

# Introduction to Ethics and the Law

# Learning objectives



- Explain the need for law and ethics
- Define law and ethics
- Compare the differences between law and ethics
- List the various ethical principles

# What is Ethics?

At its simplest -

**Ethics** is concerned with what is **right and good** for individuals and society

# Law & Ethics - Introduction

- What are the influences on everyday decision making?
- What should we consider as acceptable or not acceptable behaviour in our lives and/or the society we live in?

<https://www.youtube.com/watch?v=lpRjr8tp6fo>

# Law & Ethics – Uneasy Bedfellows?

Through the eyes of  
Lawyers, **Ethics** is:

- Ideals
- Unenforceable
- Unexciting

Through the eyes of  
Moralist, **Law** is:

- Not absolutely or  
always enforceable
- Sometimes Unethical
- Confusing

# Law & Ethics

Thou Shalt Not Lie

# Law & Ethics

<http://www.bbc.co.uk/ethics/capitalpunishment/>

# Why the Need For Law & Ethics?

- Information Technology and Media industries are dynamic, vibrant, ever-changing...
- Laws are enacted to keep up with changes
  - Example: Electronic Transaction Act (1998), Personal Data Protection Act (2012)
- Buzz word that is “troubling” industries....

**CHANGE**



# The Singapore Approach Self Regulation v. Legal Enforcement



Due to scarcity of resources and high dependency on computer-related applications and technologies, Singapore has adopted a **comprehensive regulatory framework** consisting of:

## 1. **Law & Regulations:** Computer Misuse Act, Cybersecurity Act, Electronic Transaction Act, Personal Data Protection Act, IMDA Internet Code Of Practice

- <https://www2.imda.gov.sg/-/media/Imda/Files/Regulations-and-Licensing/Regulations/Codes-of-Practice/Codes-of-Practice-Media/PoliciesandContentGuidelinesInternetInternetCodeOfPractice.pdf>
- <https://www2.imda.gov.sg/regulations-and-licensing-listing/content-standards-and-classification/standards-and-classification/internet>

## 2. **Ethics:** Codes of Conduct from various Societies and Organisations (eg S'pore Computer Soc; Law Society)

- [https://www.scs.org.sg/membership/membership\\_code\\_of\\_conduct.php](https://www.scs.org.sg/membership/membership_code_of_conduct.php)
- [https://www.lawsociety.org.sg/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core\\_Download&EntryId=2881&language=en-SG&PortalId=0&TabId=787](https://www.lawsociety.org.sg/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=2881&language=en-SG&PortalId=0&TabId=787)

# What is Law?

- Collection of rules
- Regulates affairs of community and conduct of members
- Is enforceable by an authority
- Laws are created by:
  - Parliament, by MPs – process of legislation (Statutes)
  - Judge-made laws (Case Law)

# Creation & Classification of laws

## Statute

- laws passed by Parliament
- **more important source of law for IT businesses**
- faster way of updating the law to cope with rapid changes

## Case Law

- decisions made by judges in cases
- new law made on case to case basis
- case law may be reversed by Parliament

*Can a judge make new law if there is already existing law (statute) in place that addresses a particular situation?*

# Creation & Classification of laws

- Singapore's fake news law came into effect 2 Oct 2019
- Protection from Online Falsehoods and Manipulation Act
- Minister can order piece of falsehood on the Internet to be taken down or ask for corrections to be put up alongside it. Criminal sanctions for non-compliance. People who intentionally spread fake news against the public interest can also be jailed and fined.

[https://www.straitstimes.com/politics/fake-news-law-to-come-into-effect-oct-2&utm\\_source=STSmartphone&utm\\_medium=share&utm\\_term=2019-10-01+17%3A59%3A11](https://www.straitstimes.com/politics/fake-news-law-to-come-into-effect-oct-2&utm_source=STSmartphone&utm_medium=share&utm_term=2019-10-01+17%3A59%3A11)  
[https://www.straitstimes.com/singapore/collapsing-jewel-changi-airport-ceiling-caught-on-video-it-was-taken-in-shanghai-mall&utm\\_source=STSmartphone&utm\\_medium=share&utm\\_term=2019-10-01+19%3A21%3A09](https://www.straitstimes.com/singapore/collapsing-jewel-changi-airport-ceiling-caught-on-video-it-was-taken-in-shanghai-mall&utm_source=STSmartphone&utm_medium=share&utm_term=2019-10-01+19%3A21%3A09)

# Creation & Classification of laws

Active Mobility Act 2018

<https://singaporelegaladvice.com/law-articles/e-scooter-laws-singapore>

Road Traffic Act

<https://www.todayonline.com/singapore/laws-passed-impose-harsher-penalties-drink-driver-motorists-who-drive-dangerously>

# What if there were NO Laws?

**The Purge** – 2013 horror film with 3 sequels, depicts a future vision of America, where once a year, all crime is ignored for a 12-hour time period

During the Purge, friends, family, neighbours, co-workers turn on each other killing for sport and venting all their criminal instincts so they can be model citizens for the rest of the year.

