

# **Rocking, Rolling, Rapping and Robbing on the Internet**

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Is there a difference between picking up a CD, slipping it under your coat and walking out of a music store without paying versus downloading music on the Internet in violation of copyright protection? Most people would say without hesitation that shoplifting is wrong, but as for copyright violations on the Internet, right and wrong get foggy for some.

In fact, for many people, views on physical, or tangible, property often seem to differ from those on intellectual, or intangible, property. Shoplifting and music piracy might feel different, but in reality, no logical difference exists. The ultimate value found in a music CD lies not in its physical nature, but with the talents of songwriters, singers, musicians, and technicians. That's the same value found in a digital music file being exchanged online.

The recording industry, along with the software, movie and publishing businesses, have faced daunting challenges regarding online piracy in recent years. The music business has put forth education efforts regarding the problems with illegal downloading, as well as hauling egregious copyright violators into court.

And some headway is being made. For example, the International Federation of Phonographic Industry (IFPI) reported in July that the number of music tracks legally downloaded internationally jumped to 180 million during the first six months of 2005, compared to 57 million in the first half of last year. Early this month, IFPI estimated that digital music sales hit \$790 million in the first half of 2005, compared to \$220 million in the first half of last year. And in the U.S., the Recording Industry Association of America (RIAA) reported that during the first six months of 2005 compared to the first six months of 2004, physical music sales dollars fell by 5%, while digital sales jumped by 170% -- with digital sales climbing from 1.5% of total sales to 4.1%.

Still, as noted by various industry people, it's hard to compete with free. The number of illegal music files available on file-sharing networks and websites, according to IFPI, increased from 870 million in January to 900 million in June. I've seen other estimates ranging from 10 billion songs downloaded illegally each year to more than 2 billion digital files being downloaded in violation of copyright per month.

In the case of illegal downloading, the digital economy has not shed, but amplified old populist ideas like attacking companies and entrepreneurs as being greedy in order to justify stealing their property.

IFPI chief executive John Kennedy said: "There is a long way to go. Digital and physical piracy remain a big threat to our business in many markets. Our industry's priorities are to

further grow this emerging digital music business while stepping up our efforts to protect it from copyright theft.”

But why does this matter to the average person? First, it’s illegal. But why should the government care? Protecting property ranks as a fundamental duty of government, without which our economy and society would stagnate. Why create something, after all, if people are free to steal it? When government fails to secure intellectual property rights, innovation, entrepreneurship, and economic growth suffer just as surely as when local law enforcement officials prove unable to prevent crime in a town or city.

It also should be recognized that attacks on intellectual property are by no means limited to the digital world, nor are they new. Consider that in the United Kingdom in 1710, the Statute of St. Anne, which first established a 14-year period for copyright protection for authors, noted that printers had “of late frequently taken the liberty of printing, reprinting and publishing books” without the authors’ approval and “to their very great detriment.”

Fortunately, most of our nation’s Founders saw the wisdom of protecting intellectual property. As a result, Article I, Section 8 of the U.S. Constitution includes that Congress has the power: “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” Indeed, there seemed to be very little dispute over copyright and patent protections at the time. In *Federalist XLII*, James Madison wrote: “The utility of this power will scarcely be questioned. The copy right of authors has been solemnly adjudged in Great Britain to be a right at common

law. The right of useful inventions, seems with equal reason to belong to the inventors. The public good fully coincides in both cases, with the claims of individuals.”

Douglas North, 1993 winner of the Nobel Prize in Economics, noted the role of protecting – or not protecting, as the case may be – intellectual property and its impact on economic development throughout history. He observed: “And, in fact, throughout man’s past he has continually developed new techniques but the pace was slow and intermittent. The primary reason has been that incentives for developing new techniques have occurred only sporadically. Typically, innovations could be copied at no cost by others and without any reward to the inventor. The failure to develop systematic property rights in innovations until fairly modern times was a major source of the slow pace of technological change.”

Today, I think most people generally appreciate protection of private property as a building block of civilization. But again many lose their bearings online. File sharing services that allow individuals to download music without compensating the copyright holders fulfill a selfish desire to get something for nothing. In a dangerous way, the immature have been empowered. One can hear the rallying cries: “Dudes, we have a right to free music!”

Meanwhile, a wide array of businesses and individuals earn their livelihood in the music business. In a June 25, 2003, RIAA announcement regarding the pursuit of copyright violators on P2P networks in court, the group’s president, Cary Sherman, stated that “we cannot stand by while piracy takes a devastating toll on artists, musicians, songwriters, retailers, and everyone in the music industry.” The RIAA statement noted that illegal file sharing “robs songwriters and

recording artists of their livelihoods, ... undermines the future of music itself by depriving the industry of the resources it needs to find and develop new talent,” and “threatens the jobs of tens of thousands of less celebrated people in the music industry, from engineers and technicians to warehouse workers and record store clerks.”

Music lovers should be outraged as well since online theft raises prices and undercuts creativity. If you want good music, then creators have to be compensated for their work.

But should Christians and the church specifically care about this issue? The answer should be obvious: stealing is stealing – even on the Internet. The Seventh Commandment simply and clearly states: “You shall not steal.”

As translated in *Concordia: The Lutheran Confessions*, Martin Luther explained in his Small Catechism the meaning of the Seventh Commandment this way: “We should fear and love God so that we may not take our neighbor’s money or property, nor get them with bad products or deals, but help him to improve and protect his property and business.” Music piracy does the exact opposite, undermining the ability of people to protect their property, business and work.

It’s also interesting to read what Luther had to say to pastors in the Large Catechism regarding this commandment. One sentence could relate today to a person sitting in front of his home computer in a nice house, and carelessly downloading music files and violating copyright. Luther wrote: “[S]ome are also called swivel-chair robbers,” continuing a little later, “for they

snatch away easy money, but they sit on a chair at home and are styled great noblemen and honorable, pious citizens.”

As for the church’s role, Luther said: “Yet it must be impressed upon the young (Deuteronomy 6:7) so that they may be careful not to follow the old lawless crowd, but keep their eyes fixed upon God’s commandment, lest His wrath and punishment come upon them too.” That’s an important point, considering that the largest group downloading music illegally are young people, including, for example, college students.

Perhaps St. Paul brings home the point in the most powerful way. In Romans 13:9-10, he wrote: “The commandments, ‘You shall not commit adultery, You shall not murder, You shall not steal, You shall not covet,’ and any other commandment, are summed up in this word: ‘You shall love your neighbor as yourself.’ Love does no wrong to a neighbor, therefore love is the fulfilling of the law.”

As far as I know, the Seventh Commandment holds and love is still a requirement on the Internet, and it’s important for the church to make that clear.

Thank you again, God bless, and I look forward to any questions.