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Declan has represented the Irish Computer Society to CEPIS since 2002. He currently holds the office of Honorary Secretary at CEPIS, and is Chair of the CEPIS IT Professionalism Task Force.

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Introducing CEPIS

Who is CEPIS

- Representative body of 35 national informatics associations across greater Europe
- 33 countries
- 450k professionals

Our mission

- Improve and promote high standards in informatics
- Foster the development of the information society in Europe

Our Focus Areas

- Professionalism & Skills
- Education
- Digital Literacy
- Green ICT
- Women in ICT
- Research, Development & Innovation

Professional Ethics: *Pillar or Pillory?*



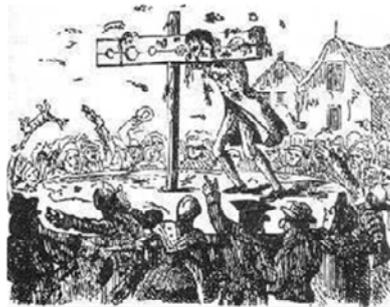
I am overwhelmed to be standing here, in front of so many people eminent in the study of ethics; all of you are considerably more expert than I.

What I'm going to do here, then, is pose some questions; some of which may have answers, and some not. I'll also tell you a little about what CEPIS thinks, as we go along, and CEPIS is doing, in this area, and also seek your support and input into our consideration of these questions.

We're here to talk about Ethics, specifically Professional Ethics. I've taken "Pillar or Pillory" as my title, because I think it helps to pictorialize an important facet of this hugely important area. Ethics, as we shall see, is considered one of the key pillars of any profession, and therefore of the IT Profession. In establishing, using, and publicising codes of ethics, Professional Societies can show the value that they add to society.

However, at the same time, we need to ensure that our Professional Ethics does not become regarded or used as a kind of pillory, either for the profession itself, or for individual members of the profession.

- A brief history of the *pillory*



A brief digression, for anyone that may not be familiar with the *Pillory*.

The pillory has been around at least since its first use in the English language in 1274.

The English word is thought to come from the old French or Italian word “pillori”, meaning a pillar (of a different kind to the one that we want in our IT Profession!), and indeed many continental European pillories that still exist today have the form of a pillar, against which the victim is chained, so that they can be whipped.

The classic form that we recognise today is that of a stocks, which locks the victim in either by the hand and neck, or by the feet. It was used predominantly as a local, village-based, means of inflicting punishment, largely by public humiliation – this is where we get the classic image of fruit and vegetables getting thrown at the victim. In some cases, however, being taken to the pillory resulted in loss of life.

The humiliation of punishment in the pillory typically also cost the victim the loss of his or her livelihood, at least for a period of time, and it is this aspect which makes for a good analogy for this discussion.

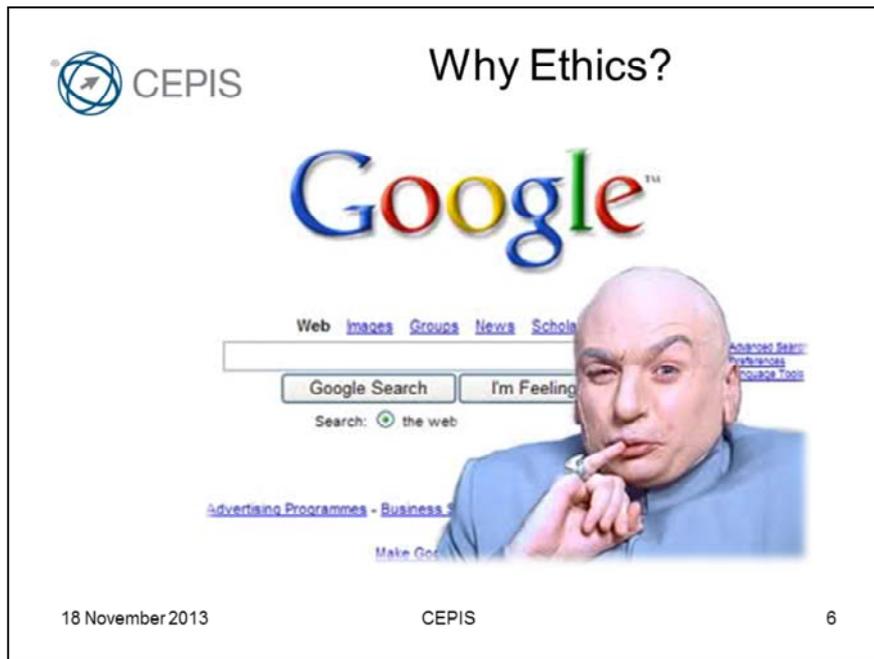
- **e-Skills and ICT Professionalism**
- **Defined IT Professionals as people who:**
 - possess a comprehensive and up-to-date understanding of a relevant **body of knowledge**
 - demonstrate on-going commitment to professional **development**, via an appropriate combination of qualifications, certifications, work experience, non-formal and/or informal education
 - *adhere to an agreed code of **ethics/conduct** and/or applicable regulatory practices and*
 - through **competent** practice deliver value for stakeholders.