From 12 midnight to 12 noon, citizens are free to do whatever they want without being afraid of arrest.

# Joseph Schooling, 2 other swimmers warned by SNOC over incident at Asian Games

PUBLISHED ON OCT 29, 2014 5:15 PM



## Example: infringing the code of conduct



SINGAPORE: A letter of warning will be issued to Team Singapore swimmers Joseph Schooling, Teo Zhen Ren and Roanne Ho after they left the Athletes' Village without permission during the Incheon 2014 Asian Games on Sep 27, the Singapore National Olympic Council (SNOC) announced in a media release on Wednesday (Oct 29).

They had reportedly snuck out for a night of drinking after the conclusion of the swimming programme, but did not appear drunk.

The decision was reached after the SNOC panel of inquiry met on Oct 24 to investigate the circumstances of the incident. The panel concluded that the three athletes infringed the Code of Conduct for Athletes and Officials at Major Games.

Joseph Schooling, Teo Zhen Ren and Roanne Ho. -- PHOTOS:

Channelnewsasia,  
29 October 2014

BY CHUA SIANG YEE

SINGAPORE - Three Team Singapore swimmers received a warning from the Singapore National Olympic Council (SNOC) on Wednesday after a late night out at the Incheon Asian Games last month.

The Straits Times  
29 October 2014

# Ethics & Morality

- **Ethics** and **morals** both relate to “**right**” and “**wrong**” conduct by an individual. But there are differences.



# Morality

- **Morality** refers to an individual's principles or habits with respect to right or wrong conduct.
- Morality is a set of objectively derived values based on what is deemed right or wrong, instilled by society, formulated through time and influenced by religion, culture, tradition and custom – it comes from the individual.
- We do it because we believe in something being right or wrong (feel uncomfortable or remorse if we don't do it)
- Examples: integrity, filial piety.

# Ethics

- **Ethics** refers to the rules of conduct recognized in a group, culture, etc.
- Ethics defines how things are according to the rules – governed by professional and legal guidelines – it comes from the social system.
- We do it because society says it is the right thing to do (we MIGHT face peer / societal disapproval or fired from job if we don't do it)
- What is ethical to you may not be ethical to others (eg death penalty) – often subjective – each person is responsible for deciding what to do in a specific situation (based on reason, not emotion).
- Examples: Legal Profession (Professional Conduct) Rules, Singapore Medical Council Ethical Code, etc.

# Singapore Medical Council Ethical Code

## The Ethical Code

- (1) Patients and the public must be able to trust you implicitly with their lives and well-being. To justify this trust, you have to maintain a good standard of care, conduct and behaviour. The SMC prescribes the Ethical Code which you are required to uphold. These principles are applicable to a wide variety of circumstances and situations. Adherence to the Ethical Code will enable society to have trust and confidence in the profession.
- (2) You should also recognise that when ethical conflicts arise, you can and should consult your colleagues, Ethics Committees or other experts to help you resolve the conflicts.
- (3) In general, you must:
  - (a) **Ensure beneficence and non-maleficence:**
    - (i) Maintain due respect for human life.
    - (ii) Uphold patients' welfare and best interests as your highest consideration.
    - (iii) Be dedicated to providing medical care that is competent, compassionate and of a quality that is accepted by the profession.
    - (iv) Be an advocate for patients' care and well-being and endeavour to ensure that patients are not harmed or suffer minimum harm for maximum possible medical benefit.
    - (v) Within your ability, treat patients in emergency situations with the urgency and timeliness necessary to save lives or prevent adverse outcomes.
    - (vi) Work with colleagues where necessary and appropriate in ways that serve the best interests of patients.
    - (vii) Maintain competence by keeping abreast of medical knowledge relevant to practise and ensure that your clinical and technical skills are current.

