

Sailing the High Seas: A Christian exploration of piracy

Pedro J. Avalos Jiménez, Niklas Anderson

Wheaton College
March 12, 2024

1 Introduction

1.1 Background Information

[T]he air in which we breathe, move, and have our physical being, incapable of confinement or exclusive appropriation. Inventions then cannot, in nature, be a subject of property. [1]

1.1.1 Intellectual Property

1. Piracy on an individual level: Very hard to combat, because you are trying to protect things that are immaterial ideas. Ideas flow freely, especially in the Internet. Some people might argue that all ideas should be free.
2. While some people might argue that piracy should not be allowed because it stifles innovation.

1.2 Thesis/Argument

Piracy should not be hastily thrown aside. Piracy is an excellent tool for disseminating information, services, content, &c. that may not have been available any other way.

2 Arguments For Piracy

2.1 Equal Access

1. Piracy allows equal access to information
2. “I am not comfortable with a model which will restrict inquiry to the wealthy.” [1]

3. Increased prices are an artificial barrier to access certain information. Piracy provides a circumvention to said artificial barrier. Piracy gives consumers a way to fight systems they see as unfair/censorship. Piracy is a tool of the consumer to control/balance the economy [2], [3]
4. People pirate medical content. [4] Medical information is valuable to everyone. Having medical information is crucial to advancements in medicine, but sometimes the cost is too high. The paywalls, in this case, are directly harmful to ends that are beneficial to everyone.

2.2 Governance

1. Dissemination of information through means of piracy and torrenting gives access to those within areas where Internet shutdowns are commonplace.
2. Piracy provides a way around an oppressive regime, which are on the rise. [5]
3. IP laws arbitrarily restrict free speech / invention just because someone came up with it first. [6, p. 1339] They are based on the assumption that, in doing so, they are encouraging creativity (to be first to invent/create), when, in reality, creativity doesn't always come first, but may rather be an improvement upon the established. The most creative solution is not always the first one. IP laws and restrictions block slight innovations upon the existing intellectual property.

2.3 Privacy

1. Piracy gives you access to cracked versions of software that provide more sensible privacy/freedom than what is accessible legally. [7]

3 Arguments Against Piracy

3.1 Access to Dangerous/Illegal Content

1. Piracy generally enables free/open access to information.
2. This can be a bad thing for dangerous information that can threaten lives/livelihoods.
3. Piracy would facilitate the spread of dangerous information concerning national security, with few tools to mitigate and almost none to stop it.
4. Piracy provides the means to access content that is questionable/illegal.
5. When you are pirating, you need to be extremely careful with what you are getting. Not all sources are trusted sources; software can be infected with malware.
6. Information and content can be dispersed by bad actors.

3.2 Economic

1. Businesses are losing money because of acts of piracy.
2. Piracy is theft, in this sense. It is taking away from employee benefits and potential tax revenue for the government.
3. Piracy takes money from creators and organizations behind content creation. [8]
4. “According to Gould and Gruben (1996), IPRs protection stimulates economic growth if it is accompanied by a policy of trade liberalization. By encouraging initiatives to innovate, IPRs protection may influence the economic growth of an open country. Park and Ginarte (1997) found that IPRs protection affects economic growth indirectly by stimulating the accumulation of factors of production such as physical capital and R&D capital.” [17]

Piracy discourages innovation in the capitalist marketplace.

4 Christian Response

1. Drawing distinctions: Paywall to information is different from withholding information for sake of security
2. Paywalls provide the means of living for artists, writers, &c. Providing ways to circumvent these when unnecessary may hinder their livelihoods.
3. Betterment of mankind as a whole, should not be behind a paywall
4. Piracy provides an avenue for missionary outreach; piracy provides means of secret dissemination within an oppressive regime.
5. Piracy provides the means for access to content/information without much accountability

