
TECHNOLOGY AND MUSIC: ETHICAL AND MORAL ISSUES

Alexandra Fol

Abstract

In her article “Technology and music: ethical and moral issues”, Fol focuses on three technological innovations that present moral- vs. ethical value conflicts causing massive changes to the music profession: 1) the ability to send money easily in a fast and reliable way through the internet, with the entire transaction taking no more than a few clicks; 2) the emergence of paid “calls for scores”, announced on easy-to-design simple websites; and 3) reliable online sound file streaming. Fol examines how the fast-paced technological development has allowed for the mental separation of the illegal consumption from its effects – namely the impossibility of professionals to make a living and the consequent decline of the music profession. Fol discusses the issues from different philosophical viewpoints on morality and proposes a moral code for independent professional musicians.

Keywords: ethics, morals, morals vs ethics, justice, fairness, justice vs fairness, technological development, utilitarian-teleological morality, deontological morality, hedonistic morality, ethical consumption

When Cicero introduced the Latin word *moralis* as a translation of the Greek *ethicos*, he could not predict that with time both terms would adopt different connotations. This evolution leads to differentiating between the *right* vs. the *correct* thing to do: for example, we may feel that although we know exactly the best person for a contract (the moral choice), we ought to have a public call for applications in order to retain our professional reputation over accusations of nepotism (the ethical choice).¹

¹ For a simple graph comparing morality and ethics, see “Ethics vs Morals.” Diffen, www.diffen.com/difference/Ethics_vs_Morals, Accessed on November 13, 2019.

This essay will not examine the role of music as a determining force in the moral life of humans and their different cultures and religions.² Rather, it will focus on how technological developments interact and influence the moral and ethical choices we make as musicians and listeners and will conclude with a proposition for an ethics code for independent professional musicians.

Three relatively recent technological innovations present moral- vs. ethical value conflicts that did not exist two decades ago and are causing continuous massive changes to music consumption and, by consequence, the profession as a whole: 1) the ability to send money easily in a fast and reliable way through the internet, with the entire transaction taking no more than a few clicks; 2) the emergence of paid “calls for scores”, announced on easy-to-design simple websites; and 3) reliable online sound file streaming. At least two of these – the ability to send money instantly across the world to almost anyone, and the omnipresence of now commonplace file formats, courtesy of *de facto* technological company monopolies, among others – may be considered objectively amoral (not to be confused with immoral), but human choices, nuances as they may be, have to reconcile occasionally conflicting senses of obligation between the moral and the ethical aspects of a decision.

The emergence of PayPal, founded in 1998 and now operating across the world and taken for granted, the banking options of direct transfer, as well as a plethora of other mobile application such as venmo, launched in 2009, suddenly facilitated transferring funds across countries, with exchange rates automatically calculated and cumbersome and tiresome waits at bank offices completely eliminated. This single innovation has contributed to the demise of what was a favorite pastime for young music students of the 80s and 90s: browsing music catalogues received by physical mail and thus discovering music we would have never known otherwise. As soon as one could order reliably online, the fate of printed catalogues and the surprises they could offer was sealed. Online browsing is so tailored and can be so frighteningly precise that surprises rarely happen.³

The rise of “calls for scores” that ask for an entry fee constitutes a possibly unintended consequence of the technological innovation of sending money online, coupled with the invention of easy-to-make free personal websites in the 1990s. Even for people my age (I was born in 1981), sending money to another country was so complicated and time consuming when I was a child, that entry fees for simple “calls for scores” and festivals would not have worked for most international events. At the beginning of the 21st century, however, paid “calls for scores” became a com-

² For an excellent introduction to the topic, see Alpers & Noël 2008.

³ This technological innovation and the consequent behavioral change invite reflection on a series of value-conflicts. For example, is the reduction of paper usage (a moral positive) worth the fewer people discovering new music and broadening their horizons (a moral negative)? Paper does come from a renewable resource that good forestry may keep nature-friendly. In an ideal world paper could be an amoral topic. And yet, we do not live in a perfect world.

mon occurrence. As this process coincided with my undergraduate studies and my first emigration, I witnessed the gradual perversion of the open call idea first-hand.

