Towards Ethical Information Systems: The Contribution of Discourse Ethics

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TOWARDS ETHICAL INFORMATION SYSTEMS: THE CONTRIBUTION OF DISCOURSE ETHICS

Vers des systèmes d’information éthiques : le rôle de l’éthique du discours

Completed Research Paper

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Abstract

With globalization, environmental problems and significant failures in corporate governance, business ethics is perceived to be of increasing importance. This is particularly so for IS because of the huge social effects of new technologies. Yet there has been relatively little discussion of ethics in the IS literature and no clear consensus has emerged. This paper argues that Habermas’s discourse ethics can make a major, and practical, contribution. After outlining some major ethical theories and how they have been interpreted in business ethics and IS, the paper details the development of discourse ethics. Discourse ethics is different from other approaches to ethics as it is grounded in actual debates between those affected by decisions and proposals. Recognizing that the theory is rather abstract, the final section discusses how it can be pragmatized, with the help of existing soft and critical methodologies, to become a basis for business and IS ethics. Some brief linkage is made with specific IS topics including Web 2.0, open source software, the digital divide and the UK identity card.

Keywords: Communitarianism, critical systems heuristics, critical theory, deliberative democracy, discourse ethics, Rawlsian ethics, soft systems methodology, Web 2.0

Résumé

Dans cette communication nous soutenons que l’éthique de la discussion développée par Habermas peut apporter une contribution importante et pratique à l’éthique des systèmes d’information. L’éthique de la discussion diffère d’autres approches de l’éthique, car elle est fondée sur des débats réels entre ceux qui sont touchés par ses décisions et ses propositions. Dans notre conclusion, nous essayons de rendre pratique cette théorie plutôt abstraite, en faisant appel au web 2.0, aux logiciels libres et à la fracture numérique.
Introduction

Until fairly recently, businesses and corporations could argue that their only real commitments were to maximize the return to their shareholders whilst staying within the law within their local nation states. As Milton Friedman said: “There is one and only one social responsibility of business – to use its resources and to engage in activities designed to increase its profits so long as it stays within the rules of the game” (Friedman 1962, p. 133). However, the world has changed significantly during the last ten years and now we think it fair to claim that most major corporations recognize that they have significant responsibility to local and global societies beyond simply making profit.

Recently, an investigation by Ethical Investment Research Services (EIRIS) found that “Over the past 25 years EIRIS has seen CSR evolve from a mainly philanthropic activity to a more mainstream approach that integrates responsible business principles into core business activities” (Gordon 2007). European and Japanese companies lead (e.g., 90% have an environmental policy) with US companies lagging somewhat behind. In terms of education the vast majority of the top 50 business schools include CSR in their MBA curriculum, and there has been a fivefold increase in the number of stand-alone ethics courses (Christensen et al. 2007). Several factors have led to this shift.

- There have been significant breaches of legitimacy and trust such as the Enron, Arthur Andersen and WorldCom scandals; human rights violations; and collaboration with repressive regimes (Palazzo et al. 2006; Sethi 2002). These show that, left to themselves, corporations do not necessarily “stay within the rules of the game”.
- Globalization means that some corporations are both economically and indeed politically more powerful than many nation states (Beck 2000; Matten et al. 2005). Even the most powerful world state, the US, has its policies shaped by corporate interests such as oil (re Kyoto) and defense. Moreover, when things go wrong, especially in the financial markets e.g., Barings, the sub-prime fiasco or Société Générale, it almost instantly damages the whole world economy.
- Globalization, and perhaps the rise of fundamentalist religious groups, have also brought a much greater recognition of the importance of cultural and religious differences in values and behavior which cannot be simply effaced in the name of profit.
- The rise of ethical consumerism and investment has also demonstrated that companies have to take into account the ethical concerns of their consumers and indeed shareholders.
- Finally, and perhaps most significantly, the rather reluctant acceptance of the reality and consequences of global warming has led even hardened executives to accept that they are part of a problem that goes beyond short term stock valuation or even long term shareholder wealth.

All this means that there is now an increasing concern with the question of how corporations, and their employees, ought to behave, and this leads us to consider ethics as the appropriate theoretical and philosophical domain. This is particularly important for information systems, and ICT more generally, because of the huge social effects of new technologies and the corporations that control them. Unfortunately, as we shall see, there has so far been little interest within the literature in developing an appropriate ethical IS approach and it is here that this paper hopes to make a contribution.

We will bring into the debate a relatively recent approaches to ethics, Jürgen Habermas’s (1992b; 1993b; 1999a; 1999b; 2003) discourse ethics (stemming from his critical theory). This approach is interesting in that it draws on traditional Kantian ethical theory but brings in innovations of practical relevance. The aim is to compare and contrast this approach with existing approaches to generate a potential ethical framework for IS. The paper begins with a brief review of some key ethical theories by way of background. Then the paper reviews the recent literature on business ethics and ethics in IS before examining discourse ethics in some detail. These strands are then drawn together in the final section which covers ethical implications for business and information systems.

