

THE ETHICS OF “SAMPLING” IN ART AND MUSIC: A CLASSROOM TRIAL

soundbreaking
Stories from the Cutting Edge of Recorded Music

Emu Systems
SP 1200

Est. Time: 60-75 minutes

Subjects: Art, General Music, Social Studies/History

Age Range: High School

See the full lesson [here!](#)

Sample
Input

Mix
Out

Tip = Unfiltered

Ring = Filtered

Unfiltered

★ *TEACHROCK* ★



Is sampling ethical?

In this lesson you will:

- Learn about the musical and technological practice of sampling
- Investigate and debate complex legal issues surrounding the concept of sampling
- Explore how artists assimilate and disseminate cultural information
- Experiment with sampling technology

Note: We suggest that students use whatever technology is available to work with a partner or in teams throughout this lesson



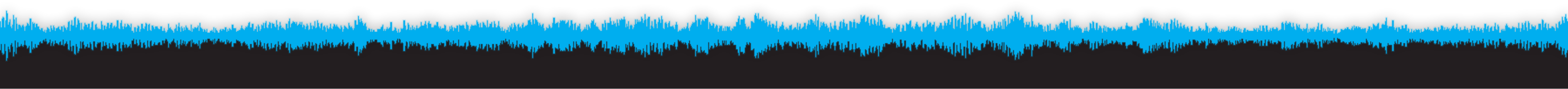



SAMPLING AS A NATURAL HUMAN PRACTICE

Watch [this video](#) to understand the definition and goal of “sampling”




Consider or ask a friend:


- How does the clip define a “sample”?
 - Esperanza Spalding suggests that musicians assimilate information and then disseminate it again, but it comes out as “[their] own bag.” What do you think Spalding means by this?
 - Do you “assimilate information or inspiration” in your life? How?
 - In what ways might you then “disseminate” that information or inspiration again?
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Sampling is the act of using existing material to create new material. Throughout the entirety of history, artists have sampled previous works to create their own original works.

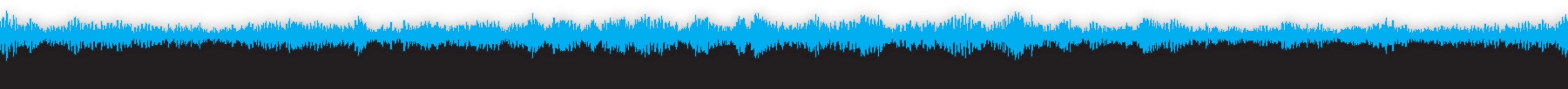
However, “sampling” as it is defined in current popular music proliferated in the 1980s via new technology that allowed musical artists to take physical recordings and manipulate them easier than ever before.





Sampling is a metaphor for a key aspect of American culture that is repeated throughout our nation's history: the combining of elements from different cultures to create something new.

With your partner, team, or with a friend, come up with at least one example of this phenomenon in the following categories:

- Food
 - Language
 - Fashion
 - Music
- 

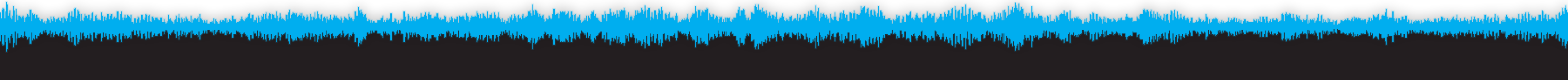
Is sampling legal?

Read **this sheet** to explore critical legal concepts of copyright law.






Consider or discuss with a friend:


- Why might someone wish to apply copyright to their work?
 - What are some of the reasons someone might claim “Fair Use” when referencing a work?
- 

Read **this handout** about the case of Marlboro Cigarettes and Richard Prince.






Using concepts of copyright law, work with a partner, team, or as an independent investigator to follow the instructions on this handout to craft an argument for the trial to determine whether or not Richard Prince violated the law.






Consider these questions in your argument:

- Does Prince's use of the Marlboro advertisement constitute "transformative" use?
 - Is Prince's work an original work of authorship?
 - How does it differ from Abell's work?
 - Does Abell deserve credit and/or compensation in Prince's work?
 - Does Prince's piece represent assimilation and dissemination of an idea?
 - Should Prince need to obtain permission to appropriate a piece in this way?
 - Should the original photographer be able to deny Prince the right to appropriate?
- 




SAMPLING AS SONGWRITING

Watch [this video](#) to see sampling pioneer RZA of the Wu-Tang Clan discuss songwriting with samples.




Using concepts of copyright law, work with your team, partner, or as an independent investigator to craft an argument for a trial regarding whether or not Wu-Tang Clan's sample of Gladys Knight & the Pips' "The Way We Were" violated the law.



