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Response: Why Illegally Downloading Files is Morally Wrong

In Jonathan Trerise’s article *Why Illegally Downloading Files is Wrong*, the author discusses the morality of illegally downloading files. I think the author has things mostly right, but also fundamentally wrong for a few reasons.

First of all, the author implies that I’m personally violating a contract that someone else agreed to by downloading the material. The contract happens at purchase as I did not purchase it, I am not beholden to the contract. For example, let’s say that Fred is walking down the street and finds a disk. Bored and curious, he picks it up and takes it home. Once home he inserts the disk and listens to it. Fred immediately recognizes the song as a new song that he really enjoys. Is Fred obligated to immediately turn off the disk, report the copyrighted content to the police and write an apology letter for his violation of copyright? He was in possession of stolen copyright material. If you’re found in possession of drugs you are liable for the crime regardless of how you came across them. Even if there are stipulations in copyright law for this situation, what’s the morality of knowingly not reporting a crime? That must be wrong, right?

Let’s make the scenario slightly more nuanced. Jack is in possession of a book that has not yet been released. He decides to go to a public place and read it aloud. Fred, captivated by the story, starts writing it down word for word. Is Fred accountable here? Fred now has an illegal copy of a manuscript, but Fred has made no contract with the author.

Next, it might be argued that we have an “implied contract” because we’re generally involved with copyright material. Have you ever read it? Have you signed it? When did you agree? Are you morally accountable to turn yourself in if you’ve ever had a friend burn you a CD? What if Fred let his friend borrow his laptop and during this time the friend copied a legally purchased disk onto it. When the laptop is returned, does that copied music become an illegal download that must be destroyed?

If I find something and there doesn’t appear to be a reasonable expectation that the owner will come looking for it, let’s say a copy of weathered Pinocchio in a deserted field, have I entered into the copyright contract by viewing it? If I show this movie in a viewing to a crowd of people, am I violating it’s copyright or is the owner who entered the contract?

If I see a painting and make an exact replica of it, would this violate the owners copyright? What if I hid it in my basement, never let anyone see it and made it clear that it was a replica?

Is there a moral difference between stealing and duplication? No one loses anything, no sale was ever guaranteed in the first place.

Why are good free to play games successful? Is it because of microtransactions that stop you from playing? Or is it because the game is good and you want to support the developers? Why don’t we feel the same way about things about movies and music? Is there a moral difference if the cost is more expensive? If a movie is 100 dollars, or 1,000, or 10,000 does that change things? Why is it that a certain percent of the population are pirating IP’s. If there was a more consumer friendly business model would piracy be a problem?