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Reclaiming What We Own

Right to Repair

On January 9, 2007, after rumors and speculations, Apple, the previously software and computer manufacturer out of Cupertino California finally put those rumors to rest; Apple stepped into the mobile world; the world got a first look at a product that would change the technology landscape forever: the original iPhone. After only three years of the launch of the original iPhone, the iPhone 4 was released; this new iteration of Apple's now flagship product came with a great number of welcomed upgrades that only made the iPhone experience much better for the end consumer. Despite this, a silent fight was brewing; a fight that after 12 years is still being fought to this day. With the release of the iPhone 4, Apple also introduced the pentalobe screw design into its products. These screws require a special type of screwdriver that is not always accessible like the Phillips Head or Flat Head screwdriver.

Since then, the fight is stronger than ever with concerned consumers and activists against big manufacturers from many different industries; manufactures include Apple, Google, Microsoft, and others like John Deere and Toyota. The name of this fight: the "right to repair." The idea behind the right to repair is simple: if you bought a product, you own it in its entirety. You should be able to repair it yourself, or have someone (a technician of your choice) do the repairs for you. The right to repair is not only a political issue but also a social issue because it touches many areas of people's lives from concerns of freedom, to climate change, and user security and privacy (Klosowski, 2021).

Activists and concerned consumers ultimately push for government legislation that will solidify laws in writing that would, as their position implies, go against the anti-consumerism

practices imposed by manufacturers in their ever growing restrictions on the freedom of repairability, in addition to other concerns like e-waste (electronic waste). Despite this, on the other side of the aisle, manufacturers like the ones mentioned above argue their ability to continue to impose these restrictions on the consumer and the products they make is vital to preventing security risks and ensuring a uniform safety for the end consumer. Manufacturers also list intellectual property as another concern (Klosowski, 2021).

The Two Sides: The Manufactures

As previously mentioned, manufacturers' biggest concern is the safety of the people that use these products. Additionally, manufacturers also worry about potential monetary loss that would then hinder innovation due to how the right to repair revolves around issues of intellectual property.

TechNet is a national and bipartisan network of CEOs and senior executives that promotes growth of the innovation economy; some of the members of TechNet include AT&T, Apple, Dell, Google, and HP. In the summer of 2021, a letter was published by TechNet in response to growing concerns among its members with new legislation in favor of the right to repair. TechNet's response emphasized the importance of cybersecurity in today's age. Further, TechNet opposed new right to repair legislation on the basis that regulations coming from the government should be built with ideas of protecting consumers' information at the ground floor. TechNet's response stressed that the smartphones, laptops, and all other electronic devices consumers use are like a vault of very valuable information that house passwords, private conversation, family photos, and monetary/banking information. Because of this, TechNet was quoted in saying that, "repairing this vault of sensitive consumer data should require security

protections that ensure privacy and give consumers peace of mind (TechNet Statement on Executive Order on Promoting Competition in the American Economy, 2021)."

Apple's lobbyist, Steve Kester, also argued that there is a risk of untrained people repairing consumers' products with potentially unofficial components that can later cause major catastrophic problems; the Samsung's Note 7 lithium ion batteries exploding onboard flights was brought up. The Southwest Airlines flight 994 that was grounded and evacuated because of a smoking battery coming from a Samsung Galaxy Note 7 was used to reinforce this by Kester (Solon, 2017).

Furthermore, a letter written to Senator Jarret Keohokalole of Hawaii by Security Industry Association (SIA), outlined their members' concerns of new legislation for the right to repair. SIA is a non-profit organization representing over 900 security and life safety solutions providers. SIA in the letter outlined the security issues that would arise if an authorized person were to repair a, for example, smart lock or camera system that would leave a consumer vulnerable to break ins. SIA's members also opposed the release of their proprietary software on the basis that releasing the software that runs on these security systems would open the products consumers use to cyber attacks. Additionally, the release of their proprietary designs and code would only hurt the manufacturers by potentially having competitors stealing their intellectual property (*Testimony for TEC*, 2019).

The Two Sides: Consumers and Activists

On the other hand, most people that stand to benefit from the right to repair mostly include the general population, of which, concerned consumers and activists are the ones most loudly voicing their concerns.

