

Chapter 2. Philosophical Ethics

Table of Contents

2.1	Theoretical Frameworks	1
2.2	A Framework for Ethical Analysis	2
2.2.1	Formal Guidelines	2
2.3	Ethical Theory.....	3
2.3.1	Deontology	3
2.3.2	Teleology.....	4
2.4	Normative Principles	4
2.4.1	The Principle of Nonmaleficence	4
2.4.2	The Principle of Autonomy	5
2.4.3	The Principle of Informed Consent	5
2.5	Law	5
2.6	Informal Guidelines	6
2.6.1	Moral Intuition Test.....	6
2.6.2	The Mother Test	6
2.6.3	The TV Test.....	6
2.6.4	The Smell Test.....	6
2.6.5	The Other Person's Shoe Test.....	6
2.6.6	The Market Test.....	6
2.7	A Defensible Choice	7
2.8	Additional Principles	7
2.9	Where do Personal Values come from?.....	7
2.10	MARXISM: When Economics Determines Everything, Even Morality	8
2.11	Answers and Discussions.....	8
2.11.1	Discussions of Activity 1	8

2.1 Theoretical Frameworks

According to Spinello (1995) the purpose of ethics is to help us behave honourably and attain those basic goods that make us more fully human. Ethics of this type, often called normative ethics, is distinct from the discipline of metaethics. Spinello defines metaethics as *'The study of moral discourse, the meaning of ethical terminology, and provability of ethical judgements. It deliberately eschews the old Socratic questions that are also asked by Aristotle: "How should life be lived?" or "What is the good life?"'*

Normative ethical inquiry, on the other hand, is a quest *'For the practical truth of how one's choices and actions will be good and worthwhile.'* Thus Spinello concludes: *'Whereas the goal of metaethics is an appreciation of the structure of moral language, the goal of normative ethics is an identification of the true human good.'*

Hence, normative ethical inquiry seeks a basis for choosing proper actions and the right way of life. However, ethics is not an exact science and therefore the same levels of objective truth that is possible in the rational sciences or mathematics cannot be attained. But the fact that ethical judgements do not have the same deductivity and objectivity as scientific ones does not imply that ethics consists merely of emotional and subjective opinions. Moral judgements should be based upon rational moral principles and sound, carefully reasoned arguments. Normative claims are supported by *'An appeal to defensible moral principles, which become manifest through rational discourse.'*

Also, simply because there is no unique, correct solution to a moral dilemma, it does not follow that all solutions are equally valid. A moral position can be assessed according to objective criteria, in terms of whether they respect or violate basic *'Human rights, remain open to human fulfilment, maximise the social good, etc.'* and therefore these criteria disqualify some solutions to ethical dilemmas in favour of others. Some basic moral principles

and theories that can serve as normative guidelines for addressing the ethical issues invoked by computers will be considered later in the chapter. These guidelines constitute a framework for the ethical analysis of cases where ethical and professional issues may have been invoked. The initial step in conducting an ethical analysis is to establish one or more issues to be analysed. Then for each issue the law and principles presented in each of the four processes of the framework are applied. For each issue one or more alternative options are often highlighted. The analysis will disqualify some options to the ethical issue in favour of others. The intention of an analysis is to present these alternative options to a user and allow them to rationally examine these and choose the correct one.

The normative guidelines described below are those that appear in the Kallman and Grillo (1996) framework.

However, the danger of making an appeal to as many ethical principles as possible is that sometimes they conflict. In analysing an action, the course of action that is suggested by one ethical philosophy might contradict the course of action that is suggested by another. For example, Egoism focuses on self-interest. This ethical principle is used as justification when something is done to further an individual's own welfare. The principle of Utilitarianism embodies the notion of operating in the public interest rather than for personal benefit. However, an appreciation of ethics allows individuals to be aware of all possible ethical resolutions and their respective implications. An appropriate course of action for an individual should only be arrived at after thinking through all the implications. The intention behind an ethical analysis should not be to prescribe a particular set of ethical values for resolving ethical issues invoked by computers. But allow an individual to appreciate all the possible course(s) of action that can be taken according to the differing, and often conflicting, sets of ethical values and then make a judgement as to which is applicable for them in the real world.

2.2 A Framework for Ethical Analysis

The first task is to list all the relevant facts. The stating of facts is, as suggested by Kallman and Grillo 'As much as possible, a neutral, logical exercise'. Although interpretation is involved in selecting pertinent facts, they are not judged in this step.

The second task is to list the stakeholders in the case to determine who is affected by the action being analysed. A judgement must be made as to whether a stakeholder is important enough to be listed. There may also be a number of secondary stakeholders, and including them and their claims might not improve the depth of the case analysis.

