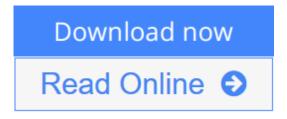# Case Studies in Information Technology Ethics (2nd Edition)

*By Richard A. Spinello*



**Case Studies in Information Technology Ethics (2nd Edition)** By Richard A. Spinello

@ This collection of 42 high-quality, well-researched case studies on information and computer ethics addresses the most salient ethical issues of the information age, and illustrates the key concerns of computer specialists and information managers today. It engages readers who are novices in computer issues—and those who are more involved—in an exciting discovery process. The cases encompass areas such as privacy, free speech, intellectual property, Internet access, and policy discussions—and feature the Microsoft trial, the Napster case, the FBI's Carnivore technology, and the AOL Time Warner merger. For managers, executives, and IT professionals who work in the field of computer technology, and for use in corporate management education programs.

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## Editorial Review

From the Back Cover

*Case Studies in Information Technology Ethics,* Second Edition, is a versatile learning tool that offers a collection of diverse cases to help students and managers reflect on the multi-faceted ethical dilemmas that are emerging in the networked world. This book contains forty-two high-quality and well-researched case studies that address areas such as cybercrime, privacy, intellectual property, and equitable access. Many of these cases illustrate the interplay of strategic objectives with law, public policy. and ethical norms. The text is designed to appeal to all student levels—it is neither too technical for the novice in information technology issues, nor is it too simplistic for those with a more sophisticated background.

**New to this Edition**

- Twenty-two new cases along with new chapters on free speech and interconnectivity issues such as the proper use of hyperlinks and metatags.
- All cases have been updated where necessary to reflect changes in laws or policies.
- There is a focus on policy issues, featuring cases on the information infrastructure, open access to the Internet, and the digital divide.
- There are cases on controversial and current topics such as the Microsoft antitrust trial, Napster and digital music, the AOL Time Warner merger, the FBI's Carnivore technology, and the use of encryption software.

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Since this book was first published in 1996 under the original title *Case Studies in Information and Computer Ethics,* there have been many changes in this expanding field of study. Computer ethics courses began infiltrating the curriculum at many universities and there has been an outpouring of books and articles. The field is more mature now with its own journal, *Ethics and Information Technology,* published by Kluwer Academic Publishers, and its own scholarly organization, the International Society for Ethics and Information Technology (INSEIT). In keeping with this nomenclature, we have opted to change the title of this book to *Case Studies in Information Technology Ethics.*

Also, at that time of the first edition the World Wide Web was in its infancy and most electronic commerce business models were still on the drawing board—inchoate ideas in the minds of visionaries like Jeff Bezos of Amazon.com. During the ensuing period there was an explosion of growth on the Web followed by the great dot.com crash of 2000. But while the euphoria about the Net has faded, no one is dismissing the likelihood that this global network will be a main thoroughfare of commerce and community in the future.

This new edition puts considerable emphasis on the major ethical dilemmas provoked by the Web and the Internet, especially in the areas of privacy, free speech, and intellectual property. Several new sections have been added, including an entire chapter on free speech in cyberspace along with a chapter on fair competition and Internet access issues. Free speech issues have emerged as particularly contentious ones thanks to the availability of automated content controls such as filters; several cases in Chapter 2 will emphasize the disputed role of these technologies in controlling discourse in cyberspace. There is also much emphasis in this book on property and interconnectivity issues that stem from activities such as hyperlinking. The property cases deal with digital music and the Internet phenomenon of Napster, and they also examine

controversial issues such as Web site linking and the proper use of metatags.

Other topics covered by this book include security, software reliability and liability, and, of course, the vital issue of privacy. The chapter on privacy includes a case on Web bug architectures as well as a new case on the controversy surrounding Toysmart.com's customer list. There is a new section in this chapter called "Privacy and Public Safety" that includes two case studies on the government's conflicting demands to protect privacy and provide security. The first case study focuses on the FBI's controversial Carnivore technology and the demands placed on Internet Service Providers to cooperate in Carnivore's deployment. The Carnivore case allows students to consider the difficult trade-offs that must be made between security and liberty. The second selection, "Crypto Wars," is an updated version of a case that appeared in the first edition. That case now reflects the liberalization of encryption export policy and other important changes. The privacy issues raised by both of these cases obviously have greater salience in the post-September 11 world.

Also new to this edition is a secondary focus on policy issues for those so inclined to present some of these cases from that perspective. Included in Chapter 1 is an overview of Larry Lessig's framework along with more general background material on how to frame policy debates about the Internet. The final chapter is especially suited for policy discussion with its cases on the information infrastructure. These cases involve the problems of open access on the Internet and the digital divide. Included in this chapter are two cases on Microsoft: a comprehensive review of the antitrust trial and a timely discussion on the potential for renewed antitrust problems with the release of the Windows XP operating system.

This book presents a total of 42 case studies; 22 of these cases are new and several of the remaining cases have been updated where appropriate. Some of these cases (such as the pair of Microsoft cases) look at the moral propriety of corporate policy, while others look at what constitute suitable and fair public policies. Still other cases are based on the actual experiences of managers and Information Technology (IT) professionals who work in the field of computer technology or have some responsibility for managing a company's information resources. A few cases represent hypothetical but realistic situations.

