Confronting Information Ethics in the New Millennium

Editors
Laurie Burkhart
Jake Friedberg
Trevor Martin
Kavitha Sharma
Morgan Ship

Cover Artist
Christopher Ross Kuhn

Faculty Adviser
Dr. Dirk S Hovorka
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Introduction

“Americans need to step back from the daily drum of privacy stories and absorb the big picture: the United States is at risk of turning into a full-fledged surveillance society. The fact is, Orwell’s vision of “Big Brother” is now, for the first time, technologically possible.”

College seniors graduating in 2007 live amidst a vast sea of information almost constantly accessible through increasingly convergent technologies. Students are aware that data mining for marketing, political campaigns, consumer behavior, and terrorist risk assessment is now at levels never before seen. They realize that surveillance is everywhere, from government monitoring of phone calls, emails, and international travel patterns to corporate monitoring of web-site visits, communications, physical location, and computer keystrokes. All these students have a sense of ethics, of what is right and what is wrong. But in our increasingly technology-dependent world, they have had little time or opportunity to examine how information is shaping the ethics of their age.

Much of the technological collection of information is hidden or considered “just part of life,” and the uses of technology to access and analyze information remain largely unexamined. As a consequence, college students are realists about "the way the world is": that employers will read their email, that there is no such thing as privacy of communication, or location or, decisions, all activities in the public sphere (and much of the private sphere) are recorded, analyzed and stored for future data-mining or analysis. Many students accept these activities as necessary to maximize corporate productivity, catch criminals, and prevent terrorism.

The purpose of the class was not to debate these issues (though that did frequently happen!) or to "teach ethics." Rather the class was founded on a framework within which moral dilemmas arising from the increasing collection, distribution and analysis of information by companies and governments can be analyzed. This was not a class in which we debated whether the use of specific information for a specific function was "correct" or "incorrect." Rather, the students engaged in examining how valid, sound, and persuasive arguments for policies or decisions regarding information and its uses can be constructed. Although ethical discussions are often rarified philosophical debates between unitary ethical stances, Whetstone's triparite prescription for servant leadership provided grounding in practical, policy-oriented perspectives. The class examined different arguments and rhetorical styles (e.g. Mellow's justification for the Iraq War). The dimensions of (mis)communication were illustrated in nature of lying and truth, and the finer point of manipulating information "short of lying." Armed with knowledge that different fundamental axioms and assumptions will result in different logical outcomes, the class examined

2 ibid
3 Such as http://www.scu.edu/ethics/practicing/decision/framework.html
potential moral problems in the representation of statistical and graphical information\textsuperscript{10}. Current surveillance technologies and policies as well as the classification and obfuscation of scientific and medical information were discussed. Bandura's theory of moral disengagement\textsuperscript{11} and the psychology of moral judgment versus actual behavior\textsuperscript{12} were examined as a means of explaining how right-minded people can perform unethical actions. Finally, the balance between ethical perspectives based on utility, consequences, and duty and duty, and positions based on fairness, and virtues (e.g. honesty, trust, loyalty, integrity, and courage) became far more real and difficult to determine as they wrestled with the difficult process of taking abstract ethical theories and crafting "real-world" policies and guidelines.

A slight shift in perspective, from the technologies themselves, to the ethics of the information that is being collected, analyzed, used, and distributed changes the discussion in significant ways. Questions such as: Do public/private spheres matter? How should intellectual property be considered in a ubiquitous digital environment? Must there be trade-off between privacy and security? are all complex and often contextual issues. Each of us make daily moral decisions, but rarely are we asked to explain or justify those decisions from an ethical standpoint. The business environment these students are entering is under ever-greater scrutiny from many different stakeholders. These business students will be well-served by an ability to recognize, justify, and discuss persuasively as they react to, and create policies regarding information in their professional and personal lives, and as citizens.

This book was entirely researched, written, edited, and published by seniors in a Leeds School of Business ethics seminar titled "The Ethics of Information: Snooping, Hacking, Surveillance, Lying and other Forms of (mis)Communication." It represents a considerable amount of thought and work by all the students in the class. Students explored current news and academic literature to identify domains in which information, or the lack thereof, raises ethical questions. Each group of authors selected topics to research, selected papers and articles about their topics of interest, and led class discussions. Topics included a gamut of domains including the role of politics in science, RFID chip technology, socio-tropic crises, search engine technology, stealth marketing, and the ethics of images to name just a few. These authors realized the depth, breadth and speed of change of the issues surrounding information in business, government, and society, and the difficulty in developing coherent ethical policies.

These are bright and talented students on the verge of entering a world quite different from the academic environment in which they have lived. These papers required that they challenge some of their own beliefs and take a position on the issues – a difficult task when there is no “right answer” to which they can refer. But this process is a critical component of education – participation in the debate. These students now have a greater awareness of the benefits and risks inherent in the “Age of Information” and have examined the implications of not addressing the ethical considerations of the uses of information. This awareness differentiates them from most seniors in a critical area of business and society – the domain of Information Ethics.

Dr. Dirk S. Hovorka
Scholar in Residence
Leeds School of Business
University of Colorado at Boulder

A Note from the Editors

College is life’s dress rehearsal. As students, we are expected to use these few short years to develop the skill set necessary to succeed at the next level. Though we certainly learn an enormous amount from what is taught in the classroom, as students we spend so much time practicing for the real world that we very rarely get the opportunity to actually experience it. This class provided us the unique opportunity to not just write a another paper, but to put together a book, *Confronting Information Ethics in the New Millennium*. In doing so, we were provided an opportunity to not only expand our own understanding of the world but also contribute to our society’s understanding of itself.

It should be noted that this book is an exercise in critical thinking. In a world where money and morals are sometimes considered to be mutually exclusive, it is imperative for business schools to spend as much time teaching ethics as they do on how to build a balance sheet. This book was written with that idea. There is more to business than maximizing share price, pleasing shareholders and filling one’s a bank account.

In that aspect as editors, we believe we have succeeded. We have selected eighteen essays to be included in this volume. Though we may not necessarily agree with each one we recognize that they all look at the world in a meaningful and interesting way. In that same vein, we don’t guarantee the accuracy of the arguments or the citations contained within each essay but we are confident reading them will, at the very least, help you to think critically about the subject matter. If there are grammatical or formatting errors we apologize. We focused on creating something thought provoking and our time constraints provided that there would be inherent, unavoidable errors.

We would like to thank our classmates and fellow authors who worked tirelessly to create a compilation of essays that we can be proud of. We would also like to thank Dr. Dirk Hovorka for his guidance and leadership throughout this process. Without him this book simply would not be possible.

So with the dress rehearsal out of the way, this is our opening night. We hope you have as much fun reading this volume as much as we did putting it together.

Jake
Kavitha
Laurie
Morgan
and
Trevor
Ethics and the Government
The Effect of Government Surveillance on Social Progress

BY: Laurie Burkhart, Michael Haubert, and Damon Thorley

“Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.” – Harry Truman

Introduction

Intensive surveillance by government agencies can effectively stop (or hinder) the chance of social and political change. The status quo has been set and history has shown near-perfect success of infiltration and destruction of political and social movements by a number of surveillance tactics and programs. United States history demonstrates the positive social effects that certain radical political groups have caused despite government intrusion. With increasing technology and access to information, the government has and continues to more effectively monitor radical political and social groups while discouraging and halting free political participation of its citizens as a result of the “chilling effect”. Without free political participation social change becomes impossible. In order for a democracy to move forward it needs free ideology and radical movements to challenge the system and force social change.

Not only does extensive government surveillance discourage political participation through the “chilling effect” – it also presents ethical violations. Under the ethical frameworks of duty-based, utilitarian, and rights-based theories, the conduct of government surveillance of the past and present is unethical. From duty and rights-based theories government surveillance practices violate legal and social regulations of American society. Under utilitarian theory, government surveillance takes away the ability to change and progress what the citizens believe to be the greatest good for society.

The Chilling Effect

In United States law, the “chilling effect” refers to the stifling effect that vague or overbroad laws may have on legitimate speech and activity typically protected by the First Amendment. Theoretically, the “chilling effect” has a dramatic repercussion on citizens’ willingness to freely express their beliefs and opinions. In past U.S. history the “chilling effect” has been used in court cases as evidence against certain government surveillance tactics. In the Supreme Court case Socialist Workers Party v. Attorney General of U.S., the “chilling effect” was used as a basis for getting a preliminary injunction brought against the FBI.

“The applicants argue that a stay is necessary to protect the First Amendment speech and association rights of those planning to attend the YSA convention.
Surveillance and other forms of monitoring, they claim, will chill free participation and debate, and may even discourage some from attending the convention altogether. Beyond this, the applicants allege that the FBI has admitted that its agents or informants intend to participate in the convention debate posing as bona fide YSA members. This 'double agent' activity, the applicants claim, will result in the “corruption of the democratic process” and consequent irreparable harm to the applicants and others who would participate in the convention.

Although the effect of FBI surveillance and participation in Communist party activities was apparent, the Supreme Court ruled in favor of the FBI. “In weighing the nature of the planned investigative activity, the justification for that activity, and the claimed First Amendment infringement in this case, the Court of Appeals determined that the balance of the equities tipped in favor of the Government and that a preliminary injunction was therefore improper.” This case demonstrates an example of the “chilling effect” as a result of FBI surveillance, while also showing these tactics and related effects on free speech being condoned by the U.S. government.

In recent years the “chilling effect” has taken on a much larger role in American society, not only through increased government surveillance deterring political participation, but through a broad range of social functions as well. Simple examples will show that social internet networks such as MySpace.com and The Facebook are having detrimental effects to people’s willingness to present information about themselves or their views. Some users of these networks have lost jobs or have been forced to censor what they publish in fear of what ramifications it may have on their job status or future wellbeing. In January, an undisclosed number of student-athletes were dismissed from the University of Colorado track team after posting indecent pictures of themselves on Facebook. The enormous amount of voluntary and involuntary personal information that can be tracked and monitored in today’s information age is causing people to give into the “chilling effect” in both political and social arenas. In all aspects of life, citizens of the U.S. are trying to fit the surveillance system rather than try to change or influence it. Once the people give into the system and refuse to participate or rebel out of fear of self incrimination then all hope of social progress is lost.

**Current Climate in the U.S.**

The government has the ultimate responsibility of procuring the safety of its citizens and upholding the values this country was founded upon. The argument we intend to layout is that while the government is concerned with the cease of any social and political change in opposition to its current agenda, this also inhibits the chance of further positive social and political climate change. Through certain tactics and surveillance, our government has the power to halt any social change while it is still in the ideological phase. The following points are composed of recent and post-9/11 incidents and programs the Bush administration has partaken in:

- Recently, the FBI admitted to surveilling mosques in nine cities nationwide, along with acknowledgement of keeping certain individuals of Muslim-descent (in the U.S.) under extreme surveillance. Agents have defended the programs, claiming certain mosques have provided them with lists of members;
The government is currently seeking to revamp its entire surveillance initiative, revising the process of getting warrants from the secretive Foreign National Surveillance Act (FISA) court to investigate suspected terrorists, spies, and other national security threats. The administration also wants new provisions in place to ease surveillance of people suspected of spreading weapons of mass destruction internationally. Among other tools available now: the government can break into homes, hotel rooms and cars to install hidden cameras and devices, as well as search drawers, luggage, or computer hard drives.

It has been revealed that the FBI used ‘national-security letters’ to scrutinize the financial and travel data, as well as telephone logs of thousands of U.S. citizens and residents. In March, a U.S. Justice Department report detailed the “widespread and serious misuse” of these letters since the inception of the Patriot Act. Between 2003 and 2005, the FBI issued more than 140,000 national-security letters, many of which involved people with no obvious ties to terrorism.

In 2006, it was revealed that President Bush signed a secret order in 2002 which authorized the National Security Agency (NSA) to eavesdrop on U.S. citizens and foreign nationals within the United States – despite past legal prohibitions against similar domestic spying. The NSA has monitored the e-mail, phones, and other communications of thousands of individuals without warrants.

In 2004, the Justice Department subpoenaed records from colleges and universities around the country relating to peaceful on-campus meetings between local anti-war activists and scholars.

In 2004, a University of Arizona sophomore was forbidden to attend a Social Security forum with President Bush due to a t-shirt that read, “Don’t be a smart [image of a donkey, the Democratic Party symbol]. UA Democrats.” The young man returned to the event with a different shirt yet was still refused entry as he had been placed on a list of people banned from the event and labeled as a “potential risk.”

In 2003, the New York City Police Department questioned multiple arrestees who had been detained at anti-war demonstrations. Various types of information were stored in a government database.

Also in 2003, media reports surfaced accusing the FBI of collecting extensive information on the anti-war movement in search of “extremists.”

Chicago Police infiltrated five protest groups in early 2002. Information pertaining to the case has been limited, along with that regarding the known surveillance tactics which were used.

Hunting down and weeding out individuals who disagree with the current administrative policy has become familiar practice. In an issue closer to home, Colorado GOP staffers ejected three people from a taxpayer-funded town hall meeting in 2005 that George W. Bush was attending in Denver, under the belief that they may be protesting. The three individuals were thrown out for behaving suspiciously while at their vehicle, which had a bumper sticker stating, “No More Blood For Oil.” The White House has
refused to comment on the situation due to pending investigations. Two of the individuals who were thrown out, Leslie Weise and Alex Young, have filed a federal lawsuit against the GOP committee because they claim they were told to leave “because of their political views and that the White House had a policy of ejecting dissenters from the president’s appearance." It was later revealed that the men who approached these three individuals were wearing earpieces and wires, navy blue suits and lapels similar to that or Secret Service agents. The Secret Service denied that their agents were involved in the ejection – they claimed the Republican host committee forced them out.

Whether these individuals were targeted by government agents or local GOP members is irrelevant. These citizens did not interrupt the event and certainly did no break any rules or laws by having an anti-war bumper sticker on their vehicle. This incident, among the many others presented, represent the strong hand our government yields in mandating its current agenda and status quo. To comprehend such acts of the present day, one must understand the history and ethical implications that are deeply rooted behind government-run surveillance. In the following pages, we will discuss the many events, programs, and key figures that have built and led government infiltration to where it stands today.

"Those who sacrifice freedom for liberty deserve neither"  
-- Benjamin Franklin

The J. Edgar Hoover Era

John Edgar Hoover (born: January 1, 1895; deceased: May 2, 1972) was the director and founder of the U.S. Federal Bureau of Investigation (FBI). He remained director for nearly five decades and until his death at the age of 77. During his tenure, Hoover was highly regarded by the U.S. public as a prominent figure in American democracy. Only in the years since his death, many allegations have surfaced and tarnished his image. His career endured eight different presidential administrations, including the Great Depression, World War II, the Korean War, the Cold War, and Vietnam. It is because of Hoover's long and controversial reign that FBI directors are now limited to ten-year terms. Hoover has frequently been charged with exceeding and abusing his position of authority. He was known to have investigated groups and certain individuals due to their political beliefs rather than suspected criminal activity. The FBI first conducted extralegal activities such as burglaries and illegal wiretaps under his command.

In 1956, Hoover was becoming increasingly frustrated by Supreme Court decisions that limited the Justice Department's ability to prosecute Communists. At this time he formalized a covert "dirty tricks" program under the name COINTELPRO, or Counter Intelligence Program. COINTELPRO was a program operated by the U.S. Federal Bureau of Investigation with the intent to investigate and destroy organizations that were considered to have politically radical elements. While covert operations were incorporated throughout the FBI history, COINTELPRO is known to have been most active from 1956-1971, targeting non-violent civil rights groups such as Martin Luther King and the Southern Christian Leadership Conference (SCLC). Other leftist political movements that were infiltrated include, most notably, the Black Panther Party (BPP) and the American Indian Movement (AIM), among others.
The main goal of COINTELPRO was to “expose, disrupt, misdirect, discredit, or otherwise neutralize” the activities of these groups and their leaders. Some of the main components of COINTELPRO included infiltration, psychological warfare from the outside, harassment through the legal system, along with extralegal force and violence. The FBI also incorporated “black bag jobs” into the program, which were warrant-less entries targeted against certain groups, most notably the BPP. The program remained top secret until a burglary by a group of left-wing radicals in 1971. The Citizens’ Commission to Investigate the FBI uncovered and removed several thousand files and passed them on to news agencies with the intentions to have them published. Many refused to publish the information and within months, Director Hoover declared that COINTELPRO was over and that future operations would be handled on a case-by-case and need-to-know basis.\(^\text{13}\)

In 1976, a major investigation into COINTELPRO was undertaken by the Select Committee to Study Governmental Operations with Respect to Intelligence Activities of the U.S. Senate, which was commonly referred to as the “Church Committee” due to its chairman, Senator Frank Church of Idaho. This Committee documented the entire history of the FBI being used for the purpose of political repression – dating as far back as World War I, when they were accountable for gathering ‘anarchists and revolutionaries’ for deportation – and building from the mid 1930s up until 1976. In a Final Report to the Select Committee, COINTELPRO was reprimanded with no uncertain charges:

"Many of the techniques used would be intolerable in a democratic society even if all of the targets had been involved in violent activity, but COINTELPRO went far beyond that...the Bureau conducted a sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association, on the theory that preventing the growth of dangerous groups and the propagation of dangerous ideas would protect the national security and deter violence.\(^\text{13}\)."

To this day, millions of documents remain unreleased and many of the released documents are entirely censored by the government.

**A Further Look into COINTELPRO**

After COINTELPRO was implemented to monitor the Communist Party in the U.S., Hoover decided to use these operations to investigate his concern that the Communist Party had infiltrated Black political organizations. This began an investigation on Black civil rights leader Dr. Martin Luther King, Jr. FBI surveillance of King began in 1957 and became more involved as his civil rights activities expanded and gained supporters, including an increasing number of agents assigned to monitor and disrupt the movement. By the end of 1963 COINTELPRO had expanded to cover Black activities and was known as the Black Hate COINTELPRO. During this time the FBI was monitoring not just King, but the Congress of Racial Equality, the Student Non-violent Coordinating Committee, the NAACP, and a number of other groups.\(^\text{14}\).

However, King was targeted as a main threat and was the focus of much investigation. In January 1963 Hoover wrote several memos which stated that King was associating with communists, and by the following spring was officially listed as a communist in the FBI Reserve Index. In October 1963, Attorney General Robert F. Kennedy approved the use of wiretaps against King, in addition to the hidden-
microphone surveillance that was also being used without Kennedy’s approval. These tactics were used for almost two years and were expanded to monitor King even more intensely. Stating that it was a “matter of national security” the FBI was allowed to place taps in the King home, the headquarters of the Southern Christian Leadership Conference in Atlanta and New York, as well as motel rooms in L.A., Atlantic City, Washington, D.C., Milwaukee, Honolulu, Detroit, Sacramento, and Savannah. In a document written by FBI counterintelligence specialist Charles D. Brennan in September 1963, the reason for the measures of surveillance taken was that the amount of support the civil rights movement had gained over the past five years made it a clear threat to “the established order” of the U.S.

The surveillance was sanctioned for the sole purpose of determining how King had connections with the Communist Party USA; however, the information that was attained was used by the FBI to try to discredit him through a series of defamation attacks. The FBI monitored roughly five thousand of King’s phone calls over the years, but the surveillance revealed nothing about national security or communist infiltration. In 1964 the FBI made a composite tape of recordings from different hotel rooms that allegedly contained information about King’s sexual affairs. The tape was sanitized so as not to be traced back to the FBI, and was sent to King’s wife along with a note stating that the tape would not be made public if King committed suicide.

Around the same time period, other political groups were being investigated by the FBI in ongoing counter-intelligence efforts. The Bureau began surveillance on the Nation of Islam and their leader, Elijah Muhammad. This surveillance was warranted because the FBI said that Nation of Islam members “disavow allegiance to the United States” and “are taught not to obey the laws of the United States.” Wiretap surveillance on Muhammad’s home in Chicago began in 1957, and when he purchased a home in Arizona in 1961, multiple wiretaps and microphones were installed there.

Malcolm X was one of the principle lieutenants of the Nation of Islam, but broke away in March of 1964 to establish a separate church called the Muslim Mosque, Inc., as well as a political Black organization called the Organization of Afro-American Unity. When this occurred the FBI became concerned about alliances between these groups and other influential groups. They undertook COINTELPRO actions to try to block alliances with white radical groups such as the Socialist Workers Party. At least 2,300 pages of material had been collected on him at the time of his assassination in February 1965. His assassination was stated to have been committed by former colleagues as a result of his splitting from the Nation of Islam. However in a memo written in 1969 the Chicago SAC stated that this factionalism had “been developed” by the FBI in hopes of squashing the movement. Four days after the assassination of Malcolm X, the FBI removed him from their security index. No one has ever been held legally responsible for the assassination, but one FBI agent wrote that he considered the murder to be a model for successful counterintelligence operations.

**Ethical Frameworks**

Under utilitarian, duty-based, and rights-based ethical theories the act of heavy government surveillance policy is an ethical violation. From a utilitarian perspective, one must look at the consequences of an action, and determine which consequence would be the most desirable for the greatest number of people involved. In this case, the government is not acting in line with what is the greatest good for the greatest number.
The greatest good is allowing a society to have the ability to freely participate and change the system in order to adhere to what is best for the people. By limiting radical political groups the government can effectively take away this ability. In taking the ability to change and progress away from the people in a democratic system the government violates the greatest good for the greatest number. The use of government surveillance to hinder radical movements is causing a “chilling effect” on political participation and results in an obstruction of social progress. The consequences of these government actions are undesirable, the actions are considered to be unethical under utilitarian or consequence-based theory.

The duty-based and rights-based theories also show extreme surveillance to be an ethical violation. From a duty-based, or deontological perspective, heavy government surveillance is an ethical violation because it does not treat people in a universal or impartial way. Immanuel Kant, one of the most famous and influential deontological theorists, claimed that actions are unethical if they conflict with the idea that all people are free and rational beings. He stated that everyone has a duty to stop such unethical acts and promote freedom and rationality. Furthermore he stated that rules should only be applied if they are universal and impartial. Acts of government surveillance are often carried out with heavy biases against certain types of groups and ideologies, such as the civil rights or communist groups. In addition, using surveillance tactics against certain groups and individuals goes against the idea that people are free and capable of making their own decisions, and implies that people need to be monitored and controlled. Certain types of monitoring and controlling are necessary in any society, but in a democratic society when the control tactics goes as far to limit the effect the people can have on their own society then the system is not only undemocratic ,but unethical as well.

The surveillance bias towards particular groups also violates several rules and regulations stated in our countries legal doctrines. Rights-based theory states that an action is unethical if it goes against rights that have been given through contract or law. Surveillance practices of the FBI and other government groups have shown to violate several laws and the rights that have been given to citizens by the government, such as freedom of speech, freedom of assembly, protection against illegal searches, and many more. In order to be ethical under a rights-based theory a democratic government must follow the laws and regulations set forth by the people’s elected government agents. Past and present government surveillance tactics violate these principles and are therefore unethical.

“One does not establish a dictatorship in order to safeguard a revolution; one makes a revolution in order to establish a dictatorship.”

-- George Orwell

Legal Implications

Our democratic system is built on the people’s participation in politics. This participation is most commonly practiced by voting in government elections and identifying with a major political party. Although these types of political participation are the most practiced and socially accepted they are not the only form of participation the system is built on. As outlined in Amendment I of the U.S. Constitution Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people
peaceably to assemble, and to petition the Government for a redress of grievances. Based on these laws the people of our country can speak out, challenge, and criticize the government as they see fit without fear of persecution. The theory behind this system is to allow for free and unaltered participation in the government by the people so that the laws and discourse of the country reflect that of the people’s beliefs. For this legal system to function properly the free participation of the people must be protected. Although our society generally chooses to believe this to be true, U.S. historical evidence shows the contrary. Each radical social movement in the U.S. has posed a general threat to the government administration of that time. From a present day perspective some of these movements brought about positive social change. Aside from the moral value of each radical movement, the government agencies of their times determine what to be in the best interest of the country and exude enormous surveillance and propaganda tactics for or against them.

At the time of the civil rights movements the FBI classified pro-black groups as threats to national security. Despite these past classifications, these groups made a large positive impact on our countries values and laws. As a result of these “threats to national security” citizens of our country can now expect to be treated equally under the law and not endure unjust policies based on race. At the basis of all social change there is an opposition to the norm or majority. In the case of the civil rights movement the norm was a predominately racist society with national laws and regulations to perpetuate the racist system. Despite the efforts of government agencies to curb the radical groups and halt the social progress being made the people were able to assemble and cause radical reformations to take place in legal and social aspects of the country.

It can be said that although the FBI and government tried to curb the Civil Rights movement the social change did occur and the theory of free political participation was upheld. Although it is true that the government ultimately failed in stopping the movement and societal change, they did not have the same technology that is available today. During the civil rights movement the FBI used basic surveillance technology including wire taps, bugged rooms, stake outs and propaganda. Today technology is advancing at a quicker rate than we can make use of it. The government now has technology and the access to information far greater than that of the 1960’s and can use it however they see fit. If not kept in check the government surveillance can lead to a system in which social change brought about by the people becomes impossible.

**Conclusion**

Demonstrated by the history in our country each government administration has used every resource they have in order to pursue the values and goals of their administration. As technology increases, so does the power of the government to monitor citizens, infiltrate groups, control information, and further push their view of what is best for the society. In an age of data mining, satellite surveillance, RFID chips, vast social networks, and an overall state of heightened security there is almost no limit to the capabilities of the government and its surveillance. We can assume based on historical facts that the government is currently monitoring to the best of their ability all radical groups in the country as well as the world. With current technology it’s also safe to assume that this surveillance and group monitoring is much more effective than in the past and could possibly end radical political influence before it starts. Coupled with increased technology there has been a decrease of freedom in our legal system with war
time laws such as the Patriot Act limiting fundamental rights and legal discourse outlined in the U.S. constitution. The system is moving away from free political participation and towards an information influenced police state.

The U.S. legal system is based on change and adaptability. A historical example of this is the change in role the U.S. legal system took on in the nineteenth century. “An instrumental perspective of law did not simply emerge as a response to new economic forces in the nineteenth century. Rather, judges began to use law in order to encourage social change even in areas where they had previously refrained from doing so. It was not until the nineteenth century that the common law took on its innovating and transforming role in American society.” Examples such as this show that the legal system has always played its part in influencing societal change since the early days of this country, but conversely the U.S. society members have also influenced changes to the legal system. The changes and innovation of U.S. law have consistently been influenced by social movements. The labor movements, civil rights movements, and feminist movements have all challenged the government of their time and as a result moved the U.S. towards a more equal and just society.

As the power and technology of the government increases today so do the chances of any kind of societal change being halted. “Social movements are not distinct and self-contained; rather, they grow from and give birth to other movements, work in coalition with other movements, and influence each other indirectly through their effects on the larger cultural and political environment.” If the government can monitor and stop one major movement they can influence and deter the masses from further radical ideology. In this lies the ethical violation.

Under utilitarian, duty-based, and rights-based ethical theories the act of heavy government surveillance policy is an ethical violation. From a utilitarian perspective the government is not acting in line with what is the greatest good for the greatest number. The greatest good is allowing a society to have the ability to freely participate and change the system in order to adhere to what is best for the people. By limiting radical political groups the government can effectively take away this ability. In taking the ability to change and progress away from the people the government violates the greatest good for the greatest number.

The duty-based and rights-based theories also show extreme surveillance to be an ethical violation. These theories examine how government surveillance is carried out and the ethical and legal violations that are inherent in the practices. From a duty-based perspective, heavy government surveillance is an ethical violation because it does not treat people in a universal or impartial way. It is often carried out with heavy biases against certain types of groups and ideologies. Not only is the surveillance bias towards particular groups but it also violates several rules and regulations stated in our countries legal doctrines. Surveillance practices of the FBI and other government groups have shown to violate several laws and the rights of the group participants. This type of surveillance discourse causes it to be an ethical violation.

The democratic system needs free political participation and radical movements in order to progress. History has shown the positive effects radical groups have played in the progression of American society through out U.S. history. If the unethical practices of government surveillance are not kept in check into the future, the ideologies of freedom of speech and the power of the people will be lost forever.
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Should Politics Have a Place in Science?

By Jonathan Steuck, Marit Olsen, Nataliia Frazier

“Science, like any field of endeavor, relies on freedom of inquiry; and one of the hallmarks of that freedom is objectivity. Now more than ever, on issues ranging from climate change to AIDS research to genetic engineering to food additives, government relies on the impartial perspective of science for guidance.” - President George H. W. Bush, 1990

Introduction

Many people consider politics and science to be two distinct enterprises. Some may even venture to say that science pursues truth, whereas politics pursue interests. Take a deep look into the pork barrel ing and publishing specifications, and you will find that the line between politics and science is a fine one. With such a subtle boundary, it remains questionable if public policy results from scientific evidence or if the evidence results from public policy. Should politics even have a place in science?

This remains a highly controversial issue. If the government no longer subsidizes science research, overall investment in some fields will likely decrease, and developmental capital could disappear altogether. Although many researchers need government funds to continue their work, scientists should remain independent from politicians, providing research that pursues scientific truth instead of fulfilling political agendas.

Much of the controversy over politics’ financial contributions to science stems from the ethical implications of advancing bias in general scientific practice. Whether by controlling funding, practicing aggressive editing, or limiting publication, politics threaten to limit knowledge in a manner detrimental to the development and to the dissemination of a higher human understanding. Although incorporating an agenda into science holds some ethical justification in certain circumstances—most often private interests funded by non-governmental capital—politics in supposedly unbiased public science generally contradict sound ethical judgment.

Most importantly, politics in science explicitly intended to exclude bias appears unethical based on a Utilitarian perspective of ethics. When the greatest welfare compares to the marginal benefit that special interests gain through influencing general science, justification for funding, editing, and publication controls based on politics erodes. Thus, the good (or utility) contributed to human knowledge and to higher understanding achieved through scientific research outweighs the harm inflicted on political interests who cannot advance an agenda. However, bear in mind that “general science” must signify research with the sole purpose of unbiased discovery practiced by virtuous entities.

Public scientific research depends on governmental approval for funding and publication; this relationship poses an ethical problem by potentially limiting information, and hence, the acquisition and the propagation of knowledge, which could adversely impact general understanding and welfare on a global scale. This paper intends to add to the examination of the
independence of politics and science by discussing first their relationship in funds allocation, revision, and publishing, and second by addressing the ethical implications that these relationships involve.

**Political Control of Public Scientific Research through Funds Allocation**

The government funds various research projects and therefore determines public science research budgets. However, scientists know much more about conducting research than politicians. The asymmetry of information between those who conduct the research and those who essentially govern it presents the fundamental problem of science policy. Scientists believe that they, not Congress, should set the priorities for research. The principal concern in funding science research, therefore, is the criteria according to which federal funds are divided.

In the United States, Congress funds government agencies, which allocate specific research budgets. Scientists can then, in turn, apply for the support of numerous agencies. This pluralistic approach provides that Congress never prepares or votes on any single science research budget. Each agency submits a budget to the Office of Management and Budget, and their lobbyists negotiate until the White House submits its overall proposal to Congress. This lengthy process leaves room for political maneuvering, wherein the scientific community builds close relationships with those who can most-beneficially support their interests and get their research budgets approved. This system also presents the challenge that certain scientists and projects could come in “second” from agency to agency, receiving fewer funds overall than if Congress split the budget from a whole.

Due to the fact that this pluralistic approach lends itself to lobbying and political maneuvering, some public science research seems to be the newest recipient of pork barrel funding. In other words, government spending intends to enrich certain constituents by approving projects with concentrated economic or service benefits and by spreading costs among all taxpayers. So how do these earmarks actually get into the budget? Many are inserted in the “dark of the night.” For example, consider the Clean Air Act of 1990.

The public often cannot tell if Congress allocates funds most beneficially. The Clean Air Act originally contained a provision for a $19 million cattle methane emissions study. Methane, a greenhouse gas, contributes to the earth’s gradual warming by blocking infrared radiation from escaping earth into space. No single member of Congress would admit to having sponsored the particular study provision, so Congress removed it. As it turns out, the provision reappeared two additional times in subsequent editions, and President Bush eventually signed the act into law. No one knows how the provision entered the bill the first or third time, but more importantly, no one knows how Congress failed to remove it. Funding science research remains a public responsibility, but the public entrusts the integrity and productivity of the research to Congress and scientists.

So why does the government fund scientific research? Some hold that since society benefits when scientists make discoveries, society should pay. Others would say it is because research advances public goods such as national defense, public health, and economic growth. People believe that the private sector will only fund research until its marginal cost exceeds its marginal benefit, or even worse perhaps, only if the return exceeds that of the firm’s other investments. If this is the case, then government involvement subsidizes the under-funding of research by individual firms. Assuming these research projects require public funding, the concern remains whether federal money can be granted without federal control. It appears that
granting money in and of itself demonstrates some control, for government agencies decide which projects to support financially.

Beyond the issue of granting funds to certain projects lies an even more pertinent issue of federal funding: pressure to produce timely results. Unless policies are enacted to divert this pressure, applied research can drive out basic research. Applied research, designed for the purpose of producing results, may apply to real world situations, whereas basic research adds something new to a body of knowledge. Applied research presents an incentive for a form of control and influence even more harmful: *science intended to advance some political agenda.* In this situation, the result harms not only the science through the contamination of research, but also harms society as a whole, for public policy could then be based on bad or incomplete information.

Unfortunately, there is a lack of evidence regarding measures where political criteria were used to judge or control. However, the following is one example of political influence in science: “In 1980, an organization called California Rural Legal Assistant (CRLA) sued the University of California, alleging that its research on farm mechanization had the effect of displacing farm workers and was an unlawful expenditure of public funds.” This lawsuit established the precedent that any research that undertook labor-saving devices could be brought to court. The ruling stated that before it embarks on any research, the University must reveal in advance that it will give primary consideration to certain interests. In other words, the court established a precedent that the government can stop publicly-funded science for political reasons.

The scientific knowledge produced in this nation’s universities and laboratories is a key to the technology essential to both economic and military power. As the government tightens controls on scientific research and findings, the public’s enthusiasm to know and the media’s enthusiasm to report certain truths renews (i.e. the existence of global warming). This in turn has provided opportunity for scientists to respond to private profit rather than to social need: if government funds are restricted but researchers’ passions remain, scientists will move to venture capitalists or other private investors for research funding capital. Therefore, special interests could distract our nation’s scientific talent to private curiosities and focus efforts away from researching other issues, such as ways to combat epidemics, whose unknown answers are potentially detrimental to our society.

**Political Censorship of Public Scientific Research through Revision**

Politicians also transform original scientific findings to conform to the politics of government policy by revising and editing publicly funded scientific publications. Even though the government may initially authorize research, original, un-biased findings may be unavailable to the public if the results do not satisfy government officials. For the purpose of this paper, revision is editing through altering, adapting or refining, and the terms “revising” and “editing” will be used interchangeably from this point onward. The following examples illustrate through global warming, disparities in healthcare, and over-the-counter contraception the ways in which the government uses revision and distortion to manipulate science in order to advance its agenda.

**CLIMATE CHANGE**

Every year the Climate Change Science Program (CCSP) issues a report which includes data on global warming. From 2001 to 2005 Phillip Cooney, former Chief of Staff for the White
House Council on Environmental Quality (CEQ), was responsible for editing the reports. Although Cooney lacked formal scientific education, he routinely edited reports prepared by government scientists prior to publication. In 2002, Cooney ordered an estimated 650 changes to the original text of the annual CCSP report on global warming. Although the unedited version stated, “Many scientific observations indicate that the Earth is undergoing a period of relatively rapid change,” Cooney’s edited report read, “Many scientific observations point to the conclusion that the Earth may be undergoing a period of relatively rapid change.” At the end of this section is an example from the aforementioned report which displays both the original narratives and the revisions. Cooney not only deleted text, but also heavily edited the report by inserting words like may be, could, and possible in order to dilute the research evidence in support of global warming (See Figure 1.0).

Although the abovementioned case may represent an isolated incident, the following examples demonstrate that altering government reports involves a pattern of systematic editing. For example, in 2003 the Environmental Protection Agency (EPA) drafted a Report on the Environment, which referenced a U.S. National Academy of Science (NAS) review on climate change. Initially requested by the White House, the NAS report intended to confirm findings released by the Intergovernmental Panel on Climate Change (IPCC) of the United Nations (UN). The NAS review supported the IPCC’s finding that human activities significantly contribute to global warming. However, despite the legitimate corroborating evidence, top U.S. government officials commanded the EPA to remove any reference to the NAS findings and instead required the agency to use a study on temperature records sponsored in part by the American Petroleum Institute.

The two previously described incidents demonstrate that the government is not interested in scientific reports that find climate change that is occurring and anthropogenic, but instead seeks to dilute and undermine the scientific evidence supporting such findings. Further evidence comes from James E. Hansen, director of NASA’s Goddard Institute for Space Studies. Hansen states, “In my more than three decades of government, I have never seen anything approaching the degree to which information flow from scientists to the public has been screened and controlled as it is now.” Hansen’s comment confirms and emphasizes that science is not independent of politics, but rather frequently manipulated by them.
An Editor in the White House

Handwritten revisions and comments by Philip A. Cooney, chief of staff for the White House Council on Environmental Quality, appear on two draft reports by the Climate Change Science Program and the Subcommittee on Global Change Research. Mr. Cooney’s changes were incorporated into later versions of each document, shown below with revisions in bold.

“STRATEGIC PLAN FOR THE U.S. CLIMATE CHANGE SCIENCE PROGRAM,” DRAFT TEXT, OCT. 2002

Wetlands will expand in areas where meltwater resulting from deeper and longer thaw periods does not have a natural drainage path to the ocean.

Warming could also cause reductions in mountain glaciers and advance the timing of the melt of mountain snow peaks in polar regions. In turn, runoff rates will change and flood potential will be altered in ways that are currently not well understood. There will be significant shifts in the seasonality of runoff that will have serious impacts on native populations that rely on fishing and hunting for their livelihood. These changes will be further complicated by shifts in precipitation regimes and a possible intensification and increased frequency of extreme hydrologic events. Reducing the uncertainties in current understanding of the relationships between climate change and Arctic hydrology is critical.

PUBLIC REVIEW DRAFT, NOV. 2002

Warming could also lead to changes in the water cycle in polar regions. Reducing the uncertainties …

FINAL REPORT, JULY 2003

The paragraph does not appear in the final report.

“OUR CHANGING PLANET,” DRAFT TEXT, OCT. 2002

The challenge for the USGCRP is to provide the best possible scientific basis for documenting, understanding, and projecting changes in the Earth’s life-support systems, and the role for CCRI is to facilitate full use of the scientific information in policy and decision-making on response strategies for adaptation and mitigation at the international, national, and regional scales.

Because of the scientific accomplishments of USGCRP and other research programs during the last decade, a period that could be termed a productive “period of discovery and characterization,” the CCRI, in coordination with the USGCRP, will move into a new “period of comparative analysis of response strategies.” In this new phase of the climate science programs, information that compares the potential consequences of different responses to global changes, including climate change, will be developed in a form useful to national debate and decision-making.

FINAL REPORT, 2003

The challenge for the USGCRP is to provide the best possible scientific basis for documenting, understanding, and projecting changes in the Earth’s life-support systems, and the role for CCRI is to reduce the significant remaining uncertainties associated with human-induced climate change and facilitate full use of scientific information in policy and decision-making on possible response strategies for adaptation and mitigation.

The New York Times
Information on global warming is not the only subject distorted by the government. In 2003, the Agency for Healthcare Research and Quality (AHRQ) published the National Healthcare Disparities Report. Requested by Congress, it provided information on the differences in health care quality based on patients’ “race, ethnicity, income, education and place of residence.” The following examples were deleted entirely from the initial report in favor of “milder” examples:

- Minorities are more likely to be diagnosed with late-stage breast cancer and colorectal cancer compared with whites;
- Patients of lower socioeconomic position are less likely to receive recommended diabetic services and more likely to be hospitalized for diabetes and its complications;
- Many racial and ethnic minorities and persons of lower socioeconomic position are more likely to die from HIV; And
- The use of physical restraints in nursing homes is higher among Hispanics and Asian/Pacific Islanders compared with non-Hispanic whites.

The original report, leaked to the public, stated, “Inequality in quality persists.” However, the edited-for-publication report stated, “Americans have an exceptional quality of healthcare; but some socioeconomic, racial, ethnic, and geographic differences exist.” By removing blame for unequal treatment from the healthcare provider, the edited report indirectly supports the national healthcare system by lessening the blow from the AHRQ findings. This example demonstrates how revision can drastically alter the impact of primary research altering its meaning.

**Plan B**

Mechanical editing aside, the government also factors politics into science by making decisions contrary to scientific research. Consider the case of Plan B, an emergency contraceptive which meets the scientific criteria for an over-the-counter (OTC) drug: “it is not toxic, there is no potential for addiction or abuse, and there is no need for medical screening.” Scientists and two independent advisory committees of the Food and Drug Administration (FDA) suggested and voted to make Plan B an OTC contraceptive. Despite the scientific findings, Dr. Galson, former director of the FDA, overruled the vote to make Plan B an OTC. In response, Paul Blumenthal, a respected doctor at Johns Hopkins Hospital in Baltimore, commented that the FDA’s decision is “nothing more than an example in which politics trump science.” As the previous examples demonstrate, the government has systematically combined politics with “science” from Plan B to reports on global warming.

**Political Censorship of Scientific Research through Over-Classification**

With the increased tendency to monitor publication of scientific research after 9-11, the once relatively explicit justifications for controlling publication through classification prior to 2001 have evolved into a more ambiguous and less defined system of controlling scientific publication. The contemporary system of publication characterizes some scientific research as “sensitive, but unclassified.” Unfortunately, the debate over the definition of “sensitive, but
“unclassified” continues without a broad consensus as scientific and governmental agencies grapple with establishing a consistent approach to controlling potentially damaging information.

On the most literal level, the involvement of politics in the publication of scientific research has historically limited scientific knowledge through classification to some extent. However, as mentioned, most agree that some research warrants classification—usually, secret government-funded weapons defense programs not involving the private science sector. Yet, it appears the post 9-11 deregulation of controls on government power and of discretion in controlling publication provides an unchecked and nearly constraint-free opportunity for political policy to impair the propagation of general scientific information. This occurs as high-ranking government policy makers and powerful agencies can now technically title any information as “sensitive” without furnishing public justification.

Despite the previous lack of public justification requirements for classification and restraints on publication, classification pre-9-11 largely involved relatively conservative use in the most necessary of circumstances, and federal policy maintained the position that “fundamental research should remain unrestricted” and classified only in a “rare case.” In addition, the classification of information to prevent its publication almost exclusively involved government-funded and/or government agency-performed research, as private agencies largely did not perform extremely sensitive research to begin with. While pre-9-11 classification standards were generally agreed upon, many scholars now argue that post-9-11, the distinction between government research and private research is shrinking due to increased monitoring and a heightened potential for classification.

In contrast to the historically used routines for classification, scientific information developed for publication in the private sector is under the increasing threat of potential arbitrary classification due to “sensitive” subject content. Policy attempting to advance a political agenda could potentially force private interests to fear publication controls and to consider censoring research to receive publication approval. In essence, research stretching beyond traditionally classified themes can cause scientific agencies, both public and private, to enact controls and to exercise increased discretion and “self-regulation” in publication.

