

# Opportunities and Limits of Codes of Ethics or Conduct in the Experience of Computer Ethics

**M. Durante**  
Università degli Studi di Torino

It is important today, as never before, to continue to meditate on the themes of Computer Ethics that began many decades ago (Moor, 1985). Our society is largely dependent on the operations of the computers (and, more generally, on the technologies of information and communication [ICTs]) to perform its most essential tasks. The map of our dependencies draws, at the same time, the map of our own fragilities, and thus it requires us to be concerned with a moral meditation that involves, as well, the meaning of such fragility. In the field of Computer Ethics, this has demanded the adoption of several codes of ethics or conduct.

This was a positive achievement, because it made manifest a growing sensitivity to the ethical and social implications of technological development, which runs through the whole society and involves those who are called to reflect on these issues and especially those which are called upon to give them a concrete implementation. The creation of codes of ethics or conduct has represented in many cases a useful opportunity to bring public awareness to the threshold of the existence of problems for which there was no exact perception and to settle such awareness into a written text. However, precisely in the dynamic context of technological change, it is necessary to test the idea of a code of ethics or conduct and to raise some problematic aspects that concern the idea of a moral or legal legislation or, in other terms, the idea of soft-law (Durante, 2007, 33-37; Ziccardi, 2009).

To do this, I would like to recall a distinction, developed in the context of moral theory, which was made famous by an American philosopher, Stanley Cavell (2005). Of course, we are not interested, in the present context, in analyzing in detail such a philosophical perspective nor in reconstructing its genealogy, but only in grasping its basic idea. Cavell says that, in the philosophical tradition, we may distinguish two moral basic attitudes: that of the “legislators” and that of the “perfectionists”.

**Legislators** are those who believe that we should adopt codes of conduct, which provide people with more or less rigid and narrow rules or guidelines that serve us to know what behaviors to keep in concrete situations, in order not to be reproachable. In this perspective, people believe that rules can bring us by themselves to ‘the right’ or at least can help us to avoid ‘the wrong’. This ethical

approach concerns only those subjects that are conceived as legislators that are able to issue moral standards in their full autonomy. This approach seems problematic if it is put into relation to contemporary conceptions of ethics, which puts emphasis not only on the agents, but also and perhaps especially on the patients in a perspective that is no longer strictly anthropocentric (Floridi, 2013). Furthermore, our moral actions seem to display their moral effects beyond the “ordinary standards of proximity” (Putnam, 2008), that is to say, beyond those links that bind together agents and patients and, notably, actions and effects, on the predictability of which any moral or legal legislation is based.

In this context, I need to specify the idea itself of legislation, before clarifying the concept of moral perfectionism. Any legislation, whether moral or legal, is a regulatory system, which competes with other regulatory systems, such as technology, economics, architecture, social norms and others (Lessig, 1999). Today, we are aware of the fact that a given social behavior is unlikely to be regulated by a single regulatory system: most probably, it is the outcome of the contest or competition between different regulatory systems interacting with each other. From this point of view, a legislation (whether hard or soft law) can sometimes prevail over other regulatory systems for the readiness with which it is adopted and implemented (by the time it is adopted, it demands obedience) or because of its legitimization that is the result of a democratic process or of a deep-seated tradition. More often, however, the legislation has an ancillary (or secondary) role with respect to technology. This happens not only because technology evolves more rapidly than does the law or morality, as many tend (not without reason) to repeat. This happens for a subtler reason. There is a fundamental principle that governs all the legal experience (and one could say this about the moral experience as well), enclosed in a Latin formula that says: *ad impossibilia nemo tenetur*. That is to say, no one is obliged to do what is impossible. Every prescription is applied in the context of what is possible. Nowadays, it is the evolution of the technology that defines the scope of the possibilities in which a legislation can be applied. I would like to bring a concrete example that concerns the legal field. In a recent judgment of the Court of Appeal of Milan, it is stated that the Internet Service Providers (ISPs) do not have an obligation of prior control over the content of communications on the Internet, for which they have offered their services, since there exists no technological automated system that allows one to automatically detect and diagnose in advance potentially illegal content, and for this reason they are not responsible. In other words, since a preventive control is not technologically possible, they are not legally responsible. This reasoning seems to imply that, if such a device were available, ISPs would be judged responsible, and that regardless of the presence or absence of an explicit legal norm setting such an obligation or duty of warrant upon the ISPs. In this case, a technological possibility would create a legal liability. This does not mean that, for example, research related to the semantic web is directed, as such, to create new forms of legal liability. This could only be a side-effect of that research. The example given is telling us something different and more essential, namely that legislation moves today, basically, already in the field of possibilities opened up by technology. After this digression, let us return to our moral perfectionists.

