



Australian Government

**Department of Education,
Science and Training**

Values for Australian Schooling
Building Values
Across the Whole School:
A Resource Package
Teaching and Learning Units – Secondary

Later adolescence
Music for free?



Australian Government

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PO Box 177
Carlton South 3053
Australia
Tel: 03 9207 9600
Fax: 03 9639 1616
Email: sales@curriculum.edu.au
Website: www.curriculum.edu.au

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Editors: Katharine Sturak and Jenny Craig, Curriculum Corporation; Carolyn Glascodine
Design: Chris Collins, Curriculum Corporation
Illustrators: Ophelia Leviny, Curriculum Corporation; Jon Rowdon, ZOOMorphic
Photographer: Mark Coulson Photography

Acknowledgements

Project Director: David Brown

Project Managers: Leanne Compton and Stacey Hattensen

Contributing writers: Cherry Andrews, Gary Bass, Helen Brown, Dorothy Carey, Cynthia Dodd, Toni Glasson, Terry Hastings, Patricia Hincks, Joanne Jayne, Deana Leahy, Dr David Leigh-Lancaster, James Lloyd, Dr Margaret Lloyd, Felicity Mandile, Dr Jenny Masters, Julie Mitchell, Shaun Nykvist, Dr Janet Reynolds, Sherryl Saunders, Kathy Symonds, Dr Barbara Tadich, Adam Usher and Melissa Wolfe

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Music for free?

Unit description

Students will be provided with two texts which explore the issue of downloading music from the Internet. They will complete a series of activities designed to facilitate their understanding of both the texts and the issue, analyse the values underlying the issue, and present a personal response, either orally or in writing, showing an understanding of how their own values have contributed to the position that they adopt.

Age 16–18 years

Duration 3 weeks

Explicit values focus

- Fair Go
- Honesty and Trustworthiness
- Integrity
- Respect
- Responsibility

Learning area

- English

Key understandings

Students will develop an understanding:

- that there are legal and illegal ways to download music
- of some of the values that can lie behind the arguments for and against illegal downloading of music
- of their personal actions and values underpinning personal choices.

Notes for teachers

Peer-to-peer file share programmes such as Limewire are used to download music from the Internet to computers, iPods or MP3 players. Some downloaded music is burnt to CDs and either kept for personal use or distributed to friends.

Australian law forbids both illegal file sharing and burning of CDs. But not all downloaded music is illegal. Free and legal downloads do exist and a guide for Australia can be found at [www.mipi.com.au/guide to digitalmusic.htm](http://www.mipi.com.au/guide-to-digitalmusic.htm)

Young music fans who are technologically literate and who have access to computers, iPods and MP3 players make up the largest proportion of people who download music illegally. They explain their actions in terms of the expense of buying CDs and the ease of use of the technology which enables the downloads.

Not surprisingly, the music industry is against illegal downloading. They argue that those involved in the recording – from the songwriter through to the performer, the record company, the distributor and the retail outlet – are all being short-changed. They say that illegal downloading is the same as stealing and try to shame those who engage in the practice and threaten strong legal action to try to deter them. Recently in the USA, a 12-year-old was charged with illegal downloading and while many thought that targeting someone so young was a fairly drastic thing to do, the US music industry argued that this was quite deliberate because the actions of individuals as young as this are having a severe impact on industry profits. They are also looking at using technology itself in order to prevent copying.

The water is muddied by the fact that, for various reasons including promotion and an attempt to establish a reputation, many artists actually encourage fans to download their music. Artists also complain about their treatment at the hands of the big record companies, so that some fans are led to see the record companies as greedy corporations who deserve to be 'ripped off'. Producing a CD is said to cost around US\$15. This includes:

- studio time and labour costs to record the album
- the costs of producers and technicians to produce a master
- the costs of pressing and packaging the album
- shipping costs to get the albums to retailers
- marketing, advertising and promotion costs
- warehousing costs, legal costs, taxes
- royalties to songwriter(s) and artist(s).

This list of those involved in the production of a CD also serves to show how many people are deprived of part of their livelihood when music is downloaded and the production process bypassed.

Getting started

Activity 1: Brainstorm the issue

Before beginning this unit, conduct a brainstorming session to find out what students already know about downloading music from the Internet. Make the point that the focus is on the *illegal* downloading of music, not all downloading of music. It is possible to download music quite legally from a number of websites. Use this opportunity to make sure that students have an understanding of the issue.

r Ask students to work in pairs in order to complete **Resource sheet 1** and then invite them to share their current state of knowledge with the class as a whole as you build up a concept map on the board.