Finally, it is necessary to consider the course of action the stakeholders have or are considering taking. This is achieved by asking whether they were or are under an obligation or duty to have done or not have done something. In addition, it is important to evaluate all the reasons that individuals give or may give to justify their actions, i.e. failing to fulfil their duty. One way to do this is to ask the question 'Does it matter....?' and then consider each of the reasons given in turn to determine which failings are significant and which are trivial.

Having established one or more of the courses of actions for each stakeholder, the principles pertaining to the following four steps (presented in sections 3.1-3.4 respectively) should be applied: Formal Guidelines, Ethical Theory, Legal Issues and Informal Guidelines.

2.2.1 Formal Guidelines

Areas addressed by professional codes are areas of concern in computer ethics, and the professional codes provide guidance related to making ethical decisions. A professional code is a set of rules that state principal duties all professionals should endeavour to discharge in pursuing their professional lives.

Consult corporate or professional codes of conduct

The first principle under Formal Guidelines is to consult corporate or professional codes of conduct. Since reference to a specific code may be a shortcoming because it fails to take into consideration cultural differences, the guidelines referenced should be as universal as possible. The computer ethicists Martin and Martin made a comparison of the ethical codes of four computer societies:

1. Association for Computing Machinery (ACM)

2. Institute of Electrical and Electronics Engineers (IEEE)
3. Data Processing Managers Association (DPMA) and
4. Institute for the Certification of Computer Professionals (ICCP)

They found ten common themes that emerged as the core for ethical behaviour for computer professionals:

1. Personal integrity/claim of competence
2. Personal responsibility for work
3. Responsibility to employer/client
4. Responsibility to profession
5. Confidentiality of information
6. Conflict of interest
7. Dignity/worth of people
8. Public safety, health, and welfare
9. Participation in professional societies
10. Increasing public knowledge about technology

These ten universal common themes are referenced in an ethical analysis.

The second principle to be referenced under Formal Guidelines is extracted from Confucianism. Confucianism is the ethical system of the Chinese philosopher Confucius (551-479 BC). Confucius's ethical system is sometimes summed up in the rule:

'What you do not want others to do to you, do not do to them.'

In ethics this is known as the Golden Rule.

Having highlighted the course of actions that stakeholders have or are considering taking, the ten universal common themes and the Golden Rule should be applied to determine whether the consequences of these actions are ethical or unethical. If a specific course of action committed by a stakeholder fails to fulfil any of these principles given in this section then the action can be defined as unethical.

2.3 Ethical Theory

The modern ethical theories Deontology and Teleology are considered.

2.3.1 Deontology

According to a deontological framework, actions are essentially right or wrong regardless of the consequences they produce. An ethical action might be deduced from a duty (pluralism) or a basic human right (contractarianism) but it never depends on its projected outcome.

Duty-based Ethics (Pluralism)

According to WD Ross in (Kallman and Grillo, 1996) there are seven basic moral duties that are binding on moral agents:

1. One ought to keep promises (fidelity)

2. One ought to right the wrongs that one has inflicted on others (reparation)
3. One ought to distribute goods justly (justice)
4. One ought to improve the lot of others with respect to virtue, intelligence, and happiness (beneficence)
5. One ought to improve oneself with respect to virtue and intelligence (self-improvement)
6. One ought to exhibit gratitude when appropriate (gratitude)
7. One ought to avoid injury to others (non- injury)

Rights-based Ethics (Contractarianism)

Focuses on moral principle instead of consequences. A right can be defined as entitlement to something. In the field of Information Technology, Ernest Kallman identified three specific rights:

1. The right to know
2. The right to privacy
3. The right to property

2.3.2 Teleology

Teleological theories give priority to the good over the right, and they evaluate actions by the goal or consequences that they achieve. Thus, correct actions are those that produce the most good or optimise the consequences of choices, whereas wrong actions are those that do not contribute to the good. Three examples of the Teleological approach to ethics are Egoism, Utilitarianism and Altruism.

Egoism

Egoism focuses on self-interest. This ethical principle is used as justification when something is done to further an individual's own welfare. Asking the following question can best sum up the principle: 'Does the action benefit me, as an individual, in any way?'

Utilitarianism

The principle of Utilitarianism embodies the notion of operating in the public interest rather than for personal benefit. The principle extracted from this theory determines an action to be right if it maximises benefits over costs for all involved, everyone counting equal.

Altruism

'Is invoked when a decision results in benefit for others, even at a cost to some'.

The principle extracted from this theory determines an action to be right if it maximises the benefits of some, even at the cost to others involved. In addition, the normative principles of Nonmaleficence, Autonomy and Informed Consent are also considered. On account of their simplicity and concreteness, Spinello sees these principles as serving '*A more practical and direct way of coming to terms with a moral dilemma*'.