So, why need we talk about Professional Ethics? At CEPIS, we have recently completed an EC funded project together with the Innovation Value Institute at Maynooth in Ireland, entitled “e-Skills and ICT Professionalism” (the output from this can be seen on the CEPIS website at www.cepis.org).

One of the things that this project set out to do, was to establish some of the groundwork for a framework to support the concept of an IT Profession as peer of the established professions (such as law, medicine, and so on). An important output of this was to create a clear definition of what an IT Professional is (as this had not existed in any kind of universally agreed sense before).

This definition makes it clear that an IT Professional is someone who adheres to an agreed code of ethics. So from that perspective, we now need to be able to talk about what “adhering to an agreed code of ethics” means.

So I just touch on this here, as this aspect does require us to be able to explain to members of the public (the software engineering code of ethics says that the first obligation is to the public) what it is that our IT Professional Ethics is, and what it’s about.



I don't mean to pick on Google, but this image did catch my eye! We all know that the mantra, if you will, of Google is "do no evil" and we might also know that for a brief period, for a couple of years, Google actually had a "Chief Ethics Officer" – a CEO of a different kind – but many of us, of late, following things like Google's capture of personal data when they were looking for WiFi codes while compiling Street View, and things like the Google car, and Google Glass, might be wondering whether or not, in the public eye, the Google Ethics Department is from the same genre as Ryanair's fabled Customer Care.

"Why Ethics" to me speaks to two key questions:

- we've got to be able to answer the question "what does Ethics do" for the profession;
- and we've got to be able to answer the question "why do we have Ethics codes at all";

and these are both difficult questions; both to ask, and to answer.

- We are surrounded by ethical conundrums
 - Privacy vs protection?
 - Security vs open-ness?
 - Confidentiality vs whistle-blowing
 - Freedom of Speech vs Cyberbullying?

We are surrounded by ethical conundrums (I originally thought “dilemmas” – but conundrums, puzzles, things that we have to explore, is a better metaphor).

I have been the best part of 30 years in IT, in one role or another, either as student, or as practitioner, and I’ve seen an enormous amount of change; we’ve become used to the idea that IT is changing our landscape very quickly; to the extent that in recent times we are facing questions that 20 years ago we would not have thought could possibly arise; indeed, not even 20 years ago, but last year, or last month, or last week, or even yesterday.

Who would have thought that we would have to worry about “unliking” people on Facebook? Who would have thought, 20 years ago, as the internet was beginning to crystallise into something useful, that we’d need to think about things like intellectual property, of the music industry or the film industry, and the software industry itself, and of open source? Who would have thought only 5 years ago, that we would have to start worrying about digital property after death? Who owns my iTunes library? At the moment it turns out that I don’t, I’m only borrowing it until I die, even though I’ve paid for it. And of course, more recently, with Facebook, changing its approach to privacy for those people lucky enough to be under the age of 18? And the questions that that poses for us as a society?

So there’s an awful lot going on, and that rapid change is outpacing the capacity of governments, of regulators, and so on to actually deal with it

from a legal perspective; so, of course, it has always been with advancement, but never so fast;

And I think that, as professionals, we want to aspire to more than just the question of legality – I think we want to be better than that, because anyone who obeys the speed limit knows that a legal requirement is merely a target, without consideration of downstream implications; that's what a standard becomes – it becomes a tick-box;

Michael McFarland, SJ, at Santa Clara University, refers to the “human cost of software errors” (for which we can read, really, system errors, process errors, and so on). Incorrect data in credit histories or criminal databases, incomplete data, incorrect processing etc. SCU cites a case study of a father being unable to pay the deposit for his daughter's college place, and therefore leaving her deprived of that place, due to software error at a bank.