Although private screening may not appear to negatively impact scientific review, the systematic self-censorship of research in such fields as genetics, virology, and vaccinations threatens to limit publication of unbiased, scientific truth on the preface of a “potential” for delinquent misuse and could lead to a subsequent rise in researchers who censor their papers to avoid publication rejection. Recall that it appears that this potential for delinquent misuse may warrant information as “sensitive,” an undefined term vulnerable to use for the development of political agendas. For example, scientific societies such as the American Society for Microbiology advocate the empowerment of journal editors to “screen, review, and reject research papers on the basis of their weapons potential,” or their potential for ethical dilemma or harmful misuse, in an effort to abet concerns of federal government involvement and classification of papers on a “need-to-know” basis.

As the “conduct of science and the composition of the scientific community have become increasingly international,” more limitations on scientific research involve various consequences, both domestic and abroad. Principally, decreased publication may cause a shrinking level of general knowledge in the private scientific community. This lack of information, or access to unbiased research, threatens to perpetuate errors as research would be unchallenged by other scientists, threatens to spread bias resulting from only one perspective, and threatens to cause a general stagnation of research development.

Limiting scientific knowledge also results in a dilemma between the freedoms of scientific information for the advancement of humanity and between the policy interests of government and scientific agencies. By constraining research publications on a broader scale,
less developed countries that depend on U.S. research may lose access to science beneficial to improving, researching and practicing medicine. Further, parties that may desire “sensitive” research to inflict harm and destruction will almost certainly continue to research and to scheme using other scientific resources. Finally, although the government declares some research “sensitive” based on speculation of potential misuse, one may also speculate that decreased research and increased control of scientific publication on a vast scale may prohibit us from researching methods of combating the weapons the very publication controls attempt to prevent.

**Ethical Implications of Interaction between Politics and Science**

To better analyze the current dilemmas among politics and scientific research, a discussion of the Utilitarian, Deontological and Virtue ethical frameworks should help determine if the current relationship between politics and science should change. First, the Utilitarian perspective applies to all three scenarios. This theory maintains that actions should be judged right or wrong on the basis of their consequences. The ethical action brings the greatest good to the greatest amount of people.\(^{33}\) As soon explained, Utilitarianism presents a strong argument for redefining the role of politics in science. A second theory, Deontological ethics, states that some acts are inherently morally wrong on face value.\(^{34}\) For example, lying is morally wrong because deception is wrong. Finally, the theory of Virtue ethics is applied, which considers an action to be right if it is what a virtuous agent would do in similar circumstances.\(^{35}\) In other words, all people should strive to be the ideal human being and should act accordingly. Also, the Virtue ethical framework applies to issues of scientific independence from political interests in funding, revision, and publication. One can be independent in *fact* and independent in *appearance*. Independence in fact implies no relationship between politics and science, whereas independence in appearance involves a relationship between politics and science that does not seem to present any special treatment or biases. Finally these ethical theories should suggest recommendations for a more ethical relationship between politics and science.

**Violation of Ethical Principles through Funds Allocation**

After distinguishing the connections between scientific research funding and politics, an analysis of the ethical implications of this relationship will follow. Using the theoretical framework outlined above, the following section intends to discuss how the government acts unethically in its funding scientific research and how the government could potentially finance research more ethically.

Applying the Utilitarian perspective, the current relationship between politics and scientific funding is unethical. Through scientific research, the government acquires knowledge that increases the nation’s general welfare by improving knowledge on issues like medicine and national security. Examples include greater understandings of how to combat biomedical warfare, advancing technologies for defense, and an increased knowledge of safe levels of chemicals, toxins, and emissions for both humans and the atmosphere. If policy bases itself only on scientific evidence, it represents the greatest good for all citizens in both health and in national security. Therefore, scientific research should exist independent from any biases that come from political pressure, as bad information may result in incorrect and biased policy.

Applying the Deontological framework of ethics, the current relationship between politics and funding of scientific research is unethical. Recalling that one of Congress’s duties is to represent the desires of its constituents, consider pork barreling and the aforementioned example regarding the methane emissions study in the Clean Air Act. If no one member in Congress admits to inserting the clause, then the measure must have lacked support by a large number of constituents. Thus, it appears morally wrong, and hence unethical, for Congress to vote and pass measures into laws that do not represent the desires of the people whom the public official represents. Another duty of politicians voted into office is to decide and to debate how
taxpayer dollars are spent. The methane study approved for 19 million taxpayer dollars, dollars that neither taxpayers nor their representatives owned up to.

Applying the Virtue framework of ethics, the current relationship between politics and funding of scientific research is also unethical. With public funding, science is not independent in fact from politics. Pork barreling and the approval of projects by government agencies instead of by scientists alone, demonstrate that science is not independent in appearance as well. It is the violation of independence in appearance that presents the ethical dilemma under the virtue perspective. The virtuous person is most likely to make decisions with integrity and objectivity. Lacking independence, scientists are not free from the control or influence of the government and both politicians and scientists are subject to making subjective decisions.

In conclusion, Utilitarian, Deontological and Virtue ethics demonstrate that certain aspects of the current relationship between politics and science research funds allocation are unethical. Under all three of the outlined theories, it appears that there should be greater, if not complete, independence between these two parties in order to avoid the aforementioned dilemmas. The pluralistic approach used to divide funds between researchers should be revisited to ensure that public capital is distributed efficiently and fairly between proposed scientific interests. To limit pork barreling, Congress should also install a system of checks and balances to document specifically those who support each section of legislation. Finally, although it should be noted that private funds encompass their own ethical implications, they exceed the scope to this analysis.

**Violation of Ethical Principles through Revision of Scientific Publications**

After examining the relationship between politics and revision of scientific studies, an analysis of the ethical significance of this relationship will follow. By applying the Utilitarian and Virtue ethical frameworks, this section intends to discuss how the government acts unethically in its revision of scientific research and how the behavior of the present administration towards government scientists and their research could improve ethically.

Based on Utilitarian perspective, the current acts of government revision of science is unethical. Consider the practices of climate change record-keeping. The limited, distorted, and altered reports on global warming may partially justify the government’s lackluster response, but their diluted “findings” do little to encourage the response necessary to curb the climate change that will have, as true evidence proves, an adverse effect on the environment and a detrimental effect on the livelihood of future generations. For instance, the evidence shows that “global warming will reduce mountain glaciers and snow pack in some areas, thereby reducing the availability of water,” one of the most important sources of life. Applying Utilitarian ethics, the government’s attempt to delete such evidence from the reports is more harmful to the world population than the utility corporations and politicians stand to gain by controlling or omitting such evidence. It would be for the greatest good for the reports to have the real evidence on climate change, so that people can have a chance to influence the policy-making process.

Applying the Virtue framework of ethics, editing and revision of scientific information is unethical. If Utilitarian ethics focuses on the behavior of the person performing the act, Virtue theory emphasizes that person’s character. Maintaining that the moral person should be respectful, trustworthy, and honest, when government officials influence the content of the reports and make policies that are not based on science, they directly contradict a virtuous agent’s character. Moreover, the government’s current practices of politically-motivated revision of science threaten scientists’ integrity, one of the key elements of Virtue framework. The public believes in scientists’ integrity and trusts that scientists “honestly collect data and dispassionately analyze it and disseminate it no matter what the implications.” Although in fact most scientists do advance unbiased data, politicians continue to interfere with scientists’
work, to compromise the integrity and the virtue of science, and to delete “honestly collected data” from such reports as the Climate Change Science Program and National Healthcare Disparities Report.

In conclusion, Utilitarian and Virtue ethics reveal that the current interaction between politics and the revision of science to fulfill an agenda is unethical. Through revision and editing of scientific evidence, the government also severely limits the development and the dissemination of knowledge. When information is limited and/or one-sided, the public does not have a chance to make an educated decision about their government’s practices and policies. More severely, politically-motivated revision prevents some research with the potential to positively impact the global community from reaching others.

The unethical behavior and the immoral character of the government in censoring scientific data lead to a chilling effect among the scientists, which causes a “brain drain.” For example, “Many researches now find their work censored by the administration, while others engage in self-censorship as a defense against losing their job. Many other scientists and technical specialists have left government service in despair or protest.” By continuing the current practices of revision, the government encourages scientific culture with no character and intends to breed controlled researchers obedient to political pressures. Such a culture will not create the circumstances necessary to help the nation and the world to develop and grow through science.

Finally, although the government does not have to base its policies solely on scientific facts, it is logical that un-biased scientific information should exist for the sake of efficient and effective decision-making. Therefore, the current publishing process of scientific findings should change to allow independence in fact and in appearance from political influence. Editing of scientific reports should continue, but in a different manner. Revision should include editing for mere grammar and structure, but should not involve the alteration of scientific facts in favor of political agendas. Further, only scientists or people with a scientific background should decide which information represents an un-biased fact and which represents an uncertain or an unconfirmed statement. In summary, the current relationship between politics and the revision of science should change to eliminate political bias and to encourage the dissemination of more objective scientific research.

Violation of Ethical Principles through Over-Classification of Scientific Research

After analyzing the relationship between scientific research and publication of that research, the ethical significance of this interaction will follow. Realizing that publication of scientific research increasingly involves political influence, the true ethical implications of broader censorship and more constraints on scientific publications have yet to clearly materialize. Using the previously mentioned ethical frameworks, this section intends to describe how the government acts unethically in its over-classification of scientific research through restricting publication.

Recalling Mill’s Utilitarianism, the current relationship between politics and the publication of scientific research is unethical. The censorship of scientific publications to advance a political agenda of one government or even one nation results in less “good” for the world than the utility achieved in advancing a political agenda or the utility resulting from an immeasurable “increase” in domestic security. For example, consider how the government restricts publication of research on virology, a science with the potential to develop vaccinations for some of the world’s most lethal diseases. Although one may attempt to counter this ethical judgment by stating that the good of oneself and one’s nation supersedes that of others not part of a society, Mill and most ethicists maintain any single individual is equal to all other single individuals.
Applying the Virtue framework of ethics, the current relationship between politics and scientific publication is unethical. As most virtuous persons intending to uphold a standard of ethically justifiable actions would advocate the separation of politics and scientific publication, the potential for misuse by those attempting to advance a specific political agenda by restricting publication act unethically. Although one may argue that the government attempts and intends to act virtuously by politically controlling publication to prevent potential misuse of information, such as biochemical research, the virtuous agent should value more the rationale that one political party should not make the decision for everyone with access scientific information.

In conclusion, Utilitarian and Virtue ethics demonstrate that the current interaction between politics and restraints on the publication of scientific research is unethical. It appears that politics and scientific publications should be more autonomous and independent. Due to the current potential for over-classification of scientific research in publications by political interests, without separation of science and politics the development and the dissemination of knowledge are limited by bias. This limitation of knowledge implies that over-classification may prevent scientists from exploring controversial subjects out of fear of retribution of being refused for publication.

Conclusion

Recalling George H.W. Bush’s 1992 statement that government relies on “freedom of inquiry” and “objectivity,” the entrance of politics in science appears to limit scientific knowledge and development and to present several ethical dilemmas. As explained, the current unethical relationship between politics and science presents the need for greater separation and increased independence of these parties. With the recent manifest of new and more pervasive forms of political involvement in science, such as the term “sensitive,” as acceptable justification for classification and censorship—whether through funding, editing, or publication controls—the trend toward more comprehensive political influence in science is alarming. Freedom of information, independence of research, and the absence of bias represent the most ethically-sound support for separating politics and science. Although national security and other concerns must be addressed in order to avoid increasingly morally-questionable corruption of science, the public should consider the issues presented and should evaluate the balance between “freedom of inquiry” and politics and vote accordingly.

Work Cited


Government Censorship of the Internet

By Ali Alsayegh, Vang Lee, and Matthew Thompson

“The Internet is the first thing that humanity has built that humanity doesn't understand, the largest experiment in anarchy that we have ever had.” By Eric Schmidt

Imagine that there are two children surfing the Internet without any supervision, one is in the United States and other is in Kuwait. Little Johnny in the United States can view pornographic material easily, while Timmy in Kuwait cannot view these particular websites because they are blocked by the Kuwaiti Government. This is an instance of how governments may or may not censor Internet content in different parts of the world. Depending on the country’s morals, beliefs and values, there exists different degrees of censorship.

Introduction

As technology in the world advances, access to information has never been easier. The Internet specifically has brought more information to more people worldwide, however it does have negative aspects of uncensored Internet such as pornography and bomb making instructions. The Internet also has many benefits that include easy access to information, e-commerce, and easier communications. As a result of the wide variety of content, governments have been in constant debate over what material to censor. The ethical issue with Internet censorship is what constitutes on what should be censored and what should not be censored on the Internet.

Government Internet censorship is defined as the control or suppression of the publishing or accessing of information on the Internet. “Pornography sometimes shortened to porn or porno, is the explicit representation of the human body or sexual activity with the goal of sexual arousal. It is similar to, but distinct from erotica, which is the use of sexually arousing imagery used for artistic purposes only.”¹ Internet censorship presents many ethical issues such as who is censoring it, types of censorship, and who is enforcing it. There are different types of Internet censorship that include classified information, scientific information, or moral views. As the Internet continues to progress, there is an increasing need to censor the content and integrity of the data available. Government should be the one that implements Internet censorship guidelines, because it is the most reliable and strongest source for censorship.

History

The Internet was created by the U.S. Government to share information on computers used for research in the scientific and military field. The World Wide Web Internet started in the 1960’s, with main access to government personnel as a communication systems that would survive through a nuclear war. “The Internet was designed in part to provide a communications network that would work even if some of
the sites were destroyed by a nuclear attack. If the most direct route was not available, routers would direct traffic around the network via alternate routes. The first computer network system was proposed as Defense Advanced Research Project Agency (DARPA). The Internet was brought online in 1969 known as ARPANET. Whether the world was ready for the data revolution, it was going to get it from the World Wide Web Internet. As technology advanced, it became more available to common people for information gathering and as a means of daily communications with others. “During the late 1980’s, however, the population of Internet users and network constituents expanded internationally and began to include commercial facilities”. This included news stories, emails, audio, and video files. From past inventions like the telegraph, telephone, radio, and the computer, it has set the stage for the Internet to be what it is today.

The Internet has become more user friendly to the communities. It has grown so big that the majority of households in the U.S have access to the Web. In addition to households using the Internet, businesses use the Internet for a variety of things, especially since it eliminated distance barriers by the introduction of programs such as Skype. It has reduced long distance charges, postage and allowed for face to face communications. “Its history is complex and involves many aspects - technological, organizational, and community. And its influence reaches not only to the technical fields of computer communications, but throughout society as we move toward increasing use of online tools to accomplish electronic commerce, information acquisition, and community operations”. With such a huge population of people using the Internet today, schools have required students to learn about the Internet. There is so much information on the Internet, that some information is being misused. For example:- Profiling personal information, downloading secured information from businesses/agencies and invading other people’s privacy.

The number of Internet users (the number of people, not computers) has grown by “202.9%” from 2000 to 2007. The largest segment of Internet users is children aged from 10-17. A recent study done in 2006 showed that, 33% of the youth users of the Internet were exposed to sexual material online they did not expect to see, compared to the or 25% in 1999. Regardless of the increased usage of protection devices such as filtering, blocking, and monitoring software the exposure to unwanted sexual material is still increasing in households with youth Internet users.

With so many parents unaware if their computer is equipped with the proper devices to protect their children from sexually explicit material, the risk of their children being exposed to sexually explicit material will increased.

The new and upgraded tools like DSL (Digital Subscriber Line) and wireless Internet have helped save people a lot of time and money with communications. People are using the Internet to pay their bills, to order movies, shop online, and many other things. The convenience of the Internet, has allowed people to handle their personal business without leaving their homes.

“Today, four events have juxtaposed to create a crucial juncture. First, the Internet has exploded in use and reach (and no one controls the Internet, no one owns it, no one can ‘shut it off’). Second, the US Administration has vigorously promoted a vision of the Information Superhighway (the National Information Infrastructure - NII). Third, the entertainment industry, along with the telephone and cable TV industries have recognized
that there is a massive business opportunity in network-based entertainment. Fourth, the telecommunications networks have been deregulated.\textsuperscript{6}

**Future**

In the future, breakthroughs in technology will allow computers to run people's everyday lives. These breakthroughs will also control cars, appliances, and security systems. For example, research has already begun to put microchips in people for identification and location purposes. There is a potential in the future for automobiles to be tracked with a monitoring system and a navigation system to update its database in real time. There is a chance that homes will be equipped with computer systems that integrate all their appliance and electronics together. For example the thermostat will sync with the current weather on the Internet to eliminate the need to manually adjusting the thermostat.

To make everything more convenient, every telephone number will become a World Wide Web address. So one day, in the not too distant future, we will have worked out easier ways to send instant messages from mobile phones to computers and back again. “Messaging, and particularly instant messaging, something of a new genre for the Internet - are here to stay, and are only going to get better”.\textsuperscript{7} Another development in the near future will be an increase in devices that support voice over IP (Internet Phone) in portable devices. This will allow significant savings compared to the old fashion telephone service. We are already seeing this trend at airports and other hotspots. “Peer to Peer” space is another advancement that will be implemented soon for direct one on one communication with any other computers over the Internet. Because there are different languages, the Internet will eventually provide translations for the Internet users so they can communicate without any misunderstandings. The potential impact of all information infrastructures is unbounded. The nature of the services and styles it can produce is limited only by the imagination of its practitioners.

While the Internet has a bright future for growth and an endless potential for different uses, there are growing concerns with issues surrounding it. These issues include pornography, blogging, and bomb making material. The creation of the Internet has opened Pandora’s Box for many good uses, but also created many problems such as those mentioned earlier. These issues exist both domestically and internationally.

**International Censorship**

Recently, Internet censorship has been rising in foreign countries such as Kuwait, China and Iran. In Kuwait, pornography is illegal because it is against the state religion. Internet Companies in Kuwait have been censoring pornographic website since right before the end of the millennium. Some Internet cafés within Kuwait have been using proxy servers to get around the censorship. The Minister of Communications has been doing random checks on Internet cafés, and closing down cafés that allow access to pornographic materials.

China has been censoring key words such as “Tibet” and “Falun Gong” through contracts set up with search engine companies such as Google.\textsuperscript{8} These words are an example of what is done to combat independence movements, and politically sensitive issues such as democracy and human rights. China and its government are afraid of ideas and views that are not consistent with its own.

The Iranian government is censoring websites that contain pornographic material, and material that contains antigovernment propaganda. The government has censored
thousands of websites that post news items and blogs, but people have found ways around it by using email subscriber service. The Iranian government recently has increased its control on what is allowed to be posted on the internet.

The three countries mentioned above are good examples of how censorship is done around the world. These are some examples of countries where government censorship is taking places, but they are not the only countries that are censoring the Internet. Countries that censor the Internet do it to different degrees. Some do it because of moral beliefs, religious beliefs such as Kuwait, and others to fit in with their political agendas such as Iran and China. For the purpose of making our argument we are going to focus primarily on Kuwait and their reasoning behind their censorship.

As of September, 2006, there are approximately 700,000 Internet users in Kuwait. The Internet in Kuwait is widely available and accessible except for pornographic websites. The largest Internet provider in Kuwait blocks pornographic websites and some companies have been following them as a precedent.

Kuwaiti Internet users eventually discovered ways around accessing the blocked websites. They started by either using proxy IP’s to access these websites or using anonymous surfing programs. The Ministry of Communications is the government agency that regulates all communication including the Internet. There are no specific laws against pornography, but the Ministry is doing it based on the religious and culture values mention in the constitution.

The pre Internet generation in Kuwait is computer illiterate and as a result is facing difficulty monitoring childrens use of the Internet. The parents like the fact that the government is trying to censor the adult websites because a lot of them still do not know how to use the Internet. Nowadays they are becoming more computer literate for mainly two reasons:

1) Self interest
2) To watch over their children

There is a debate going on between government, citizens, businesses and members of parliament about censorship of the Internet. Some people see it as an ethical thing to do and others see it as an unethical thing to do. People see it from a religious and traditional stand point and others see it in a freedom of speech issue. Since there is no law introduced to censor pornography on the Internet, the question is raised as to whether the Internet companies should be allowed to censor pornographic websites.

**United States Censorship**

Internet censorship within the United State is an ethical dilemma that has similarities to other countries around the world. Each country has its own set of ethics and values that can differ greatly from one another. Governments of some countries censor the Internet, while the United States has Internet censorship done on a local level or by business entities. The biggest difference between the United States and other countries is that the United States has the First Amendment that protects a person’s right to free speech.

With the ever-increasing amount of information on the Internet, there is an extraordinarily large amount of inappropriate content available to people of all ages. Currently in the U.S. there is no government mandated censorship of the Internet, but the government has agencies set up to monitor Internet activity deemed inappropriate.
Activities such as materials that affect national security and materials that facilitate a user breaking the law, are considered inappropriate by the United States.

The United States does not censor websites, except child pornography where as some countries around the world block specific websites and blogs. The United States ability to censor the Internet is hindered by the First Amendment. The extensive law making process makes it difficult to change or make new laws in respect with the issue. The United States government does not censor websites, but some public schools and businesses use software to restrict access to certain websites and program. As an example, pornography is banned in public schools and libraries, and employees at work are restricted from accessing websites deemed inappropriate to company policies. The criteria for company Internet censorship differs from company to company.

**Ethical Frameworks**

The ethical frameworks that we are going to use to tackle this issue are Duty based and the Utilitarian Ethical framework. Duty based Ethics is a set of laws, moral values, and religion that set the criteria for what is right and wrong. Utilitarian Ethics is defined as the greatest good for the greatest number of people. Both Ethical frameworks are going to be used to analyze the issues, but the results are going to vary from country to country. Countries with a diverse make up of religions and ethnicities will be harder to come up with a consensus for censorship criteria.

The Duty Based Ethical Framework as mentioned above uses values and religion to dictate what is right and wrong. For example, religion in Kuwait is used as a source for developing laws and guidelines for personal conduct. The censorship in Kuwait is based on religion and as a result, steps have been taken to censor this website. Iran on the other hand uses the same principles as Kuwait to censor pornography websites, but it takes a step further by censoring more websites on the Internet such as blogs seen as being wrong. The government censors it because of fear for national security and of protests by its people. China censors websites and specific key words on the Internet for fear of conflicting with their political agenda.

This ethical framework is tackled differently by each country depending on how each views what is right and wrong. This depends on the laws that are in place, and the moral values they have. Different countries will have different views on censoring material on the Internet.

The Utilitarian Based Ethical Framework can be demonstrated by using the United States as an example. Child pornography is a big issue in the United States, and is looked at harshly by the government and citizens. Therefore, a law was put in place to ban this material along law (TITLE 18 > PART I > CHAPTER 110 > § 2256)\(^1\)with imposing harsh penalties for violators. On an International level the United Nations has instituted a law (resolution 2001/75)\(^2\) to ban and monitor child pornography on the Internet.

Censoring bomb making material, also benefits the greatest number of people as it prevents destructive behavior that could have serious consequences. It manages to deter the facilitation of individuals from trying to build a bomb no matter what their intentions are. Depending on circumstances, the Ethical Frameworks are used differently to tackle the issue and sometimes they are used in conjunction with each other.
Conclusion

As technology progresses it becomes easier to access information on the Internet, both good and bad. Different countries have different views and perceptions on the extent of how to censor the Internet. For example, Kuwait does not censor search engines or blogs, but censors pornography. On the other hand in China is restricting access to certain key words on search engines. Currently the majority of Internet users in the United States can access anything on the Internet, but it is being monitored by the government and private entities using programs that look for specific activities.

Because of the progression in technology, it is necessary for governments to step and censor the Internet. In order for government censorship to be effective, there must be a designated department to monitor, censor, and enforce the rules and regulations. Governments should not hire private companies to regulate and enforce the rules because of their different agendas and values.

Going forward we believe that some of the biggest issues that people will face on the Internet are pornography, privacy, identity theft, file sharing, and social networks that connect people such as Facebook. All these issues have the potential to ruin or destroy people’s reputations and harm others.

We believe that governments are the strongest and most influential entity censoring and enforcing guidelines for the Internet. Government censorship will always be a debatable issue, but government regulation of certain areas is an ethical thing to do. It is ethically justifiable taking the utilitarian, and consequence based frameworks of the basis of government Internet censorship. Of course there will be some contradiction on the beliefs, but they must set a common guideline and enforce it.

Work Cited


Ethics and Privacy
The Pendulum: Civil Liberties vs. Security in Times of Crisis

By: Kinny Bagga
Co-Researched by: Bryce Erickson, Jeffrey Allinson

“A distinguished jurist advises us to calm down about the probable curtailing of some personal freedoms in the months ahead. As a nation we've treated certain civil liberties as malleable, when necessary, from the start.” - Richard Posner

Introduction

People can lose their lives in two ways when it comes to war. They can be killed or their way of life, their freedoms, can be taken from them. The United States has always pursued a delicate balance between security and freedom. In the context of this paper, ‘freedom’ will refer to the natural human rights as well as civil rights granted to persons through the US constitution, while the term ‘security’ refers to the threat from attack by rebellious groups. This paper will go to examine three distinct time periods of conflict in American history that have led the leaders and the public to disregard the very principles of sovereignty that are guaranteed in the US Constitution.

The idea of civil liberties, which is an important social value, is often conflicted with the need for security and ultimately often sacrificed. By examining historical events, society can learn from past mistakes and anticipate future circumstances alongside their preventative measures in times of crisis. The analysis of these events, in conjunction with the deontological ethical framework that focuses on the idea of duty and respect for individuals, opposes the idea of solely utilitarian responses. Although it is highly common for the US government to respond to crisis situations with a common-good approach, historical mistakes suggest that duty-based ethics should be the prominent consideration when responding to these events. This thesis is supported by the examination of ethics behind the suspension of the Writ of Habeas Corpus during the Civil War, the moral implications of interning Japanese Americans during World War II, and the impacts of new laws under the PATRIOT Act on the civil liberties of people today.

Background on the Civil War

The Civil War, a highly noted conflict in the 19th century, was a heated battle between the Northern Union and Southern Confederate states. The war ended in 1865 with a Union victory and southern rebellion. This time of conflict also contained a recognized government action in which Lincoln independently suspended the Writ of Habeas Corpus in 1861 with the aim of keeping the union together and preventing rebellious groups from separating.
This writ was “the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.” More commonly, this was used to challenge the authority for imprisonment sentences and other forms of detention. This law showed a great amount of historical importance, as it was the only common law referenced in the original text of the US Constitution. The Writ is revealed in the US constitution under Article 1, Section 9, Clause 2, and states, “The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.” In addition, it is often associated with the due process clause in the Fifth Amendment that represents five liberties ratified to protect the public from government impulses.

**Suspending the Writ of Habeas Corpus**

During this time of chaos the US witnessed extreme forms of rebellion from groups. Such forms included riots, local militia actions, and the fear that Maryland would withdraw from the Union exposing the capital of Washington D.C. to surrounding hostile territory. In response, Lincoln independently suspended the writ of Habeas Corpus, so as to create social peace and protect military operations by arresting and/or detaining groups who rebelled against the northern military. The result was the imprisonment of 13,535 citizens during the period of February 1862 to April 1865 as reported by the Commissioner General of prisoners. In the early part of the Civil War, freedom from random arrests became a huge issue and this freedom was hardly granted to anybody who had opposing ideologies of separating from the Union. This was directly due to the fact that the majority of loyalists in the Union did not believe that secession was a constitutional right. Due to ‘abnormal’ and extreme circumstances, President Lincoln claimed independent authority to maintain peace under one nation state by suspending the writ at his will in these times when social threat reached peaks. Legally, only the legislative branch, otherwise known to be Congress, had the right to suspend the Writ. Therefore, measures taken independently and conveniently by President Lincoln were completely unethical in terms of following guidelines that were thoughtfully established from social values.

At this point, the Union loyalists were supporters for Lincoln’s war policies and demanded public safety from attacks, invasions, and rebellions from those who disagreed with his political thoughts. It was believed that ‘traitors’ would use the cover of freedom of expression, liberty of the press, as well as the Writ of Habeas Corpus in order to successfully execute harmful plans against the Union. For that reason, freedom of speech was no longer tolerated in the face of rebellion. Government agencies controlled freedom of press so as to confiscate any controversial issues in newspapers and other publications, and military officials were given authority to abide by or suspend the Writ when needed. Additionally, elected members of a state legislature were prevented from assembling and speaking on critical issues. Along with free speech and assembly, states’ rights were crushed in this effort to preserve the Union.

The people of the Union States trusted the President’s actions all too much, as they were willing to give up some of their personal liberties that the President deemed necessary for peace and security from invasion or rebellion. It is, however, important to consider that Union loyalists were not the ones directly being affected by these restrictions. More so, it was the Confederate supporters who were directly affected. The reactions of detainees showed more and more intolerance of the injustices that were
thrown upon them without cause. A prominent case that questioned and turned around the legality of the issue was the *Merryman Case*.

Chief Justice Taney in the case, *ex parte Merryman* decided that Lincoln’s suspension of the Writ of Habeas Corpus was unconstitutional as it pertains to legislative powers, and not executive powers. Taney further decided that it was unconstitutional for the president to delegate to military officers individual discretion to obey the judicial process\(^5\) as he himself had broken the very laws he’d sworn to ‘faithfully execute’. Taney’s view exposed him to public scrutiny, as supported by the quote from the New York Tribune, “The Chief Justice takes sides with traitors, throwing around them the sheltering protection of the ermine”\(^6\). Although the Chief Justice held that suspending the Writ of Habeas Corpus was unconstitutional, President Lincoln continued to suspend the Writ whenever he deemed necessary to fulfill his purpose of stopping rebellion. In fact, Lincoln thought it was far better to preserve the Union than to live up to its guarantees.

Because Lincoln had great control over the war agenda, it was only after his death and after the war in 1866 that the Supreme Court ruled in the case of *ex parte Milligan* that it was unconstitutional to hold citizens not associated with the military. This was supported by the assertion, “where the civil courts were open and functioning it was unconstitutional to suspend the writ of habeas corpus and to establish a system of military detentions and trials”\(^6\) concluding with the idea that governments should be of laws, not of men.

It is fairly evident that the Civil War is an example where the government, in order to satisfy a political ideology, neglected the balance of powers in times of crisis. Along with this, government officials approved/ordered the detention of many innocent civilians simply because they exercised an opposing viewpoint or showed ‘suspicion’ of doing so. Another theme that was prominent in the actions of the President directly was the interpretation of law. Although it was not explicitly written in the Constitution at the time, it was Lincoln’s duty to consult Congress before suspending such a significant part of the constitution explicitly placed under legislative powers. It was not the President’s duty or right to suspend the Writ of Habeas Corpus. For the preservation of the Union, however, he acted on his own political interest and found a loophole to do it.

**Ethical Concern**

Taking that into account, it is reasonably inferred that Lincoln took a Utilitarian standpoint when acting as he did, because he wanted one nation state and the greatest good, due to a larger population, would favor the Union states. Although utilitarian approach is a popular ethical standpoint to take when acting in the interest of a democratic nation state during a crisis, it is important to consider a social justice from a deontological standpoint because this country’s governing laws are set to limit the authority of the government by ensuring individual rights that are inherent in the Bill of Rights\(^7\). These liberties were fought for throughout the history of the nation, representing highly regarded social values guaranteed by the US Constitution. Therefore, it is the duty of the government officials to uphold those values, especially in times of crisis when they are most sacrificed.

Under the deontological theory, a leader should stress the role of duty and respect for persons, even though it may not give high importance to the idea of social utility. Fulfilling his own political agenda at the expense of the country’s own citizens was unethical on part of Lincoln. He was elected to serve the people and ensure that laws
under the constitution be faithfully executed under his ruling. Although Lincoln showed
good leadership, taking the matter into his own hands without explicit permission showed
a lack of reasoning and respect for the laws that were established for the people, by the
people. It was reasonably expected that Lincoln be attacked for his actions as he was seen
to attack the constitution.

After the Civil War ended, the people began to demand their freedoms back, and
the suspension of the Habeas Corpus ended with the court case *ex parte Milligan*, which
allowed the people that were being held in military custody to receive a trial in federal
courts with impartial judges and juries.

Duty-based ethics focus more on fulfilling responsibility that is bestowed upon
rather than to live by an explicit contract, which may only encourage morality. Lincoln
did not act ethically as he did not value the individual autonomy and individual rights of
the Southern citizens. Furthermore, he did not fulfill his duty as a lawful leader who
respected his people, let alone the laws they helped form. Lincoln considered the
incarcerated people as means to an end – an end to the war – and placed little validity in
their individual autonomy and rights.

**Background on World War II**

The repeal of constitutional rights was again seen in a time of conflict nearly 80
years after the Civil War. Following the Japanese attack on Pearl Harbor in December
1941, the people of the United States became fearful and suspicious of anyone who could
possibly attack the country again. This fear was especially strong along the Pacific coast
where there were large populations of Japanese immigrants. “Leaders in California,
Oregon, and Washington, demanded that the residents of Japanese ancestry be removed
from their homes along the coast and relocated in isolated inland areas. As a result of this
pressure, on February 19, 1942, President Roosevelt signed Executive Order 9066, which
resulted in the forcible internment of 110,000 people of Japanese ancestry. More than
two-thirds of those interned under the Executive Order were citizens of the United States,
and none had ever shown any ‘disloyalty’.

The Japanese-Americans had as little as 6 days notification to dispose of most of
their property and possessions before they were transported, leaving them with minimum
possessions and/or savings. These are clear violations of the Fifth Amendment of the
Constitution, but it was done for the supposed security of the country from these ‘enemy
aliens’. However, the direct result of the order never proved to be a deterring factor.
There was heavy impact that this order had through the attitudes of the time seen through
Supreme Court cases that were introduced as a result.

The attitude of the time was that interning all Japanese was the most sensible
thing to do for the security of America. The loyalty of the Japanese Americans was in
question, significantly because of racial bias rather than a reasonable evaluation of risk
they were believed to pose. There were sentiments that Japanese Americans, despite their
citizenship status, were deeply rooted to their culture, and would ultimately show more
loyalty to Japan. Because of this, there was no concern about absolving the rights of the
Japanese Americans and imposing harsh mistreatment towards the group, but rather a
sense of superiority that overwhelmed a belief in the American public that the Japanese
should cooperate fully to prove their loyalty. The following is an excerpt from an
editorial called:

*Their Best Way to Show Loyalty, March 6, 1942 in The San Francisco News.*
“Its execution should be supported by all citizens of whatever racial background, but especially it presents an opportunity to the people of an enemy race to prove their spirit of co-operation and keep their relations with the rest of the population of this country on the firm ground of friendship…. Real danger would exist for all Japanese if they remained in the combat area. The least act of sabotage might provoke angry reprisals that easily could balloon into bloody race riots. We must avoid any chance of that sort of thing. The most sensible, the most humane way to insure against it is to move the Japanese out of harm’s way and make it as easy as possible for them to go and to remain away until the war is over.”

**Internment of the Japanese Americans**

This internment was not accepted by all the Japanese. Two important legal cases were brought against the United States concerning the internment. The landmark cases were *Hirabayashi v. United States* (1943), and *Korematsu v. United States* (1944). The defendants argued that their Fifth Amendment rights were violated by the U.S. government because of their ancestry. In both cases, the Supreme Court ruled in favor of the U.S. government and allowed the mistreatment to continue. In 1983, however, Korematsu appealed his conviction and later that year a federal court in San Francisco overturned it, stating that the government's case at the time had been based on false, misleading, and racially biased information. Following, in 1987 a federal appeals court panel unanimously overturned both of Hirabayashi’s convictions on the grounds that they were racially discriminatory. Moreover, in 1988, Congress passed legislation apologizing for the internments and awarded each survivor $20,000.

This shameful incident proves that in actuality, laws and constitutions are certainly not sufficient for themselves. “Despite the unequivocal language of the Constitution of the United States that the writ of habeas corpus shall not be suspended, and despite the Fifth Amendment's command that no person shall be deprived of life, liberty or property without due process of law, both of these constitutional safeguards were denied by military action under Executive Order 9066.” These court decisions show just how illegitimate the judgment of the United States government was in dealing with Japanese-Americans. For further examination, it is essential to look at the government’s action through a deontological ethical standpoint.

After the attack on Pearl Harbor the balance between security and freedom is overwhelmed by security. The threat of Japanese-Americans hurting other Americans is only a possibility, compared to the reality that all the freedoms the Japanese-Americans possessed were disregarded even though the government had a duty to protect and uphold the rights granted to all citizens.

**Ethical Concern**

The government took a purely utilitarian stance in reacting to the sneak attack on Pearl Harbor. Although there was not much evidence stating the justifiable harm that Japanese Americans were feared to pose, the country was filled with the sense of sociotropic threat of being attacked again, that they not only tolerated the mistreatment of Japanese Americans, but also encourage any and all means to gain a sense of security that the internment camps provided. The government, who clearly should be held responsible for upholding American values of civil liberties had supported these exaggerations in the name of urgency and hence failed to fulfill their duty of enforcing respect for its citizens under the freedoms that are rightfully theirs.

The utilitarian ethical theory seems to be the prevailing theory in times of crisis as Lincoln also used it in the suspension of the Writ of Habeas Corpus. Examining this theory alone can lead to detrimental outcomes such as the discriminatory internment of
the Japanese Americans. At the very least, an American citizen is an American citizen, regardless of race. At the end of the war, the government apologized and later provided monetary compensation with explanations that were far from excusable. Considering the deontological ethical theory would have been wise for the government, given that past events involved unlawful detentions of groups and outcomes of those events had grave impacts on the people of this country in terms of living by and upholding an extremely important document—the US Constitution.

**Background on September 11, 2001 Attacks**

A recent event that disturbed the balance of civil liberties and security was known as 9/11. September 11, 2001 was the day terrorists carefully executed a series of planned attacks on America’s symbol for its thriving, capitalistic success—the World Trade Center. The American public was deeply shaken in fear and insecurity, undergoing a drastic shift from living the ‘American way’ to really questioning the civil liberties that create the foundation for this nation. Terrorists evoked a great degree of sociotropic threat against societies’ established and valued norms – in this case safety from foreign attack. For basic social harmony, studies indicate that a society shows the will to stick together with the intention of creating social order and prevent future attacks, often by ceding their own civil liberties in a situation of high sociotropic threat, high trust in government\(^\text{13}\). Also supported by studies, people during this time of crisis questioning the government’s response, be it unconstitutional, were considered ‘anti-American’\(^\text{13}\). Therefore, the overall mood of the nation was insecure and anxious to the degree that public trust on the government and its actions more than doubled to 64%\(^\text{14}\) as compared to before the event.

**Implementing the PATRIOT Act**

As a responsive act, the government implemented changes in the national policy, in some cases severely compromising the civil liberties of US citizens. The most prevalent, and highly disputed document seen immediately after the terrorist attacks was the PATRIOT Act.

There were several security measures authorized and implemented under the USA PATRIOT Act. The most significant and drastic alterations were made to the Foreign Intelligence Surveillance Act (FISA), which “provides guidelines under which a federal agent can obtain authorization to conduct surveillance for foreign intelligence purposes”\(^\text{15}\). In this case, purposes also included protecting US citizens from foreign powers (including terrorists). The Act expanded the application of FISA to those situations where foreign intelligence gathering is merely ‘significant’ purpose of the investigation\(^\text{16}\). After alterations were made, government officials were able to conduct surveillance more freely without jurisdiction at many levels, simply based on their suspicion of threat. Further, the term ‘significant’ being undefined under the act coupled with the low surveillance standards led to the reasonable assumption that inconsistency and misuse of the FISA standards was expected.

**Surveillance Measures Under FISA**

Sure enough, many surveillance measures are now in place under the provisions of the FISA, including roving wiretap that goes against the Fourth Amendment by not requiring a specification of searches, tracking system in communications devices that overlook almost any form of communication, computer systems that provide the current status of foreign students, RFID chips that retrieve/store remote information through radio waves, etc\(^\text{16}\). For example, as of August 2005, the use of RFID technology has been
seen in passports issued by the U.S. State Department to collect information regarding national origin, travel information, and other personal data without the knowledge of the cardholder. This stringent action taken on by the government not only poses an individual security threat with risk of identity theft and misuse of information, but it also encourages discrimination from the use of information that is not rightfully collected.

A highly debatable section under FISA was Section 215, Amending Title V. This area of law allowed government agents to retrieve any information or records of library patrons without notification to the suspected party. This law was heavily questioned from libraries for two main reasons. Primarily, it ordered libraries to produce any ‘tangible thing’ that was requested, principally going against the professional code of ethics. In particular, it went against code III, which stated, “We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.” Secondly, this limited an individual’s intellectual freedom granted under the first Amendment. It is unbelievable to realize that one cannot even check out a book from the library without being investigated for terrorist activities. This posed a huge problem as it limited something so simple as intellectual knowledge. The increased level of surveillance created the most impact in disregarding the civil rights of citizens as they were not made aware of various surveillance technologies, which at times were used for purposes other than fighting terrorism, allowing the government to go out of the scope of investigation to snoop on its own people. Unfortunately, this led the nation in a state where the government officials had full liberty to bend any rule on the name of security, leaving the US with “no checks, no balances … ultimately discarding the bedrock constitutional principles.”

Another form of unethical behavior was the secret and unlawful detention of Muslims in Guantanamo Bay, yet another repeated mistake from the past that ignores the Writ of Habeas Corpus. Prisoners had ceased to exist as individuals, or even POWs, and were denied rights under the Geneva Convention or recourse to American courts. Many of these measures can be highly questioned in their ethics, feasibility, and ability to uphold social values such as safety from foreign attacks, as well as their ability to sustain the civil rights granted to them through birth or through policy.
Provided all the facts, it is reasonable to infer that post 9/11 there had been a dramatic shift in the balance of social security from personal freedom as the responsive acts on behalf of the government promoted the idea of the common good and also deeply avoided the individual freedoms that were valued by people. As previously stated, history has shown that citizens of the United States prefer a crafted balance of these two morals while also firmly upholding to the Constitution that serves as a foundation for our laws. The government’s reaction to the terrorist attacks was based on the utilitarian ethical theory of promoting overall security and reducing the sense of sociotropic threat, in this case the fear of another attack from a foreign power. Because trust in the government and this notion of sociotropic threat are integrally related, it was reasonable to see a greater willingness to adopt a pro-security position.

After a considerable amount of time, when the level of threat had not increased or decreased, the public became less tolerant of ceding civil liberties in the name of security. Considering the true definition of democracy as, “a polity in which there are regular, institutionalized changes in power, in line with the preferences of the people freely expressed” efforts to shift the fulcrum to a healthy balance needed to be carried through. Although panic and fear led the shift to lean towards security, over time secrecy in the government’s actions coupled with the fact that no new attacks happened, led the public’s trust in government to go down and hence led to a greater desire to uphold civil liberties.

Although it is imperative to be alert on situations that might affect national security, taking long-term measures at the height of sociotropic threat is unreasonable and absurd. In the case of 9/11, as government took strong utilitarian-based actions in months following the crisis, the public’s belief in civil liberties was reaffirmed not undermined. This is supported by the statistic that 54% of Americans were not concerned about ceding civil liberties before 9/11; however, the figure rose to 67% of Americans (nearly 2/3) after 2 months as vigorous security measures were taken.

**Ethical Concern**

Keeping that in mind, it is unethical for the government to continue implementing policies and vigorous measures in the name of security when there is overwhelming public opposition, ignorance in terms of what information is being collected and how it is used to prevent terrorism. Furthermore, there is no statistic to prove that government security measures directly lead to low levels of sociotropic threat. It is reasonable to consider that such safety measures might decrease the anxiety that is seen to trigger sociotropic threat, however the fact that there has not been another physical attack on the nation could be equally considered to reduce the level of fear and anxiety among the public. The point is – there is no proven need to cede civil liberties to such a low level.

