

Copyright Ethics: Relating to Students at Different Levels of Moral Development

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Abstract

A recurring topic in computer classes is the changing state of intellectual property rights. Copyright laws appear remarkably easy to ignore in a networked world. Although many students may consider themselves to be ethical people, they do not always (or perhaps even often) relate to the reasons for copyrights.

Widely accepted moral development theories indicate that people from around the world determine if an action is ethical or not by making decisions based primarily on which stages of moral development they are in presently. In this light it seems logical to approach the copyright issue and other ethical issues discussed in the classroom through multiple perspectives. The authors in this paper suggest ways to relate copyright compliance to students inhabiting each stage in Lawrence Kohlberg's moral development model. Kohlberg's theories are used primarily due to the widespread recognition his work has received from academics. Additionally, opportunities for further study in this area are explored, including considerations about modifications to Kohlberg's model due to potential differences in ethical perceptions in today's undergraduate students.

Keywords: ethics, copyright, education, morality

INTRODUCTION

A teacher throws out a topic to start a discussion in a computer class: "How has Napster changed peoples' methods of acquiring music?"

"Since you can obtain shareware for free, can you modify it and claim the resulting program as your own invention?"

"Can we really expect people to purchase movies that they can download for free?"

The ensuing discussions may lead to the conclusion that enforcing copyright law is perceived by many students to be a hopeless endeavor. Breaking copyright law is inevitable in today's world, they may say. Everyone breaks these outdated laws. Per-

haps the solution is to have every author/musician/programmer decide to "open source" the products of their creative effort. At some point the discussion is lopsided. The teacher decides, for the sake of balancing the discussion, to bring in alternative perspectives. After all, part of the job of a business teacher is to address the ethical issues involved. (Garten, 2005)

Ethical issues can be addressed in numerous ways. Alternative perspectives may be provided through arranging well-researched pro-con debates, through having students role play various characters, through inviting guest speakers into the class, or through a carefully prepared lecture that targets students at different levels of moral development.

KOHLBERG'S LEVELS

Lawrence Kohlberg theorized that humans grow morally as well as physically and that they pass through three major stages in this growth. At each stage, the person will decide what is ethically and morally sound based on a perspective determined by being in a particular stage. People in the lower levels of the first and lowest stage of development (Pre-Conventional) tend to believe that "might makes right." Consequently they base right and wrong on the likelihood of being punished and the potential severity of the punishment. People who have progressed to a slightly higher level, but who are still in this stage base their decisions more on a sense of reciprocity: "Pat my back and I'll pat yours".

KOHLBERG'S MODEL PARAPHRASED

As people progress to the middle (Conventional) stage of development, they become more concerned about what other's think. Who is watching? Peer pressure affects them mightily. When they move to the upper end of this stage, they begin to rely on a legality test to determine whether an action is ethical or not. If a proposed action is not clearly prohibited by rules or laws, it is okay to proceed. According to Kohlberg, approximately 2/3 of American adults never progress past the Conventional stage. The majority of college and university students are likely in this stage, or perhaps they may be headed into it.

Finally, at the highest (Post-Conventional) stage of Kohlberg's model, people grow to become as concerned about other people as they are about themselves. They look beyond the present moments to the potential long-term consequences on themselves and others.

ADDRESSING PRE-CONVENTIONAL STUDENTS

Due to underdeveloped ethical values, the pre-conventional student may be difficult to convince that intellectual property rights ought to be observed. News stories about people who have been caught breaking copyright laws and severely punished are few. These students are unlikely to expect that they will be caught or punished for breaking these laws and they are unlikely to be concerned about anyone but themselves. One approach that may work is to stress the idea of reciprocity. They believe in revenge because revenge is reciprocity for someone doing something "bad" to someone else. "An eye for an eye" makes a good motto for these students.

The way to convince students who support revenge that copyrights need to be observed is to get them to put themselves as tangibly as possible in the place of the inventor/musician/author whose copyrights are infringed by the actions of others. Students who play the role of the artist in a scenario in which another has stolen the results of their creative efforts and profited from the theft may be asked to propose suggestions for how they might get their revenge. This scenario could be presented through a writing assignment if role-playing

PostConventional	Universal Principles Helping Others to Succeed
Conventional	Legality – basing decisions on the rules Peer Pressure – basing decisions on what others might think
PreConventional	Reciprocity – Pat my back and I'll pat yours Might makes right

is too time consuming. One situation to avoid: having some students play the vic-

tims and others the perpetrators. Students in this stage may have a hard time realizing that the role-playing perpetrators are just students in that role. They may actually feel anger at these students if they are not friends. Instead, have all of the students be the victims.

Another characteristic that may be displayed by people in the Pre-conventional stage is an attitude of entitlement. They may feel that they are in some way deserving or superior to others and therefore entitled to have benefits that others may not have. Such an attitude justifies actions that violate the rights of others. Pointing out that some people have this attitude may provide an incentive for students to examine their own attitudes. In fact, it might be effective to point out that a sense of entitlement is characteristic of many criminals. (Fishbein, 2000) (McCord, 1964) (Millon et.al., 1998) One exercise might involve having students ask themselves what the artist or programmer owes them, if anything? What are people entitled to expect from those who create?

The "No Free Lunch" metaphor may be effective. It is easy to show students that there is no such thing as a free lunch: someone had to grow the food, water it, harvest it, haul it, prepare it, cook it, serve it, etc. If the student is not paying – someone is. How does that person feel about working for no pay? How do you feel about it when someone tries to take advantage of you? If a programmer works diligently to write a program, would not the same concepts apply?

