

## TUTORIAL 17: “STEALING IS ALWAYS WRONG” – ORIGINALITY AND IMAGINATION

### ICONS TO HELP YOU NAVIGATE THE COURSE HANDOUTS



Whole class  
discussion



Teams/Groups  
discussion



Take/make notes



Impromptu talk topic  
(speak for 1 min)

### Learning Objectives:

By the end of this Tutorial, you will:

- Identify and define key terms
- Put all the skills together to take an argument apart
  - Using CT skills and dispositions
  - Looking for language clues
  - Evaluating an argument

### 1. WILD CARD PRACTICE #7

Can you speak for 2 minutes on the importance of words?



### 2. EXERCISE 1

Definitions are important and so words used in definitions are also important. Here is a philosophical conundrum: when is a biscuit a cake?

Option A - Taste and see. Your tutor will be passing around Jaffa Cakes and Pringles Potato Chips. Taste and see if you can work out why these products were the subject of a law suit.

Option B – Research Jaffa Cakes and Pringle Potato Chips

- When is a potato chip not a potato chip? When is a cake a biscuit?
- Read this article: [Cake or biscuit? Why Jaffa Cakes excite philosophers](#)
- Definitions of key words depend on the context, e.g. some words are technical in nature, or may change depending on how you use them.
- Key words are the ones that are part of your thesis, part of your ‘live question’.
- Sometimes, you are defining the terms as you will be using them in the essay or discussion, e.g. is e-learning different from online learning? Is disruptive technology materially different to transformative technology or is the technology the same, and only the attitude to it, is different?



## 3. EXERCISE 2

## STEALING IS ALWAYS WRONG

Read and comment on Essay 1 (appended). How would you evaluate the argument in this essay? You may wish to use your mnemonic from CA2.

## THINK LIKE ME – ESSAY 1

- If you were marking this essay, how would you rate it?

Aspect	A	B	C	D	E	F
<b>Content:</b> Range of sources and selection of points						
<b>Content:</b> How points integrated and explained						
<b>Organisation:</b> Introduction → main paragraphs + intext citation → conclusion → References						
<b>Language:</b> Clear, persuasive but no fallacies						
<b>Overall</b>						

Read and evaluate Essay 2 (appended) in the same way as you did for Essay 1.

## THINK LIKE ME – ESSAY 2

- If you were marking this essay, how would you rate it?

Aspect	A	B	C	D	E	F
<b>Content:</b> Range of sources and selection of points						
<b>Content:</b> How points integrated and explained						
<b>Organisation:</b> Introduction → main paragraphs + intext citation → conclusion → References						
<b>Language:</b> Clear, persuasive but no fallacies						
<b>Overall</b>						

Which essay presents a stronger argument in terms of critical thinking?

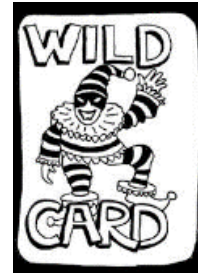
#### 4. HOMEWORK – WILD CARD PRACTICE #8

Can you speak for just two minutes on 'originality'?

OR

Can you speak for just two minutes on:

"How can anything be original anymore when everything is known?"



#### COURSE NOTES

- Definitions are important in arguments. As a result of one definition or another, the consequences may be different. In the case of whether the product known as Jaffa cakes is defined as a cake or a biscuit, what is at stake is cost to the consumer and revenue to the government. In the UK, the court found in favour of McVitie's and ruled that the product should be considered a cake, therefore it is not liable to a consumer tax (currently this is 17.5%), thus decreasing the cost for the consumer. The definition was decided by texture, size, and how quickly it went stale among other factors. However, In Eire (the Republic of Ireland), Jaffa cakes are regarded as cakes based on the single criterion of water content being greater than 12%.
- Two main types of sources
  - Primary - empirical based on quantitative or qualitative research
  - Secondary – based on sources of information
- Two stages of assessing information
  - Checking sources for accuracy, validity and reliability
  - Checking information from sources for accuracy, validity and reliability
- Two criteria for giving information
  - Ensuring information is accurate, valid and reliable
  - Citing sources (giving due credit) or guaranteeing originality
- **DICE** – throw the dice well
  - Credibility of sources
  - Engagement with sources
  - Incorporating sources into your own argument
  - Documenting sources
- Sources should be used judiciously and fairly – weak sources should not be used against stronger sources to evidence that an argument for one side is weaker than another.
- Sources must be well integrated and there must be clear critical thinking value add. After presenting some source information or just information, then the writer posits rhetorical questions that draw the reader into the argument → engagement with information + element of debate → warranted conclusion later.
- Originality is highly prized, and originality does not mean something never thought of before, it means your OWN view or take on things, it is not where you take things from, it is where you take things to that matters. In terms of the live question for your Oxford Essay – it is what you find interesting about a particular focus of a topic that should be original – your view is original – make sure it is what you think and not just what other people think.