Entry fees, payable easily with PayPal, venmo, or direct transfer from across the world, become an easy way for an ensemble to shift the burden of defraying certain costs onto the composers, whose very music ensures the existence of the ensemble. The choice to charge an “application fee” or an “administrative fee” becomes much more obviously immoral if the performer him- or herself is paid a fee or charges tickets. A cursory glance at new music websites, such as www.composerssite.com⁴ and <http://www.compositiontoday.com/opportunities/>⁵ will confirm that certain groups and organization advertise themselves as prestigious and charge exuberant entry fees, in effect, having participants pay the jury members and the performers for the performance of their works. The easy to pay online entry fee becomes an impossible obstacle to poor people, resulting in an event restricted to members of a specific financial class.

And yet, ensuring funding before entering production remains a de facto impossible solution in countries without well-established state- and private funding agencies, or readily-available personal funds. Performing as volunteer remains impossibility for most professionals who face another conflict between a moral and an ethical option: help a fellow musician get a breakthrough (a moral positive) or further undercut the job market for themselves and their colleagues (an ethical negative).

From moral and ethical standpoints, the above couple of paragraphs present a number of issues to unpack. In short, an ensemble may want to hold a composition competition with an entry fee in order to financially realize an otherwise impossible concert and give jobs to performers (an ethical positive), thus avoiding doing in-depth repertoire research, depleting a composer’s score rental income and limiting the competition to members of a certain financial class (a moral negative). From a strictly ethical viewpoint, the issue is not at all clear cut: an ethicist with a mostly egocentric teleological perspective may applaud the event, whereas someone with a utilitarian teleological view would mostly rate it negatively, due to the deleterious impact on the majority of potential participants. A deontological ethicist would squarely abhor the ‘pay us to for a chance to program your music lottery’ model, the duty taking precedence over the potentially dubious greater benefit for a majority of people.

Living as a professional obliges a musician/ensemble to face the reality of the cost of doing business, which in the best of cases would not compel them to compromise their personal moral compass. Sadly, the opposite scenario frequently proves true: the cost of doing business shifts to the shoulders of upper middle-class composers who can afford to attend workshops, seminars, summer programmes and

⁴ “The Composer’s Site.” *The Composer’s Site*, [composerssite.com/](http://www.composerssite.com/). Accessed on November 8th, 2019

⁵ Composition Competitions, Jobs & Opportunities, www.compositiontoday.com/opportunities/. Accessed on November 8th, 2019

even mentoring opportunities, events that are all set up to offset the costs of concert production and (new) music(ians') promotion.

A third predicament caused by technological innovation comprises the emergence of reliable online streaming of sound files. The easy accessibility of recorded music, the necessity of artists to agree to poverty wages and percentages in order to obtain a certain level of visibility in hope for a better future, the incapacity of copyright laws to catch up with technological advancements constitute but a part of the problematic.

My research and lived experiences lead me to believe that we, musicians, have missed the boat so to speak with respect to access to moral and ethical consumption of music. Articles, such as Sorum's *Ethical Consumption Applications as Failed Market Innovations: Exploring Consumer (Non) Acceptance of 'Quasi' Market Devices*, though not surveying failed streaming applications or websites, touch on certain universal consumer behaviors that have nothing to do with the perceived moral good of the consumer behavior itself, but rather with common sense: ethical consumption has to be adopted early by a large number of consumers; the technology should be as easily usable and applicable as possible. With respect to Fairtrade Sweden, one of the almost successful mobile apps surveyed by Sorum, he writes:

The informants appreciated how the app enabled them to sidestep efforts to decouple choice from the transaction and instead combine them effortlessly through the device while in store. Trust and choice were partly delegated to the device. The digitalised choice device combined the energy- and time-saving value they looked for in such technologies and mediated sustainable purchase without interference from human intervention less than actually pulling out one's phone in the store (Sorum 2019) ⁶.

Sorum's article indicates why ethical ways of streaming music, a process which depends heavily on sharing, active promotion, visibility, and tailored education, may not catch up among the general population. In Sorum's case study on ethical apps, participants actively resist virtue signaling, not willing to appear as 'one of those people':

Interviewer:

Did you try to share it?

