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Abstract

The question of plagiarism in music (as in arts in general) offers an eminent field for interdisciplinary research and where not much dialogue is in place at the moment. A possible starting-point is the question of judgment about music and the role of aesthetic experience in it. Philosophical aesthetics, law and musicology (as other fields like neuroaesthetics, sociology etc.) have this question in common, albeit their many differences in approach, methodology, nomenclature etc. This paper aims to point out that courts while deciding if a musical work is a plagiarism of another musical work do not base their judgments on the ontological, quasi objective qualities of the works they have to compare but on the overall impression of qualified listeners by hearing. In doing so, this paper wants to raise the question how the concepts of aesthetic experience and overall impression by hearing are related.

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