# Evaluate Essay 1

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## **'Stealing is always wrong.' Discuss with reference to unpaid downloading of music from the internet.**

There are many forms of stealing. Although most reasonable people would agree that some forms of theft such as burglary or mugging are always wrong,<sup>1</sup> other areas are less clear cut. In this essay, I shall look at downloading music from the internet as a grey area.

Stealing has probably existed since the beginning of time, and certainly as long ago as the Old Testament, where it was banned by the commandments. All religions regard stealing as wrong, so you would think that there were universally understood principles about what is stealing and what is not. However, this is not the case. This is also true of many other types of ethical issue. Despite this long-standing agreement that stealing is wrong, many people steal. In fact, it is a very common crime, so it is worth considering why this has persisted for so long.<sup>2</sup>

Before the internet became popular, people used to tape music from the radio. Lee (2006) says no one was bothered by this because it was impossible to catch people.<sup>3</sup> Everyone knew that it happened but record sales remained high so it clearly had no real impact on artists and labels.<sup>4</sup> Because of this, although home taping was technically illegal, it was only record companies who were worried about profits who could really call it 'stealing'. Nobody knows how much music was copied and it still continues to this day.

Lee goes on to say that just because it is possible to catch people who download from the internet it doesn't make it any worse than people making copies from the radio.<sup>5</sup> Carla (2006) agrees with Lee and says that downloading music from the internet is a 'useful service to music'. She states that without this service the world of music would be 'extremely bland and middle of the road'. Hibbs (2006)<sup>6</sup> says that more and more people are downloading music without paying, and sharing it with their friends. Because everyone is doing it, it cannot be a bad thing and cannot be considered wrong.<sup>7</sup>

The real reason downloading from the internet gets classed as stealing is because big music companies do not like to see big profits escaping from them. Spratt (2004) states that record companies are not even that bothered about ordinary people downloading from the internet. They are only worried about companies who make and sell pirate copies of their recordings. So why do they continue to prosecute file sharers? This can only be about greed, especially as it is the poorest people who have to download for free as they cannot afford to pay for legal downloads.<sup>8</sup>

Cuttle (2007)<sup>9</sup> says that people should pay for the products that they consume and if they cannot pay then they should go without. He sees downloading music for free as stealing. Kahliney (2006) agrees with this. He says that small companies cannot afford to lose money through people downloading their music for free. Even a few copies have a bad effect on companies who only employ a few staff and they might have to make people redundant.<sup>10</sup> The type of music these companies produce tends to be quite obscure and unpopular so there is little effect on the majority of music listeners.<sup>11</sup>

Carla (2006) says that new bands are often overlooked by the major record companies and are only picked up by small, independent companies.<sup>12</sup> These companies are often only able to distribute music on a limited basis. Many have very small staff and resources and cannot get out on the road to sell the music to shops across the country, never mind worldwide. Bigger producers can employ sales teams to take the product out to the market, either promoting it in shops, or even arranging tours to schools to promote the music to school children. School children buy records in the largest numbers so a band that is promoted well to children is likely to rise up the charts and become better

## Evaluate Essay 1 (continued)

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known to the general public. It is unrealistic to expect that every band can tour the schools, as schools limit how many bands can visit in a term as they have other things to fit into the school day, and, furthermore, many bands couldn't afford the costs of going on tour. This is where downloading performs a service to the small artist.<sup>13</sup> When people download music for free, it actually helps to get it heard by a range of people who would not know about it otherwise.<sup>14</sup>