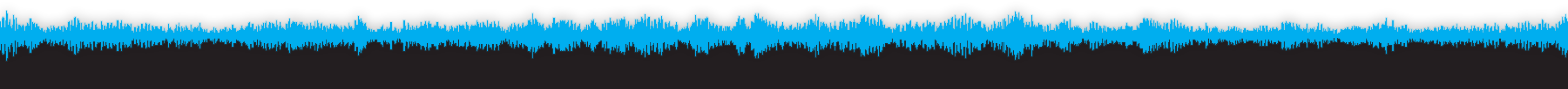



Consider these questions in your argument:

- Does The Wu-Tang Clan's use of "The Way We Were" constitute "transformative" use?
 - Is The Wu-Tang Clan's recording original?
 - How does it differ from the Knight's recording?
 - Does the author of the "The Way We Were" deserve credit for authorship of "Can it Be All So Simple"?
- 




Additional questions to consider in your argument:

- Does the author of the “The Way We Were” deserve financial compensation from the sales of “Can it Be All So Simple”?
 - Does the Wu-Tang Clan’s piece represent assimilation and dissemination of an idea?
 - Should the Wu-Tang Clan need to obtain permission before using this sample?
 - Should the author of “The Way We Were” be able to deny the use of the sample?
 - Can you think of any ways in which sampling is a legal practice and in which the artistic and financial concerns of both sides are considered?
- 



As Hip-Hop gained popularity, reaching beyond the inner cities of America to become a global musical phenomenon, the concept of sampling as songwriting came under intense scrutiny.

Critics decried the act as stealing while artists countered that samplers were the best available tools to create music they wanted to create. Inevitably, questions of copyrights and remuneration became paramount as Hip-Hop proved to be a lucrative industry.



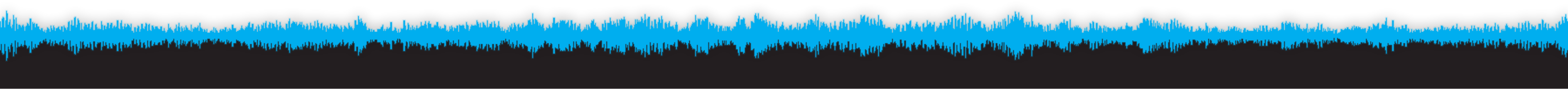


HIP-HOP AND THE SAMPLING ERA

Watch [this video](#) to see how Hip-Hop formed in the Bronx in the 1970s.



Consider or discuss with a friend:

- In what ways do you think Hip-Hop might have been a product of the assimilation and dissemination of various cultural practices, even before sampling evolved as a technology?
 - Is there anything completely “original” in our lives?
 - Are there other aspects of life in which you see a form of “sampling”? For instance, consider the idea of sampling as it could apply to the way you dress or speak, or how movies and television shows get made?
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SUMMARY

- Throughout history, artists have creatively sampled previous works of art to create new art
- Sampling and manipulating previous works raised important questions of originality in art
- Sampling technology proved to be a powerful songwriting tool through the proliferation of use in Hip-Hop
- Copyright laws protect artists' ability to monetize their work



BE CREATIVE

With your team, partner, friend, or on your own, go to the website whosampled.com. Explore the homepage, or search for a song you enjoy that uses samples. Whosampled will show you the songs from which those samples came.



BE CREATIVE

Discuss the following:

