

Living with Respect: A Theology of Copyright

“We recognize that historically legal systems to protect creators have arisen primarily in the Euro-North Atlantic and primarily for the benefit of white Euro-North Americans.”

—*More Voices*

“Because we celebrate the image of God in all people and cultures, it is important to acknowledge the origins and creators of hymns and songs and to pay people royalties for their work. As with *More Voices*, we note that questions of copyright are a justice issue; remuneration for copying needs to get as close to the source as possible. We are aware that dominant culture voices in the Global North have used and abused the cultural treasures of people from the Global South and those marginalized in the Global North. We pledge to work against this reality. We wish to iterate ways to ensure copyright here.”

—Theo-ethical framework for *Then Let Us Sing!*

This document is a theo-ethical reflection on, and guide for, the ethical obligations for just compensation, acknowledgement, and relationships with respect to intellectual property. This is an ongoing conversation; it is offered in the spirit of openness, knowing that there will be further conversations, learnings, and practices in the future. When it comes to church copyright licences, this document is meant to support the [Copyright Guide for Congregations](#). Also, the Education, Justice, and Ethos sub-committee of *Then Let Us Sing!* is working to develop concrete rubrics for remunerating and honouring authors, composers, and communities for their work.

Introduction: Justice, Community, and Future Ways Forward

As the United Church moves towards 2025 and the celebration of 100 years of faithful witness and action, a community of worship and musical leaders in the church has gathered together to create a milestone resource to honour and lift up that celebration in song: *Then Let Us Sing!* As part of this work, we have sought to embody theo-ethical principles to guide the work of the committee. These principles aim to reflect the United Church’s Call to “deep spirituality, bold discipleship, and daring justice.” Specifically, it is our hope that the following reflections, recommendations, and best practices will point us toward building our vision of becoming an intercultural, anti-racist, anti-oppressive, and affirming church, working with the Divine to build God’s beloved community.

The book of Revelation holds some concepts that are helpful to consider in reflecting on the complex and nuanced topic of copyright within the beloved community. In Revelation, the writer reflects on the seven different “angels” of seven different churches. Each church is unique and has its own gifts and its own challenges. Each church is honoured; no one church is valued above another. In fact, each church is a necessary part of the vision of the city of God. In a similar way, the United Church seeks to honour and value equally the creative contributions of individuals and communities.

Inspired by the life, teaching, and witness of our forebears in faith (Acts 2: 42-47), this beloved community aims to

- hold things in common
- value, respect and honor the gifts of each other
- commit to building and sustaining equitable and mutual relationships
- work towards reparation, restoration and reconciliation
- celebrate and live into the vision of God's beloved community
- acknowledge that there is much to be done (the already) even as we hold fast to this vision (the not yet)
- be open to new ways and ideas along the way

There are concrete ways to build this here and now, which also reflect our commitments to becoming an intercultural, anti-racist, anti-oppressive, and affirming church, and the work towards reconciliation and right relationships. One of those concrete ways to live into and embody the beloved community is copyright justice.

Copyright communicates what rights we have to copy, use, or make a duplicate of something that does not belong to us. Various factors complicate what it means to duplicate content and how rights are understood and communicated. If a sermon is inspired by the analysis of someone else, or if a musical composition borrows its main theme from another work, is this considered inspiration, tribute, or duplication? Who determines our rights to use the materials of others? What are we obliged to follow first: legal requirements, moral obligations, or community standards?

A copyright licence and crediting intellectual property to the creators recognizes, values, and compensates those who have put time, energy, thought, and prayer into creating content that enhances our lives together. Honouring the work that others have done happens in multiple ways, and in a Western cultural framework, payment is part of how we honour the work of others. This is true for worship and music resources within the church as well as within broader Canadian society.

At the same time, intellectual property, including especially worship and music, are often created and "owned" by community. A commitment to interculturality means that we must be aware that in other places, worship is experienced in community and "ownership" rests with the gathered community, rather than the person or persons who created it. Worship and worship resources are also often understood to belong to God.