Participant:

No, I don't like that.

Interviewer:

It says here, "Boast for your friends".

Participant:

No, I would not do that. But then it comes again. And it's that again. I mean, I have already signed up for all this, and then I ought to live up to it also. Then

⁶ Accessed on November 8th, 2019 through <https://www.tandfonline.com/doi/full/10.1080/17530350.2019.1629990>

you rather keep it to yourself. I don't share much in social media either. It could have something to do with that. If I were that kind of person that shares a lot then maybe [...] It's of no use to me. It's not.

(Helena, interview)

I don't use that. [...] I mean if I read like DN online and there was something about TCO having special rates on housing, then I would, if one could like just tick a box and e-mail a link to my husband. I did that yesterday. But we are not on Facebook, but I still share all kinds of stuff, but not on Facebook. I don't need to share that I buy milk. It's like practical information. It's not about my image being boosted out there [on social media].

(Anna, interview)

These results were interesting due to developers' discourse about new app technologies as a means to expand on ethical consumption more generally in society. Creative self-expression as discussed, for example, when participants negotiated meanings of the sharing function, was often denied due to how too much public 'boasting,' self-expression and self-enjoyment might make people look silly and lost to the flare of technologies ('I am not that kind of person,' 'It is of no use for me'), meaning that they self-categorised differently than those who usually share things all the time on social media. Participant discourse revealed the importance of cultural norms about legitimate forms of social media use among ethical consumers in our sample and technologies' meaning within wider nets of significance [...]. The obstacles to app acceptance were found within cultural framings of relationship to devices as sometimes embarrassing or against norms of technology use. Too much technology could interfere with people's view of themselves as independent and not addicted to technologies like social media. Thus, the conflict between two proposed ideals – a computational and recreational discourse – was effectively engaging the interviewees in this sample.

Whereas Sorum's research focused on conscientious, actively ethical consumers, Bert Wejters' case study *Online Music Consumption in Today's Technological Context: Putting the Influence of Ethics in Perspective* presents a frightening picture of the general population, where an older generation which does not understand new technologies has failed to instill into the younger generation the analogies needed to foster moral choices⁷. The intermediary results of the study conclude that,

Based on the literature review and the qualitative research results, we identify the following attributes of music platforms that may influence consumer preferences: legal/illegal (i.e., use of the platform is in accordance with the law or not); ethical/unethical (i.e., artists get a share of the revenues or not);

⁷ See specifically the section "(Un)ethicality and (Il)legality" on p. 541 in Weijters, Bert, Frank Goedertier and Sofie Verstreken 2013.

business model (paying, free with advertising, free without advertising); download versus stream; search/suggest (search function only or search function plus music suggestions by the platform); social media (link with social media or not); audio quality (low to high); video (inclusion of video or not). The qualitative interviews suggest that specific age groups may have specific preferences in terms of some of these attributes. In particular, older consumers seem to attach more value to legal and ethical platforms, are more willing to pay for music, and prefer downloading over streaming. The relation between age and the other attributes (e.g., quality) is less apparent from the interviews (Weijters, Goedertier and Verstreken 2013: 542).

All in all, among online music consumers, only 7% emerge as “ethical” (ibid: 546). A Spanish case study, led by Manuel Cuadrado, presents a slightly, but only slightly more positive picture. His team defines three types of

consumer segments [...] [...] identified based on their attitude towards piracy: the semi-aware, the unaware and the aware. The first group is aware of the illegal nature of their behaviour but attach no importance to ethical considerations surrounding the illegal consumption of music. The unaware are not sure that such behaviour is illegal and do not consider the ethical issues involved. Finally, the aware are those who, in addition to knowing that piracy is illegal, are fully aware of the ethical aspect of the behaviour. Our results suggest that a large percentage of individuals act illegally when consuming music and therefore that the majority of the population attach little importance to this type of behaviour (Cuadrado, Miquel and Montoro 2009: 14).

In Table 6, Cuadrado lists his team’s results, showing that even 49.6% of aware consumers admit pirating “once a month or more” and a full 69.2% of aware users also admitted illegally downloading music, percentages only slightly better than those of unaware (74% and 89% respectively) and semi-aware (53.9% and 71.3% respectively) users (ibid: 13). To put it bluntly, aware users knew very well that their actions hurt musicians. They just didn’t care.