Ethical Theories

In general, ethics concerns question of how we should act, or how we should judge actions as good/bad or right/wrong. In this section we will introduce four general types of ethical approaches although each has a degree of variety within it (Donaldson et al. 1999; Pojman 1995).
Consequentialism (Teleology)

One of the fundamental distinctions within ethics is whether an act is judged in terms of intrinsic rightness or in terms of the consequences that it has. Consequentialism holds that correct actions are ones that maximize the overall good or minimize the overall harm. Stemming originally from David Hume and Adam Smith, the position was developed as utilitarianism by Jeremy Bentham (1948) and John Stuart Mill (2002). Bentham particularly was a social reformer who wanted to move away from traditional duties and religious codes towards actions that could genuinely help improve people’s lives, not because this was fair or just, but simply because it would improve human happiness. There are thus two aspects to utilitarianism: that it is the consequences of an act that count; and that the act is judged in terms of the degree of goodness that results.

For Bentham, goodness meant the degree of pleasure or pain that resulted from an act and he even developed a complex hedonic calculus to measure this. However, this provides a rather basic view of the good life and Mill developed a more sophisticated version that distinguished between the lower, sensuous pleasures of the body and the higher ones of intellectuality, creativity and spirituality. Not all utilitarians equate goodness with pleasure. Some consider things such as knowledge, moral maturity and friendship, while in modern economics people’s actual, and differing, preferences can be transformed into a measure of utility which is then to be maximized. There is also a distinction between rule utilitarians and act utilitarians. The latter judge the individual actions of a particular person or group while the former analyze the results of adopting particular sets of rules on the general good.

Consequentialism seems a very obvious approach, and in many ways accords with our commonsense (and indeed rational decision making) approach to deciding what to do: evaluate alternative possibilities in terms of which will have the best consequences. However, it has many limitations. First, is simply the difficulty of actually predicting the consequences of an action, particularly far into the future. In our complex modern world outcomes are usually the result of many, unpredictable factors and so is it reasonable to judge an act in terms that the actor could not have foreseen. The small boy kicks a ball into the road, causing a car to swerve, killing a pedestrian. Is the boy guilty of murder? Second, are the problems of agreeing and being able to measure appropriate forms of good or utility. Third, are questions of justice: utilitarianism tries to maximize the greatest good for the greatest number and thereby risks injustice for the minority; and it may lead to condoning actions that by most standards would be considered wrong if they are thought to result in a greater good – the end justifies the means.

Deontology

Deontology (from the Greek meaning duty) shifts the judgment from the consequences of an act to the act in itself. Actions are to be seen as morally right or wrong, just or unjust, in themselves regardless of their consequences. The end never justifies the means. We shall consider two approaches: Kantian ethics based on the individual, and contractarian ethics based on general social procedures.

Kant’s (1991) aim is to provide a general and universal justification for moral action that is independent of consequences or human desire. He argues that imperatives, statements that we should or ought to do certain things, are of two types – hypothetical and categorical. Hypothetical imperatives are conditional, dependent on some particular circumstances or requirement - “if you want to earn money get a job”. Categorical imperatives are not contingent or qualified but apply in themselves without reservation – “tell the truth”. They are acts which one knows intuitively to be right over and above one’s personal inclinations on the basis of reason and rationality. In fact, Kant suggests that there is only one genuine categorical imperative to which all more specific maxims of action must conform and that is

“Act only on that maxim through which you can at the same time will that it should become a universal law” (Kant 1991, p. 97).

The categorical imperative (CI) has two fundamental aspects: that moral behavior is based on a concern for other people rather than purely ourselves; and that it should be universal, that is, apply to everyone. The underlying argument for this is that most actions are done to achieve a purpose – they are means to an end, and it is the end that is valued. However, people may value different ends or objectives differently so can there be a universal end? Kant’s answer was that there could be – human beings in themselves. It is rational human beings who make value judgments and so we need to treat other humans as equal to ourselves, as ends and not means. This leads to a second formulation of the categorical imperative:
“Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end” (Kant 1991, p. 106)

Taken together, these two formulations can be used as a test of maxims of action: does a maxim treat human beings as ends in themselves? And can it be universalized to all humans?

Kant’s approach has been one of the cornerstones of ethical theory and accords well with our ideas of duty and responsibility towards other people. Its foundation lies in reason and rationality rather than tradition or religion. Criticisms of the approach are: first, what justifies this view of rationality as the ultimate foundation of moral behavior? Could we not equally appeal to religion, community, or feelings such as care and concern? Second, we may well find that there are many situations in which different norms or duties may conflict with each other and the CI gives no guidance as to how we should choose one over the other. More generally, what grounds do we have for thinking that morals can be totally universal especially across widely differing cultures and belief-systems? Thirdly, presaging Habermas which we will discuss later, the approach is fundamentally individualistic or monological, set in terms of the subjective decisions of the individual agent.