When considering the ethical theory based on duty, the government should respect and protect citizens without deliberately compromising their civil liberties to their convenience. In a time when America feels attacked for its thought and the freedom it advocates, it is more important to consider duty rather than consequences of actions as the former is essentially put to test. A concern for the ‘most people’ as suggested by the utilitarian approach cannot be valid when social values are embedded in constitutional rights in times of war. The amount of surveillance that was conducted post 9/11 has given unlimited freedom to the government to keep check on people. That privilege, however, has shown no significant benefit to deterring further attacks. In addition, the detention of Muslims in Guantanamo Bay has yet again ignored basic human rights or even the idea
of lawful detention. After two specific events discussed earlier in this paper, there is no ethical justification for detaining and harshly mistreating a particular group, classified as ‘enemy combatants’ simply based on racial discrimination. With this event, it is reasonable to assume that civil liberties have completely taken a rest in the need for security. Although there is unlawful physical mistreatment for Muslim detainees in Guantanamo Bay, there is unlawful action taken towards all members of this society indirectly as every basic privacy that was previously held has now been completely surrendered. Civil liberties are not only being ceded by particular groups, but also by the nation at large. It is not only the duty of the government to comply with social values that are held dear, but also the duty of every citizen to reject actions that go against those values. In the end, if the nation lives only by security and minimal civil liberties, the country will no longer stand as a democracy run by the people, for the people.

**Common Themes**

<table>
<thead>
<tr>
<th></th>
<th>Civil War</th>
<th>WWII</th>
<th>9/11 Attacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neglecting Balance of Powers</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Interpretation of the Law</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Alteration of Law</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Repeating History</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Constant Utilitarian Standpoint</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Conclusion**

Throughout American history, the concept of civil liberties has strengthened with the general public at large and also has been the most sacrificed in times of crisis. Through events discussed in this paper, it is reasonable to see that public deliberation often prevents bad ideas from taking hold while broadening support for the public policy that is implemented based on a collective opinion that doesn’t go against the Constitution. It is important to establish the need to consider duty-based ethics when reacting to crisis events, as opposed to the popular groupthink phenomenon that immediately occurs at a high level of sociotropic threat. Simply taking the convenient utilitarian approach to interpreting the laws will soon create an increasing amount of loopholes in the system allowing governing bodies to quickly take away any basic civil liberty that is cherished by the people.

In addition, historical events such as the abolition of slavery, women’s suffrage, implementation of anti-segregation laws, and many more have given increasing importance to the idea of civil liberties. Yet, we continuously see social justice and respect for civil liberties diminishing little by little. We must learn from those crucial points in our history so we can prevent hypocritical actions that demote social justice when dealing with crisis situations in the future. Overall, it is the duty of the governing bodies to faithfully execute the laws that coincide with society’s goals and ethical priorities. Through this approach, it is evident that respect for individuals and the rights embedded in constitution will prevail over measures that succumb to crisis situations by deliberately reducing civil liberties. This serves to be beneficial for the nation in the long run, especially in times of post-crisis, when those values become harder to restore. However, disallowing debate on current policies creates a loss of democracy, a loss of freedom and civil liberties, which would lead the terrorists to win this war on our freedom.
Work Cited


The Ethics of Personal Privacy and Location-Based Services

By Kellie Kuebler, David Palm, and Auburn Slavec

Personal Privacy is being compromised by the intrusiveness of location-based services and its exposure of personal information to third parties.

It is Friday and your workday has finally come to an end. Soon your incoming calls will be invaded by open invitations to the events of the evening. Once everyone is piled into your conservative four-door, you’re off to the bars. Finally, you’re at the first club. Working your way to the bar, the crew is looking around for anyone they know, or would like to know. As the night goes on, it has been three hours and you still haven’t left that bar. You decide it is time to leave. After finally getting your friends into the car you take off only to be stopped one block away from the bar by a patrol car. You are issued a sobriety test but you haven’t had a drink all night; you were the designated driver. The device in your vehicle alerted the police and your insurance company of the duration you spent at the bar. You may pass the test with no problem, but that won’t help the outrageous increase of your insurance rates as you have now been deemed a high risk driver. As extreme as it may sound, it is not that far fetched. In fact, insurance companies are currently looking into the pay-as-you-drive program in which rates would fluctuate depending upon each customer’s risk evaluation. Such evaluations could legally be determined by monitoring the location-aware device installed into vehicles.

Modern day technology has resulted in the emergence of location-based services (LBS). LBS are applications that use information about where a communication device is located. Location information has the potential to allow an adversary to physically locate a person, and therefore most wireless subscribers have legitimate concerns about their personal safety if such information should fall into the wrong hands. These services can range from the GPS chips in your mobile devices to the Emergency services in your car. At any time your past and present location can be pinpointed down to a few centimeters just by accessing your account information.

Location-based services create an ethical dilemma in three different ways. First, the potential for misuse is too great to ignore and as the technology becomes easier to use, the good possibilities do not outweigh the bad. Another ethical dilemma created by LBS is that it compromises our duty to respect each other and treat one another as we would like to be treated. LBS provide an opportunity to consistently be aware of where someone is going and as a result they create suspicion and form queries that we should not have to deal with. The last ethical dilemma we discuss is that location-based services promote immoral acts. When separate entities can track where you are going and where you’ve been, this simply greatens the possibilities of immoral acts and resistance becomes more difficult. If we start taking advantage of these possibilities, then we begin to oppose our character-based ethics we all try to live by.

Introduction:

An important privacy-related legislation is the U.S. Privacy Act of 1974. This legislation “gives substance to the idea of fair information practices including openness and transparency,
for example, no secret record keeping, individual participation, collection and use limitations, reasonable security and accountability.” In addition, in 1999 the Wireless Communications and Public Safety Act, more commonly known as the E911 Act classified wireless location information as Customer Proprietary Network Information (CPNI) along with “time, date, duration of a call, and the number dialed.” At the same time, Congress amended Section 222 to explicitly require, express prior authorization.” The rules of Section 222 require “individuals be given notice of the collection of information and its intended uses; businesses use information solely for the consumer initiated transaction; businesses gain individual’s permission (an “opt-in” standard) prior to using personal information for secondary purposes such as marketing; businesses gain individuals permission prior to disclosing personal information to third parties; and finally that businesses must provide consumers access to the information stored about them.”

Currently there are two types of classifications for location-aware services: location-tracking and position-aware. Location-tracking services rely on second parties to collect and retain information sent by the location devices, most often GPS or GSM service-based. Position-aware services are fundamentally based on the device itself knowing its location. Personal privacy is being compromised by the intrusiveness of location-based services and its exposure of personal information to third parties.

According to Dr. Alan F. Westin, Professor of Public Law and Government Emeritus at Columbia University, “Privacy is the claim of individuals, groups, and institutions to determine for themselves, when, how, and to what extent information about them is communicated to others.” It is clear that as long as technology continues to create and advance communication, there will be no such thing as complete privacy, companies that provide technological services require personal information for convenience and billing purposes. However, it is difficult to claim that because of the technological advances, our society of consumers should have less privacy regarding the information pertaining to their own persons. The pace at which LBS technology is advancing is rapid and it is increasingly adhering to everyday life. Location-based services are at the point to which they can be used at any time, regardless of whether or not the user is aware. Simply by making a phone call, information is recorded with the potential of being accessed by anyone extending from corporations to the government and even to individuals.

The potential for misuse of this information is overwhelming. The government could deem that someone is spending what is considered to be “too much time” in the wrong part of town and suddenly this person is suspicious. This is the case, even though that may just be where you go grocery shopping. It is a very real possibility that a thief could use LBS to watch for when you leave your house and rob you while you are out. It is clear that, “because location information reveals, often in real-time, the whereabouts of the individual, the potential for privacy intrusion and other harms is more serious than with other types of personal information.” Personal privacy is becoming extremely vulnerable because of location based services and, “without the ability to control the collection of location information, consumers may lose the privacy safeguards currently afforded by other federal and state privacy laws.”

The security of your information is limited and you have no control over the content or degree to which the data is shared. It is clear that while these services have very useful attributes, there is plenty of concern amongst the public for privacy protection.

Louise Barkuus and Anind Dey documented a case study they performed that shows individuals opinions on the subject. Barkuus and Dey gave sixteen participants four hypothetical
features for their phones. Two services were location-based and the other two were position-aware. Next they recorded their opinions on each service. The participants thought one location-tracking based service (being able to locate friends) and one position-aware service (private ringing profile) were the most useful, however the two location-tracking services were rated much more intrusive than the position-aware services. Their final results showed that consumers generally like location-based services as long as they are deemed useful. They also found that the location-tracking services cause more concern than the position-aware services do because, “the level of intrusiveness and concerns for privacy are much higher for location tracking than for position-aware services.”

These results are shown in the following tables:

<table>
<thead>
<tr>
<th>Service</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: Ringing profiles in private settings</td>
<td>The mobile phone ‘knows’ when the user is in a meeting or in class</td>
</tr>
<tr>
<td>B: Ringing profiles in public settings</td>
<td>The mobile phone ‘knows’ when the user enters a movie theater or restaurant</td>
</tr>
<tr>
<td>C: Lunch service</td>
<td>A suggestion for lunch is pushed by the retailer to the mobile phone when the user is around a restaurant or fast food place</td>
</tr>
<tr>
<td>D: Localization of predefined friends</td>
<td>The mobile phone can locate predefined friends and alert the user when they are within a certain distance</td>
</tr>
</tbody>
</table>

Table 1: Location-Based Services.

<table>
<thead>
<tr>
<th>Service</th>
<th>Rated usefulness</th>
<th>Rated intrusiveness</th>
<th>Average # of daily use</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: Private ringing profiles</td>
<td>3.75</td>
<td>2.1</td>
<td>1.5</td>
</tr>
<tr>
<td>B: Public ringing profiles</td>
<td>2.6</td>
<td>2.2</td>
<td>0.4</td>
</tr>
<tr>
<td>C: Lunch service</td>
<td>2.2</td>
<td>3.7</td>
<td>0.3</td>
</tr>
<tr>
<td>D: Localization of predefined friends</td>
<td>3.75</td>
<td>3.25</td>
<td>1.3</td>
</tr>
</tbody>
</table>

1 = not useful at all, 5 = very useful
1 = not intrusive, 5 = very intrusive

Table 2: Average rating of the services.

E911:

As previously stated, there are definitely some good uses for location-based services. The best use as of right now is the E911 service. This service is already applied to many mobile devices now and the basic idea is that in an emergency, the phone will alert paramedics of your location to get help as soon as possible. This is a great feature that does have proper mandates on it. It is assumed that this service is ethical and does not invade personal privacy, however the increasing technology of LBS continues to improve their other services, which provide plenty of concern over a variety of ethical frameworks.

Support for Arguments Against LBS:

Today the threat of the misuse of technological services is very real. Personal privacy is at risk with the free flow of information provided by the Internet and other networking programs. In 2006, independent electronic-security experts managed to use a technique known as pretexting to obtain the phone records of Hewlett-Packard board members and a number of journalists. Pretexting is the process in which ‘hackers’ fraudulently gain access to classified information. In this particular case, the use of a board member’s phone number and the last four digits of his or her social security number would allow any access to the records of calls made from the account in question. Incidents such as this legitimize concerns with the security of wireless services; this is to say the availability or difficulty to obtain personal information shared by wireless networks. Unfortunately for consumers, there is no specific federal protection against such acts of pretexting. As it stands there is no protection to prevent similar methods in order to obtain the records of your past and current location logs.

At any time ‘hackers’ such as these could obtain your history of locations. This information may include your home, your office, your mother’s house or even your children’s
daycare center. However, it is not just the threat of ‘hackers’ and malicious third parties to whom your information is made available, corporations have access as well.

Marketers are currently using LBS to promote products or establishments within a certain geographical radius. Cybermarketers have the capabilities to create location-based customized voicemail or text messages sent to a mobile device. As a person walks through a shopping mall, the mobile device that they carry with them can be contacted once it is in a certain range of a store, and sent a message notifying the user of a sale. At first glance, this use of LBS would seem nothing more than a minor nuisance; however, the location-based spam would become costly for certain phone plans as each message has a charge associated with it. While it is common practice for companies to buy and sell telephone and mailing lists, this may also become common for the trading of location traces. As previously stated, location data could be detrimental to your reputation or risk assessment if misinterpreted by a third party.

**Arguments Against LBS:**

The first ethical framework that location-based services contradict is that of utilitarian theory. It is in the utilitarian framework that one analyzes an ethical dilemma and bases a decision by determining which option provides the greatest good or the least harm for all who are affected. By making a decision one would hope to increase the good done and reduce the harm. Location-tracking and position-aware services do not ultimately provide more good than bad. It is reasonable to assume that if LBS continue to grow and become more common, that the usability will grow with it. It is the nature of technology to make devices easier and cheaper to use over time. As a result of that, those devices become more prevalent commodities for the population. Just looking at early cell phones shows how large and complicated they were; few people used them. However, as technology advanced, the phones became simple to use and conveniently smaller. Now they are so prevalent that some people have replaced their home phones with the cell phone. Technological features become standardized and they must in order for companies to stay competitive. With an easier usability of LBS it would make sense that more people would use the services and could apply them to every day life. Friends could easily locate each other. Parents could keep track of their children. With no restrictions on how this service is applied, it would create a society in which those with the desire and skill set could basically spy on anyone they wanted. It would create chaos. While the parents are monitoring their children to make sure they are safe, thieves could be monitoring those parents to see that they aren’t at home. This could also result in a society in which the government tracks anyone with a mobile device to make certain they aren’t doing anything suspicious.

The technology is currently so advanced that people do not need to make a call for most of these services to be activated. Imagine what it could be like in five years. People could not only be able to see where you’ve been and what you’ve been doing through your mp3 player, but they could see what songs you’ve been listening to the whole time as well. There would be no privacy at all. While it may be seem ideal to be able to tell that your best friend is just around the corner, it is not nearly as attractive when people with cruel intentions use that same technology. Although the features of LBS are enticing, when expanded to a broader scale, we can see that location-based services do not provide more potential for good than they do for harm.

Another framework that makes location-based services undesirable is the idea of duty-based ethics. As humans, we all have an obligation to not steal, hurt, or mistreat one another. The idea of LBS and the ways this information is being used can and will inevitably hurt us. It is undeniable that eventually this technology will be misused and individuals will suffer the backlashes. Every time an employer or a recruiter suspects or perceives that you are a part of an
“un-American” group or of a particular religion or sexual affiliation because of some tracking device, that individual will suffer unjust consequences. Because your monitored location shows perceptions of you in a certain way or perceptions that you are affiliated with certain people does not make that assumption correct, nor does it make the idea of knowing such information reliable. It is every human’s duty to not let such technology become the deciding factor for trust, loyalty and honesty. Every human deserves the right to control the content of the sensitive materials regarding their own person. The duty of every human to protect that right is too easily compromised by LBS and their access to the sensitive material. This brings about the idea of innocent until proven guilty, but LBS promotes the opposite of this; this technology promotes the idea that everyone is guilty under suspicion of being a certain way and/or of participating in a certain behavior. The idea of ethics under a rights approach is that the ethical action should be the one that best protects and respects the moral rights of those affected. The technology behind LBS does not protect nor respect human’s rights; in fact, it does the opposite by putting the actions of every human under scrutiny and ridicule most often without the opportunity to a defense.

The last ethical framework that opposes LBS is the theory of character-based ethics. This theory based on morals is contradicted by LBS. LBS do not provide a motive for being moral, but they do provide many opportunities to be immoral. The opportunities could be as simple as using any gained information to get what you ultimately want. Even worse, it could be used as blackmail in hopes to corner another and, in return, not reveal whatever compromising information you may have on them. More importantly, most people would be going against their virtues, which according to early philosophers like Plato and Aristotle, are needed to be a moral person. Using information gathered from services like LBS would have people ignoring their original training of good habits and character traits, which according to those early philosophers, is what we all need to live well.

Being virtuous implies living up to and acting to the highest possible potential of one’s being. Using location-tracking and position-aware services that LBS provide puts into question everyone’s whereabouts, intentions and actions and provides a more volatile country. Inevitably this volatility would form between anyone who is using LBS. It would cause issues between the government and its citizens, businesses and its employees, even between parents and children. There would be a huge division between those who are using the services to monitor people and those who are being monitored. This service could very well pose as helping locate or watching potential security risks and then very easily move to watching everyone and anyone by whomever within the public. This service will have people relying on a piece of technology to never lie to them, to give enough information that makes assumptions and interprets them as suspicious, and it would be looked at as true. LBS will take away the human factor from its user and place each consumer in a position that puts their every movement and action under watch by not only businesses and the government but their friends and loved ones as well.

Conclusion:

Like most technological advances, there are harmful consequences to those developments that began as ideas of good intent. Location-based services can be useful for directions, nearby facilities, and as tracking tools for emergency situations. Location-tracking and position-aware devices are emerging into the mass production of many mobile devices. As they become more common, the potential for unethical operations begins to surface. From a utilitarian standpoint, these services would enable an entire population of spies and stalkers through its invasive technology. This newly found power would threaten your safety as a person with an enabled
mobile device and those associated with you. Not only would you and your contacts’ physical safety be in danger, but your reputation would also be at risk to the interpretation of your location information. Your attendance at a civil rights rally, a stop at an abortion clinic, a trip to a gun shop, or even the frequent pattern in your fast food selections; all will be up to interpretation. As a duty-based argument, a person’s safety should be honored and protected by all. Since LBS are analyzed and assessed through interpretation alone, data would be manipulated and spun so that anyone’s chronological activities could be misinterpreted as being suspicious in nature. This suspicion and documented information would have considerable leverage over your character and virtue as a moral individual. No longer is the safety of your life and reputation being honored or protected but instead being manipulated and misrepresented in resulting detriment.

This idea of an entire population being threatened by a technological advancement is not abstract. The process of sharing information has become easier through the prevalence of wireless networks and services. With the right knowledge of the systems, anonymous third parties can obtain and gain access to your records through fraudulent tactics. The data may also be intercepted through the wireless signal from which it is shared. The cyber marketers that use these methods to advertise and promote through LBS are indications of the vulnerabilities of the information stored on mobile devices. Location-based services would become another method of sharing personal information through a system of networks. Although the services are helpful in theory, the harm caused by the ease of manipulation of your information for personal benefit concludes that the mass implementation of LBS is unethical.

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Invasion of Privacy Through Internet Monitoring

By Jonathan Rich and Molly Smith

"We have an environment in which we're collecting more and more information on the personal lives of Americans, and our laws are completely inadequate to protect us." – Leslie Harris, executive director of the Center for Democracy & Technology

Introduction

An electronic communications network that connects computer networks and organizational computer facilities around the world, the Internet has led to significant changes within our society. An infinite amount of information can be easily obtained and through the development of technology, has become more accessible. The introduction of the Internet into our daily activities has transitioned our society into a technology dependent era. The Internet has become an increasingly popular source for gathering information and a frequent form of communication. Privacy focuses on the control over information about oneself, and is argued vital for human dignity and intimacy. The Internet increased the availability of personal information that can be tracked, recorded, and accessed. The personal invasion of privacy due to Internet monitoring has become more of an ethical concern and looking at aspects from the business world we can better determine how the evolution of the Internet has shaped our lives.

Thesis

The issue of privacy and one’s right to privacy while at work or on the Internet has become increasingly an important issue company’s deal with everyday. Companies have to spend time and money to write policies to cover these issues to protect themselves as well as the well being of their employees. They need to monitor their employees to ensure productivity and to make sure they are not doing anything illegal at work that could hurt the company. How far these companies can go to protect these things is what makes such an interesting issue. A person has a right to privacy and what they do on their break or outside of the office should be their business, but more and more companies are tapping into this to monitor them. A company can only go as far as to monitor them while they are working or doing work related activities anything outside of this realm in their private lives and emails should not be exploited.

Utilitarianism

Ethics has become a major concern within our society, especially within the business world. It is important to conduct business in an appropriate manner, monitoring productivity, and profit, while maintaining employee satisfaction. There are two fundamental ideas that underlie utilitarianism; first, that the results of our actions are the key to their moral evaluation, and second, that the one should assess and compare those results in terms of the happiness or unhappiness they cause “or, more broadly, in terms of their impact on people’s wellbeing.” It is important to install morals into all aspects of business, including competitors, customers and employees. It is important to keep a sense of well being in order to provide a trustworthy service.
Utilitarianism’s guiding impulse is simple and transparent, and many people have found it attractive: human well-being or happiness is what really matters and, accordingly the promotion of well being is what morality is, or ought to be, all about. From a utilitarian perspective employees should be provided with a well being that satisfies each one’s personal goals.

**Privacy**

The right of privacy has become a controversial issue. While there is no fundamental law or amendment that states one’s right to privacy; however it has been implied by the Supreme Court in the United States Amendments and is considered ethically correct in our society.

There is no specific law that governs ones’ right to privacy and this has resulted in a fine line between what is deemed acceptable and what information can be revealed to the public. This has resulted in various court cases in which citizens have tried to determine their own right to privacy.

There have been numerous cases over the past century where the Supreme Court has had to determine whether a citizen’s privacy rights have been violated. This dates back to May 25, 1891 in the Union Pacific Railway Co. v. Botsfold, where it was decided that the plaintiff did not have to submit to physical examination as ‘no right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others’.

**The Evolution of the Internet in the Workplace**

The evolution of the Internet has shaped the way that companies conduct business. This has led to a dramatic change within the workplace and the responsibilities of employees. It is an employer’s responsibility to monitor employees and assess the quality and quantity of work that is being achieved. In the past, employers have done this by monitoring punch cards, productivity reports, profits and consumer satisfaction. The increase in technology and development of computers and the Internet has changed the security and supervision of daily business activities. Companies have a variety of reasons to maintain surveillance within the workplace. There are concerns for employee’s well being, competitors’ obstruction, and the productivity and profits of the business. These concerns are all relevant; however, the use of technology has made it easier for employers to snoop on their employees.

Employers have the ability to intercept electronic communication and access the information that has been stored on the company’s computers. The easy access that employers have to this information raises the question of whether employers can ethically monitor employees. It has become Employees are expected to conduct business productively and to complete their job under the expectations that they were hired for. The Internet has made it easier for employees to be distracted from their tasks. Personal emailing and browsing the Internet has become a major concern within corporations, leading to the increase in electronic monitoring.

**Right of Employers to Keep Work Place Efficient**

Employers use electronic monitoring for two basic functions: providing feedback and implementing control. Providing feedback is an essential aspect in conducting business. Employees are monitored in order to provide performance-related feedback and suggestions for improvement, such as with recording a receptionist’s typing speed or accuracy of data entry clerks. This form of monitoring is understandable and an efficient way to conduct business. The type of monitoring that implements control is more harming to the business environment and calls into question the ethics of the company. The competitiveness of industries in today’s business society has led to an increase in security and the need to monitor efficiency within the
workplace. This has increased the level of acceptance of employee monitoring, especially through electronic measures. The increase of use of the Internet and its ease, has led to a dependency of many businesses using this form of a communication for all their business transactions. The security that each business requires, also involves the monitoring of their employees online activity in order to ensure there are no security breaches. This form of monitoring is vital in order to maintain the success of the business; however there is a fine line between monitoring electronic activity for the security of the business and monitoring to spy on employees.

Right of Employees Privacy

It is customary for every business to install a code of ethics, setting the standards for employee behavior, standard of practice and it can also be used as a benchmark of evaluation. "The need for special ethical principles in a scientific society is the same as the need for ethical principles in society as a whole. They are mutually beneficial. They help make our relationships mutually pleasant and productive. A professional society is a voluntary, cooperative organization, and those who must conform to its rules are also those who benefit from the conformity of others. Each has a stake in maintaining general compliance." It is important for both employers and employees to follow these ethical guidelines. Employers create codes in order to provide standards to which employees should obey; however employers also have to maintain an ethical stance, ensuring the well being and utilitarian rights of their employees.

Employees are often unaware of the control that their supervisors have and the intrusion that this can have on their personal life. In the historic case Smyth vs. The Pillsbury Company, Smyth sent inappropriate emails from his home computer to the Pillsbury system. At a later date the company intercepted these email messages and terminated Smyth’s employment based upon their content. There had been a prior promise of confidentiality within the company; however, this did not protect Smyth’s rights to privacy.

Employees should be able to work in a trusting environment where they are respected. The Fourth Amendment states the public has the constitutional right to privacy. This is a fundamental right that is upheld within the United States; however, the increase in technology and the ability to observe others has weakened this imperative right. "The computer’s eye is unblinking and ever present. Sophisticated software allows every minute of every day to be recorded and evaluated." The introduction of the Internet to the workplace has made it easier for employers to observe what employees are doing at every moment. It is an employee’s utilitarian ethical right to receive privacy and to be treated in a manner that will result in happiness for the entire staff. They have the ethical right to dutiful respect and the right of common good, which contributes most to the achievement of quality of life. It is under these ethics that employees should be made aware of the surveillance within their workplace and the duties that are expected of them.

Right of Employers to Keep the Workplace Safe

The Internet has led to an increase in pornography, racist jokes, and inappropriate forms of electronic communication. The government has condoned the use of electronic monitoring to ensure the safety of employees and uphold civil rights. Under Title VII of the Civil Rights Act, an employer’s inefficient monitoring of the Internet and email use and abuse may allow racial offensive or sexually explicit material to pervade the work environment and create or contribute to a hostile environment. Employers are expected to monitor their employee’s activities online to ensure civil rights are not violated and that employees receive the fundamental rights they are entitled to. This has been an effective form of detection within the workplace. In Strauss vs.
Microsoft Corporation, the court held that among other remarks several jokes and parodies of a sexual nature emailed by a supervisor to employees were administered and relevant evidence of sexual harassment. The government has approved online regulation however no standards have been introduced that respect the well being of the employees or considers the effects that these actions cause. The ethical values of employees have been discarded.

**Government Regulation**

Employers have become increasingly more considered with surveillance within the workplace and this has been directly affected by changes occurring in our society and Government intervention. When the Internet first came widely available to anyone who had a computer and a dial up connection, anything could be written about or looked at on the Internet with out any repercussions. The government was not interested with what people were discussing on the net because it was like an open forum for people to talk to others around the world. Now with terrorist threats and military uprisings being a major concern, many countries across the world, Governments are stepping up their policies regarding the Internet.

The U.S. Justice Department has been working hard with Internet companies to make it easier for investigators to check citizens’ web traffic. The U.S. Government wants Internet service providers to virtually keep records of every website their customers go to, so that they can obtain this information easily.

But some see it as another step toward total surveillance of citizens, joining warrant less wiretapping, secret scrutiny of library records and unfettered access to e-mail as another power that could be abused. Many activists’ of free speech and privacy have been quoted as saying, “We have an environment in which we’re collecting more and more information on the personal lives of Americans, and our laws are completely inadequate to protect us.” In a follow up response to accusations that these new laws will hinder our free speech and privacy rights, U.S. Attorney General Alberto Gonzales was quoted as saying; “Privacy rights must always be accommodated and protected as we conduct our investigations.” Going on to say that information they are asking Internet service providers to keep track of would be essential to investigating future crimes committed on the Internet.

This hardly seems ethical if anything you do on the Internet is being tracked and used against you. It’s an immense invasion of our privacy if we cannot look at a website or send an email without someone else determining whether you are trying to harbor a crime or not.

Not only does this look like an immense invasion of our privacy but also with this new advanced technology not all the kinks have been worked out. “Recently the Electronic Privacy Information Center fought with the Justice Department and FBI on a new program they implemented called Carnivore or DSC 1000. It was found by the EPIC that the program was to hard to control because of how advanced it was and even messed up a terrorist investigation by collecting non-targeted email. The program ended up throwing out emails from a target in the investigation, which contained helpful information. Despite uncovering this, it is believed that Internet monitoring will increase especially with Bush’s new antiterrorism and security policies.

If the new technology is deemed to have imperfections how can they continue to use it, if there is already evidence that it interrupted an ongoing investigation? It seems like Governments are going to continue to write bills that cause for the increase in Internet monitoring, but evidence shows it does not always seem to work. We will in the future probably see that it will become increasingly easier for governments track us to the point we know what site we are on at that very moment and how long will have been there and what sorts of things we have looked at.
We do not believe this is ethical because the Government is crossing the line and interrupting our right to privacy.

CONCLUSION

The advancement of the Internet has led to changes within our society and specifically within the business environment. Where anything done at work or that is considered to be work related can be tracked back to us to the exact day and time we did it. The laws concerning Internet monitoring, privacy and human well being do not provide specific regulations that a business should follow. Each business has their own set of policies and rules that address this topic. This raises controversial issues and businesses are expected to determine the extent to which they can monitor their employees without creating unhappiness in the workplace. If employers’ actions are deemed ethically unacceptable to their employees, it will create a sense of discontentment and decrease productivity, which contradicts the purpose of electronic monitoring. It will cause employees to constantly look over their shoulders instead of concentrating on their work. Having a negative effect on the employees’ well being they will not be excited about work and start to be unproductive because they will not feel trusted.

The changes within our Government have become a large influence within our society, influencing the increase of electronic monitoring within the business world. The demand for an increase in surveillance has been created by the need for a sense of public safety and to emulate the concerns the Government has of the Internet. With Governments heavily stepping up their monitoring of the Internet, businesses feel like they need to do the same to stay align with them. With no real set rules on Internet monitoring though it is hard to keep things consistent through which causes citizens unrest. They do not know what is and is not monitoring making them feel their ethical right to privacy is being taken away.

Recommendations

There are several regulations that should be implemented to ensure our privacy is not disturbed by Internet monitoring. Employees should be made aware of the extent to which they are observed while at work. Notified of how often they are going to be monitored whether it is the entire time they are at work or just periodically through the day. If they get laptops for work that they take home are those under subject to be reviewed to see what employees are doing on them. If they are allowed to search the Internet at work for things while on break or throughout the day, they should be told explicitly how much time they are allowed to do that. This way an employer can not come back at an employee for “wasting time” on the Internet. They should be informed on what actions constitute them to be reprimanded and what is considered to be unproductive. The rules need to be clear cut, so that employees know exactly what they are monitored on. This way it will be easily understood what is appropriate to do at work and if they get monitored and reprimanded they do not have anyone to blame but themselves. Also it will help preserve their well being as well as make them feel safer at work which will lead to high productivity. If they do not feel like someone is looking over their shoulders at all times, they will be happier to come into work and feel good about doing it. In addition, Governments should have to establish consistent rules and regulations in order to create a standard for electronic surveillance. It’s a two way street, were citizens want to trust their Government to protect their well being and the Government should have some trust in their citizens. Government policies should be enacted to protect the rights of citizens in order to set up ethical boundaries by which we should be monitored. This will form ethical boundaries to be upheld with concern to the extent in which we are monitored through Internet. We need Internet monitoring with the constant threats of terror, but we can not allow this to bring down our ethical rights to privacy.
We can not jeopardize our ethical boundaries because, it will never stop and these extremely strict policies will erode the privacy we have in this country. Consistent and fair rules need to be enacted and policies need to be made for monitoring that protect our well being as citizens as well as our safety.

**Work Cited**


8 Why have a code of Ethics?


Ethics, Marketing and the Media
Al Jazeera, the Other Source

By: Trevor Francis Martin & John Robert Crowley

Keith Olbermann wrote, “In a small irony, however, Mr. Rumsfeld’s speechwriter was adroit in invoking the memory of the appeasement of the Nazis. For in their time, there was another government faced with true peril—with a growing evil—powerful and remorseless. That government, like Mr. Rumsfeld’s, had a monopoly on all the facts. It, too, had the “secret information.” It alone had the true picture of the threat. It too dismissed and insulted its critics in terms like Mr. Rumsfeld’s — questioning their intellect and their morality. That government was England’s, in the 1930’s and it “knew” Hitler posed no true threat to Europe, let alone England. It “knew” Germany was not re-arming, in violation of all treaties and accords. It “knew” that the hard evidence it received, which contradicted its own policies, its own conclusions — its own omniscience — needed to be dismissed. The English government of Neville Chamberlain already “knew” the truth. Most relevant of all — it “knew” that its staunchest critics needed to be marginalized and isolated. In fact, it portrayed the foremost of them as a blood-thirsty war-monger who was, if not truly senile, at best morally or intellectually confused. That critic’s name was Winston Churchill.”

Introduction:

Donald Rumsfeld, former U.S Secretary of Defense, said, “Al Jazeera has a pattern of playing propaganda over and over again. What they do is when there's a bomb that goes down, they grab some children and some women and pretend that the bomb hit the women and the children. And it seems to me, that it's up to all of us to try to tell the truth, to say what we know, to say what we don't know, and recognize that we're dealing with people that are perfectly willing to lie to the world to attempt to further their case.” However, this assertion made by Rumsfeld and the Bush Administration couldn’t have been further from the truth but the U.S. media did nothing to counter the claims of the administration.

Noam Chomsky stated in his book, Turning the Tide, “Any dictator would admire the uniformity and obedience of the U.S. media.” That statement was published 18 years prior to the war in Iraq and it could not have been more acute with the demure of the U.S. media at present.

In the year 2000, the Washington Institute for Near East Policy noted the growing impact of satellite television in the Middle East region. One major area of concern for Arab and Western governments such as Saudi Arabia and the United States of America was the growing popularity of the news agency, Al Jazeera. The concern was heightened exponentially after September 11th, 2001 when the station first gained widespread attention in the western world when it broadcasted videos of Osama bin Laden praising the attacks as “an act of god.” In October of that year, U.S. Secretary of State Colin Powell asked the Emir of Qatar, who partly finances the television network, to rein in its editorial line and conform to western standards. Al Jazeera responded by publishing the
request. Diplomats in that region have since dubbed the phenomenon the “Al Jazeera effect.” [1] Through the airing of significantly controversial material, accusations by the United States government extolled that Al Jazeera was engaging in propaganda on behalf of terrorists. Al Jazeera countered that it was merely making information available without comment and indeed several western television channels later followed suit in broadcasting portions of Al Jazeera news footage because of the lack of existence of another avenue for reliable information within the region. [2]

Prior to 2001 Julie Salamon of the NY Times reported that 166 articles had mentioned Al Jazeera eight months after September 11th compared to 20 articles mentioning the Arab news corporation five years prior to September 11th. [3]

Though Al Jazeera has been venerated as a credible news source, had it been more established and not discredited by the Bush Administration in the days leading up to the Iraq war it would have been more difficult for anyone to assert that Saddam Hussein was capable of threatening the U.S. with weapons of mass destruction.

Communication scholars like Clifford Christians and British journalist/ novelist Hugh Miles [4] disagree with the portrayal of Al Jazeera as a terrorist organization and see it as a second avenue to the truth rather than a propaganda machine. In this light, Al Jazeera is important to consider alongside Jürgen Habermas’ concept of the public sphere because Al Jazeera greatly enhances the scope of the public sphere, which is defined as “a network for communicating information and points of view.”

Murdock and Golding’s [5] (1989) expansion upon Habermas’ definition of the public sphere takes the notion one step further, “Communication systems would have contributed to this idea in two ways. Firstly, they would provide people with access to the information, advice and analysis that would enable them to know their rights and to pursue them effectively. Secondly, they would provide the broadest possible range of information, interpretation and debate on areas that involve political choices, and enable them to register dissent and propose alternatives,” the alternative in this case being avoidance of a quagmire in Iraq.

The argument presented is an amalgamate of derived theories and testimonials drawing upon Habermas’ theory of the public sphere, to Murdock and Golding’s (1989) relationship to news media, to Immanuel Kant’s maxim of duty based ethics and reporters/media scholar studies before and after the incursion into Iraq.

Shortly after the U.S. had established a presence in Iraq the U.S.-backed Iraqi government banned the network from reporting in the region. Al Jazeera continued to report from the region and stationed more reporters within Baghdad outside of the reporter friendly zone. Allied planes bombed both Al Jazeera's bureaus in Afghanistan in November 2001 and in Baghdad in April 2003. The U.S. claimed both bombings were accidental but reportedly Al Jazeera had given the U.S. military its coordinates so as to avoid any accidental bombing. [6]

The Al Jazeera bombing memo is an unpublished memorandum made within the British government which purports to be the minutes of a discussion between United States President George W. Bush and Prime Minister Tony Blair. The Daily Mirror published a story on its front page on November 22, 2005 claiming that the memo quotes Bush speculating about a U.S. bombing raid on Al Jazeera world headquarters in the Qatari capital Doha and other locations. The story claims that Blair persuaded Bush to take no action. [7]
The five-page memorandum is said by the Mirror to be a record of the meeting between the two leaders which took place on April 16, 2004 at the height of Operation Vigilant Resolve, an assault on Fallujah by U.S. Marines and Iraqi security forces. Al Jazeera reporters were in the city providing video footage of the conflict. The day before the meeting Donald Rumsfeld described Al Jazeera's coverage as “vicious, inaccurate and inexcusable.” Al Jazeera reporters defended their live broadcasts of the civilian casualties by stating “the pictures do not lie.” This is another supporting example of why Al Jazeera is important to the public sphere because it provides a clearer, more rounded picture of an event that is taking place and that citizens should know about.

The White House dismissed allegations made in the article. Given that Qatar is an ally of the United States and the United Kingdom in the Iraq War it would be unlikely for them to attack such a valuable ally. A White House official told CNN, “We are not going to dignify something so outlandish with a response,” and a Pentagon official called the Daily Mirror report “absolutely absurd.”

The complacency the U.S. media showed preceding the conflict was aptly put by Assistant Managing Editor of the Washington Post, Bob Woodward, a year later when he told Howard Kurtz, a columnist at the Washington Post, about the lack of substance the Bush Administration had been conveying to news agencies about what was really going on in Iraq. “We should have warned readers we had information that the basis for this was shakier.” That’s not to say that Al Jazeera had all the facts about Iraq but it did have a dominant media presence in the region before the war in comparison to western media stations. [8]

Editor of the Nation Magazine, Katrina Vanden Heuvel, said more recently that this war is the “biggest foreign policy disaster America has ever been apart of.” However, the Bush Administration successfully sold the idea of an Iraq war around the assumption that Saddam Hussein’s regime was perfectly capable of producing weapons of mass destruction on a large scale and deploying them at a moments notice. Washington Post columnist, Howard Kurtz, insisted in a 2004 column that even within his own paper that the skeptical reporting on Iraq’s alleged nuclear arsenal was often relegated to the inside pages while assertions made by the Bush Administration landed on the front page. [9]

Even still, after 3,280 Americans fatalities and, by some estimates, 61,000 Iraqi civilian deaths later the United States is engaged in an armed conflict with no easy exit strategy, reminiscent to that of the Vietnam War. Furthermore, the Allied military presence in Iraq has found no evidence of weapons of mass destruction and the U.S.’s image and reputability has been tarnished beyond repair on the international level.

The Ethics Involved

Kant states, “Act only according to that maxim whereby you can at the same time will that it should become a universal law,” [10] which lends itself to the moral proposition: If it were permissible to not tell the truth it would result in a contradiction of conceivability because the notion of lying presupposes the existence of true information when there is none. If the lying maxim were universalized under the ethical framework of Kant’s categorical imperative, central to the theme of duty-based ethics, any situation where lying prevailed over truth would lead then to no truth. A moral proposition where falsification is predominately prevalent will logically annihilate itself because action upon a false presupposition is inherently non-existent. A lie cannot sustain itself on its own. This ethical framework is important to consider along with the theory of the public
sphere because if there were no truth being conveyed by the media then there would be a democracy where citizens would not know their rights or know how to pursue them effectively.

This is precisely why Al Jazeera plays a key role in the conveyance of the truth to the public. Applying Kant to this notion, news organizations have a duty to tell the truth. However, often times news agencies stray far from the actual truth and for whatever reason misconstrue the actual version of the truth. In doing so, news agencies may have either willingly or ignorantly misconstrued public opinion. However, if there is a second truth provided by Al Jazeera with different morals and different audience segmentation then there is at least something citizens can refer to. In this fashion, Al Jazeera coupled with other media outlets will serve to enhance the idea of the public sphere. \[11\]

Other Factors:

Arguably however when it comes to portraying news, Al Jazeera is no different than conservative leaning Fox News. Clifford Christians, a communications scholar at the University of Illinois, says however, “It is better to have one Arabic version of Fox News and one American version of Fox News to create a more rounded, less esoteric, view of the world.” \[12\]

Al Jazeera is not only beneficial as a secondary source for the world, but also as a primary source for the Middle East. The Middle East is estimated to have 65 million people who are unable to read and write, in effect making them unable to utilize written publication or gain access to the internet. Lack of education is a contributing factor to problems arising in these third world countries because the population is easily influenced and misled. Instances with Al-Qaeda have shown the group recruiting young, uneducated children and instilling radical religious beliefs that alter their outlook on the world to promote their own agenda. \[13\] The same has also occurred with warlords and rebel forces in Africa, using children to fight their wars and letting most of them perish in the process. It is important for these areas of the world where there is little to no access to daily news information that the news media tell the truth and become more accessible. This notion can flourish exponentially if there are more media outlets in these regions. However, for countries such as the U.S., England and Japan who have more access to technology and the communication capabilities it provides, it is important for citizens of first world nations to gain a different perspective on newsworthy events. Again, this reiterates Al Jazeera’s importance on a global scale.

Other Factors Continued: National Security:

The dangers of relying on one source for news will lead only to society relying upon what media “gatekeepers” are feeding news reels and in a worst-case scenario, enabling governments to proceed with a slanted national agenda. This is occurring presently in our own country in relation to the war in Iraq and the initiative to remove weapons of mass destruction.

So where do we draw the line? The question residing is wherein do the media draw the line between the duty to represent the truth, a duty to respect it and the duty to enlighten society? In some cases it may be the same thing. In others, it is far from similar. For example, in 2003 during the “drive to Baghdad,” Geraldo Rivera was imbedded with a marine unit. While broadcasting he bent down and drew pictures in the sand of their “operations” tactics and approximate location. Directly endangering his own life and the lives of the marines. He was immediately removed from the unit and later made an
official apology for his actions. In this situation, the line was not as “thin” as in most truth telling dilemmas. Rivera directly endangered the lives of American soldiers to enlighten the public as to where his unit of marines was located and in this instance the duty to enlighten citizens about their rights and how to pursue them effectively did not pertain to our armed forces locations in the Iraqi desert.

One thread that consistently winds though the argument for going to war in a democratic society is that its citizens must rely heavily upon the government being able to make informed decisions based off of available information. In an era of increasing classified material, these “informed decisions” are more difficult for the general population to make. By using other media outlets from different areas of the world towards the enhancement of the public sphere, citizens may not be able to directly affect foreign policy or domestic decision making on an executive level; however, they will be able to evaluate information and make implications or directives for the ones making the executive decisions.