From all the studies cited it becomes clear that generation gaps, moral laziness, lack of education and enforceable copyright laws, as well as the inability to control the effects of rapid technological development all contribute to the decline of moral clarity, the proliferation of exploitative late-stage capitalism streaming platforms and the evolution of multiple shady practices and grey areas in music making and listening. These outcomes lead to more and more persons acting immorally due to ignorance, without necessarily going against their conscience.

Not perceiving illegal downloading and listening as stealing⁸ constitutes an easy example of technological developments facilitating the divorce of one’s conscience

⁸ See point 7 above.

from the act, but a more nuanced analysis can actually produce critically sound yet opposing convictions depending on whether the musician or listener adheres primarily to principles of fairness or to principles of justice.

In their article, *'Justice' and 'Fairness' Are Not the Same Thing*, Goldman and Cropanzano (2015: 313) explore the distinction via “three independent lines of evidence”, pinpointing the characteristics of each term thusly:

[...] “justice” denotes conduct that is morally required, whereas “fairness” denotes an evaluative judgment as to whether this conduct is morally praiseworthy. A “just” procedure, for instance, might provide voice, but voice may or may not be viewed as “fair” depending upon the individual and the situation (ibid.)⁹.

The different moral priorities emerging due to diversity of thought, lived experiences and societal framework, lead to taking contextualized moral decisions that cannot be unified in a singular, universal, code of behavior across cultures and countries, because the milieu’s priorities take different forms, and social norms of behaviour differ from one location/culture to another. As stated succinctly by Beets in his 1991 article *Personal Morals and Professional Ethics*,

The morals of an individual are the result of many varied criteria such as childhood development, religious faith, personal experiences, and philosophy. The combined effect of these factors will likely be part of any decision that has moral implications and may guide the person to select the course of action that will best serve respected authorities, other persons, the individual, or any combination of these potential influences (Beets 1991: 80).

In some societies, certain moral and ethical predicaments discussed here will never even occur: the notion of personal property may not be strongly developed, professional musicians may not even exist; internet payments may not be possible due to poor or inexistent secure internet; streaming rules would differ, as well as local laws, etc.

A hedonistic morality is not always eudemonistic morality on a large scale. In fact, professional codes of ethics do exist in part because

[...] some individuals will act only in their own self-interests if not restricted in their behavior. An ethics code can influence such egocentrism by requiring adherence to rules which are promulgated to benefit all members of the professional organization. In a broader sense, however, ethics rules of a profession should not only be designed for its members but also for the public

⁹ Later in the article, the authors address the notions of “legal justice”, which is not the one I am exploring here.

that they serve [...]. Accordingly, professional ethics codes are generally held to be in the public interest (ibid: 68).

With a universal moral code impossible, could we strive to agree to a musicians' code of ethics for the interest of us, musicians, as well as for the public good? After all, as Beets concludes, a professional ethics code exercises significant influence on the personal moral system of practitioners of professions that, contrary to music, have adopted membership in guilds, unions, and professional organizations as a requirement to exercise said professions.

In complying with a professional ethics code, some practitioners may be constrained by the ethics rules, which prevent certain acts that might be performed if the code did not exist. Other practitioners may comply with conduct rules by following their personal moral standards which may be more restrictive than the professional code or may coincide with the occupational norms. Such an association between personal morals and professional ethics may be attributable to many explanatory criteria, such as practitioners' beliefs that the rules benefit the profession and society, or the eventual absorption of the code into individuals' personal morals through long-term compliance and familiarity (ibid: 63).

On a first glance, a code of ethics covering all musicians both amateurs, professionals, unionized and independent ones in all countries, cannot exist, because an ethics code applies only to a particular association, organization or business. A simple internet search yields multiple examples that strictly concern the organization to which they apply and the appropriate contexts of said organization's operations. These codes cover things like cleaning the concert hall, carrying chairs, talking to a manager in private and other specificities¹⁰.