Activity 2: Points of view

Use a values continuum to ascertain class attitudes to the issue of illegally downloading music from the Internet.

Explain that an imaginary line across the classroom is a continuum that represents the range of points of view it is possible to hold on a complex issue.

Identify the left-hand side of the classroom as the point of absolute agreement with the statement: 'It's OK to download music from the Internet', and identify the right-hand side of the classroom as the point of absolute disagreement with the statement. Ask students to place themselves physically on the line according to where they stand in relation to the issue.

On the board, draw the line and mark the points at which students placed themselves on the continuum. Students take note of their positions. Students will repeat the activity later to see if they have changed their position.

Conduct a class discussion in which you refer to the continuum and ask students to explain why they positioned themselves at particular points. The purpose of this discussion is to help students understand that their beliefs and values shape their attitudes to various issues. To facilitate this exposition, ask students to start their explanations with this sentence opener:

- I stood at this point because I believe...

In conducting the survey of class attitudes (the values continuum), it is important that students articulate how their beliefs have influenced where they chose to position themselves on the values continuum.

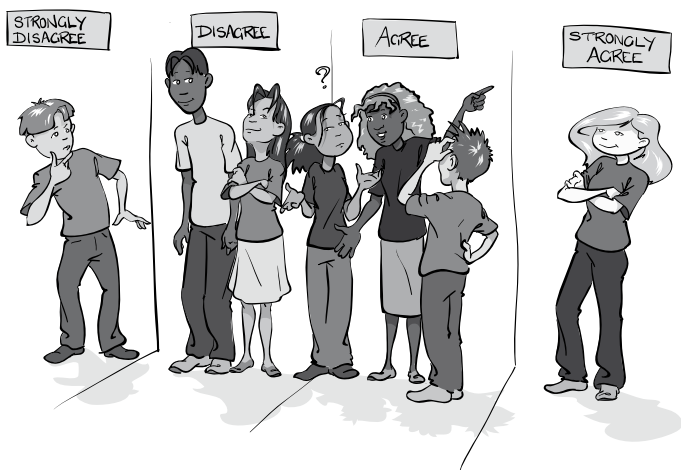
Try to get them to distinguish between 'I chose to stand here because I can't afford to buy CDs and therefore like to download my music' and 'I chose to stand here because I believe that it's not fair that I should have to pay so much for a CD'.

Further analysis might involve asking students if they can identify where these particular beliefs come from. Are they beliefs shared and passed on by their parents, for example, or are they beliefs that have developed as a result of their peer group associations? Which factors in our lives are important in developing our personal values?

Activity 3: A downloading survey

Students work in pairs to identify the key questions that could be asked if they were to conduct a survey on attitudes and practice in relation to the issue. (They could be asked to imagine that they are part of a public relations firm that has been asked by the recording industry to ascertain public opinion and practice.)

Assist students to develop effective survey questions. Select a set of draft questions and trial them with students from another class. Have your students analyse how well the questions functioned and what responses they produced. Have the students redraft their questions for improvement.



Notes for teachers

Provide samples of how survey questions are phrased so that students have appropriate models. If students require assistance in framing survey questions, the following websites will be useful:

- <http://coe.sdsu.edu/eet/Articles/surveyquest/index.htm>
- http://www.ehow.com/how_16596_write-survey-questionnaire.html

Activity 4: Conducting the survey

As a class, students examine the final draft questions developed by pairs in order to arrive at a definitive set of no more than five questions that can be used in a survey of the school and wider community. (The questions developed by pairs could be presented to the class via a data show or on an overhead transparency so that the class as a whole can see and discuss them.)

Students then individually use the definitive set of questions to survey a number of people from the school and wider community.

In order to contain the extent of this activity, ask each student to survey no more than five people. Ensure the survey sample includes a reasonable balance of genders, ages, and socioeconomic backgrounds.

Activity 5: The survey results

Collate the survey results. This can either be done as a class activity on the board, or individuals could enter their results on a large sheet of paper placed on a display board. If appropriate, students could construct bar graphs to show the survey results. These results could later be used by students as part of the evidence they put forward in support of their written or oral arguments.

Review the collated results with the students in a general discussion. Pose questions such as the following.