Criticism of Al Jazeera:

Al Jazeera has often drawn extensive criticism for its news coverage that is thought to be by western journalistic standards to “contextually truthful” or “abrasive.” This was apparent from statements issued in direct relation to Al Jazeera by U.S. officials and its Allies. However during the Iraq war, Al Jazeera faced the same reporting and movement restrictions as other news-gathering organizations. Tayseer Allouni, a journalist for Al Jazeera, was expelled from Iraq for interviewing Osama Bin Laden. Reacting to this, Al Jazeera announced on April 2, 2003, that it would "temporarily freeze all coverage" of Iraq in protest of what Al Jazeera described as unreasonable interference from Iraqi officials. All of these decisions were later reverted. In May 2003, the CIA, through the Iraqi National Congress, released documents purportedly showing that Al Jazeera had been infiltrated by Iraqi spies, and was regarded by Iraqi officials as part of their propaganda effort. As reported by the Sunday Times, the alleged spies were described by an Al Jazeera executive as having minor roles with no input on editorial decisions. During 2004, Al Jazeera broadcast several video tapes of various victims of kidnappings in Iraq, which had been sent to the network. The videos had been filmed by the kidnappers holding the hostages. The hostages were shown, often blindfolded, pleading for their release. They often appeared to be forced to read out prepared statements of their kidnappers. Al Jazeera has assisted authorities from the home countries of the victims in an attempt to secure the release of kidnapping victims. This included broadcasting pleas from family members and government officials.

The Future of Al Jazeera:

Al Jazeera currently operates several specialized television channels in addition to its primary news channel. Other channels include, Al Jazeera Sports, Al Jazeera Live, which broadcasts political conferences in real time without editing or commentary, and the Al Jazeera Children’s Channel. Future products include an English-language channel, Al Jazeera International, a channel specializing in documentaries, a possible music channel and an international newspaper. Ironically, on July 4, 2005, Al Jazeera officially announced plans to launch a new English-language satellite service called Al Jazeera International, further diversifying its news base abroad. They announced this long-expected move in an attempt to provide news about the Arab world, especially Israel, from the Middle Eastern perspective. The new channel will have broadcast centers in
Doha (current *Al Jazeera* headquarters and broadcast center), London, Kuala Lumpur, and Washington D.C., when the station launches in March 2006. The channel will be 24-hours 7-days a week news channel with 12 hours broadcasted from Doha and four hours from each of the bureaus in London, Kuala Lumpur, and Washington D.C. This continued expansion will help establish legitimacy for *Al Jazeera* in the diversity of the ever changing global news market.

Increasingly, *Al Jazeera's* exclusive interviews and other footage are being rebroadcast in American, British, and other western media outlets such as CNN and the *BBC*. In January 2003, the *BBC* announced that it had signed an agreement with *Al Jazeera* for sharing facilities and information, including news footage. As per such agreements with more established international news agencies, *Al Jazeera* is now considered a mainstream media network. Even the once reluctant U.S. is beginning to look to *Al Jazeera* for news in the Arab world.

In retrospect, as Edward R. Murrow said during the McCarthy era,

> “We must not confuse dissent with disloyalty,” he said, in 1954. “We must remember always that accusation is not proof, and that conviction depends upon evidence and due process of law. We will not walk in fear, one of another. We will not be driven by fear into an age of unreason, if we dig deep in our history and our doctrine, and remember that we are not descended from fearful men, not from men who feared to write, to speak, to associate, and to defend causes that were for the moment unpopular.”

It is under this ethos that we arrive at our conclusions about the media and duty based ethics with regards to the war in Iraq and *Al Jazeera*. It is Kantian philosophy to universalize inherent humanistic qualities we wish to see in our societies. As such, the antipodal embodiment of this philosophy can be seen with how the U.S. government diminished the public sphere with the manipulation of information through U.S. media organizations in the war with Iraq. Keeping citizens apart from the communications systems that Murdock and Golding theorize as, “their only avenue for the broadest possible range of information, interpretation and debate on areas that involve political choices, and enable them to register dissent and propose alternatives.” In essence, duty based ethics coupled with the public sphere is enhanced by the availability of information from media outlets such as *Al Jazeera*, which in turn leads to a better informed citizenry and a more democratic society.
Work Cited


The Ethics of America’s Youth Viewing Violence on TV

By: Allison Lurie, Benjamin Fisher, Morgan Ship

"Shall we just carelessly allow children to hear any casual tales which may be devised by casual persons, and to receive into their minds ideas for the most part the very opposite of those which we should wish them to have when they are grown up?" – Plato

Introduction

Unless the government prohibits all violence from television, it is inevitable that children will be exposed to violence. Violence can be defined as “aggressive behavior that may be physically, sexually or emotionally abusive. The aggressive behavior is conducted by an individual or group against another, or others.” Since children are unable to make the necessary distinctions between violence in entertainment world and violence in real life, there exists an ethical responsibility to monitor children from being exposed to inappropriate violence. The television industry has neglected to recognize this as their ethical responsibility by not limiting the amount of violence directed at children. In addition, it is important to explain to children at an appropriate time and in an appropriate manner, the violence that they are exposed to. The government has designed general ratings systems to try to mitigate the problem of children being exposed to too much violence. Regardless of this rating system, children are being exposed to excessive amounts of violence from the media and need someone to explain this violence to them; they cannot understand the differences on their own. Since each child is different in their developmental growth and needs, it is imperative that parents are there to regulate the intake of violence in their children’s lives on an as-needed and case-specific basis; it is their ethical duty.

Ethical Frameworks

Parents have this ethical duty because as a parent you are obligated to do what is best for your child, and in this case it is making sure that they are not exposed to unnecessary violence in the media. The results and reactions of viewing violence is so different for each child, making it is essential that parents are the ones who subjectively decide what is acceptable and what is not acceptable for their children to see. When dealing with the exposure of violence on TV towards children, parents follow a combination of the Rights Approach and a Deontological approach. Both of these approaches focus on respect for human nature. The Rights Approach aims to best protect and respect the moral rights of those involved; the children. This is crucial because all children are different and need to be treated on an individual basis. The Rights Approach allows for this to happen. Because the Rights Approach is how parents approach most decisions in regards to their children, they are the appropriate ones to be regulating the violence that their children view; they are looking out for their child’s best interest.
According to the Deontological, or Duty-based Approach all parents have a moral obligation to do what is truly best for their children. Parents have the ability to take the time to explain the differences in violence associated with the historical events such as the World Wars and the type of violence that is depicted in a movie like Saw 3 or a television show like the Power Rangers.

The television industry as whole has refused to acknowledge that it has an ethical responsibility to limit, reduce, or eliminate the excessive violence being broadcasted to children. Violence in television media continues to be portrayed in unrealistic ways that teach children that violence is okay. Actions are taken to produce the highest grossing revenues and pay little or no attention to the harmful consequences of children viewing too much violence on television.

The television industry should follow a Character-Based Approach that stresses character development of individuals by helping them obtain the traits of moral human beings. Virtue ethics recognizes that people learn and develop character-based on behaviors that are habitually exposed to. Television sets examples for millions of people and should be used to promote virtuous characteristics in our society. Currently television is instilling children with the idea that violence is an acceptable, normal solution to problems within our society. If television producers followed a Character-Based Approach, they would create television shows that educated children on the ideas of teamwork and character building, not violence as a means to an end. With the amount of power that the television possesses in our society, it should be used to educate and instill positive morals in its audience.

As a result of this lack of ethical duty by television producers and corporations, it is even more imperative that parents take this ethical responsibility into their own hands. It is up to parents to perform this ethical duty or else suffer the consequences of having their children raised by the unfit parents known as television.

The Effects of Television

The media is a key source when it comes to spreading information. Through the use of television, many different audiences can be reached, and news and other information can be transmitted to them. “Media offers entertainment, culture, news, sports, and education. They are an important part of our lives and have much to teach. But some of what they teach may not be what we want children to learn.”3 Television impacts the way we view our society and culture, it is able to teach us about what is going on in the world around us, or can be merely a form of entertainment.

With television and the media playing such a large role in our society, the average American watches four hours of television per day, it is important to note how much violence is present in the television programs we watch.4 The following is a table summarizing studies conducted by The National Cable Television Association and the Kaiser Foundation:
Statistics from the National Television Violence Study and the Kaiser Foundation

<table>
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<th>Statistics</th>
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<tr>
<td>60% of TV programs contain violence</td>
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<tr>
<td>81% of parents have observed their child</td>
</tr>
<tr>
<td>imitating behaviors they have seen on</td>
</tr>
<tr>
<td>television</td>
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<tr>
<td>83% of children (ages 0-6) are users of</td>
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<tr>
<td>screen media</td>
</tr>
<tr>
<td>73% of these children (ages 0-6) are</td>
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<td>watching television</td>
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The findings of both of the above studies clearly show that violence is prevalent in shows on television, children are being exposed to these high levels of violence, and as a result, they are learning to incorporate violence they see on TV in their lives.

Not only are children being exposed to too much violence on television, but the amount of violence is continuing to increase as well. According to a major media watchdog study released this year, “Violence on broadcast TV is approaching "epidemic proportions," surging 75% over the last six years while posing a threat to children that parents and government officials need to address.”

Another study that was conducted by the Parents Television Council, entitled "Dying to Entertain," found that the 2005-2006 season was the most violent season since the group began tracking the issue in 1998. “There were an average of 4.41 violent incidents each prime-time hour last season.” Furthermore, “Overall violent incidents increased in every time slot and across all broadcast networks, according to the study. Violence jumped by 45% from 8 to 9 p.m., by 92% from 9 to 10 p.m. and by 167% from 10 to 11 p.m.”

On average, children in America spend nearly four hours a day watching television, and 68% of children ages 8 to 18 have a television in their bedroom. Children are being exposed to violence through programs that were designed for them as an audience, as well as in other programs in which they were not the target audience. “Even in G-rated, animated movies and DVDs, violence is common—often as a way for the good characters to solve their problems. Every single U.S. animated feature film produced between 1937 and 1999 contained violence, and the amount of violence with intent to injure has increased over the years.”

On a different note, eliminating all violence would get rid of some very moving and important moments in human history. Violence from the news, various wars, and many other important events throughout history can help to teach millions of people that violence is wrong and that there must be better ways to deal with our feelings and problems. This also accepts that violence is a part of our lives and the more thought we put into the ideas and concepts surrounding violence and the more we are exposed to it in a realistic and educated way, the better chances we have of being able to come up with better alternatives. This way, we do not continue to repeat the same mistakes that we have made in our past. Parents are able to control the impacts the media has on their children by controlling what they watch: “If you limit, supervise, and share media experiences with children, they have much to gain. When you help your children understand how their media choices affect them, they actively control their media use rather than giving in to the influence of media without thinking about it.”

As adults, we are able to differentiate between what is reality and what is not. We have more concrete beliefs, feelings, and thoughts that are less likely to be influenced than children do. We can watch a television program that has violence in it and know
that it is not appropriate to go out and demonstrate those violent behaviors in the real world. Children on the other hand, are not as able to make these distinctions as easily or in many cases at all. For example, many children are scared by life-size versions of their favorite characters when they meet them in real life. They are unable to comprehend that when they see a person dressed in a costume, this is not a real walking and talking character from the world of make believe. Many children cry and runaway because they do not have the ability to understand and make this severance. All too often, they do not separate what goes on in the imaginary world of TV and real life. They feel that it is okay to mimic behaviors and actions they have seen their favorite television characters do, and sometimes, this means that violent acts are copied and carried-out in their lives. “Children learn their attitudes about violence at a very young age and these attitudes tend to last.” This is why it is imperative that children develop healthy opinions about violence, and learn healthy ways to deal with violence that they may be exposed to.

“Sometimes you can see the impact of media right away, such as when your child watches superheroes fighting and then copies their moves during play. But most of the time the impact is not so immediate or obvious.”

Studies have been conducted that prove that when children are exposed to violence on TV they are more prone to exhibit violent behavior in their own lives. A fifteen-year study conducted by the Developmental Psychology department at the University of Michigan found that, “Children's viewing of violent TV shows, their identification with aggressive same-sex TV characters, and their perceptions that TV violence is realistic are all linked to later aggression as young adults, for both males and females.” “Although the effects of media on children might not be apparent right away, children are being negatively affected. Sometimes children may not act out violently until their teen or young-adult years.” By age 18 an American child will have seen 16,000 simulated murders and 200,000 acts of violence; this is an astounding number, and a particularly daunting thought.

**Monkey See, Monkey Do…**

Children learn by following examples and imitating behaviors of those around them, in particular, those in which they look up to. “In a matter of seconds, most children can mimic a movie or TV character, sing an advertising jingle, or give other examples of what they have learned from media.” Famous characters, whether being actual people, animations, or cartoons, are many children's idols and therefore children are very likely to follow the examples that these characters set forth and it may not be possible for a child to understand the difference between acting and actuality. In addition, “44 percent of the violent interactions on television involve perpetrators who have some attractive qualities worthy of emulation.” For example, cartoons such as *The Mighty Morphin Power Rangers*, or the *Teenage Mutant Ninja Turtles*, are geared to a youth audience and have a steady stream of fighting throughout the entirety of the show; even the "good guys" are demonstrating violent behavior. This is behavior that children that are watching will pick up.

*The Mighty Morphin Power Rangers* is rated TV-Y7, which means that it is considered suitable for all children over the age of seven. “The problem is that this show, which appeals to so many young children, is completely driven by combat.”
following is a quote describing a typical episode of the Power Rangers.

"Each episode has a very similar look and feel...violence is not really horrible and no one is really hurt by it...always victorious, the Rangers appear "cool" and successful. The show leaves the impression that the Rangers' actions are socially acceptable and even redeeming."^19

These types of television shows teach children that violence can be the answer to solving problems and that if someone is “bad” that it is okay to punish them through the use of violence; often this even means killing or demolishing the “bad guys”.

Moreover, the violence that children are exposed to is often portrayed in an unrealistic manner and in a vast number of cases is even glamorized. For instance, “Nearly 75 percent of violent scenes on television feature no immediate punishment for or condemnation of violence.”^20 What is even more disturbing is that when a “good guy” commits a violent act, he/she is very rarely punished for this or forced to face the consequences of his/her actions. Even the “bad guys” escape punishment 40% of the time.^21 This is not a realistic approach to how violence is reprimanded in our society and this misrepresentation of violence can easily be misleading and confusing to the children who watch these shows on a regular basis. Also, “43 percent of violent scenes involve humor either directed at the violence or used by characters involved with violence.”^22 This does not send a clear image about what is appropriate to feel about violence.

**TV Ratings: A Good Attempt**

With television violence reaching all times highs, continuing to increase in amount and scope, and with children imitating this violence, it would seem logical that the government step in and take charge against this nationwide issue. The government has attempted to do this using a Utilitarian approach, by trying to provide the most good, or the least harm, for the greatest number of people.^23 “That's why the television industry designed a TV ratings system to give parents more information about the content and age-appropriateness of TV programs. These ratings, called the TV Parental Guidelines, are modeled after the familiar movie ratings which parents have known and valued for nearly 30 years. They are designed to be simple to use, easy to understand and handy to find. The Guidelines apply to all television programs, including those directed specifically to young children.”^24 Other organizations like the Parental Television Council rate shows “based on an objective quantitative and qualitative analysis of the frequency and explicitness of foul language, sexual content, and violence present in each series. The PTC also takes into consideration time slot, target audience, themes and plotlines of each program it rates.”^25 This is not an effective solution however because each child develops at different speeds, so where at age 13, one child may be able to watch a show that has violence in it and not be affected by it in negative ways, a different 13 year old may be very affected, and may demonstrate violent behaviors from TV in their own life. There is no standard code for violence because all kids react to violence differently and thus, the issue needs to be handled on an individual basis. This is the main flaw in the ratings system: it tries to assign a universal definition of acceptance to violence when there just isn’t one to assign.

**Conclusion**

On the whole, the violence that children witness on television is increasing in abundance and scope. Children’s views on violence are being influenced by what they
are watching on television. All too often they are not getting an accurate portrayal of violence because television producers refuse to follow ethical frameworks. Our society has a negative perception of violence, and generally speaking, it is thought that violence should be punished and that other courses of action should be taken to solve problems whenever possible. These are not the same messages that children are getting from watching television; violence is depicted as an admirable way to solve problems, is justified, and is rarely punished. Seeing as how the television industry has neglected its ethical duty to its youth viewers, it is up to parents to teach their children about violence in an appropriate way, and to monitor the intake of violence seen on television.

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The Ethics of Tobacco Marketing

By Michael Carlson and Chris Luhrs

“The cigarette is the only legally available product in the United States that when ‘used as directed’ will kill the user and injure others.”

Introduction

Wayne McLaren started smoking cigarettes in his early teens because “it seemed to be the thing to do, a rite of passage to adulthood.” For Mr. McLaren, this rite of passage developed into a pack-and-a-half habit per day. A week before his 49th birthday, he went to a Newport Beach doctor for an examination. Eight months later he learned that he had developed advanced lung cancer. Upon learning his diagnosis, he handled the news like the prototypical cowboy that he was; he went to the parking lot and smoked a cigarette. Mr. McLaren spent the next two years undergoing chemotherapy, surgery to remove his left lung, and radiation therapy. Despite the removal of his lung, the cancer spread to his brain and Wayne McLaren died at age 51. He would be no different from the 339 smokers that die of lung cancer every day in the United States, if it were not for the role he played in promoting the products that took his life. Just before he died, Mr. McLaren revealed that he briefly worked as a cowboy model for Marlboro; he was a Marlboro Man.

The Marlboro Man has been called “the most powerful – and in some quarters, most hated – brand image of the century.” The image of a smoking cowboy was invented by ad agency Leo Burnett Worldwide in 1954. The goal was to give the Marlboro brand, which was primarily purchased by women, a broader, more masculine appeal. The original ad carried the slogan “delivers the goods on flavor” and sent sales through the roof. “By the time the Marlboro Man went national in 1955, sales were at $5 billion, a 3,241% jump over 1954 and light years ahead of pre-cowboy sales, when the brand’s share stood at less than 1%.” In 1971 cigarette advertising was banned from television, but the image of cowboys smoking cigarettes retained its power and sales continued to grow for Marlboro. Just one year later, Marlboro became the number one tobacco brand in the world in large part due to the Marlboro Man.

Duty-Based Ethics

First developed by 18th century German philosopher Immanuel Kant, duty-based ethics are of a deontological framework, which states that, “fidelity to principle and duty are the most important.” Kant stressed that the consequences of one’s actions do not matter and that the way in which a person acts determines if the actions are ethical. Kant created the categorical imperative in his 1785 document, Groundwork of the Metaphysic of Morals, which serves as an axiom to duty-based ethicists. It reads, “Act only according to that maxim whereby you can at the same time will that it should become a universal law.” Essentially, all persons should at all times live their lives in such a way that would justifiably serve as an “ultimate commandment of reason.”
**Duties of Marketers**

The effectiveness of the Marlboro Man advertising campaign demonstrates the power that marketers have in influencing consumers. Because of this power, it is necessary for marketers to maintain certain standards of conduct. The American Marketing Association (AMA) has enumerated three ethical norms for marketers that can be also be seen as representing their ethical duties:

1. Marketers must do no harm.
2. Marketers must foster trust in the marketing system.
3. Marketers must embrace, communicate and practice the fundamental ethical values that will improve consumer confidence in the integrity of the marketing exchange system.\(^9\)

The AMA describes these norms as “established standards of conduct that are expected and maintained by society and/or professional organizations.”\(^10\) They can be considered ethical duties because they can be applied to Kant’s categorical imperative of acting “only according to that maxim whereby you can at the same time will that it should become a universal law.” In other words, one would not consider doing harm to others or acting dishonestly as worthy of a universal law. Tobacco marketers unfortunately fail to achieve the aforementioned standards on all accounts and can therefore be deemed unethical.

The tobacco companies’ failure to live up to the ethical norms is most notable in their duty to do no harm. Approximately one-third of the world’s adult population smokes cigarettes. Of this group of over a billion people, half will die prematurely as a result of smoking.\(^11\) If tobacco marketing is effective, as research suggests it is, it is doing considerable harm by influencing consumers to adopt a deadly habit. Furthermore, targeting specific consumer groups, which is crucial to most marketing campaigns, places a burden on the members of these groups when the product being offered is dangerous. Because consumers are defenseless in controlling the barrage of messages they are faced with, and to some extent the effect that these messages have, this burden can be quite heavy. Tobacco marketers also do not seem to be fostering much trust in the marketing system, as allegations of deception still abound regarding their advertising.

**Ethical Justification for the Marketing of Non-Tobacco Products**

One central goal of a company’s marketing mix is to attain high levels of customer satisfaction. If satisfied, these customers are likely to become loyal and drive the firm’s profits. On the contrary, a firm unable to keep customers satisfied will in turn suffer the economic consequences. For example, attracting new customers costs significantly more than retaining existing customers. Therefore, a good marketing campaign may result in not only satisfied customers, but higher profits for the firm and shareholders as well. In this way marketing achieves a mutually beneficial relationship between a firm and its customers and fulfills its duty of doing no harm.
The marketing of tobacco products is different from other products for many reasons. One of the most important differences is the fact that dissatisfied customers of tobacco companies may not be able to stop buying the product due to the addictive nature of cigarettes. It is estimated that over 90% of attempts to quit smoking fail in the first year. If consumers are buying products that they do not want to, the goal of marketing is lost and the tobacco companies are profiting from the suffering of others.

Exposure to Marketing is Not a Choice

Regardless of their motives or desires, consumers are and will continue to be impacted by marketing. No choice exists, from the consumer’s perspective, as to whether one is influenced by the continuous stream of advertisements, promotional messages and countless other forms of modern-day marketing. If only on a subconscious level, consumers are vaguely aware of the various brands and products that they are subjected to on daily basis. This product-awareness leads to consumer behavior, which is defined by Prentice Hall as “the process by which people determine whether, what, when, where, how, from whom, and how often to purchase goods and services”\(^\text{12}\). Purchasing these goods is not purely a choice, but rather a direct reaction to the presence of marketing.

It is important to note the fact that not everyone who sees a tobacco advertisement will immediately rush to the store and purchase a pack of cigarettes. It is, however, the case that due to the mere existence of tobacco marketing, one is more likely to do so.

Tobacco Marketing Works

Every day in the United States, the tobacco industry spends almost $42 million on advertisements and promotions, and between 2002 and 2003 the industry increased its spending by $2.7 billion.\(^\text{13}\) Obviously, the industry is dedicating such astronomical amounts of money to marketing for a reason – its effectiveness. This is evidenced by the fact that 80,000 to 100,000 children start smoking each day\(^\text{14}\) and that 34% of those do so as a result of tobacco company promotional activities.\(^\text{15}\) Tobacco marketing has become such a business that in 1996, Philip Morris, the world’s largest cigarette company, ranked ninth on the list of the world’s largest advertisers, spending more than $3 billion.\(^\text{16}\) A recent study conducted by the World Health Organization proved that the efforts of companies such as Philip Morris have not gone unsuccessful, as 15 billion cigarettes are sold each day.\(^\text{17}\) “A survey a few years ago found that nearly 80% of American advertising executives from top agencies believed cigarette advertising does make smoking more appealing or socially acceptable to children. Through advertising, tobacco firms try to link smoking with athletic prowess, sexual attractiveness, success, adult sophistication, adventure and self-fulfillment.”\(^\text{18}\)

One unique aspect of tobacco marketing is that once the initial sale is made (i.e.: a consumer experiments with smoking), there is little need to reach that same consumer again due to the highly addictive nature of tobacco products. The previous is evidenced by the fact that half the people who start smoking in adolescent years continue to do so for 15 to 20 years.\(^\text{19}\) The marketing of tobacco companies is largely responsible for such staggering statistics.

Dr. Lois Biener and Dr. Michael Siegel of the Center for Survey Research, University of Massachusetts and Boston University School of Public Health, respectively, conducted a compelling study concerning the impacts of tobacco marketing on adolescents. The study involved interviewing 529 adolescents in 1993 that, at the time, had smoked no more than one cigarette in their lives. A follow-up interview was then
conducted four years later to determine the impacts that owning a tobacco promotional item “at baseline” had on the youths. Results from the study indicated that “Adolescents who, at baseline, owned a tobacco promotional item and named a brand whose advertisements attracted their attention were more than twice as likely to become established smokers (odds ratio = 2.70) than adolescents who did neither.” The following conclusion was then made by the doctors: “Participation in tobacco marketing often precedes, and is likely to facilitate, progression to established smoking. Hence, restrictions on tobacco marketing and promotion could reduce addiction to tobacco.”

Marketing Aimed at Children

Despite the restrictions that are in place to limit Big Tobacco’s ability to lure children and teens, tobacco marketing still asserts a strong influence on these market groups. Whether tobacco companies are purposely targeting young smokers or are inadvertently asserting their influence, the fact remains that tobacco marketing is affecting the youth population.

Because of the health risks associated with smoking as well as the restrictions imposed by the government, tobacco companies primarily rely on creating a brand image to attract young consumers. On its Web site, tobacco giant R.J. Reynolds describes its Camel brand as:

An authentic original, Camel is a brand with a rich heritage and one that also keeps up with the times. Camel’s combination of a classic nature and contemporary flair reinforce the brand’s position as a flavorful cigarette with a rich heritage, a colorful personality and irreverent sense of humor.

This brand personality is consistent with a strategy of attracting youth to cigarettes by positioning them as an initiation into adulthood. Cigarette manufacturers have long been aware of the fact that the key to attracting youth is to show cigarettes as among the illicit pleasures of drinking alcohol, smoking marijuana and having sex. Coincidentally, these are the same traits that would best describe Joe Camel’s suave appearance. Further proof of Camel’s strategy of targeting teenagers has been documented in tobacco industry internal letters.

Aiming tobacco advertising at children places a burden on them because if they are influenced by the advertising, they will likely be drawn toward a highly addictive and deadly product.

The Lies

Big tobacco has increased its revenues and consumer-base through the use of highly deceptive and misleading marketing campaigns. While they have not outwardly lied in every instance, the industry has time and time again construed truths into self-fulfilling ends. In an attempt to gain a positive public image, “a tobacco company once gave $125 thousand worth of food to a charity, according to an estimate by the Wall
Street Journal. Then, they spent well over $21 million telling people about it.” Additionally, “In 1997, a tobacco CEO said that if it was proven to his satisfaction that cigarettes cause cancer, he’d probably shut (the company) down immediately to get a better hold on things. Their Web site now admits that cigarettes cause cancer, but they’re still open for business.” Acts such as these highlight the very prevalent actions by these companies to cloud consumers’ minds with deceitful information and then act in ways that satisfy only their bottom line.

In a seven-year racketeering lawsuit against the tobacco industry, which ended on August 17, 2006, U.S. District Judge Gladys Kessler imposed a requirement for tobacco companies to make corrective statements concerning their products. In accordance to her ruling, the defendants must discontinue the use of the terms, “low tar,” “light,” “ultra light,” “mild,” and “natural” in regards to any of their products in the absence of there being any significant health benefits associated with them. Judge Kessler went on to say about tobacco companies that, “They distorted the truth about low tar and light cigarettes so as to discourage smokers from quitting….They suppressed research. They destroyed documents. They manipulated the use of nicotine so as to increase and perpetuate addiction.” While Kessler’s ruling is a step toward curbing tobacco marketing, it is almost fact that Big Tobacco will continue with its deceitful marketing tactics, its manipulation of truths, and its outward lies to the public.

Conclusion

W.D. Ross, a Scottish philosopher, amended Immanuel Kant’s works by formulating a list of duties in order of importance, which he believed necessary to live by. Ross believed that, in order to live within a duty-based means, people should:

1. Tell the truth.
2. Right the wrongs that one has done to others.
3. Act Justly
4. Help others in respect to virtue, intelligence, and happiness.
5. Improve oneself with respect to virtue and intelligence.
6. Give thanks.
7. Avoid injury to others.

Tobacco marketers clearly violate several of the aforementioned duties in addition to the ethical norms outlined by the AMA. Firstly is their failure to tell the complete truth to consumers in regards to their products. As discussed previously, these companies convey an extremely diluted version of the truth to the public with little regard to the ramifications such actions will result in. To stake the claim that tobacco marketers do not act justly would for all accounts and purposes be truthful, however, even Plato did not amply define justice in *The Republic.* Surely the most obvious of Ross’ duties, which tobacco marketers fail in adhering to is avoiding injury to others; after all, every 6.5 seconds a human being dies from a tobacco-related disease.

Shortly before his death Wayne McLaren expressed his regret for his role in influencing young smokers as a Marlboro Man: “If I was responsible for making one person smoke, maybe I can be responsible for making two of them quit.” Appearing in an anti-smoking television spot shortly before his death, Mr. McLaren’s image as a Marlboro-smoking cowboy was contrasted with that of him in his hospital bed. His
brother provided the voice over which shed light on the ‘independent lifestyle’ promoted by the tobacco companies. “Lying there with all those tubes in you, how independent can you really be?” 

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The Ethics of Images

By David Baker, David French, Ryan Parker

Introduction

Pictures and images peer out at us from newspapers, shout for attention on billboards, scream at us in TV ads, quietly remonstrate with us in documentaries; they pervade our society. We are constantly exposed to pictures. Without consciously analyzing these pictures, information is absorbed without deliberate thought or intention. These images are as persuasive as a written argument or spoken rhetoric, yet people assume that they tell the truth which makes them powerful.

In this paper, we argue that the power of pictures leads to ethical issues. To begin our discussion, we will establish that pictures are highly memorable. Then, due to their memorable nature, pictures can significantly influence viewers’ perceptions of the world. It then follows that because pictures convey a limited and inherently biased view of the world, if they are uncritically accepted as reality, images can warp viewers’ perception of the world.

Images convey information quickly, but this very ability is also a source of concern. If accepted as unbiased, pictures have the potential to gravely alter our views of the world we live in. The power inherent in imagery is an ethical concern that must be considered in a world which uses them constantly. For the people who wield the ability to control images have the ability to change our views of the world. Ethical concerns must be approached twofold; how imagery is manipulated and utilized, and the underlying rationale behind the function these images serve.

Text versus Pictures

We first need to consider whether pictures are indeed fundamentally different than text, for if they are not, a picture has no more impact on our perception of the world than a book or newspaper. We hold that pictures affect people’s views of the world differently than words alone.

“Pictorial material [also referred to as a picture or an illustration] is defined as any two-dimensional representation in which the stimulus array contains at least one element that is not alphabetic, numeric or arithmetic.” (p. 611)\(^1\) Items such as pictures, graphs, symbols and the like all fall within this category. In this paper we will limit our discussion to considering non-fiction photography such as photojournalism, as it purports to accurately portray situations and describe events, which eliminates many forms of bias such as artistic license, deliberate misrepresentation and so forth that are extraneous to our argument.

To explore whether images are indeed different than text, we turn to a well-known psychological theory known as dual-coding theory developed in the late 1960s by Allan Paivio, a psychologist from the University of Western Ontario. He posited that humans store information in the brain in two different ways, depending on the nature of the input. “The most general assumption in dual coding theory is that there are two classes of phenomena handled cognitively by separate subsystems, one specialized for the
representation and processing of information concerning nonverbal objects and events, the other specialized for dealing with language.” (p. 53)² He suggested that picture-like objects are processed differently than language-like information and that these differences underlie almost everything we do and think. (pp. 16, 17)³

Many experiments have been done to test the validity of Paivio’s theory, with two famous experiments demonstrating the difference in how well people can remember words and sentences versus pictures. One, done in the late ‘60s by Roger Shepard, found that subjects were able to accurately identify pictures with incredible accuracy. “Evidently, after 20 or more years of absorbing visual information, [subjects] are still able to take in as many as 612 further pictures without any particular effort and then discriminate these from pictures not previously seen with (median) accuracy of over 98%.” (p. 163)⁴

Shepard’s conclusion was backed by the findings of Standing during the early 1970s. Standing found that his subjects remembered vivid pictures with a 97% accuracy and normal pictures with a 93% accuracy, compared with an accuracy of 92% for words.⁵ Unlike Shepard, Standing specifically instructed his subjects to remember the words or pictures that they viewed, as they would be tested on what they had seen. “The importance of maintaining strict concentration even during long sequences of stimuli was strongly emphasized by the experimenter.” (pp. 208, 209)⁶ The difference in results between the two studies illustrates the fact that although words can be remembered at roughly the same level as pictures, in order for this to happen subjects needed to deliberately set out to remember the words they saw. Shepard’s results indicate that pictures can be remembered without specifically trying to learn the pictures.

Standing concluded that “pictorial memory is quantitatively superior to verbal memory.” (p. 222)⁷ He mentioned one study done by Goldstein and Chance in 1970 that showed truly poor picture memory, but noted that the authors used carefully constructed, extremely confusable pictures in their tests which would explain their results. The overall scientific evidence, however, overwhelmingly supports the idea that pictures differ innately from text in a way that makes them easier to remember.

Various studies have been done that question aspects of Paivio’s dual-coding theory. In studies done in 1970 and 1972, Bower “undermined the supposition, central to dual coding theory, that mental imagery gives rise to a qualitatively different form of memory code or representation.”⁸ In other studies, psychologists have opposed Paivio’s dual-coding theory and held that “both imaginal and verbal instructions simply encouraged the relational organization of the material to be remembered within a single code or system.” (p. 124, 125)⁹ Yet disagreements amongst psychologists about how the brain processes and stores information do not alter Shepard and Standing’s findings that humans can easily remember pictures.

**Do Images Influence Our Opinions?**

Do images we view influence our opinions and views of the world? Do they do so without our consent? If so, then we need to reevaluate how we think about the images we view.

Over the past 100 years, people have assumed that images have a powerful effect upon those who view them. “In tones of utter certainty, [people] have warned of the deleterious effects persuasive commercial imagery has on the human mind, the collective behavior, and the society’s values. Folk beliefs about the powers of advertisers to
manipulate viewers … have shown remarkable steadfastness since they first appeared on the scene in the 1950s.” (p. ix)

Society deems wholly appropriate the use of photographic images for a wide spectrum of public purposes such as entertainment, artistic expression, advertisement or news. This arises from the general understanding that a photographic image is not the definition of a reality, much the way a documented account of an event is not a perfect equivalent to the event, but rather an account of, or approximation to, the reality. Thomas Wheeler emphasizes the importance of this relationship by stating, “Viewers will believe in [a photograph’s] truth as long as they believe it corresponds in a meaningful way to reality.” (p. 5)

Wheeler goes on to show how a viewer’s level of acceptance of an image as truth is largely determined by a common set of assumptions or “qualified expectations of reality” that allow the viewer to judge how accurately the image reflects reality.

The advertising community questions whether advertising imagery really does have a profound affect upon its viewers. Scientific studies done by advertisers indicate that “respondents in these studies are skeptical, culturally situated creatures who cannot be consistently ‘manipulated’ through mere exposure to visual tricks, but instead respond in ways so subtle and provisional as to have escaped easy analysis.” (p. xxi) While there may be some truth in these claims, these subjects are responding to advertising, which may not be viewed by the subjects as a credible or reliable source. Therefore, we need to explore whether a person’s view of the world is altered when viewing imagery from credible, trusted sources such as newspapers and reputable magazines.

Once we have done this, we can determine when image manipulation constitutes a strong ethical problem. Several factors contribute to viewers’ expectation of reality for an image. The first is their perception of the medium itself. Much of the long-held faith in photography’s authenticity can be traced back to pre-digital, mechanical devices and chemical processes that appeared to display an inherent scientific objectivity. But photography’s seemingly innate objectivity is refuted by Hartley who states, “[Photography] was a product of amateur inspiration, artistic flair and commercial showmanship, and science came limping along behind, trying to work out what was going on.” (p. 55) Many of the earliest photographers were far more concerned with creating imaginative images than documenting reality, and the first counterfeit photograph appeared within a year of the medium’s invention. Photography’s acceptance as a scientific and objective process contributes to viewers’ expectations of reality and consequently their willingness to accept what a photograph depicts as truth. It also follows that presenters of imagery can rely on this assumption of inherent objectivity to misrepresent an image’s reflection of reality.

While considering an image’s truthfulness, a viewer will also apply assumptions regarding its categorization and place of appearance. Within mass media, images are identified and grouped by labels like photojournalism, hard news, feature stories, and entertainment. These labels, often associated with the publication where the image appeared, correlate with a level of expectation based upon some property such as long-standing reputation or identified standards. The grouping also explains how images with varying levels of accuracy and manipulation of reality are presented to the public in ways deemed to be appropriate and without ethical dilemma by society.

The public has lower expectations of material under labels like science fiction or celebrity gossip, accepting less than authentic images. While there may be clear
expectations at the extremes – comic books at one end and photojournalism at the other – there is often confusion of the public’s expectations and presenters’ standards in the areas in between. For example, even while considering image use on the cover of a magazine, under the more stringent standards of photojournalism, editors often comment that covers are more advertisement in nature and are held to lower standards of accuracy without any necessity to disclose the difference. A prominent example involved the National Geographic cover of the February 1982 magazine cover, which was of the pyramids in Giza. National Geographic, a publication which boasts that the editors “do not alter reality on the finished image”, was criticized for making the image more suitable for the cover by electronically moving one pyramid closer to the other. Illustrating nonfiction text – seen as highly credible—with fictional images is another example of how an image can be presented in a way that alters a viewer’s concept of truth based on a misleading implication of authenticity.

Viewers’ expectations are formed by other assumptions as well, such as the value of any accompanying text or caption, or some obvious test of implausibility regarding the subject matter. Whatever assumptions a viewer uses as a filter to judge the accuracy of an image can also be used by the presenter to deceive.

Therefore, a viewer’s trust in an image is critical to his adoption of it as truth. For photographic journalism in particular, this trust level is quite high. Trust in photography as a scientific medium is still inherent in most people; as the old adage states ‘seeing is believing’. The public feels betrayed when this trust is violated, as the outraged reaction to the inaccurate National Geographic front cover shows. The attitude taken toward pictures seems to be ‘innocent until proven guilty’, but with this trust comes the expectation that pictures will be truthful. When this trust is broken, people feel deceived.

Formal studies of this topic seem to be lacking, as there is no scientific literature on it currently. Further study should be encouraged in this area as its impact on society is profound. While we wait for scientific evidence, a theoretical discussion of photography and its impacts will have to suffice.

Affective Influence of Photography

Subjectivity of the photographer, misrepresentation through lack of context, and alteration through modification are some of the ways that photography influences the viewers’ perception of reality. These affective influences can sway the opinions of viewers, which makes them potentially powerful.

Both the creator and the viewer must be considered when discussing subjectivity and bias. Subjectivity within imagery initially lies within the way a photographer chooses to portray the subject matter. Techniques such as choices of lighting, background scenery, coloring, shading and most importantly, context, are some of these conscious choices; choices that help the viewer to arrive at conclusions the photographer desires.

These techniques are often used as propaganda during times of war. An image will be circulated that portrays the war, and thus the government, in a positive light. Perhaps one of the most famous and influential examples of this is a photograph depicting five soldiers raising the American flag atop Mount Suribachi in Iwo Jima, Japan, during World War II. “The teamwork of the picture’s faceless subjects and the victory symbolized by raising the Stars and Stripes served as a visual moral-booster to Americans during the last difficult months of the war.” (p. 64) The photograph’s power
lies not only in its subject matter, but also in the techniques highlighting this victory, including an “unfurled national flag, upraised hands, and strong diagonal lines.” (p. 64)¹⁶

However, the photographer’s control over the feelings evoked by an image is by no means all-inclusive, as the audience’s opinions will also play a role in how the imagery is received. The photographer of the flag raising described above chose to depict American patriotism and victory; while serving as a morale booster for American troops, the photograph might have disheartened Japanese troops as it would be a reminder of defeat. This example shows that while an image may contain neither bias (from the creator’s standpoint) nor physical manipulation, different audiences will react differently to identical subject matter.

The next affective influence revolves around the intentional misrepresentation of reality through imagery, and its results and effect upon the audience. Misrepresentation of imagery is more invidious than subjectivity or bias. It represents a conscious choice by the creator to portray subject matter so that it does not entirely reflect the truth. Motives for misrepresentation abound as advertisers, governments, corporations, politicians and individuals actively utilize imagery to achieve their own objectives. Misrepresentation due to political motivation can be found in Nick Ut’s photograph taken during the Vietnam War. His photograph depicts a group of children running down an empty road with what appears to be a cloud of napalm smoke in the background. As described by Michael Anderegg, “the children’s mouths are open in screams of pain; the central figure runs naked towards the camera. Looking at this photograph, we feel complete helplessness at the horror of war. The road, Route 1, continues to the horizon following the lines of perspective as the victims rush forward towards us, creating an apocalyptic feeling.” (p. 135)²⁰ The photograph was distributed throughout the Western world by the anti-war movement in order to depict in vivid, unflinching detail the horrors of that war. It was utilized to depict war, but was misrepresented as the photograph lends the audience to believe that American troops were involved. What the picture does not relay is the fact that Nick Ut, the photographer, rushed the young girl in the photo, Kim Phuc, to a nearby hospital where she was saved. The picture highlights Vietnamese children and soldiers running from the napalm, but fails to indicate that a South Vietnamese pilot mistook the group of women and children as a threat and diverted to attack them. This additional information can only be communicated through accompanying text, and without these explanations, the truth inadvertently becomes blurred. This deliberate misuse of imagery to intentionally deceive an audience is a prime example of how imagery, without sufficient explanation, can lead to misinterpretation, be it purposeful or not.

Manipulation of imagery is the physical alteration of the image which may change its subject matter. However, alteration of an image does not necessarily involve changes that take away from the creator’s original intent. Examples of this type of modification are prevalent in modern society, with images in magazines, newspapers and other media formats modified or changed in ways that do not actively alter their content but will make the image more attractive. This type of modification is extensively utilized throughout mass media productions, including the thousands of magazines distributed each month throughout America and the rest of the world. In particular, the use of ‘touch-up’ techniques to improve an image without altering context are widespread, such as the removal of red-eye, the creation of smoother looking skin by removing wrinkles and
blemishes to changes in lighting and focus. These techniques, while not altering context, are still important to note as they result in an image that does not entirely represent the truth.

Sometimes, however a modification or alteration is designed to alter the context in order to shape the audience’s understanding. Examples of this can be readily found in the media, with one of the most famous examples appearing on the front cover of TIME magazine’s June 27th, 1994 edition. The cover showed the mug-shot of O. J. Simpson after being arrested for the murder of his ex-wife Nicole Brown and former friend Ronald Goldman. Unbeknownst to the casual reader, his photo was carefully altered by the editors of the magazine to reflect their view of Mr. Simpson’s obvious guilt. The picture was darkened, with shading added to make his profile appear less human. The background was also changed, with shading added to the edges of the image to make his profile appear more sinister. These changes, though not dramatic, would affect how an audience viewed Mr. Simpson throughout his trial.

We have shown that images can easily be remembered and potentially have a significant impact on those viewing them. Problems with imagery are built in, as a photographer’s choice of subject material inherently lends bias to the picture. Further, the intentional misrepresentation or manipulation of imagery leads to greater ethical concerns, as a conscious decision is made to intentionally alter the subject matter. With these principles in mind, the paper will now move towards a discussion focused upon how these factors contribute to the ethics surrounding images.

**Ethical Discussion**

The following discussion will consider potential ethical problems in the use of images in light of various ethical theories including utilitarianism, duty-based theories of rights and fairness to individuals and groups, and virtue-based principles of achieving the highest human potential. After examining our cases using these theories, it will be clear that these uses of imagery constitute strong ethical problems for society, and that any solution must redefine societal and individual assumptions used to critically analyze images that are displayed as truth.

To aid us in our ethical analysis, we will use two hypothetical cases. In the first case, we will assume that the presenter of an image clearly identifies how accurately the image reflects reality. We will assume he either includes in the text the decisions he made in taking the picture, explains what alterations or manipulations he made and why, or the publication the picture is published in has clearly defined standards for its pictures. In the first case, an ideal case, we will assume that the viewer has expectations of the image’s reality equal to the clearly identified level; the viewer will understand what the presenter has identified. This may include understanding the subjective nature of the medium, referencing any additional text or information, and understanding the standards of the publication category. This is usually unrealistic.