The second deontological approach moves away from individual acts towards sets of rules that could govern society. We will examine two – the human or natural rights approach, and Rawlsian theory of justice. John Locke (1980) argued that people were born with certain natural rights and that everyone possessed these equally. Government then consists of a social contract between people which maintains and protects these rights, and individual and organizational actions can be judged in terms of maintaining or abrogating such rights. This approach was very influential in its time as the basis for the American Constitution and more recently in terms of the Universal Declaration of Human Rights.

John Rawls (1971) approached the idea of a social contract from a different and novel direction. He conducted a thought experiment in which he asked what principles of justice rational people would choose if they had no knowledge of their own personal characteristics or the position they would hold in such a society. Thus, if one was behind a “veil of ignorance” as to one’s gender, abilities or disabilities, age, position in society and so on, would one not choose a set of rules which were as fair as possible to all? This, according to Rawls, should generate a universal agreement about what would constitute the values of a truly fair society.

Virtue Ethics and Communitarianism

The third major approach to ethics has a very long history dating back to Aristotle’s (2000) idea of the virtuous life, and a modern renaissance in MacIntyre’s (1985) communitarianism.

Whereas consequentialism sees actions in terms of their calculated outcomes and deontology sees actions in terms of a duty to behave properly, Aristotle was concerned with people developing ways of behaving that would naturally lead to the well-being of both the individual and the community, what he called a state of eudaimonia. This involves the development of the whole person, their emotions, personality and moral habits, so that they “naturally” behave virtuously. Examples of such characteristics are: honesty, courage, temperance, fairness and patience. Aristotle also held to the principle of the Golden Mean, that is that each of the virtues was in the middle between two extremes. Courage is between rashness and cowardice; patience between anger and carelessness; and temperance between licentiousness and insensibility. There is one virtue that underlies the others and that is what Aristotle called phronesis which can be translated as prudence, wisdom or judgment. It is the ability to successfully balance different and perhaps conflicting elements together in a way that one only learns through experience.

These ideas of what constitutes a virtuous and good life have been taken up by MacIntyre (1985) and Taylor (1989) as a reaction against Rawls and the deontological tradition. In particular, they objected to the individualistic and a-historical nature of human nature assumed by Rawls. MacIntyre argues that we only become human beings through our development and socialization within a particular community, and that we therefore gain our ethical codes and judgments from that community. Different communities, whether they be cultural, ethnic or religious, generate their own ethical practices and standards and it is never possible to go beyond all traditions to a universal eternal viewpoint. The “good life” must always be relative to a particular context or community.

Whilst it is easy to accept that the communities we grow up in will have particular ethical stances and practices that affect us as individuals, if the communitarian approach is taken strongly then it involves a relativism that is perhaps unhelpful in today’s globalized multi-cultural societies.
Ethics in Business and Organizations

This paper is oriented towards ethics and information systems but IS are mainly implemented in the work of business organizations and so it is important that ethical issues and arguments are aligned with this wider context. Also, whilst much of the literature is about business ethics or corporate responsibility, we shall generally have public sector organizations in mind as well. Finally, we need to distinguish three topics that are often conflated – business ethics, corporate social responsibility (CSR) and sustainability. We follow Christensen, Peirce et al (2007) in seeing CSR and sustainability as aspects or dimensions of ethics. Ethical theories can be applied to all forms of behavior and so business ethics is concerned with the totality of actions within a commercial or organizational context. CSR then covers voluntary actions taken by an organization to address its social, environmental and economic impacts, and sustainability addresses specific environmental and ecological issues concerned with the maintenance of the world for future generations (U.N. World Commission on Environment and Development 1987).

By way of reviews of this complex area we shall use Werhane and Freeman (1999), Garriga and Melé (2004) and Lee (2008). Garriga and Melé give an overview of different CSR theories distinguished in terms of their focus on economics, politics, social integration or ethics. Table 1 is adapted from their work. Historically, we can see that initially there was a separation of ethics from business performance. Business’s primary aim was economic performance and the maximization of shareholder (and executive) wealth (Friedman 1962) while social responsibility was voluntary and to some extent antithetical to business performance. This stockholder or instrumentalist view has continued to underpin the more recent theories of competitive advantage (Porter 1985; Prahalad et al. 2002). Perhaps Bowen (1953) was the first to argue systematically that businesses, because of their great power and influence, were obliged to be socially responsible.