Choosing the right things is one half of it, but choosing the right thing for the right reason is the other. Sometimes our ethics is compatible with the law, and sometimes our ethics might be incompatible with the law; so ethics can be a very different thing for us; and the other thing that we have to face now, as a community of IT, is the question that while 20 years ago IT was a box that sat in the corner humming away with flashing lights and whirring tapes, now it's on the streets, in people's phones, and hands, it's in the consumer domain, and that, of course, creates a wide range of different questions that we have to consider.



Need for IT Professional Ethics

"A defining aspect of any profession involves adhering to professional ethical conduct. Assuming ICT is to mature as a profession in the same way as many other professions, the need for professional ethics in ICT is paramount, particularly considering the pervasive nature of ICT on individuals lives and issues such as privacy, security, equity of access and so on."



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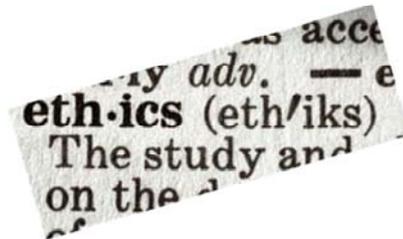
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Of course I'm talking, quite specifically, about *Professional Ethics*, rather than the wider, more philosophical question, of ethics *per se*.

The ICT Skills and Professionalism project that I referred to earlier said that a defining characteristic of a profession is "adherence to a code of ethics or conduct"; and that this is there to make us compatible with other professions.

A question we need to ask is whether IT Professional Ethics is different from other ethics (in scope, in questions to be considered, in the extent of its reach), and is IT Ethics different from Professional Ethics (*per se*), and is the Ethics that a web designer needs to be familiar with different from the ethics that a system designer of automated drones needs to be familiar with? And the answer to those is probable both yes, and no, and it's far too early to say, in any event, what those things might look at.

- What, exactly, is “Ethics” anyway?



So, what exactly *is* Ethics? Far be it from me, as someone who is not an expert in this area, to try and pin this down! However, it is important, that when we are discussing a topic, we should all at least agree on the meaning of that topic. So I'll give you my take on the meaning, and you can compare that with your own, and then we can see how the conversation progresses from there!

Getting to grass-roots level, Ethics is variously described as “telling right from wrong”, going back to ancient Greek philosophers, it’s “how best we live”, but my favourite description of Ethics comes from Robert Vaughn of CIMA, and he describes following an ethical code as “doing the right thing *when nobody else is looking*”.

Now, that takes us a little bit away from the pillory, of course! With the pillory, it’s only *doing the right thing under the threat of having vegetables thrown at us*, and where’s the good in that? But what we aspire to, of course, is that we are going to do the right thing not because of the threat, but *despite* the threat.

We also have to look at the question of ethics in the context of where that ethics sits; because my ethics is going to be different from your ethics – maybe not in its gross sense, but certainly in some of the particulars. I come from Ireland, and if we take medical ethics as an example, in Ireland

we have a situation where abortion (it's a very difficult subject) is very difficult to come by, and it is very tightly regulated; whereas other people come from countries where medical ethics says that abortion is a treatment; and you can disagree or agree with that – that doesn't really matter; my point is merely to illustrate that even in the area of something as ancient as medical ethics, which has had a long time to mature, we don't have to go too far to find that there are differences.

Maybe I'll be slightly controversial here, because my view is that Ethics is what we use to be able *to predict how other people will behave*. It's easy enough to establish when someone has broken the law; it's much harder to be able to point down that someone has done something wrong – Ethics is a bit more grey. One of the interesting things when we consider ethics is that we tend to be more outraged when someone has violated our personal sense of ethics, than when somebody has broken the law. We're all willing to forgive someone crossing the road at a red pedestrian light (in most places, that's against the law, but is it *wrong* when there's no traffic?); however, when somebody takes money from the charity box, that's seriously bad.

This is a clear area where we all use ethics, and our understanding of Ethics. When a professional body puts up, or publishes a professional code of conduct that it expects its members to obey, it's there to give the public, and customers, the capacity to predict how the members of that society will do their work, creating an expectation of quality and confidence in that work.

