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Prompt 1

Kantianism, in comparison with both the Contractarianism and Contractualism perspectives of Contract-Theory and the Utilitarianism ethical viewpoint, is the most promising ethical theory in dealing with computing and networking issues. The rules-based nature of Kantianism offers four key relative advantages compared to the alternatives: judgement based on currently available facts, fairness, consistency, and respect for individuals.

Deontologists like Kant argue “actions are intrinsically good because the follow from logic….We can reason about what makes sense and act accordingly, or we can act irrationally, which is evil” (Baase 32). By nature of this position, such reasoning can be done a priori, based on available facts and knowledge, before any action is taken. The ability to evaluate the rightness or wrongness of an action before the action is taken is of vital importance in the context of computing issues because, given the pace of technological change, the results of an action taken today may have unpredictable or even unknowable consequences even in the near term.

This a priori nature of Kantianism contrasts directly with Utilitarianism’s appeal to often incalculable effects. For sure some of the most salient consequences of the development of the internet were both not predicted and took years or decades to become clear. An ethical theory that cannot evaluate some actions until sometimes considerably after the fact has rather diminished utility in helping us how to act right now.

Kantianism also has the advantage of being fair from the perspective that actions are judged, in principle, with volition of the actors specifically reflected. If an agent is acting or intending to act according to a well-established ethical rule, she may safely assume with relative safety that she is doing her duty. In comparison, from a Utilitarianism perspective, the necessity of an ambiguous calculation of the net change in aggregate happiness may mire her in a state of doubt she is ill trained to resolve and may cause her to be judge harshly, perhaps unfairly, if her calculation proves flawed at a later date.

This ethical reassurance has real value in the field of computing with respect to consistency in conduct. An Artificial Intelligence researcher, an entry level engineer, and an entrepreneur with a new product idea are all called to make judgements of ethical importance while also working in a very competitive field often with intense focus on the end goal. We presume such professionals are interested in acting ethically but also recognize other pressures driving behavior such as financial reward, status, and innovation. It is reasonable to expect that relatively clear rules such as “protect personally identifiable information” will be applied more consistently than each individual’s answer to the question “how does the treatment of this data affect the world’s happiness in aggregate?” or deference to a perhaps arbitrary contract enforced by a sovereign.

Finally, Kantianism also is the mostly likely of these three ethical theories to respect individuals. In Utilitarianism, it is easy to imagine circumstances were harming an individual could be argued to increase total happiness and thus be considered ethical. For example, there may be a case for releasing complete individual medical records to epidemiologists without the consent of the patients. Even from an “act utilitarianism” perspective, “a utilitarian would be more comfortable than a deontologist breaking a rule in circumstances where doing do would have good consequences” (Baase 33). What if that rule is “a individual has exclusive right to the use of their property?”

The Contractarianism form of Contract-Theory likewise diminishes respect for individuals. In Hobbes’ version, individuals are willing to subjugate more or less all their individual rights to a sovereign, literally a monarch or state in his meaning. Locke may have a rosier vision in which people may their most basic rights, but the concept of surrendering others remains.

On the contrary, Rawls’ Contractualism perspective on Contract-Theory offers, in principle, a great deal of respect for individuals in the sense that, in negotiating the terms of society from behind the veil of ignorance, each individual must finally agree that those terms are fair to each lot in life. While such a view does indeed seem to be a good policy making tool, the highly subjective nature of this approach reduces its usefulness in dealing with computing and networking issues.

Kantianism, however, is explicit about the need to treat each individual as an end in himself or herself, rather than a means. The inherent value and respect that this straightforward rule confers on every human is a strong starting place for considering ethical issues relating to technology and society.

Prompt 2

Merriam-Webster defines privacy “as the quality or state of being apart from company or observation” (“Privacy” www.merriam-webster.com/dictionary/privacy). However, from an ethical standpoint, privacy is somewhat hard to define. According to *A Gift of Fire* privacy has three key aspects: “Freedom from intrusion – being left alone, control of information about oneself, and freedom from surveillance (from being followed, tracked, watched, and eavesdropped upon)” (Baase 52). These three aspects, at a minimum, give us a context against which to evaluate ethical questions related to policy.

