

Assessment 1 – Doing Ethics Technique

TITLE

An analysis of an ethical dilemma using the
Doing Ethics Technique (DET)

SUB TITLE

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Table of Contents

1. The Analysis	3
2. The Reference List	7

1. The Analysis

Alex Hern reported in *the Guardian*, Twitter had banned 31 accounts that archived deleted tweets of politicians and diplomats.(Hern, 2015a). This is a recent development following the blocking of the Politwoops service by Twitter for alleged breach of terms of service.(Hern, 2015b)

What's going on?

Twitter, a social media microblogging site, has blocked certain accounts which were being used to preserving posts that were deleted from Twitter by the author of the post. The information being preserved was political content, being the tweets of politicians', diplomats' and embassies worldwide.

What are the facts?

Politwoops is a website dedicated to showing politician's posts that they later regret ("Politwoops - All deleted tweets from politicians," n.d.). Politwoops is run by the Open State Foundation which "promotes digital transparency by unlocking open data" ("Open State Foundation," n.d.). In order to effectively prevent Politwoops from adding deleted tweets to its website Twitter needed to prevent access by the organisation to Twitter through banning the various user accounts that were being used by Politwoops such as @deletedbyMPs.

What are the issues?

The fundamental trigger for the issues is the collecting of tweets to redistribute the information after it has been deleted. This action is being done to intentionally thwart another user's attempt to retract statements made. Among the issues are: Twitter's right to control access to its services, including through the Twitter API (Hern, 2015b); the application of the Twitter terms of service; and broadly speaking, user privacy rights.

All of these issues may be reduced to the single issue of Twitter's ability to determine what is published and what is not, in the context of the specific information in question being political in nature. This prompts other questions such as: what other user accounts have not been banned in similar circumstances? Are all political persuasions and views being afforded the same protections?

Who is affected?

The stakeholders in respect of this matter are: Politwoops and its parent organisation, Open State Foundation, including those who are behind the Twitter accounts which have been banned, as well as the users of the Politwoops service. Twitter, its management, and decision makers are also stakeholders as well as all

Twitter users. Twitter users include the sub-group of users who have an expectation that their tweets will be gone when deleted.

The most significantly affected stakeholders are those who are invested, whether in terms of time, effort or money, in the user accounts being banned. Also, conversely, those who have deleted their tweets and expect other users not to be able to see the deleted information. However, those at Twitter who have made the decision to ban the Twitter accounts are extremely significant as they have determined how to balance the competing interests of all parties. Fundamentally, they have exercised editorial control akin to traditional media and press (Coe, 2015, p. 21).

What is the ethical issue?

As with the traditional press industry, there is an inherent conflict of interest arising from the power that comes with media ownership. Being able to determine what is published may come down to political bias, and commercial imperatives (Coe, 2015, p. 21). Even though the ethical issues of freedom of speech and privacy are significant, the most significant and perhaps opaque (Tavani, 2012, p. 27) ethical issue, is the power being wielded by Twitter with little more to regulate the outcome than Twitter's own terms of service and developer agreement.

The power Twitter holds appears to have gone unnoticed, or at least unchecked, because unlike traditional editorial content, Twitter are not the editors, but merely the suppliers of the medium for the content rather than being suppliers of content itself. The lawyers drafting the terms of service (Ammori, 2014, pp. 2272–2273) are making policy that should be the purview of elected governments. Twitter appears to be acting as a “private regulator of public discourse” (Busch & Shepherd, 2014, p. 301).

The United Nations Human Rights Committee has said that the right to freedom of expression bring special duties and responsibilities, and as such should be subject to restrictions provided by law, to ensure the rights and reputations of others are protected and for the protection of public order, health and security (McGoldrick, 2013, p. 127). This is fundamentally an expression of rights based contract theory, balancing positive and negative rights (Tavani, 2012, p. 63).

What are the implications of the ethical issue?

Taken to the hypothetical extreme the implication of this issue could have a massive effect on society as a whole, influencing the outcomes of elections, and thereby effecting economic conditions and the daily lives of many individuals. In

respect of individual stakeholders, the implications are just as significant, with privacy and free speech principles being implemented by companies in response to market demands rather than enforced by government regulators (Anonymous, 2011, p. 91).

However, taken as an isolated event, the banning of 31 accounts by Twitter for an alleged breach of a terms of service agreement, has much smaller implications, only affecting the account users themselves. The trap with this ethical dilemma would be to only consider those immediately affected by the ban as opposed to the broader community. Accordingly a closer look at the pattern of decisions being made by Twitter is required to consider whether it's policies favour its commercial stakeholders over its non-commercial ones as alleged by Busch and Shepherd (2014, p. 293).

Twitter's justification for the banning of the accounts is an example of the categorical imperative (Tavani, 2012, pp. 57–58) arguing that the ability to delete a tweet should be available to all, and that the actions of Politwoops meant some, though not all users were denied this ability.

What can be done about it?

To avoid this ethical dilemma, the policy vacuum needs to be filled by government. Policy should provide normative language around corporate citizenship and recognise that corporations like Twitter are a “public actor” as well as a private entity because of the power they wield (Busch & Shepherd, 2014, p. 302). With appropriate legislative oversight and a regulatory body, the professionals who have made the decision to ban the accounts would have a clear and transparent framework within which to make such a decision.

What are the options?

One option is to continue down the path of self-regulation, with each corporate entity dictating their own moral normative, which appears to have been what has occurred to fill the void of oversight from governments. A second option is industry based regulation where private companies come together to set standards to meet community expectations, such as the Global Network Initiative involving the code of conduct signed by Google, Yahoo and Microsoft in 2008 (Anonymous, 2011, pp. 91–92). A third option is for individual governments to seek to regulate corporate activity in the social media space creating oversight bodies, possibly funded by industry levies to ensure appropriate corporate citizenship and limits on power.

The fourth option is for national governments to come together and decide on international laws and a judicial system to address breaches.

Any one of the last three options would provide a greater level of transparency around the decision making. The second option, whilst being an improvement over individual self-regulation, remains reliant on market forces to motivate change. Additionally, the second option would not necessarily provide independent oversight. Given that neither Twitter nor Facebook were signatories to the code of conduct that was part of the Global Network Initiative (Anonymous, 2011), it is difficult to see how industry based regulation would be effective. The fourth option would require significant international cooperation and is unlikely to be a high enough priority to fund.

Which option is best?

The first option is a deontological based solution in that it relies on Twitter's espoused views of free speech being upheld out of a sense of duty, and an ideal notion of corporate citizenship (Busch & Shepherd, 2014, pp. 304–305; Tavani, 2012, p. 67). Whilst the second option is more closely aligned with virtue based ethical theory requiring a homogeneity of standards that is difficult to achieve and likely explains the failure of the Global Network Initiative. The last two options are utilitarian and rights based as opposed to being deontological and virtue based.

The third option is where governments seek to regulate the activities of social media companies. Governments need not do this through prescriptive legislation, rather they can provide oversight, ensuring that companies have developer agreements and terms of service agreements that meet minimum standards, and then regulate and audit the companies against their own standards. This option seems the most likely to succeed.

Why the above option is the best?

The third option is preferred because it provides normative elements (minimum standards) whilst letting the corporation develop individual policies and codes, and seeks to hold the company to those policies and codes. A strong component of the third option is the overt recognition that the morality around free speech and the right to remove information is not merely a private matter, but rather a matter of public significance (Busch & Shepherd, 2014, p. 303; Tavani, 2012, p. 47).

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