

The Ethics of Information Distribution Systems

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Abstract

In November 2010, Wikileaks.org began slowly releasing 251,287 diplomatic cables from the United States of America. [2] Since then some companies and governments have attacked the organization because they are sharing this information. Wikileaks uses BitTorrent, a protocol written by Bram Cohen in 2001, to make sure their information is distributed internationally.

On the 17th of April, 2009, Peter Sunde, Fredrik Neij, Gottfrid Svartholm and Carl Lundstrm of The Pirate Bay were all found guilty “for promoting the copyright infringement of others” and sentenced to serve one year in prison and pay a fine of \$3.5 million. [5] Their website, the Pirate Bay, uses software they wrote to collect “torrent files” for a wide variety of content.

Since 2004, BitTorrent Inc., a company formed by Cohen, has maintained the BitTorrent protocol, built BitTorrent client software and promoted individuals and businesses to use their system. Is the building of BitTorrent (and other information distribution systems), an ethical pursuit?

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1 Facts

1. BitTorrent Inc. is a company founded by Brian Cohen and maintains the BitTorrent Protocol and an associated client. [6]
2. The BitTorrent Protocol was initially created to share files and distribute information. [6]
3. In a few countries, people have been prosecuted for using BitTorrent for sharing illegal files and promoting copyright infringement. [5]
4. In the United States of America, copyright holders have the exclusive right to reproduce their copyrighted work. [8]
5. uTorrent's EULA does not restrict what content their users can distribute. [7]
6. BitTorrent itself does not have a EULA. [7]

2 Research Question

Is the building and maintenance of BitTorrent (and other information distribution systems), an ethical pursuit?

3 Extant arguments

3.1 Arguments For

It is ethical to develop software to distribute information.

3.1.1 Argument One

“If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” [4, 414]

3.1.2 Argument Two

“At the heart of the First Amendment is the recognition of the fundamental importance of the free flow of ideas and opinions on matters of public interest and concern.” [3, 51]

3.2 Arguments Against

It is unethical to develop software to distribute information.

3.2.1 Argument One

According to the Software Engineering Code of Ethics, all professional developers are supposed to “work to develop software and related documents that respect the privacy of those who will be affected by that software.” [9, 3.12]

3.2.2 Argument Two

“Publishers have a responsibility to the public” according to publisher Steven Schragls, and if your content is offensive it isn’t helping the public. [10, 46]

4 Analysis

4.1 Why the SE Code Applies

Section 1.03 says that professional Software Engineers should “approve software only if they have a well-founded belief that it is safe, meets specifications, passes appropriate tests, and does not diminish quality of life, diminish privacy or harm the environment. The ultimate effect of the work should be to the public good” [9, 1.03]. This seems like a reasonable request. Make sure all software that passes your desk has an ultimate effect of public good. But what is “Public Good”? According to Dictionary.com, public good is “a good or service that is provided without profit for society collectively” [1]. Is BitTorrent an application that contributes to the public good?

Section 6.02 of the software engineering code says that professional Software Engineers should “promote public knowledge of software engineering” [9, 6.02]. The whole concept of information distribution systems are to promote the dissemination of information and increasing the public knowledge. If a piece of software doesn’t care about what knowledge it is promoting, is it still ethical?

4.2 Publishers and the Public Good.

Book publishers are essentially information distribution systems. They take information (books) created by others and then distribute it to the masses. Depending on who you ask there are three possible guilty parties when content is distributed that you do not agree with. The first is the creator. The creator is the one who created the content initially and is often the source of information. Historically the creator is the one who wanted their information distributed. Now though, in our digital age, often the creator doesn’t know who is distributing their content. The second guilty party is the editor. The editor took the creators content and put it into a format to be distributed. Finally there is the distributor. They take the edited work and send it off to people who want it (paying or otherwise).

4.3 Argument 2

4.3.1 Code principle 1 that applies

4.3.2 Code principle 2 that applies

5 Conclusion

Yes. Creating software to distribute information, no matter the information, is ethical.

References

- [1] “Dictionary.com’s 21st century lexicon,” Feb 2011. [Online]. Available: <http://dictionary.reference.com/browse/publicgood>
- [2] J. Assange, “Wikileaks cablegate press release,” November 2010. [Online]. Available: <http://wikileaks.ch/cablegate.html>
- A press release by WikiLeaks, “Wikileaks began on Sunday November 28th publishing 251,287 leaked United States embassy cables, the largest set of confidential documents ever to be released into the public domain.”
- [3] S. Court, “Hustler Magazine, Inc. v. Falwell,” p. 46, 1988.
- Landmark case on the First Amendment in relation to publishers.
- [4] —, “Texas v. Johnson,” p. 397, 1989.
- First Amendment case claiming the difference between societies morals and the law.
- [5] enigmax, “Torrentfreak’s coverage of the pirate bay verdict,” April 2009. [Online]. Available: <http://torrentfreak.com/the-pirate-bay-trial-the-verdict-090417/>
- TorrentFreak is a blog, and they did a meticulous job of covering every day of the Pirate Bay Trial, it’s verdict and the Appeals. This is their article from the day of the verdict.
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- A little history about BitTorrent Inc. and their management team.
- [7] —, “utorrent’s end user license agreement.” [Online]. Available: <http://www.utorrent.com/legal/eula>
- [8] U. S. of America, “United states copyright law: Title 17, chapter 1, section 106.” [Online]. Available: <http://www.copyright.gov/title17/92chap1.html#103>
- Describes the exclusive rights of copyright holders in the USA.
- [9] A. of Computing Machinery, “Software engineering code of ethics.” [Online]. Available: <http://www.acm.org/about/se-code>
- The Software Engineering Code of Ethics, co-written by ACM and IEEE.
- [10] D. Smith, “The happy hawker,” *New York Magazine*, vol. 25, January 1992.

An interview with a large book publisher in the early ninties who showed little remorse in publishing the obscene and the offensive but then decided not to publish *The Ancharchists Cookbook*.