

John L. King's Commentary on "Installing Programs Without Licensing"

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Installing Programs Without Licensing

This could be titled "How Much Do You Want to Keep Your Job?"

I actually like this: it is a real problem and it is short. But it needs a teaching note. On the surface there is no question here: it would be unethical for the technician to install the software. The case has a twist that some might not see that makes it so clear-cut. The technician is being asked to install the software on someone else's computer, not the computer of the technician's company. Were it the computer of the technician's company, the technician could claim that he or she is only "following orders" for partner's responsibility. But assuming the software has the customary "non transferability" clause, meaning the holder of the license cannot extend the license to others, the partner is not only creating liability for the technician but for the client, as well. And the partner knows "the client wasn't interested in buying the program." The partner has "promised" (the client, presumably) to install the program anyway. Is the client now an accessory? The partner has told the technician that the technician "shouldn't worry because he [the partner] would make himself responsible." I don't see how the partner can "make himself responsible" for doing something that the client is liable for. As with most "property" cases this one touches on fairly well developed legal notions. The ethical thing for the technician to do is also the legally correct thing to do: to refuse to carry out the instructions.

As a practical matter, the technician probably has to weigh the extent and role of corruption in the situation, the consequences for refusal, and the protections for people who "do the right thing." Ethics is not about always doing the right thing, but about being able to know the difference between right and wrong.