We also recognize that in the United Church, due to colonialism and the resulting structural systems of oppression, including racism, sexism, etc., our system is skewed towards Western capitalist cultural practices. This has meant that it is easier for us to honour Euro-Western resources (music, words, images). Our commitment to being an anti-racist, intercultural, anti-oppressive, and affirming church compels us to go beyond this limited view and articulate other ways to honour music, words, and images, and to remunerate their creators, whether communities or particular persons. These commitments mean that we opt to ensure that those

who create are compensated fairly and given credit for their work, including communities when it is a community who has created the resource and where understandings about ownership and copyright are distinct. We seek to honour the work of all God's people.

Theological and Scriptural Reflection

Scriptural themes of love, justice, and care for community (including seeking the common good of all) inform this statement on a theology of copyright.

As followers of Jesus, we strive to live into the aspiration of well-being for all that Jesus proclaimed. We recognize that, for us as Christians, the kin-dom of God is "already" and "not yet" here—we live in this gap. At times, we are able to live into the fullness of life that Jesus calls us to; at other times, we fail to do so. This theology of copyright resource is a step towards helping us to live faithfully, by seeking the good of all with respect to creators of intellectual property, especially including musicians, composers, arrangers: all those whose creativity enlivens our worship and community of faith life together.

The metaphor of a chorus, the multitude praising the glory of God (Revelation 19:6), is a helpful concept for thinking about community. In a chorus, the goal is to have each person's unique voice blend together in a pleasing harmony. A chorus is a place where we listen to one another, and offer voice ourselves, at the same time. At times in a chorus, some voices are heard above others but all voices are needed. A chorus is a place where we also breathe together: the breath of the Spirit moves through and with the chorus. A chorus is embodied: voices and bodies vibrate together, just as the body of Christ vibrates in our shared life in the Divine. The focus in a chorus is the whole community, rather than one particular individual. The metaphor of the chorus, at its best, is an embodiment of the common good, whereby each person contributes to the good of the whole.

In seeking the common good, valuing and respecting the gifts of all, we also acknowledge the ways in which we have fallen short. As "A Song of Faith" states,

This brokenness in human life and community
is an outcome of sin.
Sin is not only personal
but accumulates
to become habitual and systemic forms
of injustice, violence, and hatred.

When we fall short, as persons, communities of faith, and as the United Church, we recognize the hurt and harm that our actions and inactions cause. With respect to copyright, we recognize that often the creators of works have not been asked for permission or compensated or recognized for their work. In some cases, the creators are communities; in some cases, the creators are racialized or experience other forms of systemic oppression. Individuals and communities have been exploited by others, and therefore have not been recognized or valued for their creative work and have not been compensated fairly. This results in broken

relationships. In seeking to heal broken relationships, we name the need for reparation, restoration, and reconciliation. "A Song of Faith" reminds us that:

God forgives,
and calls all of us to confess our fears and failings
with honesty and humility.
God reconciles,
and calls us to repent the part we have played
in damaging our world, ourselves, and each other.
God transforms,
and calls us to protect the vulnerable,
to pray for deliverance from evil,
to work with God for the healing of the world,
that all might have abundant life.
We sing of grace.

Deepening Relationship, Seeking Inspiration

Ideally, copyright arrangements are rooted in a commitment to deepening relationships. While we strive towards equity and mutuality rooted in our Christian commitment to loving our neighbours as ourselves, we also recognize that we are aspirational in our attempts to embody these principles. Unjust power dynamics are structured into our ways of being through colonialism and its webs of influence including especially racism, sexism, homophobia, classism, ableism, ageism, etc. Our church has made commitments to be affirming, intercultural, antiracist, and anti-oppressive. We are a work in progress; following our brother Jesus, with God's help, and nudged along by the provocative power of the Holy Spirit, we continue on this journey. A commitment to robust principles of copyright is a commitment to deepening just relationships and building the beloved community.

Best Practices and Legal Requirements

Questions about copyright are much easier to answer when creators have clearly indicated the conditions for reproducing material and how it may be used. Further clarity comes when the creator has partnered with a licensing agency to administer the fair use of their work (for instance how OneLicense administers and provides guidelines for the fair use of church music). In some situations, the legal requirements may be clear, but may clash with our ethical commitments to work towards the beloved community.

