

DEBD: Debate #1

‘Ethic codes are more useful than regulation’

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Lecturers

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Code of ethics: Definition

‘A set of moral principles used to govern the conduct of a profession’

- Collins Dictionary

‘A code of ethics is a set of principles and guidelines that outline the values, ethical standards, and expectations of behavior for a particular profession, organization, or community’

- ChatGPT

Regulation (Law): Definition

‘A system of rules that a society or government develops in order to deal with crime, business agreements, and social relationships’

- Collins Dictionary

‘A system of rules and regulations created by a governing authority and enforced through social or governmental institutions to govern behavior and maintain social order’

- ChatGPT

CoE & Law: Similarities

- **General purpose:** guide and regulate behavior to promote the greater good of society.
- **Basis:** principles of fairness, justice, and morality.
- **Enforcement:** both rely on a system of enforcement to ensure compliance, whether through self-regulation or legal sanctions.
- **Public perception:** subject to public scrutiny and are perceived as being important to the functioning of a just and fair society.
- **Evolution:** both are subject to evolution and change over time, as society's values and needs change.

CoE & Law: Differences (1)

	CoE	Law
Purpose	To provide guidance on ethical behavior and decision-making in a specific profession, organization, or community.	To establish and enforce a system of rules and regulations to govern behavior and maintain social order.
Enforceability	Generally voluntary, with no legal penalties for noncompliance.	Enforceable through legal sanctions, such as fines, imprisonment, or other penalties, for noncompliance.

CoE & Law: Differences (2)

	CoE	Law
Scope	Usually specific to a particular profession or organization, but may be more broadly applicable in some cases.	Generally applies to all individuals and organizations within a given jurisdiction.
Content	Focuses on ethical principles and values, such as honesty, integrity, and respect for others.	Focuses on defining and prohibiting specific behaviors that are deemed harmful or illegal, and providing penalties for noncompliance.

CoE & Law: Differences (3)

	CoE	Law
Flexibility	Generally more flexible than the law, with more room for interpretation and discretion.	Generally less flexible than a code of ethics, with strict interpretation and enforcement of specific rules and regulations.
Adaptability	Can be adapted to changes in societal or industry norms, values, and best practices through revision and updates.	Can be adapted to changes in societal or industry norms, values, and best practices through legislative changes or judicial interpretation.

CoE & Law: Differences (4)

	CoE	Law
Scope of change	Changes to a code of ethics can occur more quickly and easily, as they often only require approval from the relevant professional organization or community.	Changes to the law can be more difficult and time-consuming, as they often require legislative action, and may face opposition or legal challenges.

Why Do We Have CoEs?

“The Code is designed to inspire and guide the ethical conduct of all computing professionals, including current and aspiring practitioners, instructors, students, influencers, and anyone who uses computing technology in an impactful way. Additionally, the Code serves as a basis for remediation when violations occur....”

- ACM Code of Ethics and Professional Conduct

“IEEE standards provide the bricks and mortar for a globally level playing field for innovation; protect public safety, health, and wellbeing; and contribute to a more sustainable future.”

- IEEE

“A code of conduct within an organization encourages the discussions of ethics and compliance, empowering employees to handle ethical dilemmas they encounter in everyday work. It can also serve as a valuable reference, helping employees locate relevant documents, services and other resources related to ethics within the organization.”

- Ethics & Compliance Initiative

IEEE Code Of Ethics

It consists of **10 principles** which can be summarized into the below points.

- Maintain **integrity** and have **responsible behaviour** in professional environment.
- Treat everyone **equally and respectfully** and avoid injuring others.
- Try to ensure that code is followed by colleagues and not to retaliate against individuals reporting a violation.

ACM Code Of Ethics

It consists of **4 sections** that treat different aspects of the computer science profession:

- 1. **General Moral Principles**: general principles regarding the respect for others and advising not to take advantage of one's position.
- 2. **Professional Responsibilities**: respect the profession and promote it and its values.
- 3. **Professional Leadership Principles**: principles applicable to those computer scientists in leadership positions.
- 4. **Compliance with the Code**: promote and respect the Code or you will be expelled.

The Ten Commandments of Computer Ethics

- 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.
- 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.

Development of CoEs

ACM:

- 1966: ACM first code of ethics was adopted — Guidelines for Professional Conduct in Information Processing.
- 1972: Expansion of the guidelines into the ACM code of professional conduct.
- 1992: ACM adopted the Code of Ethics and Professional Conduct.
- 1999: ACM worked along with IEEE to finalize a Code of Ethics for Software Engineers.
- 2018: ACM rewrote the CoE to update it to correspond to new technologies and modern social needs.

IEEE:

- 1906: The president of AIEE first addressed the creation of a “Code of Principles of Professional Conduct.”
- 1912: The first CoE was adopted.
- 1974: A new CoE was adopted after the merge of AIEE and IRE.
- 1979: The first revision of the 1974 CoE.
- 1987: The second revision of the 1974 CoE.
- 1990: A more worldwide-membership-friendly and shorter version of the code was adopted.

CoE & Law alignment: An example in Data Protection

	CoE	Law
Similarity	Both require individuals and organizations to respect users' privacy and protect their personal data.	
Document	ACM Code of Ethics: <i>'1.6 Respect privacy'</i>	GDPR
Enforcement	Violations of a code of ethics may result in loss of professional credibility.	Violations of the GDPR can result in legal sanctions.

CoE & Law misalignment: the Therac-25 incident

- The **Therac-25** was a radiation therapy machine used in the 1980s to treat cancer patients.
- The machine had a **software flaw** that caused it to deliver lethal doses of radiation to some patients.
- The software design was found to be in **violation of the professional code of ethics for software engineers**, which calls for the protection of public health and safety.
- However, at the time, **there were no laws in place** in the United States that specifically regulated the safety of medical devices and the software used in them.
- The company that produced the Therac-25 **was not held criminally liable** for the deaths caused by the software flaw.

CoE & Law misalignment: the Therac-25 incident

This example highlights a case where:

- A **code of ethics** called for one standard of behavior, while...
- The **law** did not yet reflect that standard.

In this case, the lack of legal regulation allowed for a software design flaw that caused harm to patients.

However, the case also illustrates how changes in laws and regulations can help to align the objectives of professional codes of ethics and legal standards.

Example: CoEs not followed still good results obtained



In 2011 party, an intoxicated female teen was sexually assaulted in Ohio. Soon after, pictures of the incident surfaced online and were circulated in her school. But when the case was reported to the local police, they dismissed it claiming there was a lack of evidence. Well, apparently it was enough evidence for a local group of anonymous who picked up the trail and soon gathered enough information to get the names and physical descriptions of those suspected of the crime. The attention they brought to the case forced police to actually conduct an investigation which led to the arrest of the culprit.

Example: ChatGPT

- Environmental issues VS Added value
- Faster knowledge acquiring VS Cheating
- Facilitating research VS Plagiarism
- Easier coding/writing VS Unemployability

CoEs are **not concrete** and can change from one organization to other, according to the **set of principles and values** of the corresponding organization.

The Law is more **concrete and stable**, as well as decided with the appropriate procedures dictated by each **countries' regulations**.

We have seen how they can sometimes **oppose each other**, and then the individual is faced with a **ethical/legal dilemma**.