### Table 1 Summary of Approaches to Business Ethics

<table>
<thead>
<tr>
<th>Type of Theory</th>
<th>Approaches</th>
<th>Key References</th>
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<tbody>
<tr>
<td><strong>Instrumental Theories</strong></td>
<td></td>
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</tr>
<tr>
<td>(Stockholder theories)</td>
<td>Maximise shareholder value</td>
<td>(Friedman 1962), (Jensen 2002)</td>
</tr>
<tr>
<td>Based on maximizing economic</td>
<td>Gain competitive advantage</td>
<td>(Porter et al. 2002), (Prahalad et al. 2002), (Litz 1996)</td>
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<tr>
<td>returns to shareholders</td>
<td></td>
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<tr>
<td><strong>Corporate Agency</strong></td>
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<tr>
<td>Based on considering corporations</td>
<td>Corporate constitutionalism</td>
<td>(Davis 1960)</td>
</tr>
<tr>
<td>(and their employees) as moral</td>
<td>Integrated social contract</td>
<td>(Donaldson et al. 1994)</td>
</tr>
<tr>
<td>agents</td>
<td>Corporate citizenship</td>
<td>(Wood et al. 2002), (Matten et al. 2005)</td>
</tr>
<tr>
<td></td>
<td>Communitarian/Aristotelian</td>
<td>(Donaldson et al. 1995a), (Solomon 1992)</td>
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<tr>
<td><strong>Stakeholder Theory</strong></td>
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<tr>
<td>Based on recognizing responsibilities to a range of economic and social stakeholders</td>
<td>Stakeholder management</td>
<td>(Bowie 1999), (Donaldson et al. 1995b), (Freeman 1984; Freeman 1999), (Phillips 1997; Phillips 2003), (Evan et al. 1988)</td>
</tr>
<tr>
<td></td>
<td>Corporate social performance</td>
<td>(Carroll 1979), (Wood et al. 2002)</td>
</tr>
<tr>
<td><strong>Other Ethical Theories</strong></td>
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<tr>
<td>Sustainable development</td>
<td></td>
<td>(van Marrewijk 2003), (Crane et al. 2006)</td>
</tr>
<tr>
<td>Discourse ethics (Habermasian)</td>
<td></td>
<td>(Reed 1999a; Reed 1999b), (Beschorner 2006), (Scherer et al. 2007)</td>
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</table>

The next major phase was the development of theories of corporate agency – that is, conceptualizing corporations as morally responsible agents. There are various approaches that draw on different ethical traditions, for example
Aristotelian (Solomon 1992), human rights (Matten et al. 2005) and Rawlsian social contract (Donaldson et al. 1995a). Taking Donaldson and Dunfee (D&D) as an example, their approach is aimed at overcoming one of the major problems of business ethics in the globalized world – how one reconciles differing cultural and religious practices. To what extent is it possible to generate genuinely universal norms?

D&D imagine that there will be some generally accepted social contract applying across the business world and that this in turn will allow for specific, micro-contracts in particular circumstances. This is because, D&D argue, in practice managers always have a bounded moral rationality. They cannot know fully the facts, or future consequences of their actions; they cannot have a perfect understanding of moral theory; and we do have to recognize legitimate differences in norms of practice across cultures, for example the giving of gifts. This means that the macro contract must allow for, and specify, a degree of moral free space or “wiggle-room” within the micro-contracts. However, there must be limits to this and here D&D suggest the idea of hypernorms, norms that are genuinely universal and accepted by all. Their suggestions for hypernorms are basic human rights such as personal freedom, physical security and political participation, and the obligation to respect the dignity of every human being. There are several problems with this theory that will be discussed later: the idea of moral free space potentially leaves too much freedom; there is no necessary agreement about what constitute hypernorms; and it presumes a universalist, ahistorical view of appropriate morality.

The second major approach to business ethics, and in fact to corporate strategy generally, is stakeholder theory. This involves recognizing that an organization depends for its successful operations on a range of different groups or stakeholders and therefore owes some duties to them. Two divisions within the field concern the reasons why stakeholders are important, and the range of stakeholder groups to be considered. For the first we can distinguish between the managerial or instrumental view and the normative view (Freeman 1999). The instrumental view is that stakeholders are important purely in terms of managing the company better (Donaldson et al. 1995b) while the normative view argues that companies ought to be concerned about their effects on various stakeholders for moral reasons (Evan et al. 1988). In the second debate the narrow view would only include those necessary for the survival of the corporation whereas the wider view would include all groups that benefit from or are harmed by the activities of the organization. Theorists have drawn on a range of ethical positions including Kantianism (Bowie 1999), Rawlsianism (Phillips 2003), and extreme libertarianism (Freeman et al. 2002).

There are other less mainstream approaches including those drawing on recent concerns about sustainable development (Crane et al. 2006) and discourse ethics itself which will be described below.