At the same time, as a church, we realise that many of the things that we share and reproduce in community life and in worship are living experiences, shaped by the whole people of God (throughout time and location), and offered back to God (the Creator of all good things). It is hard to ascribe ownership to a communal act of praise, but because of broken relationships some contributors are honoured, respected, and compensated more than others for the collective work that we all share and benefit from.

We need to find culturally appropriate ways to honour the source(s) and communities who created the materials we use, whether through financial or other means. To work to correct this injustice it is suggested, at minimum, that all bodies of the church adhere to the following practices:

1. Follow all legal requirements around intellectual property laws. Please see the [Copyright Guide for Congregations](#) for more information.

Only share copyrighted material that you have permission to, and pay royalties accordingly. This includes and is not limited to

- purchasing copyright licences
- crediting all material that is not original to you or your community (including pieces that are public domain)
- seeking written permission and when possible offering remuneration for all copyrighted work before using it

2. Attempt to deepen relationships.

In using material that has not originated from your community, seek ways to deepen your understanding of the work, its intent and the context that it came from.

- Find ways to honour and respect source material that are appropriate to the community of origin.
- Make sure that you are using the material in a way that's appropriate to the community of origin. For instance, a hymn that is written in a style of lament should be sung as a lament and not taken out of context.
- Understand that there may be works or material that your community may legally have the right to use, but are not morally ready to use in a way that is appropriate, builds trusting relationships, and shows respect.

“Understanding the cultural context of the hymns can enable them to be used more authentically. Who makes decisions about the selection of music in worship? What work is done to understand the diverse theologies in music? How might musicians research and discover more about the background and historical context of worship music?”

—*Questioning Worship: Engaging All God's Peoples* (Toronto: The United Church of Canada, 2016), p. 21. Used with permission.

3. Work towards reparation, restoration, and right relations:

Deepening relationships is a concrete action that helps to build trust and right relations. The mis-use of works by others can be deeply damaging. It can build mistrust, enforce stereotypes, otherize groups of people, exploit creators, reinforce cultural hierarchies, and allow some to profit financially by taking advantage of others' work. In the use of material that has not originated from you or your community:

- Follow #1 above! (remunerate the creators of the work).
- Value relationship over experience.
- Seek to restore broken relationships when work has been mis-used or exploited.
- Attempt to maintain the integrity of the work being shared, and consult, if possible, with the creator if the integrity may be in question.
- Consider donating a fee to the community from which the work came.
- Join together with others to discern how the United Church of Canada can restore and build relationships with historically exploited communities.

“Pete Seeger along with Guy Carawan and Frank Hamilton copyrighted the well-known civil rights anthem ‘We Shall Overcome’ in a deliberate move to control the potential income from the song as it became more popular. They then established a fund called the ‘We Shall Overcome Fund’ which is chaired by African-American activist and singer Dr. Bernice Johnson Reagon.”

—Becca Whitla, *Liberation, (De)Coloniality, and Liturgical Practices: Flipping the Song Bird* (London: Palgrave Mcmillan, 2020), p. 26. Used with permission.

4. Seek justice and equity at all times:

Following copyright laws is one of the ways we attempt to promote the common good. However, we can not rely on copyright laws to determine for us our moral imperatives towards justice and equity. As a result, the church is urged to:

- Advocate whenever possible to have the legal requirements complement our ethical commitments (having royalties paid as close to the source as possible).
- Choose arrangements where the royalties are paid as close to the community of origin as possible.
- Advocate for creators to keep their copyright and be paid fairly for their work.

Thinking about copyright is a starting point for thinking about just relationships. How can we deepen our engagement with marginalized communities? When we sing another’s song, are we singing it with them, praying with their communities, and working towards just relationships and just systems?

Invitation to Join the Journey

This theology of copyright is one step in our journey towards creating the beloved community.

As we continue this journey, we invite you to add your reflections and practices that are helping you and your community of faith be part of this beloved community:

Grateful for God's loving action,
we cannot keep from singing.
Creating and seeking relationship,
in awe and trust,
we witness to Holy Mystery who is Wholly Love.

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