5 Conclusion

5.1 Final Thoughts / Responses

1. In response to economic argument: Would the pirate have bought the product/service in the first place?

5.2 Applications

5.3 Further Work

References

- [1] J. P. Barlow. “Selling wine without bottles, The economy of mind on the global net.” (), [Online]. Available: <https://www.eff.org/pages/selling-wine-without-bottles-economy-mind-global-net>.
- [2] R. Darnton, *Pirating and publishing : the book trade in the age of Enlightenment*, eng. New York, NY: Oxford University Press, 2021 - 2021, ISBN: 9780195144529.
- [3] J. Bohannon, “Who’s downloading pirated papers? everyone,” *Science*, vol. 352, no. 6285, pp. 508–512, 2016. DOI: 10.1126/science.352.6285.508. eprint: <https://www.science.org/doi/pdf/10.1126/science.352.6285.508>. [Online]. Available: <https://www.science.org/doi/abs/10.1126/science.352.6285.508>.
- [4] B. M. Till, N. Rudolfson, S. Saluja, *et al.*, “Who is pirating medical literature? a bibliometric review of 28 million sci-hub downloads,” eng, *The Lancet global health*, vol. 7, no. 1, e30–e31, 2019, ISSN: 2214-109X.
- [5] “Shutdowns,” *The Current*, 4. [Online]. Available: <https://current.withgoogle.com/the-current/shutdown/>.
- [6] M. A. Lemley, “Faith-based intellectual property,” *UCLA Law Review*, vol. 62, pp. 1328–1346, 5 Jun. 2015.
- [7] R. Stallman. “The right to read.” (), [Online]. Available: <https://www.gnu.org/philosophy/right-to-read.html>.
- [8] *Pirating the American dream intellectual property theft’s impact on America’s place in the global economy and strategies for improving enforcement : hearing before the Subcommittee on Security and International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs, United States Senate, One Hundred Ninth Congress, second session [i.e. One Hundred Tenth Congress, first session] ... Thursday, April 12, 2007.* (S. hrg. ; 110-912), eng. Washington: U.S. G.P.O., 2009.
- [9] G. J. Michael, “Catholic thought and intellectual property, Learning from the ethics of obligation,” *Journal of Law and Religion*, vol. 25, no. 2, pp. 415–451, 2009, ISSN: 07480814. [Online]. Available: <http://www.jstor.org/stable/20789489> (visited on 01/30/2024).
- [10] R. Bernstein, “Elsewhere in science: Pirating papers, handling harassment, and more,” eng, *Science (American Association for the Advancement of Science)*, 2016, ISSN: 0036-8075.
- [11] I. Phau, M. Teah, and M. Lwin, “Pirating pirates of the caribbean: The curse of cyberspace,” eng, *Journal of marketing management*, vol. 30, no. 3-4, pp. 312–333, 2014, ISSN: 0267-257X.
- [12] I. Dombrovsky, “Pirating modernism: Without copyrights by robert spoo,” eng, *Journal of Modern Literature*, vol. 39, no. 2, pp. 171–179, 2016, ISSN: 0022-281X.
- [13] C. Zeller, “From the gene to the globe: Extracting rents based on intellectual property monopolies,” eng, *Review of international political economy : RIPE*, vol. 15, no. 1, pp. 86–115, 2008, ISSN: 0969-2290.

- [14] E. Colombatto, *The Elgar companion to the economics of property rights*, eng. Cheltenham, UK ; E. Elgar, 2004, ISBN: 1840649941.
- [15] R. F. Cochran and Z. R. Calo, *Agape, justice, and law : how might Christian love shape law?* (Law and Christianity), eng. Cambridge, United Kingdom ; Cambridge University Press, 2017 - 2017, ISBN: 9781107175280.
- [16] C. Kiedaisch, "Growth and welfare effects of intellectual property rights when consumers differ in income," eng, *Economic theory*, vol. 72, no. 4, pp. 1121–1170, 2021, ISSN: 0938-2259.
- [17] F. Mrad, "The effects of intellectual property rights protection in the technology transfer context on economic growth: The case of developing countries," *Journal of Innovation Economics & Management*, vol. 23, pp. 33–57, 2 2017. DOI: 10.3917/jie.023.0033. [Online]. Available: <https://www.cairn.info/revue-journal-of-innovation-economics-2017-2-page-33.htm>.