In our second case, however, either the presenter or the viewer will not responsibly maintain their side of the process. The presenter may make decisions while taking the picture that are not clearly explained, may manipulate the picture after taking it or may crop it in such a way that the message of the picture is materially altered. On the other hand, the viewer’s opinions of the world may color the message presented by the picture in such a way that the viewer never really understands what the picture is saying.
In the following three sections, we will evaluate three ethical theories using the same process. First, we will explain the basic ethical theory and explain its weakness when considered on its own. Second, we will apply our ideal case presented above to image examples and consider both the presenter and viewer’s responsibilities using that ethical theory. Third, we will apply the less than ideal case, our second case, to the image examples and consider what may happen when either the presenter or viewer does not uphold their responsibilities. Ultimately, we aim to show that the decisions made by the presenter or viewer in the image examples were unethical in our case two for all three theories.

**Teleological Ethics**

Consequence-based approaches to ethics such as utilitarianism or common good theories have become widely used in modern Western societies. Both approaches rely on the belief that an ethical decision is one that maximizes good and minimizes harm. The Greek-oriented notion of common good goes further to define an ethically good action as one that contributes to the interlocking relationships of the community. Evaluating the subject of images under these standards provides helpful insight; however, teleological (act-based) ethics are ineffective by themselves as decision criteria. This ineffectiveness stems from the inability to agree upon what good is and the best way to seek it. The argument follows that, “At the extreme, any means can be rationalized if the intended end is judged to maximize the overall good,” and that, “an act is okay, if people can agree it is okay.” Nevertheless, examining the consequences of decisions made by both the presenter and viewer of an image provides a useful starting point for determining an ethical standard.

In our first case, any of the images discussed previously could add to the greatest good and contribute to the interlocking relationships of society. But to do so, those pictures would need to be presented in a way that clearly documents how the picture has been taken and what decisions were made in taking and presenting it. In the picture of the flag raising at Iwo Jima, the presenter would have needed to make his pro-American bias known so that the viewer could clearly understand the affect on the image and could decide whether to agree with the bias presented. The common good of society dictates that the misrepresentation of Nick Ut’s Vietnam picture and the lighting manipulations of *TIME*’s O. J. Simpson cover need to be made perfectly clear to the viewer in order for the greatest good to be realized as the viewer makes up his own mind about the truthfulness of the picture. As this ideal is so rarely realized, our second case – that of the viewer’s expectation of reality for a picture being different than that of the presenter – will provide a more useful tool in determining an ethical standard.

In our second case, these image examples can potentially cause great harm, especially to the societal relationships that shape the common good. The manipulation of the O. J. Simpson image on the *TIME* cover contributed to society’s condemnation of a man before his trial had even begun. And images of napalm being dropped on children helped shape the world’s negative perception of American soldiers in the Vietnam War because the picture was misrepresented by the presenter. However, responsibility does not rest solely upon the presenter, as the viewers’ opinions of what the picture was saying in many cases differed from what was intended by the photographer. As discussed above, many viewers considered the picture to be showing the results of American bombings instead of the inadvertent bombing by a South Vietnamese plane that it was.
Another consequence of our second case is the harm to society that comes from erosion of trust. Manipulated images in mass media may lead to skepticism or outright rejection of photojournalism. Andy Grunberg of the New York Times states that, “In the future, readers of newspapers and magazines will probably view news pictures more as illustrations than reportage, since they can no longer distinguish between a genuine image and one that has been manipulated.” (p. 41) Furthermore, Brungioni has stated, “Photography shouldn’t be accepted as prima facie evidence in court any longer - digital cameras can erase the evidence.” (p. 51) Whether or not these predictions come to pass, manipulated images erode the trust of the public in one another, the media and the government. The erosion of trust hurts society because the greater good is being ignored, and can be seen to be wrong under utilitarianism.

**Deontological Ethics**

Now that the teleological theories of utilitarianism and the common good approach have been examined, we will apply theories of deontological (duty-based) ethics such as rights and justice and fairness approaches to image use. The rights approach values the rights of others based on the dignity of their human nature whereas the justice and fairness approach relies on a duty or obligation to treat all human beings equally or fairly based on some standard. Like utilitarian ethics, deontological ethics suffer from limitations. As explained by Whetstone, using principals, rules, and codes as a primary form of ethics may lead to legalism where actions are justified because these actions adhere to the “rules of the game.” (p. 108) Despite these limitations, examining the duties of presenters and viewers of imagery employing deontology is helpful when considering ethical standards related to images.

As with utilitarianism, deontological principles will be applied to the same image examples as before. Using our first case, the duties of both the presenter and the viewer are reasonably fulfilled. By making the level of an image’s accuracy completely known and easy to discern for an audience, the presenter respects the rights of the viewer to be given the truth in a way that gives each person the ability to make informed decisions about how to view the image. If the desire to portray O. J. Simpson as guilty caused the manipulation of the TIME cover image, then every viewer should be informed of the shading applied to the image and the bias that caused that shading to be applied, allowing the viewer to make up his own mind about Simpson’s guilt. In the same way, the decision by National Geographic to manipulate the cover image would need to be disclosed, allowing each person to decide whether to let these choices influence their decision to purchase the magazine. Although this example seems a little ridiculous, the duties of the viewer would then be fulfilled as each seeks to interpret the information correctly and make more informed decisions. These obligations can be seen as civic duties: obligations to participate in the community based on informed and freely chosen decisions. However, the circumstances for our first hypothetical case rarely exist. It is therefore valuable to consider the second case when determining an ethical standard.

In our second case, when the presenter of an image fails to make its level of accuracy known, or the viewer fails to apply the correct expectation of reality to interpreting the image, a duty is unfulfilled. In the case of the Simpson cover, the manipulation by the presenter was not made known to viewers and so they were not given the opportunity to make an accurately informed decision. Instead, the decision regarding the presumed guilt or innocence of the man was made for the viewers by the
presenter without the viewers’ knowledge or consent. Decisions like these are made in several of the other image examples; they deny the audience the right to make decisions for themselves and do so in a way that is unequal or unfair. The decisions are unfair because they deny the rights of those who do not have access to the entire information and deliberately withhold it from the viewers. Viewers of the TIME cover were not given access to Simpson’s unaltered photo elsewhere. Furthermore, when viewers misinterpret an image based on their own false assumptions or lack of willingness to be accurately informed, they reject a duty to themselves and their society. And if no attempt is made to critically analyze what is put in front of them, viewers will allow others to make decisions for them and choose not to participate in their society, which also is a rejection of their societal duty.

Virtue Ethics

In order to apply the most balanced and efficient ethical framework to the subject of image use, teleological and deontological theories can be combined with the considerations for character found in virtue ethics to form what is known as a balanced tripartite approach. The Aristotelian concept of virtue emphasizes personal moral development by striving to achieve one’s highest potential. A person is to ask in any situation “Is this action consistent with my acting at my best?” which will develop virtues such as honesty, integrity, fairness, or compassion. Virtue ethics do have problems with cultural relativism, as different people and cultures qualifying different character traits as virtues, but despite this Whetstone insists that, “For a more balanced ethic, all three ethics perspectives are needed.” (p. 110)

Applying this final theory to the individual decisions made by the presenter and the viewer of an image will help fully clarify which situations constitute a strong ethical problem.

The discussion of a virtue ethic as it applies to the presenters and viewers of an image will rely on the same set of assumptions for the two cases used in the teleological and deontological sections. In the first case, the goals of a virtue ethic are reasonably achieved by both the presenter and the viewer. Whether an image reflects a highly accurate level of reality by adhering to rigorous standards, or underwent extreme manipulations to present a completely fabricated illusion, the presenter strives for the virtues of honesty, integrity, and fairness by making the process known to the audience and identifying that level of accuracy. The viewers then strive for the virtues of honesty, wisdom, and prudence as they seek to interpret the image correctly and make decisions based on accurate information. What actual decisions are made based on the information must take into context the environment of the situation and are beyond the scope of this discussion, but the presenting and viewing of the image is done in a way that follows a virtuous ethic. This is the result when an image’s level of accuracy is presented in a way that matches the viewer’s expectations, and the viewer then makes the appropriate interpretation. However, as discussed before, it is more valuable to consider the problems that arise in our second case.

It is important to note that in our second case non-virtuous, and therefore unethical, behaviors exist not within the actions themselves but according to their motivations. In the example of TIME’s Simpson cover, the presenter altered the photo in
way that is difficult to detect in order to change the audience’s perception of the man in a dishonest way. The alteration was difficult to detect, not only because of the subtlety of shading and blurring, but also because the presenter relied on the integrity and reputation of the publication to suggest that the image was accurate. Although it may seem trivial in motivation, the same problems came from the example of the pyramids on the National Geographic cover. The publication later claimed that the image was altered only to make the cover more appealing and therefore marketable. But by placing the image on the front of a magazine with such a long standing reputation for presenting accurate depictions of nature, the presenters took advantage of their own integrity to advertise the magazine issue based on the notion that this view of the pyramids exists somewhere in reality. The virtuous use of an image is not dependent on what specific process of development is used or whether its presentation was motivated by a desire to inform, entertain, or advertise. Rather, a virtuous use of an image depends on how the presenter attempts to achieve his highest potential during his decisions, based on values such as honesty and integrity.

It is also necessary to examine the motivations of the audience. Consider the earlier described depiction of children photographed by Nick Ut during the Vietnam War. During that era, many viewers falsely interpreted the image as showing American soldiers intentionally dropping napalm on an unarmed village because they allowed their own feelings toward the war and the soldiers to supercede their desire to understand other views or opinions. The reoccurring trend of misinterpreting war images during this period contributed heavily to the public’s negative perception of, and often aggression toward, American soldiers returning home. The ethical problem in this example, according to a virtue ethic, is the audience’s lack of diligence toward truth while interpreting the image. To strive for the virtue of making well-informed and prudent decisions, an individual must at least make some effort to critically analyze an image with the same scrutiny that is applied to other forms of information. Viewers must not allow biases or long-held faith in the medium of photography to undermine a desire to seek truth and to make decisions based on accurate information.

**Conclusion**

As we have shown in this paper, images have an enormous potential to convey information to us in such a way that we accept it as the truth without conscious critical analysis. Instead, because we accept it as ‘scientific’, we will readily accept pictures as representational of reality without questioning the truth or validity of the image being shown us. The ethical implications of this statement are grave, as images are used pervasively throughout our society. Both presenters and viewers must uphold their responsibilities for imagery to continue to be a viable, trusted means of communication. To be able to mold some person or whole society’s view of the world is one of the greatest forms of power. Because people trust pictures to tell the truth, they may be open to the gravest forms of manipulation. Ultimately, the responsibility for facing this grave issue lies with both parties. However, without conscious and deliberate thought and action on the part of the viewers of these images, our very views of the world could be radically altered and changed by people we should be able to trust.
Appendix 1: Time Magazine and O.J Simpson.

Appendix 2: Napalm in Vietnam.
Appendix 3: Flag Raising at Iowa Jima.

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Undercover Agency
The Ethics of Stealth Marketing

By: Alexandria Weisberg, Alonna Pfleiger, Jake Friedberg

“Excuse me sir,” the young man asks politely as you pass by him. “But would you mind taking a picture for us?” He smiles that same awkward little smile that everyone does when making that particular request and holds out a shiny new Sony-Ericsson camera phone. “Just one quick pic? We’re on our honeymoon.” You have a million things to do, and you are late already, but they seem like nice kids, so reluctantly, you agree. “Thanks man, I really appreciate this,” he says as he shoves the phone into your hands. “Have you ever used one of these before?” he asks, but before you get a chance to answer, he launches into a lengthy description of the device’s various impressive features. “Wow,” you think as the device snaps a clean, crisp little picture of the newlyweds. “This thing is pretty cool.” He thanks you again as you hand him back the phone and it’s not until you are halfway home that you realize that neither of them was wearing a ring.

Introduction

In late July of 2002, the Sony-Ericsson Corporation hired 60 actors to travel to various cities across the country posing as tourists and ask people passing by to take their picture with the company’s latest and greatest creation: the camera phone. Sony-Ericsson did not set up any promotional materials at the sites, and the actors were instructed not to introduce themselves as representatives of the company. Instead, the company wanted the entire situation to feel “natural” as the stunt was designed to make consumers feel like they had “stumbled” onto a hot new product. It is unclear how successful the campaign was, but the “fake tourists” did reach a large number of people, and the stunt received national media attention.

In a world where everything from bowl games to satellite launches are corporately sponsored, we are literally inundated with advertising on a daily basis. As a result, consumers are becoming desensitized to the entire phenomenon of marketing. Additionally, new technology is giving us unprecedented control over our media. The growing prevalence of DVRs (digital video recording devices), caller ID systems, and Pop-Up and SPAM blocking programs is increasingly granting us opportunities to simply ignore advertisements altogether. Recent shifts in advertising trends have forced many companies to seek new, creative methods to reach their perspective customers. One such tactic, as the above example demonstrates, has been to disguise the fact that marketing is occurring altogether. The idea is that consumers can not ignore what they are not aware of in the first place. Marketers are calling the new phenomenon “stealth marketing,” and it may just become the future of advertising. However, such techniques are ethically questionable because they use deception to get their message across. Specifically, because it does not identify itself as advertising, stealth marketing robs individuals of the choice of whether or not to participate in the promotion. Thus, the question then becomes: Should consumers be allowed to control when, where and how they are marketed to?
The goal of any marketing campaign is to induce a change in behavior in the people that it reaches. Whether it is a change in buying behavior, voting preferences, or personal values, advertising attempts to convince us to alter how we are currently acting. The party sponsoring the ad is the one directly benefiting from the message conveyed. However, people are becoming increasingly skeptical of advertisements due to recent tactics that lack both sincerity and credibility. Whether the persuasion is coming from a company wanting you to buy their product, or from a candidate seeking your vote, there is a tendency for a bias to derive from the one who is funding the marketing campaign.

What people truly value when making purchasing decisions is the advice of a knowledgeable, unrelated third-party whom they trust. For example, hearing your mother tell you that she always buys JIF brand peanut butter will most likely have a far greater affect on your buying habits than a TV commercial promoting the same product. Marketers call this sort of personal interaction “Word of Mouth Marketing” or WOMM, and it is widely valued as the most effective method of inducing the purchasing changes desired by advertising agents. The obvious challenge posed by WOMM is getting the public to talk favorably about your product.

Stealth marketing is one tactic that marketers have invented to solve this problem. According to Andrew Kaikati and Jack Kaikati, “The main objective of stealth marketing is to get the right people talking about the product or service without it appearing to be company-sponsored.” In other words, stealth marketing attempts to get influential people excited enough about a product that they will use and discuss that product with others. However, as Kaikati and Kaikati also mentioned, stealth marketers specifically attempt to achieve this goal without letting people know that they are being marketed to. And this is what makes stealth marketing ethically controversial; it is designed to deceive people into paying attention to advertising. The overt nature of traditional advertising allows the public the choice to either become engaged or not. With stealth marketing techniques, consumers are often not aware that they are being advertised to until the end of the exercise, if they are alerted at all.

**Subsets of Stealth Marketing**

There are three main subsets within stealth marketing that are becoming both increasingly popular among advertising firms and increasingly controversial among consumer advocacy groups: product placement, video news releases, and Guerilla Marketing.

**Product Placement**

In the field of marketing, agencies must continuously invent new ways to capture an ever changing audience. Product placement is a technique marketers began to experiment with decades ago after discovering how effective the technique can be. The term product placement is used to describe a promotional tactic in which a real commercial product is used in fictional or non-fictional media, and the presence of the product results in an economic exchange. Products first started appearing on quiz shows in the 1950s when companies realized the shows themselves were an untapped venue for increasing product exposure. In its infancy, product placement, when it did appear, was much more obvious to viewers and they voiced little complaint. However, companies have been perfecting their placing tactics ever since to the point that it has made some consumers question its use.

Despite the questionable ethical nature of product placement, production studios are starting to recognize that standard commercial spots are no longer their only option for generating revenue. For example, according to The Handbook of Product Placement in the Mass Media, the reality show Survivor made $1 million its first season just by featuring a few products throughout the airing of the popular show. The second season, The Australian Outback, took
Product placement to a whole new level. Despite not fitting with the show’s wilderness setting, Bud Light, Doritos, and Mountain Dew were all given heavy exposure throughout the season, increasing revenues to $12 million from product placement alone.2

Product placement is not unique to television; the movie industry has also jumped on board, seeing the practice as a good way to fund big budget films. The movie E.T. is a classic example of product placement at work. Reese’s Pieces candy was heavily featured throughout the movie, and was even woven into the story line, which in turn helped Hershey’s increase its sales revenues the following year by 65%.4

While product placement was once an innovative idea, it is now common place for companies to utilize this tactic. Movie producers have given companies the power to influence what type of car a movie star will drive or what brand of cell phone they will use in their film. Everything from the brand of latté an actress drinks to the watch she checks on screen is ad space available for purchase. The latest James Bond movie, Casino Royale, has been widely criticized for its heavy use of product placement. Besides heavily promoting Aston Martin automobiles and Omega watches, this film alters the classic Bond image by swapping his traditional martini (shaken not stirred), for a more modern (and marketable) Heineken beer.5 On television, the actors make sure their Coca-Cola can faces the camera as they take a sip and insure the cereal box on the breakfast table is always placed with the front cover for all to see. Apple Computers is a major advocate of product placement and relies heavily on the technique for product exposure. By utilizing this technique, Apple wants you to believe the average college student types their term papers on an iBook or religiously uses their iPod on their morning jog. In reality, Apple only owns about 3% of the market share for personal computers, but according to what is shown on TV you might expect this number to be significantly higher.5

Product placement, for the most part, takes place without much intrusion into our daily lives. Most of the time, a typical viewer would not be able to recall what brand of soft drink the main character of “Grey’s Anatomy” drank during the last episode. Usually, we are able to retain only what we want from TV shows and movies. But what if the product is moved further into the foreground? Furthermore, what if the product featured is controversial in and of itself? For example, cigarette companies have reaped the benefits of product placement for decades. The James Bond films have been criticized for their advertising of Lark cigarettes which Bond smokes throughout the films.7 Though both of these products, soft drinks and cigarettes, may be evasive to viewers, the subliminal push of tobacco products is more concerning to the general public.8

As product placement becomes more prevalent, various groups have become increasingly concerned over whether or not product placement is a legitimate way to advertise. Consumers have begun to speak up and express their opinions about product placement and the negative effect it has on them. Groups have even been formed to raise money in efforts to spread awareness of deceptive marketing, like product placement, and fight its growing prevalence in media outlets. Once such group named Commercial Alert, was formed to prevent direct advertising to children and the “commercialization of culture.”7

A few movie producers have started to voice concerns regarding their projects, which they believe are being compromised in order to create a platform for advertising dollars. Producers have begun to illustrate their opposition towards the advertising industry within their bodies of work. Kevin Smith, who has both directed and produced a number of recent films, created his own brand “Mooby Corporations” and “Discreto Burrito” as a way to prevent his films from becoming a vessel for advertisers. Pixar Studios has also taken a stance by inventing
the restaurant “Pizza Planet” in one of their films instead of using an actual company. The use of faux companies has had an interesting unplanned outcome which is labeled “reverse product placement.”

Fake companies like Bubba Gump Shrimp from the movie *Forest Gump* and Willie Wonka Candy from the movie *Willie Wonka and the Chocolate Factory* gained so much exposure from their on-screen appearance that they became real businesses. The public’s great interest in these fictitious products instantly created a business opportunity.

Due to the increasingly competitive consumer market, companies have turned to product placement. By blending their advertisements with popular media, companies are robbing the public of their ability to control when and where they are advertised to.

**Video News Releases**

In November 2005, KWGN-Channel 2, a Denver news station, aired a story about potentially unsafe toys. At first glance the segment appeared to be a typical pre-holiday consumer alert. However, the station is currently under investigation because it failed to acknowledge that the entire piece was funded by Panasonic, Namco and Techno Source, and all the toys deemed “unsafe” were manufactured by their rivals. The reason that most Americans watch the news is to learn the events of the day quickly and to remain current on important issues. It has always been implied that each story is delivered by an impartial reporter who has done thorough research, visited the point of interest themselves, written a script, and edited their footage into a final product, before broadcasting it to the general public. However, public trust in the news is beginning to fade as the phenomenon of “corporately sponsored news” has started to permeate news broadcasts nationwide.

According to the Public Relations Society of America, a video news release is the video equivalent to a corporate press release. It is designed to present a client's case in an attractive, informative format. Recently, VNRs have evolved into prepackaged fake news stories used to commercialize products or to shape public opinion and are played without acknowledging their origin or producer. A typical VNR features a paid actor posing as a journalist. The “reporters” conduct interviews, which are often rehearsed, and all parties are careful not to state who they work for. The producer of the VNRs can then select the sound bite which best fits the particular agenda or aim of the client, creating a persuasive commercial in the guise of a news story. As more and more stations across the country use VNRs, they are becoming increasingly indistinguishable from traditional news stories, making it difficult for the public to discern what is covert propaganda and what is “purely informational” and independent journalism.

Television stations receive the “ready-to-air” VNRs via satellite and are able to quickly fill their news hour quota without any added production costs. In addition, news stations are using the suggested “lead-ins” (which are written by the VNR producer) so they seamlessly fit into their local broadcast. VNRs not only allow local stations to quickly fill the necessary time slots, VNRs also provide them with footage to inexpensively create their own news segment. With the current editing capabilities, news stations have begun to take the VNRs into their own editing studios, giving them an even more “home town” feel. They are able to change sign-offs, tag lines, cut what they do not want, or they can just stow them in their footage archives for use at a later date. Public relation firms, such as Medialink Inc., have made their niche in the VNRs business. Medialink Inc. has offices in New York and London, employs over 200 people, and produces about 1,000 VNRs a year. They have created and distributed many influential VNRs, which are distributed to news stations who are then free to do what they want with the “news stories.”
It is hard to tell how many VNRs are actually broadcasted each year because local news stations do not keep comprehensive archives of news reports, as their counterparts in print journalism often do. Therefore, there is no way to determine what stories have been aired in using this questionable method. Additional evidence that VNRs are becoming increasingly prevalent is the Bronze Anvil award, which is given each year by the Public Relations Society of America for the best VNR. This award signifies the acknowledgement of fake news stories but ultimately creates acceptance within the news community of VNRs as a legitimate way to inform the public.19

Not only are VNRs used as a marketing tool, they are government propaganda tactics which can be dated back to the Clinton administration.20 State agencies, lobbyists, and federal agencies (including the Defense Department and the Census Bureau) have all made use of the technique to promote political agendas.21 One of the most famous examples of a government produced VNR is a news story about the new Medicare program created by the Bush Administration.22 The President’s new plan received criticism from many people, so the administration created a VNR to shed positive light on the issue.23

Karen Ryan was the “reporter” on the Medicare story and began her career at ABC and PBS. After she became a successful journalist, she went to work as a public relations consultant, and was then hired by the federal government. The story included video clips of Bush signing the legislation while she described the details of the benefits. Ryan’s “report” stated, “All people with Medicare will be able to get coverage that will lower their prescription drug spending.” But, the Medicare segment made no mention of the critics of the plan who call it “an expensive gift to the pharmaceutical industry.”24 When the VNR was delivered, it suggested that local anchors lead into the report with, “In December, President Bush signed into law the first-ever prescription drug benefit for people with Medicare.” The segment was released in January 2004, right before Bush went on his reelection campaign tour. Throughout his campaign, Bush cited the drug benefit as one of his major accomplishments.25

It was estimated that the Medicare and other stories narrated by Ryan (in 2003 and 2004 she worked on reports for seven federal agencies) have reached 22 million homes and have been played by over 300 stations. These numbers, however, do not fully encompass the effect that Ryan’s segments may have had. For example, in Syracuse, the News 10 Now station did not air the segment as narrated by Ryan, rather they edited her out and had one of their own local reporters repeat the script almost word for word. This local edit made the story even more convincing to those who saw the segment.26

When it was discovered that the story had been created by the Bush Administration, an investigation was launched to determine whether actions such these were inappropriate. On May 19, 2005, the Government Accountability Office, the investigative arm of the U.S. Congress, declared that federal laws had been violated because federal money cannot be used for "publicity or propaganda purposes" unless authorized by Congress.27 They stated that the VNR was “not entirely factual” and contained “notable omissions” thus creating an overly flattering report.28 Due to GAO’s lack of enforcement powers, no parties involved received penalties. As a result of this situation, and others similar to it, in February 2005, the "Stop Government Propaganda Act" was introduced in the U.S. Senate. It was then referred to the Judiciary Committee, and no further action occurred.29

Typically, news stations such as News 10 Now or KWGN-Channel 2 in Denver, defend themselves by claiming they had no idea of the VNR’s origin when it was received. In the case of the Medicare VNR, Sean McNamara, director of News 10, stated that he believed the segment
he had was from a major network and was unaware it had originally come from the government. When the VNRs are initially released, the origin and creator is clearly marked. Robert A. Tappan, the State Department’s deputy assistant secretary for public affairs, said, “We do our utmost to identify them as State Department-produced products. Once these products leave our hands, we have no control.” However, as VNRs transfer from one news station to the next and bounce from satellite to satellite, their true origin is quickly lost.

There are many incentives for TV stations to use VNRs. As the number of news stations increases and as big conglomerates form, competition only increases. Stations are finding it harder and harder to afford the amount of labor, time and funds necessary to cover every newsworthy story. As a result, VNRs have become essential in order to stay in business.

It truly does seem that all parties involved, besides the viewer, benefit from VNRs. Public relations firms, who produce the VNRs, secure government contracts worth millions of dollars. Major networks are able to collect rewards from government agencies if they distribute VNRs and their local affiliates air them. Lastly, local affiliates enjoy the convenience of VNRs because they are spared the large expense of producing original material. But perhaps the greatest benefit is to the client, who gets out an unfiltered message, by way of stealth marketing, delivered in the guise of traditional news reporting.

**Guerilla Marketing**

As marketers increase their search for innovative and exciting new advertising methods, many have begun to abandon conventional media outlets altogether in favor of the “real world.” Instead of placing traditional ads on TV, in newspapers or magazines, many companies are literally taking to the streets and setting up elaborate marketing performances in public areas. Such campaigns are designed to engage people on a far more personal level than traditional marketing methods, and therefore create a more meaningful connection between the company and its consumers.

The goal of Guerilla campaigns is to increase customer awareness and interest in both the product and its associated brand. However, they attempt to do so in ways that to do not appear to be corporately sponsored. The intention is for the entire experience to seem completely spontaneous and thus, for the consumers involved to feel as if they randomly stumbled upon an exciting new product.

The Sony-Ericsson “fake tourist” campaign described earlier is credited as being one of the most well-known examples of a large-scale Guerilla Marketing campaign employed by a major American corporation. However, companies ranging from Vespa Scooters and Lee Dungarees to Ford Motors and Procter & Gamble have also implemented such promotional campaigns here in the US for decades with a great deal of success. In 2001, Vespa employed groups of attractive young female models to ride around to trendy LA hotspots on their scooters. The girls would then engage people in conversation and gradually “steer” their conversation towards their brand new shiny Vespa scooter and the fantastic deal they just received for it.

The most notorious example of Guerilla Marketing occurred in early February of 2007, when two advertising representatives from the Turner Broadcasting Company set up a publicity stunt in Boston, Massachusetts. The stunt was designed to promote *Aqua Teen Hunger Force (ATHF)*, Turner’s TV program that airs on Cartoon Network. The stunt involved small lighted signs depicting a character from the show performing an obscene gesture. Thirty to forty such signs were placed in various public areas throughout the city, such as bridges, subway stations, and public parks. These signs did not contain the name of the show, nor did they in anyway indicate that they were promotional materials. Furthermore, the advertising representatives who
put up the signs did not petition the city for the proper permits required for public advertising. When the signs went up, no one outside of the show’s limited audience had any idea what they were or what they depicted. Fearing that the dubious little electronic devices could be explosives, concerned citizens all over the city alerted the police. State, local and federal officials responded with anti-terrorism units, and quickly began confiscating the signs. As a result of the operation, authorities were forced to close Boston University, several public streets and highways, and the Longfellow Bridge which blocked boat traffic from the Charles River to Boston Harbor. In addition, the Pentagon announced that U.S. Northern Command was monitoring the situation from its headquarters in Colorado Springs, Colorado, but added that none of its units were dispatched to assist. The two PR reps responsible for the stunt were arrested by city police and charged with several counts of placing a hoax device in a way that results in panic, as well as one count of disorderly conduct. City officials are also currently considering a civil lawsuit against Turner in an attempt to recover the reported $500,000 spent responding to the situation. The national news media was also soon alerted to what has since been dubbed “The Boston Bomb Scare,” and the story has received wide coverage across the country.37

Turner and its marketing department officially apologized to the city of Boston, and announced that they deeply regretted conducting the campaign. However, the company also commented that they believe that the city’s response to the situation was not appropriate. With all of the controversy, the stunt did generate an immense amount of publicity for both Turner and Aqua Teen Hunger Force. In fact, news outlets from NPR to FOX aired special programs dedicated entirely to the incident.

The Boston situation is an extreme example, but it highlights several issues surrounding the Guerilla Marketing phenomenon. Turner’s methods are certainly debatable, as is the city’s response, but they do demonstrate the wide range of interpretations that can result from misleading or deceptive measures of marketing. It is also important to remember that interpretation breeds action, and actions have consequences. As this situation demonstrates, such consequences can range from very positive to extraordinarily negative, and even unintended interpretations can have very serious ramifications.

**Ethical Arguments**

By their very nature, stealth campaigns are designed to be deceptive. In fact, according to Roskilde University professor Roy Langer, stealth marketing specifically “attempts to catch people at their most vulnerable by identifying the weak spot in their defensive shields” (p. 5).38 Marketers who implement such tactics claim that the effectiveness of the entire campaign hinges on their ability to make the entire situation seem unscripted. In particular, a stealth campaign needs to reach a consumer below that person’s “threshold potential and defensive shields” (p.3) in order to induce any sort of meaningful result.39 However, as previously mentioned, it is the intentionally deceptive nature of stealth marketing that brings the ethicality of the entire practice into question. Should companies be required to identify their promotional materials? And how much control should consumers have with regards to the types of advertising methods directed at them? In order to objectively answer these questions, the authors of this paper will look at the phenomenon of stealth marketing using several different ethical frameworks.

**Utilitarian Framework**

The utilitarian framework of ethical behavior states that the ethical or unethical nature of an action is determined by the consequences that result from that action. In other words, an act is only as ethical as its outcome. Thus, from this perspective, the *only* aspect of stealth marketing
that is relevant in deciding its ethical character is the ultimate action taken by the consumers it reaches.

As discussed earlier, the ultimate goal of stealth marketing, like any form of marketing, is to induce a change in behavior in the public. However, many people have questioned the effectiveness of a stealth technique in inducing this sort of change. The first question we must ask ourselves when measuring the ethics behind stealth marketing is: “How does the effectiveness or ineffectiveness of a campaign make a difference, ethically speaking?”

If the ethicality of an action is measured by its consequences, then, theoretically, an action that produces no noticeable or relevant consequences is neither ethical nor unethical. According to the very definition of marketing, a promotional campaign is ineffective if consumers either fail to notice the campaign or disregard it altogether. None of us run straight out and purchase every item advertised during the Super Bowl, nor did every person who was approached by Sony-Ericsson’s fake tourists buy a new camera phone. Other than a general nuisance and loss of time, there is no noticeable consequence resulting from these advertisements, and therefore they can not be judged from a consequence oriented standpoint. According to the utilitarian ethical framework, only those promotions that create some sort of reaction from consumers can be classified as either ethical or unethical.

The morality of stealth marketing is hotly disputed across both the business and academic communities. However, the utilitarian perspective on stealth marketing provides a profound simplicity to the issue. According to utilitarianism, many stealth marketing methods may not be effective enough for consumers to be concerned about. Advertising may be invading previously private aspects of our lives when masqueraded as news stories, or intertwined in entertainment, but if it fails to affect us in any sort of meaningful way, then is it not doing any harm. The Coca-Cola Corporation may spend millions to ensure that Brad Pitt enjoys a “Coke and a Smile” in his next movie role, but if it fails to alter the public’s purchasing decisions, then is not it really an issue at all.

The only stealth marketing tactics to be concerned with are those that do elicit reactions from the public. In such cases where a consequence occurs, utilitarianism indicates that the nature of the outcome dictates the ethicality of the trigger. More simply, utilitarianism evaluates the acceptability of an action by its ends, rather than its means. It’s not the way that an advertisement is presented, but rather how that ad affects the public at large that determines its ethical status. The Boston Bomb Scare provides a perfect example for exploring this idea. There is no question that the public noticed Turner’s marketing tactics, and that those tactics certainly elicited a response from many of the people who encountered them.

The most obvious outcome of the Boston incident is that many people mistook the ads for explosive devices which was without question, a negative result for everyone involved. Turner was not intending to create a public panic, nor did they intend for federal anti-terrorism forces to be dispatched to remove the devices. Rather, the company was just looking for a creative way to raise awareness for Aqua Teen Hunger Force. Despite what may have been good intentions, Turner’s publicity stunt created some very serious consequences. As a direct result of the campaign, businesses were closed, public roads and waterways were cordoned off, and many people became generally concerned for their safety. Since these consequences are substantially negative in nature, the utilitarian framework would classify the entire stunt as unethical.

Not all public reaction to the stunt was negative. Some of the more devoted fans of Aqua Teen Hunger Force view the situation as an extension of the counter-culture message advanced by the show itself. In fact, Peter Berdovsky and Sean Stevens, the two Turner PR reps who were
arrested for placing the devices, have acquired a sort of cult following the Boston incident. So the company’s campaign actually caused a small contingent of the public to become more devoted to Turner’s TV program. Additionally, the substantial amount of media coverage on the incident dramatically increased public awareness of Aqua Teen Hunger Force. Without question, most of the attention generated nationally was negative, but if you believe the old marketing adage, “any press is good press,” then it is not necessarily a bad thing from the company’s standpoint.

When examining this case from a utilitarian ethical framework, it becomes obvious that the greatest good was not carried out for the greatest amount of people. While the company may have benefited from a rise in the show’s ratings, the general public suffered. Any time an action results in a negative consequence for the majority of people involved, that action should be deemed unethical. The ATHF campaign produced more negative consequences than positive ones, therefore it is unethical.

Virtue-Based Ethics

The final ethical framework we will focuses on is that of the virtue-based framework; which centers on encouraging people to act according to the highest potential of their characters. This framework challenges us to act with honesty, compassion and integrity in each situation we encounter. In fact, virtue ethics states that each action we take, or do not take, should assist in the full development of our humanity. Based upon this explanation, it is plain to see that stealth marketing clearly violates these ideals. Often, during the course of a stealth marketing campaign those involved are intentionally deceitful. In neither the case of the Boston Bomb Scare nor the “safe toy” VNR, did either one of the companies involved disclose the true intent of their actions. In these and other examples mentioned previously, stealth marketers specifically tried to use deception in an “attempt to catch people at their most vulnerable by identifying the weak spot in their defensive shields.” Such deception is an example of dishonesty by way of omission. Dishonesty, in any form, is a violation of the virtue-based ethical framework, and therefore, because of its use of deception and deceitfulness, stealth marketing would be considered unethical from this standpoint.

Deontological Framework

Another method of determining the ethicality of an action is to consider the concept of “duty,” as addressed by the deontological framework of ethics. A duty is any action (or course of action) which is regarded as morally incumbent. In other words, there are moral laws in every society that dictate certain action(s) in certain situations. Such actions are known as duties, and they are expected to be respected and followed before one’s own self-interests. However, different circumstances and different participants dictate different sets of moral duties. At times, these separate situational duties can even contradict one another. With regards to marketing, a company’s duties can be broken down into the following categories:

I. Duty of the company:
   A. Duty to the shareholders – Maximize share value
   B. Duty to the customer – Produce safe, functional, fairly-priced products

II. Duty of the advertising department/agency:
   A. Duty to company/client - Favorably promote the company’s/client’s products
   B. Duty to (potential) customer – To be truthful and tasteful in their promotion

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According to financial theory, the ultimate goal of any business is to turn a profit (p. 11). While a company and the product/service that it provides may impact society, ultimately that particular company need to provide to those who hold ownership. This concept holds true for everything from a corner hot dog stand to a multi-national corporation, with the major difference being only the manner in which ownership is distributed. In a publicly traded company, it is the shareholders that are technically the company’s owners. Therefore, financial theory also dictates that a corporation has a duty to its shareholders to maximize the company’s share price, thereby maximizing each shareholder’s investment.

A corporation’s duty does not end with their shareholders. Attracting and retaining customers is the cornerstone to the financial success of any business. Therefore, since no company can survive without customers, there are certain ethical imperatives that naturally exist between the two groups. To begin with, if a person is injured when using a defective product, US product liability laws dictate that every company involved in the design, production and distribution of that product can be held responsible for that injury. As a result, we can realistically assume that all companies doing business in the United States are obligated to provide the public with products that are safe to operate. Additionally, companies are duty-bound to produce goods or services that are functional. When any of us purchase a product, we naturally expect that product to perform in the manner it advertised to. Finally, companies are also expected to provide products at a reasonable price. All commodities have an inherent value, and it is widely considered to be unethical to charge more for a product that it is honestly worth. “Value” can be considered a relative term, but from a very generalized standpoint, people typically do not wish to pay more than for a good/service than its “fair market” price. If these two criteria, duty to the shareholders and to the customers are fulfilled, then they company’s actions are deemed ethical.

A company has a duty to its shareholders to maximize its share price, as well as a duty to its customers to provide safe, functional, and fairly-priced products. Interestingly, these two separate duties collide during the advertising process. Whether a company handles promotions in-house, or elicits the services of an independent advertising agency, whoever creates the advertising campaign for a product also has several important duties to fulfill. On one hand, an advertiser has an obligation to the original company to promote the intended good or service in a favorable light, an advertisement should compel people to purchase the featured product. On the other hand, an ad is also expected to be accurate and appropriate. Intentionally misrepresenting a product in order to convince people to purchase it, or purposefully slandering other people, products or companies in the process, would be a clear violation of an advertiser’s duty to potential or current customers. All promotional campaigns are also expected to be tastefully executed. Advertisements should not be offensive or crude to those they are targeting, upholding the company’s reputation they are working for. For example, product placement, a form of stealth marketing, typically tries to showcase products in a positive light. Advertisers would not be fulfilling their duty to the client, nor would product placement be effective if products were shown in a distasteful manner. Since this is true and product placement is simply fulfilling a business duty it is therefore ethical.

The most important thing to consider when evaluating the ethicality of a marketing campaign from a deontological framework is how the many duties involved in an action interact with one another. At first, an advertiser’s duty to a company and its shareholders, and its duty to its customers may appear to be mutually exclusive. And in many circumstances they have
become so, as the practice of distributing video news releases demonstrates. By masquerading a biased advisement as a factual news report, companies are deceiving their customers for their own personal benefit.

So then which duty is more important to a company, that of maximizing its revenue or of producing honest advertising? And how do we judge the ethicality of an action that ignores one duty in order to fulfill another? All these questions lead us to an ethical “grey area.”

But what if there were another option? Recent evidence suggests that what is good for the company can also be good for the public. According to a 2006 study by Northeastern University professor Walter J. Carl III, there is a remarkably simple alternative: disclosure.

Carl and his team joined forces with the renowned marketing firm BzzAgent, Inc. in order to design a groundbreaking experiment intended to take a closer look at the phenomenon of stealth marketing. The goal of the study was to determine whether or not disguising the intention of a promotion actually makes that promotion any more effective. And the results demonstrated overwhelmingly that it does not. According to Carl, approximately 75% of those who participated in the study were just as receptive to marketing agents who identified themselves as they were to those who did not. What seemed to truly impact the effectiveness of a campaign was not whether or not people were aware of the promotion, but rather whether they believed the agents involved were “providing an honest opinion” (p. 3). In fact, according to Carl, the “pass-along/relay rate” (the number of people a person discussed the product with after being approached by an agent) “actually increased [when people were made] aware they were talking with a participant in an organized word-of-mouth marketing program” (p. 3). Conversely, the study also noted “a negative backlash effect” (p. 3) displayed by some people who were not initially made aware of the situation. Upon discovering that they were involved in a promotional campaign, these people directed intensely negative feelings toward the advertising agent, the original company, and the product being discussed (as in the Boston Bomb Scare example). “Virtually no negative feelings, however” were reported when people were made aware of the “agent’s affiliation” (p. 4). Therefore, being open and honest about your marketing efforts is as effective, if not more so, than using stealth tactics.

**Ethical Conclusion**

Obviously, the ethicality of stealth marketing is not a black and white issue. Even when evaluating the phenomenon using established ethical frameworks, grey areas arise. Utilitarian based ethics dictate that an action is only as ethical as its consequence. Because stealth marketing results primarily in negative consequences to society, the practice would be considered unethical from this standpoint.

Virtue based ethics teaches us to act honestly, compassionately, and with integrity in all situations. Yet, stealth marketers use deception and deceit to lure the public into paying attention to their promotions. Such tactics are clearly not virtuous in nature, and thus stealth marketing can not be considered ethical under this framework either.

But the issue is not as simple when examining the phenomenon from a deontological standpoint. Deontological, or duty-based ethics, dictate that certain circumstances or relationships result in the creation of strict moral imperatives or “duties.” Stealth marketing creates in a conflict between an advertiser’s duties to its company and its duty to its customers, and this conflict makes it difficult to determine the duty-based ethicality of the issue.
However, Walter Carl’s study demonstrates that this deontological conflict can be avoided altogether by disclosing one’s promotional activities to the public. What make Carl’s experiment so vitally important, is that it establishes that the deception that is so central to stealth marketing is completely unnecessary. By simply identifying their true intentions, marketers can fulfill both their duty to shareholder and to customers, and they can do it in an honest and ethical manner.

Therefore, we can confidently conclude that the practice of Stealth Marketing is unethical. However, we have also demonstrated it is not that product placement, guerilla marketing, and VNR’s are inherently wrong; rather these tactics become unethical when used in conjunction with dishonesty and deception. If Turner properly identifies itself and its product during its next publicity stunt, then the company can avoid the problems it experienced in Boston. Similarly, if newscasts that utilize VNR’s, and if movies and TV shows that implement product placement begin introducing some sort of disclaimer that they are using promotional materials, then their actions would be far more ethically sound.

We are not advocating that companies stop using VNR’s, product placement, or Guerilla Marketing, rather that they implement such promotions in a more responsible manner. Companies should continue to search for innovative, creative and fun ways to advertise, they should simply remember that, as Professor Carl demonstrated, any such effort can be an effective marketing tool without the use of secrecy and deception.

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Ethics and Technology
Technology: Protecting Privacy

By Shannon Doyle and Matthew Streelman

“The technology which was viewed as a great threat to the human right of privacy doesn't have to be a great threat. It can also be an enabler and a facilitator.”- Stephanie Perrin

Technology, specifically information technology, has been expanding and evolving at an alarming rate. Today governments, corporations and even your next door neighbors have the ability to collect, organize and track copious amounts of very personal and yet very public information. Once digitalized, this data can be hard to recapture and control. Legislation has provided little aid to develop online consumer privacy protection laws, however, there is growing public demand for better privacy protection options. The public is slowly beginning to realize the magnitude of the problem, “computers have elephant memories - big, accurate, and long term”. The more data that is collected on individuals the more they are beginning to realize how vulnerable they are. A simple Google search can provide a lifetime of information on people, where they were born, how much they bought their house for to how fast they ran their last marathon. Technology is obviously aiding in the erosion of personal privacy and society is beginning to awaken to this fact. Fortunately, just as technology is fuelling privacy vulnerability, it can be harnessed and used to protect privacy. That is why advances in technology accompanied with increased social demand for more protection will substantially counter the problem of our eroding privacy.