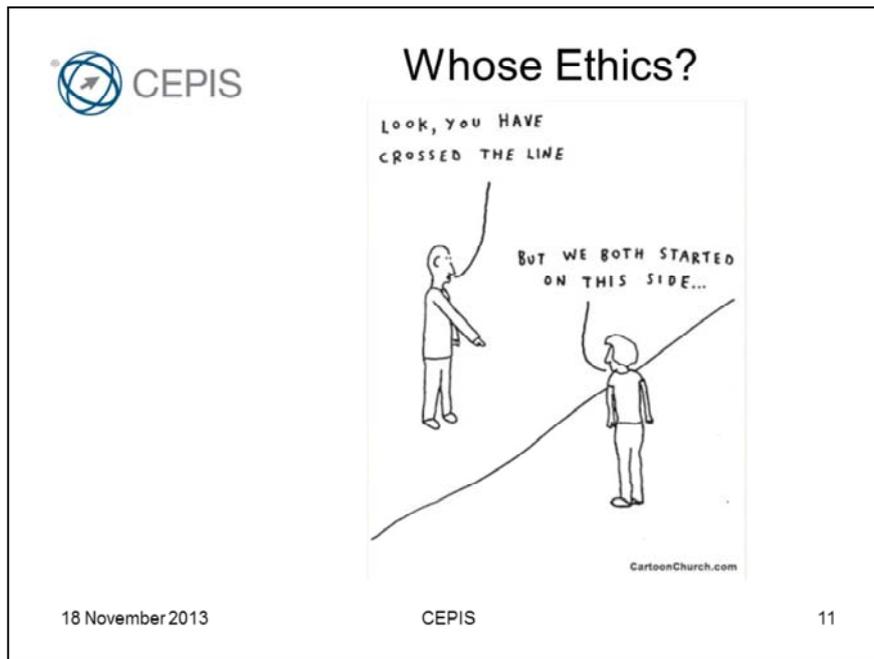


- Issue 1 – a universal code?
- Issue 2 – topics for inclusion?
- Issue 3 – sanctions?

In the e-Skills and ICT Professionalism project which I spoke of earlier, one of the strands of was to look at Ethics because it's an important part of professionalization;

The project discerned that there are three areas of concern which arise when looking at ethics:

- Whether or not it's possible for there to be a universal code of ethics? (I've already alluded to the fact that we don't have to travel too far to find situations where the ethical outlook is quite different to our own)
- The next was what should be in our ethics? What sorts of issues should we actually be talking about? What sorts of situations should we be putting in our ethics to illustrate the sorts of things that professionals should do?
- And the third issue is my *pillory*; it's sanctions; in other words, what to do when codes of ethics are being contravened.



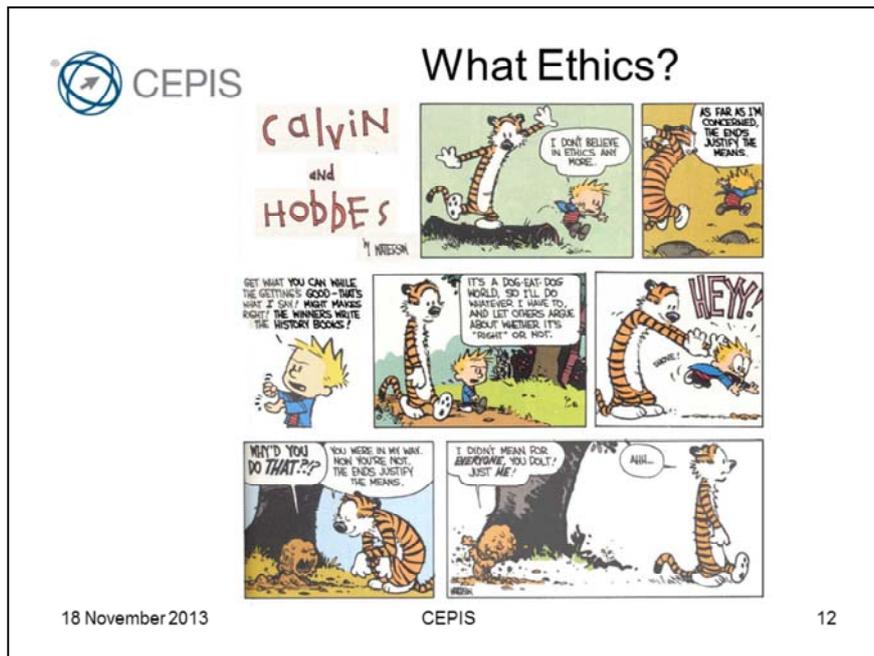
So let's first look at the question of whose ethics? Ethics is a bit like beauty: it depends on where you're standing, it depends on who's doing the beholding, and what's being beheld.