**Ethics and Information Systems**

Despite the massive effects that developments in ICT are having on the world society, there has not been a huge literature on ethics within IS although the journal Ethics and Information Technology did start in 1999. We will consider ethical issues that arise in the two areas of IS/IT development and IS research. In an overview of ethics and IS in 1999, Smith and Hasnas (1999) reviewed literature during the 1990’s in terms of the main ethical positions outlined above (stockholder, stakeholder, and social contract) to see what insights they gave to those confronting ethical issues. They concluded that whilst the number of ethical quandaries was growing significantly there was somewhat of a theoretical vacuum as to how to deal with them: “Whether as managers, IS professionals or academic researchers, we ignore these ethical dilemmas and their theoretical assessment at the risk of our own community’s credibility” (p. 125)

Within IS research there has been little written in the literature, as Walsham (2006) notes, although in many ways IS research is little different to other forms of research within the social sciences. The issues mainly concern possible effects on human subjects who are involved in the research. Generally accepted principles (Beauchamp et al. 1994) are: non-maleficence (not harmful), beneficence (providing some benefit), autonomy (respecting the individual in terms of gaining informed consent, confidentiality, no deception) and justice (fair to all especially minorities).

One research area where there has been particular interest in ethics is that of critical IS research (Cecez-Kecmanovic et al. 2008), much of which is Habermasian and therefore of particular interest to this paper. Critical research must inevitably have a strong connection to morality since it is concerned with revealing the effects of IS/IT on people in society and reciprocally the effects of society and its interests on IS research. Its foundation is based on justice and emancipation. Stahl (2008), in overviewing the area, draws two related distinctions: that between ethics and morality, and that between the German and French critical traditions. The German tradition is strongly based on Kant and is exemplified by Habermas. It assumes that there are rational ways of determining moral practices and
that people then have a duty to uphold them. In the French tradition, an example being Foucault, ethics is seen in terms of visions of the good life while morality is rules that constrain individual behavior.

Moving to IS development, Myers and Miller (1996) considered some fundamental dilemmas in areas such as privacy and information access from an Aristotelian perspective while Walsham (1993) discussed ethical issues from the point of view of the individual analyst as a moral agent, examining the extent to which methodologies, including SSM, can support this. Introna (2002) argues, rather extremely perhaps, that in fact codes, frameworks and moral arguments are now of little use. He suggests that as individuals we tend to behave morally when we feel obligations to others and that this is stronger when they are concrete others that we name and see face to face. However, ICT is increasingly disembodying our interactions and generating a virtual reality for us to live in which actual names, faces and persons become ever more attenuated.

More recently, especially in the light of IT developments, the information age and globalization, there has been considerable debate about the nature of computer or information ethics (Tavani 2001; Walsham 2005) since Moor’s (1985) seminal paper. For instance, Ess (2006; Hiruta 2006) is particularly concerned with cultural diversity and the extent to which ethical norms may legitimately differ between cultures or religions. He advocates what he calls ethical pluralism, rooted in Plato and especially Aristotle, that tries to generate shared ethical norms while at the same time recognizing intrinsically different ethical traditions. An element of this is the importance of dialogue between traditions, which connects to discourse ethics.

An alternative approach, due to Brey (2000), is called disclosive ethics. Brey argues that complex technologies bring with them new moral problems precisely because of their complexity and opaqueness for non-experts. Because of this, technologies that appear morally neutral may in fact embody significant normative implications and hence there is a need for revealing and disclosing such characteristics. Introna (2005) gives an example concerning facial recognition systems.

Habermas’s Discourse Ethics

*Theory of Communicative Action*

This will be a brief overview as it is already well described elsewhere (Klein et al. 2004; Mingers 1992). The theory of communicative action (TCA) (Habermas 1984; Habermas 1987), which develops out of the earlier theory of knowledge-constitutive interests (Habermas 1978), argues that the most fundamental characteristic of human beings as a species is our ability to jointly coordinate our actions through language and communication; and further that the ability to communicate is grounded on the capacity to understand each other. Thus the primary function of communication is the construction of understanding and then agreement about shared activities. Humans do, of course, engage in other activity: for example purposive instrumental action in solving a problem or reaching a goal; or strategic action where communication is used to achieve personal ends through some form of deception or control. But even in this latter case, understanding is a necessary prior condition.

Habermas therefore sees communication oriented towards reaching agreement as the primary, and most common, form of communication, and proposes that the principle means of reaching agreement is through rational discussion and debate - the “force of the better argument” – as opposed to the application of power, or the dogmas of tradition or religion. Habermas elucidates the nature of a “rational” argument or discourse in terms of two concepts: i) that contentions or utterances rest on particular validity claims that may be challenged and defended; and ii) that the process of debate should aspire to being an ideal speech situation.