The public, especially people with little money, should not have to lose out because of the interests of big business. Business is only motivated by profits. It's in the interest of big business to prevent people downloading. Their argument is all about money, at the end of the day. They were not so bothered about copying from the radio because the quality of the reproductions was bad. If they really had a moral concern about stealing, they would have objected as much to taping as they do about downloading.<sup>15</sup>

There are some forms of stealing that are clearly always wrong, such as mugging a person or robbing their house. We have seen in this essay that stealing is a long-standing ethical problem, and that even though there have long been strictures against stealing, the moral position has not prevented people from stealing. This essay has looked at some areas which are much less clear cut. There are arguments for and against why downloading from the internet might be considered wrong. These depend on what viewpoint you take – companies worried about profit will always see it as wrong but ordinary music listeners think they are providing a helpful service. We also have to think about the artists, both what they can earn and also whether it is good to have their music heard by a wider audience.<sup>16</sup> Not everyone will agree with the arguments presented by either side. This is an interesting debate and one that will doubtless continue for many years.<sup>17</sup>

## Evaluate Essay 2

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### **'Stealing is always wrong.' Discuss with reference to unpaid downloading of music from the internet.**

There are many different forms of stealing, from theft of property, muggings and burglaries, to theft of ideas through plagiarism. Although there are legal sanctions against many forms of stealing, the issue of moral and social sanctions has always been more complex. For example, Robin Hood, who stole from the rich to give to the poor, is held up as a great British hero. Piaskin (1986) suggests that ethical issues are not simply questions of right and wrong but should be regarded as 'dilemmas'. In this essay I shall use the example of downloading music from the internet to highlight these complexities but, contrary to the view held by Piaskin, to argue that in this case, stealing is always wrong.<sup>1</sup>

In recent years, there have been a number of high profile cases against people who have shared music files for free on the internet. Prior to the development of the internet, music was similarly shared via home taping. Lee (2006) argues that although home taping is technically illegal, no one pursues this as perpetrators cannot be caught.<sup>2</sup> Because it is possible to catch internet file sharers, Lee argues that they are being unfairly punished. Whilst there may be a practical basis to this argument – it is easier to catch downloaders than home tapers – this does not mean that one behaviour should be considered acceptable and the other should not. This kind of argument is a rationalisation, used to make unacceptable actions appear acceptable.

Indeed, this point is made by Cuttle (2007). Cuttle, a legal expert, states that 'piracy of software, video games and music is stealing' and makes it clear that all such copying is illegal.<sup>3</sup> Given that there is a legal argument against both home taping and internet downloading, it appears reasonable to assume that both should be considered as wrong.<sup>4</sup> However, it is important to explore the moral arguments in order to evaluate whether such behaviours should also be considered 'wrong' from an ethical perspective.<sup>5</sup>

Research by Mixim, Moss and Plummer (1934), as well as later studies inspired by Mixim et al., suggest that most people do maintain an ethical sense of right and wrong even in areas where stealing appears to be more socially acceptable. Their findings suggested that people's ethical sense wanes when payment methods are difficult but they do not forget what is ethically right. Ebo, Markham and Malik (2004) examined the effect on internet downloading of easier payment schemes. During the study there was a dramatic decrease in illegal downloads with the majority of users choosing to make use of the easy payment scheme. This indicates that the majority of people in the study acknowledged that to download music for free, in effect stealing it, was wrong.<sup>6</sup>

A different ethical perspective is suggested by those authors who support unpaid downloading, especially those who use ethical and artistic arguments to counter economic arguments. A number of authors such as 'Carla' (2006), an internet downloader, assert that the main argument against downloading comes from record companies who are primarily concerned with their own profits.<sup>7</sup> Economic arguments are treated by such writers as if they are intrinsically weaker than artistic ones. 'Carla' develops this argument to suggest that true artists are driven by a desire to have their music heard by others and welcome the 'service' provided by file sharers. Hibbs (2006), a member of the public, also argues that file sharing is a kindness between friends. These kinds of arguments can sound convincing as they make downloading appear to be altruistic, and altruism appears to have the ethical advantage over the rush for profits. On the other hand, it could be argued that this is altruism at someone else's expense. The economics of free downloading do not help less well known artists, so not paying for downloads of their work is unethical.<sup>8</sup>

