Week2 -- Legal Perspectives on the Software industry in a surveillance economy: Dataveillance

• The Legal system

There are several components can shape the law, for example, commercial reality, technical reality, public standards, and International effects. Thus, the law is always being improved by these cases. There is some features of the legal system, mainly criminal and civil case. The criminal matters dealt by state and the civil cases involved two parties. Sometimes, there are ‘private law’ which are contracts between these parties. Moreover, there are rules of law. For instance, no-one is above the law, the decision of a court is binding, restraint on arbitrary power, and also everything is arguable. So, if the weak party can show some solid evidence and presented perfectly, they have a chance to beat the big company.

• The conflict between ‘law’ and ‘software’.

‘Natural Justice’ is that there are rights to know the evidence against you, to be heard before the decision, to bring the evidence, and to appeal. However, these rights can fail when comes to the tech. In the Facebook example, the users don’t know the rules, can’t get heard or bring evidence. In other words, the users only can accept the contract, or don’t use the software products.

• Risk as a factor in design, ops

Risk thinking is central in avoiding common big IT project fail. When you find the problem before it happens or before the product put into use, it means you save yourself or the company from future troubles. Also, helps to improve the products. In some cases, the risk cannot be avoided, but at least you can be prepared. Furthermore, legal immunity does not cure the risk, and it makes it worse.

• Dataveillance

The topic is very political, manipulated, emotive. Moreover, don’t see it as black and white. Identifying these characteristics is essential. The debates on regulation of online surveillance, like the surveillance of personal data can help protect national security, but it also violates personal security.

• Personal information and access control

The reveal of personal information can cause troubles in a variety of aspects. For example, damage relationship and reputation, cause different kinds of harassment or even threaten on life safety. The regulations regarding software still immature,

However, it has made some progress like the GDPR has rules on controlling and processing personally identifiable information.

Week3 – Theoretical Underpinning of Ethics

• Ethical issues

Recognition that there are appropriate interests other than your own that should act as constraints on unbridled pursuit of self-interest. There is a difference between what you want to do and what you should do. However, we are more focus on the second question. One way to solve the ethical issue is to turn it into a non-ethical one.

• Relativism

Relativism indicates that values may vary from culture to culture, time to time, even individual to individual. There is no right or wrong, or in other words, the different views are all equally correct, and we shouldn’t judge other cultures’ values.

• Ethics

The answers to the question start with ‘why’ are rules, consequences, and also public morality. Also, rules and consequences are private morality. The difference between private morality and public morality is that the first one is acting as an individual, the second is act as a specific role, for example, a lawyer, an employee etc.

• Ford Pinto Example

Ignoring the safety issues is unethical. The costs of making the change two times as the benefits of making the change. However, if they take reputational cost and “light of day” test into consideration. The answer is obvious. However, it’s a matter of good judgement, not rules or formulas.

• What gets measured gets managed.

One of the problems is if we found the right indicator. Moreover, another is ‘concept validity’ which means how well a test measures what it purports to measure. For example, the Kirkpatrick Model, which is used to measure the effectiveness of workplace training, which has 5 levels of test criteria.

Week4 – Moral Reasoning & Professional Ethics

• Normative Ethical Theories

One is consequential, and the other is non-consequential. Consequential means that whether you act is right or wrong, it depends on the result you produce. Consequential includes egoism, nationalism, Epistemism, and most commonly utilitarianism. The non-consequential principle says consequences have nothing to do with it, others like rights, duties, contracts, and fairness do.

• Kant

The only thing that is good without qualification is a good will. “Duty” is the central notion of morality. Otherwise, rightness and wrongness are matters of fortuitousness or simply a person’s natural characteristics, rather than necessary characteristics and behaviour that we can exercise control over. Moreover, that is simply not how we think about morality. Willing well is a matter of consistency and universalizability. So, what you will be the same as how you behave. For example, ‘promise-keeping’, which Kant calls a ‘perfect duty’ that there is no exception for someone to break the promise. Promise-keeping is a logical matter, since it’s logically impossible to have it any other way. However, ‘help someone in need’ is not a logical matter.

The categorical imperative

Firstly, an imperative that is categorical that allows no exceptions. Secondly, a maxim is a general principle, which means why someone is doing something.

• Mill and Ross

Consequences are what matters. Hence, actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure. Hence the result is the only thing matters, and the approaches do not.

Ross is both consequential and non-consequential.

• Hobbes and Rawls

Hobbes states that without society, there is no ethics since there is no ethics among animals. Ethics requires that there be a contract among the parties concerned.

Rawls has a theory of justice, which includes the principle of equality. Also, also, a strategy called ‘minimax’ which means any benefits must benefit the least advantaged class.

A procedure for doing something can be just or not depending on whether it’s a perfect procedural justice, imperfect procedural justice, or pure procedural justice. The first one is there a guarantee of the outcome, the second one is there would be an outcome but no guarantee and the third is the outcome doesn’t matter but the procedure itself.

• Plato and Aristotle

Plato believes that virtue is things that enable humans to function well as humans. The particularly human functions are courage, wisdom, temperance and justice. Also, virtue as internal, not interpersonal. In other words, external stuff will take care of itself if you are a good person.

Aristotle states that happiness is in doing something, not afterwards. For example, moral virtues concerned with ‘doing things’, and Intellectual virtues is about ‘thinking’. Furthermore, virtue is a mean between feeling too much and feeling too little. For example, courage means between feeling too little fear and feeling too much fear.