Formulating a Code of Cyberethics for a Municipality

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INTRODUCTION

The diversity of Information and Communication Technology (ICT) applications and the increased use of ICTs have created a variety of ethical issues. du Plessis (2004) suggests that one way in which high ethical standards in public service can be promoted is by developing *codes of conduct.*

For the sake of clarity and equity in the workplace, it is important that are codes to regulate employees' information-related activities (Britz & Ackermann, 2006). The challenge is to make essential ethical decision making explicit so as to make it better (Sternberg, 1994). Although tailor-made Codes of Conduct will not be sufficient in it, it should be viewed as an integral part of integrating ethics management with the broader public management environment (du Plessis, 2004). Many organizations develop their own *codes of ethics.* A code of ethics is a collection of principles intended as a guide for employees in an organization.

Ethical theories are theories about justifying our moral actions (Rossouw, 1994). They propose the appropriate reasons on which our moral decisions should be based. In today's environment, interpretations of "right" and "wrong" are not always clear. Some consider that "right" actions are those that are useful to praise, "wrong" actions are those that are useful to blame (Russell, 1971). The "right" ethical answer may or may not be the answer that is prescribed by law; in fact depending on the ethical assumptions made, the "right" and "wrong" may on occasion be in conflict (Smith, 2002).

One of the basic tenets of Kantian Ethics is based on the idea that duty is fundamental and is "principle based." The main assumption of the Principle-Based Theory holds the value of an action on the nature of the action itself. One advantage of duty ethics is that it gives a powerful and clear framework for stating codes of ethics. Another advantage is that it is impartial: the same rules apply to all persons. For example, in South Africa, eThekwini Municipality's published Disciplinary Procedures apply to all its employees. It is argued that Principle-Based Theory should therefore serve as backdrop to formulating a Code of Cyberethics.

PRINCIPLE-BASED THEORY

Principle-Based Theory emphasizes that moral actions should be in accordance with a set of pre-established rules. The theory assumes that progress toward an objective standard of moral behavior is insured when people base their actions on fixed rules. It is argued that an example of fixed rules is a Code of Cyberethics. *Cyber* is a prefix stemming from cybernetics and loosely means "through the use of a computer." Cybertechnology refers to a wide range of computing and communication devices, from stand-alone computers to "connected" or networked, computing, and ICT (Tavani, 2004).

The best-known proponent of Rule-Based Theory is Immanuel Kant (1724-1804). Kantian theory gives individuals values in themselves, but looks at others in a detached, rational, and abstract fashion. Kant was convinced that all rational thinking people should be able and willing to subscribe to a basic rule that should govern all moral behavior (Tavani, 2004). This basic rule can be expressed as follows: act in such a way that your action could be a universal law. Kant was convinced that such a strategy will improve the quality of moral decisions and enhance the respect that people pay each other (Rossouw, 1994). The one who applies this approach has the following advantages:

- respects the rights and interests of all persons and not only those in the majority,
- encourages consistency and thus integrity is moral behavior, and
- provides for the obligations that we have towards other persons (for example, ICT software developers) in our respective social roles.

Some of the problems associated with this approach include:

- dogmatic approach as a result of a too strong focus on the rules,
- lack of solution for the situations where two rules may come into conflict with each other, and
- lack of consent among thinking individuals in their choice of rules for moral behavior. For example, in the ICT domain there may be dissension whether one may distribute copies of downloaded music from the Internet.

The abovementioned difficulties lead to the question of what type of moral norms (such as a Code of Cyberethics in the cybertechnology arena) should be accepted and who should play the role of referee in solving this dilemma in an organization. A "business is ethical when it maximizes long-term value subject to distributive justice and ordinary decency" (Sternberg, 1999).

CODES OF ETHICS

The value of codes is often overstated: unaccompanied by the appropriate habits, expectations, and sanctions, codes of conduct are of little value (Sternberg, 1994). Nevertheless, codes of conduct (such as a proposed Code of Cyberethics for eThekwini Municipality) can be extremely useful. By explicitly communicating corporate purposes regarding controversial matters (such as copying someone else's software for personal use) and by clarifying which stakeholder expectations are legitimate, codes of conduct can become an effective tool for sharpening business accountability and improving corporate governance. An information governance framework should contain strategic goals beneficial for the provider and citizens, and promote ethical standards. For example, for eThekwini Municipality's supply chain management policy, a "code of ethical standards has been established for officials to promote mutual trust and respect and provide an environment where business can be done with integrity" (Sutcliffe, 2005). Professionals in the public service are custodians of the public trust and therefore have to be worthy of that trust (du Plessis, 2004).

Codes must be properly structured and should not reflect the prevailing values of culture of the organization. For example, when the existing culture is less than perfect, enshrining it in a code merely reinforces bad practice—what the code prescribes must be better than the existing norm. A code of conduct is *not* a survey of employees' ethical attitudes (Sternberg, 1994). It sets out what constitutes ethical conduct for the business (such as cybertechnology) where its validity depends solely on the moral virtues of the values and principles it expresses—not on employee agreement. Ideally, stakeholders will agree upon the values embodied in the code. However, if they do not, it is the stakeholders (municipal employees) and not the code that should be changed. One needs to take "into consideration that citizens' expectations of government are to a large extent influenced by their interaction with municipalities, mainly because of the types of services that are rendered" (du Plessis, 2004). Furthermore "no code…should be as detailed and all-encompassing as parliamentary statues are" (Britz & Ackermann, 2006). Such are some of the challenges for the formulation of a Code of Cyberethics for a municipality in South Africa.

Codes of ethics involve the formalization of some rules and expected actions (Turban et al., 2004). Violation of a code of ethics may lead to the termination of employment. Similar procedures exist in eThekwini Municipality's Disciplinary Procedures. Codes of ethics are valuable for raising awareness of ethical issues and clarifying what is acceptable behavior in a variety of circumstances. Furthermore organizations are increasingly faced with serious legal and liability issues which stem from wrongful use of software by their employees (Straub & Collins, 1990).

The acceptance of a code of conduct is a very central part of being a professional (du Plessis, 2004). Codes of ethics involve the formulation of some rules and expected action (Turban et al., 2004). However, codes of ethics have limitations because of their nature to generalize acceptable behavior. Since variation in social and ethical values exist in different communities, formulation of a code must take into account cultural and social specificities of the community where the code will be applied. This may be seen to be contrary to Kantian ethics. However, it is argued that in South Africa stakeholder consultation and consensus is viewed as a constitutional right.