

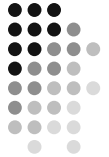
Framework for Ethical and Policy Analysis

Chapter 1

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Moral Frameworks



Ethics and Work

- The core values of ethics can help us evaluate the rationality and acceptability of public policies formulated to address social problems or market imperfections that arise in cyberspace.



Why Be Moral?

- Why be moral?
- Why should information technological professionals be concerned with morality and doing the right thing?
- Why should they take into account the interests of others or aspire to ideals such as justice, honesty, and generosity?



A thought...

- Machiavelli's, The Prince
 - "a man who wishes to profess goodness at all times must fall to ruin among so many who are not good".



Morality of duty

- Lon Fuller's, Morality of duty
 - The basic rules without which an ordered society is impossible, or without which an ordered society directed toward certain specific goals must fail in its mark.



Ethical Theories

- Ethical theories can be divided into two major categories:
 - Teleological – the ethics of ends
 - Deontological – the ethics of duty



Teleological Theories

- Teleological theories
 - Give priority to the good over the right and evaluate actions by the goal or consequences that they attain.
 - The term "teleological" is derived from the Greek word "telos" which means end or goal.
 - The right is adjectival to the good and dependent upon it.



Teleological Theories



- Thus, right actions are those that produce the most or optimize the consequences of one's choices, whereas wrong actions are those that do not contribute to the good.
- A common form of this theory:
 - Utilitarianism – a form of consequentialism

Deontological Theories



- Deontological theories
 - Argue for the priority of the right over the good or the independence of the right from the good.
 - “Deontological” is also derived from the Greek word, “deon”, which means obligation.
 - Actions are intrinsically right or wrong regardless of the consequences which they produce.

Deontological Theories



- The “right” or ethically proper action might be deduced from a duty or a basic human right, but it is never contingent on the outcome or the consequences of the action.
- Deontological theories include both duty-based and rights-based approaches to ethical reasoning.
 - These are sometimes referred to as pluralism and contractarianism.

Other Common Approaches Used in Ethical Decision-Making



Approach to Dealing with Moral Issues	Principle
Virtue Approach	The ethical choice is the one that best reflects moral virtues in ourselves and our community.
Utilitarian Approach	The ethical choice is the one that produces the greatest excess of benefits over harm.
Fairness Approach	The ethical choice is the one that treats everyone the same and does not show favoritism or discrimination.
Common Good Approach	The ethical choice is the one that advances the common good.

Utilitarianism



- Most popular version of consequentialism
- The general good can also be described in terms of “utility” and this principle of utility is the foundation of morality and the ultimate criterion of right and wrong
- “Utility” – means or refers to the net benefits (of good) created by an action.

Utilitarianism



- An action or policy is right if it will produce the greatest net benefits or the lowest net costs.
- Moral Principle of Utilitarianism
 - Persons ought to act in a way that promotes the maximum net expectable utility, that is, the greatest net benefits or the lowest net costs, for the broadest community affection by their actions.

Duty-based Ethical Theory



- Deontological ethical theories
 - Which deny that the right is a function of the good, that is, whatever promotes net expectable utility.
- Kant
 - Duty – embodies the idea that one should do the right thing in the right spirit.
 - An action done from duty has moral worth, not in the purpose that is attained by it, but in the maxim according to which action is determined.

Duty-based Ethical Theory



- Categorical imperative – because it is absolute and does not allow for any exceptions
- Maxim – is merely an implied general principle underlying a particular action.
- Kant strongly implies that perfect duties
 - Are always obliged to follow such as telling the truth or keeping a promise, entail both a logical and pragmatic contradiction.
 - Respect
 - The moral law can be reduced to the absolute principles of respect for other human beings who deserve respect of their rationality and freedom.

Duty-based Ethical Theory



- Ross' *Prima Facie* Obligation
 - Ross, in contrast to Kant, refused to accept these duties as absolute or prevailing without exception.
 - He argues that they are *prima facie* duties which means that they are moral imperatives that should apply most of the time under normal circumstances.
 - A *prima facie* obligation is a conditional one that can be superceded by a more important, higher obligation, usually under very exceptional circumstances.