# What is Ethical Reasoning?

- Reasoning about right or wrong in human conduct
- Every person has standards that are defined by their personal values which come into play when the person makes certain decisions
- What are his/her reasons for making the decision?
- 2 main ER principles:-
  - Consequence-based
  - Rule-based

# Consequence-based Ethical Reasoning

- This reasoning focuses on the **consequences** of an action
- There are 2 forms:
  1. Egoism
  2. Utilitarianism

# Consequence-based Ethical Reasoning – Egoism

- Based on positive benefits to the person taking the action.
- The Egoist weighs the outcome of all the possible acts and makes the decision that produces the most personal good for himself. The effects on other people are irrelevant.
- To the Egoist, pursuit of self-interest is considered ethically correct

# Consequence-based Ethical Reasoning – **Egoism**

# Consequence-based Ethical Reasoning – **Utilitarianism**

- Based on the positive benefits to the entire universe.
- The Utilitarian will choose an action that will bring the greatest collective good for all the people.



# Consequence-based Ethical Reasoning – **Utilitarianism**

# Rule-based Ethical Reasoning

- This reasoning is based on a person's sense of right or wrong – based on fundamental ethical rules.
- That certain things are good in themselves, no need higher justification.
- For example: truth, equal distribution, honour.
- Two forms:
  1. Personal Moral Rules
  2. Universal Natural Rules

# Rule-based Ethical Reasoning

<https://www.todayonline.com/singapore/ambulances-be-legally-allowed-beat-red-lights-emergencies>

# Rule-based Ethical Reasoning

## – Personal Moral Rules

- Based on rules derived by each individual.
- An individual's environment and personal experience will lead him to formulate a set of principles – a duty to act.
- Example: be humble when giving to the poor (Koran 2:271), tell the truth (Exodus 20:16), do not boast (Tao Te Ching 24).

# Rule-based Ethical Reasoning

## – Universal Natural Rules

- Believes that there are certain universal rules that prescribe our proper conduct.
- People generally agree on these principles.
- Examples: Right to Privacy, Right to Free Speech, fairness, respect

# Comparing Ethical Reasoning

	<b>Consequence-based</b>	<b>Rule-based</b>
<b>Individual</b>	Based on the consequences to the individual – <b>Egoism</b>	Based on rules acquired by the individual from religion, experience – <b>Personal Moral Rules</b>
<b>Universal</b>	Based on the consequences to all of society – <b>Utilitarianism</b>	Based on universal rules, evident to everyone – <b>Universal Natural Rules</b>

# Ethics In Practice...

- The Straits Times, Wednesday 9 July 2003

Case Study: Laleh and Ladan (29 years old)

## **Were docs right to go ahead?**

Was it right for the Singapore medical team to go ahead with the surgery to separate Laleh and Ladan Bijani?



# WRONG

- These twins were not suffering from a life-threatening condition and although there were many things wrong with the quality of their lives, they had coped for 29 years.
- Doctors have a duty to act in the best interests of their patients and, in retrospect, one is bound to conclude that maybe this surgery was misguided.

Dr Richard Nicholson, editor of the  
Bulletin Of Medical Ethics in Britain



# RIGHT

- *The doctors were guided by the twins' wishes. Laleh and Ladan wanted to be 'separated under all circumstances'.*

Consultant Neurosurgeon Dr Keith Goh

- 'The thing that had impressed him most was their 'determination to lead separate lives''.

Johns Hopkins Specialist Dr Ben Carson

# Or this....

When all goes well, people will say very good.

But if something happens, people will ask if there was a need for such surgery in the first place.

# When studying a case for ethical justifiability...

- Understand the situation.
- List the various Ethical Reasoning.
- Determine which reasoning outweigh the others.
- Ethical Pluralism - 2 people may have equally justified ethical views.

# Ethical Example

- Murder of Adolf Hitler
- **Rule-based** states that it is ethically wrong
  - it is simply against the law to commit murder
- **Consequence-based** states that could be ethically correct
  - the good of many people outweigh his murder
  - some believe it is not ethically OK – this is a personal decision
- **Ethical Pluralism** - 2 people may have equally justified ethical views

# Comparison of Law and Ethics

	Law	Ethics
Applicability	Applies to everyone	Personal
Who decides what is right	Courts	No universal standard of right and wrong
Enforceability	Courts	No enforcement
Reflection/basis	Reflects ethical std	May not reflect law
Changes	Generally unchanged	Change thru time
Reaction	Reactive	Proactive

# Ethics and IT Users

- What are the common ethical issues that face IT users?
  - Software piracy
  - Inappropriate use of computing resources
  - Inappropriate sharing of information
  - Data privacy

# Perpetrators of computer crime

- The perpetrators of computer crime are the same as they are for any other type of crime – thrill seekers wanting to take on a challenge, common criminals seeking financial gain, industrial spies trying to gain a competitive advantage and terrorists seeking to cause destruction in order to bring attention to their cause.
- Each type of perpetrator has different objectives and access to varying resources and each is willing to accept different levels of risks to accomplish the objective.
- Knowing these parameters for each set of likely attackers is the first step toward establishing effective countermeasures.

