Chapter 13

Ethical Implications for IT

In this chapter, I will examine the ethical consequences for IT of the International Social Contract and the Global Economy Social Contract. I began considering ethical responses to global ethical problems of IT in Chapter 9, IT and Globalized Ethics, and continued the discussion in Chapter 11, Globalized Ethics and Current Institutions. Here I will examine the impact of the two social contracts on those ethical responses. The issues discussed were these:

- Internet regulation--transnational policies and equal rights
- IT and the Global Economy Social Contract
- Consequences for IT professionals
- IT and anticompetitive enforcement
- Intellectual Property
- Corporate IT ethics

TRANSCONTINENTAL POLICIES AND THE INTERNET

In Chapter 9, I noted that transnational legal rules or policies were needed to handle cases like Yahoo’s and concluded that the Internet, as a transnational institution par excellence, deserves transnational regula-

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Ethical Implications for IT

tion. The Global Greatest Equal Liberty Principle requires the establishment of some such transnational policy. I also suggested in Chapter 9 that perhaps postal or airline regulations might be a model, so that transnational regulation of the Internet could take place without having to implement some sort of new transnational authority. In Chapter 11, I pointed out that any jurisdiction (like China or the US) that found it important to restrict human rights such as freedom of speech would probably not be willing to enter into an international treaty not to restrict such rights. A transnational human rights authority may not improve matters, because an authority with enough power to override laws concerning rights within a country could easily become a “global despotism”. The appropriate institution to improve the status of human rights under the Global Economy Greatest Equal Freedom Principle may be an institution like the civil society of NGOs or the Global Internet Freedom Consortium. The Global Internet Freedom Consortium is a group of nonprofit and for-profit companies dedicated to developing, implementing, and disseminating technology to allow free access to the internet in spite of government restrictions. This organization thus directly implements The Global Economy Greatest Equal Freedom Principle at the transnational level. (Global Internet Freedom Consortium 2008) Another recent institution, the Global Network Initiative, also works to support global freedom. As I noted in Chapter 11, **Globalized Ethics and Current Institutions**, Yahoo, Google, and other transnational Internet companies such as Microsoft launched the Global Network Initiative in October 2008. This initiative acknowledges that global internet and communication companies are committed to respecting freedom of expression and privacy. These companies will now respect these rights even when confronted with countries which do not obey international standards. The initiative includes independent review of how well companies are implementing the principles of the initiative. (Global Network Initiative 2008) These companies acknowledge transnational freedom of expression and privacy, the part of the Greatest Equal Freedom Principle applicable to their dealings in electronic communication. The work of these two organizations is an excellent example of how to transcend unjust national laws.

When Yahoo’s shareholders voted against a ban on censorship on the Internet, they violated the Global Economy Greatest Equal Liberty Principle. Yahoo’s shareholders have equal rights, but not the right to deny equal rights to Internet participants in the global economy. Thus they do not have the right to prevent Yahoo from enforcing equal rights (that is, banning censorship). Yahoo therefore has the right to ignore the shareholder vote. Indeed, the Global Network Initiative establishes this right for them.

A related issue is unjust restriction of NGOs or websites. The question is to what extent human rights (in the Greatest Equal Liberty Principle) should be enforced globally and through what institutions? The rights of NGOs or websites are primarily individual rights. The whistleblowing website Wikileaks (with its server in San Mateo, CA) was ordered shut down in 2008 because a Zurich bank claimed that the site had posted stolen and confidential material. Wikileaks initially argued unsuccessfully in US court that US courts did not have jurisdiction, because its spokespersons were in Paris. (Elias 2008) A US court later found that shutting down an entire website constituted illegal “prior restraint.” (Kravets, 2008) In this case, the US courts came through.

A Cisco Systems executive told a Senate subcommittee in 2008 that comments in an internal document about China’s goal to “combat” a religious group did not reflect the company’s views on censorship. However, the Global Internet Freedom Consortium said that because Cisco offered planning, construction, technical training and other services to help China improve law enforcement and security network operations, “Cisco can no longer assure Congress that Cisco China had not been and is not now an accomplice in partnering with China’s Internet repression.” (Sarkar 2008)
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