

Rick Chazan On Music Piracy

In September last year I attended a panel on music piracy at leading Australian music conference BIGSOUND.

The basic rhetoric prevailing is that musicians and the music industry should accept (or as one prominent commentator put it) concede that music is now a free commodity. We should shift our focus from whether or not we fight music piracy to the more pragmatic question of how do artists and managers adapt their business models to the new world. Move on they say; get past it.

I get that. As a music manager myself of 10 years I am all for adapting artists' business to new ways and the current context in which we live.

But that aside whatever happened to "thou shalt not steal?" I come from a Jewish background. My family and myself are not particularly religious people but "not stealing" was clearly ingrained into my psyche from a very young age. I have a vivid memory of stealing a small plastic animal from kindergarten. I put it in my pocket and took it home. The guilt and fear I felt was so palpable that I had to turn myself in.

So where are the moral and religious leaders speaking out on this issue? Where is the church? Where is the mosque? Where are the Buddhists? Where is the synagogue? We are living in a time where mass stealing is effectively sanctioned by our government. Has this ever happened in modern history?

Why isn't anyone mentioning the basic moral issue? Is stealing all of a sudden OK in 2011? MIPI (Music Industry Piracy Investigations) is taking the lead role in trying to find a solution on behalf of the music industry. But surely this is not just about music.

There are two arguments I am hearing to justify music piracy. I have to be frank. I don't buy into either of them.

The first is that it's good for the artists and the music industry. Proponents of this theory say that while recording sales have plummeted, other income streams have increased, such as live shows. The argument runs that because music is free, people listen a lot more and then if they like what they hear they may go to a live show. The recorded music becomes a loss leader for other income streams and everybody is better off.

Firstly, there is no definitive evidence that live revenues have increased as a result of music piracy. Secondly, the decision to give away free music should be the creator's decision. He or she can choose to do this if they deem it a good idea. And of course many do stream a few songs on MySpace for this very purpose. Bands do this in the hope that people getting a taste of their music on MySpace will become a fan and make purchases down the track. But to force them to give away all of their recordings for free is another story altogether.

The second argument I hear justifying music piracy is what I'll call the "technological evolutionary theory". Proponents of this theory say the evolution of the internet allows instant and convenient access to music. It's because of technology that this has evolved. Peer-to-peer sites and torrents have made it possible to download freely almost every piece of recorded music in history. They say we should move with technology and accept that music is now a free commodity. We should not be inhibiting this free flow or in anyway inhibiting the capabilities of technology.

This is a very alluring argument. It sounds tantalizingly futuristic where technology shapes our world and we evolve to match the technological advancements. But this presupposes that technology is the master of humanity and not the other way around.

Is the argument it is OK to steal because technology has made it easy to do so?

In war times when the police system breaks down there are often horrendous crimes. The reason these crimes happen is because there is no police system so people can get away with it, and maybe also because others are doing the same thing so there is a rationalization of consciousness: "Everybody else is doing it, so maybe it is OK?"

I don't mean to trivialize these terrible crimes. One cannot compare these to stealing an MP3. But isn't this similar in principle to what is going on with music piracy? There is no effective policing of music theft on the internet and, well, everybody else is doing it.

And believe me nearly everybody is doing it. I teach a copyright and publishing class at the JMC Music Academy to budding music industry students. I asked my current class how many purchase music. There were three out of 25. This is a very small sample. But these are music people who care about music. Imagine the results in the wider community.

One family I know who does not download free music without permission are my old friends the Dawsons. Andrew and Miriam do not allow it. They explain to their two girls Jessica and Katie that the music is made by creative people. These people write the songs and then record it. They explain that it takes a lot of time, skill and money to make a recorded piece of music. And it just isn't right to take it from them without paying for it. They, I suspect, are in a very small minority.

So where to from here? My view is that we are going through a transition period. The evolution of the internet and its effects has happened so incredibly fast. Governments' ability to provide an adequate police system is sorely lagging behind. How do you stop the music piracy? What are the penalties? How will they be enforced?

It is similar to when the road system began. Red lights, speeding fines, parking tickets etc all evolved over time. The same will happen with music piracy I believe. It will be sorted out in time and this period of widespread music piracy will be seen as a glitch in the system as we learnt how to adapt to the new internet age.

This issue is not just about music piracy. It is also about basic humanity. Do we want to live in a world where stealing is justified because technology allows it, you can get away with it and everybody else is doing it?

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