personal ethics.

### Summary

Technology such as the internet has become a powerful force in our world, both in maximizing our enjoyment, and in helping us to become more productive in learning and in our future work. However, the issue of music piracy demonstrates that these same technologies can also present ethical challenges.

Although technology will always present new ethical challenges, the virtues that help us to make the right decisions do not change. Simple virtues that we learned as young children such as respecting others' property and not stealing, and more advanced virtues such as responsibility give us the guideposts to make the right decisions in any situation, and to live a life of integrity. ■

### Vocabulary

**Copyright** – The legal right granted to an author, composer, playwright, publisher, or distributor to exclusive publication, production, sale, or distribution of a literary, musical, dramatic, or artistic work.

**Ethics** – A set of principles of right conduct.

**Integrity** – Steadfast adherence to a strict moral or ethical code.

**Prevalent** – Most currently and widely practiced.

**Responsibility** – Accepting and meeting the demands of our duty in life; being accountable for one's actions.

Notes.....

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## Lesson Goals

- ▶ Understand the virtues of respecting others' property, integrity, and responsibility, and to see the relevance of these virtues in their lives
- ▶ Introduce the concepts of property rights and copyright protections
- ▶ See the connections between copyright protections and encouraging creativity and innovation
- ▶ Understand the economic concept that companies exist to serve their customers, and that in a free economy companies are punished when they don't serve customer needs
- ▶ Build awareness of students' roles as consumers and their collective power in a free economy
- ▶ Understand the role of the civil justice system in parties addressing perceived injury, and the role of punishment in deterring illegal activities

## Virtues Highlighted

**Ethics** – A set of principles of right conduct.

**Integrity** – Steadfast adherence to a strict moral or ethical code.

**Responsibility** – Accepting and meeting the demands of our duty in life; being accountable for one's actions.

**Stealing** – To take (the property of another) without right or permission.

**Duty** – Action that is required of one by position, social custom, law, or religion.

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## Part I: Music Piracy and Copyright Law

### Activity 1

Read Part I of the student text.

### Activity 2: Discussion Questions Options

1. What are the reasons so many people are downloading music without paying?
2. What is the purpose of copyright law and do you agree with its goals?
3. Do you agree with the decision of the recording industry to sue downloaders?
4. Let's consider a world without copyright laws. If we didn't have copyright laws and artists and recording companies weren't assured that they would be paid for their work, do you think artists would still strive to create as much music as we have today? Would we have the same quality of music? Would companies sponsor new artists and assure quality recordings and distribution?
5. Do you think the recording industry's suing downloaders will stop most people from illegally downloading music?

## Part II: Integrity and Responsibility

### Activity 1

Read Part II of the student text.

### Activity 2: Discussion Questions Options

1. Let's talk about the ethics of downloading copyrighted music without paying for it:
  - Do you agree with the example in the lesson that ethically it's the same as stealing a pair of shoes from a sports store? (As part of the conversation, you may want to ask students for the definition of stealing and write this on the board.)
  - Do you think the lack of responsiveness of the music industry to listener preferences in not presenting an effective online service, and in charging high prices justify music piracy? (In this discussion, the ethical principle of one wrong doesn't make another wrong right may be relevant)
2. Now that we have read about integrity, do you think downloading copyrighted music without paying for it lessens our integrity? (Start the conversation by asking students for, and then writing out, the definition of integrity on the board)
3. Do you think we as consumers could have persuaded the recording industry into offering an effective downloading service through a boycott, or a purchasing slowdown as opposed to breaking copyright laws? If a boycott would have been organized, do you think enough consumers would have participated in such an action? Would you have participated?
4. If the recording industry would have been more responsible in its duty to consumers and developed an inexpensive and comprehensive downloading service, do you think most people would have used the legal service, or would they still chose to download illegally for free?

5. What are some of the views of bands and artists you follow on the issue of music piracy?
6. Have the successful artists in the music industry demonstrated enough of a sense of responsibility to their fans in pushing the recording industry to accept and meet the demands of their fans for effective downloading services?