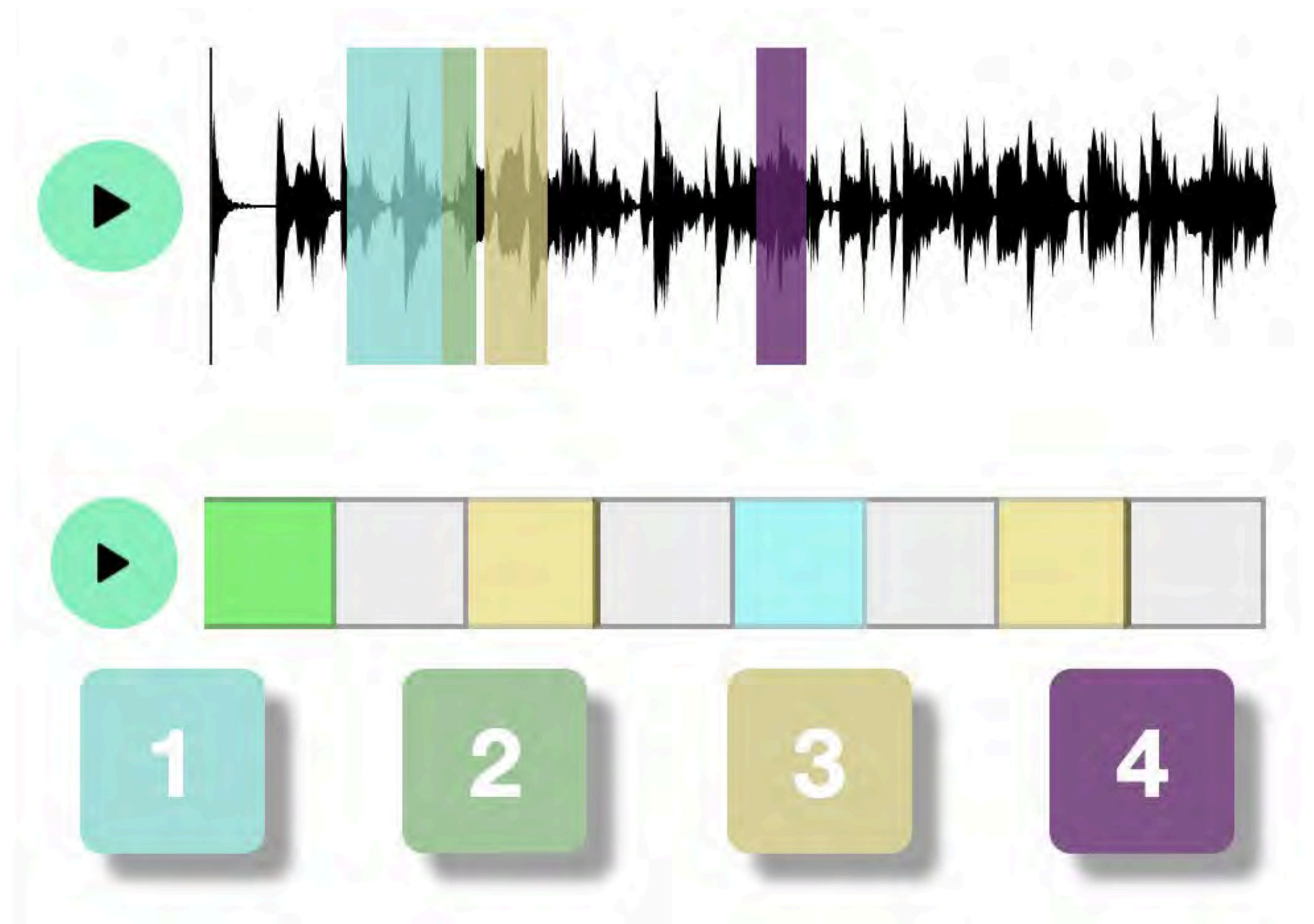
- How does the sample contribute to the song—in terms of mood, or rhythm, or style, etc.?
- How might the song sound or feel different without this sample?
- Why do you think the song's producer(s) selected that particular sample?
- Pick one of the artists who was sampled, and explore that person's history. Do you think they know they were sampled, or could have imagined it happening? How do you think they feel about being sampled, and why?



BE CREATIVE

Open up the **Soundbreaking Sampler TechTool** to learn how to use a sampler.

Follow the prompts on **this sheet** to create your own samples and sequences!



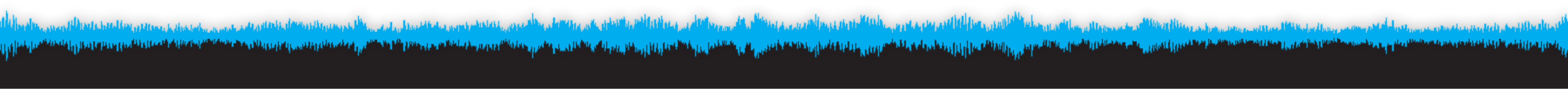
BE CREATIVE

Do you have access to GarageBand or a similar computer program? Watch this **GarageBand tutorial** to help you get started with sampling and then make some new music of your own!



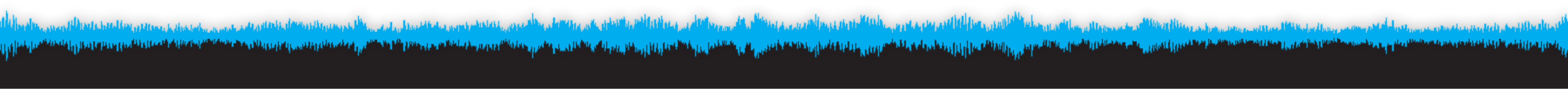
BE CURIOUS

Look up a famous sampling and copyright case online. What was the verdict?
Do you agree with the verdict, why or why not?



CONNECT

Share your work with us! Share your “legal arguments” or the new song you created with TeachRock on **Instagram** or **Facebook**, email to **info@teachrock.org**, or Tweet it to **@TeachRock**





★ *TEACHROCK* ★
•ORG

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