Ross' Seven Basic Moral Duties on Moral Agents



- One ought to keep promises and tell the truth. (fidelity)
- One ought to right the wrongs that one has inflicted on others. (reparation)
- One ought to distribute goods justly. (justice)
- One ought to improve the lot of others with respect to virtue, intelligence, and happiness. (beneficence)

Ross' Seven Basic Moral Duties on Moral Agents



- One ought to improve the lot of others with respect to virtue and intelligence. (self-improvement)
- One ought to exhibit gratitude when appropriate. (gratitude)
- One ought to avoid injury to others. (noninjury)

Rights-Based Ethics



- Focuses on individual rights and respect for those rights
- A right
 - Can be most simply defined as an entitlement to something
 - First Amendment of the Constitution
 - Negative and Positive Right

Rights-Based Ethics



- Negative rights
 - Imply freedom from outside interference in certain activities.
 - Examples such as: freedom of expression, the right to liberty, and the right to privacy.
 - Is it possible to be “private” in business
- Positive rights
 - Implies a requirement that the holder of this right be provided “with whatever he or she needs to freely pursue his or her interests”.
 - Examples such as: rights to health care and education

Competing Frameworks



- The teleological approach
 - Is predicated on a common-sense idea that we must first know the good in order to determine what is right
- The appeal of the deontological theory
 - Is the emphasis on the nature of the act itself instead of the goal it promotes or the consequences which it yields.
- Our ethical choices are explained by a compromise between the two theories.

Justice Issues



- Cavanaugh contents:
 - “A failure to consider justice explicitly and separately leads to a kind of moral myopia – an inability to visualize all of the ethical issues in a situation.”
- Distributive justice
 - The comparative treatment of human beings

Justice Issues



- All theories of distributive justice
 - Have in common the minimal, formal requirement that equals must be treated equally, while unequals must be treated unequally.
- Frankena, the paradigm case of injustice
 - Is that in which there are two similar individuals in similar circumstances and one of them is treated better or worse than the other.

General Framework for Ethical Analysis



- Three Steps for Ethical Analysis – Intuition, Critical Normative Evaluation, Public Policy Implications
 - What are your first impressions or thoughtful reactions to the ethical issues triggered by the case – in other words, what does your *moral intuition* say about the action or policy under consideration:
 - Is it right or wrong?

General Framework for Ethical Analysis



- Consider the issues from the viewpoint of *ethical theory* and review the following questions in order to develop a coherent rationale that defends your normative conclusion about the case:
 - Does the action (or policy) optimize the consequences and generate the greatest net expectable utility for all parties involved?
 - Does this course of action violate any ethical duties or infringe upon any basic human rights?

General Framework for Ethical Analysis



- If moral duties are in conflict, what is the higher duty?
- Is this conduct consistent with the norms of justice?
- Consider the possible *public policy implications* of this case and of your normative conclusion.
 - Should the recommended behavior be prescribed through legislation or specific regulations?

Policy Frameworks



Policy and Information Technology: Conceptual Framework



- A public policy
 - “Is a plan of action undertaken by government officials to achieve some broad public purpose affecting a substantial segment of a nation’s citizens”.
 - Interactions between
 - The marketplace, public policy, and organization (especially corporations)
 - Externality (or spillovers)
 - Involves costs borne involuntarily by society that are not reflected in the price of the good whose production has generated those costs.

Policy and Information Technology: Conceptual Framework



- Emmons states:
 - “Competition among organizations to shape public policy with respect to a particular market should be viewed not as an one time event, but as an going process.”
- Corporate America
 - Is generally hostile to government intervention, though individual corporations often demand that government constrain the actions of their rivals.

Policy and Information Technology: Conceptual Framework



- A. C. Pigou states:
 - Government can “control the play of economic forces in such wise as to promote the economic welfare, and, through that, the total welfare, of their citizens as a whole.”

Lessig’s Paradigm



- Lessig argues that in the physical world we are regulated by four fundamental forces
 - Law, norms, the market, and architecture.
 - Laws are rules imposed by the government which are enforced through ex post sanctions.
 - Social norms are expressions of the community
 - Market regulates through the price it sets for goods and services and through the wages it sets for various types of labor.

Lessig's Paradigm



- Architecture is “self-enforcing” – it does not require the intermediation of an agent who makes an arrest or who expels someone from the community.
- Lessig – the constraints of architecture are self-executing in a way that the constraints of law, norms, and the market are not.