There are very many large employers, for example, that have their own codes of ethics: Amazon has one, IBM has one, I'm sure the Instituto Politecnico has one that it expects its students to obey. One of the interesting things in our study was to discover that there's no agreement on what ethical codes should look like, no agreement on how they should be expressed, and no agreement on the nature of the things that should be in them. And this makes looking at ethics, particularly the comparison of ethics, a bit of a conundrum for us, because they can be interpreted in different ways.

If I take myself as an example, in examining the question of "whose ethics"; I'm a relatively complicated person; I wear many different hats. So, I am at the same time a member of the British Computer Society, I'm also a Fellow of the Irish Computer Society, and both of those organisations have their own codes of ethics. I was for a long time an employee of a large Japanese multinational, and it had its code of ethics. And from time to time, that organisation would send me to go and work with client organisations as a consultant, and of course when you go to work in other organisations you are expected to adhere to their codes of ethics, and now I've got four different codes of ethics washing around in my mind and I'm trying to figure out which one of those am I supposed to be obeying in any given circumstance. Our Ethics System needs to be able to accommodate

the overlap with other Ethics Systems, without conflicting the practitioner unduly.

So *whose* code of ethics is a challenge; in actual fact, from my perspective, if I put my hat as the chair of the Professionalism Task Force in CEPIS back on, what I'm actually talking about is *our* code of ethics – in other words, the members of a professional body; because the code of ethics tells us how we expect others to behave. When we admit people into a professional institution, one of the things that we want to be able to do is to say “here's how you're going to behave and you're going to behave this way because it is the right thing to do, and because it also reflects well on the society that we are a member of, and because I'm also a member of that society, it reflects well on me, and I don't want to be blackened if you misbehave”, and because it allows members of the public to know what they can expect from members of this society in terms of approach, behaviour, and so on. So it's *our* code of ethics, and one of the things that we have to do as professional institutions is to sit down *together* and figure out what does that mean for *us*, and we have to brave in doing that because quite often when we look at codes of ethics what we are really looking at are the codes of ethics that have been written not by *us*, but by the directors, or the board, or the advisory panel, or the committee, not by the actual members, and that is an ethical challenge, perhaps, in its own right.



The next question then, is “what ethics” – what needs to be included; and I know that there has been quite a lot of work looking at ethics – there are things like the Toronto Resolution, and the Computer Ethics Institute’s “ten commandments”; there is work done by IFIP; there is the *software engineering code of ethics* (now part of an ISO/IEC standard); and so on. There are lots of things there, but they’re all very particular, and some of them are relatively old, and yet here we are in 2013, with new challenges that weren’t considered then. We have to be continually asking the question “what ethics” and that will mean continually asking ourselves some challenging questions.

Naturally we all say, much like the Software Engineering Code of ethics, that we have to have a “first do no harm” clause – the IT equivalent of a Hippocratic Oath; and because ethics mostly arises from the potential that harm might be caused, we need to ask things like:

- how do IT practitioners contribute to the “good life” of others?
- how do IT practitioners contribute to a successful society?
- And who, exactly, are “the public” to which we are obliged?

If, once again, I put all my hats back on, the ICS, my employer, my client, and so on, to whom exactly am I ethically obliged? Is it my employer? Is it my client? Is it my immediate manager, who has given me a set of requirements to follow? Is the customer of my customer, who’s going to be using the product? And so on? Where does my ethical boundary lie, and

how can I possibly accommodate all of these questions in my consideration? How do I obviate the risk of ethical paralysis due to the fear that someone is going to throw vegetables at me.

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What remit?



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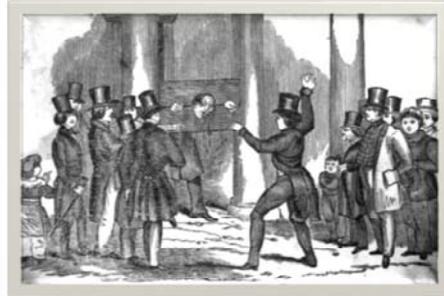
And then there is the remit of ethics. By remit, I mean its boundaries, its extent, how far out do we extend its reach.

