



- Home
- News ▶
- Technology ▶
- Markets ▶
- Personal Journal ▶
- Opinion ▶
- Leisure/Weekend ▶

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Today's Edition

Past Editions

Features

Portfolio

Columnists

In-Depth Reports

Discussions

Company Research

Markets Data Center

Video Center

Site Map

Corrections

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E-Mail Setup

My Account/Billing

RSS Feeds

Customer Service

The Online Journal

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BARRON'SOnline**PORTALS**By LEE
GOMES

Ethical Responsibility, At Issue With Grokster, Applies to Others, Too

June 27, 2005

When the U.S. Supreme Court, most likely today, issues its long-awaited ruling in the case against Grokster file-sharing software, it will get about as close as courts ever do to one of the age-old questions of science and engineering: What moral responsibility should scientists, engineers and, in this case, computer programmers have for the uses of their work?

Grokster is a peer-to-peer software system widely used in the file-sharing community to exchange music. Those, at least, are the euphemisms invoked by Grokster's supporters. In fact, the software's main job is to help people get CDs and other digital goodies like video without paying for them.

(Note how often the word "community," with its warm, fuzzy connotations of Little League and bake sales, is invoked to provide an aura of decency and respectability to a crowd that doesn't particularly deserve it. If there is an "online file-sharing community," shouldn't there also be, say, an "online pornography community?")

Grokster reached the Supreme Court in the first place because of the novel questions it raises. From the point of view of copyright law, shutting down the original Napster was an easy call. While Napster wasn't actually keeping pirated music on its central computers, it was storing the names of songs and the computer numbers of the Napster members who had them. That, said the courts, was enough to justify busting it for copyright infringement.

With Grokster, though, some programmers wrote some software that links Grokster users to other users and allows them to download files. If people use it for bootleg music, why punish the software? After all, people use email for bad things, too.

One of the standard legal arguments in favor of schemes like Grokster is that banning it would be like having decided to ban the videocassette recorder back in 1984 in the famous case involving Sony's Betamax, which helped make television "time shifting" a staple in U.S. homes.

It's a specious argument, though. Had Sony lost, the VCR would, in effect, have been taken off the shelves. But Grokster is simply a

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collection of existing and quite standard software technologies: file transfer, messaging, databases and the like. If Grokster loses its case, all of its component technologies will still be around for others to use.

The legal dimensions of the issue are nonetheless quite complex, and they have been placed in the hands of judges. The moral ones, though, couldn't be simpler. Email was, in reality, designed to allow all sorts of communications; the fact that some people may use it illegally is a result of human nature, not the inherent technology. Grokster, by contrast, was in reality specifically designed for an illegal activity. While some people may use it for legal purposes (though I have never met anyone who has), its overwhelming use is to commit a crime.

While reality may or may not count for much in law, it counts for something in ethics. The original golden vision of the Internet -- that of a wired global village -- is rapidly being replaced by a dystopia of thefts, scams, phishing and viruses. Programmers and engineers can make choices about whether to make the world better or to make it worse. That means, among other things, being honest about what people might do with the code or the information that gets put out into the world. (Of course, this is a rule that applies to just about any profession.)

But once you say that programmers and others should have a sense of moral responsibility toward the use of their products, you face yet another issue. I listened in recently on a group of carpenters describing their future IT acquisition plans. Nearly all of them, it turned out, were planning to buy laptop computers in the next few months. But in every case, they said, they wanted the machines not for any high-minded purpose but instead to be able to download pirated music and movies.

They may be a small minority of computer users. But the availability of tempting goodies that can be pirated may in fact be driving some computer sales for the home. It's tough to know what the industry should do about it, since digital machines by their very nature allow for copying and transmitting files of all kinds. Still, some honesty would be welcome. I would love to hear a prominent industry executive get up and say, "Yes, it's true, we've benefited from people stealing things. We are not particularly happy about that, and we are trying to figure out what to do about it. But it's reality."

Responsibility to behave ethically also extends to other industry players, and to the industry as a whole. PCs are used everywhere in the world, and they have created vast wealth for untold thousands of people and scores of companies. Yet they are still too often opaque and hard to use, a source of endless frustration in both homes and offices. Doesn't the industry have a moral imperative to try to make it better?

• Send your comments to lee.gomes@wsj.com, and check back on Friday for some selected letters at WSJ.com/Portals.

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[Portals](#), published Mondays, examines technology, business and related topics. Lee Gomes, who writes [Portals](#) and answers readers' letters in [Portals Exchange](#) on Fridays, has been covering various topics, technical and otherwise, for The Wall Street Journal since 1996. He is a graduate of the University of Hawaii and the Columbia University Graduate School of Journalism, and he lives in San Francisco. His Boomtown and Boomtown Exchange columns are available [here](#).

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