Whenever we actually say something, make an utterance, we are at least implicitly making claims that may be contentious. These validity claims are of three types, and each one points to or refers to an aspect of the world, or rather analytically different worlds. These three are:

- **Truth**: concerning facts or possible states of affairs about the material world
- **Rightness**: concerning valid norms of behavior in our social world
- **Sincerity** (truthfulness): concerning my personal world of feelings and intentions.

In our everyday discussions and debates, disagreements and misunderstandings develop and these lead to one or more of the validity claims to be challenged. It is then up to the speaker to defend the claim(s) and possibly challenge the opponents. The discussion is now at a meta level to the original conversation. In order to achieve a
valid, i.e., rational, outcome the discussion should occur in such a way that it is the arguments themselves that win
the day rather than distorting aspects of the people involved or the social/political situation. Such an ideal speech
situation (which can only ever be a regulative idea to aim at) should ensure (Habermas 1990, p. 86):

• All potential speakers are allowed equal participation in a discourse
• Everyone is allowed to:
  o Question any claims or assertions made by anyone
  o Introduce any assertion or claim into the discourse
  o Express their own attitudes, desires or needs
• No one should be prevented by internal or external, overt or covert coercion from exercising the above rights.
Habermas argues that these are not merely conventions, but inescapable presuppositions of rational argument itself.
Thus someone engaging in an argument without accepting the above is either behaving strategically (deception) or is
committing a performative contradiction (hypocrisy).

Habermas and Information Systems

Habermasian critical social theory (CST) has a long, if somewhat marginalized, history within IS although his work
on discourse ethics has not yet been taken up. Perhaps the first to draw attention to the potential of critical theory
was Mingers (1980) who contrasted it with soft systems methodology (SSM). The case for CST being a
foundational philosophy for IS research, in distinction to positivism or interpretivism, was made by Lyytinen and
Klein (1985), Klein and Lyytinen (1985) and Hirschheim and Klein (1989). This led on to the development of CST-
There have also been a range of empirical studies carried out from a CST perspective focusing either on the design
of IS systems or their effects. For example, in terms of IS design and planning, Cordoba (2007; 2006) developed a
critically-based methodology for participative IS planning in a Columbian university; Sheffield (2004) designed a
system for GSS-enabled meetings based on the ideal speech situation; and Ngwenyama and Lyytinen (1997b) made
the case for CST as a basis for computer supported group working, a position criticized by Sharrock (1997).
In terms of the usage and effects of IS, Ngwenyama and Lee (1997a) studied the use of email as a form of
communication; Pozzebon et al (2006) explained the prevalence of IT fads and fashions as a result of the continual
pressure for rhetorical closure in IT negotiations; and Cecez-Kecmanovic et al (1999) studied web-based teaching
and learning systems.

Discourse Ethics

Discourse ethics (DE), which is somewhat badly named as we will see, stems almost directly from TCA through
considering actions in general rather than just communications. It is clearly Kantian in thrust, although with a very
significant reorientation, but also sweeps in to some extent utilitarian and communitarian concerns.
Beginning with the traditional ethical question “how should we act?”, Habermas (1993b) recognizes that such
questions occur in different contexts. We may begin with basic pragmatic or purposive questions about the best
ways to achieve particular ends. How to earn some money? How to fix the car? These often concern problems in the
material world and they may be quite complex. Their resolution may well require information, expertise and
resources. Many of the problems that occur within a business context are often seen like this and in that domain they
would be classed as “hard” rather then “soft”. In terms of ethical theory this relates to the consequentialist approach
in which actions are judged in terms of their effects and consequences but only in the self-interests of the actor(s)
concerned.

The question might, however, be rather deeper. What if the goals or ends to be achieved are themselves in question,
or if the means to be used raise ethical or moral issues? Here we are concerned with the core values and the self-
understanding of a person or a community. What kind of person am I, or what kind of group are we, that we should
have these particular values and behaviors? These questions concern what Taylor (1989) called strong preferences,
to do with our being and way of life, rather than simply weak preferences such as tastes in food and clothes.
Habermas calls these types of questions ethical questions in contrast to pragmatic questions discussed above and
moral questions discussed below.
Within the pragmatic domain, efficacy is the test – does the action work? Does it have the desired effect? But within the ethical domain goodness or virtue is at issue. Does the action accord with and develop the actor’s own existential identity and self-understanding? This clearly picks up on the Aristotelian and communitarian positions that emphasize the importance of developing the good life within one’s community. Although the pragmatic and the ethical have very different concerns – the efficacious and the good – they are similar in that they are both oriented towards the self-interests of particular individuals or groups – the question is, what is effective or good for us? It is when one goes beyond that perspective to consider what might be good for all that one moves into the domain of moral questions. And this is really the focus of discourse ethics.