- Generally, what has the survey told us about the attitudes to downloading music?
- What values dominate the pattern of responses?
- What surprises or confirmations has the survey produced?

Activity 6: Summarising the pros and cons

r Students can start a graphic organiser summary in which the pros and cons of downloading music from the Internet are recorded as well as the values that lie behind the arguments. Students may use **Resource sheet 2** as a guide to beginning this summary, which will be added to as more information becomes available and which will provide them with the material necessary to complete the assessment task.

In order to meet specific learning needs within the class, the use of the graphic organiser to record a summary of aspects of the issue can be completed in a guided fashion, either in groups or as a class.

Discovering

Activity: Exploring other viewpoints

Following the introductory activities, students now have an opportunity to explore in more detail the arguments put forward by various stakeholders. They start by reading a number of articles.

r Provide students with a copy of **Resource sheet 3** which comes from the Music Industry Piracy Investigations (MIPI) website. Distribute copies of **Resource sheet 4** to students. This is divided into pre-reading, during reading and post-reading activities. The post-reading activities begin with simple comprehension questions and proceed through to questions that require analysis and evaluation.

Students can work through **Resource sheet 4** in pairs or in groups and share their responses with other pairs, groups or the class as a whole.

After completing **Resource sheet 4**, students return to their graphic organiser and add extra information gained as a result of their reading.

r **Resource sheet 5** is a series of opinions in response to the question 'Is the Internet bad for music?' Read the comments together as a class, allowing time for discussion and reactions.

Individually, students reread the comments and add more information to their graphic organiser.

Bringing it together

Activity 1: Values continuum

Repeat the values continuum from the introductory activities. Discuss the following as a group.

- Has your attitude changed since the first time we did this activity?
- If the answer is yes, try to explain why you have changed your attitude.

Activity 2: A class debate

To help students clarify their attitudes and arguments, divide the class into two groups who sit facing each other. One group argues the point of view that downloading illegally from the Internet is wrong while the other group argues the opposite point of view. Establish the rules before you begin the debate. (For example, no interrupting someone who is speaking; wait until you are acknowledged by the teacher before you begin to speak; begin your comment by naming the person to whom you are replying, etc.)

a Assessment

The tasks listed below will provide opportunities for assessment.

- Design a television advertisement to promote a particular side of the issue.
- Write a letter to a major recording company or artist arguing a point of view on the issue.
- Write an analysis of the values that underlie the various positions on this issue.
- Design a website that provides information about the fairness of downloading music from the Internet.
- Write a speech on the issue that might be delivered at the Grammy Awards.
- Write song lyrics that put forward a point of view on the issue. (Sing it and record it, if you like ...)

The assessment can be enriched and enhanced by the following activities.

- Involve students in the design of assessment rubrics. They can identify the criteria for assessment and suggest the characteristics of various levels of performance. (See <http://cms.curriculum.edu.au/assessment/pd/rubricsintro.asp> for information about the design and use of rubrics.)
- Provide opportunities for students to receive oral or written feedback from peers and/or the teacher at specific points during the assessment task. The rubric could be used as the basis for this feedback.
- Encourage students to complete a self-assessment when they have completed the assessment task.

Useful references

Recommended websites

Music Industry Piracy Investigations

<http://www.mipi.com.au>

MIPI is the anti-piracy organisation for the Australian music industry. The website provides the latest information about downloading and file sharing.

Information storage industry center

<http://isic.ucsd.edu/music.html>

This article argues that downloading may be immoral in some cases, but not for the reasons claimed by the record companies.

Pro-music

<http://www.pro-music.org/artistspeak.htm>

On this website artists speak about how downloading affects them.

Names: Date:

Illegally downloading music

What does this mean?	
Who does it?	
Why?	
How?	
Who wins?	
Who loses?	

Name: Date:

Downloading: the pros and cons

Source	Arguments for	Arguments against	Evidence to support the arguments	Values that lie behind the arguments

Music Industry Piracy Investigations: The impact of Internet file sharing in Australia

1. Internet file sharing – the facts and figures

In Australia it is understood that:

- Around 2.8 million Australians or 18% of the population download music illegally via file sharing networks every year. Of these, three quarters claim to download every month.
- 1 in 3 kids in the 14–17 year age group illegally download music regularly.
- On average, Australians download approximately 30 songs a month. This totals a staggering 1 billion songs being illegally traded by Australians per year.
- Close to 70% of Australians agree that illegal file sharing is stealing. Only half of all 14–24-year-olds agree with this statement.
- 45% of illegal-file sharers themselves agree that illegal file sharing is stealing.
- 51% of illegal-file sharers question ‘why should they have to pay to download music when they can get it for free via file sharing networks?’
- Among illegal-file sharers, more than half admitted that they feel bad that artists lose income because of illegal file sharing activity.
- Almost three quarters of the general population feel bad that illegal file sharing is impacting on the lives and incomes of artists.
- The majority of people that download music illegally rarely or never go on to purchase the music legitimately.