Privacy: A Working Definition

To help understand how privacy is being restored through technology we have to examine and define two key issues, a definition of privacy and whether people believe they are losing it. To show that dwindling privacy is a real issue, a telephone survey of 1,000 adults conducted by the Center for Survey Research & Analysis at the University of Connecticut for the First Amendment Center and American Journalism Review found that 81% of people said that their right to privacy was “essential”. This is a greater number of people from when the poll was conducted in 1997 when only 78% reported privacy to be “essential”. This poll gives us a clear indication that the people of America do in fact value and demand their personal privacy.

The word privacy has taken on different meanings throughout time. Privacy was first defined through law with the Supreme Court’s interpretation of the Fourth Amendment in the 1973 court case, Rowe vs. Wade. The courts ruled based on the idea that everyone has certain inalienable rights; one of those was a “right to privacy”. It is most beneficial to look at a fundamental definition of the word as it is now used and understood in current society. For the sake of consistency and clear understanding throughout the paper we will look at privacy as a combination of two theories.
First we look at a theory presented by a prominent faculty member, Michael Boyle of the University of Calgary who specializes in privacy in a technological setting. His theory breaks privacy down into three basic elements:  

- **Solitude**: control over one’s interpersonal interactions with other people  
- **Confidentiality**: control over other people’s access to information about oneself  
- **Autonomy**: control over what one does, i.e. freedom of will

We can see that the common notion throughout these elements is that of control, specifically over one’s being and the access that others have to it. This idea of control is a key point as a recent poll of over 1,000 adults showed that 79% of people said that “it is extremely important to be in control of who can get personal information”. Control of your privacy can be administered in many ways with specific regard to the use of the internet, including choosing what information about yourself is and isn’t available in a public forum and the validity of this information. This control also applies to information that you did not choose to have available but nonetheless has become so. To clarify, we would define a public forum as one that has a relatively easy, low-impact method in which to participate. Looking at privacy based on this theory is beneficial because it gives us clearly defined terms which we can specifically and easily apply to most situations, including those occurring virtually. Control of information is becoming increasingly important, and having a frame of reference in which to analyze and interpret its effect on or direct link to privacy is critical.

The other theory that we will combine to create a framework for how we view privacy is one created by Tavani. He explains the theory of Restricted Access/Limited Control (RALC) as having three components “the concept of privacy, the justification of privacy, and the management of privacy”. He continues by breaking each of these components down with specific definitions, but for ease of understanding we will give a general synopsis of this theory. It is about the situational aspect of privacy in which the word situation itself is left open to include any number of things such as a physical location or a relationship. The RALC theory defines privacy in terms of “protection from intrusion and information gathering by others, through situations or zones that are established to restrict access.” RALC specifically does not take into account the role of control and how that can have an impact on one’s privacy.

For the reason that RALC does not take into account the aspect of privacy control, we felt it was important to combine these two theories into one working definition. This way it could incorporate both the aspect of the situation and the level of control one has of their privacy in that situation. It is also important to understand that we do not claim to know what the future holds, nor do we think that any one theory can be held as consistent and forever true in the changing environment and growing realm of technology. Here, now is how we will represent the privacy that people are currently demanding.

**Privacy** - A situational framework in which one has the right to demonstrate various levels of control with regards to who, where, when, and how information about their personal selves can be administered. Also taking into account an inherent level of control that one has over the validity of this information, and the reliability of the situation in which they choose to divulge, alter, or withhold their information.

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1 This theory is Boyle’s interpretation of combining Altman’s theory and incorporating elements of Gavison’s theory into his own privacy theory.
A Matter of Ethics: Analyzing the Situation

The main purpose of this paper is to show that losing privacy in the technological realm is an ethical issue that everyone in the new millennium is facing, and to show that this issue is actually being resolved through the mechanics of the capitalistic society in which we live. In order to convey this point, first we need to assess whether, in fact, there is an ethical issue that needs addressing. To approach this issue we will be using an ethical theory based on the principles of social ethics with a particular focus on justice, expanded upon by Thomas Hill. This theory is based on the largely formal, and widely accepted, principle of acting in a way that maximizes the good of all. We will present our issue based on the ideals and definition of privacy stated in this paper; and from that more specifically to privacy in an on-line environment of personal information. This will show that indeed losing one’s personal privacy is increasingly becoming an ethical concern because of how and when it is being done. Hill’s interpretation of this ethical theory of social justice has five principles to analyze a situation in order to determine its ethical substance and relevance.

1. There must be a basic security, meaning a person is free from murder, theft and adultery, in order to find an intrinsic value in the opportunity.
2. A basic principle of honesty is expected from every man, taken to the extent that they are at least representing themselves with the best of intentions.
3. A principle of impartiality suggests that similar cases must be treated similarly and to refrain from favoritism when addressing individual claims.
4. A principle of proportionality in justice is necessary for dealing with dissimilar situations, assuming that the punishment should match the crime.
5. The principle of equality also needs to be recognized, in that, every person should have equal voice and should be treated the same until proven they require different treatment.

The next step is to then evaluate an individual’s privacy in an on-line setting against these five principles to determine its ethical relevance.

First, we look at the principle of basic security. Theft was specifically noted by Hill as a basic security, and identity theft in particular has been an ever increasing threat to on-line users. The next principle to evaluate personal privacy against is honesty with regard specifically how people portray themselves through actions and intentions. This is a unique issue when applied to an on-line setting, as the inherent nature of the environment is virtual, allowing its users to create any reality with minimal accountability as to the validity of their personal representation. This has become an ethical issue because it creates a forum to change and represent oneself in any manner with little to no notice to other users. Next we should evaluate this virtual world against the idea of impartiality. One aspect of people’s privacy when they participate in almost any on-line environment is that of information gathering done by companies with respect to anything from your name and what sites you visit to your financial status and transactions. This information is collected by a magnitude of companies and government entities with the purpose of using favoritism to apply this data in specific manners such as marketing tactics and terrorist profiling. This principle asks that the situation be weighed in an impartial manner, with the outcome then being proportional in weight to what was done. In regards to proportionality we would argue that a person’s privacy can often be revoked with dire consequences after a very small, possibly even unnoticed at the time, act is committed. Take for example a person using a service such as EBay. Millions of transactions occur every day through their payment system of PayPal, most happening with only the desired consequence of receiving your ordered item in the
mail. However, through dishonest practices it is possible for individuals to use this engine of PayPal to create separate accounts that are able to contact eBay users through email. If a user then responds to this fraudulent email under the impression that they are going through the necessary steps to get their desired purchase, they can inadvertently give away their bank account information allowing the perpetrators access to all their funds. This seemingly simple act of replying to an email has then set into motion events that lead to their money being stolen, a consequence that far outweighs the user’s initial actions. Lastly we examine a person’s privacy on the internet against the principle of equality. This is harder to evaluate as there are different planes on which to examine equality, such as equality of one person as compared to another or the equality of information exchanged. For arguments sake we will say that it is based on the equality of one person as compared to another. There is an inherent lack of equality when it comes to representation on the internet, as there are certain financial and educational barrier to be able to use the internet in the first place, and additionally the internet is a place where it is possible to project oneself in any manner one chooses, making it impossible to find any real equity between people.

After examining our situation of eroding privacy on the internet against Hill’s ethical theory of justice, it is easy to conclude that there is in fact an ethical dilemma at hand. People are losing their privacy, losing control of the situation and their information in manners that we have proved are unethical. It is also important to now look at how one, and in fact our society on whole, should attempt to address and continue to remedy the problems that arise from such an ethical dilemma. We would argue that solutions are already occurring in our society through the mechanics of the capitalistic system that now exists. The fundamental nature of capitalism is that of supply and demand, when there is demand for a product or service, it will create a method upon which to satisfy that need through the supply of our economy. This is exactly the case when it comes to issues of privacy on the internet.

**A Matter of Technology: What does it have to offer?**

The overwhelming sentiment towards technology is that with its evolution, people’s personal privacy has increasingly become under attack. With the speed of computers continuously increasing, along with the growing connectivity of the world, this is an understandable feeling. The ease at which information is now able to flow is frightening. “Once information is captured electronically for whatever purpose, it is greased and ready to go for any purpose.” This information can be sliced and diced thousands of times with relative ease and all in a matter of minutes. Not only can one’s personal information be manipulated, but that data can be accessed by millions of people online. A growing number of people are realizing the dangers of this and are beginning to find a solution. In her opening remarks to a Federal Trade Commission workshop concerning the protection of personal information, Stephanie Perrin with Digital Discretion, a privacy consulting firm, notes, “The technology which was viewed as a great threat to the human right of privacy doesn't have to be a great threat. It can also be an enabler and a facilitator.”

When you look at a capitalist society the premise for change is that when people want and value change the market works in such a way to bring it about. Thus, in order for privacy-enhancing technologies (PETS) to work, a demand must be present. A current problem for PETS is that a portion of the public does not understand to what extent their personal information is exposed. Education of the public can aid in this aspect but the critical issue is examining whether or not the general public value privacy and to what extent. People today, “want to communicate a fair amount about their identity. They want to be found, in many cases, as much as they
sometimes don’t want to be found”\textsuperscript{12}. This dynamic is shown through social networking websites such as Facebook and MySpace. On these sites, people willingly provide personal information in order to connect with friends and family. PETS face a classic psychological dilemma that could severely slow the rate of consumer adoption. Consumers do not want to give up extra resources now for a seemingly intangible benefit in the future. Understanding the motivation of the consumer is essential in examining the development of PETS but it is even more important in predicting the future development of PETS. As stated by Danny Weitzner of the World Wide Web Consortium, “we have to accommodate and recognize the fact, as we build these systems [and products], that the production of culture requires the exchange of identity. Commerce requires the exchange of identity”\textsuperscript{13}

It should be noted that many obstacles above and beyond consumer demand hinder the adoption of PETS. These obstacles include government regulation due to national security concerns and to judiciary rulings regarding the legality of various privacy protection practices. Although these are very substantial obstacles, it is beyond the scope of this paper to address these specific concerns.

When applying Boyle’s three basic elements of privacy to today’s privacy enhancing technology, it is primarily focused on anonymity which is closely related to solitude. These technologies are focused on minimizing the amount of information that can be collected on an individual by disguising and encrypting the actions of that individual. The most basic and most used example of this technology is screen names used in instant messaging programs. Screen names allow for an individual to disguise their identity while still allowing them to interact with other individuals. A more sophisticated example of this technology is a software toolkit called Tor. The goal of Tor is to allow for anonymous communications. This includes anonymous web browsing, email, instant messaging and even web publishing. Tor specializes in protecting people from what is called “traffic analysis.” Traffic analysis can be used by a variety of people with its intent being to find out who is talking to whom over public connections. It can be used to collect and track peoples’ internet behavior.\textsuperscript{14} The idea of traffic analysis is a prime example of people losing control of their privacy in situations disproportional to their potential consequences; thus can be classified as unethical by Hill in our analysis. Tor is a great example of the ability of technology to solve several issues of privacy erosion but it serves as a poor example of the monetary potential of these technologies. Tor is a free software download and utilizes donated servers and bandwidth in order to operate. Although this does not bode well for a business, it does aid in the security enhancement of its users. “The variety of people who use Tor is actually part of what makes it so secure. Tor hides you among the other users on the network, so the more populous and diverse the user base for Tor is, the more your anonymity will be protected”\textsuperscript{15}. Tor is dealing with the same problems many new technologies struggle with, in order to be effective it requires wide spread use but in order to gain wide spread use it must be effective. Regardless, minimization provides a great framework for understanding the current goals of PETS. We will see that as technology continues to advance, so to do the goals of PETS.

As the need to protect and control one’s privacy has become more of a desirable commodity, companies have begun to expand their technology into other components of Boyle’s three basic elements of privacy. This includes moving away from information minimization, which highlights solitude, and into information transparency which highlights confidentiality and autonomy. These technologies primarily attempt to automate privacy standards and allow consumers to easily find out what information is being collected on them. An example of this
technology is seen in the Platform for Privacy Preferences Project (P3P). P3P, “enables websites to express their privacy practices in a standard format that can be retrieved automatically and interpreted easily by user agents”.\textsuperscript{16} P3P is responsible for the small lock that can be found in the corner of most web browsers. The lock is closed when the website complies with certain privacy standards and it appears broken when the website does not comply with those standards. The standards are set by the user and can be tightened or relaxed as needed. Along with providing instantaneous feedback on the privacy policies of the website, it also provides a means to access the written policies of the company. The downside of P3P is that it as of now merely acts as an inspector and not as an auditor. P3P can tell you what a company has said it is going to do with your information but it has no way of making sure the company follows through with their own written procedures. The inability of P3P to audit the various websites highlights a violation of the honesty principle in our ethical framework; however it is then giving users increased control over the situation by allowing them to know what the company is or isn’t doing with their information. As the technology continues to evolve and gains the ability to audit websites, it will strengthen the ethical integrity of these various websites. Currently the bottom line is that it still comes down to the integrity of the company. P3P is a great technological advancement but more importantly it marks a noted shift in PETS. This shift is from minimization to transparency and automation. The fact that P3P is operating behind the scenes and does not require user interaction is a major advancement that is sure to be built upon in the future. Again, P3P serves as a good technological example and a poor business model. P3P is a non-profit organization dedicated to increasing consumers’ education. Fortunately P3P has been considered as much of a cultural phenomenon as it has a technological one. P3P has created a unified force that emphasizes the issue of privacy and in turn has driven companies to examine their privacy policies. In many cases, it has driven businesses to create their first privacy policies. P3P has made the companies aware that consumers are becoming more and more concerned about privacy and that they should seriously examine the demands of their customers and how that equates into ways for them to protect and control their personal information.

Looking into the future, it is quite clear that PETS are going to grow in importance and in acceptance through the mechanics of our capitalistic society. It is important that developers continue to monitor consumers’ wants and preferences in order to maximize acceptance and adoption rates. The overwhelming trend in PETS is ease of use through automation. Stephanie Perrin with Digital Discretion makes it loud and clear. She says about future products, “It's got to be easy. It has to have no additional consumer burden, no load. People want it for free. They want it bundled with their products. They don't want to be nickeled and dimed to death”.\textsuperscript{17} Consumers will begin seeing PETS integrated into everyday products such as their web browsers. Perhaps there will be an icon that allows you to turn on and off an anonymity feature. Perhaps P3P will evolve into an auditor as well as an inspector. That way, if a site claims one thing and does another, P3P will be able to warn you and or just not allow the site to be displayed. Regardless these technologies have nothing to do but improve and strengthen the unethical erosion of privacy. Currently, PETS act as add-ons to pre-existing infrastructures, there is a strong push to begin constructing PETS into the infrastructure. “Whether we're talking about the traditional PETS that are about minimization, or whether we're talking about technologies like P3P -- technologies based on P3P -- that enhance user control, which enhance transparency and choice, these have got to be built deeply into the infrastructure”.\textsuperscript{18} The infrastructure can be the programs developed or it can be the actual architecture of the internet.
The benefits of integrating privacy controls into the architecture of programs and the internet would provide the necessary tools for an all encompassing pro-privacy environment.

Conclusion

By mixing the privacy frameworks put forth by Boyle and Tavani, a working definition of what privacy is was created. It was defined as the right of an individual to control one’s interpersonal interactions, to control people’s access to personal information and to control what one does. Our argument then continued by acknowledging that privacy is circumstantial and therefore hard to pinpoint in every situation. It was important to combine multiple theories in order to develop one working definition that incorporated both the aspect of the situation and the aspect of control to make privacy more comprehensive. We continued by applying the situation of personal privacy to Hill’s ethical framework of justice which allowed us to better show the magnitude of the issue and show exactly where the ethical issues are. After setting up this very important groundwork we were able to show how, the supply and demand properties of our capitalistic society is working with little help from legislative bodies to remedy the ethical privacy dilemmas everyday Americans are facing. Through the development of PETS, P3P, and programs such as Tor the market is responding to this ever increasing issue of consumer privacy. While it was argued that these are working to make the internet a safer, more private environment, it is important to note that these are not complete, comprehensive defenses to privacy erosion. These advances are simply the steps that society is taking as a whole towards meeting its own demand, and they will continue to evolve as consumers’ needs and demands evolve, thus perpetuating the cycle of American capitalism.

Work Cited


Convenience and Safety vs. Privacy: The Ethics of Radio Frequency Identification (RFID)

By Paul Liao, Alexis Smith, and Connie Wang

“The identification chips, contained in a glass capsule that's slightly larger than a grain of rice, were injected into their upper arms by a syringe-like device. When activated by a scanning signal, the chips send out a unique 64-bit code that can be linked to the person’s identity, along with all sorts of other pertinent information, like security clearance.”

A mother is panicking because she cannot find her child at a busy daycare. The daycare provider quickly sweeps an electronic wand around the playground: within seconds, the child’s exact location is identified due to a RFID chip implanted under his skin, and the worried mother is able to find her child immediately. While this scenario seems a little far-fetched, technology has been developing so quickly that a situation such as this is not as far off into the future as one would imagine. Radio Frequency Identification, or RFID, is an electronic identification method that utilizes radio waves. RFID can use various methods for identification, but the most common method it uses is storing a serial identification number with personal information on a chip, which is attached to an antenna and can then transmit information to a reader. RFID chips or tags are used for storing or identifying information, and can have an unlimited amount of uses, from inventory control to human implantation. Like bar codes, RFID is extremely useful for processes such as tracking inventory, but as an added benefit, can be read from further distances and for more complex purposes.

Ethical Issues of RFID Technology

Because RFID technology raises numerous ethical issues, we will evaluate these issues through utilitarian and consequence-based ethical frameworks. Utilitarian-based ethics focuses on what provides the greatest good for the greatest number of people, while consequence-based ethics emphasizes the importance of the outcome of every decision, rather than the means used to reach that decision. Although there are ethical concerns with some aspects of human implantation of RFID chips, the overall benefits that RFID technology provides, including increased safety and efficiency, outweigh the concerns. In regards to consequence-based frameworks, the privacy that may be lost far offsets the safety that will be gained by the technology. We believe that while RFID technology has enough benefits to be a useful technology, it needs more control and regulation to make sure it is safe from potential abuse.
Background

Technology for the RFID chip has been in development since 1946, when a device utilizing radio waves was invented for espionage. Since then, similar technologies have been used, but the technology in a RFID chip today boasts the most complex and foolproof technology to date. The RFID tag itself is about the size of a pinhead or grain of sand. The tag includes an antenna and a chip that contains an electronic product code. Information is transmitted from the antenna to a reader, which is then transferred to a computer that can read the information contained in the RFID chip. The transmission range as of yet is only around four feet, but the potential to increase this range is endless. With technology advancing so fast, we could expect the RFID tags to eventually replace the barcodes as identification system of choice. The electronic product tag stores much more information than a regular bar code is capable of, such as when and where the product was made, where the components come from, and when they might perish. Unlike barcodes, which need a line-of-sight to be read, RFID chips do not need a line-of-sight to be detected.²

The major problem until recently has been the costs associated with RFID. The cost of these chips has not yet reached a point where they are cheaper than current technologies, such as bar codes. Researchers estimate that it still costs around 50 cents for each chip for every product, whereas traditional conventional labels still cost around one cent. The benefits of RFID have still not made the cost per chip worthwhile for most companies, which researchers have estimated to be around $9 million to implement for a typical supplier. The only area where RFID has proved to have a better benefit than cost is in the area of individual human implantation or high-margin products where the 50 cent cost becomes negligible.

There are two main types of RFID chips, active and passive tags. An active tag uses its own battery power to contact the reader. It works at greater distances than passive tags, but has a drawback because of the larger size. A passive tag does not require a battery, but it derives its power from the electromagnetic field created by the signal from the RFID reader. This generates enough power for the tag to respond to the reader with its information, while the range is smaller than active tags. Since no batteries are needed to make the tags function, the useful life is almost unlimited and the size is much smaller than that of active tags. In any case, the key feature of the technology is the ability for an RFID-tagged object to be tracked instantly from anywhere in the world, provided that reader is in range.³

Applications

RFID is intended to have many applications, and can be used in a variety of products. Some examples include use in passports, transport payments, inventory control and tracking. Governments have recently started putting RFID chips into passports as a means of identification and to store information. Today, they are also used in wireless systems: for example, the E-Z passes you see on turnpikes. Countless cities and countries have instated RFID technology in their freeways as a quick form of payment. Cars with RFID chips in them are scanned at tollways, and can automatically be let through based on the information stored in the RFID chip. The major benefit expected from RFID is its potential for revolutionizing the supply chain management, but RFID could have many applications, ranging from payment collections on highways, finding lost kids/animals, tracking of loss or stolen cell phones, or credit card payments.

Several factors will determine the speed at which RFID will enter the mainstream market. The first factor is how many companies will mandate their business partners to use RFIDs. This is a major obstacle because many companies are not on an up-to-date and/or have non-
compatible systems. Therefore, a company must invest large amounts of capital not only on software and hardware, but also on people to implement and support, which many companies may not be willing to spend extra dollars on. Spending the money is inevitable, so for some companies, the best solution would be to package a service using Microsoft’s RFID infrastructure. .NET is Microsoft Web service’s strategy to connect information, people, systems, and devices through software. It includes the power of the .NET Framework, SQL Server and Visual Studio .NET. Microsoft .NET is a key part of realizing Microsoft’s goal to provide customers/companies with great experience – any time, any place, and on any device – to make integration and deployment of RFID easier and less costly.\(^4\)

Another factor is the success of attempted legislation to limit the amount of information on the tag, or to force removal of tags when a customer pays for the items. One of the biggest fears is if the tag remains active after the purchase of a product, this could potentially enable marketers with the ability to track information about the product after it leaves the store. More legislation will be attempted to pass to protect the privacy of consumers, such as the Washington State’s House Bill 1031. If passed, it would impose rules on how companies could deploy RFID and retain personal information gathered via the technology. But as of right now, there is a major lack of industry standards. Due to this lack of industry standards regarding the use of personal information that could be encoded on the chips, many privacy advocates have called on companies to state their intended use of technology. However, as of yet, no federal agency has come forth to regulate the usage of the technology which is spiking lots of organizations or groups that want to stop the use of RFIDs. These groups have started websites such as http://www.spychips.com\(^5\).

One additional ethical implication of RFID is the concern of possible identification of consumers who purchase products with implanted RFID tags. Much like data mining, RFID chips will provide volumes of information about a certain consumer and his/her buying habits. Although companies can claim that they are utilizing this information purely for marketing purposes or to track buying habits, there really is no guarantee that this is all the information will be used for. Also, by compiling information about a customer without their knowledge, consumers run the risk of companies getting asymmetric information about them. This illustrates a major concern that people have about RFID: the fact that they are not aware of the volume or type of information that is being collected on them, a definite invasion of privacy. In addition, if a customer uses a loyalty card such as a frequent buyer’s card or member’s card in conjunction with a credit card, a very high risk of matching a customer’s purchases to their identity exists.

In spite of the factors mentioned above, RFID is a technology that can vastly improve efficiency and reliability in many areas, especially in the supply chain. Using RFID in improving supply chains is the key in the ongoing development of the tags. Supply chain management can be defined as the management of all the activities along the supply chain from the suppliers to customers, which also includes ordering, monitoring, and billing. In current IT (information technology), there are a few software solutions for managing supply chains, such as the ERP (Enterprise Resource Planning) Software.\(^6\) While ERP software can help manage both the internal and external relationships a company has with its business partners, companies are always actively looking for new and more foolproof technologies to ensure dependability and consistency.

**RFID in the Supply Chain**

So how can RFIDs improve supply chains? If everyone along the supply chain from the retailer to manufacturer to the supplier has the tags, automatic alerts can be sent within each
company and between companies. The need for manually counting inventory would become obsolete, as the RFID tags can automatically track the location and quantity of inventory at any given moment. As an added benefit, other companies would have visibility of the current state of another company’s inventory, to ensure things are running smoothly or to check on the status of the inventory. Benefits, like rapid checkouts and automatic billing, can be used to eliminate the need to scan each and every item. Other benefits are real-time information about merchandise, ability to control inventory, ability to prevent theft, and expedited processing of relevant information.\(^7\)

Wal-Mart Stores Inc., the largest grocery retailer in the United States, is one of the pioneer companies to incorporate the RFID tags on their shipments. In April of 2004, Wal-Mart launched its first live test of RFID-tracking technology. Wal-Mart used one distribution center, eight suppliers and seven stores in Texas to conduct this test. When the cases and pallets passed near an RFID reader, the chip was activated, and its unique product identifier code was transmitted back to an inventory control system. These cases and pallets were delivered to the distribution center, and the installed RFID readers at the dock doors notified both shippers and Wal-Mart of the kinds of products that were stored. Wal-Mart started to place RFID tags on cases and pallets from its top 100 suppliers in March 2005, with only positive results. The RFID technology was 100% compliant, as the system has proven not only to improve the supply chain, reduce theft, increase sales and reduce inventory cost, but has also helped Wal-Mart’s supply chain gain visibility and accuracy. The trial was successful enough that in November 2005, Wal-Mart started a joint exercise with Target, which brought them to a total of 13 suppliers with whom they shared data. In February 2007, Wal-Mart had a slight setback when they shifted their plans from distribution hubs to stores, due to the botched installation of RFID in some of their distribution centers in 2006. In addition, many Wal-Mart suppliers have not been able to find enough benefits or cost saving in their part of supply chain to justify using RFID. However, Wal-Mart plans on continuing their adoption of RFID tags for the future.\(^8\)

With that in mind, what does the future hold for RFID? Well, as stated and supported above, the future looks bright for RFID, since most of the problems seem to be technical, marketing and lack of standards. From the IT perspective, Wal-Mart should have set a standard by offering a complete package include the software and communication linking it. Another problem is the current high cost of an RFID chip, which makes companies hesitant to implement it as the price is steeper than present technologies the companies are using. Nonetheless, once these obstacles are remedied, RFID will become “the next big thing.” It will be a leading solution to many major problems in the business world. To put it in perspective, current indicators show that a few million dollars in software, hardware and human resource capital will soon be well worth the cost-saving potential in this system.\(^9\)

**RFID for Human Implantation**

The more controversial ethical issues with RFID deal with such chips being used for implantation into humans and animals. They are implanted so that they can be used to store information or as a tracking device. Usually in pets, such as a dog or cat, the RFID chip is implanted into the ear and can be used to locate a pet that has gone missing. It is also used in tracking cattle, goats and sheep. Almost every veterinarian has the ability to use implantation in their clinic, proving that RFID has proven to be an extremely useful technology when it comes to tracking animals for their owners or other such purposes.\(^10\)

RFID chips for human implantation, however, is a recently growing trend that has some people feeling more uncomfortable than implantation in animals. A company called VeriChip
has developed a RFID chip that can be implanted into humans. It is only 11mm long, can be read from four feet away, and it is designed to go under the skin so it is unrecognizable. The creators of this RFID technology designed it with the idea in mind to be implanted into children, Alzheimer’s patients in danger of running away, and anyone else with a medical disability. The creators of the VeriChip have also created the VeriMed, VeriPrime, VeriKid, and the VeriPay.

One use for the VeriChip is for it to be implanted into immigrants. The VeriChip would be encapsulated in glass and then injected into flesh, which could then be read by a radio signal silently and through clothes. It would be a way to number and identify individuals, as well as a way to monitor the influx of immigration. The idea of implanting the VeriChip into immigrants has recently been heightened by the Bush administration, with proponents saying that we need to know “who is in our country and why they are here.” The chips could also potentially be used for identifying guest workers to know when they cross the border, and ensure that they do not overstay past their allotted time. If immigrants were implanted with the chip, employers could also then be monitored for enforcement purposes. While some may say that it is the government’s job to regulate immigration and prevent illegal immigrants from entering the country, this instance of utilizing RFID technology seems to be a little extreme. Looking at the matter from the previously mentioned utilitarian and consequence-based ethical frameworks, implanting immigrants with RFID chips would probably have fewer benefits for the general population as a whole. Some may claim that illegal immigrants take jobs, but other than that, there is no real harm being done by the immigrants. The real issue is the entire right of a human being to have control over their own lives and be able to live without constant monitoring and removal of freedoms. In this instance, we do not agree that RFID technology would be beneficial, as removing innate freedoms from human beings is a far larger issue than illegal immigrants entering the United States. If something like this was allowed, one might start to question where the government would draw the line. What would stop them from next implanting RFID chips into their citizens to make sure they don’t violate any laws?

**Privacy Issues with RFID**

Understandably, implanting RFID tags in humans causes many concerns with the public. The three main types of privacy that RFID technology violates include location privacy, information privacy, and decision privacy. With these tags, an individual can be profiled and tracked without their knowledge, infringing upon an individual’s right to keep their location private. Moreover, there is no protection against other unauthorized parties tracking those with RFID chips. Many worry that a person may be implanted with a chip for a certain reason, but the scope of monitoring may go much further than the person thinks. For example, someone who has an RFID chip implanted because of medical reasons may be tracked and unknowingly giving information to those outside of those reasons, going against an individual’s right to information privacy. Also, because outsiders can gather and utilize information about people without their knowledge, they can make decisions for people and control the access of information they have without their own personal choice. There is the fear of intrusion of privacy as well as the Big Brother factor. Who is watching us and how much do they know about us? Also, how do we know that the information is being used for what companies say it is being used for?

**Benefits to Human Implantation of RFID**

Another way in which the RFID chips are being used is to hold medical records (VeriMed.) If someone were to be in an accident or need medical attention for another reason, the chip would be able to tell health care specialists of their medical records and possible needs
without having to do blood work or some other kind of test. A radio frequency reader, like with all RFID chips, would allow a specialist to retrieve records such as x-rays and medical history quickly so that they could immediately treat a medical issue. The chip could also be in the form of a bracelet instead of being implanted under the skin. This causes concern with some people since it is unknown who has the right to the information contained in the chips and when they have a right to the information. Advocates for the VeriMed argue that the life-saving benefits far outweigh any privacy issues that may arise.

During the September 11th attack, firefighters were writing their badge number on their arms so that if they were found and were unrecognizable, they could be identified. This brought about the idea of implanting them into the human body. The RFID tags would allow the reader to identify anyone regardless if they were disfigured or trapped. Richard Seelig implanted a RFID chip into his arm and after verifying that it worked, the VeriChip was born. Approximately 1,000 or so chips have been implanted into humans to date, mostly outside of the United States and there have yet to be any known side effects.\(^\text{13}\)

The use of the chip would also heighten security by only allowing certain people into secure areas. They would be known as safe because the reader would identify an individual and allow them or not allow them into certain areas. This would certainly prevent unauthorized people from entering these areas, and also prevent errors that might let in the wrong people. RFID technology is currently being used in Latin America in order to try and curb the kidnapping epidemic in that area. Once outfitted with a RFID tag, it would be much easier to locate and track people who are kidnapped. The advocates for the VeriChip argue that between keeping their families safe and keeping their families private, they would much prefer the safety.

The RFID chip does not necessarily need to be implanted into the skin. There is also a bracelet that can hold the chip and can emit the same frequencies. These are currently being used in prisons to track inmates and trace their movements in case they need to later investigate their actions. Since the installation, violence has gone down 60%.\(^\text{14}\)

As RFID technology improves, the possibilities of RFID chips has continued to grow: it has extended to such lengths as to keep children safe, identify soldiers in wartime, monitor employees, help Alzheimer patients and their families, and even as a quick and easy form of payment. Some of these ideas seem smart and beneficial overall: soldiers’ remains could be identified almost 100% of the time, Alzheimer patients’ families could always locate where they were, and children would never get lost. In these instances, the general population would be better off overall, and the outcome would be a positive one, making RFID technology acceptable according to utilitarian and consequence-based ethical frameworks. Recently, a Japanese elementary school in Osaka outfitted all its students with a RFID tag to prevent them from wandering off. The ultimate expansion of RFID technology can be seen by the opening of a new nightclub in Barcelona, Spain. Customers were offered the chance to have RFID chips implanted inside of them so that they could enjoy member benefits and directly pay for drinks, instead of carrying around cash.\(^\text{15}\) Ideas such as these show the rapid growth of RFID, and while there seems to be no harm in the previously mentioned situations, other uses seem a little more intrusive and uneasy. For example, if companies put RFID technology on their employees, they could very well make sure that the employee was productive and on-time to work: however, they could also use this technology to monitor breaks and the exact location of the employee at all times. Constant monitoring such as this is mildly reminiscent of a police state, which is exactly what many fear will happen if the technology gets out of control.
Concerns with RFID

Concerns over RFID technology continue to mount despite some of the benefits of the RFID chip. Because so many people have showed their concerns about privacy issues pertaining to the device, many companies have abandoned plans to use the tags. Another problem with RFID chips is that because of the accumulated amount of information the tag is able to store, they are more vulnerable to theft and abuse. The technology has yet to be developed to encrypt the information stored in a tag so any random individual can spy on those people possessing tags. Impersonations could grow since one could copy the information from one tag and duplicate it on another and claim it as his own.

Eventually, every wall socket could become an RFID reader. This could increase surveillance and feed into a government database. This could be positive in that it could make us safer, but it could also make information about ourselves available to everyone without our knowledge. The potential for RFID technology to spiral out of control remains high, and for now, there is no one to ensure that RFID technology will be safe and free of abuse. Some argue that RFID technology is just one more step towards the government removing more of our freedoms.

Standards & Regulations

While the potential benefits of RFID technology are clear and abundant, there is a definite need to regulate the development and implementation of RFID technology. Not only must standards of regulation and operation be developed, but RFID technology raises privacy and security issues because of the passive and open nature of the technology. Federal Communications Commission (FCC) has laid down numerous regulations regarding this issue. For example, all RFIDs must obtain certification from the FCC, which requires an application containing legal information about the device and the filing party. RFID products using the UHF 902-928 MHz bands have to comply with rules in Section 15.247.16

Even though RFID has still to gain popularity in terms of usage and implementation, a number of bills have already introduced by the federal government concerning consumer privacy. Many states such as California have been working on bills that would regulate the use of RFID and also address the concerns of consumer privacy.17

Conclusion

The usage and technology of RFID chips continues to grow, but along with this growth comes a sense of apprehension. RFID chips have proven themselves to be extremely useful in supply chain management, and they also have infinite possibilities in making many current processes more error-proof and safe. In addition, RFID has made it possible for humans to find pets, and for quick and easy identification of patients in medical emergencies. The main ethical concern exists, however, if all the benefits of RFID are worth the decreased privacy they will cause. Main worries include constant monitoring, hacking, possibilities of abuse, and unauthorized monitors. While RFID technology is more than capable of ensuring safety and reliability, many wonder whether the cost of safety is worth the gradual elimination of our privacy. Using the utilitarian and consequence-based ethical frameworks, we believe that this technology is worth the decrease in privacy because of the benefits it provides. However, this technology cannot be completely feasible until a system of checks and balances is implemented to maintain control.
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The Power of Information Control

By: Daniel Pham, Katharine Singleton, and Karl Wonstolen

We urgently need to develop the fundamentals for just and equitable ethics and politics of search engines and to put into place mechanisms for their deployment. - Geoffrey Bowker

How many times in the last month has someone told you to “Google” something? The word has seeped into the English language and practically replaced traditional research methods. Does anyone actually know from where the term and company name originated?

Google is a play on the word googol, which was coined by Milton Sirotta, nephew of American mathematician Edward Kasner, and was popularized in the book, Mathematics and the Imagination by Kasner and James Newman. It refers to the number represented by the numeral 1 followed by 100 zeros. Google's use of the term reflects the company's mission to organize the immense, seemingly infinite amount of information available on the web.

Introduction

The Internet is rapidly becoming America’s number one resource for information. It is fully integrated into the daily lives of many Americans. The Internet is used by millions to check email, get news and weather information, look up movie times, check flight schedules, update online profiles, and perform thousands of other activities. In the world of academia, scientists, researchers and students alike all turn to the Internet to solve their educational inquiries.

Since its creation over forty years ago, the Internet has revolutionized the way information is accessed. Communications that seemed impossible not so long ago are now occurring every second with just the touch of a button. One can access websites posted by governments around the world or talk with someone from another country simply by entering a chat room. The amazing possibilities unleashed by this technology seem endless. At the same time, it is not surprising that with the exponential spread of this revolutionary technology in the last twenty years, the world has not had the time or the capability to fully comprehend the many ethical dilemmas that arise with such advancement.

With this immense database of information the question arises as to how can it all be organized and made accessible equally to everyone. Currently, search engines search are the best answer to that question. They provide the most popular and user-friendly way to access information on the Internet. This bestows them with an immense amount of power over the often important information viewed by Internet users. In less than a decade two major search engines—Google and Yahoo!—have emerged as global leaders. Combined, these two companies account for over 75% of the market share in the industry. Microsoft, Ask.com, and Time Warner account for the remainder. As the Internet is a virtual space “free” from ownership, there is very little regulation as to the methods these private sector companies employ to provide and organize information. Further, they are not required to reveal the processes they use to determine the order in which search results are displayed. Search engines must look at their ethical responsibilities to the public for industry regulation because they exist in an
environment with no legal guidelines stipulating how to use their inherent power over information.

This paper will explore, through contractual, deontological and utilitarian ethical frameworks, why search engines need to analyze their responsibilities ethically. They must recognize the integral role they play in providing information to Americans. More importantly, they need to recognize and accept the ethical necessity to impartially organize and display the information which they so strongly control. There are two main actions that the major search engine companies need to take in order to act in an ethical manner from the three aforementioned perspectives. First, companies should begin tagging web pages returned by their searches as either: “fact”, “theory”, “fiction”, “opinion”, or “advertisement”. Secondly, search engines must start striving to return reasonably equal results when a search is requested on issues with multiple diverging viewpoints. Geoffrey Bowker, the executive director of the Center for Science, Technology and Development at Santa Clara University, echoed this point by stating, “We urgently need to develop the fundamentals for just and equitable ethics and politics of search engines and to put into place mechanisms for their deployment.”

**Statistics**

The statistical data on Internet and search engine use is staggering. It is documented that in January of 2007, the Internet population soared to well over 175,000,000 users in the United States alone. While Google dominates the industry market share with over 47% of search engine traffic, Yahoo sites were actually visited more frequently with nearly 130,000,000 visitors, when Google had just over 113,000,000.

The monetary value associated with having this huge constituency is considerable to say the least. At the close of the most recent financial quarter, ending in December of 2006, Google’s earnings exceeded $1,000,000,000. For the entire year, the company grossed just under $4,000,000,000 in earnings. Additionally, the value of one share of Google stock has risen 289.8% in less than two years from $177 per share in early 2005 to a high of $513 per share on November 22nd 2006. The company boasts continued growth and analysts expect earnings and share value to continue rising. Clearly this company with a stable market share is capable of financially honoring its ethical responsibility by investing in more ethical practices that will provide benefits to the entire world. After all, the company’s informal motto is “Don’t be evil.”

**Assumptions**

Search engines provide an incredible service to those who use them. The strenuous effort and investment it takes to organize unfathomable amounts of information is considerable and cannot be overlooked. However, all the good provided by these companies does not exempt them from the responsibility to make every effort to act ethically in providing their service to the citizens of the world.

Furthermore, we assume that search engines are a corporate entity run by people. Therefore, the corporation and the people running it should strive to be ethically virtuous in order to promote the general welfare of users and all those affected by the knowledge encompassed in their web pages. For this reason, search engines should recognize their responsibility as a gatekeeper of global information and act in a responsible manner by not advancing a specific agenda and by doing their absolute best to objectively organize and present accurate information. We also assume that the magnitude of information on the Internet is too daunting to label in its entirety, however large search engines could label and return multiple views for the most frequently visited sites, and most commonly entered searches in their database.
Ethical Frameworks

We have found that search engines primary ethical responsibilities are derived from contractual, utilitarian-based, and deontological ethical frameworks. We assume an implied contract of service is present between users and search engine companies. Additionally, search engine corporations are entities that, similar to any other, should strive to act in a manner which will provide the greatest good as is reasonably possible. In this role as a corporation, search engines also have a duty to perform for their numerous stakeholders in each of the companies' transactions, both of monetary and information exchanges.

The implied contract, which forms the basis of a contractual ethical framework for search engines, is a growing and changing contractual agreement. As one signs up to become a search engine “member” and customize their search engine home page, they can actually be subject to a contractual agreement. However, if someone just wants to run a search they can from almost any Internet-ready computer without a formal agreement. For these searches we assume an implied contract exists. The searcher is accepting the results of the engine; the engine is using their search data to generate revenue by displaying advertisements and compiling databases. The consumer has a right, due to this implied contract, to expect search results which are philosophically unbiased, unaffected by possible advertiser motives, and accurate when possible. Based on the fact that search engines are making money off these searches, it is a fair exchange of “goods”. Therefore, it is the company’s responsibility to honor this contract—this means making an effort to begin the labeling process.

From a deontological perspective, search engines have a difficult objective of balancing their ethical duty to multiple stakeholders. They have a job as a corporation to increase shareholder value by increasing income. This could be done by selling personal information to marketing firms. However, this is an example of the balance already being recognized because most search engine companies forgo this revenue due to their implied ethical duty to users not to sell their information without consent. The same balance must be found in dealing with advertisers. They have a stake in financial and information transactions because they are paying the search engine to inform consumers about their existence and products. The search engine has a duty based on the fact they are getting paid to increase their advertisers’ exposure. An easy way to do this is to put your biggest advertiser at the top of the search page. This interferes with the search engine’s duty to provide the most apt results for the search criteria even if that means displaying a company which provides no ad revenue at the top of the search.

Contractual and Deontological Perspectives

Search engines post user agreements outlining a contract between the searcher and the engine. These documents all state that the engine does not control the content of the sites they return when queried. They also claim that the engine is not liable for false information provided in their indexed sites. However, the engines state their goals and list their objectives in a non-binding format to provide accurate information. These objective statements show that search engine sites recognize the need to return accurate information in order to retain customers and revenue. The fact that they recognize this provides a framework to analyze the ethical duty of search engines with regard to honoring their contracts or the implied contract created by their stated objectives.

Google claims they want to be “the perfect search engine … giving back exactly what you [the searchers] want.” Users want accurate information relevant to their query. Therefore, Google should begin honoring their desire to please customers by labeling sites as peer reviewed (close to fact), opinion (such as the many blogs that are likely to be returned) and so on. Google
is one of the search engines that states in their “Terms of Service” that they do not guarantee what they return to be accurate. They state that all the sites in their index have not been reviewed by an employee and they therefore do not take responsibility for the information. Therefore, legally then Google does not have to label every site. However, we know that what is legal and what is ethical are often two very different ideals. The company does review some of the sites in their index and because their stated objective is to provide, “what the user wants” the engine’s duty is to begin labeling in order to honor the implied contract created by this claim.

About.com uses the same legal disclaimers stating that the sites they return in a search cannot legally be held to accuracy standards. At the same time they say, “We'll provide you with accurate, engaging content. Like a friendly neighbor, we'll give you frank advice that you can trust.” They have an ethical duty to honor this statement by beginning to label what information they can. Despite not legally having to provide labels of fact or opinion, About.com should return only accurate information in accordance with the implied contract they have created by telling users that they would return accurate results.

