

# The Rise, Fall, and Continuing Struggle of the Online Musical Revolution

by

Daryl Bohm

Is it fair that an individual can be sued by a major recording studio for downloading something readily available on the internet? A massive trend known as music file-sharing has swept across the nation and much of the world, giving anyone with an internet connection and a love of music access to a musical library of astronomical proportions. But what about the effects of this unlimited, unregulated access to music? Is it a perfectly innocent fad, or the foundation for a continuous series of moral and legal dilemmas? In short, that greatly depends on who is asked, as there are as many points of view on the matter as all types of music have become readily and easily available over the world-wide-web.

Music file-sharing began with Shawn Fanning, a 19-year old college student at Northeastern University in Boston (Edwards, 2001, p. 160). In the solitude of his dorm room, he wrote the MP3 file-sharing program which would become known as the infamous “Napster.” The idea was to create a massive online network of music lovers who could freely exchange their MP3 collections. As many as 38 million music fans switched from buying their music on CD to downloading on Napster. File-sharing became an instant hit, and Fanning eventually received \$15 million in seed money to start Napster as a corporation (Edwards, 2001, p. 160).

Napster quickly paved the way for even more file-sharing networks. Ultimately, it also received a place in society as a hugely controversial issue, as a moral debate quickly arises in regard to music file-sharing. Because the artist and the record label don’t make any money off of this method of unhindered distribution, many consider it to be an act of theft (Healey & Leeds, 2003, p. 177).

With the growing network of people engaged in music file-sharing, many of today's youths grow up seeing no wrong-doing in their actions. Some argue that copying a song isn't stealing because the owner still has the original track, and many others go along with it simply because everyone else is doing it. From the point of view of students such as Miriam Philips, "...it's just what you do when you go to college" (Healey & Leeds, 2003, p. 174-175). Also, many find justification in music file-sharing by pointing out the selfish greed of record companies and pampered lifestyles of many musical artists. Lee Bockhorn, associate editor of *The Weekly Standard*, writes "...some tech geeks have lauded file-sharing networks as a praiseworthy black market that's arisen to overcome the corrupt practices of the record companies" (Bockhorn, 2002, p. 163). Bockhorn goes on to express a deep concern that file-sharing technology is permanently warping the moral sense of music consumers who are coming of age using it. It becomes evident that the issue is in some way changing, perhaps corrupting, the ethical standards of not only music fans, but technology users worldwide.

On the issue of morality, there is also a substantial amount of music lovers opposed to file-sharing. Many argue the ethical standpoint, considering it theft, and therefore wrong. Others see it as being harmful to the artists they love, and only feel it proper to pay for their professional work. Susan Philips, whose own daughter admits to music downloading, outwardly condemns file-sharing. She believes "It's not just the artist who's getting cheated...It doesn't seem ethical to me" (Healey & Leeds, 2003, p. 177). There are also those who don't necessarily oppose file-sharing, but have an issue with those who burn CDs and sell them. Terry McBride, a manager of 25 popular artists, states "It hurts the bands in the middle-the artists that could have sold platinum and made a living doing it disappear-the Dave Matthews-type bands" (McBride, 2003, p. 164).

The lines are not always drawn up in such a black and white, right and wrong manner, however. There are those who attempt to strike a balance between music file sharing and paying for music with their hard-earned money. Lee Bockhorn admits to downloading an MP3 rendition of “The Tennessee Waltz” performed by Norah Jones after hearing it at a concert: “I felt no guilt about this-I’d bought the woman’s album and paid to see her perform live, and she was offering the song on her website for free” (Bockhorn, 2002, p. 162). Many downloaders appear to have similar beliefs, that by becoming a paying customer of an artist’s work (whether by purchasing CDs, concert tickets, or other related merchandise), they are entitled to the occasional freebie. Many times a fan will use file-sharing only as a way of sampling an artist’s music. If a person finds several songs they like, they will then purchase the CD. Many consumers agree that buying a CD without knowing the songs is just too expensive (Healey & Leeds, 2003, p. 176).

This moral debate, however, soon gives way to one of a legal nature. The initial popularity of Napster soon attracted the attention of those who were getting cut out of the profit loop by its existence; the artists themselves. Music file-sharing is considered a form of copyright infringement, in which contracts dictate that only the record label has the right to make copies of distribute their music (Healey & Leeds, 2003, p. 176). In the lawsuit that followed, headed up by the popular metal band Metallica, Napster’s success was brought to an immediate halt (Edwards, 2001, p. 161). The demise of Napster soon brought about the creation additional file-sharing networks, and recording companies were quick to press their legal rights there as well. Kazaa and Grokster are just two such peer-to-peer file-sharing networks actively being targeted by the music industry (Teather, 2003, p. 173).

The legal battles further instigate tensions between the music fans and the record labels. Downloaders continue to find ways to get their free music files, while the music industry remains

bent on using the legal system to bring them down. The Recording Industry Association of America (RIAA) is undertaking a campaign to compile evidence against anyone involved in music file-sharing on an individual basis. This new campaign could lead to thousands of future lawsuits on the grounds of copyright infringement (Teather, 2003, p. 173). While the RIAA investigations are confined to the United States, it is hoped that they will promote similar action overseas.

Despite escalating moral and legal battlegrounds, music downloading refuses to die. Companies such as Apple Computers are taking the necessary steps to legitimize the growing MP3 culture. After securing the backing of the five largest recording companies (Universal, Warner, EMI, Sony, and BMG), Apple's iTunes offers a catalog of over 200,000 songs available for downloading at 99 cents each (Clifton, 2003, p. 171). Alternately, some music services offer unlimited access to their MP3 library at monthly subscription fees, rather than the user having to pay for each individual song. Many of these sites offer unlimited streaming downloads, or those which are "tethered" and can only be played on the computer to which they were initially downloaded to (Jones & Benzuly, 2003, p. 168).

The services are generally available at rates varying from \$9.95 to \$14.99 a month, a cost comparable to that of a single CD (Jones, Benzuly, 2003, p. 169). This not only appeals to the legal and moral crusaders, but insures that the artists themselves are receiving their dues. Even the infamous Napster, the original target of the music industry, is now back up and running. After being bought by a Silicon Valley software company, it now operates as a legitimate paid-for service (Teather, 2003, p. 173).

Despite initial setbacks, there still remains a future for downloading music off the internet. What remains to be seen is whether or not a compromise can be reached that satisfies

both the music industry and fans. Legitimate pay-as-you-go downloading sites are one step to accomplish this goal, but it is unlikely that illegal downloading will be completely eliminated any time in the near future. It is likely downloaders will continue to be divided among two camps; one whose moral conscious will rest at ease knowing they have rightfully paid for a product, and one who will continue circumvent the legal system in order to acquire what they believe should be free. Even with the legal system firmly supporting the former, there will always be those who will try to get away with what they can, as much as they can, unless an alternative solution offers a greater appeal. Unless something completely revolutionizes the digital age, twenty years from now the world will see a continuation of the same problem, only with new levels of technology and higher stakes.

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