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In the fourth edition of *CyberEthics: Morality and Law in Cyberspace* David Spinello continues a long and rich tradition of contribution to the field of ethics education and research. In this most recent edition, Spinello, a management scholar of impressive erudition, manages a clear and thoughtful presentation of ethical, legal, and social issues that arise with the use of the internet. As with previous editions, this fourth edition provides a necessary and welcome update as the material must reflect the constantly changing landscape of a complex brew of technology, commerce, law, and philosophy.

As with previous versions of this text, Spinello contends that while the development of the Internet and the WEB has and continues to change the social and economic order, this “change” is accompanied by social costs. It is the exploration of these costs and related moral issues that constitutes the primary focus of Spinello’s text. Early chapters of the text build a solid theoretical foundation drawing of writings of philosophers and legal scholars as the basis to explore four broad areas related to cyberethics—free speech and content control, intellectual property, Internet privacy, and Internet security. Throughout, Spinello does an admirable job explicating concepts, positions, and presenting relevant arguments in approachable terms frequently drawing on relevant contemporary examples. The result—a book that offers a clear presentation of ethical, legal, and social issues comprising cyberethics.

Chapter 1 provides an introduction to traditional ethical frameworks used throughout the remainder of the text to explore and analyze moral dilemmas and social problems arising in cyberspace. The discussion of ethical theories begins by distinguishing teleological and deontological theories. Addressed in detail are utilitarianism, pluralism and new natural law. An additional and important piece to Spinello’s subsequent analyses is Lessig’s framework describing constraints that regulate behavior. These constraints are law, norms, the market and code. Together, Lessig’s constraints and the ethical frameworks provide the student...
with different epistemological vantage points “from which to judge ethical conundrums in cyberspace” (p. 20). Faculty should be aware that, although indispensable, the material in this chapter is challenging and will require ample instructor involvement to enliven the material making it more accessible to students.

Chapter 2 takes aim at the challenges of regulating and governing the Internet. Here, the purpose is to “discuss the appropriate regulatory response to the social problems that have emerged” in cyberspace (p. 29). This chapter begins with the premise that the free-wheeling spirit of cyberspace, in part, flows from early design objectives of its underlying network technology. Thus, Spinello fittingly recounts a brief history of the culture and technology that would ultimately form the Internet and cyber culture of today. In the telling, significant Internet technology categories including the World Wide Web, electronic commerce, and social media are discussed including growing regulatory challenges and social problems and costs associated with each. Four broad classes of problems are introduced, the in-depth analysis of which serves as the remaining chapters of the book. These problems are related to free speech, intellectual property, Internet privacy, and Internet security. Relying on the foundation laid in chapter 1, chapter 2 closes by considering differing philosophical approaches for dealing with these problems. Solution approaches are discussed using Lessig’s modalities of regulation. Ultimately, Spinello contends that regardless of whether solutions take a bottom-up approach derived from the market or code based approaches or a top-down approach derived from law, the role of ethics is to ensure that basic human values such as autonomy and security are maintained and that “moral values must be the ultimate regulator of cyberspace” (p. 50).

Chapter 3 begins Spinello’s in depth exploration of social problem areas that pose ethical problems in cyberspace. The first problem area addressed is free speech and content controls. Specifically, this chapter focuses on problematic forms of expression all too common in cyberspace. Viz., spam, pornography and hate speech each of which are “problematic forms of free expression that pose formidable challenges to cyberspace jurisprudence, which seeks to balance individual rights with the public good” (p. 83). Relying again on Lessig’s framework for each of the forms of expression, Spinello carefully covers both regulatory (law) and technology (code) based attempts to regulate these problematic forms of expression. For example, U.S. government attempts at regulation such as the Child Online Protection Act (COPA) represent an attempt in law to impose a solution aimed to protect children from exposure to online pornography and other forms of objectionable images/speech. A technology or code solution to address the same problem is the use filtering systems such as the Platform for Internet Content Selection (PICS) and represents a bottom-up or distributed solution that empowers individuals to shield themselves from unwanted speech. While Spinello does not advocate for any particular solution approach or constraint mechanism, he does express that whatever solution is
adopted “full respect must be accorded to key moral values such as personal autonomy” and “nuanced ethical reflection about how… universal moral standards can be preserved as we develop effective constraints for aberrant behavior in cyberspace” (p. 84).