In response to Quantum Market Research commissioned by the Australian Record Industry Association (ARIA) in late 2003, ARIA Chief Executive, Stephen Peach stated, ‘Ultimately the consumer is the loser. With copying rampant there is diminishing motive to invest in music production or risk supporting new talent. File sharing contributes to a slow but steady weakening of the local international industry.’

2. Why is file sharing illegal?

The basic principle is that you cannot copy or distribute music including from the Internet without the permission of all relevant copyright owners. That’s because when you create a piece of music there is a whole system of legal rights and obligations that comes into play. These rights and obligations, called copyright, outline what someone can and can’t do with your material.

Copyright is the guardian of one of the most precious skills – imagination. Copyright has existed for a long time, and has adapted to numerous changes in technology – from the printing press through the vinyl record to the CD, the digital file, and the Internet. But the underlying reasons for copyright remain as important as ever. Copyright is a spur to artistic creativity, a basis for the business of music, and a way to let people who have a gift for writing, producing or singing to make a living doing what they do – and their fans enjoy.

There is generally more than one owner of copyright in any given musical track. The composer who wrote the music owns copyright in the musical works. The lyricist who wrote the lyrics owns copyright in the literary works. The artist who performed the music owns copyright in a sound recording of their live performance. Finally, the maker of the recording (typically a record company) owns copyright in the sound recording.

Copyright gives the people involved in creating music various rights over the copying, distribution, performance and Internet transmission of their music. This includes protection for artists, composers, publishers and producers. In Australia, copyright owners generally have:

- the right to make copies
- the right to perform
- the right to communicate to the public including over the Internet.

So unless the relevant copyright owners have given permission for a song to be distributed through file sharing networks over the Internet, then it is illegal.

3. Who cares about illegal file sharing?

A. Artists deserve to be fed

A lot of people who copy and distribute music illegally try to rationalise their behaviour by arguing that the people who make music are all rich anyway, and that music should be free for everyone. But asserting that music should be free is the same as saying it has no value – that music is worthless. It's not.

Music doesn't just happen. It's written, bar by bar, line by line, by people who work hard to get it right.

For the artist, the hard work requires not only a major emotional and intellectual commitment, but also long hours, intense concentration, and real financial risk. There's a lot of imagination, soul, and courage involved in creative work. But making music is also a career for artists and getting an income is as important as it is for anyone working in an office, driving a bus or running a company. It's about putting food on the table and covering the rent. It's about making enough money to pay for all that equipment and rehearsal time, about keeping yourself afloat as you strive to succeed in a highly competitive industry.

What gives the music value is not only that you like it, but also that you buy it. If you steal it, you're not just stealing from a record company. You're stealing from the very artists you respect and admire who put all that hard work and energy into giving you their music.

People should realise that having the recordings of music that other people have made is a privilege and not a right. People use the excuse that it's okay to steal music because making music isn't real work because artists have fun doing it. Well, there's good gigs and bad gigs just like there's good and bad days at work. If you apply that principle, when I have a run of packing some particularly good boxes (alas, that's what I do for money to support myself) and feel particularly satisfied one day then I should be paid less for that time! Absurd! Intrinsic rewards don't pay the bills.

KIM SALMON

B. New artists need a gig

Music piracy hurts established artists and does even more damage to up and coming artists because it deprives the Australian music industry of the revenue needed to finance the huge costs of finding and developing new Australian talent.

People often say that illegal copying is a victimless crime that really doesn't hurt anyone. Try telling that to the struggling young musicians in a garage band who can't get signed because record sales are down. Or tell it to the young singer-songwriter whose career dead-ends because people would rather download her music for free.

There's no question that Internet exposure can be a great thing for new artists. For many up-and-coming bands, there's no better way of getting noticed and establishing a following than creating a website and putting your stuff out there for the online world to hear. But there's a difference between checking out a band that chooses to let people download its music for free and deciding for yourself that somebody's music should be spread all over the Internet.