**Perfectionists** believe that ethics can never be merely reduced to a set of standards or codes of conduct. The foundation of moral perfectionism lies in the idea that “there is a need for something that precedes the principles or the constitution, without which the best principles or the best constitutions are of no value” (Putnam, 2008, 36). Perfectionists do not necessarily have reasonable confidence in the rules and codes of conduct, as in some philosophical tradition, for which the rules never lead by themselves to the right. They believe that they are useful but not sufficient in themselves. They believe, moreover, that ethics is essentially dialogic and relational and, as such, is not necessarily geared to an intended purpose (“it is a process, not a predetermined objective”) (Eakin, 2004, 191). For this reason, perfectionists fear that, by merely adopting rules or codes of conduct, we risk to crystallize dynamic relations within general and abstract forms, which are less sensitive to the evolution of the reality to which they should provide guidance. From this perspective, moral perfectionists believe that the adoption and implementation of a code of ethics or conduct can never be separated by the simultaneous overall comprehension of the society and of the time in which this code of ethics or conduct is meant to be implemented (Floridi ed., 2010).

This poses a twofold problem, in respect of any legal or moral legislation (made by a code of ethics or conduct). This problem concerns the way in which to ensure that a given code of ethics or conduct is (1) gradually adapted to the evolution of the ethical problems, and (2) applicable to concrete cases (without being limited to guidelines and general clauses). This is not, of course, a new problem, and for this reason we may refer to the legal experience, to see how this problem has been addressed and dealt with in that context. Experience suggests that a legal text is destined to remain a dead letter, if there is not a living context, within which it can be interpreted, updated and applied to concrete cases. The construction of this (legal) context is more complex, layered and decisive of the construction of the (legal) text. In more explicit terms, historically, the construction of a class of lawyers or judges has been a more complex, stratified and decisive activity than has been the elaboration of the laws. This means that the success and fruitfulness of any code of ethics or conduct depends on the existence of a living and interpretative community or context, in which moral or legal provision (soft or hard laws) are given shared meaning and interpreted in a way that is consistent with the evolution of the society.

The problem of the interpretation, application and updating of a code can be dealt with in theoretical and/or practical terms. From the theoretical standpoint, this requires the construction of an interpreting community and the systematic and comparative analysis of case studies: in this perspective, the task is not only to generalize a number of cases or examples, but also to build knowledge. From the practical standpoint, we need to provide codes of ethics or conduct with periodical revision and updating, and to set arbiters (or other forms of mediators) entrusted with the task of ruling on controversial cases, so that their pronouncement sets, from time to time, the state of the art on the problem at hand. We should not forget that, for example, the development of legal science has

depended, principally, on the heuristic ability of controversial cases to bring out new issues and solutions.

