

Assignment : Dialogue : Morality of Software Piracy

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Date : 20 Mar 2009

- A : Hi, What is going on?
- B : I am Installing Autocad. I need it for my assignment.
- A : You mean to say you bought Autocad? I hear it is really costly.
- B : No and yes, of course. The cheapest buy of Autocad I found on the net goes above 1 lakh. I got this one from DC.
- A : So you pirated this. Don't you think what you are doing is wrong?
- B : You mean illegal? Obviously. I am violating copyright and that is a crime by the Indian Copyright Act of 1957. If found, I can be punished.
- A : Come on, that is not what I am talking about. Don't you know that what you are doing is **morally wrong**?
- B : No - This is NOT morally wrong.
- A : And how is that? Somebody has put in a lot of effort to make the software. They did so to sell it. You are using the software without paying them and you claim what you are doing is right?
- B : You are not seeing the entire picture. They have made the software and the moral rights of the software reside with them. I am just disagreeing with them on the price tag they have put on this software. I think my use of this software is worth Rs. 2000, say and Autodesk thinks it is worth 100 times more. As we couldn't possibly reach a consensus I decided this was the only way out.
- A : Dude, get serious. You write code yourself and know very well how much of effort goes into making any good program. This is the result of years of research and hard work. Autodesk should be allowed to sell it at whatever price they want.
- B : I used light words but I firmly believe in the idea I wanted to convey. This software is a very necessary thing for my survival as a student and I cannot afford to buy it - 1 lakh is a lot of money for me. And yes, I do write code but that does not make me think what I am doing is morally wrong.
- A : But isnt this just naked stealing? If you want something and don't have it yourself is it right to steal it from me?
- B : Well, there is an obvious difference. When I steal an object from you i am doing something that prevents you from making use of what is rightly in your possession. When I steal software from you it does not prevent you from using it in any way further. Well, I agree that the argument is a bit lame. If I approve of their claim that their software is worth 2 lakh and anyone who uses it owes them that much then I have effectively robbed them of 2 lakh. But I don't approve of it.

- A : What do you mean by *I dont approve of it*? If they have made the software they have the right to put whatever price tag they want to it. I feel they are fully justified in demanding you to pay that much.
- B : OK. Just consider this. What if there was only one monopoly producing rice and wheat in the world and they decided to sell it at Rs. 1000 per kilo?
- A : I understand your question but dont understand the connection. Could you explain?
- B : CAD software is something all engineers need today - and hence all students. Autodesk has a monopoly over it and decides to price it at thousands of dollars. Isn't the connection obvious?
- A : Is CAD software that much a part of survival? I guess there is an obvious difference that you die if you don't get rice and wheat.
- B : Well, yes. An engineer is dead today if he doesn't use Autocad. And as an aspiring engineer I guess it is very well in the interest of my survival that I start using it now. On a more general note, I believe that most of the softwares have become essential commodities in todays age. Can anyone who wants to move with the world today live without an OS, a browser and an email ID? What would have happened if Internet Explorer was the only browser around and came at 1000 dollars?
- A : But all of them have free alternatives. People should be using them.
- B : Well, all of them don't. Just consider the case of OS. There is LINUX but I don't think it is as user-friendly as Windows. You need to be much better at using a computer to use LINUX compared to what is required to use Windows. Things like Ubuntu are changing that but some difference still remains. That case might be a matter of debate but Autocad will seal the issue I guess - There is absolutely no free alternative that comes even close. If someone does pirate in spite of a good free alternative - say, uses pirated Internet Explorer instead of Firefox or Chrome - then I agree that the action is immoral.
- A : So you are pushing the responsibility of immorality towards the software developers.
- B : Well, not exactly. But I strongly believe that most of the software today is extremely overpriced and there should be a price regulation on software that classifies as essential commodity. Just look at the amount of profit that all these software developers make. They are totally disproportionate to whatever time and effort the employees put in. There are lots of businessmen who are filthy rich but there is one major difference between software and other commodity. Say you are making a ballpoint pen. Each time a pen is made so much of raw material has to go into it - plastic, ink, energy to make it and so on. all that will come up to something like half of the actual price of the pen. But software - once it is made, making a new copy hardly costs you 20 rupees and each CD sells for this exorbitant price of 2 lakhs. Agreed that there is lot of effort that goes initially into making software. But I will give you some numbers. Microsoft has a revenue of 60 billion US dollars and it has some 90000 employees worldwide. That is, the average revenue per employee is something like 7 lakh US Dollars. And the Nobel prize money which gets shared by two or three people usually is about 1 million US Dollars. I definitely dont think the average Microsoft employee puts in more work in a year than a Nobel winner during his whole lifetime. Many people earn more than they deserve but it cant be a coincidence that this happens consistently with software makers.

