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Ethical Obligations when Sampling Music

In an age where technology makes it easy to manipulate existing media, the practice of music sampling has become all too common and brings with it several ethical debates. While some may argue that sampling is a form of creative expression that pays homage to the artists that have come before them, this paper argues that it is a practice that carries many ethical obligations to the original creators. From a utilitarian perspective, music sampling should be judged by whether it maximizes the well-being for the greatest number of people. While listeners may enjoy the music of artists that sample without credit or compensation, the short-term gains do not outweigh the long-term costs. When artists are not properly credited or compensated for their work, they are less likely to produce new work, which will ultimately reduce the overall happiness and cultural richness of society. Society benefits the most when creativity is protected and compensated, not exploited. When artists are properly credited and paid for their work, they are incentivized to continue creating new material. Protecting creativity in this way not only ensures fairness to artists but also the sustainability of art itself. I would argue that the only ethical way to sample music is when you obtain permission from the original creator, provide clear credit for their work, and provide fair compensation, otherwise it is just theft.

When you consider that music relies on a limited number of notes that repeat themselves, and every possible combination of notes has most likely already been played, it might seem difficult to sound original. The band Axis of Awesome has even gone as far as saying that all pop songs sound the same because they use the same four chords. To prove their point, they created a mashup melody simply called “4 Chords” ^[1]. While it might be difficult to create music that is truly unique and original following the vast history of music, if you did not create something, you cannot claim it as your own.

When sampling music, what ethical obligations are owed to the original creator? I would argue the only way to ethically sample music is to get permission from the creator, credit them, and compensate them. These are more than just formalities, they are essential steps that acknowledge the labor, time, and creativity the original artist put into their work. Without these steps, music sampling becomes exploitative. I would go as far as saying that without doing those three steps, you are stealing from the original creator. Even if the sample is short or altered, using someone else's work with these three steps disregards their rights as an artist. When artists skip these ethical obligations, they foster a culture that devalues originality and normalizes theft.

By obtaining permission, you show you respect the labor and creativity of the original artist, which promotes a culture where artists are more willing to share and collaborate. You are showing that you recognize the original work as their intellectual property and not as a free resource. Additionally, securing permission helps avoid legal disputes, which can be time costly and emotionally draining for all parties involved. Using a direct sample from a song without getting permission from the original creator is copyright infringement. This has been proven in several cases, such as Schnauss v Guns 'n Roses or Queen & David Bowie v. Vanilla Ice, where sampling without permission is a direct violation of the original creator's rights and a legal liability.

Along with getting permission for the music sample, artists have the obligation to credit the artist for their work. Creating a subtle homage or "easter egg" is not enough, you must be transparent and honest about the music you are sampling. The credit should be clear enough so that listeners recognize the sample's source. Again, using a sample without giving credit is stealing someone else's intellectual property. It is not ethical to claim your song as original when

you did not create it in its entirety, you are exploiting the original creator and profiting from their work.

The final obligation owed to the original artist is to compensate them for their work. It's a fundamental principle that creators are entitled to royalties when their work is used to generate new profit. Profiting from someone else's work is not just unethical, it's a form of exploitation. Your success is built on their work; therefore, they should benefit proportionally. This should hold up regardless of the new song's "effect on the market" for the original song, the original creators labor has value, and by using the sample, you are profiting from them, a fair share of the profits is owed to them.

When it comes to whether or not music sampling is fair use, I would argue that it does not count. The fair use doctrine states "Transformative uses are those that add something new, with a further purpose or different character, and do not substitute for the original use of the work" ^[2]. Directly sampling someone else's music is not transformative, there is no value added. If an artist were to take a music sample and change it to the point it is no longer recognizable from the original, this is more of a gray area. While the sample has been transformed, the original creator still has the rights to their work, so the same rules apply where they should be credited and compensated. If you are sampling without transforming or asking or compensating, you are like a parasite on an animal, you are just taking from the original artist.

In conclusion, the practice of music sampling carries significant ethical weight that extends beyond legal precedents. The act of sampling without permission, credit, and compensation is theft and exploitation. Ignoring these ethical obligations not only hurts the rights of the original artist but also destabilizes the creative economy. The utilitarian benefits of society where creativity is protected and incentivized outweigh the gains of those who profit from

uncompensated use of someone else's work. The ethical obligations proposed ensure that the original artist's rights are respected and not treated as a commodity.

Sources

1. The Axis Of Awesome “4 Chords | Music Videos | The Axis Of Awesome”
<https://www.youtube.com/watch?v=oOldewpCfZQ> Accessed 15 Sept. 2025.
2. U.S. Copyright Office. “U.S. Copyright Office Fair Use Index”,
www.copyright.gov/fair-use/ Accessed 15 Sept. 2025.