In conclusion, we must be aware of the fact that a moral or legal legislation, adopted by means of codes of ethics or conduct, can offer us clear rules or applicable guidelines, when we are confronted with “soft cases”, namely, cases which have been already examined, discussed and settled, and have thereby contributed to the formation of such standards or guidelines. On the contrary, when we are confronted with “hard cases”, i.e., cases which admit more than one solution or do not have a clear solution, the codes of ethics or conduct should not be thought of as normative-regulatory systems, which can still serve as a guide for our behavior, but as a discursive-regulatory systems, which set the framework within which we can examine and discuss what is –or is not– ethical to do. In such cases, the possible reference to a Manifesto, which constitutes the axiological foundation of a code of ethics or conduct, is perhaps even more important than the direct reference to the code of ethics or conduct. That is the reason why the adoption of a code of ethics or conduct should be premised upon and coupled with the elaboration and adoption of a Manifesto, which may serve as a shared axiological foundation of such a code of ethics or conduct.

## References

- CAVELL, S. (2005), *Cities of Words: Pedagogical Letters on a Register of the Moral Life*, Belknap Press of Harvard University Press, Cambridge, Mass.
- DURANTE, M. (2007), *Il future del web: etica, diritto, decentramento. Dalla sussidiarietà digitale all'economia dell'informazione in rete*, Collana Digitalica, Giappichelli Editore, Torino.
- EAKIN, P.-J. (2004), *The Ethics of Life Writing*, Cornell University Press, Ithaca, New York.
- FLORIDI, L. (2013), *The Ethics of Information*, Oxford University Press, Oxford, UK.
- FLORIDI, L. (ed.) (2010), *The Cambridge Handbook of Information and Computer Ethics*, Cambridge University Press, Cambridge, UK.
- LESSIG, L. (1999), *Code and Other Laws of Cyberspace*, Basic Books, New York, NY.
- MOOR, J. (1985), “What is Computer Ethics?”, In T. Ward Bynum (ed.), *Computer & Ethics*, Blackwell Publishers, Malden Mass., p. 266-275.
- PUTNAM, H. (2008), *Jewish Philosophy as a Guide to Life: Rosenzweig, Buber, Levinas, Wittgenstein*, Indiana University Press, Blomington, Indiana.
- ZICCARDI, G. (2009), *Etica e informatica. Comportamenti, tecnologie e diritto*, Addison Wesley, Pearson, Milano.

limited crossover between the computer ethics and information systems disciplines. Warren and Lucas (2016) found that there are very few researchers who are active in both fields and that there are very few papers from the computer ethics journals which are cited in the journals of the Association of Information Systems. Weiss (2017) found that there were few. The study was conducted in Sri Lanka using qualitative and quantitative tools. Ten aspects of integration challenges were divided into three groups namely, pre Integration challenges; ongoing integration challenges; and post integration challenges. The resulting measurement model could be used by software vendors to assess the effort required for software integration in projects. Ethics is a branch of philosophy that deals with determining what is right and wrong. Listed below are 10 commandments to help you understand computer ethics. Anyone working in the field of IT is going to encounter a lot of ethical problems. Why? Because computers are very powerful and IT professionals are like wizards controlling this technology. We all know from watching Harry Potter movies that wizards can be good or bad, and so can IT professionals. Non-technical people are increasingly dependent and trusting of information technology. If the next 20 years is anything like the last 20 year Ethical issues. Ethics are moral principles, or rules, that govern a person's attitudes and behaviour. Ethics apply to the use of computers as much as they do to other things in life. Ethical issues in computing include issues of privacy and cybersecurity. Privacy. Once data is put into a computer it can easily be copied or transmitted. This puts personal private data at risk. This could mean that they miss out on opportunities, such as online shopping offers that are not available on the high street. Working conditions. Modern technology has revolutionised many organisations. The benefits include quick access to data, cheap data storage, automatic generation of letters and invoices, and easy tracking of accounts. However, there are also some disadvantages of modern technology A code of ethics encourages ethical conduct, business honesty, integrity, and best practices. Read about the types of codes of ethics with examples of each. In others, a code of ethics may be voluntarily adopted. The main types of codes of ethics include a compliance-based code of ethics, a value-based code of ethics, and a code of ethics among professionals. A focus on climate change has become an integral part of companies' codes of ethics, detailing their commitment to sustainability. 1:16.