

Ethics and Regulation of Cyberspace

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What is Cyberethics?

The study of moral, legal and social issues involving cybertechnology.

As a field of applied ethics, it:

- Examines the impact that cybertechnology has on our social, legal and moral systems.
- Evaluates the social policies and laws that we frame in response to issues generated by the development and use of cybertechnology.

It refers to a wide range of computing and communication devices to the internet itself.

Cybertechnology include:

- Digital electronic devices (network cameras)
- Networked computers (including servers, phones, laptops etc.)
- Stand-alone computers

Computer ethics limited either to:

- Computing machines
- Computing professionals

Internet ethics limited either to:

- Ethical issues affecting (only) networked devices

Computertechnology

Emerged late 1940s

First phase of computing technology - 1950s and 1960s

Mainly of huge mainframe computers that were unconnected (i.e. stand-alone machines).

phase two - 1970s and 1980s

Generated three kinds of ethical issues:

- Privacy concerns were exacerbated because confidential information could easily be exchanged between networked databases.
- Intellectual property issues emerged because personal computers could easily be used to duplicate and exchange proprietary software programs.
- Computer crime emerged because “hackers” could break into the computers of large organization.

phase three - 1990 and present

The availability of internet access to the general public has increased significantly. The proliferation of internet and web-based technologies in this phase has raised ethical and social concerns affecting:

- Free speech
- Anonymity
- Jurisdiction

Phase four - present to near-future

"Web 2.0" has made possible the proliferation of social networking sites (SNSs), such as Facebook and Twitter. **Web 2.0** describes that the content is user generated.

Computers become more and more a part of who or what we are as human beings.

Computers are becoming less visible as distinct entities, as they continue to be miniaturized and integrated into ordinary objects, blend unobtrusively into our surroundings.

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Are there any unique issues emerging from solely cyberethics.

Unique Ethical Issues?

Policy Vacuums and Conceptual Muddles

- Unanticipated uses of computers have introduced policy vacuums
- The topic has to be fully understood before policy can be created.
- One solution might seem simply to fill the voids with new or revised policies.
- Some policy vacuums cannot easily be filled because of conceptual muddles.
- In these cases, conceptual muddles first need to be elucidated before clear policies can be formulated and justified.

A Policy Vacuum in Duplicating Software

In the early 1980s there were no clear rules for copying programs --> a policy vacuum arose. Before the policy vacuum could be filled, a conceptual muddle had to be elucidated: What, exactly, is software?

Digital Piracy

Cyberethics as a Branch of Applied Ethics

- Applied ethics, unlike theoretical ethics, examines "practical" ethical issues.
- It analyzes moral issues from the vantage-point of one or more ethical theories.
- Three distinct perspectives of applied ethics (as applied to cyberethics):
 - Professional Ethics;
 - Philosophical Ethics;
 - Sociological/Descriptive Ethics.

Perspective #1: Cyberethics as a Branch of Professional Ethics Professional Ethics

Perspective #2: Philosophical Ethics

Perspective #3: Cyberethics as a Field of Sociological/Descriptive Ethics

Sociological/Descriptive Ethics Perspective

Descriptive Vs. Normal Approaches

Embedded Technological Features having moral implications

Brey's disclosive method

A Three-step Strategy for Approaching Cyberethics Issues

Discussion Scenario

Tue Sep 18 10:36:23 BST 2018

Ethics and Morality

- The term Ethics is derived from Ethos (Greek), and Morality from Mores (Latin).

- Both terms translate roughly into notions affecting “custom,” “habit,” and “behavior.”
- Ethics is defined as the study of morality, which raises two questions:
 - 1. What is morality?
 - 2. What is the study of morality?

Moral Dilemmas and Moral Issues

- Not every moral issue (or moral problem) that arises is (also) necessarily a moral dilemma.
- A dilemma is a situation where one must choose between two undesirable options, which often leads to one’s having to choose between “the lesser of two evils.”

Moral Dilemmas vs. Moral Issues

- Not every dilemma is moral in nature.
- The example of the “runaway trolley” (Scenario 2-1 in the textbook) illustrates a moral dilemma.
- Most of the moral concerns/problems that we examine in this course are moral issues (as opposed to moral dilemmas).

The Runaway Trolley: A Classic Moral Dilemma

What is Morality

- Morality can be defined as a system of rules for guiding human conduct, and principles for evaluating those rules.
- Two points are worth noting in this:
 - morality is a system;
 - it is a system comprised of moral rules and principles.
- Moral rules can be understood as “rules of conduct,” which are very similar to “policies.”

Directives

Directives are rules (of conduct) that guide our actions, and thus direct us to behave in certain ways.

