

Love, the Law, and Your Music Collection

By Daryl Wingerd

How many digital recordings do you have in your personal music collection?

If you're a typical music lover, you have hundreds, if not thousands of recordings. But how did you acquire your collection? Did you pay to download music from a legitimate online source onto your iPod or MP3 player? Do you still have some old CDs that you purchased or received as gifts? Great! Assuming you are making godly choices in the music you listen to, enjoy what you have lawfully obtained in these ways.



If most people were honest, however, they would admit that at least *some* of their digital music collection was acquired in other ways. Perhaps a friend generously shared a few songs with you. Maybe you and a few friends are in the habit of buying, reproducing, and sharing music files with each other so that everyone has personal copies. Or, you paid for recorded music with the intent to give it to a friend for her birthday, but while it was still “yours” you made a “backup copy” for yourself. If you acquire or share music in any of these ways, you are breaking U.S. Copyright laws.

When you purchase copyrighted music, or when a recording of copyrighted music is lawfully given to you as a gift, you own two things: 1) you own the physical unit (e.g., iPod, MP3 player, zip drive, hard drive, or even the old CD) on which the music is stored, and, 2) you own the right to listen to the copyrighted music stored on such devices. You *do not* own the music itself, nor do you own the copyright. Certain other rights are included with legitimate ownership, such as the right to make a back-up copy in case something happens to your original, or to transfer the recording to your personal storage or listening devices. But by purchasing a recording of copyrighted music for yourself, you do not purchase the right to make or distribute copies for other people.

Am I Excused?

Some have argued that since copyright laws are complicated, frequently reworded, and the subject of heated legal debates, the average person cannot be expected to understand and abide by them. After all, only lawyers can understand all of the “legal-eze” in these laws, and even they often disagree as to what the laws actually allow or prohibit.

It is true that there are certain exceptions, areas of confusion, and debate. For example, restrictions on sharing music may be relaxed somewhat when it

concerns family members living in the same household. Also, married couples are generally considered joint owners of property. But some debates can get really sticky, ethically speaking. For example, if I lawfully produced a back-up copy when I purchased a recording for myself, am I required to delete/destroy the copy if I later decide to give the original to a friend? Some say the copy should not be retained. Others say that since the original intent in purchasing the recording and making the copy was not to defraud the copyright holder, the copy may be legitimately retained. I have my opinion, but I'll let your conscience be the arbiter in that debate.

However, I can confidently say this: If you purchase a copyrighted recording, and then copy it for the purpose of providing a friend with his own personal copy (or with the intent to give the original away and keep a copy for yourself), you are not only breaking the law, but also depriving the copyright holder of the money that should have been paid for the second copy. This was (and is) the foundational reason copyright laws were written—to protect the copyright holder's legitimate right to gain a profit by selling recordings.

Here's a simple rule for you to follow: If only one purchase price has been paid for a copyrighted digital recording, then only one person should be in possession of that recording. And as you consider this simple rule, remember that Christ commands everyone to obey the laws established by the government (cf. Rom. 13:1-4; 1 Pet. 2:13-15).

A Simple Rule

But there is a simpler law than the U.S. Copyright Code—one that would come into play even if the U.S. Copyright Code didn't exist. I am referring to the law of love. A few verses later in Romans 13 we read, “Love does no wrong to a neighbor; therefore love is the fulfillment of the law” (v. 10). Jesus put it this way in the Sermon on the Mount: “In everything, therefore, treat people the same way you want them to treat you” (Matt. 7:12). To deprive a recording artist of legitimate revenue is to do him harm. It is to do something you would not want others to do to you. Even if the artist is so wealthy that he would never miss a million such losses, even though he will never find out about your offense, even if you do it only once, and even if those who enforce the law couldn't care less about your petty breach, you have broken the law of love.

Copyright infringement is a huge problem, and as a Christian you should not be satisfied to bear even the tiniest portion of the responsibility for it.

Oh yes . . . one last question: If you have come to realize that a portion of your music collection was obtained illegally, what would Christ have you do with that portion? Another issue for your conscience, I suppose.