Furthermore,<sup>9</sup> those who defend downloading often act as if they know best the 'real' wishes and interests of artists. Carla, for example, refers to 'true artists', without defining what a 'true artist' is,

## Evaluate Essay 2 (continued)

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or providing evidence to show what such 'true' artists would want. Authors such as 'Carla' and Hibbs do not provide evidence to show that artists regard free downloading as being more in their interests than the actions taken by businesses. As music sales are usually of direct financial benefit to artists, many artists may also disagree with free downloading.<sup>10</sup>

Moreover, Cuttle (2007)<sup>11</sup> asserts that arguments such as Carla's and Hibbs's are invalid in free market terms.<sup>12</sup> Publishers have a right to charge the highest price that they are able to obtain, and consumers can choose whether or not to purchase. In that case, business is not in the wrong to charge whatever price the market will sustain. However, there are other economic, and indeed artistic,<sup>13</sup> arguments against Carla's and Hibbs's positions.<sup>14</sup> Such authors assume that objections to downloading come mainly from large corporations who can be dismissed as 'greedy'. Kahliney (2006) argues that small, independent companies and recording artists are most likely to suffer the effects of downloading as their overall reliance on sales is greater. Given that sales for independent artists tend to be low anyway, falling sales could mean the collapse of small labels. Whilst artists could still have their music heard via free downloads, their position is unlikely to remain financially viable for long. Ironically, this increases the likelihood of a music industry populated by the type of 'bland' or 'middle of the road' acts that Carla complains would exist without internet downloading: they will be the only artists that can guarantee reasonable sales.<sup>15</sup>

In conclusion, I have demonstrated in this essay that there are arguments to support the view that all stealing can be regarded as 'wrong'. This holds true even in relation to complex areas such as internet downloading, where social behaviours may appear to support the view that downloading without paying is acceptable.<sup>16</sup> Indeed, in the case of unpaid downloading, there are legal and ethical, economic and artistic arguments to support the view that stealing from the industry is wrong. There are counter arguments, such as that downloading offers a service to music and small artists, but there is little evidence to support such views or to suggest that they represent the view of the majority. On the contrary, when given accessible, affordable payment options, most people chose not to steal, thereby acknowledging that free downloading is wrong. Although moral positions can easily be influenced by practical circumstances such as how easy it is to pay, research suggests people maintain an ethical sense that stealing is always wrong.

### References

- Carla (2006) internet chat room, Cla@mu.room.host, 7 September 2006.  
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Ebo, T., Markham, T. H., and Malik, Y. (2004) 'The effects of ease of payment on willingness to pay. Ethics or ease?' *Proceedings of the Academy for Ethical Dilemmas*, vol. 3 (4).  
Hibbs, A. 'Letter to the editor', in *National Press Daily*, 3 November 2006.  
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Mxim, A., Moss, B. and Plummer, C. (1934) 'Hidden consensus'. In *New Ethical Problems*, 17, 2.  
Piaskin, F. (1986) 'Moral Dilemmas in Action', in *Joint Universities Journal of Advanced Ethics*, vol. 8, 2.  
Spratt, A. (2004) 'The Editorial', in *The Middletown Argus*, 17 June 2004.

## Checklist for evaluating Essay 2

Use this checklist to analyse Essay 2 on the following page. Compare your analysis with the evaluation and commentary on pp. 193–4.

Aspect	Yes/No	Comments
1. The writer's own position on the issues is clear.		
2. It is clear what the reasons are for the writer's point of view.		
3. The writer's conclusion is clear and based on the evidence.		
4. Reasons are presented in a logical order, as a line of reasoning.		
5. The argument is well structured and easy to follow.		
6. Reasons are clearly linked to one another and to the conclusion.		
7. All the text is relevant to the assignment (in this case, about whether stealing is always wrong).		
8. The main reasons and key points stand out clearly to the reader.		
9. The writer makes good use of other people's research as supporting evidence to strengthen the argument.		
10. Does the writer make a reasoned evaluation of other people's views, especially those that contradict his or her own point of view?		
11. Does the writer provide references in the text when introducing other people's ideas?		
12. Does the writer provide a list of references at the end of the essay?		
13. Has the writer successfully removed any non-essential descriptive writing?		
14. Does the writing contain any inconsistencies?		
15. Are the writer's beliefs or self-interests unfairly distorting the argument?		