Rules such as:

- “Do not steal”
- “Do not harm others”

Are examples of rules of conduct that direct us in our individual moral choices at the “microethical” level (i.e., the level of individual behavior).

Social Policies

Some rules of conduct guide our actions at the “macro-ethical” level by helping us frame social policies.

Rules such as:

- “Proprietary software should not be copied“
- “Software that can be used to invade the privacy of users should not be developed”

Are both examples of rules of conduct that arise out of our social policies.

Notice the correlation between directives and social policies (e.g., rules involving stealing).

Principles

The rules of conduct in a moral system are evaluated by way of standards called principles.

For example, the principle of "social utility" (i.e., promoting the greatest good for the greatest number) can be used to evaluate a social policy such as “Proprietary software should not be copied without permission.”

A policy, X, could be justified (on utilitarian grounds) by showing that following Policy X (i.e., not allowing the unauthorized copying of software) would produce more overall social utility (greater good for society).

Bernard Gert’s Scheme of a Moral

According to Bernard Gert (2005), morality is a system that is:

- like a game, but more like an informal game (e.g. a game of cards)
- public (open and accessible to all)
- rational (open to reason)
- impartial (as illustrated in Gert’s “blindfold of justice”).

The Role of Values in a Moral System

Values can be viewed as objects of our desires or interests. Examples of values include very general notions such happiness, love, freedom, etc. Moral principles are ultimately derived from a society’s system of values.

Intrinsic vs. Instrumental Values

Philosophers distinguish between two types of values: intrinsic and instrumental values. Any value that serves some further end or good is called an instrumental value because it is tied to some external standard. For example, cars, computers, and money are goods that have instrumental value. Values such as life and happiness are intrinsic because they are valued for their own sake.

Core Values

Another approach to cataloguing values is to distinguish core values, some of which may or may not also be intrinsic values, from other kinds of values. Moor (2004) argues that values such as life, happiness, and autonomy are core values because they are basic to a society’s thriving and perhaps even to a society’s survival. Not all core values are also moral values.

Three Schemes for Grounding the Evaluative Rules in a Moral System

The principles are grounded in one of three different kinds of schemes:

- religion;
- law;
- philosophical ethics.

Approach #1: Grounding Moral Principles in a Religious System

Consider the following rationale for why stealing is morally wrong:

Stealing is wrong because it offends God or because it violates one of God's (Ten) Commandments. (Christian Based)

From the point of view of institutionalized religion, stealing is wrong because of it offends God or because it violates the commands of a supreme authority.

Approach #2: Grounding Moral Principles in a Legal System

An alternative rationale would be:

Stealing is wrong because it violates the law.

Here the grounds for determining why stealing is wrong are not tied to religion. If stealing violates a law in a particular nation or jurisdiction, then the act of stealing can be declared to be wrong independent of any religious beliefs that one may or may not happen to have.

Approach #3: Grounding Moral Principles in a Philosophical System of Ethics

A third way of approaching the question is:

Stealing is wrong because it is wrong (independent of any form of external authority or any external sanctions). On this view, the moral "rightness" or "wrongness" of stealing is not grounded in some external authoritative source. It does not appeal to an external authority, either theological or legal, for justification.

Many philosophers and ethicists have argued that:

- Independent of either supernatural or legal authorities, reason alone is sufficient to show that stealing is wrong.
- Reason can inform us that there is something either in the act of stealing itself, or in the consequences that result from this kind of act, that makes stealing morally wrong.

Social disapproval - no punishment in a formal sense.

The Method of Philosophical Ethics

Philosophers use normative method to analyze moral issues Social scientists use the descriptive method.

Sociological and anthropological studies are descriptive because they describe or report how people in various cultures and groups behave with respect to the

rules of a moral system. For example, a sociologist might report that people who live in nations along the Pacific Rim believe that it is morally permissible to make copies of proprietary software for personal use.

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Discussion Stoppers as "Roadblocks" to Moral Discourse

- People disagree about morality; so how can we reach agreement on moral issues?
- Who am I/Who are we to judge others and to impose my/our values on others?
- Isn't morality simply a private matter?
- Isn't morality simply a matter that different cultures and groups should determine for themselves?

Discussion Stopper # 1: People Disagree on Solutions to Moral Issues

People who hold this view fail to recognize:

- Experts in other fields of study, such as science and math, also disagree on what the correct answers to certain questions are.
- There is common agreement about answers to some moral questions.
- People do not always distinguish between "disagreements about factual matters" and "disagreements on general principles" in disputes involving morality.

Discussion Stopper # 2: Who am I to Judge Others?

We need to distinguish between:

“persons making judgments” and “persons being judgmental,” and “judgments involving condemnations” vs. “judgments involving evaluations.”

