

“The Ethics of Information Distribution Systems” Proposal

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Abstract

In November 2010, Wikileaks.org began slowly releasing 251,287 diplomatic cables from the United States of America. [1] 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. [8]
2. The BitTorrent Protocol was initially created to share files and distribute information. [8]
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. [14]
5. uTorrent's EULA does not restrict what content their users can distribute. [9]
6. BitTorrent itself does not have a EULA. [9]

2 Research Question

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

3 Extant arguments

It is ethical to develop software to distribute information:

- “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.” [3, 414]
- “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.” [2, 51]

It is unethical to develop software to distribute information:

- 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.” [16, 3.12]
- “Publishers have a responsibility to the public” according to publisher Steven Schragls, and if your content is offensive it isn't helping the public. [18, 46]

4 Arguments For

4.1 Arg 1

The first argument for your topic

4.2 Arg 2

The second argument for your topic...

5 Arguments Against

5.1 Arg 1

The first argument against your topic.

5.2 Arg 2

The second argument against your topic...

6 Analysis

- Should start with a paragraph showing why the SE Code applies to your focus question.
- Sub-headings to delineate your lines of reasoning are required.
- All arguments must be thoroughly supported by reason and logic.
- All claims must be supported by reputable primary sources and formal data.
- SE Code must be central to the argumentation
 - You should have 2-4 distinct sections of the SE code utilized in your analysis
 - * If section 1 is central to your argument, it is only one of the code sections covered. Do not rely solely on section one. Ex: 1.01-1.04 will not suffice for all of your SE Code based arguments and citations.
 - * If discussion about public good is used, there must be data to support it. Simply writing it benefits the general public because it would make many people happy is insufficient.
- Utilitarian and deontological analysis must be present but not be separate sections

- Class reading must be referenced as appropriate (at least one paper must be used as the basis of one of the arguments).
- There should be a clear cohesiveness to the analysis such that each argument logically flows into the next and gently directs the reader toward your conclusion while implicitly providing answers to any doubts they may have through logic and data.
- Opinions ; dev/null. [?]

Look at Jason Anderson's how to write a term paper (currently linked as the paper template) for information on how to write this section. An example of possible sections follows

6.1 Why the SE Code Applies

6.2 Argument 1

6.2.1 Code principle 1 that applies

6.2.2 Code principle 2 that applies

6.3 Argument 2

6.3.1 Code principle 1 that applies

6.3.2 Code principle 2 that applies

Remember to weave the class papers and other ethical systems arguments in with the se code arguments they shouldn't be separate sections.

7 Conclusion

The conclusion is a summary of your entire analysis. It should reiterate the answer your audience has been forming while reading your analysis. New information should never be introduced in your conclusion. [?]

References

- [1] 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."

- [2] S. Court, “Hustler Magazine, Inc. v. Falwell,” p. 46, 1988.

Landmark case on the First Amendment in relation to publishers.

- [3] —, “Texas v. Johnson,” p. 397, 1989.

First Amendment case claiming the difference between societies morals and the law.

- [4] T. Cox, “Is wikileaks release brave or unethical?” [Online]. Available: <http://www.npr.org/2010/11/30/131699467/is-wikileaks-release-brave-or-unethical>

Talk of the Nation explores the Wikileaks controversy.

- [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.

- [6] “Ask hn: Did you ever do anything unethical to get your startup off the ground?” Hacker News. [Online]. Available: <http://news.ycombinator.com/item?id=1589257>

An online discussion about the ethics of company owners.

- [7] R. Hursthouse, “Virtue ethics.” [Online]. Available: <http://plato.stanford.edu/entries/ethics-virtue/>

Explains Deontology and other rule based ethic systems.

- [8] B. Inc., “Bittorrent - management team.” [Online]. Available: <http://www.bittorrent.com/company/management>

A little history about BitTorrent Inc. and their management team.

- [9] —, “utorrent’s end user license agreement.” [Online]. Available: <http://www.utorrent.com/legal/eula>

- [10] R. Johnson, “Kant’s moral philosophy.” [Online]. Available: <http://plato.stanford.edu/entries/kant-moral/>

A good guide to Kant’s moral philosophy, explaining the principles therein.

- [11] C. F. Julian Lamont, “Distributive justice.” [Online]. Available: <http://plato.stanford.edu/archives/spr2007/entries/justice-distributive/>

the Stanford Encyclopedia of Philosophy’s article on Rawlsian Justice.

- [12] U. S. of America, “United states copyright law: Title 17, chapter 1, section 102.” [Online]. Available: <http://www.copyright.gov/title17/92chap1.html#102>

An important section of US Copyright Law describing what can and can not be copyrighted.

- [13] —, “United states copyright law: Title 17, chapter 1, section 103.” [Online]. Available: <http://www.copyright.gov/title17/92chap1.html#103>

An important section of US Copyright Law describing whos work falls under US Copyright Law.

- [14] —, “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.

- [15] A. of Computing Machinery, “Acm code of ethics.” [Online]. Available: <http://www.acm.org/about/code-of-ethics>

The ACM Code of Ethics.

- [16] —, “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.

- [17] P. A. Pecorino, “Utilitarianism,” 2000. [Online]. Available: http://www.qcc.cuny.edu/socialsciences/ppecorino/intro_text/Chapter%20Ethics/Utilitarianism.htm

An explanation of Utilitarian ethics. Useful in analysing problems like the one this paper deals with.

- [18] 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*.