“We should not expect a generally valid answer when we ask what is good for me, or good for us, or good for them; we must rather ask: what is equally good for all? This ‘moral point of view’ constitutes a sharp but narrow spotlight, which selects from the mass of evaluative questions those action-related conflicts which can be resolved with reference to a generalizable interest; these are questions of justice” (Habermas 1992a, p. 248)

So, while discourse itself applies to all three domains, the main thrust of discourse ethics is actually moral questions, that is, those that concern justice for all; those that transcend the interests of any particular individual, group, nation, or culture but that should apply equally for all people. His approach is clearly Kantian in that he is interested in that which is universalizable but he effects a major transition away from the subjective thoughts or will of the individual agent (a monological focus) towards a process of argumentation and debate between actually existing people (a dialogical focus). This marks DE out from other approaches as Habermas does not see this as just an analytical procedure or thought experiment, he intends that such debates, especially within society as a whole, should actually occur. We can see now how discourse ethics is intimately related to TCA: the three domains, the pragmatic, the ethical and the moral correspond with the three worlds; and the whole approach is embedded within the processes of communicative action.

How should we judge whether an action-norm is universalizable? Kant’s categorical imperative is an exercise conducted from a particular person’s viewpoint: what do they think would be suitable for all? We need to go beyond that and test whether such a maxim or norm can also be accepted by all of those affected. This leads to a reformulation of the CI in what Habermas calls the discourse principle (D):

“Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse.” (Habermas 1992b, p. 66 original emphasis)

This is a general statement about what would constitute a valid norm and has two essential parts: that the norm must be agreed or approved by all those affected, and that this must occur through an actual process of discourse. This is analogous to the truth of descriptive statements (Habermas 1999a). A statement is true if what it claims about the world is in fact the case. This is a definition but it does not tell us how to find true statements. Equally, a moral is right if all affected have participated in a fair discussion and agreed to it. But D does not specify what such norms might be, nor what might be the process of discourse. The latter point is developed through a further universalization principle (U) which outlines how such norms might be arrived at:

“A norm is valid when the foreseeable consequences and side-effects of its general observance for the interests and value-orientations of each individual could be jointly accepted by all concerned without coercion.” (Habermas 1999a, p. 42, original emphasis)

The point of this process is to try to generate a common will and not just an accommodation of interests. That is, the participants should become convinced that it is genuinely the best way for all of them to resolve their common differences. To this end, i) the mention of “interests” and “value-orientations” refers to the participants concerns within the pragmatic and ethical domains respectively; ii) participants should try and genuinely take on the perspectives and roles of the other, and be prepare to modify their own; and iii) agreement should be based, as always, on force of argument rather than force of power.

Towards Deliberative Democracy

Habermas has always had as one of his primary concerns politics and the nature of the state. In the 1960s he argued against increasing instrumentality and technocracy in Towards a Rational Society (Habermas 1971) and in the 1970s analysed the developing crisis in Western societies in Legitimation Crisis (Habermas 1976). During the 1990s he developed his communicative and moral theories into a powerful model of the nature of democratic society within
the post-national and multi-cultural age (Habermas 1996; Habermas 1999b; Habermas 2001). This has generated considerable debate within politics and legal circles (Dryzek 2002; O'Flynn 2006; Parkinson 2006).

Societies are governed by laws and laws embody, in part, norms of expected behavior. There is, therefore, an intimate connection between morality with its concern for rightness and justice for all, and the law and its need for legitimacy. The law also ultimately rests on the discourse principle (D) which defines valid norms, but there are significant differences between morality and law. Morality, as we have seen, is a domain drawn narrowly to include only those norms that can gain universal acceptance and it thereby excludes the ethical domain of individual or community values and conceptions of the good, and the pragmatic domain of goals and self-interest. The law cannot do that, however. It must operate in the real world and be able to regulate all three domains together. Moreover, and perhaps partly because of this, the law is positive as well as normative: it can take action and apply coercion and sanctions as well as claiming validity, whereas the moral domain rests on individuals and their consciences for its enactment.

**Figure 1 Relationships between Principles of Discourse**

These relations are illustrated in Figure 1 (Habermas 1996). At the top is the discourse principle which then splits into two – the moral principle and the democracy principle although as can be seen these are at different levels. The democracy principle governs those norms that can be legally embodied and gain the assent of all citizens through a legally constituted legislative process. Such laws have to deal with questions that arise in all three domains – the pragmatic, the ethical, and the moral. Each domain involves different reference groups and different discursive procedures. Moral questions are governed by considerations of fairness for all and ultimately relate to the world community. Moral norms can be justified through the universalization principle (U) but there also needs to be discourse about their application to particular situations, the application principle. Ethical questions concern issues of self-understanding of particular communities or forms of life and are highly relevant to the multicultural societies that exist nowadays. Pragmatic questions involve bargaining and negotiating fair compromises between competing interests.