Also, we are sometimes required to make judgments about others.

Discussion Stopper # 3: Ethics is Simply a Private Matter

Many people assume that morality is essentially personal in nature and that morality must therefore be simply a private matter. “Private morality” is essentially an oxymoron or contradictory notion. Morality is a public phenomenon (Gert).

Discussion Stopper # 4: Morality is Simply a Matter for Individual Cultures to Decide

A moral system is dependent on, or relative to, a particular culture or group. There are some very serious problems with this view, which is called ethical relativism. It is useful to distinguish between two positions involving relativism:

cultural relativism, moral relativism.

Discussion Stopper #4 Continued - Cultural Relativism

At the base of cultural relativism is the following assumption:

(A) Different cultures have different belief systems about what constitutes morally right and wrong behavior.

Note that (A) is essentially a descriptive thesis.

Even if cultural relativism (Thesis A) is true, we can ask if (A) logically implies the claim

(B) No universal standard of morality is possible (because what is morally right or wrong can only be determined only by some culture or group).

Note that (B), unlike (A), is a normative thesis. Also note that move from (A) to (B) is to move from cultural relativism to moral relativism.

Moral Relativism

Moral relativists make a questionable move:

Premise: Different cultures have different beliefs about what is right and wrong
Conclusion: No universal standard of morality is possible.

Many moral relativists also seem to suggest that, in matters of morality, “anything goes.” But the moral relativist’s view is essentially incoherent and inconsistent. Does it follow that individuals who reside outside a particular culture, X, can never make any judgments about the behavior of those who live within X?

Consider that in many tribes in West Africa a ritual of female circumcision is still practiced. While this practice has been a tradition for many generations, some females living in tribes that still perform this ritual on teenage girls have objected. Many people who live outside these cultures condemn this practice as it is carried out today. Are they wrong in condemning this practice? Assume that the majority of residents in Culture X approve of female circumcision. Would it be inappropriate for those who lived outside of West Africa to claim that the treatment of young women in those tribes is morally wrong, simply because they are not members of Culture X?

Thus, Moral Relativism must be the opposite of Moral Absolutism. A spectral and even subjective perception of Morality vs. a absolute and measureable perception of Morality.

Moral Objectivism vs. Moral Absolutism

- Moral absolutism
- Moral objectivism

There is only one uniquely correct answer to every moral problem. (for at least some moral issues) there can be more than one acceptable answer, so long as rational standards apply.

Gert notes that while there may not be only one uniquely correct answer to every moral problem, there can be incorrect answers to many of these problems.

Example: The Perils of Moral Relativism

Two cultures, Culture A and Culture B, adjoin each other geographically. The members of Culture A are fairly peaceful people, tolerant of the diverse beliefs found in all other cultures. And they believe that all cultures should essentially mind their own business when it comes to matters involving morality. Those in Culture B, on the contrary, dislike and are hostile to those outside their culture. Culture B has recently developed a new computer system for delivering chemical weapons that it plans to use in military attacks on other cultures, including Culture A. Since Culture A subscribes to the view of moral relativism, and thus must respect the views of all cultures with regard to their systems of moral beliefs, can it condemn, in a logically consistent manner, Culture B's actions as immoral?

Summary of Logical Flaws in the Discussion Stoppers

Stopper #1

People disagree on solutions to moral issues.

Stopper #2

Who am I to judge others?

Stopper #3

Ethics is simply a private matter.

Stopper #4

Morality is simply a matter for individual cultures to decide.

1. Fails to recognize

that experts in many areas disagree on key issues in their fields.

1. Fails to distinguish

between the act of judging and being a judgmental person.

1. Fails to recognize that

morality is essentially a public system.

1. Fails to distinguish

between descriptive and normative claims about morality.

1. Fails to recognize

that there are many moral issues on which people agree.

1. Fails to distinguish

between judging as condemning and judging as evaluating.

1. Assumes that people

can never reach common agreement on some moral principles.

1. Fails to distinguish

between disagreements about principles and disagreements about facts.

1. Fails to recognize

that sometimes we are required to make judgments

1. Fails to note that

personally-based morality can cause major harm to others.

1. Confuses moral

choices with individual or personal preferences.

1. Assumes that a

system is moral because a majority in a culture decides it is moral.

The Structure of Ethical Theories

An essential feature of theory in general is that it guides us in our investigations. In science, theory provides us with some general principles and structures to analyze our data. The purpose of ethical theory, like scientific theory, is to provide a framework for analyzing issues. Ideally, a good theory should be coherent, consistent, comprehensive, and systematic.

Why Do we Need Ethical Theories?