2.4 Normative Principles

2.4.1 The Principle of Nonmaleficence

The principle is best summed up in the simple phrase, '*above all do no harm*'. According to this most basic of all moral principles, needless injury to others ought to be avoided whenever possible. The academic Gunneman states:

'We know of no societies, from the literature of anthropology or comparative ethics, whose moral codes do not contain some injunction against harming others. The specific notion of harm or social injury may vary, as well as the mode of correction and restitution but the injunctions are present.'

2.4.2 The Principle of Autonomy

Kant and other philosophers have stressed that a vital element of person hood is the capacity to be self- determining. The Kantian notion of person hood emphasises the *'Equal worth and universal dignity of all persons, because all rational persons have a dual capacity: the ability to develop a rational plan to pursue their conception of the good life, and also the ability to respect this same capacity of self- determination in others. In other words, for an individual to be truly human, that person must be free to decide what is in his or her best interest.'*

2.4.3 The Principle of Informed Consent

The principle implies that someone has given agreement freely to something. For such an assent to have significance, it should be **informed**, that is, based on accurate information and an understanding of the issues at hand. If this information is deliberately withheld or is incomplete because of carelessness, then the consent is given under false pretences and is invalid.

Referring to the highlighted course of actions that stakeholders have or are considering taking, the ethical principles stated under deontology, teleology and the normative principles should be applied to determine whether the consequences of these actions are ethical or unethical. However, it is important to note that in analysing any specific course of action, the evaluation of that action that is suggested by one ethical philosophy might contradict the evaluation of the same action by another ethical philosophy. For example, a moral duty to improve one self may conflict with a utilitarian duty to operate in the public interest. The principles are simply allowing you to assemble a rational reason for your course of action. A moral position for a course of action can be assessed according to objective criteria, in terms of whether they respect or violate the basic ethical principles presented in this section.

2.5 Law

When a law tells us to do or not to do something, it implies that a recognised, established authority has decided that the action the law permits or prohibits is of some benefit to society in some way. It often happens that an ethical principle was the basis for any decision regarding this issue before the law was constructed. The fact that the law is grounded in ethical principles makes law a good point for ethical decision making. In other words, Kallman and Grillo (1996) suggest

'That when we are confronted with an ethical decision, we should first research the law'.

In some instances, the law will clearly apply and lead directly to the appropriate ethical conclusion. However, to rely solely on law as a moral guideline is clearly dangerous because as highlighted by Jennifer Wagner (1991) four possible states exist in the relationship between ethics and law. Wagner's taxonomy identifies four possible states which depend on whether a specific act is ethical or not ethical, and legal or not legal. The table below presents these states. This implies that in certain circumstances bad laws exist. Bad laws may bind rules on society that fail to provide moral guidance. Such laws may in some instances excuse a society from fulfilling certain obligations and duties, or allow a society to justify their unethical behaviour. However, beyond any doubt, law and morality do have in common certain key principles and obligations.

Legality versus Ethicality

	Legal	Not Legal
Ethical	I	II
Not Ethical	III	IV

- I = An act that is ethical and legal

- II = An act that is ethical but not legal
- III = An act that is not ethical but is legal
- IV = An act that is not ethical and not legal

Activity 1: Law and Ethics

Think of a scenario (need not be related to computing) that best illustrates each state that exists in the relationship between law and ethics.

You can find some discussion of this activity at the end of this chapter.

2.6 Informal Guidelines

The following tests allow for quick evaluation of a situation in an attempt to resolve an ethical dilemma Kallman and Grillo (1996) define these as informal guidelines.

2.6.1 Moral Intuition Test

The test involves asking the following question:

'Consider your first impressions or reactions to these issues. In other words, what does your moral intuition say about the action or policy under consideration: is it wrong or right?'

The merit of using this principle is that, as in the other tests, it allows for quick evaluation of a situation in an attempt to resolve an ethical dilemma.

2.6.2 The Mother Test

Discovers simply whether the individual would be proud or ashamed of an action, whether they would tell their mother what they did. The test uses a highly personal reaction as the first indicator of a problem.

2.6.3 The TV Test

Attempts to determine how the individual would feel if they saw their situation described on TV, whether their action would make them appear good or bad. How would millions of TV viewers react? In this test you *'pretend your ethical dilemma is being publicised far and wide'*.

2.6.4 The Smell Test

Simply asks whether the situation *smells*. Does the individual *feel in their bones* that there is a problem, but cannot pin it down. Does the individual's instinct tell them that something is wrong?