Control of information about oneself being one of the key aspects of privacy, it is worth exploring secondary uses of information and how it may threaten privacy protection. *A Gift of Fire* describes secondary use of information as “the use of personal information for a purpose other than the one for which the person supplied it” (Baase 61). Examples include a website selling email addresses of people supplied one to access a website to internet marketing firms, and the use of text messages by police to prosecute someone for a crime.

Secondary uses of personal information are often a threat to privacy because by their nature such uses are not for the intended purpose that a person supplied it. Control of information about oneself is an essential aspect of privacy. Secondary uses are often beyond the control of the individual and therefore directly conflict of the second of Baase’s three key aspects of privacy. Typically, even in such cases where a lengthy term of service agreement for the recipient using information for its intended use states possible secondary uses, such uses are made without a reasonable expectation of the consent or even the knowledge of the persons that provided it.

In addition, users of secondary information are often divorced from the relationship between the individual providing it and the recipient requesting it for its intended use. In these situations, secondary users often have diminished incentives to protect the information and higher incentives to extract whatever value they can by whatever means possible. Such situations only promote further loss of control by the individual that provided personal information.

We propose two policies to aid the protection of privacy. The first is that every non-governmental organization that stores any address, phone number, or email addresses is legally required once every two years to notify via mail, phone message, or email, respectively, of the organization’s identity and all the other types of information it possess associated with said address, phone number, or email address OR in lieu of notification it may simply irrevocably delete all such information. Additionally, upon request of the person in possession of the address, phone number, or email address, the organization also must irrevocably delete all such information.

We argue for this policy on ethical grounds based on Kantian reasoning. The maxim “I should be free to disassociate from private persons and entities” is a universalizable maxim that reasonable people can will to be so. On this grounds we suggest that removing basic information an organization holds about me is included in that freedom to disassociate. At the same time, persons cannot dissociate from organization they have no knowledge is aware of them, so there must be a means to discover the association. The obligation of an organization to notify people of this association or the alternative of the organization to dissolve the association proactively offers two reasonable alternatives.

On the other hand, the maxim “entities and persons are free to seek voluntary associations” is also something we can will to be a universal maxim. The potential for mutual benefit exists in voluntary associations. Thus acquisition and use of personal information to seek voluntary association seems like a reasonable thing to allow for a certain amount of time. The compromise of this policy gives organizations up to two years to use personal information for involuntary association and to offer a voluntary one, while at the same time putting some limit on the extent persons may endure association without their consent.

The second policy we suggest is that businesses that engage in financial transactions are financially liable for transacting with persons committing identity theft for amounts over $500 indexed annually to inflation. For this we claim that “entities have some obligation to respect individuals when they transact with them” is a willable universalizable maxim. This respect reasonably extends to the information representing that person, whether it is a social security number, a phone number, an address, or the name on a credit card. A bank that extends personal loans or a cell phone provider that opens an account based on reasonably verifiable information that it chooses not to verify is acting unethically. They allow unethical harm to individuals, and thus bear minimally some responsibility for the resulting damages.

This policy provides a strong incentive for organizations to reasonably due their duty, while limiting their exposure for small transactions recognizes that transactions costs may unduly burden them below some level of transaction. Negligence in exchange for profit is clearly unethical on the grounds of respecting the person that information represents, but effort ought to be in proportion to potential harm.

Prompt 3

Baase and Henry summarize the principle of net neutrality as the idea that “all Internet traffic should be treated the same” (Baase 179). Two distinct but related questions encompass much of the debate about net neutrality: 1) may companies that provide communications networks provide different treatment to content based on the content itself or the company or organization that provides the content? and 2) may companies that provide communications networks offer content providers and/or individual subscribers different levels of speed or priority at different price levels? (Baase 179).