About.com already does some of this labeling by clearly stating when a particular site returned by their search engine is connected through advertising with the search engine. This is the ethically responsible action for them to take in order to make sure that when someone enters a search they are not just being sent to sites of the highest bidders. The engine is recognizing its responsibility to return the most relevant sites regardless of advertising income. Now it must go further with labeling to inform the searchers if a site has been reviewed, if it is opinion, and even make an effort to show multiple views on divisive issues.

Displaying conflicting viewpoints can be examined through the same deontological and contractual ethical viewpoints. Because search engines make these claims that they will return quality information, it is their duty to follow through on contract implied by these statements. They can do this by providing useful contrasting perspectives when information is sought on topics that do not have decisive answers. A “good” neighbor is duty bound to not just tell you exactly what they think, but should also give at least an opportunity for you to make a decision by presenting a little bit of the opposite side. This is especially true when search engines tell users they want to be useful and give users exactly what they want. Search engines obviously recognize the power of their information control, therefore it is incumbent upon them to recognize their duty to honor their ethical objective statements and return relevant information on all sides of an argument.

It is granted that search engines cannot possibly create a user agreement which actually guarantees presentation of all sides of every argument or completely accurate information because lawsuits over every minute misstatement would drive them out of business. Therefore, in the drive to return quality, usable information must be ethically based, not legally based. They can however, begin labeling sites and a guarantee of accuracy and non-biased information should be associated with only the sites search engines have reviewed in an attempt to honor their implied user contract.

**The Utilitarian Perspective on Divisive Issues**

A growing majority of Americans would likely say the Internet is their number one source for information. As previously discussed, many Americans would name Google their principal search engine. As a primary source of information in today’s world, Google has an ethical obligation from a utilitarian perspective to display balanced results on controversial and dichotomous issues in order to promote general welfare.
There are many topics that can fall into the category of “split” or “dichotomous”. So, it is important to distinguish the types of information that need to be displayed in a balanced fashion. One could argue that virtually any topic can be considered dichotomous due to the fact that there are at least two sides to every story. However, there are a select number of issues that elicit considerably more passion from people than others. For example, passion driven topics would be politics and religion. Undoubtedly, people will have strong views, thoughts, and emotions regarding these areas and they will differ drastically from person to person. On the other hand, compare those topics to the number of people who have strong, deeply rooted, passionate, and conflicting views concerning the science behind baked beans or ice sculptures—not all topics need to be evaluated in the same manner. The point is that Google has an ethical obligation to ensure that those particular topics that clearly have multiple legitimate arguments are portrayed in a balanced manner that represents all sides equally to the best of their ability.

This obligation can be argued aptly from a utilitarian ethical standpoint. The utilitarian approach emphasizes that the ethical action is the one that provides the most good or does the least harm. In order to determine how Google displaying balanced results on dichotomous issues creates the most good, it is necessary to examine who the stakeholders are. First and foremost, Google Corporation is a primary stakeholder. By Google taking the necessary steps to give equal results to divisive topics, they will become more reputable to the general public and their users. In turn, this will create more traffic to their web site, which will result in more revenues and profit. It is possible that the profit gained from these actions will exceed the cost; therefore, this is also a feasible step from a business perspective. Google’s many stockholders will be rewarded with the increased company value. Furthermore, search engine users as well as the common person will benefit. This unbiased display of results will allow users to assess the given information from different perspectives; thus allowing them to create their own, well-informed opinions—assuming that they wish to do so. As rational people and users of Google, the public will benefit due to the fact that they can turn balanced information into knowledge used in their decision making process.

In order to further illustrate the importance of an equal balance of controversial issues, let us specifically examine the heated topics of politics and religion. If one accepts the premise that Google is a key information source for many Americans, then it is logical to assume that many will look to this tool as a way to research these topics just as they would any other. Given the controversial views surrounding these named areas of discussion, it is even more important for Google to maintain balanced results for the aforementioned particulars.

Consider the issue of politics. Public awareness of political issues has always been at the foundation of America’s functioning since the founding of the country. Public political decisions give our elected officials power to “control” aspects of Americans’ lives. So it goes without saying that who we elect to represent us will have at least some impact on our day to day lives. When elections come around, many will look to Google as a source to find information regarding their possible representatives. The information that is found will serve as rationale to vote for a particular candidate. That vote has serious implications considering it will likely affect the types of actions and policies implemented by the elected officials for years to come. If this holds true, then it is comprehensible that Google has a utilitarian obligation to ensure that its users have the ability to learn information about all candidates. Seeing multiple views is especially important with regard to politics when undisputed facts are difficult to obtain and mudslinging among candidates is ubiquitous. This will allow constituents to make educated decisions regarding who
represents them and the types of policies they wish to have implemented. This is of course assuming that politicians will follow through with their promises to the public.

Next, reflect on the subject of religion. This is one of the most passionate areas of interest for millions or people. Religion inherently instills deeply rooted sets of beliefs in its practitioners. Due to this fact, it is likely that there will be misunderstandings among people who hold different religious beliefs. Hatred and violence can stem from these misunderstandings, which has been made evident from the countless wars and deaths attributed to religious differences throughout history. It is for these reasons that Google has a utilitarian ethical obligation to give equal display of different religions and religious information. In doing so, people will have access to information of different religions which will create a better understanding of others. This will serve the greater good by ultimately improving the world by decreasing the number of misunderstandings, which in turn lowers fear, hate, and violence.

Without a doubt, there are certain topics that search engines should prioritize when it comes to balancing results. By doing so, the companies will be ethically sound from a utilitarian perspective. Shedding light on all sides of controversial issues will ultimately serve the greater good for society and for the company because it will attract more users who appreciate the company’s efforts.

**Utilitarian Ethics Applied to Page Labeling**

As of 2000, 9 out of 10 children in the U.S have Internet access at school and/or at home. It seems inevitable that if current trends continue, this ratio will keep rising. Children are quickly becoming the most Internet-savvy members of the household. Naturally, children of today will quickly become the most informed and technologically advanced generation to date. Children can access information on nearly any topic that sparks their curiosity.

The implications of this are profound. The people who control the distribution of this information can, therefore, control much of what our future generations will learn and how they will think. Computers and the Internet are becoming increasingly more user friendly, which has greatly contributed to the increased use of the Internet by younger children. Many of these kids still believe in Santa Clause and the Easter Bunny, so what is to keep them from believing everything they see or read on the Internet?—filters and labels. At the same time, assuming that children are the only ones who believe everything they find on the Internet would be a terribly naïve statement. Wikipedia is a widely accepted source of information even among many college students, and it often is pulled up as the first web page on a Google or Yahoo! search. In fact, Wikipedia is an interactive encyclopedia which can be edited by anyone and often contains incomplete and/or incorrect information. The implications and potential impacts of this are quite serious.

For these reasons it is imperative that search engines start labeling the pages that they return for searches. Too often, blogs and editorials are accepted as fact and quality factitious pages are overlooked or disappear into the millions of other pages returned on a search. If one is to type the word “government” into a Google search, over 450,000,000 pages are brought up. The first, of course, is a Wikipedia page. It is followed shortly thereafter by the U.S. government page, Ben’s Guide to U.S. Government for Kids, and the Fedworld Homepage. None of these is labeled as fact, fiction, or in any other way that would suggest the accuracy or legitimacy of the page.

It would take considerable resources on the part of Google and Yahoo! to implement this standard, but from the utilitarian stance it is the right thing to do. Redistributing a small portion of their billions of dollars in revenue could improve the information gathering process and
positively affect the future of the world and how we perceive it. Google already monitors and
checks many of the pages affiliated with it using software and limited employee oversight—
adding a labeling component is not an irrational next step. Academic databases such as Business
Source Premier and PROMT are set up so searches can be filtered—only returning peer reviewed
articles, or editorials, or academic journals—whatever the user is looking for. Implementing
similar technologies into the major search engines will greatly benefit everyone who uses them.
It could help to eliminate confusion as to what is fact versus opinion versus pure fiction and
could lead to better-educated citizens and more effective information gathering procedures for all
users.

**Current Efforts**

Despite and because of the competitive, profit-seeking nature of this industry, some
awareness is being raised, probing into the ethical implications and limitations of search engine
usage. One such effort was a conference held by Santa Clara University’s Markkula Center for
Applied Ethics and the Center for Science, Technology and Society, entitled “The Ethics and
Politics of Search Engines.” The event boasted a panel of top academics in the fields of ethics
and computing as well as Peter Norvig, the director of research for Google. According to the
New York Times, Mr. Norvig stated all the reasons Google feels they are being responsible
saying that the company is “innocent of wrongdoing.” However, he failed to address the
questions posed as to new ethical dilemmas pertaining to information control arising and how the
company plans to deal with these. He restated mission statement after mission statement—
without actually revealing solutions. For the full transcription of this event please visit the Santa
Clara Markkula Center for Applied Ethics web page.

A second effort to help guide the search engine industry came from WebSeed.com.
WebSeed.com describes itself as “a catalyst in an industry in dire need of change,” and its
promotion is “independent information for thinking people.” The organization in recent years
released the Search Engine Code of Ethics which sought to “establish a set of ground rules to be
followed by companies who offer search engine submitting or ranking improvement services.”
The code emphasizes the importance of search engines returning information based on quality
and relevance as opposed to traditional “brute force” submission techniques. Though well-
intentioned, the Search Engine Code of Ethics seems to have been widely overlooked, and
companies have opted to pick and choose their own company standards.

**Conclusion**

Clearly, the Internet is an amazing information tool that creates a world of possibilities.
A molecular chemist who researches yeast’s metabolic processes with a computer in Antarctica
can be using the same information as a vodka maker in Northern Siberia. Both of them retrieve
this information by typing keywords into a search engine. This means the engine and the
company that runs it is becoming a gatekeeper of information. This gatekeeper has ethical
responsibilities to society based on the utilitarian, contractual and deontological ethical
frameworks. The responsibility is to return as accurate and useful information as possible. The
best method for determining accuracy and utility is page labeling. The responsibility also
extends to the return of multiple viewpoints on divisive issues. The most effective steps toward
honoring this responsibility is for search engines to take a portion of their operating budget and
dedicate it to software or employees capable of bringing search engines up to speed with their
ethical duty as newly found information gatekeepers.

Search engines recognize their responsibility as a powerful information controller. They
state their desire to return accurate and useful information, or be “like a good neighbor” with the
information they provide. These statements imply an ethical contract between users and the engine. We admit that legally search engines do not have a contractual obligation to label the sites they return or to make sure divisive issues return results from multiple viewpoints. However, their stated objective leaves them ethically obligated to begin reviewing their indexed sites, labeling information and providing diverse views. These responsibilities carry over and can be looked at from a deontological perspective. That is, because search engines control access to such vast information, it is their duty to present useful, meaningful, labeled and fairly representative, information.

From a utilitarian perspective search engines are obligated to promote general welfare through their information distribution. Thus, a priority for the engines should be to provide all relevant perspectives equally on divided issues. These issues are ones that control the fate of our society’s advancement. Voters will make decisions about our society’s future based on the information available to them. Statistically, this means much of that information will be obtained through search engines. It would be impossible to provide completely “unbiased” information, therefore search engines should attempt to promote the general good by providing information from multiple sources about these issues. This will allow decision makers to be informed and should provide the greatest benefit to a democratic society.

The issue of site labeling can also be analyzed along utilitarian lines. Again, search engines need to promote the greatest good with their information distribution. Children are an example of those who will be critically affected by the information they learn from the sites they access through search engines. What is conveyed to them as fact will change the way they proceed through life. Labeling information to better educate children on academic or social issues is not the only concern. If information is not labeled, there is no way for most people to distinguish what information they should believe, commit to memory, and base their choices on.

This world is becoming one that is driven by technology and advancement. It is time to seriously evaluate who is behind the wheel.

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An Ethical Commentary on Software: Proprietary vs. Open-Source

By: Courtney Andrews, Eric Culp, Chad Shinsato

You just bought your first home from Microsoft Inc. Your new home was hyped up because of its new proprietary standards that make it more compatible with other Microsoft homes, more secure because its standards are closely guarded making their locks foolproof and easier to use since only Microsoft technicians will be able to help you with any problem.

A few weeks after purchasing your home, a light in the bedroom burns out. You grab your ladder to change the bulb when you find out there’s no way to access it because Microsoft has installed a thick glass dome to protect their proprietary secrets. Then you remember the emergency hotline number Microsoft gave you. After calling you find out it’ll cost $60 for Microsoft to send a technician to fix the light bulb, and you will also have to leave your house unlocked so the technician can get in. The technician also warns you that it’s a federal offence to break any security measures protecting their proprietary standards. You decline their service and secretly decide to try and fix it yourself.

After several attempts to peacefully open the glass dome you finally resort to a hammer and chisel. When you open the light fixture you discover that the bulb isn’t measured in volts but in some new units called ‘gates’ and has a strange six prong connector. You scour the stores and internet for a six prong 300 gates light bulb, but the only place you can find one is the Microsoft website for $20 each, plus an extra $5 shipping and handling. Disgruntled you decide to leave the bulb and go buy a standing lamp.

You bring home your new lamp, but can’t find an outlet that fits the power cord. You call technical support and find out that Microsoft doesn’t support that brand of lamps, but you can get a free patch to fix the problem. After waiting five days the patch arrives, but the lamp still won’t work. You call Microsoft and they apologize saying a new patch will be release in a few months to fix this problem.

Introduction

Fortunately this is not a real story, but it does exemplify some current issues with the software industry that need to be ethically examined. This paper explores the social justice of software. More specifically it compares the vastly different ethical implications of proprietary software and free open source software. These implications apply to all people who use software with a direct focus on those who are poor or disadvantaged in some way. As globalization increases, it is becoming more important that concepts of social justice and fairness include everyone. The paper shows that when software is proprietary, it unfairly excludes users who could benefit the most, but when software is free and open source it is a means to a just society for all.
Background

In order for a clear understanding of the arguments presented here it is necessary to define what is meant by proprietary software and free open-source software. Proprietary software does not necessarily have to cost money. Software that costs no money can still be proprietary. If its use, redistribution, or modification is prohibited; requires you to ask for permission; or is restricted so much that you effectively cannot use it freely, it is proprietary.

Free software is software that comes with permission by the creator for anyone to use, copy, and distribute. This can be done by verbatim, with modifications, gratis, or for a fee. In particular, this means that source code of that software must be available.

Because of the ambiguity of the word free in the English language many people tend to associate the word with cost, which is not the case here. One “should think of free as in free speech, not as in free beer.” The ‘freeness’ of the software is what is important to poor or disadvantaged members of society. It is this quality that allows them to take advantage of the benefits of that software, its use and knowledge, with minimal or no cost.

Software is unique from other traditionally produced products since it is digital, having no tangible form. This feature is important because unlike other resources or products produced, it is infinitely abundant. Once created, software may be copied, distributed and reproduced without ever affecting the original software owner’s copy. Currently, music, videos and other content are digital as well, but what separates software is its profound usefulness. Other digital media serve to provide enjoyment, whereas software is meant to create value and provide benefit to the user. Software has two distinct uses: the first is the tasks and outcomes that the direct use of the software produces, and the second is the understanding it can provide to create better software.

Most important to the individual, software allows a person to connect to the Internet, where they can find jobs, sell goods and services, find information, etc. The social benefits of computers/software are immense as well; control of defense and national security systems, airline travel, banking, and so forth. The benefits and positive empowerment of people that is inherent in software is immeasurable. In light of software’s unique abundance and its near unlimited usefulness, the fair and socially responsible thing to do is to make software free by making it open source.

What is fair? What is socially just or unjust? Fairness and social justice are about equality and treating people similarly. All people, regardless of race, creed, or nationality should be treated equally because every person is human.

There are many fundamental needs that each person requires to survive: food, water, shelter, and the like. In the modern world, humans are increasingly reliant on technology which widens the already existing social, economic, and financial gaps between those who have access to it and those who do not; this gap is called the Digital Divide. Technology is becoming necessary for the survival of societies and individuals. Lacking these general technologies found in society creates a barrier from entering the competitive job market. Essentially, technology and access to information are becoming as critical to survival as our fundamental needs. Therefore, every person deserves equal
access to information, technology, and excluding them from it is a social injustice. One could argue that everyone has equal access to information and technology, but many simply cannot afford them and therefore have not earned access. This may be true of certain luxuries, but technology and information, particularly software, are becoming crucial to human survival. It is under this notion that software is a necessity to human survival. Due to this, social and economic statuses are not 'good' reasons to treat individuals unequally. But, these are the reasons why individuals do not have equal access to proprietary software and all of its benefits. Free open source software is not restricted by social and economic statuses, which will create fairness because it is open for anyone and everyone to use. Therefore, free open source software is the only socially just form of software.

Computers and software provide juxtaposition in the sense that one is entirely useless without the other; thus a claim must be made about the importance of software over hardware. However, they are not one and the same, and both have exclusive properties; computers are tangible goods that are limited in number, software is abundant and easily reproduced. Both hardware and software previously were scarce in developing nations, but recently there are numerous charitable organizations that are donating computers to these nations. These computers, while outdated compared to current standards, are still functional, but often have aging versions of proprietary operating systems and applications on them. This is a problem for three reasons: aging proprietary operating systems are not well supported; the users become unfairly locked into proprietary formats because they don’t have a choice of what is on the computers given to them; the users do not have the financial resources to upgrade to expensive newer versions of the operating system. Because of the efforts of these organizations computers are becoming more widely available, but the software remains an obstacle. As the number of computers increases, their price decreases and at the same time the value to the consumer running the software increases.

**Ethical Implications of Software Power and Unfair Lock-In**

Keeping in mind then that software is what is most important when it comes to technology dissemination in disadvantaged areas; there is currently a choice to be made when it comes to acquiring software. One can either pay the high cost of proprietary software or use open source software at no cost. So why argue that all software be open source if the choice already exists? If some people are willing to pay for proprietary software why not let them, and those who can't afford it can use open source. Free open source software is the fair and socially just option because it provides equal opportunities for everyone regardless of economic or social status. Another equally important reason is that proprietary software creates an unfair balance of power in favor of the companies who produce it and unjustly puts society at their mercy. The power stems from the proprietary nature of the software itself: once users have created their files and systems based on proprietary platforms and formats, they become unfairly locked into continuing their use of proprietary software. User's information and data is then in a format that can only be handled by the software in which it was created, and switching to something else bares the high cost of starting over. In the business world, this is called Vendor Lock-In. It is a strategic method of retaining customers, but is unfair and unjust to customers who are only trying to implement a software solution. As new technologies are discovered,
the user must purchase the new version of the proprietary software in order to take advantage of them. Additionally, these new versions of software are only released when the company has sufficiently profited from the last one. And because of this lock-in that occurs, users are forced to pay the high costs of proprietary software. So because of these issues of fairness, proprietary software should not be an option and all software should be free and open source.

**Benefits of Software**

Another primary issue associated with proprietary software is its cost. Many people in developing nations cannot afford the software and so therefore it is unjust because it does not treat all people equally. Those who cannot afford the software are excluded from its use and benefits. Free open source software on the other hand is typically available at no cost, so there is no unfair balance of power created by lock-in and it allows everyone a fair and equal opportunity to take advantage of it. One of the most important benefits of software is that it enables people to access the Internet. The benefits of having access to the Internet are too numerous to list here, but the most important is the access to information. “For any community to function efficiently and productively, a basic minimum stock of usable information is essential. Every society needs to acquire, store, and exchange this basic stock of information to allow it to survive.”[^7]

The Internet is perhaps the cheapest and most effective way for communities to achieve these informational goals. This is especially important in poor and underdeveloped areas of the world that would benefit the most from access to information. The Internet can provide educational resources to schools that can not afford the high cost of text books. The Global Text Project[^8] is an online effort in which academic textbooks are written and their entire content is openly and freely available online for the purpose of supplying information and learning materials to poor nations. The people living in these areas can not take advantage of these types of resources without computers and software. The amount of money that schools in impoverished areas have to spend on technology is very limited, so if they do not have to pay the high costs of proprietary software they could potentially use the money to purchase more or better computers which provides opportunities to more people.

Another benefit of Internet access is the availability of other economic markets. Take for example a village in Africa that creates crafts and sells them to tourists. If the people in this community had access to the Internet, they could sell their crafts to people all over the world and their market would no longer be limited to the tourists. They can then generate more wealth that they can use to stimulate their local economy as well as the economies on the Internet. However, free access to software allows people to create wealth, not only for themselves, but also for other people around the world. These remunerations are available to anyone, but many people are prohibited from tapping into them due to high software costs. The fair thing is to make sure everyone has equal access to software, subsequently all software should be free and open source so that no one is excluded from the benefits it provides.

**Goals of Software**

In most instances, the primary goal of proprietary software is to make money. This is why the software that companies produce is proprietary. The code is protected by
intellectual property rights and can therefore be exploited to make a profit. Software companies, like most other companies, have this as their primary goal: maximize profits for their shareholders. Outside of following the laws of the societies in which they operate, proprietary software companies are responsible only to their shareholders and no one else. This becomes a problem in certain cases where proprietary software companies control overwhelmingly large shares of their markets. This creates an unfair balance of power over society as so many users rely on the products of these companies. Because of the proprietary formats, new users who want to do business or collaborate with existing users of proprietary software must also use the proprietary software, and the power of the software companies grows in a reinforcing loop. This is not fair to society because the software companies act in the best interests of their shareholders and not in the best interests of the society that they hold power over.

Typically software companies do not exploit this power, because in the long run it would be bad for business. However, as society grows through globalization and sheer population growth, it is no longer enough for companies to simply follow the laws and passively interact with society. Software companies need to have a responsibility to society in addition to their shareholders, they need to actively be doing ‘good.’ Doing ‘good’ is doing what is fair and socially just for everyone. All members of society need to have the same opportunities, and to not be excluded because they do not have the financial resources to be included. This is particularly important in the case of software from which so much value can be created. All members of society need to have equal access to software. Free open-source software does this. It gives everyone equal access to software along with the benefits and opportunities created by it by allowing people to use, share and reproduce it as long as it remains free. Like proprietary software companies, free software must still be responsible to its shareholders, but instead the shareholders are all members of society. So, by giving equal access to everyone, there is no way that power over others can be gained or exploited; therefore, social justice is achieved. Free software allows all users to have the same access and rights.

**Intellectual Property Rights**

The profit goal of proprietary software is a legal right that is secured by the Intellectual Property Rights laws of societies. Intellectual Property Rights have been established to give exclusive rights to the developers of the property and therefore, a means of profiting from it. It is a widely held belief that Intellectual Property Rights are necessary to stimulate innovation and invention; people will create and innovate only if they can profit from it. Although not an ethical issue, but important to countering argument against it, the idea that Intellectual Property Rights lead to innovation and development must be addressed. In other businesses and industries this might be true, but free open source software is already being produced and widely used. The open source model of production is primarily seen in software, but it is spreading to other products. So it is not necessarily true that innovation and development are encouraged by the rights to profit.

Intellectual Property Rights in software create a situation known as the “Tragedy of the Anticommons.” Michael Heller, who is credited with initially coining the term, defines it as “multiple owners are each endowed with the right to exclude others from a scarce resource, and no one has an effective privilege of use.” Software is not exactly a
scarce resource, and proprietary software companies are using it effectively to create profits for themselves. However, in light of the fact that software has so many benefits, and is an infinitely abundant resource that is potentially available to everyone with a computer, reveals that as a resource it is not being used as effectively as it could. In other words, its use by everyone is prevented by the goal of profit, so it is only effectively used by a small group of individuals.

In the case of software, it is not in the best interest of society to grant exclusive rights. These rights come at the cost of everyone else's benefits. In other words, once the software is created, potentially every single person who has access to a computer could benefit from it. This is not an issue of fairness because it is most certainly fair for people to be able to profit from their work; instead it is an issue of utility. From a simple utilitarian perspective, utility is some thing or action that creates the greatest happiness. In the case of software, which can potentially benefit everyone, the greatest utility is created by making software a free and open source. The utility (monetary reward) experienced by the relatively few individuals who create proprietary software, is by far outweighed by the utility (benefits from and value created by software) experienced by all the people who have potential access to it.

**Fairness of Income from Software**

If software is created as free and without means of profiting from it, this creates a question of fairness in regards to the developers of proprietary software; many of whom make their living by developing it. If the software is free, then it cannot be bought or sold at a profit in the traditional sense; therefore, developers cannot make a living from it. Is this fair to the developers that they spend their time and efforts producing something that they can not make a living from? Even though the benefits to society are so great, it would not be fair to expect software developers to expend their time and energy without being rewarded. But this is not the point of free open source software. The developers who create free and open code do so for their own personal reasons, whatever they may be.\(^\text{13}\)

If all software was to be created as free open source software, then the current production model of software companies would dissolve. Software would be produced in different ways and the incomes and revenues of the people working in the software industry would be generated in new ways that is not the typical model of producing and selling a product. Red Hat, one of the most successful and profitable open source companies, is one example of a new business model based on open source software. Red Hat employs approximately 1800 people world wide and in 2006 generated 278 million dollars in revenue.\(^\text{14}\) Red Hat does not sell software, but instead sells subscriptions and support for their Red Hat Enterprise Linux, which is developed in conjunction with open source community developers.\(^\text{15}\) Red Hat is evidence that money can be made from open source software.

The question of fairness to developers still remains, is the open source model fair to the developers of proprietary software? Without the ability to profit from selling software, proprietary developers would not be out of a job, but would instead be in different jobs. It is almost certain that the use of computers and technology will not go away. One theory is that in the future, businesses; industries; and governments will drive the innovation of new software rather than proprietary software companies developing it.
for a profit. Businesses will still have goals that they want to achieve through using software and instead of purchasing a software product; they will purchase the services of developers to develop the software for them even if the code is open. This model would be beneficial in many ways because business would get a better, more customized software solution and developers would still have jobs developing software. With all codes being an open source, developers could produce better software by being able to focus on innovation rather than solving problems that have already been solved in other code.

There are additional ethical implications of the incomes and revenues generated from software production. Currently, the wealth generated by software production goes to the individuals who produce it and rightfully so. However, once software is created, everyone has the potential to benefit from it. These benefits come in two forms: the outcomes of the software's intended use, and opportunities to profit from it as in the case of Red Hat. Presently there is great disparity in the distribution of wealth amongst all of the people who have the potential to profit from software. The software industry is a multi-billion dollar industry and most of that wealth is held by a relatively few people, particularly those people associated with proprietary software companies. If software is proprietary, it creates utility, in the form of money, for the individuals who own it. With open source software, then everyone has an equal chance at deriving utility from it; and therefore, the software can provide the greatest amount of utility, in the form of money and happiness.

Consider two people who have each received ten dollars. The first person lives in the United States and makes 50,000 dollars per year. The second person lives in a village somewhere in Africa and makes less than 100 dollars per year. Given this situation, the person in Africa will receive the greatest utility from the ten dollars. The amount remains the same between the two people, but because one of them is significantly poorer than the other, the ten dollars has a greater impact on the person from Africa, whose existence is very difficult because of a very limited financial situation. Therefore, if all people have equal opportunities to profit from software, the wealth created by software can be distributed more uniformly. Greater utility is created relative to the amount of money generated, because the incomes are being made by many people rather than the few who would otherwise own the software.

**Software and the Environment**

Several of the ethical implications of proprietary software discussed here have been in regards to financial resources. One final matter to be addressed is the effects of proprietary software on the environment and how those impacts also have ethical implications. In the year 2007, environmental issues are becoming increasingly important as we face the facts that the planet's natural resources are limited and outcomes of human actions have direct effects on the environment and on the earth itself. This in turn affects people and their ability to survive in their environment. Because of this cause and effect relationship, anything one does negatively to the environment is a negative action against the inhabitants of that environment. So, by this logic, as humans, everyone has a moral obligation to not harm the environment, lest they be harming society itself. Furthermore, as an individual living on the earth, one has a moral duty to respect the rights of all other individuals and protect the shared environment.
What does this have to do with software? In many cases, proprietary software requires the hardware to have a certain capacity.\(^{18}\) A situation is created where individuals may have perfectly functional computers, but they must discard them in order to take advantage of the new software or even to become compatible with others. The waste from computers is in most cases particularly hazardous. Cathode Ray Tube monitors contain large amounts of lead, which if disposed of improperly, can contaminate soil and water sources.\(^ {19}\) The computers themselves contain numerous other potentially hazardous chemicals.\(^ {20}\) Not only is there hazardous waste created from the old computers, but precious resources are used to create new ones unnecessarily because there is no reason why proprietary software companies cannot create new software to run on older hardware.

Free open source software is typically designed to handle all makes and models of computers. This not only includes makes and models, but old hardware and new hardware. There are distributions of the Linux operating system that are known to run on computers that are ten years old\(^ {21}\), thereby extending the life of the computer significantly. Free open source software allows users to use their old hardware longer, which reduces the need to purchase new computers, and in turn reduces the need to unnecessarily use up the earth’s natural resources.

**Conclusion**

When software is proprietary it is unethical from a standpoint of social justice. It unfairly excludes those who could benefit the most from its use; it widens the gap between those who have financial and economic resources and those that don’t, and in some cases proprietary software puts and undue burden on the environment. Currently the free open source community is very small compared to that of proprietary software, but it is appearing more and more often in the news and building momentum as businesses and governments are considering it as a viable option for their computer infrastructures. The more individuals, governments, and businesses use open source software, the better it will be. The greater impact it will have and the more it will benefit those who are poor and less-fortunate and therefore it will lead to a more socially just society.

**Works Cited**

1. There is a division between the ‘Free Software’ and ‘Open-Source Software’ camps. The difference has to do with the different licenses applied to the software. For the purposes of this paper the two are the same, so they will be used interchangeably.


10 Sendmail, Apache and Linux

11 Global Text Project, Open Cola, Free Beer, etc...


13 Some Simple Economics of Open Source, Josh Lerner and Jean Tirole, Vol. 1, No. 2 June 2002


16 For instance Bill Gates and Paul Allen, who according to Forbes are the #1 and #19 richest people in the world, respectively, holding nearly 80 billion dollars between the two of them.

17 We consider money to be utility in the sense that it allows people to fulfill their basic needs thereby providing the ability to obtain happiness. People who are starving or unable to afford health care when they are sick are generally no happy.


21 A distribution of Linux called Damn Small Linux has been known to run on “10-year-old Pentium 150MHz with only 96MB memory” as tested by Russ Ethington.
Ethics and Society
Abolishment of Copyright Laws Promotes Social Justice

By: Thomas Brainard, Suihan Deng, Matthew Miller

“Mrs. [Sarah Seabury] Ward, a 66-year-old sculptor and retired schoolteacher, received notice on Sept. 11 from the Recording Industry Association of America that she was being accused of engaging in millions of dollars worth of copyright infringement, downloading thousands of songs and sharing them with the world through a popular file-sharing program called KaZaA… Not only does nobody else use her computer in more than a passing way, the computer, an Apple Macintosh, is not even capable of running the KaZaA file-swapping program. And though the lawsuit against her said that she was heavily into the works of hip-hop artists like Snoop Dogg, Ms. Ward says her musical tastes run to Celtic and folk.”¹

“In a lawsuit filed in January, the RIAA accused 83-year old Gertrude Walton of sharing over 700 pop, rock and rap songs under the alias "smittenedkitten." What the RIAA didn't know is that Walton had passed away in December following a long illness. Her daughter, Robin Chianumba… told the Charleston Gazette that her mother refused to even have a computer in the house.”²

Intellectual property protection is a big issue in the world today, but issues with patents and trademarks are too much to cover in the scope of this paper, so our focus is on copyright laws. The two reports above are examples of actions taken by copyright owners against people who infringe on their copyrights. The Recording Industry Association of America (RIAA) was able to take these actions because they are protected under the current copyright laws. Copyright laws should be abolished on the basis of social justice because copyrights hinder creation, thus slowing social progress and reducing the pool of goods that society can enjoy. Social progress can come from the arts and media sector as well as the technology and information sector.

It is our belief that if copyright laws did not exist, it would be better for our society as a whole, as more people could openly and freely create, thereby adding to the overall pool of goods and ideas for the public to enjoy. Just as open source programming code is gaining popularity; the same type of thinking is beginning to spread to other areas, as digital information has naturally come to the forefront. Due to the amount of exposure that copyrights and intellectual property laws have seen recently with the explosion of digital sharing on the Internet, government agencies are becoming engulfed in trying to find a complicated solution to the problem while they could solve it rather
easily. They are trying to solve this problem but they have not been able to because they are continuing to look at it from the ever so popular view of fiscal gains. They will argue that if the copyright is abolished the incentive for people to create and contribute to the public pool of goods will go away right along with it. The truth is that people create simply for the satisfaction of having created something as well as for recognition in creating it. Bell worked on creating the telephone and Edison created the light bulb to shed light when there could not have been before. Both did so without the sole intent of how they would financially benefit off what they have created but with the thinking of how to continue to progress as a society and as people. The existence of “starving” artists, open source programming, fansubs and scientific researchers show that people do not need financial incentive to add information to the public sphere.

Progressing through recent history is a pattern of increasing copyright protection on nearly anything and everything that is created. Supporters are most likely to argue that copyrights need to be in place so that the creators can realize financial benefits from their works. If they were to be abolished this would not be possible and they could not make a living. The problem with this argument is that the benefits being mentioned are only referring to financial benefits, which is really the main reason that copyright laws exist to begin with. With this type of mental model people are only looking at how they can profit from their creations rather than how society as whole can benefit from what they may create. This self-centered mentality has made our society completely entrenched in the fiscal rewards resulting from our creations rather than the internal rewards of accomplishment and success from the creation. It now seems that people only protect their works from the fear of not being able to benefit financially from their creation or that someone else will. With the current copyrights, people are creating for the sole purpose of making money. These creators only need the copyright protection based upon the thinking that all that matters is how “I” can benefit rather than the social benefits of the creation.

The main problem faced by copyright owners is piracy because it reduces their profits. Piracy is deemed unethical because it is stealing. However, if copyright laws did not exist, there would be no stealing since no one would own the rights to those works. The broader idea of consequentialism in that the ends justify the means already establishes that enjoying downloaded material (ends) justifies the act of downloading the material (means) but it also states that actions that produce the best consequences for the largest amount of people are the ethical ones. The existence of copyright laws is the root of the existence of copyright law violators, but if the laws do not exist neither do the violators and no one would be fined or sent to jail. Deontology is based on the idea that there are a set of rules that everyone must follow, such as the rule that no one should ever lie. It also follows the concept that we should act in a way that furthers the idea that people are free and rational beings. Without copyright laws, people would be free and open to create anything they want by using anything they want, and would not be stealing in the process.

The US media propagates the idea that the people who infringe upon copyright laws are stealing from the creators thus costing them billions of dollars every year. A computer program launched in 1999 that allowed the easy transfer of music as a peer to peer (P2P) network was the beginning of an entirely new way for anyone with a computer to acquire music in the form of MP3s. This program is known as Napster.
Much of the current attention placed on music file sharing and copyright law is due to the huge popularity of the Napster software. In September of 2003, the RIAA launched its first lawsuits against specific individuals who were using Napster for their downloading. We are not discussing the ethics of these lawsuits but rather trying to demonstrate that if copyright laws did not exist, the RIAA could not have taken such actions. Of the 261 lawsuits filed by the RIAA, some of the victims included: a 12 year old honors student, a 71 year old grandfather, an unemployed paint contractor on disability, and an aged grandmother. If these individuals had reproduced CD’s with their favorite songs and distributed them to their friends, the RIAA would never have become involved. However, since the internet is still in its infancy in terms of legal and moral development, these individuals were tracked down with IP addresses (a computer’s address on the internet) provided by their Internet Service Providers (ISP), and had lawsuits brought against them simply because music was shared by the IP that was allegedly theirs. Importantly, one weakness in searching for file sharers through their IP address is that IP addresses are not static. Meaning that it is possible that a specific IP address did not belong to a specific person at the time the file sharing was taking place. The RIAA has admitted that the lawsuits were enacted to serve as examples and to instill the fear in millions of other users that they too could be prosecuted.

What the RIAA did not mention in their lawsuits is that over sixty million people have downloaded at least one song in their life, representing over 25% of the internet users in North America. We are not saying this is ethical behavior, but the reality is that people will continue to share and download files everyday. Instead of pursuing individual users of these new programs, the RIAA must adapt to this new age of technology and make improvements to their own policies in order to join with millions of internet users and file sharers. Maybe shift focus from CD sales towards more emphasis on live performances. The music industry is slow to change, but it must accept the new role of music as an art in the digital age.

Steven R. Smersh, a private recording studio owner, stated that he believes music is art and that art is to be shared. Since art is to be shared, it would be unethical to deny or hinder its ability to be shared. Artists are inspired by their surroundings and by their experiences. Those experiences can come from other people’s creations. Creative and cultural progress builds upon the things that already exist. As new works that have been inspired by old works are created, our culture becomes more rich and diverse and adds to the good of humankind, promoting more social justice.

This ability to take and build on others’ works and ideas is the foundation of entertainment in the US and has been throughout its history. If existing works are protected to the point where they cannot be used, in any form, it will gradually slow the creative processes of our culture to a halt. Imagine if copyrights were expanded to their fullest power and that every note on every instrument was owned by a certain individual until 70 years after their death. New music could not be made anymore. Existence of copyright laws do not promote freedom and creativity, they crush it.

Recently, entertainment lobbyist groups have been attempting to impede creative progress by arguing against new sharing technologies such as peer-to-peer (P2P) networks. An analogy given by Ted Olson, Former Solicitor General, on behalf of the RIAA and the MPAA, compared P2P to a hypothetical service that allowed anyone with a computer hooked to the Internet to gain free access to other people’s cars, houses and
other forms of property. Following his analogy, this person would then have the ability to use or do whatever they wished with that property. Ted Olson argued that such a service would be a tremendous threat to the property rights of Americans and would be shut down quickly. He claimed that the system he described was exactly the same as the P2P networks which enabled free sharing of digital information such as movies, songs, books, and pictures. The reasoning behind his analogy was that the government should protect the content of digital information in the same way that it protects the rights of property owners. The solution that he proposed was a ban of P2P networks.

This particular analogy conveniently ignores an important difference between digital and physical property. Digital information like songs, movies and other internet content are unlike physical property for one primary reason: digital information is not competitive. They are not competitive because if one were to view a television show or movie that was downloaded, it does not prevent others from viewing it as well. This holds true no matter how many people might downloaded that particular show. On the other hand, if you were to take someone’s personal property, such as their computer, you would be depriving them of their property and its use. This latter action is well known to be stealing and therefore is labeled as illegal. In contrast, by downloading a show/movie one does not deprive anyone else from viewing it, thus you do not deny anyone of their property. This is a prime example of the distinction between traditional property rights and the rights to digital information and underscores the need for laws regarding new Internet file sharing technologies to reflect these differences.

Ted Olson also suggested that intellectual/digital property rights were so important that the creators of the constitution gave Congress the power to “promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries”. This quote makes a compelling case for patents, and other such measures that temporally secure scientific discoveries. To use such an argument for copyrights, however, is to completely disregard the important differences between technology, innovation, and art at the time of the Constitution’s birth and in the present day. Current U.S. copyright laws are discouraging, not encouraging creative progress. The creators of the Constitution wanted copyrights to contribute to the “promotion of progress”, but in the digital information field, copyright laws are open to exploitation.

A simple example of copyright exploitation that suppresses the creation of new things is the existence of Corbis, founded by Bill Gates in 1989. Corbis “represents or owns the rights to more than 100 million images (and a) growing library of 30,000 short video clips.” For example, they own the rights to the famous picture of Einstein sticking out his tongue, and the image of Marilyn Monroe with her white dress that is being blown upwards. Getty Images is another company that also owns the rights to a great number of images, and together with Corbis, they control over 50% of the image market. Joost Smiers, a professor of political science of the arts in the Netherlands and proponent of abolishing copyrights, states that:

“Documentary makers, who nowadays face almost insurmountable obstacles, as their work almost inevitably contains fragments of copyrighted pictorial or musical content, the use of which requires both consent from the copyright owner and a fee to be paid. The latter is almost always beyond the documentary maker’s means, and the former gives Bill
Gates, or any other copyright owner, full rights to allow the use of "his" artistic content only in a way he deems appropriate.\textsuperscript{9}

This example shows that it is very restrictive to the art world to have so many copyrights. Much creative art and technology never fully materializes because the creators of such pieces cannot afford to pay the licensing fees to acquire the rights to use a piece of copyrighted material.

The focus of most copyright debate is on music, but copyrights protect information in general, and information is the foundation of science and society. “Facts and ideas have existed in the public domain for over 200 years to be used over and over as building blocks of new scientific knowledge.”\textsuperscript{10} Now the government is trying to create new laws to protect the collection of information that is contained in electronic databases. This could lead to difficulties in collaborations on very important scientific projects in an increasingly knowledge-based economy. As stated in the First Amendment to the Constitution of The United States, “Our profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open leave no room for a statutory monopoly over information and ideas.” The meaning of this sentence was to promote the wide use and sharing of ideas and scientific research and to build upon previous knowledge in order to make the best possible improvements for the good of all. Today, this type of free and open information-sharing would include work on some of the world’s most pressing issues, such as cancer, AIDS, and global warming.

Since the European Union Directive was enacted, there have been many problems in obtaining necessary research and educational files because they have chosen to take a different approach than the US Supreme Court. In 1996, the EU Directive extended the scope of their program to include the protection over facts in their databases, as well as prohibiting the extraction or reuse of a significant portion of any of the databases contained online. The EU Directive has also made an agreement to deny protection of materials not produced in EU-member states. However due to its frustrating policies, the leading independent scientific academy in the U.K., the Royal Society, has concluded that the E.U. Directive either be substantially amended or even repealed. Jeff Grove, Director of the Association for Computing Machinery (ACM), has stated, “Policymakers should not enact laws and regulations that unduly threaten the ability of anyone to engage in critical research or interfere in the otherwise legal exchange of ideas and information fundamental to the vitality of computing and information technology.” The Association for Computing Machinery is trying to safeguard the continued collection and use of fundamental data for scientific and academic purposes. “Since the open exchange of such data and information is fundamental to the advancement of knowledge, technology, and culture, the cost of overprotection far exceeds the cost of underprotection.” The government’s efforts to control information and ideas go against the ideals of its own foundation. If the government is successful in stopping or controlling all technologies that spread information, we can no longer call ourselves the “land of the free.”

In recent years a new technology has surfaced that makes information transfer more efficient. The advent of bit torrent (BT) technology, different from www.bittorrent.com, has enabled people to share any digital information, including movies, software, and even books. Due to the BT technology, easy access and fast downloads must be supported by a large user base. The more people there are sharing a specific file, the faster the download speeds will be for everybody. The BT technology is
based on the idea that a file is broken into hundreds or thousands of pieces and when a user downloads a file via BT, the tracker searches the internet to find connected computers that have that particular file. From those many different computers different pieces of the file are downloaded and then reconstructed within the user’s computer. Once all the pieces are in place the file is accessible. This concept is the opposite of traditional download servers, where the more people there are downloading, the slower the download. ThePirateBay.org is a bit torrent tracker site, and is constantly under fire from the RIAA, MPAA, and other large companies such as Microsoft and Electronic Arts, who find that their copyrighted material is accessible for download through that site. Pirate Bay reports over one million unique visitors to their site everyday. They offer links to trackers, which essentially facilitate the downloading of files using BT. Since none of their servers actually store copyrighted material, they have thus far avoided being shut down completely. Their servers are physically located in Sweden, and Swedish law has yet to deem trackers illegal. Bit torrents are an important new technology that provides legal distributed download services for large companies, like Blizzard Entertainment who use BT technology to issue their program patches and updates. However, many people think that bit torrents should be illegal because they can be used to violate copyrights.