ADDRESSING STUDENTS IN THE CONVENTIONAL STAGE

Students who have matured to this stage will be basing right and wrong primarily on peer pressure or legality. If they are affected significantly by peer pressure they may believe that everyone they know is breaking copyright law so it must be okay. If the sort of people that these students might respect due to status or career achievements could be brought in to explain alternative and negative views on breaking copyright laws, the students may begin to see that not everyone is doing it. Additionally the ethical decision-making "TV Test"

can be described. People using the TV Test to determine if a proposed action is ethical or not would consider going on national television and describing their actions. Would they be comfortable describing the choices they made to a TV audience? Would the audience boo and hiss their decisions or cheer and commend them for the decisions made? An alternative is the "Professionalism Test" with the same idea of going in front of an audience but the audience is a group of professional peers.

Students who base concepts of right and wrong on legality may be the easiest to address when attempting to discuss the ethics of observing copyrights. They simply need to realize exactly what the laws say. They do not even have to be told why the rules exist, merely that they do. Many students do not realize that copyright laws apply to most creative efforts from the time of their creation. They assume that a document must have a copyright symbol by the title to be copyrighted. They are not aware that documents they find through an Internet search are copyrighted in the same way that a book in the library would be. They may benefit immensely from hearing from a lawyer who knows something about copyright laws.

RELATING TO STUDENTS IN THE POST-CONVENTIONAL STAGE

Students at all levels of the Post-conventional stage tend to show increased respect for others. These students will be concerned less about what laws are being broken and more about who is being affected by a particular action. Furthermore, it will matter much less to them if others are observing the rules than if others are following basic universal principles of fair treatment of others. They tend to find it easy to empathize with others.

The Golden Rule with its emphasis on treating others respectfully and thoughtfully might serve as a useful model for them. Kant's Categorical Imperative is another model that is easy for students at this stage to understand. "What if everyone did what I propose to do? Will the effects be positive or negative?" Even Utilitarianism with its emphasis on considering all stakeholders

and providing for the greatest good is an effective model.

Students at the higher levels of moral development respond well to big-picture exercises. Consider the stakeholders: a musician, a person copying music for free, a recording studio, a store that sells music. Consider the consequences: when an embezzler steals money, who is rewarded and who is harmed? If only the thief benefits and everyone else associated with the organization is harmed, the action is unethical even if it happened to be legal. If a person ignores copyrights and benefits while others are harmed, they are acting unethically even if copyright laws were changed.

OPPORTUNITIES FOR FURTHER STUDY

While the authors have used Kohlberg's Model of Moral Development to suggest ways of helping students understand copyright issues ethically, they suspect that the combination of technology and ethics in our current world have changed perceptions of copyright significantly. Has the Internet as a copyright-breaking tool dropped the current generation down in Kohlberg's levels? Are the students of the 21st century only concerned about who's watching regarding copyright law on the Internet? Do their actions on the Internet translate in lower levels of morality in the other actions they take? Or do new models need to be proposed that help to better explain today's ethical perceptions of current copyright infringers?

CONCLUSIONS

Students arrive in all shapes and sizes physically. It is likely that they also come into classes operating at varying levels and stages morally. To effectively teach ethical decision-making and hold balanced discussions on issues like intellectual property rights in today's networked world, teachers need to apply a variety of lenses on the topics. These lenses need to be sized and shaped to fit the perspectives of a variety of students. In this paper, the authors have suggested numerous exercises and points as ways to relate effectively with students who are at each of Kohlberg's moral development stages.

SOURCES

Fishbein, (2000). *Science, Treatment and Prevention of Antisocial Behaviors*. Kingston NJ: Civic Research Institute.

Garten, Jeff (2005). "B-Schools: Only a C+ in Ethics", *Business Week*, 00077135, 9/25/2005, Issue 3949.

Gismondi, Adam (2006), "The Downside of the Internet: Cheating and Technology in Higher Education", *Journal of College and Character*, Vol VII, No. 5, June, 2006.

Hayes, Richard (1994). "Legacy of Lawrence Kohlberg: Implications for Counseling and Human Development", *Journal of Counseling and Development*, Jan/Feb 94, Vol 72, Issue 3, p. 261-267.

Hoskisson, Kenneth and Donald Biskin (1976). "Structuring Historical and Current Event Lessons Using Stages of Kohlberg's Moral Development," *PJE: Peabody Journal of Education*, Jul 76, Vol 53, Issue 4, P. 289.

Kohlberg, L. (1984). "Essays on Moral Development", *Psychology of Moral Development*, Vol. 2, San Francisco: Harper and Row.

McCord, W. and J. (1964). *Essay on the Criminal Mind*, Princeton: VanNostrand.

Milton, TE, Simonsen M Birket-Smith, and R.Davis (1998). *Psychopathy: Antisocial Criminal, Violent Behavior*, NY: Guilford Press.

Nidich, Sanford; Nidich, Randi; and Charles Alexander (2005). "Moral Development and Natural Law", *Journal of Social Behavior and Personality*, Oct. 2005, vol 17, Issue 1, p. 137-149.

Oser, Fritz (1996). "Kohlberg's Dormant Ghosts: The Case of Education", *Journal of Moral Education*, Sept 1996, Vol 25, Issue 3, p. 253.