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**Ethical Aspects of Information Technology**

Richard A. Spinello

Englewood Cliffs, NJ: Prentice-Hall, 1995, xi + 226 pp. \$30.60 pbk. 0-13-045931-3.

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In this book Richard Spinello tries to provide the reader with exactly what the title promises. Whether he succeeds or not depends very much on what one means by 'ethical aspects' and, more broadly, by applied philosophy. The book contains a chapter (2) devoted to "ethical frameworks" and it includes an abundance of material, very knowledgeably presented, about the use and misuse of information technologies in business settings. Moreover, the ethical concepts introduced in Chapter 2 do resurface quite regularly in discussions about the information technologies. They are flawed at the point of origin, however, and at the point of arrival they do not achieve a seamless fit. As a result, the final product is (to adapt an expression from the author's lexicon) ethically unreliable.

The author is clearly at his best when describing how various new information technologies are being put to use in the corporate sector and how they create (or should create) quandaries for executive decision makers, especially because of the limited reach of existing law with regard to these matters. In particular, no one who reads this book will ever again be at a loss for examples of how the computer has affected the legal context of business in such areas as privacy, intellectual property (copyrights and patents), confidentiality, competition, contract responsibilities, and liability. The issues are clearly articulated in the textual material and expansively illustrated by two thoroughly fleshed out cases at the end of each chapter. To this extent, one might declare the book to be flawless, except for some obsolete technical details, unavoidable given how rapidly the technologies in question are being transformed.

This work is also commendable for trying to integrate the state of the law, both statutory and judicial, with regard to the issues addressed. The reader who needs only a general sense of how these matters are being dealt with in courts and legislatures will not be disappointed, even though various lawmaking efforts cited were unresolved at the time of publication. This text is thus a victim of the medium in which it is proffered. The professional who needs legal results promptly would, of course, rely on a dedicated service or, for that matter, the World Wide Web (a technology not addressed in the book). Less excusable, though, are a number of off-the-wall declarations about the law, e.g., that contractual rights are "synonymous with the legal rights

guaranteed by the Constitution" (p. 31), or that "[one] who is the direct or proximate cause of the harmful event is liable for that event" (p. 85), or that "only the Fourteenth Amendment provides a basis for protecting a person's 'informational privacy'" (p. 113).

Unfortunately, it gets worse, for, now, the titular promissory note comes due: how are 'ethical aspects' going to be conjoined to this world of work in which compliance with (enforced) legal obligations just about exhausts a business's concerns beyond the bottom line? The author's answer (as suggested above): insert an abbreviated package of ethical theories and principles, then refer to these along the way. This approach, though hardly a unique way of "applying" philosophy, actually goes beyond the predictable formula by adding three principles borrowed from medical ethics (autonomy, nonmaleficence, and informed consent) and using each of them to good purpose (though not always convincingly). Also included and used to some extent: the problems of (1) salvaging personal ethics in the face of corporate responsibilities and (2) sorting out and prioritizing the competing claims of diverse interests in a company's business ("stakeholder analysis").

To add the traditional dimension to this mix the author gives a very short course on utilitarianism, duty-based ethics, and (Rawlsian) rights-based ethics, each of which is applied to a number of problems arising in business in connection with information technologies. This ethical overview is so ineptly presented and applied, however, that it could have been left out without appreciably weakening the book. Its inclusion adds confusion.

Incredibly and for no apparent reason, deontological ethics is identified as pluralism (pp. 23, 29, 40, 224). Pluralism, in turn, is associated with balancing professional and ethical duties (p. 29), and the need to balance, or weigh, competing claims recurs in diverse contexts (pp. 150, 163, 200, 201). This may but is not said to relate to W.D. Ross's modified deontology (pp. 26-29), but it more closely resembles a utilitarian cost-benefit analysis (see Table 2.1, p. 20). Spinello associates such analysis with assessing consequences (p. 21), and this is what he most often does throughout the book when addressing information technology issues. He also addresses rights-based concerns, e.g., as to the basis for a right to privacy (pp. 114, 121), or the relevance of the Lockean labor theory of ownership to software patents (pp. 159-60); but he subordinates such moves to consequentialist considerations (e.g., p. 129).

In sum, Spinello's book is a good read but an unreliable ethical guide. It has been written, apparently, by someone far more conversant with information technologies than with the subtleties of ethical theory. As such it does not apply philosophy in any systematic way.

Instead it provides informative accounts of some difficult issues raised by the use of computers and brought into focus by law suits and suggests these might be resolved by using moral strategies developed in a much less technologically sophisticated world. Thus perceived, perhaps the most ethically useful tool in the entire book is a list of Steps for Ethical Analysis (Table 2.2, p. 39). The author follows this list fairly faithfully, but leaves the second of seven steps (regarding "moral intuition") to the reader—unless one wishes to identify his various arbitrary declarations about what is or is not immoral as instances of such (pp. 34, 115, 164-65, 195, 196, 199, 203).

As much as I learned from reading this book, I cannot recommend it for any philosophy course as such. It may be of interest especially to students in management and/or computer science who are required to take a humanities course. But it would leave them with little appreciation of what philosophical ethics might contribute to their professional lives. Other books cited by Spinello cover a broader range of issues although few of these are philosophy-based. No doubt the best and most current philosophy-based monograph is Deborah Johnson's *Computer Ethics*, 2nd ed. (Englewood Cliffs, NJ: Prentice-Hall, 1994); and for philosophical aspects of computer networking (not addressed by Spinello), see Carol Gould, ed., *The Information Web: Ethical and Social Implications of Computers* (Boulder, CO: Westview, 1989). For philosophical analyses of background issues (with little reference to computers), one might consult Ferdinand Schoeman's edited anthology, *Philosophical Dimensions of Privacy* (New York: Cambridge University Press, 1984) and his *Privacy and Social Freedom* (Cambridge: Cambridge University Press, 1992), as well as Andrew Feenberg and Alastair Hannay, eds., *Technology & the Politics of Knowledge* (Bloomington: Indiana University Press, 1995). For criticism of corporate claims to ownership of collected data, which Spinello tends not to question, the reader may consult my article entitled "The Two-Tiered Ethics of EDP," *Journal of Business Ethics* 14: 53-61 (1995).

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