Making records is an expensive undertaking. So is building a career. If people aren't willing to pay for the music they love, record companies both big and small will find it increasingly difficult to commit the kind of resources it takes to discover and develop new talent.

Even buskers get paid for playing music. Sitting on their backside on the street. But it's better to have a choice as to how you experience music. You can hear music on your radio or on your iPod or see and hear an artist in a club. It takes some money to get off the footpath and to get to all those other places. Nothing is free. Everything is plugged in. The money gets around and for the artists, nothing gets wasted, believe me.

DAVE GRANEY

C. It's unfair

It's unfair to the entire artistic community that creates music. It's unfair to the singer/songwriters who get their copyrights plundered. It's unfair to the musicians who are deprived of their dream of making a living from their art. It's unfair for the owners of small record stores which will close because of the substantial revenue losses.

Songwriters and artists, whether established or up-and-coming, aren't the only people hurt by illegal copying. In Australia alone there are thousands of people employed in the music industry – and very few of them are rich rock stars. Stealing music also threatens the livelihoods of the thousands of technicians, CD-plant workers, warehouse staff, graphic designers, printers and other non-musicians who are employed in the music business helping to create and deliver the music you listen to.

'Isn't it more exciting to own the real artwork and CD and hold it in your hands?'

KAV TEMPERLEY, ESKIMO JOE

D. It's wrong

You wouldn't steal a mobile phone or T-shirt. Our sense of right and wrong keeps most of us from doing such a thing. Sure, we know there are criminal penalties (up to \$60,500 per offence and 5 years imprisonment), but the main reason we don't steal is because we know it's wrong. Yet when it comes to stealing music, people somehow seem to think the same rules don't apply. Well they do.

'Downloading can be a great way to share music, but downloading music illegally threatens the future of everyone that depends on you for their livelihood. Get music the right way! If you download, do it legally!'

KEITH URBAN

The message is simple ... Stealing music is the same as stealing anything else. It is illegal and the consequences are real, for artists, songwriters, you, and for the future of music.

So enjoy the music that your favourite artists bring to you, but at the same time respect copyright. Stop offering to upload music files to millions of users on the Internet and stop downloading from unauthorised sites!

Real fans give artists, songwriters and others in the music industry a fair go!**4. How is the music industry tackling the problem?**

The Australian music industry recognises that its top priority is to reverse the trend of illegal downloading and to continue to respond positively to the opportunities of the online environment. While this is an evolving process, key initiatives being pursued in Australia include:

- Education of consumers (particularly young consumers) about the risks, wrongs and consequences of illegal file sharing and encouraging them to give artists and songwriters a 'fair go';
- Support and development of legitimate online business models that present an appealing alternative to consumers (a Guide to Digital Music can be found at <http://www.mipi.com.au/Guidetodigitalmusic.htm>);
- Technological strategies and solutions;
- Lobbying for effective legislation; and
- Enforcement activities both in the criminal and civil spheres.

5. Need more information?

Contact Music Industry Piracy Investigations (MIPI) who is dedicated to protecting the Australian music industry's copyright and encouraging others to respect it. MIPI is the anti-piracy organisation for the Australian music industry. Web: www.mipi.com.au

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Discussing the Music Industry Piracy Investigations (MIPI) article

Pre-reading activities

1. What is the source of this article?
2. Given the source, what point of view do you think is likely to be argued in this article?
3. Scan the article to identify the main kind of evidence the article appears to use in support of its argument.

During reading

Interact with the text. Read with a pencil in your hand.

1. Underline anything that you think is significant.
2. Put a cross next to any comment you want to disagree with.
3. Put a tick next to any comment you agree with.
4. Put a question mark next to anything you need explained or want to explore further.

Post-reading

1. Review those parts of the article against which you put a question mark. Use a resource such as a peer, a dictionary or the teacher in order to find the answer to your query.
2. Were you surprised at the statistics quoted in this article? Explain your answer.
3. Who commissioned the study by Quantum Market Research referred to in the article? What are the main concerns of ARIA Chief Executive, Stephen Peach?
4. What is copyright? Explain in your own words.
5. List the various parties that generally own the copyright in any given musical track.
6. Should we care about illegal file sharing? Why, or why not?
7. How is the recording industry tackling this problem of downloaded music? Explain in your own words.
8. How do you think the recording industry should respond to the challenge of downloaded music? (You might choose one of the proposals put forward in this article or suggest another of your own.) Give reasons for your suggestion.