# Classification of perpetrators of computer crimes

Type of Perpetrator	Objective	Resources	Level of Risk acceptable to perpetrator	Frequency of attack
Hacker	Tests limits of system and gain publicity	Limited	Minimal	High
Cracker	Cause problems, steal data and corrupt systems	Limited	Moderate	Medium
Insider	Financial gain and disrupt company's information systems	Knowledge of systems and passwords	Moderate	Low

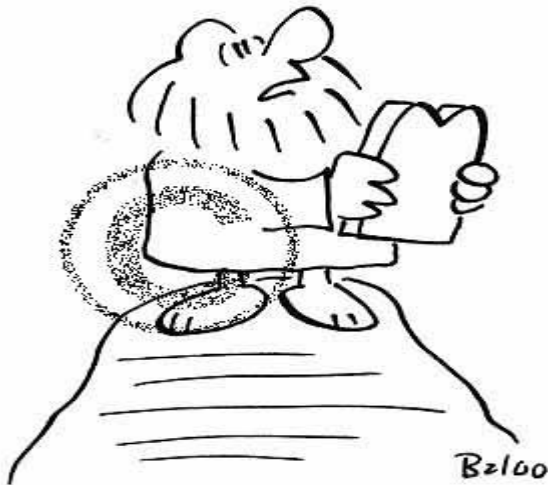


# Classification of perpetrators of computer crimes

Type of Perpetrator	Objective	Resources	Level of Risk acceptable to perpetrator	Frequency of attack
Industrial spy	Capture trade secrets and gain competitive advantage	Well-funded and well-trained	Minimal	Low
Cyber criminal	Financial gain	Well-funded and well-trained	Moderate	Low
Cyber terrorist	Cause destruction	Not necessarily well-funded or well-trained	Very high	Low

# Ethics and the Internet

- The most public face of new technology is the Internet. The Computer Ethics Institute in Washington DC has promoted the Ten Commandments for Computer Users which represent an attempt to apply some notion of ethical principles to an environment which can be characterized by a philosophy of “anything-goes”.



"We were hoping for something more in the nature of self-help..."



"No, as of yet, they're not on the internet!"

# The 10 Commandments for Computer Users

- Thou shalt not use a computer to harm other people
- Thou shalt not interfere with other people's computer work
- Thou shalt not snoop around in other people's computer files
- Thou shalt not use a computer to steal
- Thou shalt not use a computer to bear false witness
- Thou shalt not copy or use proprietary software for which you have not paid
- Thou shalt not use other people's computer resources without authorization or proper compensation

# The 10 Commandments for Computer Users

- Thou shalt not appropriate other people's intellectual output
- Thou shalt think about the social consequences of the program you are writing or the system you are designing
- Thou shalt always use a computer in ways that ensure consideration and respect for your fellow humans

**CEI** Computer Ethics Institute



# What about “Revenge Hacking”?

<https://www.tripwire.com/state-of-security/featured/ransomware-victim-hacks-attacker-stealing-decryption-keys/>

# Not by legislation alone

- Singapore has often been called a 'fine' city – there are so many fines, e.g. for littering, for illegal parking and other prohibited activity.
- There have also been a lot of campaigns to educate the public e.g. courteous driving, not eating in buses and trains, etc
- To be a gracious society, we cannot legislate every aspect of human behavior. Ethical behavior where we are considerate to the welfare of others must be 'internalized' i.e. it must come from within.
- Being motivated by self-interest is okay. But being selfish, without considering the reasonable interests of others, is unethical even if it may not be illegal.
- Not giving up your seat in a bus or MRT to someone who needs it more may not be illegal but it is not quite ethical.
- Ethical behaviour is the hallmark of a gracious and caring society. Success is not determined by money (or profits) alone.



# Takeaways from today?



1. x

2. x

3. x

4. x

5. x

**END OF LECTURE**