### Activity 3: Writing Option

- A. Let's write a summary of our views on illegal downloading. Begin with a statement of your view on whether illegal downloading is ethical or unethical. Then write out statements supporting your view. Your statements should specifically address whether illegal downloading is stealing, and how it impacts your personal integrity.
- B. Given what we have read and discussed in this lesson, has your view on illegal downloading changed? Write out specifically the opinions you used to have on illegal downloading and then why they have changed.
- C. Do you think people proven to have violated copyright laws through music piracy should be held responsible for their actions by being convicted and punished? Write out your view and the legal and ethical reasons supporting your view.

### Extension Projects

1. **Predicting Future Changes in the Music Industry**  
Host a class discussion on students' predictions of changes in the music industry. Ask them to predict whether in the future a relatively small number of recording companies will continue to dominate the recording and distribution side of the industry? If needed, below are several discussion prompts:
  - Production and distribution costs are plummeting with improving technology offering startups an opportunity to enter the business
  - Advertising costs are still high in introducing artists to a wide audience, yet startups could target smaller niche audiences
  - Identifying talent is still difficult
  - Sponsoring concert tours requires significant resources
  - Millions of listeners are angry at the 5 companies that presently dominate the business and are possibly open to change
2. **Parent Survey:** Ask the class to create a parent survey where students ask their views on illegal downloading. Questions should address issues of:
  - Ethics in receiving parents' views on whether it's stealing
  - Integrity – does illegal downloading lessen our personal and communal integrity?
  - Responsibility - should illegal downloaders be held legally responsible? Should parents be held responsible for the illegal downloading activities of their children under all or any circumstances?

Ask students to first present the questions and then lead a discussion on the above topics, and note whether following the discussion parents' views changed.

3. **Organize a class trip to your local music store:** Have the class interview available employees and managers to see how this issue has affected them.  
Possible Questions:
  - How have sales been in the last three years?
  - What effect does music downloading have on your job?
  - What innovations and ideas has the store used to promote business?
  - How should the recording industry handle this issue?
4. **Copyright Process:** Have the class research the steps involved in getting something copyrighted. <http://www.copyright.gov/>  
Use the Website to answer these questions:
  - How is work registered?
  - Does the process differ based on what medium is used?
  - Can minors claim copyrights?
  - How can you search copyright records?
5. **Supreme Court Case:** New technology has forced our society to constantly examine and re-examine our beliefs, laws and customs. The web has been a setting for copyright debates not only for music but also for words. Recently the Supreme Court has had to deal with freelance authors who wanted compensation for works previously written which were being offered in new form on the internet. Have the class research the landmark case, *NY Times v. Tasini* <http://supct.law.cornell.edu/supct/html/00-201.ZO.html> Find the answers to the following questions:
  - Who were the two sides and what did they believe?
  - What did the Supreme Court decide?
  - How did it affect each side?
  - How does it affect the future of writing and reprinting on the Internet?
  - What are the similarities and differences between this case and music piracy?
  - What do you think will be the next case involving the Internet will be about?

### Related Websites

#### How File Sharing Works

<http://computer.howstuffworks.com/file-sharing.htm>

#### Recording Industry Association of America

<http://www.riaa.com/>

#### Future of Music Coalition <http://www.futureofmusic.org/>

#### US Copyright Office, Copyright Basics

<http://www.copyright.gov/circs/circ1.html>

#### Music Downloading, File-sharing and Copyright: A Pew Internet Project Data Memo

<http://www.pewinternet.org/reports/toc.asp?Report=96>

#### Free and Legal Music Downloads at About.com

<http://mp3.about.com/cs/freemp3sites/a/freeandlegal.htm>

#### NY Times v. Tasini Case

[http://www.pbs.org/newshour/media/media\\_watch/jan-june01/tasini\\_6-25.html](http://www.pbs.org/newshour/media/media_watch/jan-june01/tasini_6-25.html)

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