9. The survey findings state that 14–24-year-olds are more likely than other members of the population to burn a CD, file-share and receive CDs burnt illegally. Why do you think there is such a difference in the behaviour of the 14–24-year-olds? Choose one or more of the following possible explanations and say why you chose it.
 - 14–24-year-olds don't share the same values as the rest of the population.
 - 14–24-year-olds are more likely to be able to manage the technology of downloading.
 - Music is more important to 14–24-year-olds.
 - The rest of the population has more money than 14–24-year-olds and so they can afford to buy the CDs in the first place.
 - File sharing and burning CDs might be illegal, but it's not unfair and that's why 14–24-year-olds don't mind doing it.
 - 14–24-year-olds value pleasure more highly than fairness.
 - 14–24-year-olds like to get something for nothing. They also represent the majority of, for example, fare evaders and shoplifters.
 - Other reason (please specify).
10. Consider these statistics: close to 70 per cent of Australians agree that 'file sharing without paying for it is like stealing' but only 45 per cent of 14–24-year-olds agree with that statement. What conclusions do you think can be drawn from this information?
11. Stephen Peach claims that 'ultimately the consumer is the loser'. What effect do you think he wants to have on the reader when he makes this statement?
12. Go back to the parts of the article against which you placed a cross, indicating you didn't agree with a statement. Consider why you didn't agree. What values influenced you to disagree?
13. Go back to the parts of the article against which you placed a tick, indicating you agreed with a statement. Consider why you agreed. What values influenced you to agree?

Youth opinion: Is the Internet bad for music?

- “ Artists can't expect that we're going to pay \$30 or \$40 for a CD when there are only two or three songs on the album that we like. (Jenni) ”
- “ If they dropped their prices then maybe people wouldn't download as much off the Internet. (Jun) ”
- “ Downloading music is ripping off the artists. (Stavros) ”
- “ I think you should be able to download because it's cheap and the price of a CD is too expensive. If you can get them for free, why not? (Mike) ”
- “ Downloading music from the Internet ends up ruining the music companies. And then where are we? (Tomas) ”
- “ Some people say downloading is unfair to the artists, but actually the artists benefit because they get more fans. Perhaps the people who don't benefit are the record companies and all the leeches who live off the artists. (Kiriam) ”
- “ The producers do that deliberately – put rubbish songs on with good ones – just so that you pay more. No wonder people just download what they want. (Danni) ”
- “ Well, I reckon it's great to download music because you get a chance to listen to music you wouldn't normally listen to. (Tam) ”
- “ It's bad for the music industry because they don't make money – but who cares? They charge outrageous prices anyway. Serve them right. (Jo) ”
- “ Sure the artist misses out on some money from the CD, but the big performers get plenty of money from other sources anyway – the concerts and all the merchandise and that. And if people are downloading their songs that means they're getting more fans anyway. (Boris) ”
- “ Performers who are just beginning need to build up a fan base. If their music is available free on the Internet, they have a chance of doing just that. The Internet is good for music. (Jing) ”
- “ I want to say something about the way Internet companies tell record companies what we download. How fair is that? Isn't that breach of privacy? And then what about the way record companies go after helpless individuals, just to prove their point? I'm referring to that 12-year-old girl in the United States. Is that fair? (Rachel) ”
- “ There's no doubt that the Internet is good for music. I read (online of course!) a BBC article that said that people who illegally share music files online also spend four and a half times more than other people on paid-for music downloads. So if that's not good for the artists and recording companies, then I don't know what is. (Xian) ”
- “ Unknown bands can play to worldwide audiences simply by posting music on the Internet. (This has to be good for music.) And some bands even give their songs away in the hope of getting noticed or making a record deal. So is it any wonder that the fans get confused? Sometimes it's OK to download music, sometimes it's not. These bands can't have it all their own way! (Van) ”
- “ What if a track is really popular but not available as a paid-for download? File sharing makes it possible for lots more people to have access. That's a good thing. (Christos) ”
- “ If you listen to the record companies of course, the Internet is bad for music. And they're supported by the law. But you really need to think about the law. Just because something is against the law (in this case, downloading of music), does that necessarily mean it is wrong? Aren't there bad laws? Aren't there laws that are not fair? Couldn't this be a bad law – that is, it is a bad law because it is unfair to consumers? (I'm a Philosophy student ...) (Lee) ”