The purpose of these diverse cases, of course, remains the same: to help students, IT professionals, and managers to reflect on the vexing ethical dilemmas and problems that are emerging in the information age. In this fast-paced environment the rules seem to change quite rapidly and the standards of propriety are difficult to define. Many of the cases presented here are complex and multifaceted, and hence they defy facile solutions: But the problems posed are certainly not insoluble, and, as a guide to effective resolution, this book includes an overview of theoretical ethical frameworks. The frameworks presented include consequentialism, pluralism, and contractarianism. They enable us to analyze moral problems from the viewpoint of consequences, duties, and rights. If used properly, these "avenues" of ethical reasoning can be instrumental in helping us develop a cogent action plan within the bounds of ethical probity and social acceptabilty.

Finally, there is a selective but thorough bibliography that includes major books and articles in the field of information technology ethics. It is organized by the topics covered in this book and it will facilitate the process of future research on many of the issues raised in the case studies and the chapter introductions.

## THE METHOD

The case study remains a popular instrument to provoke students to grapple with complicated moral problems and quandaries. Cases present such problems in a particular context, and as a result they require students to discern the ethical dimension of a situation among a plethora of intricate, perplexing, and sometimes conflicting information. Further, they compel students to frame the issues carefully and to

develop a tenable and morally defensible action plan. Since these cases are based on real-life situations, they prepare students for the ethical dilemmas they will confront in their own professional careers. The expectation is that they will be able to deal with those dilemmas more responsibly and purposefully once they have developed this valuable skill of ethical analysis.

The most significant benefit of using the case study method is that it engages students and requires them to become active participants rather than passive observers. This method is a form of student-centered education that heavily involves students in the learning process. According to Charles I. Cragg, in "Because Wisdom Can't Be Told," (*Harvard Alumni Bulletin* October 19,1940)

The case system, properly used, initiates students into the ways of independent thought and responsible judgment. It faces them with situations which are not hypothetical but real. It places them in the active role, open to criticism from all sides. It puts the burden of understanding and judgment upon them. It provides them the occasion to deal constructively with their contemporaries and their elders.

The cases in this book have been designed to stimulate dialogue and reflection on a well-defined set of complex issues. They are timely and yet embody enduring controversies that will remain with us for many years. They can stand alone or be used with supplementary material such as background essays, articles, and even news clips available on video. Most of the cases have been tested at various seminars and classes at Boston College, and they have been chosen because they can function as excellent springboards to productive and lively discussions.

## THE AUDIENCE

Interest in this provocative subject matter has certainly intensified in the last decade. As a result, new courses and workshops in information technology ethics have proliferated on college campuses, corporate education settings, and elsewhere. It is my hope that this updated case book will continue to be a valuable resource for such courses and seminars.

This book can be used profitably in advanced undergraduate and graduate programs in schools of business, engineering, and public policy. It is most suitable for courses devoted exclusively to information technology (or computer) ethics, but it could be used in engineering ethics courses where a major axis of discussion is information processing. It has also been designed for interdisciplinary courses that probe the business and legal environment of telecommunications and information technology such as "Seminar in Internet Law, Ethics, and Policy." Or it could be used profitably in generic policy or ethics courses offered in schools of business (for example, courses such as "Social Issues in Management" or "Moral Dilemmas of Management"). This text could even find a place in some humanities and philosophy courses that treat broader areas such as practical ethics or technology and society. Lastly, this collection of cases can be an important resource in corporate management education programs. Professional managers also need to be introduced to the array of issues presented in these case studies. In any of these contexts this text can be used by itself or it can serve as a companion piece to a narrative or book of readings on computer ethics.

Ultimately the goal of this book is to help instructors sensitize students and managers to the vital importance of the careful and responsible use of information technology. It raises many questions, challenges certain assumptions, and even provides a glimpse into the future. But above all, the primary objective is to heighten our ethical awareness in order to help ensure that technology will not be used to create a future inimical to human values or the fundamental principles of justice and fairness.

## ACKNOWLEDGEMENTS

I have received considerable feedback from users of the first edition. I am indebted to my own students for

their candid comments and have also profited immensely from the thoughtful evaluations of faculty members who have used this book in their courses. I have tried to incorporate as many of their suggestions as possible. In addition, I would like to thank several individuals who helped with this new edition. I am grateful for the commitment and cooperation of Ross Miller and Wendy Yurash from Prentice Hall. Helpful comments came from Prentice Hall's reviewers C. Dianne Martin of George Washington University and Stephanie L. Fitch of University of Missouri-Rolla. I am also grateful to Joanne Riker for her work in producing this book and for her patience in deciphering last minute edits and alterations. Thanks to Joyce O'Connor at the Carroll School of Management for providing some much needed administrative support. And finally I am grateful to Boston College for giving me a sabbatical; the free time has allowed me to complete this book along with several other related projects.

*Richard A. Spinello*
*Hyde. Park, Massachusetts*

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