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An Ethical Position on the Principle of Internet Neutrality

An Application of Kantianism and Utilitarianism

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Ethical analysis of net neutrality provides strong evidence in support maintaining the policy into the future. Internet neutrality (or “net” neutrality) is described by the Federal Communications Commission as the principle that “broadband service providers cannot block or deliberately slow speeds for internet services or apps, favor some internet traffic in exchange for consideration, or engage in other practices that harm internet openness” (“The Open Internet”). In other words all data flowing through an Internet Service Provider’s (ISPs) network is treated equally as if one packet of data was indistinguishable from any other with respect to content. This principle has proven controversial in recent years as technologists, policy makers, and profit-seeking firms have expressed competing concerns. We evaluate the principle through the application of the ethical theories of Kantianism and Utilitarianism and find strong support under both frameworks that net neutrality should remain in place.

We apply Kant’s formula of the Universal Law of Nature with four commonly accepted steps: “First, formulate a maxim that enshrines your reason for acting as you propose. Second, recast that maxim as a universal law of nature governing all rational agents, and so as holding that all must, by natural law, act as you yourself propose to act in these circumstances. Third, consider whether your maxim is even conceivable in a world governed by this law of nature. If it is, then, fourth, ask yourself whether you would, or could, rationally will to act on your maxim in such a world. If you could, then your action is morally permissible” (“Kant’s Moral Philosophy” 13). We now attempt to formulate maxims related to net neutrality.

ISPs want to be able to restrict access to information by charging the maximum possible price for certain kinds of data. We cast this as the maxim that “access to information should be restricted.” Universalizing this maxim proposes that individuals, governments, and organizations reduce access to information of any kind they choose. Such a world is conceivable, resembling modern day North Korea in which interpersonal communication is highly self-censored, and official sources of information are highly restricted and selective about what information is available. In such a world, we would not will ourselves to act on this maxim, indeed just the opposite. Very often in societies where information is restricted we see individuals working to overcome such restrictions through any means at their disposal: illicit publications, virtual private networks, word-of-mouth networks, etc. Since this maxim does not pass the fourth test, we conclude that acting on it is not morally permissible.

To the extent that ending the policy of net neutrality contributes to restricting access to information, it is also morally questionable at best. It does seem likely that one outcome from ending the policy will be cost and infrastructure barriers to accessing information. Some consumers may be priced out of internet service, losing access. Some producers of information may not be able to pay fees to ensure maximum public access of their content. Additionally, ending net neutrality will drive investment capital to the most profitable markets. Decaying infrastructure in some markets may also limit content available to consumers in that area.

From a consumer’s perspective, then, it seems ending net neutrality is a morally questionable action. From a content producer’s perspective, let’s examine the following maxim: “the right of speech should be prioritized based on financial payment.” Universalizing this maxim proposes that platforms for speech including public space, broadcast and print media, and internet communication systems give special advantage to speech based on how much the speaker has paid to speak. Such a world can be conceived by extending forms of commercial speech such as print and TV advertisements to all other areas. The right to speech would be free initially. However any speaker willing to pay more would have their speech prioritized. Perhaps the public comment periods during city council meetings would proceed based on bid amounts for the floor. Voters might be able to pay to increase the weight of their vote. ISPs would be allowed or even required to prioritize the data traversing their networks based on how much the producer of the data paid them.

In such world, power would naturally accrete to the wealthiest citizens and companies. The beneficiaries could use their growing power to accumulate further wealth in a self-reinforcing cycle until both power and wealth is primarily held by a small minority of individuals and companies. History has shown that we cannot continue to act on this maxim under such circumstances. Civil discontent and widespread misery are ultimately created and upheaval including violence often ensues. Since we cannot will ourselves to act on this maxim, it must be morally impermissible.

To the extent, then, that ending net neutrality would prioritize speech based on financial payment, it is morally impermissible. This is indeed a highly likely outcome of ending the policy. ISPs have strong motivation to extract Economic Rent from content producers (“speakers”) using their network. QUOTE BAASE ON NETFILX DEAL

Ending the policy of net neutrality appears immoral from a Kantian perspective.

Works Cited

“The Open Internet.” The Federal Communications Commission, 26 Oct. 2017,

www.fcc.gov/consumers/guides/open-internet.

"Kant's Moral Philosophy." The Stanford Encyclopedia of Philosophy, 26 Nov. 2017, https://plato.stanford.edu/entries/kant-moral/.

Baase, Sarah and Timothy M. Henry. *A Gift of Fire: Social, Legal, and Ethical Issues for*

*Computing Technology*. Fifth Edition, Pearson, 2017, New York.