People who download and share media are being labeled as criminals by corporations because their actions are deemed illegal under the current copyright laws. Media coverage of these issues suggests that since these activities are illegal, they are also unethical. Whether or not one’s actions are ethical should only be judged from one’s own standpoint and not by other people’s standards. In talking with many people, friends and strangers, who participate in the downloading of media, there is an overwhelming consensus that they are not being unethical. The most common reasons cited for their actions are:

- I believe that music is art, and art is meant to be shared and enjoyed by many people.
- There are millions of people around the world that do the exact same thing, so I do not feel immoral.
- There is just one popular song that I want, and not the entire CD.
- I am not stealing, but “simply borrowing from friends I don’t know all over the world”.12
- I choose to download music is because it is virtually impossible to get caught doing it.

If the copyright laws are abandoned, the actions of these people would no longer be illegal and that would match up with their own feelings that their actions are ethical. The internet would become an online library, with free sharing of information between all people.

The idea of increasing the number of sources for digital material, specifically music, is why many emerging music artists have no problem with their music being distributed through the Internet, free of charge, and actually welcome free sharing networks. These new artists encourage the free sharing of their music because more people are likely to listen to their music if it is free. Success in such industries is dependent on the ability of the artists to get their name out into the public, and if an artist’s works are quickly and easily spread through the public domain, they are more
likely to gain recognition. More and more newcomers to the music industry are posting their music on their MySpace accounts or other websites for free download because it is essentially providing them free publicity, which increases the likelihood of sold-out shows when they tour. Traditional advertising that would reach a similar number of people would be extremely costly and consequently unaffordable to most emerging artists. Digital distribution allows artists to spread their message and their art in an amazingly direct and efficient way.

Advocates for the idea of more sources extend beyond just the music industry and included the software and computer industry. The idea of open source software has a large backing because open source software lacks the intellectual property restrictions that accompany most software. This means that the code for programs and software is available to users of the software and users are able to add and modify the code that runs the software as they wish. Open source is encouraged by those who use it because the more people who possess the software, the more sources there are for the software, and the greater number of people they have improving and building upon what is already created. Also, with the vast numbers of sources that are constantly building upon the software, if there is a security risk or if the software has bugs, there are numerous people working to fix it. The idea is that open source is better for society, as opposed to copyright and restricted software, because it allows for prices to be low and development into new markets to be fast. Also, if there is an unlimited amount of people who can contribute, this brings about different ideas, thus increases the productivity and ease of use of these software. Mozilla Firefox, a new browser that has come to threaten Microsoft’s Internet Explorer’s market share, is an open source project. Firefox’s extensions function allows anyone to code something that enhances a person’s internet experience, from allowing for easier browsing to being more visually appealing. Without open source, as a user, I would depend entirely on the owner of the proprietary software to anticipate the need for change, but with open source users can make their own changes and improvements whenever the moment arises. If the code was restricted by copyrights or intellectual property, the development of software would be slowed drastically and make it difficult to develop completely new software without infringing upon some form of copyright restriction.

Today’s copyright laws are so strict that even a minor alteration to the original work is illegal. With globalization, more countries have access to media that are produced in other countries. An example of an internationally popular online media is anime, a modern type of animation originating from Japan. However, since it is usually released in Japanese, it is only accessible to people who understand Japanese. Some anime fans, wanting to spread the joy of these anime, have spent time translating anime by providing subtitles. None of these acts generate a profit for them. We do believe it is unethical for a person to profit off of someone else’s work. The fans are being entirely selfless and virtuous in making these subtitles and are doing nothing unethical. However, their actions, under current copyright laws, are illegal. Since the original creators did not make their own subtitles, adding them is considered an illegal alteration of the original work. Technically, this means that the people who provide fansubs would be considered criminals. If more people enjoy watching anime, there will be a demand from fans for U.S. television networks to broadcast anime. This will expand the reach of anime for those original artists, and allow access to new markets. If copyright laws were
abandoned, what these fans are doing would not only be ethical, but would now be legal as well.

Copyright laws are simply a reflection that our society believes profit is a core value. Piracy and open sharing are the issues of greatest concern to copyright owners because they believe it is cutting into their profits. If copyright laws did not exist, pirates violating copyright laws would also not exist. The idea of copyrights has traditionally been looked at under a capitalistic framework of who makes money or experiences financial gains and who does not. When looked at under various ethical frameworks as opposed to society’s traditional framework, the idea of copyrights does not make sense and their abolishment coincides with such views. It is for social justice to have open and unhindered creation by the people and sharing of such creations. Under the consequentialism ethical framework people act in ways that produce the best consequences. If people could keep sharing information in a legal way, they could not be criminally charged for their actions, which is the best consequence. Currently the consequence of having copyrights in place is a “witch hunt” for those who infringe upon them. Also, based on deontology, piracy is only stealing because it is defined that way by copyright laws. Therefore, if copyright laws on internet digital information did not exist, the millions of people who download content from the internet would not have violated any rules thus making their actions completely ethical. The abolishment of copyrights would put an end to all the hassle of problems and issues that have come to surface recently, such as the RIAA lawsuits, and would put forth an action towards a society in which people would create for the sake of creation as well as for the betterment of society as a whole rather than for individual financial gains.

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Newborn Genetic Screening: A Proposal of New Ethical Guidelines

BY: Lana Wildung, Mark Goebel, Kavitha Sharma

“Our scientists were so preoccupied with whether or not they could, they didn’t stop to think if they should.” - Ian Malcolm, Jurassic Park by Michael Crichton

The Dilemma in Genetic Testing

The World Health Organization and the Institute of Medicine deem newborn genetic screening appropriate only, “if the genetic disorder is serious, the test is accurate, and a therapy or intervention is available.” In other words, newborn screening should be an “intervention in order to protect a child from imminent harm.” However, these guidelines are filled with uncertain terms. As an increasing number of genetic disorders become identifiable through newborn genetic screening, the ambiguous guidelines will become much more difficult, if not impossible, to impose. The medical community is in need of a new, more explicit set of guidelines in order to ensure the ethical use of newborn genetic screening now and in the future.

Priciplism is an ethical theory that has been popular in medical ethics since the mid-1970s and provides a useful framework for the current genetic screening dilemma. The four components of the theory are, 1) beneficence, or contributing to the general welfare of people 2) Non-malfeasance, which is the obligation to not intentionally or negligently inflict harm 3) Justice, referring to the fair and equal treatment that is owed to an individual, and 4) autonomy, the freedom of will and actions. Each of these components relates to a specific aspect of newborn genetic screening and that will be used to develop a set of ethical guidelines.

Newborn Genetic Screening

A brief background in genetic testing is constructive in understanding its uses and consequences. Newborn screening is a health program that uses genetic testing to diagnose diseases and disorders in newborn infants. Genetic screening began after the discovery of the DNA double helix structure by James Watson, Francis Crick, Rosalind Franklin, and Maurice Wilkins on April 25, 1953. This discovery of the DNA structure paved the way for genetic research. In the 1960s, information gathered from the DNA of infants was used to identify rare genetic conditions. Today, state public health programs in all 50 states screen an estimated 4.1 million infants annually for genetic and metabolic disorders.

Since the 1960s, the emergence of technological advancements has opened the door to a new wealth of knowledge regarding genetic research. April 25, 2003 not only marked the 50th anniversary of the discovery of the DNA structure, but this date also
marked the completion of a project that redefined the capabilities of genetic screening. The Human Genome Project (HGP) began in 1990 with the intent to uncover new and improved ways to detect and treat genetic diseases. With this purpose in sight, the HGP had established goals to:-

- Identify all of the approximately 20,000-25,000 genes in human DNA
- Determine the sequences of the 3 billion chemical base pairs that make up human DNA
- Store this information in databases
- Improve tools for data analysis
- Transfer related technologies to the private sector.

There is no doubt that the completion of the HGP has catapulted genetic research into a new era with astounding possibilities for diagnosis and treatment of newborns. However, recent developments have come at such a rapid pace that our society is not yet prepared to handle the ethical implications of tests with less immediate and less clear benefits.

Technology now affords us the ability to test for over 1,300 genetic diseases and disorders including myotonic dystrophy, Duchenne muscular dystrophy, hemochromatosis, polycystic kidney disease, and Huntington’s disease to name a few. Capabilities also exist to determine the probability of common disorders such as coronary artery disease, diabetes, stroke, hypertension, Alzheimer’s disease, some forms of colon and breast cancer, and several psychiatric conditions. Each of these disorders comes with a unique set of causes, symptoms, and implications. The seriousness of a disease is largely subjective, and the accuracy of tests is frequently changing, as are the intervention possibilities. Therefore, to justify use of a genetic test based only on these three broad guidelines has become an outdated method for the complexity of the various aforementioned disorders. Using the framework of Principlism and its four components will allow us to develop a more useful set of ethical guidelines.

**Beneficence**

In general, beneficence is defined as the doing good, and in regards to genetic screening it refers to a procedure that will contribute to the welfare of an individual. There are two components of newborn tests that determine beneficence. The first is the seriousness of the disease and the second involves the ability to intervene in order to achieve an improved outcome. The latter will be dealt with first.

Many of the disorders for which screening exists do not currently have a known cure or prevention treatment available. However, the rate of scientific advancement and the resulting growth of the biotechnology markets are at an all time peak and only continue to increase. According to Forbes Magazine, a biotechnology company called ImClone Systems is the second fastest growing technology company nationwide, trailing only behind Google, with 163% growth over the past five years. An additional five other biotechnology firms also made the list for the 25 Fastest-Growing Technology Companies in 2006. Such a rate of increase makes it illegitimate to discredit a particular test simply because there is currently no treatment. It discounts the idea that newborns should not be screened for diseases and disorders that do not reduce morbidity and mortality through interventions initiated in childhood. It is probable that treatment may become available within that person’s lifetime, if not within the next few years, and in
those cases, it is both beneficial and necessary for an individual to be informed of their disorder.

Because arguing treatment options is not legitimate, we must focus on the seriousness of the disease in order to determine beneficence. There is great discrepancy among people in their view of disability and what constitutes a “serious” disorder. It is very difficult to determine which tests should be administered to newborns as more diseases that may not be classified as serious become testable. Many diseases that become identifiable show that a newborn has a high susceptibility to symptoms, but even with a high probability to develop the disease it is not a certainty. Inevitably there are problems determining how high the probability of contracting a disease must be in order for the newborn to qualify for treatment.

It is important to develop a clear definition of what constitutes a serious disease and in order to do this we can look at the notion of health. The definition of health has transformed over time from an emphasis on survival to a multifaceted perspective that includes "an emphasis on the individual's ability to perform daily activities, and ... an emphasis on positive themes of happiness, social and emotional well-being, and quality of life." Similarly, the World Health Organization claims that, "for people to reach a state of complete physical, mental, and social well-being, an individual or group must be able to identify and realize aspirations, to satisfy needs, and to change or cope with the environment." Based on these definitions we have developed a multidimensional definition of a serious disease:

A serious disease is an incorrectly functioning organ, part, or system of the body, which perceptibly hinders the ability of the individual to perform normal daily activities and/or impairs quality of life in regards to emotional and social well being.

The following are examples of diseases with varying degrees of seriousness for which screening is very common.

**Phenylketonuria (PKU)**

Phenylketonuria (PKU) is a genetic disorder that is characterized by an inability of the body to utilize the essential amino acid, phenylalanine, which if left untreated can cause progressive and severe mental retardation. Newborns have been screened for this disease since the 1960s and once diagnosed, simple dietary changes can be made to prevent symptoms from surfacing. Using the above definition we can determine that PKU is indeed a serious disease because the accompanying mental retardation would both affect the ability to perform daily activities and quality of life. PKU is a simple case, but there are more complex diseases that are not quite as cut and dry.

**Diabetes**

Currently, there is an ensuing debate occurring over predictive diabetes screening. Type I Diabetes Mellitus is the most common metabolic disease seen among children and currently two states offer voluntary newborn screening in conjunction with other metabolic screening to identify children with a genetic predisposition to it. The reality that exists with Type I Diabetes screening is that it reveals predisposition, not a certain diagnosis. This is a prime example of a much more complex disorder where the effects on a particular individual are unknown. However, we can still attempt to determine the seriousness of the disease based upon the probability associated with predisposition. The onset of Type I Diabetes does produce symptoms requiring extensive treatment that would be classified as serious under the definition. Diabetes also drastically affects the
way an individual performs daily activities, especially with regards to diet and exercise. Therefore, while revealing predisposition to the disease does not constitute it being a serious condition, the probability of the onset does.

Non-Serious Conditions

The 1997 film, *Gattaca*, provides insight as to the risks of testing for non-serious conditions. Although this drastic scenario is not necessarily occurring, it is foreseeable. The film portrays a future where society analyzes DNA and determines where each person belongs in life. Things such as life expectancy, aptitude, and likelihood of certain physical features are ascertained and determine whether, for example, a person should go to military school, into the low-labor workforce, or to a prestigious university, completely based on the results of genetic tests obtained at birth. The main character Vincent was born with a congenital heart condition and due to die at the age of 30, which cast him immediately out of a chance to achieve his aspiration of space travel. He in turn is forced to assume the identity of an athlete whose genes would allow him to realize his dream. Professor Alan B. Wood of Northern Arizona University also foresees this scenario as a “not-too-distant future world in which genetic research and engineering has fulfilled its wildest dreams,” and claims that a “human being cannot be defined and delimited by genetic possibility.”

Recommendation

According to the first component of beneficence, each disease must be looked at individually to determine the seriousness of that condition. The following recommendation for a new guideline is based on this principle:
- The introduction of new newborn screening tests should be subjected to carefully monitored research procedures, which will determine if the tested disease qualifies as being serious or not.

Non-Malfeasance

Non-maleficent actions are those, which are not intentionally evil in nature. In the medical realm, it is unlikely to find a test that would intentionally harm an individual; however, malfeasance encompasses negligent actions that cause harm as well. This is much more common, and there are many examples of maleficent actions that occur with newborn screening simply due to negligence including relying on false test results, underestimating psychological implications, and inadequate interpretation of results.

A particular study on Tandem Mass Spectrometry, a type of screening used for metabolic disorders, showed that the screening produced test results at a 90 percent false-positive rate. This means that only 10 percent of the patients diagnosed with a metabolic disorder through screening actually had the disorder. The implications of such false-positive results are immense including psychological, emotional, and social anxiety and risks. With increasing pressure in hospitals to release newborns earlier, the false-negative problem only becomes exasperated due to abnormal blood levels common within the first few days of birth.

False-positive results can leave families with a feeling of unnecessary anxiety. For example, in a 1991 study only 6.1 percent of infants with positive first tests were ultimately found to have cystic fibrosis, however, one-fifth of the parents of false-positive babies had lingering anxiety about their child’s health. Although they were told their child was not actually affected by the disease, they could not seem to escape from the
idea that their child would be ill or disabled. In fact, in a cystic fibrosis study done in Wisconsin, 5 percent of the parents who were told that their newborn was healthy after a false-positive result still believed one year later that their child had the disease, negatively impacting the parent-child relationship. In addition, the same study showed that 8 percent of families receiving false-positive results still changed their future reproductive plans, and an astonishing 22 percent were considering changing their plans despite perfectly healthy first children.

As pediatric testing is a complex process, results are not always accurate. However, the results depend not only on reliable laboratory procedures but also on accurate interpretation of results. According to the Lawrence Berkeley National Lab (LBNL) report among a group of one million children receiving genetic screening, there will be at least 500 false-negatives, who remain unaware of their diseases and 10,000 false-positives. Advancements in technology will allow for improvements in these numbers, however, being able to analyze and convey the results of genetic tests to affected individuals and their families requires a very specialized set of skills and training that many physicians do not yet possess.

There are a very limited number of genetic screening experts and counselors to manage genetic screening results, laboratories and technologies. Being totally dependent on a relatively small, specialized workforce and providing proper education and training has proved to be difficult. These limited specialists generally do not have enough time and resources to explain the importance, appropriateness, and risks of genetic screening to parents. Under-qualified physicians are instead often relied upon for explanation.

**Recommendation**

The negligence in these cases occurred because the test results were never validated or the interpretation of the results was not given a high enough duty of care. The negative resulting consequences are an example of how this negligence can lead to harm. The following recommendation is based upon this evidence in conjunction with the principle of non-malfeasance:

- Until proper training can be administered, pediatricians and other physicians need to be assisted in managing many of the complex issues involved in genetic testing by collaborating with geneticists, genetic counselors, and other subject-matter experts.

**Justice**

The notion of justice refers to the fair and equal treatment that is owed to an individual. There are many fairness issues that need to be considered with newborn genetic testing. Mismanagement of genetic test results presents the risk of personal genetic information falling into the hands of employers or insurers, which may lead to discrimination. Also, some tests may be viewed as discriminatory in and of themselves to certain groups of people or within families. Another concern is that because genetics generally have familial implications, results may be interpreted (or misinterpreted) to assume the parents or other members of the family possess the same genetic abnormalities causing a premium increase or denial to the entire family. Finally, it is also common that misunderstanding of carrier status may lead to the erroneous belief that a carrier is affected with the disease.
According to the National Council on Disability, a 1996 survey of 917 individuals at risk of developing a genetic condition and parents of children with specific genetic conditions indicated more than 200 instances of genetic discrimination. Employers, insurers, and other organizations practiced the discrimination. Another survey of genetic counselors, primary care physicians, and patients identified 550 individuals who were denied employment or insurance based on genetic information. Science magazine reported that in a study of 332 individuals with one or more family members with a genetic disorder who are affiliated with genetic support groups, 40 percent of the respondents recalled being specifically asked about genetic diseases or disabilities on their applications for health insurance. Twenty-two percent of the respondents said they or a family member were refused health insurance as a result of the genetic condition in the family. Fifteen percent of the respondents reported that they or affected family members had been asked questions about genetic diseases or disabilities on employment applications. Thirteen percent reported that they or a family member had been denied a job or fired from a job because of a genetic condition in the family, and 21 percent reported being denied a job or fired due to their own genetic disorder.18

There are several individual cases of employment discrimination that support the aforementioned statistics. During the early 1970s, employers used genetic screening to identify and exclude African Americans carrying a gene mutation for sickle cell anemia. Many of those who were not hired turned out to be completely healthy and never developed the disease. On May 6, 2002 the Equal Employment Opportunity Commission (EEOC) settled a case against Burlington Northern Santa Fe Railway concerning the conducting of undisclosed genetic testing on employees. The company was receiving complaints from workers with Carpal Tunnel Syndrome who claimed their condition stemmed from workplace activities. Burlington proceeded to secretly screen employees for an existing predisposition to the condition.19

Discriminatory practices have been proven to exist in conjunction with genetic screening of adults in the workplace. Today, results of newborn genetic screening tests are recorded into medical databases that make it much easier for insurance companies and employers to access personal genetic information. Increased access to this information may or may not necessarily lead to an increase in employment and insurance discrimination but will, however, encourage those companies who already engage in this practice.

A much more obscure social consequence of genetic screening lies in the fact that genetic diseases affect people of different races or ethnic backgrounds differentially. Minority groups who have been historically discriminated against may feel that screening targets disorders that occur entirely or mostly within their race. The resulting abstention from reproduction caused by positive test results can be viewed as a form of genocide. Similarly, people currently living with a particular genetic disorder may view mandatory screening for that disorder as an effort to eradicate their kind.19

The risk of discrimination can also occur within a family, specifically affecting the parent-child relationship. Sherlock and Morrey make the claim that parents may
actually treat their child differently pending abnormal test results stating that they may stigmatize or reject children with the abnormal genes, or may be less willing to devote financial resources, education or other benefits for such children. In fact, in Denmark, screening for a disorder called alpha 1 amitrypsin deficiency was terminated after it was determined that the long-term effects on the mother-child relationship were negative and detrimental.

**Recommendations**

Without a guideline to ensure justice it is easy to see how increasing use of genetic screening can lead to various forms of discrimination, which threatens the fairness and equal treatment that is owed to all people. The following recommendations are based on the principle of justice:

- Current and future newborn screening tests that are administered should be administered equally to all races and sexes.
- Insurance companies and employers should not have access to genetic information.

In light of the ever-changing technology, current and future tests should be periodically assessed to eliminate tests that have become discriminatory and do not provide a benefit.

**Autonomy**

Autonomy refers to an individual’s freedom of choice. Two conditions are essential for autonomy: (1) liberty, which is independence from controlling influences, and (2) a capacity for intentional action. There is much discrepancy across the country on genetic screening policy. In some places, autonomy is being respected, and in others it is being rejected. It is important to look at the varying domestic policy to determine what will provide autonomy in regards to genetic testing.

Currently, the scientific community, in discussions of whether genetic screening should be mandated, is comparing the method to a paradigm of clinical testing for infectious diseases. In applying the public health model to genetic testing, there lies the question of where individual rights and decisions end, and group responsibility begins. The logic states that society has a duty to intervene in order to provide good to the public, for example, the mandating of certain vaccines and educational campaigns against such risks as smoking. However, due to many discrepancies between clinical and genetic testing, the public health model approach to genetics does not hold water.

The main disparity between genetic and clinical testing is that infectious diseases pose a direct and immediate threat to society, whereas genetic abnormalities pose a potential risk to individual or even future generations. More importantly, the goal with diagnosis of infectious disease is to provide some form of treatment or cure to prevent dissemination. However, the concept of prevention or cure does not fundamentally fit this model because most genetic defects, unlike most infectious diseases, generally cannot now be fixed. A different approach must be taken with genetic screening.

The major question is whether genetic screening should be mandated or whether explicit parental consent should be required, and what effect this has on autonomy. An approach requiring explicit consent necessitates an informed decision by parents about
newborn screening. Mandatory screening typically requires an explicit refusal of screening by parents, although many parents are unaware of this option.

There currently exists a wide spectrum of policies on newborn screening across the United States. The District of Columbia and Maryland are the only two jurisdictions that clearly state that screening is voluntary. On the contrary, South Dakota does not even permit parental refusal of newborn screening even for religious or personal reasons. In addition, Missouri and South Carolina have criminal penalties for parents who refuse newborn screening. The principal ethical justification presented for mandatory screening is the claim that society has an obligation to promote welfare of the nation’s children through early detection and treatment of particular disorders. This obligation surpasses parental rights to refuse this simple medical intervention. The opposing argument states the claim that parents typically have broad discretion for making health care decisions for their own children. Although parents do not possess the right to refuse effective treatments for life-threatening conditions, they generally have the option to pursue a variety of alternatives in less threatening circumstances, including decisions that medical professionals would not recommend.

The core rule at stake is autonomy, which, if used as a guiding principle, says that people should be allowed to make informed, intentional decisions. Evidence shows that the majority of parents will continue to be supportive of newborn screening once they are informed of the risks and benefits anyway. In a study of newborn screening in Maryland involving informed consent, the informed refusal rate was only 5 per 1000 infants. In general, mothers preferred and appreciated being informed. In this particular study, it was reported that the consent process typically took 5 minutes or less of staff time and placing minimal burden on both hospital staff and parents.

**Recommendation**

Principlism asserts autonomy to be a guiding standard and an informed consent approach for genetic screening will allow the programs to continue while enhancing the quality and maintaining respect for traditional parental prerogatives to be informed participants in health care decisions for their children. The following recommendation is based on autonomy:

- There is a need for uniform policy among states requiring a voluntary informed consent method for implementing the tests. Because genetic screening and testing is not well understood, there is a need to provide parents the necessary information and counseling about the limits and flaws of genetic knowledge, treatment capabilities (should they exist), and the potential harm that may be done by gaining certain genetic information.

**Conclusion**

It is recognized that genetic screening in the age of the human genome project has provided the medical community with information that can be very beneficial. However, the problem lies within the fact that these technologies are being produced at a far faster rate than society can ethically manage them. The current ethical guidelines are insufficient for the complexities that exist in genetic screening today.

Principlism provides a very useful framework for addressing this issue guided by the four standards of beneficence, non-malfeasance, justice, and autonomy. Based upon
these components, we have developed a more useful set of ethical guidelines that will allow the scientific and medical community to better analyze very complex disorders and situations that have arisen due to sweeping technological advancements. The following is a recap of our recommendations for new guidelines.

- The introduction of new newborn screening tests will be subjected to carefully monitored research procedures, which will determine whether or not the disease for which it is testing qualifies as being serious according to a universal definition.
- Until proper training can be administered, pediatricians and other physicians need to be assisted in managing many of the complex issues involved in genetic testing by collaborating with geneticists, genetic counselors, and other subject-matter experts.
- Current and future newborn screening tests that are administered should be administered equally to all races, ethnicities, and sexes, and insurance companies and employers should not have access to the results.
- In light of the ever-changing technology, current and future tests should be periodically assessed to eliminate tests that have become discriminatory and do not provide a benefit.
- There is a need for uniform policy among states requiring a voluntary or explicit and informed consent method for implementing the tests. Because genetic screening and testing is not well understood there is a need to provide parents the necessary information and counseling about the limits and flaws of genetic knowledge, treatment capabilities (should they exist), and the potential harm that may be done by gaining certain genetic information.

Newfound possibilities for newborn genetic screening present risks that demand greater ethical consideration than what is currently being recognized by the scientific and medical communities. Only by adhering to a defined set of well-framed guidelines can the ethical use of genetic tests be ensured now and in the future.

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“Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore, send these, the homeless, tempest-tossed, to me: I lift my lamp beside the golden door.”

-Emma Lazarus

Historically, the United States has welcomed immigrants from all corners of the world. Ellis Island in the Atlantic and Angel Island in the Pacific are testaments to the sheer volume of people and their different places of origin throughout the world that wish to come here and be a part of this “melting pot” of cultures. Now however, there is growing concern over the immigrants coming here illegally from Mexico. Although it is the first time we have had large amounts of immigrants arriving by land this is not a new issue. Native Americans aside, every group of immigrants from Christopher Columbus to the more recent immigrants arriving from China and other parts of Asia have all come by boat. Mexican Immigrants however, can enter from any point along the long Texas, Arizona, New Mexico or California borders. This is a major concern to many U.S. citizens not only because it is very difficult to monitor vast expanses of desert and coastline, but current attitudes and policies encourage rampant undocumented and uncontrolled immigration.

In order to examine this situation in an ethical manner we will be using the ethical theories of Utilitarianism and Justice. First, these terms must be defined in order to clearly communicate our thoughts, opinions, and recommendations. Utilitarian’s claim that “the only actions that count morally are those that create the greatest amount of utility, or the greatest overall positive consequences.” ¹ It is easy to imagine this principle in theory; however, due to the uneven playing field that is reality, only using the principle of Utilitarianism would not be sufficient for evaluating the situation at hand. Due to this fact, we will also be implementing the theory of Justice. Justice is the principle that “The justice of a social scheme depends essentially on how fundamental rights and duties are assigned and on the economic opportunities and social conditions in the various sectors of society.” ² In addition to the overall justice theory we will be focusing on the Equal Liberty Principle. This principle is defined as “Each person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all.” ³ Through the use of these theories we can demonstrate how the current United States immigration policies, attitudes, and practices neither produce the greatest good for the greatest number nor provide justice between privileged and unprivileged cultures.
As the current immigration policies of the United States continue to age, the concerns over immigration continue to be a growing problem. With old policies becoming outdated and irrelevant the demand for new policies continues to rise. The inadequacy of the current policies has caused society to become very polarized in their search for a solution. Extreme positions have become the norm and the middle ground has been marginally ignored. The immigration policy that exists today not only discriminates against many immigrants but violates utilitarian and social justice ethical frameworks. The need for a restructuring of policy that allows for fair access and opportunity is more apparent now than ever. The United States needs to adopt a policy that will not only benefit the country but also the immigrants who wish to become United States citizens.

Background

It wasn’t until after the civil war that a lack of immigration policy became an issue. In order to control immigration the Immigration service was established in 1981. While regulations had been put in place, the United States generally had open borders. By 1920 immigration regulations dealt mostly with barring nationalities, from 1882 until 1952 the Chinese exclusion act barred Chinese immigration. The changes to policy in 1920 dealt with large increases in immigration after WWI coupled with a struggling U.S. economy. The large immigration numbers were a drain on a weak economy. The solution at the time was the national origins quota system which assigned limits on the number of immigrants of each nationality. The system worked, immigration numbers decreased over the next 40 years and were negative in periods of the great depression. The 1965 Immigration and Naturalization act replaced the national origins system putting a limit on the number of immigrants from each hemisphere rather than each country. This system increased immigration again but has drawn criticism on favoring certain immigrants. The United States immigration policy has gone from taking the tired, the hungry, and the poor to choosing the rich, the famous, and immigrants who will most significantly boost the economy.

As of March 2005, the undocumented immigrant population had reached nearly 11 million. All of these people are in the United States living, earning wages and doing so illegally. Obtaining permanent residence and legal working status is a lengthy process, and the United States requires that this process be completed before citizenship will be granted. Currently, there are many ways to legally become a permanent resident in the United States. However, all of these take a significant period of time and none of them guarantee permanent residence.

The following information was obtained from the United States Citizenship and Immigration website.

Immigration through a family member:
Immigration through a family member is currently one of the avenues that can be used for immigrants to gain permanent residency in the United States. In order to immigrate through this process, an immigrant must have a family member who is currently a legal citizen of the United States. Then through a lengthy process of applications and paperwork the immigrant may become a citizen if certain requirements are met and they are accepted.

**Immigration through Investment**

Immigration through Investment allows an immigrant to obtain permanent citizenship through investment in a new commercial enterprise. There are three specific avenues through investment in which one can immigrate. All include investment in U.S. corporations and can require investments up to one million dollars. Also, they require statistical evidence that the investment as helped improve the United States economy.

**Immigration through employment**

There are currently four categories in which employees can fall. The four categories of workers available are as follows:

1. **Priority workers**

   This category includes workers of extraordinary capabilities in any area of employment. This can include athletics, business, medical professions, etc…

2. **Professionals with advanced degrees or persons with exceptional ability**

   This category includes all individuals who have obtained advanced degrees abroad and people with exceptional skills. This may also include medical professionals in rare fields.

3. **Skilled or professional workers**

   The third group in order of preference will include the following: Professionals with bachelor’s degrees, professional skilled laborers and lastly unskilled laborers. Anyone who falls into this category doesn’t meet the requirements for a higher level.

4. **Special Immigrants**

   Finally, the fourth group includes foreign religious workers and United States government workers from abroad.

   If an immigrant is trying to come to the United States using this process, they will be given preference based on which of these four categories they fall into. The first category is given the most preference and so forth.

**Immigration through the “Diversity Lottery”**
The last method of permanent residency to be discussed is the “Diversity Lottery”. This is a lottery system in which each year 55,000 immigrant visas are available to people who wish to come to the United States from countries with low rates of immigration into the United States. Given our current situation with Mexico, immigrants from that country are given the lowest preference due to their relatively high immigrant population already here.

Discussion

Although there are many ways in which an immigrant can obtain permanent residence in the United States, it appears as though the system is inherently discriminatory and violates the Equal Liberty Principle. The Equal Liberty Principle states that “Each person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all.” 3 The United States is becoming overly selective about who they allow into this country and denying each person an equal right to basic liberties. Therefore, the United States is violating the theory of justice ethics in the Equal Liberty Principle.

As previously described, if immigrating through investment preference is given to those who are already succeeding elsewhere, then those who are struggling in a foreign country will have a much smaller chance of receiving citizenship. The people immigrating through investment are required to invest a significant amount of funds in order to qualify for permanent residency. By establishing such high standards for potential immigrants, we are providing a significant good for an insignificant amount of people. Utilitarianism requires us to do just the opposite, providing as much good as we can for as many people as we can. Immigrant investors are already successful and have less need to leave their home countries. The people who need to immigrate most are those who are looking to earn money in the United States to support themselves and their families. They are the poor, hungry and tired. Moving to the United States allows them the opportunity to make a better life for themselves and future generations.

Again, in the above requirements, when immigrating through employment, preference is given to the smartest, most accomplished, and most athletic. It would seem as though many of these people who have great attributes would generally have less need to immigrate to the United States. If they are succeeding in their home countries the opportunities that the United States presents are more of a benefit than a necessity. However, on the other end of the spectrum, people who are looking for public education and people needing opportunities to earn advanced degrees have a much slimmer chance of obtaining residency, despite the fact that they are the ones who’s social status will benefit most from coming to the United States. Thus, through the requirements of both of these avenues of immigration, the system is discriminatory and violates both social justice and utilitarian ethical frameworks.

Once immigrants have entered the U.S. it must be decided how these people will be integrated into the social systems such as social security. According to Carens, “we do not owe potential immigrants the same treatment as we do to our fellow citizens,” however they do still deserve basic rights and opportunities.7 From a social justice ethical framework, an elderly immigrant who has recently become a citizen, would not be entitled to social security because throughout their life they have contributed little or nothing to the program compared to a natural born citizen of the United States. It would be socially unjust to the people who have spent their entire lives paying into the social
security fund to afford these same benefits to a recent immigrant who has not worked as hard to acquire them. On the other hand there are many young people coming to the U.S. to get educated and desire to contribute to U.S. society.

The United States accepts immigrants who wish to pursue an academic career in great numbers. However, as these students fulfill their academic requirements; the United States does not allow them opportunity for citizenship. This creates an ethical dilemma. The United States is providing a service and giving information to these students. However, once they are finished we are not allowing them the opportunity to use their skills and knowledge within the United States.

In this case the United States is not achieving the greatest good for the greatest number of people. The United States is giving these students a huge asset in the form of knowledge and skills, yet does not allow them to use their knowledge in the U.S. These students are not given opportunity for citizenship and thus not allowed to provide benefit directly to our country. Due to the possibility that these students may not have opportunity to use their new skills and knowledge in their home countries, the benefits from their education are severely compromised.

In light of recent public attention about these policies, some proposals in the immigration debate are being brought about by citizens and their elected representatives. Some of these proposals include, building a fence or wall across the entire U.S. – Mexico border or conversely completely opening the borders to all immigrants. However, much of society remains polarized.

There is a large population of citizens in the United States who are in support of more open borders. Arguments in support of this position include a boost to the economy, a movement towards a non-discriminatory selection system and promotion of social justice in the immigration process. In opposition, other citizens are concerned about who we are letting into our country and have mobilized in support of largely closing the U.S. – Mexico border. Whereas citizens supporting closed borders are concerned with homeland security, economic burdens and cultural preservation.

While recognizing that homeland security has legitimate implications here, the latter two could possibly be a veneer for justifying a discriminatory naturalization system. In the past, the majority of immigrants have had to “pay their dues” to live here. Citizens of the U.S. have rarely received large droves of immigrants, especially those who bring significant cultural differences, without discriminating against them. The Irish and Chinese who arrived here in the 19th century were severely discriminated against. The immigrants were paid very low wages and often worked to death.

While this sort of outright abuse of human rights would not be acceptable in today’s litigious society, the same sort of discriminatory backlash is occurring against Hispanic and other Latin immigrants today. Immigrant workers often suffer significantly lower compensation and considerably worse working conditions. The Bracero Program is a good example of Mexican immigrant’s treatment in the United States. During the programs tenure over 3 million braceros came across the border to work in farms in the southwest. While the workers contributed to the farms, they were taken advantage of. The US official in charge of the program, Lee Williams, went so far to call the program “legalized slavery”.

Another major concern of immigration is the effect on the United States economy. Concerns with the possible impact these immigrants would have on the economy ranges
from jobs that U.S. citizens would have otherwise been working in, to an increased strain on public services like education and welfare. It can be debated whether or not many jobs would have been filled if illegal immigrants were not gunning for them. However, the impact of cheaper labor coming into the market would otherwise stimulate the economy.

Cheaper labor means more jobs can be accomplished for less money, thus in effect acting in the best interest of the state and its citizens. From a utilitarian perspective, not allowing such stimulation would be a disservice to the good of the American people. In fact there is a near academic consensus that immigration boosts a states’ economy. In further support of this position, there are two rebuttals to the argument that immigrants are a drag on the economy. First, is that most of these immigrants aren’t coming here to live off of welfare and barely scrape by in a country with significantly higher living expenses. The vast majority of immigrants come to the U.S. specifically to work hard so they can raise the quality of life of their families. Second, although children and the elderly will not work and contribute directly to the economy via income taxes, they create a larger need for services such as education and healthcare which in turn creates jobs to satisfy those needs. Also, by educating these immigrant’s children, the U.S. is providing future generations an opportunity to not have to rely on social services such as welfare. Utilitarianism clearly dictates that the U.S. needs to change its’ policies towards immigrants in order to serve the greatest good. Another argument against open borders is the idea of cultural preservation.

American culture is a composition of hundreds of national origins, races and religions, all of which contribute to the overall culture that is American society. “If a country is going to admit immigrants of diverse backgrounds, then it ought to recognize the inevitable consequences, and accept cultural mixing and diversity as Canada and the United States have.” Considering that American culture is already extremely diverse, preserving it at any one point in time is not only unattainable, but also illogical. American culture is an entity which is constantly changing. An attempt to stop the changing process would destroy the underlying principles of American culture and become a culture that is, for lack of a better word, un-American.

It is also necessary to examine the flip side of cultural preservation because these immigrants came from a culture just as intrinsically valuable to them as ours is to us. Yet, they chose to leave that culture and join ours. They are choosing to abandon much of their cultural identity for a chance at a better life in the United States. There is often cultural resistance when different cultures come into direct contact, but accusing them of diminishing our culture would be the equivalent of accusing any person not of Native American decent in the U.S. of doing the same thing. We cannot expect immigrants to abandon their original culture altogether, consequentially diverse immigrants will lead to diverse culture. In order to promote social justice there must be mutual respect for both immigrant and host cultures.

One of the reasons that cultures are always changing is the fact that people are always moving and bringing their culture with them. Many immigrants claim that every human has an inherent right to free and unrestricted movement. Here in the U.S. people’s inherent right to free and unrestricted movement is true to a point. The U.S. is where the most advanced property rights exist. The right to free and unrestricted movement applies as long as no one’s personal property is infringed upon. One citizen cannot enter another citizen’s property without permission. Additionally, one citizen cannot even do things on
their own property that diminishes their neighbor’s rights to enjoyment and free use of their property. Therefore, this inherent right has very clear and set limits in the U.S.

If the United States of America is our property, what right does any immigrant have to come here, especially without our consent? With the assumption that nations are always going to have borders and citizens for that matter, the answer is none. There is a big difference between public property and private property. The term “public” applies to everyone, such as when referring to a public park or library. But this term does not include illegal immigrants who do not pay taxes to contribute to the upkeep of such public properties. Again, we come to the fact that we do not owe potential immigrants the same treatment as we do to our fellow citizens. However, for social justice to be achieved, we must accept potential immigrants if they have the means to come here and contribute to these “public properties.” Social justice implies doing things that one (a nation) is not required to do, but are done in order to raise the well being for the underprivileged.

In examining the U.S.’s social justice and utilitarian obligation to raise the level of well being for as many as possible, we can look at push and pull factors. Obviously, the state of the U.S. economy is a pull factor. Using Mexico as an example, the political and social strife that its’ people must endure to live there is a push factor. Our country’s GDP dwarfs most other continents. Not only that, but people are guaranteed numerous rights and freedoms when considered a citizen of the U.S. Not many other places in the world can boast either of those claims. The United States has always been a destination country for immigrants and although that was not necessarily our intended effect, to live by such virtue will always attract the less fortunate. As long as we (the citizens) remain in control of our own destinies and to some degree our countries destiny, it will always be a top choice for oppressed and impoverished people the world over.

The last and perhaps most urgent argument against open borders is the concern for homeland security. If we cannot control who gets into our nation, then as a nation we are not safe from those who wish to harm us. This establishes the necessity for controlled immigration and naturalization. Many immigrants avoid the authorities and choose to enter the country illegally for the reason that they probably would not be granted citizenship or possibly not allowed into the U.S. altogether. This is a legitimate concern for these immigrants because current policy does not provide most immigrants with a feasible and legal way into the country.

Recommendations

The United States must overhaul the current immigration policies and attitudes. Not only are the current practices inherently discriminatory, but as we’ve shown they also violate utilitarian and social justice ethical theories. Moving this country towards an effective and more importantly, a fair immigration policy will benefit not only the United States as a whole, but also, both the current citizens and potential citizens.

#1

*Provide a feasible avenue for permanent immigrants to acquire citizenship.*

The United States is a destination country for immigrants and whether we want the poor and unskilled to come here or not, they will be coming. How we deal with the immigrants is our only true control over the situation. The Social Justice ethical framework will help guide the U.S. government and society in how to help these
imigrants help themselves. While the Utilitarian ethical framework provides us with clear evidence that we should accept immigrants for our own good as well as theirs. In the short run, these additional immigrants will not be able to contribute as much to this countries economy as for example an immigrant investor, in the long run, the U.S. would be easing the strain on social services such as welfare and food stamp programs. By educating these immigrant’s children, the U.S. is providing their families with an opportunity to emerge out of a class of poverty and into a more prosperous role for both themselves and the United States.

#2

*Improve the collection and use of information about the people we are both turning away from the border and allowing into the U.S.*

Although it will be a long process, it is imperative for the United States to collect and retain as much information about immigrants as possible. First, as immigrants come here legally, the United States must maintain national security and ensure that the immigrants becoming citizens are not criminals or terrorists that may harm society. While easier said than done, the United States can make significant improvements from the status quo. Second, as immigrants are sent out of the country, the United States must maintain information about these people so that if they attempt to come back to the United States more appropriate actions can be taken.

#3

*The United States should seek to retain foreign students as opposed to sending them back to their country of origin.*

There is also a misappropriation of information relating to immigrant college graduates. Immigrants who come to the U.S. to get a college education often do not have the option of becoming a citizen after they complete their studies. Again the U.S. government does not bother to try and retain the new graduates, but deports them back to their respective countries where there may or may not be opportunity for them to use their new knowledge and skills. Instead the United States should seek to integrate them into the workforce and further aid them to becoming United States citizens. The immigrant students who decide to stay will create benefits in two fold. Not only will the students have better opportunity to use their skills, but those skills will be put to use in the United States economy.

#4

*People who are caught with an illegal status in the U.S. more than once should completely forfeit any chance of becoming a legal U.S. citizen.*

Aside from the penal system, the current government keeps very poor records on illegal immigrants. Essentially, when an illegal Mexican immigrant gets deported just across the border into Mexico, the immigrant receives a fresh start. Since their last attempt turned out to be unsuccessful (they were sent back to Mexico) the offender is free to try and come to the United States again. Currently, there are no consequences for people who are caught crossing the border illegally multiple times.
In accordance with the utilitarian and social justice ethical frameworks it is apparent that current U.S. immigration policy must be refined. We must take into account not only avenues in which immigrants will come to the U.S. but also how to successfully integrate them into our society. It is clear that a compromise must be found because neither side can have it’s way completely. Our country’s physical integrity must be maintained for national security of the state. However, as a privileged society, we must accept both the intended and unintended consequences. Our country was founded on the principles that all men are created equal and freedom is not a luxury to be enjoyed solely by the rich, but a right inherent to every human being. Social justice and utilitarianism are by no means the only ethical frameworks that can be applied here, but these two frameworks put together provide us with a new and clear perspective on an issue as old as society itself. Current U.S. immigration policies are not acceptable and policy makers must realize that drastic change in policy, as well as attitudes, must be made before this age old problem will ever go away.

**Work Cited**