The list below attempts to combine both utilitarian-teleological and deontological ethical perspectives into a draft of an ethics code for freelance independent professional musicians. It is obvious that from a hedonistic teleological perspective, short-term gains may be achieved if any of my common-sense propositions be ignored – and yet, in the long-term even a hedonistic teleological viewpoint would be satisfied. In view of Cropanzano and Goldman's definitions of justice and fairness, I concur with Cropanzano, Goldman and Folger (2003: 1022) who say that, In terms of antecedents, the deontic approach emphasizes the role of morality. For this reason

¹⁰ For example, the USA National Association of Music Education provides a very detailed such code of ethics, which, among other things, protects the role of professionals in paid gigs and, by consequence, protects students and pupils from being exploited as free substitutes. See full text here: "Ethics Codes Collection." The Music Code of Ethics (1947) | Ethics Codes Collection, Center for the Study of Ethics in the Professions, ethics.iit.edu/ecodes/node/5036. Accessed on November 8th, 2019.

there should be greater cross-talk between scholars who study business ethics and those interested in workplace fairness.

Proposed code of ethics:

- Free gigs only lead to free gigs. Don't do them. "Exposure" is not a thing. People die of exposure. It does not pay rent. It only teaches society that your work has no value.

- Do not play professional gigs for less than the local minimum wage. You may pay your gas once, but the producer will never hire you, or anyone else, at your real value.

- Do not undercut the local market rates, even if they exceed the local minimum wage. Everyone loses in the long run.

- Do not steal gigs from a fellow colleague. What goes around comes around.

- Arrive on time and prepared. If you don't, you won't be hired again, and the end result of the gig in question will suffer.

- Call out dishonest business proposals. If no one says anything, nothing will improve.

- Hold producers accountable.

- Do not contract completely incompetent people / impostors just to get a favour back in the future. You will be judged on the company you keep.

- Smash the money taboo: it only exists to keep pay low. Talk loudly about money.

- Performers cannot exist without composers and editors. Do not illegally photocopy music. Purchase it.

- Fight to change predatory streaming contracts. It may be too late for our generation, but it may not be for the next one. The fight for a fair share is worth it.

I leave the list open and incomplete, in hope that we, the artists, can and will help build a fair, just, moral and ethical future for us and others.

References:

Alperson, Philip, and Carroll Noël 2008: Music, Mind, and Morality: Arousing the Body Politic. – In: The Journal of Aesthetic Education, Vol. 42, № 1, 1–15, doi:10.1353/jae.2008.0001.

Beets, S. Douglas 1991: Personal Morals and Professional Ethics. – In: Business and Professional Ethics Journal, Vol. 10, № 2, 63–84, doi:10.5840/bpej199110211.

Cropanzano, Russell, Barry Goldman and Robert Folger 2003: Deontic Justice: the Role of Moral Principles in Workplace Fairness. – In: Journal of Organizational Behavior, Vol. 24, № 8, December, 1019–1024, doi:10.1002/job.228.

Cuadrado, Manuel, Maria José Miquel and Juan D. Montoro 2009: Consumer Attitudes Towards Music Piracy: A Spanish Case Study. – In: *International Journal of Arts Management*, Vol. 11, № 3, 4–15.

Goldman, Barry, Russell Cropanzano 2015: ‘Justice’ and ‘Fairness’ Are Not the Same Thing. – In: *Journal of Organizational Behavior*, Vol. 36, № 2, February, 313–318, doi:10.1002/job.1956.

Sorum, Niklas 2019: Ethical Consumption Applications as Failed Market Innovations: Exploring Consumer (Non) Acceptance of ‘Quasi’ Market Devices. – In: *Journal of Cultural Economy*, 2 September, doi:10.1080/17530350.2019.1629990.

Weijters, Bert, Frank Goedertier and Sofie Verstrecken 2013: Online Music Consumption in Today’s Technological Context: Putting the Influence of Ethics in Perspective. – In: *Journal of Business Ethics*, Vol. 124, № 4, 537–550, doi:10.1007/s10551-013-1892-y.

Alexandra Fol, DMus, CTh
represented by the Canadian Music Centre & SOCAN
composer1981@gmail.com;
www.alexandrafol.wordpress.com