

## DHFR Statement on Intellectual Property

The best graffiti I ever saw was on the wall of the men's restroom at Knickerbockers in Lincoln, NE when the earliest amalgamation of my band the Davenports played there in the early 2000s. It was a 2-person, call-and-response effort. Person 1: "What's left that isn't owned?" Person 2: "Only your soul, but I'll have that soon."

Besides being hilarious, I've always thought that graffiti pretty much summed up my views on intellectual property. The best thing I've ever read on the topic is Jon Ippolito's fantastic essay, "Why Art Should Be Free" (2002), which I post on this Writing page, and I agree with perhaps his most fundamental point: "[P]roperty, intellectual and personal, is the enemy of art." "Commercial art" seems to me, as for Ippolito, a contradiction in terms. That is likely a Marxist perspective in the long run, but is connected to postmodernist views on originality as well. I'll get to that another day.

At the core of my stance is this: I am simply uncomfortable with the prospect of seeing a price tag next to my music. I can think about that all day long, analyze and intellectualize it ad infinitum, but in the end, it's simply a visceral response; I know it's not right. For me. It might be right for you. I feel the same way about my writing. I create it for the joy of doing it and to contribute to the cultural conversation, and putting up that price tag is like putting up a road block.

An important part of creating art and writing articles for me is getting feedback from other people. That helps me grow as an artist/writer, so I need to ensure maximum access to my work for other people, and that means making it free.

I'm reminded here of my first undergraduate course at the University of Nebraska-Lincoln with the late Dr. Les Whipp. He would constantly remind us to share our sources for our research: "If you give your source to somebody else, that doesn't mean you don't have it anymore. Now you both have it." That blew my mind at the time. Les also didn't "grade" us in the usual manner of competitive, academic capitalism, and though that was really unsettling in the beginning (I was used to the usual system of hoarding your sources and trying for one of the few available As in a course), it was quickly liberating thereafter. I worked harder in that class than any I'd ever taken. I'm sure that's why my views on education and grading are tied to this issue of intellectual property.

Important point: I'm not, nor have ever tried to be, a professional artist. Maybe I'd feel differently if that was the case. Maybe not. As Ippolito says, "Day jobs suck, but they help reinforce the line between the choices artists make for commercial reasons and the choices they make for their art." I spent a long time in my teen years and into my twenties thinking I wanted to be a pro musician, but am now delighted to be a grad student/college instructor on track to professorhood, who does music as a hobby. In retrospect, however, I think about my reasons for wanting to be a pro in the first place. No doubt a large part of it was because I love music. That would link the other part to a desire to avoid having a "real" job, and that leads me to my next point.

If your reason for being a pro artist is to avoid having to have a real job, that seems contradictory. Why would you want to make the thing you really love and would do for nothing--your art--into the thing you really hate--your job? Marx/Ippolito talk about having another job and not just exclusively doing one thing. I agree. The alternative is destructive/reductive division of labor. But how will major artistic works, films for instance, get done if people can't dedicate their time exclusively for months on a project? Good question; I don't know.

Granted, I do accept money for teaching (which certainly has performance aspects), and I sometimes am paid for live musical performances. How is that different from selling artworks? It's a question I ask myself. Even more fundamentally, what constitutes "work"? There is a difference, I believe, in the initial creation of art or scholarly material and its live representation. If the latter's function is entertainment or education and not so much artistic production, then the money-for-art issue is moot. It's also true that today, this is an issue that most musicians, at least, need not face. That is, most musicians don't make money off of their recordings, in large part, instead relying upon live performances for their income. Of course, those are fuzzy lines all around, not to mention that many art forms, like visual arts, do not have a live component. You will tell by now this is an amazingly complex issue. For every "answer" seemingly discerned, two more questions arise.

I will say that I also don't like the idea of publishing scholarship/research for money either. Most scholars aren't paid directly for that anyway, but it could be part of the requirement for their professional advancement. I see scholarly journals much like record labels: they can both be enablers or they can both be gatekeepers.

Perhaps the most publicized manifestation of the intellectual property issue today is tied to the sub-issue of illegal music downloading. My history there? I've never illegally downloaded anything commercially available, and so have never deprived anyone of a potential economic reward. I am a serious bootleg collector of certain groups however, but if those releases were available commercially, I would acquire them in that manner. I don't download much, period, b/c I want all the liner notes/artwork, etc., that aren't usually available via downloads. If they were, and if I was sure I wouldn't lose everything if my computer crashed, I'd go that route and save physical space. I mean, I love old records, books, etc., but I'm not materialist in the practical (not philosophical) sense. The content and meaning are what's important--not their physical manifestations.

Finally, the last thing I want to do is alienate all of my artistic friends and those I admire; I have no interest in depriving you of the opportunity to make money from your art. That is your business and your prerogative. Likewise, my opinions concerning intellectual property may differ from yours, but my actions therein shall never attempt to make money via the use of someone else's artistic work (nor mine, for that matter).

Clearly, there can be no question my position is full of contradictions. I'm making my way and learning my own position, which I am open to changing. I think it's important to always remain open-minded and try to learn. And like Whitman says in "Song of Myself": "Do I contradict myself? Very well then I contradict myself, (I am large, I contain multitudes)." I'm deeply interested in the issue of intellectual property and continue to read a lot in my research. I've talked to a number of musician friends on the issue as well and routinely explore the topic in my English classes (see my handout on this Writing page). This "statement on intellectual property" of mine is very much a living document in that I intend to keep amending it as I refine my own position. Who knows, perhaps you will revisit this page someday and find everything here standing on its head. As long as I get it right--whether that represents the popular view or not--that's fine with me.

