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

Est. Time: 60-75 minutes
Subjects: Art, General Music, Social Studies/History
Age Range: High School
See the full lesson here!
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 whatever technology is available to work with a partner or in teams throughout this lesson*
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?
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?
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.
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?
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.
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?
Open up the **Soundbreaking Sampler TextTool** to learn how to use a sampler.

Follow the prompts on **this sheet** to create your own samples and sequences!
Do you have access to GarageBand or a similar computer program? Take this 2 minute GarageBand tutorial to help you get started with sampling and then make some new music of your own!
Look up a famous sampling and copyright case online. What was the verdict? Do you agree with the verdict, why or why not?
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
Visit us at teachrock.org for hundreds of other free arts-rich resources for every age range and classroom.

Please check back to teachrock.org/distancelearning frequently as we will update the material weekly!