(Unauthorized) File Sharing

"[IP] protects the right of artists, authors, and inventors to **compensation for what they create**, and … encourages production of… creative work."[1]

"Content companies use the law in ways that threaten fair use, freedom of speech, research, competition, reverse engineering, and innovation…"[2]

[1, 2] Baase, Sara: *A Gift of Fire: Social, Legal, and Ethical Issues for Computing Technology*, 2012. Pg. 181; pg. 202.

Participation Portfolio 1:Thursday
RJ7 and Surveys: Sunday

Bookkeeping

◆ Next class: file sharing discussion cont'd
  - ◆ NO RJ due Tuesday (tomorrow)
  - ◆ Possibly debate(s)

◆ Participation Portfolio due Oct 9th (Thursday)
  - ◆ http://tiny.cc/Fall2014PP1

◆ Due Oct. 12th (Sunday)
  - ◆ Survey 1: General Survey – anonymous
  - ◆ Survey 2: Team Feedback – private
  - ◆ Privacy and Government (now RJ7)

◆ Ethical Analysis 1

Unauthorized File Sharing

- Most people think it's wrong in at least some cases
    - Not sharing with friends/family
    - Most people do it anyway
    - How does this affect justifications?

- Who does it (negatively) affect?

- Who does it positively affect?

- What are the pragmatic considerations?

Arguments (Baase)

- ◆ I cannot afford to buy the software/movie/pay the fee
  - ◆ Unfortunately, that doesn't mean you can take it

- ◆ I wouldn't buy it at the retail price (or pay the fee)
  - ◆ Still taking something of value without paying for it
  - ◆ Who makes the decision about the "value"? (The owner)

- ◆ The company is a large, wealthy corporation
  - ◆ Programmers/writers/performing artists also lose income

- ◆ Making a copy for a friend is just an act of generosity
  - ◆ Do we have a claim right (a positive right) to be generous? To force generosity from the copyright owner?

Arguments (Baase)

◆ This violation is insignificant compared to … (China)
  ◆ That's not how "rightness" is determined

◆ Everyone does it
  ◆ The number of people doing something does not determine whether it is right.

◆ I don't know how to get permission.

  ◆ According to Baase, this is ..?

◆ I'm posting this … as a public service
  ◆ For the community? See "generosity"
  ◆ For the social good? See "fair use"

Discussion

1. Identify the relevant facts
2. Identify possible policies, stakeholders, decision makers
3. Analyze each policy; reject if *prima facie* unjust
4. Identify principles and values
5. Identify consequences (positive and negative)
6. Identify applicable laws
7. Identify and analyze tradeoffs
8. Analyze the ethical issues with respect to the laws
9. …with respect to professional code(s) of ethics
10. Draw and justify a conclusion
11. Write a summary of your analysis and reasoning