ETHICS

Ethical Theories

- Ethics

  - studies the meaning of "doing the right thing"

  - assumes: people have free choice and are rational

  - provides: rules of social interaction

  - objective: enhance quality of human life

  - applies to all, for a variety of situations & contexts

  - clarifies: our obligations, responsibilities, choice, personal preference (most ethical theories)

- Normative Ethics: what we should do

- Descriptive Ethics: how people behave including adopted rules of behavior

- Ethical behavior:

  - often practical and often easy

  - often encouraged by external factors

  - sometimes difficult or unpopular

- Ethical problems not solved by formula or algorithm

Diversity of Ethical Theory and Definition

Deontological Theories

- absolute rules and duties

- specific consequences ignored

- e.g. don't lie

- Kant:

    - Principle of Universality: we should follow universally applicable rules of behavior

    - Logic or Reason determines rules of ethical behavior – rationality determines standards of what is good, not emotion

— never treat people as means to an end,
rather only ends in themselves.

Utilitarian Theories

- Guiding principle (John Stuart Mill): increase *utility [happiness]*

- utility: what satisfies a person's needs and values

    - increased for some − decreased for others

    - rightness: act increases aggregate utility

    - wrongness: act decreases aggregate utility

- variations:

- act utilitarianism: judge actions by their net impacts

  - problems:

    * determining all consequences may prove difficult;

    * quantifying happiness for different people

    * individual rights not recognized

- rule utilitarianism: apply principle to ethical rules rather than individual actions

  - can include rights

Natural Rights

- define a sphere of freedom in which people can act freely according to their own judgement, free from coercive interference by others

- ethical behavior means acting to respect fundamental rights of others including rights to life, liberty and property

- we have an exclusive right to ourselves and our labor and what we produce via our labor (John Locke)

- ethical character of process by which people interact is emphasized

- e.g. acts considered ethical if voluntary interactions and freely made exchanges are made, free from coercion and deception

- result or achieved state de-emphasized

Complications

- Ethics provides no clear correct position on most issues

- some principles may be used to support opposing opinions

- ethical theories don't settle difficult complicated and controversial issues, but they help identify guidelines

    — they remind us of things to consider

    — they help us clarify reasoning and values

Distinctions:

- not only right & wrong

- rather: obligatory, prohibited, or neither

- Negative rights (liberties)

  - the right to act without interference

  - only obligation on others is to not prevent you from acting

  - includes rights to your life, liberty, safety, property, employment, commerce, etc.

  - essentially libertarian

- Positive rights (claim-rights)

- rights that impose an obligation on some to provide certain things for others

- essentially socialist

- e.g. does freedom of speech imply positive rights?

- are negative rights alone essentially worthless platitudes?

- do positive rights always automatically negate others' negative rights?

Wrong $\neq$ Harm

- harm is not a sufficient criterion to determine an act is unethical

- wrong actions may do no actual harm

- ethical actions and principles may cause harm to some party

- lack of harm not sufficient to establish than an act is ethically acceptable

Goals $\neq$ Constraints

- distinction between ends and means

- the goals we set differ from the constraints we may impose on our actions to achieve those goals

- e.g. the ethical character of a company depends on whether the actions taken to achieve a goal are consistent with ethical constraints

Ethics $\neq$ Personal Preference

- The distinction between that which we consider ethically wrong and that which we disapprove of may be difficult to establish

- You can have a right to decline an offer to work for an organization that is advocating a policy you disagree with, however you shouldn't claim your contribution would be unethical if the organization was exercising its rights by ethical means.

- Because there is a negative social stigma associated with perceived advocacy of ethically wrong policies, arguments based on ethics can intimidate.

Law & Ethics

- ∃little correlation between law and ethics in practice

- Ethical principles help in the determination of whether specific laws should be passed

- Some laws enforce ethical rules

  - we are obligated ethically to abide by these laws not because they are laws but rather they implement ethical obligations or prohibitions

- Law which established conventions to be followed must be consistent with ethics,

but details may depend on nonethical criteria such as practicality and historical convention, e.g. the Uniform Commercial Code, or driving on one specified side of the road.

- Many laws were not intended to implement or be consistent with ethical rules

- Special interest groups exert pressure on the political process

- e.g. copyright law was subject to all three of the above considerations: ethical, practical, and political

- Is it always ethically correct to act legally?

- laws should be uniformly applicable, but ethical situations are often complex, variable, and contextual

- New law lags behind new technology

Tribe's Proposed 27th Amendment

"This Constitution's protections for the freedoms of speech, press, petition, and assembly, and its protections against unreasonable searches and seizures and the deprivation of life, liberty, or property without due process of law, shall be construed as fully applicable without regard to the technological method or medium through which information content is generated, stored, altered, transmitted, or controlled."

Dr. Lawrence Tribe, from address at Computers Freedom and Privacy Conference, 1993

- Once a law is passed, it essentially halts experimentation with alternative solutions, and it reduces competition and the diversity of options

- Good law:

  - minimal standards set

  - applicable to all situations

  - large range of voluntary choices

- Ethics useful and applicable when:

  - problems created by new technology are not yet addressed by law

  - choices must me made in specific situations subject to more general legal standards

Conclusions:

- It is not ethically obligatory to obey all laws

- not an excuse to ignore laws

- a law (or its absence) does not excuse one from one's obligation to act ethically

Professional Ethics

Special Aspects of Professional Ethics

- Professional ethics differs from general ethics in several ways

  - a professional is an expert in a field that the client usually know little about

  - the work of a professional can profoundly affect large numbers of people

  - because they are granted more trust, they can cause more harm to clients or the public

  - people victimized by a professional's action or inaction were often not in a position to protect themselves – many are not direct client and have no direct control, e.g. those who cross a bridge

- Thus, professionals assume special responsibilities to both their clients and to the public

- Professional ethics arise from fundamentals & universals as well as practical frameworks for action and interaction

- tools include: reason, introspection, and observations of human nature and values

- ethical standards within a profession develop gradually based on ethical theory, accepted practice, and what is currently possible.

- Professionals are obligated to maintain expected competence and have current knowledge of standards and techniques for their profession and to learn enough about an application area or tool to perform competently.

- If a professionals are employed, they have both implicit and explicit responsibilities to their employers

Can organizations be moral?

- Do organizations have ethics?

- Does acting with intent and a formal decision structure confer status as an moral entity?

- Even if an organization is moral, the individuals of which it is comprised retain their respective ethical obligations

- Regardless of moral standing, organizations can be considered legal entities.

- Apart from formal decision structures, organizations also exhibit a *corporate culture*

which is influenced to some degree by the actions of members of the organization.

- Managers' *as well as employees'* ethical obligations include their contributions to their organization's corporate culture.

Ethical dilemmas from new technology

- New ethical dilemmas often arise from the applications of new technologies.

- That which had been infeasible or impossible becomes realized and applied.

- Simple ethical rules are often insufficient to guide our actions in complicated novel contexts.

- The theories and guidelines of ethics can be applied to the analyses of new technologies and their implications.

- Categories of examination include: privacy, quality and feasibility, and responsibility