Chapter 4 covers the treatment of intellectual property in cyberspace. Spinello begins with a serviceable summary of what has become known as the “digital dilemma” of information, i.e. that digital information, by its nature, is nearly effortless to reproduce and thus effortless to otherwise share or redistribute and how these properties increase the difficulty of protecting digital works from unreasonable use. Useful summaries of traditional means to protect intellectual property (copyright, patents, and trademarks) are presented complete with discussions of the difficulties of applying these same concepts to digital works. In a section titled “Moral Justifications for Intellectual Property” (p. 106), Spinello covers the moral justification for the laws designed to protect IP, introducing the reader to the property rights philosophies of Locke, Hegel, and Bentham. After a recounting of recent regulatory attempts to protect digital IP such as The Digital Millennium Copyright Act (DMCA) and the Copyright Term Extension Act (CTEA), an assessment of many of the salient cyberspace property rights issues are discussed. These include copyright and digital music, software ownership, and the open source software movement, digital rights architectures, business method patents, domain names, and interconnectivity issues. Finally, Spinello makes the case that protection of digital materials (either through law or code) “must be sensitive to well-established values such as fair use” (p. 135) and that many of the laws and technologies designed to protect digital IP have failed in this regard. Spinello advocates that some form of protection for digital IP is necessary to ensure the production of such works in the future; however, what is needed are laws “that have a sense of measure and proportionality… and not fail through excess or defect” (p. 136).

In Chapter 5 Spinello covers the issue of privacy in cyberspace and the regulatory responses to Internet technologies and practices that erode personal and workplace privacy. The chapter begins with a review of the moral and legal importance of privacy and why it is worthy of serious protections. Here, Spinello argues effectively that the loss of privacy “makes one is more vulnerable to manipulation and control by others” (extrinsic loss of freedom) and “more inhibited and timid about the pursuit of our goals” (intrinsic loss of freedom) (p. 153). Next, Internet based threats to privacy are discussed including personal information and consumer privacy. While not new, the distinguishing characteristic of these threats in cyberspace is their persistence (i.e., longevity) and the ability (via technology) to instantly combine seeming benign information from multiple sources constituting an unanticipated loss of control of personal information. Relying again on the Lessig framework, privacy policy considerations are discussed in terms of achieving a “balance between privacy rights and economic efficiency” (p. 162). The chapter concludes with robust
coverage and comparison of European and U.S. privacy legislation and privacy and Internet architectures designed to restore control of privacy to the individual.

In Chapter 6, Spinello considers the important topic of Internet security and how cyber security issues impact both consumer and national security. Here, Spinello begins with a useful (and fascinating) accounting of various types and specific examples of threats to Internet security, noting that many of the security issues associated with the Internet are inherent in its open architecture. A broad array of topics related to the security of the Internet including cybercrime (criminal acts perpetrated using computers and network technologies), trespass, and unauthorized access are analyzed. Chapter 6 concludes with a discussion of the measures that can be taken to safeguard against many of these security threats including solutions based in code and law. Various forms of encryption technologies and initiatives are covered where both the legitimate reasons for and against government control over this enabling technology are debated.

Overall, Spinello’s fourth edition is an excellent text for a course in cyberethics. Given the fast pace of technological and behavioral change associated with the Internet, no one text can cover all of the possible topics in this broad area. However, Spinello has done an admirable job selecting a wide-ranging list of timely topics that are well researched and presented with ample preparatory and support material. Educators considering this text may also want to consider Spinello’s Readings in CyberEthics—an edited volume of articles with complementary coverage of topics.

While this book is marketed as being appropriate for undergraduate courses covering internet-related ethical issues, given the inclusion of a generous number of applicable and thought provoking cases at the end of each chapter this book could easily be used as a companion text for a graduate course in information ethics as well. Lastly and fittingly, this text is available in several cutting-edge digital formats such as eTextbook (as a digital rental) and Amazon’s popular Kindle platform. Electronic previews of the text are also available from Google Preview as well as most major online booksellers.