- A : Let us not go into economics during this discussion of morality.
- B : Friend, we cannot totally divorce values from facts. I am just giving you the facts that prove my point.
- A : Well, whatever you say, it looks like you are passing the blame to the software developer. Let us leave the morality of the developer aside. I agree that software is overpriced. But does that make the user's act of piracy moral? I believe that two wrongs don't make a right. Piracy is not the right way to counter overpricing. And there are all these people who pirate software and sell it at a lower price. Such things don't look moral to me from any angle.
- B : Even I am against **selling** pirated software and making profit out of it. But such stuff usually happens with movies and songs. I am just concerned with the morality of the **end user** pirating **unaffordable essential software** for himself. Anything else, I believe, is immoral.
- A : I too know that most people sort of share your view that except for unaffordable essential software, piracy is wrong. But I have problems with even the *unaffordable essential* part. Let us just discuss that from now. Consider this poor guy. He can't afford to buy a car. What if he steals one?
- B : This is not the same as that. Change the car in your question to food. I think a starving person's act of stealing food is not immoral. Let me give you another case. Say you are the only one alive after a plane crash in some obscure place with no chance of getting food. After some time, starving and not sure when help would arrive, you decide to eat your co-passenger. I don't think cannibalism is generally accepted moral behavior but in this case I think there would be few who think your action is wrong. I hope you don't consider the analogy stupid. I can understand that it may be hard for many to accept that a piece of software is essential like food. Well, it may not be exactly essential like food but is still very essential today. The case is like the circumstances and the software developers are keeping the user at gunpoint. What else is he supposed to do?
- A : So you mean to say that piracy is an act of survival?
- B : More than that - it is an act of civil disobedience.
- A : What? Where did that come from?
- B : Why do you look shocked? Software piracy can be viewed as an act of civil disobedience against the current laws that do not acknowledge the fact that software is essential commodity and price regulation needs to be done on it. I believe that a proactive government should identify essential software and price regulate and subsidise it.
- A : You are taking things too far.
- B : I think not - at least subsidisation happens with books. There are low price Indian editions available for books at around 10 - 20 % of the original cost. Why isn't the same being done for software?
- A : That would be a nice thing to have software subsidised. But let us consider today's situation. Why don't you look at it from the software developer's viewpoint? Aren't his rights being violated? Can't he justly feel wronged? Would the person who pirates software have liked someone else to pirate software if he were in the position of the software developer?

- B : I guess you are going to the deontological position. But I say when you interpret whether a situation can be universalized using deontological position you should take some care. Just see what happens when we superficially analyse the Civil Disobedience movement led by Mahatma Gandhi. He broke the salt law. If we consider the universalization argument just as *Would Gandhiji have approved of Civil Disobedience if he were in the Britisher's position?* we are missing something. The answer might actually be a no. Does that mean that Salt Satyagraha was an immoral act? Or consider some murderer going into a room and trying to shoot everyone and I stab him from behind. If I ask *Would I have approved of someone stabbing me from behind?* the answer I get will be misleading because the question is not complete. A more careful analysis has to consider the non-universalisability of the position the perpetrators - in these cases the British and the murderer - are in. The British colonised India and kept tax for salt - and they themselves wouldn't possibly have approved of someone doing the same to them - hence the position is not universalisable. While they are in the thick of this nonuniversalizable - and hence immoral - act, their position cannot be considered in the universalizability judgement. So, considering that the software developer has done the immoral act of overpricing the essential commodity his viewpoint should not be used to answer the universalizability question that is directly the result of his immoral act. Rather, the question we should ask should be to the software developer : *If you were in the position of the user who cannot afford the software, wouldn't you have wanted software to be affordably priced? Wouldn't you have pirated software yourself when there was no option?* I believe that the honest answer to these would be a YES and that seals the morality of the act. Also, won't the moral user have answered YES to the question *Would you have affordably priced software if you were the software developer?* I personally believe that utilitarianism is a better judge of the morality of the situation.
- A : I agree that the deontological position has to be used with care. But I don't agree with your comment on utilitarianism being the better judge of morality here. If we use act utilitarianism in cases of a large number of people violating the rights of a few we get horrid results. If fifty people loot a family that does not become a moral act. So I believe that you are talking about rule utilitarianism. As a rule utilitarian what I think would be that if all people start pirating software that would deter software development initiatives and harm society in the long run by preventing development. So software piracy has to be immoral.
- B : That is perfectly right. The problem is that it is only one half of the argument. Then the rule utilitarian has to see that if all software is priced very high and people do not have access to software that would also lead to deterrence in development and more inequality between the rich and the poor. Thus he would say that overpricing of software is immoral and that price regulation and subsidising need to be done.
- A : That would mean that the direct application of these ethical positions do not give us a conclusive judgement.
- B : Well, sort of. But I believe that the deontological position justifies the action - though I am aware of the fact that my interpretation has been coloured by my condemnation of overpricing of software.
- A : Well, I want to come up with something more serious. Doesn't the pirating end user have the moral responsibility of being the cause of suffering for all the software

employees who have lost their jobs as their companies went into loss due to software piracy?

B : Definitely not. I believe that job fallouts in the software sector are a direct result of the faulty economics of their system. You cannot start paying exorbitant salaries to your employees to attract them and expect to get back the investment from the assumption that everyone in the world is going to continue buying your software at whatever prices you sell. Most of the software companies' major revenues come from dealings with other companies, not individuals. For example, some 75% of Mozilla's revenue comes from the contract with Google. When the recession came in, it is the companies that mainly started to reduce buying overpriced software and this is what affected software developer revenues and cost employees their jobs.

A : Then what do we come upto?

B : Maybe nothing really conclusive. I believe that is precisely why we need to take a stand on this issue. We don't need to do a philosophical discussion on the question of whether an algorithm is polynomial time or not. That can be settled by doing some math the axioms of which we do not have any differences about. But in the case of a discussion like this, that is not possible. I believe that the problem of software piracy is a very important one today so that one should be sure about one's views about it too. It is high time the government understood the seriousness of the situation and went about doing something about price regulation and all that.

A : So I take it that you havent started thinking that software piracy is immoral?

B : In the case of unaffordable essential software - definitely not. But definitely piracy of non essential stuff like movies, games etc., affordable software and software for which good free alternatives exist are all wrong. In any case I am going to keep Autocad with me.

A : You may. Though I havent been fully convinced about your arguments on the morality claim of software piracy I feel much less repelled by the claim than I was some time back.

Acknowledgement : I thank Anand Vardhan Mishra for having an actual dialogue with me on the topic that helped me reform my views on the topic