The ideal is contested often on the grounds that it is an unnecessary hindrance in a free market that limits the choices of buyers and sellers of services that result in reduced options for consumers as well as reduced investment and innovation. This perspective certainly has some validity. To the extent that Internet Service Providers (ISPs) can make additional profits from offering these choices to producers and consumers of content, they would certainly make additional investments in infrastructure to deliver the choices. There are certainly consumers that would willingly pay a higher price for faster or more reliable access to Netflix or other streaming sites, and there are certainly companies willing to pay ISPs to give their content preferential treatment. In this sense, net neutrality is preventing fully voluntary transactions, making the market less free.

The argument that net neutrality reduces innovation may be compelling as well. Clearly a market exists for non-neutral communication networks, and market forces in free societies are perhaps the central driver of innovation in free societies. Innovation is especially tricky in that world-altering innovation often comes from unpredictable places and thrives on freedom of individuals and organizations making their own choices on a microeconomic level. Net neutrality is certainly a reduction that freedom.

Taking the above into account, the principal argument for relaxing net neutrality is that doing so allows individuals and organizations greater freedom to enter into voluntary transactions that benefit both sellers and buyers, a prima facie good without even considering the consequences. Furthermore, the consequences of allowing this freedom may be unpredictable but history has shown that allowing individuals and companies freedom to make their own choices produces valuable innovation whereas onerous regulation stifles it.

However, this sanguinary view of relaxing net neutrality rules fails to respond key concerns of proponents of the policy. We must note that ISPs in the US are, in practice, near monopolies in many markets and mostly duopolies where they are not. Moreover, they are all “natural monopolies” in the narrow economic definition of that term meaning they all have monotonically declining average costs of production over the relevant range of output. In other cases of natural monopolies such as gas and electric utilities, indeed even the telecom companies that are also ISPs, we explicitly acknowledge the hazards posed by their market power and, in exchange for their monopoly position, impose regulations to ensure desirable societal outcomes.

From this perspective it is easy to see that markets in which monopolies control are far from “free” in the sense that there is a huge asymmetry between the power of buyers and sellers. ISPs with monopoly power, if unrestrained by regulation, are free to hold their resources hostage and extract arbitrarily high economic rent. There is no realistic substitute in most markets for the services provided by ISPs, and thus, in a world where Internet access is increasingly vital to conducting the daily affairs of citizens, we may wonder if transactions between ISPs and both individuals consumers and other organizations are fully voluntary.

In light of the incentives that natural monopolies such as ISPs face and in the context that the services that ISPs provide are increasingly necessary quotidian affairs of typical citizens, the correct course of action is the maintain net neutrality. Like water, electricity, and natural gas, data transport is a utility essential to all members of society. As such, it must be provided as equally as possible to all citizens.

Along another dimension, transmitting data in modern society is a form of speech. In a free society, in which freedom of association, speech, and information are vital pillars of civil society, the mediums over which those freedoms are exercised must be completely agnostic with respect to the value associated with them. In this capacity, ISPs are common carriers similar to postal and exactly like telecommunications companies. Indeed the same infrastructure used to deliver phone service is often used to deliver Internet service.

Perhaps the most compelling argument against net neutrality is the disincentive for further innovation. However, when weighing competing concerns, this seems like a necessary tradeoff. There is some probability that ISPs will invest less and innovate less, but there is a 100% probability that monopolist firms that are not regulated as utilities will maximize profit and extract as high a rent while investing as little as possible to maintain their monopoly position. Additionally, we point out that the Internet revolution began when the handful of existing telecom companies were heavily regulated as monopolies, flourished when those few companies were deregulated and broken into smaller competing firms, and remains robust as those firms has re-consolidated into monoliths again. Given the continued innovation throughout that time, it seems worth trading unknowable innovations in a consolidated, well-capitalized, and mature industry with unknowable innovations from an unknowable number of new and old industries that benefit from equal treatment of data.

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