According to the Taskforce on Professionalism, Ethics outline the boundaries of relationships with customers, colleagues and society. Hence, ethical guidelines and principles are applicable at different levels. There is an internal dimension focused on ethical conduct within the organisation and amongst colleagues or other professionals involved in ICT. There is also an external dimension concerned with the impact of the organisation's work on society at large and within the organisation's sector or industry.

Again, I'm not picking on Google, but it's a really good image: this is the Google Car; and as you know, the Google Car is a car that is driven by a piece of software; a piece of software that some very clever software engineers have written. But this machine goes out onto the public road on its own, so what are the ethical considerations of the Google Car? Let me put that more concretely – what happens when the Google Car kills somebody? Whose responsibility is that? Is it the owner of the car? Is it the passenger of the car (there's no driver)? Is it the fault of the person who got killed? Is the builder of the car? Is it Google? Is it the software engineers? This becomes a little bit like the National Rifle Association in America: their argument is that it's not guns that kill people, it's people that kill people. That's a very philosophical point to address when someone is

lying dead on the street.

So one of the things that we have to be conscious of in our thinking is, is that IT Professional Ethics have *indirect consequence for us*; in other professions they are much more direct – if I am the surgeon operating on a patient, my ethical question is *now*, my ethical question is *the patient*; it's not the patient's family, it's not what treatment might come down the track, it's what I have to do *now* and whether or not that is ethical. With software it's a little bit different, because software, as we know, often has *emergent* consequences; things that we never dreamt of when we were writing it, so how can we forewarn ourselves and consider the ethics of that? How can we change the situation, for example, that if the accounting system is broken, it's not the software engineer that gets fired, but it's the accountant that gets fired. We need to concern ourselves with those sorts of things. So what remit? To whom is the individual software engineer responsible? Their boss? Their customer? The end user? All of them, indeed, at the same time, but in different ways, need to be considered.



Last, we have our sanction. So I'm back to my pillory; but this time (see picture) I have a *professional society* using it (because they've all got top-hats on! A professional gentleman throwing vegetables and another professional gentleman in the pillory.)

It's now for some years a condition of education in engineering in the United States that you have to do a course of Ethics. And I'm very happy to see that here in the Politecnico you also do a course of Ethics. This is relatively rare in the IT sphere.

Now the implication of that, for anybody undertaking the course of ethics, is that you are both expected to learn, and to live up to, these ethical standards, as a condition of your inclusion in that profession. But what happens *if you don't*? There are lots and lots of codes of ethics, but there are relatively few active disciplinary committees. What happens to the meaning and the value, of a professional society's code of ethics? Does it become a pillory, not for the member, but for the institution itself? Is it a humiliation that we will put up a code of ethics, but have no means of making it have actual meaning, of giving it value to society? Of making it stick, so to speak?

Jacques Berleur, in considering ethics, made the observation that codes of ethics, like laws, tend to keep the honest person honest, but have little impact on those that choose to ignore them.

And that, I suppose, is where we in the profession can put ourselves up on a pedestal.

So, that was a bit of a long ramble! I'll put my CEPIS hat back on now, and tell you a little bit about what we are doing to help us try to tackle some of these questions. Because it's a long journey.

- Codes of Ethics Repository
- Ethics Micro-conference, 2014

One of the things that we have done is that we've gathered together the codes of ethics and codes of conduct of the member societies in Europe, and we've linked to them on our web page. And we've also started, in that, to try and draw a clear distinction between codes of ethics, and codes of conduct; because quite often these two things are put together (conflated?) and in reality they are quite different things.

...

The other thing that we are doing, and we're doing this from a *Professional Ethics for Member Societies standpoint*, is we are going to host a *micro-conference* during next spring. This is a conference of invited experts, and this is where I come to you for help – I want experts to come to this conference.

The purpose of this conference is to put some of the questions I've discussed today to an expert panel, to generate some discussion, and as output to help create a framework to guide practical action by CEPIS in helping our member societies address the question that is Ethics in an appropriate and sustainable way.



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Council of European Professional
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Thank you!

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