

In November of 1996 the Business Software Alliance, a trade organization, based in Washington, began to conduct an advertising campaign in Manhattan, which involved placing posters at well traveled points with the words "Report Software Piracy:" 1-888-NO-PIRACY. This message, and phone number, are located at the bottom of the poster in red letters. Above them, printed in very big letters, is the sentence NAIL YOUR BOSS, with a picture alongside of the wide end of an expensive tie nailed to a wall. According to the Business Software Alliance, its hot-line activities, which preceded the NAIL YOUR BOSS advertising campaign, have led to recovering 18 million dollars in settlements from large corporations, small companies, and government agencies. The Business Software Alliance makes strenuous efforts to keep secret the identities of the people who report violations. So far no cases have gone to trial, but when the Business Software Alliance files a lawsuit it requests the court to put the informant's name under seal. Software piracy costs the industry an estimated 15 billion dollars a year.

Is it morally justifiable for the Business Software Alliance to conduct its NAIL YOUR BOSS advertising campaign? If so, why? If not, why not?

MODERATOR'S ANSWER: The "Nail Your Boss" campaign is morally justifiable. Granted, the campaign encourages employees to act vindictively towards their employers, which, in most cases, is bad, insofar as it tends to result in morally unjustified infliction of harm. Anonymous phone callers, in the case of the "Nail Your Boss" campaign, however, do not unjustifiably inflict harm upon their employers, but instead make it more likely than it otherwise would have been that the employer will have to make restitution for infringing upon the legal rights of software developers. In this connection, one needs to keep in mind that disclosure by people within an organization is often the only way of bringing software piracy to light. It is true that such disclosure may have a severely negative impact upon an employer's work place. It would seem, however, that the employer could avoid this simply by not engaging in software piracy.

Case from the March 6, 1997 Intercollegiate Ethics Bowl. Copyright Robert Ladenson, Center for the Study of Ethics at the Illinois Institute of Technology, 1997.