From the point of view of pro right to repair, the people that support it believe that what is at stake here is the freedom to do whatever it is consumers want to do with their property. People on this side of the argument value the ability to truly own something, and not have it be locked down by the person or company from which it was bought from. Additionally, people that support the right to repair believe that the right to repair not only would benefit paying consumers of these products, but society as a whole through the reduction of e-waste that is destroying the planet (Klosowski, 2021).

iFixit is a company that not only fights manufactures on the right to repair but also provides guides, tools, and parts for consumers to conduct repair on electronics without the need of the manufacturer getting involved. iFixit puts it simply with the following analogies to better illustrate the point of view of pro right to repair. "Would you buy a car if it was illegal to replace the tires?" "Would you buy a bike if you couldn't fix the chain?" Essentially, the message here is that having the ability to repair a device while at the same time not involving the manufactures is no different than any other product where this type of repair is not an issue (*We Have the Right to Repair Everything We Own*, 2022).

Pro right to repair activists also take the stand that other areas of life are being affected by not having legislation to protect the ability to conduct repairs. Farmers for years have been conducting repairs without the involvement of manufacturers. However, in recent times, John Deere's locking down of modern tractors have made repairs impossible without diagnostics and repair tools due to the proprietary aspects of these tractors. Further, farmers like Kyle Schwartings of Nebraska, have resorted to using tractors that are malfunctioning due to no authorized repair shop nearby; this has led to many farmers like Schwartings to reduce production at times (Solon, 2017).

To continue, as time goes by, with the growing issue of climate change, green policy has become more of a pressing issue; this is another aspect of society that pro right to repair activists claim would also have a positive outcome if legislation is approved. Pro right to repair activists claim that the 50 million metric tons of e-waste generated globally yearly could be reduced by extending the life of a product. Pro right to repair activists say that reuse is the best green policy. Repairing a device, re-selling, and reusing it keeps the waste streams clean. Right to repair activists say that batteries also pose an explosive risk to land field workers that could injure workers and equipment (*Environment*, n.d.).

The Issue

The right to repair issue touches on many different aspects of society. Both parties; the pro and against stakeholders present arguments that do make a lot of sense. On their own, these arguments would be enough to change someone's opinion on the issue to one side. However once both sides of the argument are presented things become a little more complicated and complex. On one hand consumer protection and security should be a top priority. On the other hand, the right to repair could be a catalyst to make changes in different parts of society that include things such as climate change, for example. At the end of the day, the question must be asked, do either the pro or against right to repair reasoning provide enough merit for legislation to favor in that given direction?

Defending Pro Right to Repair: Utilitarianism

Utilitarianism is a type of ethical framework in which what is most important is the fostering of happiness; utilitarianism also opposes any actions that cause unhappiness or harm. Utilitarianism was developed by English philosopher Jeremy Bentham in the 18th century. Diving deeper, Utilitarianism theorizes that happiness is the only construct that has any real

value; in relation to this, in a utilitarian system, everyone's happiness counts the same. Lastly, another pillar of utilitarianism is that any action that produces happiness is right. In a social and political context like the one of the right to repair, whatever benefits society as a whole would be the correct decision to make. In the case of pro right to repair, a utilitarian point of view can be used to better understand the position further (Driver, 2022).

Pro right to repair advocates state that the bottom line is that e-waste is a real issue. Although the ability to repair a device without manufactures getting in the way is not necessarily focused on the climate change issue, it does in fact relate to it. Applying one of the pillars of the utilitarian perspective, everyone's happiness in a society should be considered. Furthermore, with legislation in support of the right to repair, not only would right to repair advocates benefit in their objective to have more freedom, in that, repairs would be more accessible, but the climate change issue would also be positively affected. Additionally, farmers like in the case of the Nebraska farmer mentioned earlier would be able to produce without any interruptions due to being unable to conduct a repair by third party hands; this would not only benefit the farmers family well behind but society as a whole since all food that is purchased at stores at one point or another was produced at a farm. Through the eyes of a utilitarian ethical framework, the right choice is the one that is producing the most amount of happiness; for right to repair advocates, that is the freedom to work on the devices that have been fully purchased, and for society it would be a greener policy and benefits that expand different areas of society. Through a utilitarian perspective there is enough merit to support the right to repair legislation. The correct course of action would be to legislate and further protect society's happiness through the right to repair.

