

Case Study: Music Leaks and the Media

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In January of 2012, weeks before the release of the new album *Sounds from Nowheresville* by The Ting Tings, the whole album was leaked online to illegal file sharing sites. The pop music group had fallen victim to an act of piracy, and like many other musicians before them, lost potential profit from the sale of their music. The problem is significant in the world of recording musicians. Many artists have talked about “how difficult it is to get paid now and artists are resorting to advertisements and promotions for money instead of purely album sales” (Beran, 2014, para. 8). Fans of The Ting Tings had free access to these new songs almost a month before the world was supposed to ever hear them, and The Ting Tings were understandably upset.

After fans discovered the illegally released music, they went to Twitter to praise The Ting Tings for their new music. The Ting Tings responded in confusion and then frustration. According to Jules de Martino of the musician duo, “some selfish idiot who had the music early just couldn't help themselves” (Michaels, 2012, para. 2).

Media outlets dedicated to the reporting of music-related news immediately took action when the leak was made known and began publishing stories on the situation. Though most of the stories were valuable and legitimate, they often included links to the illegal file sharing sites that released the music. According to a case study by Cory Lamz for the SPJ, “considering the news value of this inclusion, it makes sense to include the illegal material, supplementing the copy with the music in question” (n.d., para. 2). Despite the news value of this inclusion, the question arises whether the inclusion is ethical, considering that it could lead readers directly towards committing the actions that the law and that musical artists would ask them not to commit: consuming the illegal media.

With the controversy of whether or not to include the links as a valuable source of information in these stories comes the question of whether these stories should be covered in the first place. According to Lamz (n.d.), “because the digital music community is vast, extending across multiple continents, the consequences of any illegal leak are incalculable” (para. 3). The damage that can be done from these articles may never occur, or they may cause extreme harm to the situation. These stories may draw people towards the illegal consumption of music through the attached links. Even if the links were not included, the articles could still bring popularity and awareness of the illegal music to people who may seek it out once they know about it. Do these stories have enough news value to merit their publishings, or are they a mere result of news outlets seeking more views and clicks on their online stories? According to Lamz (n.d.), “there is no policy on media covering a leak” (para. 5), yet media practitioners do have the responsibility to minimize harm. While normally the obligation to seek truth and report it and the free flow of information would justify providing the information about leaked music to readers, the consequences of reporting that information fully and truthfully must be considered.

### **TOOL FOR THOUGHT: VEIL OF IGNORANCE AND MINIMIZING HARM**

The Veil of Ignorance, developed by philosopher John Rawls, calls ethical decision makers to consider stakeholders in the ethical dilemma at hand. “When you work through an ethical dilemma, Rawls does not want you to think about your place in society. Instead Rawls wants you to get into ‘the original position’” (Peck & Reel, 2017, p.15). In other words, you must put yourself behind the “veil” of another person or group’s perspective; walk in their shoes and forget who you are for a moment. In doing this, media practitioners would be able to see how making certain decisions would affect the stakeholders: people directly involved in the scenario. In the case of The Ting Tings music leak, the primary stakeholders would include The

Ting Tings, fans and followers of the music group, those who leaked the music, and music journalists.

If the news outlets decided to report on the leaks in any manner, they would likely cause additional harm to The Ting Tings. If they chose not to, The Ting Tings would still be harmed because the music was still leaked, but the effects could potentially be lessened by the lack of public attention drawn to the situation. Along with this, however, the public would not receive reported information on the scenario and the music news outlets would miss out on the opportunity for a popular story. In order to make an ethical decision, the consequences of each choice on the stakeholders must be measured, and then a choice that minimizes the harm done in the situation must be chosen.

The Society of Professional Journalists' code of ethics contains four main guidelines to follow, including "Minimize Harm", which says that ethical journalism "treats sources, subjects, colleagues and members of the public as human beings deserving of respect" (Society of Professional Journalists [SPJ], 2014). When using this rule, journalists should consider the consequences of their actions and make a decision that is best for the most people, or the most morally aligned. In the case of the leakage of music, the rights of the public to know about the details of the situation are weighed against the rights of The Ting Tings to produce music and earn money from it. The outlets reporting on the leak of The Ting Tings' music must decide how important it is for the public to know about the incident, and if that importance outweighs the importance of protecting The Ting Tings' right to sell.

### **THE AFTERMATH: A CASE BY CASE DILEMMA**

In the case of The Ting Tings and most other significant music leaks thus far, because the exact consequences of such events are so incalculable, oftentimes nothing really changes about

the way the media covers these stories. While there is risk in bringing more attention to the illegal music files, there can also be some benefit: drawing attention to the case allows authorities to notice and take action sooner. For The Ting Tings, knowing what happened allowed them to take action and push for the early release of their album. Though there was inevitable harm done due to the illegal release of their music, the availability of information can help make the goals of both those seeking the illegal music and those seeking to blot out the incident more easy. Also, inadvertently, “leaks can help build buzz” (Knopper, 2015, para. 2). When artists and recording studios act fast, the flurry of attention brought towards the artist’s album due to the leak can translate into higher sales once the album is properly released. This is an example of a positive effect, but is dependent upon the quick response of the artist, and even then, will not always bring a desirable outcome.

While many of the news sources would include links to the illegal files, shortly after being published, the links often stop working because the music files have been taken down or flagged. In many cases, the good of drawing attention to the scenario can outweigh the harm. The sooner there is awareness, the sooner action can be taken against the criminal acts. However in other cases, it can still cause further detriment to publish. In order to make an ethical decision, there is not one single answer for each dilemma, but rather each dilemma must be handled case by case, according to the context of the specific situation and its stakeholders.

## References

- Beran, G. (2014). The Impact of Media Outlets on Illegal Downloads [Web log post]. Retrieved December 03, 2020, from <https://sites.udel.edu/gberan/2014/11/18/the-impact-of-media-outlets-on-illegal-downloads/>
- Knopper, S. (2015, January 30). How the Music Industry Learned to Love Leaks. Retrieved December 03, 2020, from <https://www.rollingstone.com/music/music-news/how-the-music-industry-learned-to-love-leaks-58955/>
- Lamz, C. (n.d.). Aaargh! Pirates! (and the Press). Retrieved December 03, 2020, from <https://www.spj.org/ecs15.asp>
- Michaels, S. (2012, January 24). The Ting Tings urge label to rush-release leaked album. Retrieved December 03, 2020, from <https://www.theguardian.com/music/2012/jan/24/ting-tings-album-leak>
- Peck, L. A., & Reel, G. (2017). *Media ethics at work: True stories from young professionals*. Thousand Oaks, CA: CQ Press/SAGE.
- SPJ Code of Ethics - Society of Professional Journalists. (2014, September 6). Retrieved December 03, 2020, from <https://www.spj.org/ethicscode.asp>