Music and Intellectual Property

Music is a universal language that has been “spoken” for centuries. It can be produced, heard and interpreted. Just as languages have branched apart and evolved, so have different genres of music. We can listen to music of other cultures and learn their histories, their religions, and their dialects. Or we can simply play a piece in the solitude of our homes that evokes ineffable emotions and memories. Music unifies all human experience and knows no language barriers. It can be as simple as a four chord pop song, or as complex as a Mozart mass, as consonant as a tonic chord or as dissonant as the plucking of random strings and beating of instruments.

So what differentiates music from noise? What makes some of these alarming pieces by Schoenberg and Stravinsky different from noises coming from a construction site? Some people clearly can’t see the difference. When Stravinsky’s Rite of Spring premiered, one of the largest music riots in history broke out. Well, I argue that music is noise with a purpose. Just as someone speaking words out of normal syntax may not be seen as language, noise without meaning can be seen as just that: noise. But as soon as the composer gives it meaning, gives it life, that noise becomes music.

This may seem like a strange idea. How can I compose something and call it music? Well, not everyone has to agree with you. I personally don’t see the intrinsic value of some abstract art. But, I am not an artist. And a curator may be willing to drop sixty grand on a red line
drawn through a black circle. That is the beauty of all art forms. They are yours to interpret, yours to find value in. If you don’t find meaning in Stravinsky’s work, fine. Don’t listen to it. And I won’t pay twenty dollars to go to a museum to stare at shapes for two hours.

That being said, I am often reluctant to call some things that are music (by my own definition, no less) music. For me, Schubert’s “Ave Maria” has a slightly higher intrinsic value than Taylor Swift’s “Shake It Off.” But I’ve been known to pick on Taylor Swift quite a bit. So, in order to include less bias in my definition of music, and to gain more insight into how others view music, I set out to ask Dartmouth students, both musicians and non-musicians, how they personally define music. Everyone listens to music, whether it’s listening the radio, going to see the Boston Philharmonic, or composing and performing their own music. Although musicians may know more about what goes into creating music in terms of theory and practice, it is important to gather viewpoints from both sides.

First, I asked my peers: “What is music?” To many of them it seemed like a simple question at first. Some answers included “a composition of silence and noise…” and “…a combination of pitches and rhythms that sometimes create harmony, sometimes do not…” The general consensus was that music is an art form and means of expressing emotions. One student even said it was “a way of thinking.” However, a few students said that music should be pleasing to the ear, and that is what differentiates music from noise. Students who said that music doesn’t have to be consonant said it at least needs to be able to portray an emotion or have a purpose.

In order to make my peers question the difference between music and noise, and maybe even change their definition of music, I had them listen to Threnody for the Victims of Hiroshima, composed by Krzysztof Penderecki in 1960. Penderecki wrote it as a lament to the
victims of the first atomic bombing in Japan during World War II. The first time I listened to this piece, I didn’t think it was music at all, but rather a catastrophic storm of noise. I was taught by society (and my seventy-year-old piano teacher) what music should be: pleasing to the ear, consonant, rhythmic, and standard. Penderecki’s piece consists of un-pitched sounds, time notation in seconds rather than meter, beating of instruments, and unnerving crescendos. But, these elements work to tell a story. The horrifying pandemonium evokes the sirens, the falling bombs, and the screaming victims. It has meaning. It is music.

I asked my peers to react naturally to what they heard, to look at the score, and then to say whether or not they believed it fit their definition of music and why. I did this project in an interview style because I wanted the audience to see my peers’ reactions and hear their words as they said them. Their initial reactions to the piece were similar to mine: some strange faces, and some comments on the abnormal nature of the piece and the musical score. However, once they knew what the piece was about, and that it was meant to portray an emotion, they all agreed that it was music.

In addition to defining music as an art form, I asked my peers to define music as intellectual property. With the modern debate on artists’ rights brought about by rampant music piracy and streaming sites, its important that we consider how music is seen as intellectual property, and who owns that property. Coming into this class, I was very stubborn about my view on music piracy. Here’s a fun fact about me: I have never pirated anything. This may just be out of sheer laziness and the fact that I’m scared of downloading a virus. I’m not particularly well-versed in technology. I typically just buy music or use streaming sites out of habit.

Prior to this class, I also believed that music was the property of the artist, and that
streaming sites were unfair to artists in terms of compensation and publicity. However, when I thought about music versus other art forms, my view changed, and my peers’ comments actually reinforced this transition. Most of the students said that creating an original pattern of sounds makes music intellectual property. However, one student brought up something that never occurred to me. Anyone can cover any song. I can simply sing a song in my car, or upload me doing a cover with piano to YouTube. It’s hard to “own” music because it’s not tangible, like a book or a painting. So can anyone, even the artists themselves, really own music? One student, a musician herself, said it’s okay that people pirate music because “the whole reason music exists is so that it can be shared.”

The main point in all of this is that in order for music to have value, it has to have meaning. Penderecki’s purpose is to invoke a painful memory of the past. I suppose Taylor Swift’s purpose is to make people happy and want to dance on a Friday night, although I personally prefer Beyoncé. In reality, the value and message are interpreted by the listener, which is why music is a unique form of communication. And it’s hard to “own” a means of communication, so it really can’t be seen as property. Music is meant to be for everyone.