Other Ethical Thoughts and Definitions



Ethics Defined



- Moral codes are the rules that establish the boundaries of generally accepted behavior.
- Morality refers to social conventions about right and wrong human conduct.
- Ethics are beliefs regarding right and wrong behavior.

Ethics Defined



- Virtues are habits that incline us to do what is acceptable.
- Vices are habits that incline us to do what is unacceptable.
- Value System is the complex scheme of moral values that we choose to live by.

Common Organizational Values



- Organizations develop and abide by values that will create an organization that operates consistently and in a manner that meets the needs of stakeholders. Many organizations have the following values in common:
 - Operate with honesty and integrity, staying true to what we believe
 - Operate according to our standards of ethical conduct—both in words and action (“walk the talk”)

Common Organizational Values



- Treat our colleagues, customers, and consumers as we want to be treated
- Strive to be the best at what matters most to our company
- Accept personal responsibility for our actions
- Value diversity
- Make fact-based, principle-based decisions

The Importance of Integrity



- Integrity is used to refer to people who act in ways that are consistent with their own code of principles.
- You often reflect on your principles when you consider what you “ought” to do in different situations.

Ethics in the Business World



- Globalization of organizations have created a complex business world.
- Risk is the likelihood of a negative event times the impact of the event.

Why Business Ethics are Important



- Protect the organization and its employees from legal action.
- Create an organization that operates consistently.
- Produce good business.

Why Business Ethics are Important



- Avoid unfavorable publicity.
- Gain the goodwill of the community.

Legal Overview



- Bribes involve providing money, property, favors, or anything else of value to someone in business or government in order to obtain a business advantage.

Legal Overview



- Gifts are made openly and publicly as a gesture of friendship or goodwill with no expectation of a future favor for the donor.

Improving Corporate Ethics



- Appoint a corporate ethics officer.
- Ethical standards should be set by a board of directors.
- Establish a corporate code of conduct.
- Conduct social audits.
- Require employees to take ethics training.
- Include ethical criteria in employee appraisal/reward systems.

Code of Conduct



- A guide that highlights an organization's key ethical issues and identifies the overarching values and principles that are important to the organization and that can help in decision making.
- The code of conduct helps ensure that employees:
 - Abide by the law.
 - Follow necessary regulations.
 - Behave in an ethical manner.

Ethical Decision Making



- It is important to develop a logical approach to ethical decision making. Here are some steps:
 - Get the facts.
 - Identify the stakeholders and their positions.
 - Consider the consequences of your decision.
 - Weigh various guidelines and principles (Virtue, Utilitarian, Fairness, Common Good).

Ethical Decision Making



- Develop and evaluate options.
- Review your decision.
- Evaluate the results of your decision.

Ethics in Information Technology



- The increased use of information technology has raised many ethical issues for today's IT professional.
 - Licensing of IT professionals
 - Internet communication
 - Intellectual property
 - Employee/employer issues
- Are there others? Name some.

Ethics in Information Technology



- The risk of negative impact due to unethical use of information technology has increased because of the growth in the use of the Internet, the ability to capture and store vast amounts of personal data online, and our increasing reliance on information systems in all aspects of our lives. Here are some examples of situations that raise public concern about the ethical use of information technology:

Ethical Use of Information Technology



- Today's workers are subject to the monitoring of their e-mail and Internet access while at work, as employers and employees struggle to balance the need of the employer to manage important company assets and employees' work time versus the employees' desire for privacy and self-direction.
- Millions of people have used Napster software to download music at no charge and in apparent violation of copyright laws.

Ethical Use of Information Technology



- Robert Hanssen, a career F.B.I. agent, was convicted of providing data from classified databases to Russia.
- DoubleClick, an advertising network that tracks users as they move around the Internet, was sued after it revealed plans to match a mass mailing marketing list with its anonymous database of Internet users, thus revealing the Web users' identities.

Ethical Use of Information Technology



- Students around the world have been caught downloading material from the Internet and plagiarizing content for their term papers.
- Hackers engaged in acts of cyberterrorism defaced hundreds of Web sites and left hate messages after a collision between a United States spy plane and a Chinese jet fighter.