Ethical theories can help us to avoid inconsistent reasoning in our thinking about moral issues and moral dilemmas. Recall again the runaway trolley scenario, but now imagine a variation of it in which victims of the trolley accident are taken to the hospital and only limited resources are available to the accident victims. Which moral principle would you use in deciding who receives medical assistance and who does not? Can you also apply that principle consistently across similar cases?

Why Do we Need Ethical Theories?

Imagine that as a result of the accident, The people are rushed to the hospital. Each patient, whose condition is “critical,” is in need of a vital human organ to live, and there is not sufficient time to get these organs from a transplant donor bank located outside the hospital. Also, the hospital happens to be understaffed with surgeons at the time the accident victims are admitted to the emergency ward. So a medical physician (Dr. Smith) on duty at the hospital, who is administering a post-surgery physical exam to a patient in one room, is suddenly

called into the emergency room. Dr. Smith determines that one patient needs a heart, and another a kidney; a third patient needs a liver; a fourth, a pancreas; a pair of lungs. Smith also determines that unless the victims receive the organ transplants immediately, each will die. Then it suddenly occurs to Dr. Smith that the hospital patient on whom he had been conducting the physical exam is in excellent health. If the healthy patient's organs were removed and immediately given to each accident victim, all would live. Of course, the healthy patient would die as a result. But the net result would be that four more humans would live. What should Smith do in this case? What would you do if you were in the doctor's shoes? Four Kinds of Ethical Theories We organize ethical theories into four broad?

categories:

- Consequence-based,
- Duty-based,
- Contract-based,
- Character-based.

Consequence-based Ethical Theories

The primary goal of a moral system is to produce desirable consequences or outcomes for its members. The consequences (i.e., the ends achieved) of actions and policies that provide the ultimate standard against which moral decisions must be evaluated. So if choosing between acts A or B, the morally correct action will be the one that produces the most desirable outcome. In determining the best outcome, we can ask the question, whose outcome?

Consequence-based Theories: (Utilitarianism Continued)

According to the utilitarian theory:

An individual act (X) or a social policy (Y) is morally permissible if the consequences that result from (X) or (Y) produce the greatest amount of good for the greatest number of persons affected by the act or policy.

Consequence-based Theories: (Utilitarianism Continued)

Utilitarians draw on two key points in defending their theory:

The principle of social utility should be used to determine morality; social utility can be measured by the amount of happiness produced for society as a whole.

Act Utilitarianism

According to act utilitarians:

An act, X, is morally permissible if the consequences produced by doing X result in the greatest good for the greatest number of persons affected by X.

A Controversial Policy in Newmerica

- A policy is under consideration in a legislative body in the nation of

Newmerica, where 1% of the population would be forced to work as slaves in a manufacturing facility to produce computer chips.

- Proponents of this policy argue that, if enacted into law, it would result in lower prices for electronic devices for consumers in Newmerica. They argue that it would also likely result in more overall happiness for the nation's citizens because the remaining 99% of the population, who are not enslaved, would be able to purchase electronic devices and other computer-based products at a much lower price. Hence, 99% of Newmerica's population benefit at the expense of the remaining 1%.

- This policy clearly seems consistent with the principle of producing the greatest good for the greatest number of Newmerica's population, but should it be enacted into law?

Criticism of Act Utilitarianism

Critics reject the emphasis on the consequence of individual acts. In our day-to-day activities, we tend not to deliberate on each individual action as if that action were unique. Instead, we are inclined to deliberate on the basis of certain principles or general rules that guide our behavior.

Criticism of Act Utilitarianism (continued)

Each time that you enter a store, do you ask yourself the following question: "Shall I steal item X in at this particular time?" Or, have you already formulated certain general principles that guide your individual actions, such as a principle to the effect: "It is never morally permissible to steal."

Rule Utilitarianism

Some utilitarians argue that it is the consequences that result from following rules or principles, not the consequences of individual acts, that are important. According to rule utilitarianism:

An act, X, is morally permissible if the consequences of following the general rule (Y), of which act X is an instance, would bring about the greatest good for the greatest number.

Runaway Trolley

- How would a rule utilitarian reason in the case of the trolley accident involving the victims each of whom needs an organ transplant to survive?

- For an (extreme) act utilitarian, the decision might be quite simple: remove the the organs from the one healthy patient (even though he will die) so that the humans who otherwise would die could now live.

- But would a rule utilitarian see this particular action as

justifiable on rule-utilitarian grounds—i.e., could it form the basis for an acceptable policy (in general) for hospitals and medical facilities?

Criticism of Rule Utilitarianism

utilitarian theory:

morality is ultimately tied to happiness or pleasure; morality can ultimately be determined by consequences (of either acts or policies).

Critics of utilitarianism argue that morality can be grounded neither in consequences nor in happiness.