2.6.5 The Other Person's Shoe Test

Discovers actions that violate the ethical concept of the public interest. It asks what if the roles were reversed? Would the individual be happy if the act were done to them? If the individual would not want the roles reversed, then there is probably something wrong.

2.6.6 The Market Test

Determines whether the individual would use their behaviour as a marketing tool. In other words, does the individual's action have enough merit to give them a marketing edge? Would publicising their action reap praise or criticism for their organisation? If the answer is criticism the action is deemed to be unethical.

2.7 A Defensible Choice

Ethical choices are not made with absolute certainty; they are not deductive like mathematical problems and solutions. Ethical decisions are made through judgement and by validation through a rational appeal to a number of principles, as above. There is no unique correct solution to a moral dilemma. However, in assessing moral positions, a person can rationally examine alternative options and choose the correct one. Chris Sadler concludes:

"You can make a rational choice - that means you can give reasons for your choice. But it can still be morally wrong or morally repugnant to somebody else, or just different to what somebody else would have done in those circumstances. . All you can do is make a decision that is 'right for you' and going through the guidelines helps you to find out what that is and also to assemble your reasons (i.e. rational basis) for doing it."

The rules and principles presented in the above framework can be applied to the case facts of instances where ethical dilemmas have been invoked in the development and deployment of computers.\

2.8 Additional Principles

In addition to the normative principles given above, an individual can make a rational appeal to The Ten Commandments of Computer Ethics has advocated by Arlene Rinaldi's Netiquette Webpage:

1. Thou shalt not use a computer to harm other people
2. Thou shalt not interfere with other people's computer work
3. Thou shalt not snoop around in other people's computer files
4. Thou shalt not use a computer to steal
5. Thou shalt not use a computer to bear false witness
6. Thou shalt not copy or use proprietary software for which you have not paid for
7. Thou shalt not use other people's computer resources without authorisation or proper compensation
8. Thou shalt not appropriate other people's intellectual output
9. Thou shalt think about the social consequences of the program you are writing or the system you are designing
10. Thou shalt always use a computer in ways that insure consideration and respect for your fellow human being

To be ethical, an action should elicit a positive response to all applicable primary questions and a negative response to each clarification:

- Is it honourable? Is there anyone from whom you would like to hide the action?
- Is it honest? Does it violate any agreement, actual or implied, or otherwise betray a trust?
- Does it avoid the possibility of a conflict of interest? Are there other considerations that might bias your judgement?
- Is it within your area of competence? Is it possible that your best effort will not be adequate?
- Is it fair? Is it detrimental to the legitimate interests of others?
- Is it considerate? Will it violate confidentiality or privacy, or otherwise harm anyone or anything?
- Is it conservative? Does it unnecessarily squander time or other valuable resources?

2.9 Where do Personal Values come from?

Their family and workplace may affect a person's views, but there are other areas of influence. In fact the number of such possible influences is potentially huge. Human interaction is recursive, every aspect of the way in which individuals react with those around them in turn colours the way they perceive the world, and so modifies their interaction with it. Some of these influences that shape our personal value are: Family / friends; Colleagues; Workplace; Industry / profession; Community; Law; Religion; and Culture: includes media, arts.

2.10 MARXISM: When Economics Determines Everything, Even Morality

Everything that Karl Marx (1818-83) wrote and thought stemmed from his conviction that all human activity was economically determined. Marx believed that political activity - just like religion, culture and morality - took its form from the economic system that gave it birth. And through all the centuries of human history - especially under the economic system of Western Capitalism as it operated when he was writing, in the middle decades of the 19th century - one theme stood out: class warfare and the exploitation of one class by another.

He advocated three classes: the landed aristocracy; the bourgeoisie (capitalist employing class); and the proletariat (wage earning, employed class). Because each class held a unique position in the economic system this implied their respective religion, culture and morality differed accordingly.

Activity 2: Personal Values

Ask colleagues, family and friends to identify their personal values. Can you identify any personal beliefs that differ from the ones held by your colleagues, family and friends? List these differences. How do you believe these differences may have arisen? Can you identify any universal core beliefs that are held by everyone you know, that could possibly be held by every human?

2.11 Answers and Discussions

2.11.1 Discussions of Activity 1

An act that is ethical and legal: The act of non-discrimination on grounds of race, gender, disability, sexual orientation, etc. is ethical and via discriminatory legislation legal.

An act that is ethical but not legal: The act of euthanasia can be seen as ethical, yet in some countries such as the UK is illegal.

An act that is not ethical but is legal: Apartheid, segregation of blacks and whites in South African society, totally unethical yet was legal under white rule.

An act that is not ethical and not legal: Torture of political prisoners is unethical and illegal under UN Declaration of Human Rights.