Defending Against Right to Repair: Motive Consequentialism

Consequentialism is an ethical framework that was developed by Jeremy Bentham and John Stuart Mill between the years of 1700s and 1800s. Consequentialism's main pillar behind its philosophy is that an outcome determines whether something is good or bad. Furthermore, under the Consequentialism umbrella there exists Motive Consequentialism; this version of consequentialism focuses on the results that come from taking a decision, and whether based on a given motive the outcome is better or at the very least just as good as the opposite decision being taken (Sinnott-Armstrong, 2022).

With this in mind, a Motive Consequentialism framework could be applied to the perspective of defending a position against the right to repair. Through the lens of the manufacturers, two options can be observed. One: right to repair legislation is widely enforced and the result of that is endangerment of consumers' security and privacy. Two: the right to repair legislation does not become a reality and consumers' privacy and security remains the same. Additionally, with this option there is no issue of intellectual property rights because manufacturers will not be required to release any proprietary intellectual property. For manufacturers this is simple; throughout the use of the motive consequentialism, manufacturers see that there is much more to benefit from the second option. Because of this, through the lens of Motive Consequentialism, the position of being against the right to repair makes more sense and has more merit.

Personal Position

After analyzing these two positions, the pro right to repair position is the most, not only important, but also convincing position of the two. Pro right to repair advocates have a stronger case in that it is not only about personal freedom, but also that society benefits greatly from the reduction of e-waste. Furthermore, it is easy to align with pro right to repair advocates because,

although manufacturers bring up a valid point when it comes to user security, it seems that what manufacturers are really concerned about is the profit margin that could be lost; of course, profit margin is important for motivation to produce the products society needs and enjoys, but it should not come at the expense of overstepping consumers' personal freedom, especially when money for a product has been fully exchanged and sales finalized.

The best way to go about solving this issue is to get the government involved. Government is meant to protect the rights and liberties of the people it serves. Legislation should be passed at the federal level that would force manufacturers to ease off on the restrictions when it comes to locking down products by providing repair tools, parts, and documentation. Additionally, the use of proprietary software that makes it impossible to know what a product is really doing should be outlawed.

References

Driver, J. (2022). *The History of Utilitarianism*. Stanford. Retrieved September 27, 2022, from

   https://plato.stanford.edu/archives/win2014/entries/utilitarianism-history/

Environment. (n.d.). The Repair Association. Retrieved October 15, 2022, from

   https://www.repair.org/the-environment

Klosowski, T. (2021, July 15). *What You Should Know About Right to Repair*. Wirecutter:

   Reviews for the Real World. Retrieved October 15, 2022, from

   https://www.nytimes.com/wirecutter/blog/what-is-right-to-repair/

Sinnott-Armstrong, S. (2022). *Consequentialism*. Stanford. Retrieved September 27, 2022, from

   https://plato.stanford.edu/archives/fall2021/entries/consequentialism/

Solon, O. (2017, July 14). *A right to repair: why Nebraska farmers are taking on John Deere and

   Apple*. The Guardian. Retrieved October 15, 2022, from

   https://www.theguardian.com/environment/2017/mar/06/nebraska-farmers-right-to-repair

   -john-deere-apple

TechNet Statement on Executive Order on Promoting Competition in the American Economy.

   (2021, July 9). TechNet. Retrieved October 11, 2022, from

   https://www.technet.org/media/technet-statement-on-executive-order-on-promoting-comp

   etition-in-the-american-economy/

Testimony for TEC. (2019, January). Capitol Hawaii. Retrieved October 15, 2022, from

   https://www.capitol.hawaii.gov/Session2019/Testimony/SB425_TESTIMONY_TEC_01-

   31-19_.PDF

We Have the Right to Repair Everything We Own. (2022, October 16). Ifixit. Retrieved October

   15, 2022, from https://www.ifixit.com/Right-to-Repair/Intro