

# CYBERETHICS

Morality and Law in Cyberspace

SIXTH EDITION

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In memory of my grandmothers,  
*Guiseppa Padrevita and Olga Spinello*



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## PREFACE

Since the fifth edition of *Cyberethics: Morality and Law in Cyberspace* appeared several years ago, the social and technical landscape of cyberspace has undergone even more changes. In the United States, there is a new push for “net neutrality,” while the European Union now recognizes the digital right to be forgotten. A wave of security breaches has inspired new approaches to digital security. Social media has become a platform for all sorts of abusive speech, ranging from cyberbullying to terrorist threats. And there is a new “crypto war” brewing thanks to the strong encryption now being used in iPhones and other mobile devices. We have tried to take all of these developments into account in this new edition.

The growth of the Internet has been one of the most remarkable phenomena of the last century. In the early 1980s, the Internet was known to only a handful of scientists and academics, but it is now being regularly used by almost two billion people, and many predict that it will continue to revolutionize everything from the practice of medicine to education. The Internet is more than merely a communications network. It is an infrastructure, helping to create a new social and economic order characterized by global connectivity and the decentralization of authority.

The success of the Internet would not have been possible without the development of the World Wide Web, which has made a wide variety of media (such as text, video, and audio) available through a user-friendly interface. The Web has ignited electronic commerce and social networking, which have changed the face of Internet communications. Websites such as Twitter have already had a dominating influence on the culture.

This rapid development of the Web and the entire Internet economy is not without its social costs. If it is easier to publish and spread truthful and valuable information, it is also easier to spread libel, falsehoods, and pornographic material. If it is easier to reproduce and remix digitized information, it is also easier to violate copyright protection.

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And if it is easier to build personal relationships with consumers, it is also easier to monitor consumers' behavior and invade their personal privacy. Thus, the Internet's vast capabilities can be misused to undermine private property and mock our traditional sense of moral propriety.

Our primary purpose in this *Sixth Edition* is to carefully review the social costs and moral problems that have been triggered by the underlying technologies that support this vast information network. How can we exploit the benefits of these technologies and deal with these costs through legal rules and social norms? How can we distinguish good from bad behavior?

Our second purpose in this edition is to stimulate the reader's reflection on the broad issues of Internet governance and its control by the state. The Internet was designed as a borderless global technology, resistant to territorial law, but it has been gradually transformed into a bordered place where geography still matters.

To accomplish these objectives, we first lay out some theoretical groundwork drawn from the writings of contemporary legal scholars like Larry Lessig and philosophers such as Kant, Finnis, and Floridi. We then focus on four broad areas: content control and free speech, intellectual property, privacy, and security. For each of these critical areas, we consider the common ethical and public policy problems that have arisen and how technology, law, or some combination of the two would resolve some of those problems.

The first of these four topics concerns the fringes of Internet communication such as pornography, hate speech, and spam (unsolicited commercial email). We review the history of public policy decisions about the problem of pornography and consider in some depth the suitability of automated content controls. Are these controls technically feasible, and can they be used in a way that is morally acceptable to the relevant stakeholders? We also consider other prominent free speech issues such as appropriate standards for bloggers and the censorship that has arisen in countries like China and India.

We then review the new breed of intellectual property issues provoked by the digitization of information. These include ownership of domain names and peer-to-peer networks, open source software, and the phenomenon of remixing. There are new critiques of copyright laws that insist that the Internet should be a place without digital locks or anti-copying devices.

Perhaps the most notorious and widely publicized social problem is the ominous threat that the Internet poses to personal privacy. The Internet seems to have the potential to further erode our personal privacy

and to make our lives as consumers and employees more transparent than ever before. What, if anything, should be done about data brokers who aggregate personal information from online and offline sources? Also, to what extent does social networking pose a threat to privacy?

Finally, we treat the critical area of security with an initial focus on the perennial problem of hacking in cyberspace. We dwell on the issue of hacktivism and the conditions for its moral acceptability. Also discussed is the vulnerability of the Internet to cyberspies. In this context we treat encryption technology as a means of ensuring that transmitted data are confidential and secure. The encryption controversy, which has now spread to the iPhone, epitomizes the struggle between government control and individual rights that is shaping many of the public policy debates about the Internet. The chapter also considers the issue of hacktivism, the use of hacking as a tool for civil disobedience.

Throughout the book we implicitly embrace the philosophy of *technological realism*, which sees technology as a powerful agent for change and forward progress in society. But, unlike more utopian views, this position does not ignore the dangers and deterministic tendencies of technology along with its potential to cause harm and undermine basic human rights and values.

In our view, corporations and individuals, although heavily influenced by information technology, are not yet in its thrall—they still have the capacity to control its use and curtail its injurious side effects. Such control requires prudent decision making, which will help to ensure that computer technology is used wisely and cautiously, in a way that enhances the human condition and the opportunity for human flourishing. It also demands that all information technologies, including those targeted at the social problems of cyberspace, be implemented with respect for standards of justice and fairness.

Like most traditional books on ethics, this one is optimistic about the tenacity of the human spirit and the depth of moral conviction, even in cyberspace. The technology determinists believe that the forces of technology have already won the war, but the realists contend that the struggle continues and that the final outcome is still in doubt.

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## Additional Resources

For the *Sixth Edition*, a Test Bank, Slides in PowerPoint format, an Instructor's Manual, and a Sample Syllabus are available for instructor download. Visit [go.jblearning.com/Cyberethics6e](http://go.jblearning.com/Cyberethics6e) to request access.

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