Morality and the law are thus distinct but complementary. Morality is a domain where people agree to take on duties and particular forms of behavior because they reach consensus through debate that the norms are universally applicable. The law should enshrine these norms but will also have to include many more specific norms to deal with ethical conflicts between different communities and pragmatic conflicts between different interests. Habermas envisages stages through which such debates may occur (Habermas 1996, p. 164). Initially, proposals or
programmes for action are brought forward and these are evaluated in generally technical terms, based on information, knowledge and technical expertise, an example of the classic decisionistic approach of evaluating different means for accepted ends. Often, however, the ends, that is the values and interests themselves, are seen to compete and discourse now needs to change to another level. There are now three possibilities: first, the issues may involve moral questions, that is questions that need to be solved in the interests of all, for example social policies such as tax, health provision or education; second, they could involve ethical questions that may differ between different communities and may not be generalizable such as immigration policies, abortion, or the treatment of the environment and animals.

Or, third, the problem may not be resolved either through general assent or the strength of a particular value because of the range of different communities and interests involved. In these cases one has to turn to bargaining rather than discourse. The parties involved need to come to a negotiated agreement or accommodation rather than attain a consensus. This is not a rational discourse (in Habermas’ terms) since the parties involved will be acting strategically and may well employ power, and because the parties may agree for different reasons, whereas with a moral consensus the parties will agree for the same reasons. Nevertheless, rationality and the discourse principle can be applied to the process of negotiation if not its actual content.

Deliberative democracy can be seen to weave together a whole variety of different forms of discourse and communication involving rational choice and the balancing of interests; ethical debates about forms of community; moral discussion of a just society; and political and legal argumentation. This complexity occurs not just in the traditional institutions of politics and the law, but increasingly in what Habermas refers to as the voluntary associations of civil society (Habermas 1996 ch. 8). The whole third sector of community and voluntary groups, pressure groups, NGOs, trade associations and lobbyists, underpinned by the explosion of communication technologies, now occupy the space between the everyday communicative lifeworld, the economy and the state. They sense and respond to issues and concerns that arise within the public sphere and channel them into the sluice gates of the politico-legal centre.

**Applying Discourse Ethics in Business and IS**

In terms of business generally, discourse ethics (DE) has been advocated in two main ways: concerning the role of corporations as a whole within society, drawing on the later theory of deliberative democracy; and also at the level of communications within organizations.

Reed (1999a; 1999b) has used DE as the basis of a normative stakeholder theory of the firm, arguing that the distinctions between legitimacy, morality and ethicality provide a more sophisticated and comprehensive approach to dealing with the normative bases of stakeholder claims; and that the underlying communicative theory goes beyond the abstract notions of a Rawlsian veil of ignorance towards actual debate and discourse, and a recognition of the realities of compromise and bargaining. Smith (2004), in part developing from Reed’s work, argues that increasingly companies will not be able to achieve their long-term strategic aims by acting in a purely instrumental, pragmatic manner – but need to become engaged within the moral and communicative spheres of society as a whole. In a similar vein, Palazzo and Scherer (Palazzo et al. 2006; Scherer et al. 2007) argue that corporations need to become politicized in the sense that they need to become genuinely political agents within an increasing globalized, “postnational” (Habermas 2001), world: “These phenomena need to be embedded in a new concept of the business firm as an economic and a political actor in market societies” (Scherer et al. 2007, p. 1115 original emphasis).

Moving to communicative action as such, Meisenbach (2006) has attempted to operationalize Habermas’s universalization principle (U) to guide those conversations within an organization that have a moral dimension, i.e., that potentially affect all those within the community. DE has also been suggested as a basis for theorizing moral principles in decision making in organizations (Beschorner 2006; de Graaf 2006) and as a basis for ethical auditing (Garcia-Marza 2005).

If we stand back and ask ourselves what is it exactly that discourse ethics has to offer for both business in general and information systems in particular, then we would suggest there are three major contributions:

- **Practical discourse.** DE is unlike all other ethical theories in that it requires actual discussion and debate among those who may be affected by a norm or proposal and accepts the outcome as that which is morally correct, assuming of course that the debate was sound. DE is therefore entirely procedural – it does not specify moral behaviors but only methods for agreeing them. In this, it would seem to have the potential for bringing
about ongoing, practical resolutions of moral and ethical concerns. It also links directly into the shift that has occurred within IS and management science more generally towards soft approaches such as soft systems methodology (SSM) (Checkland et al. 1998; Mingers 1980) and cognitive mapping (Bryson et al. 2004; Eden 1995) whose purpose is structuring complex problems through exploration and debate (Rosenhead et al. 2001).

- **Universalization.** DE distinguishes moral issues that concern everyone involved in a particular situation from ethical and pragmatic ones which are relative to particular individuals or groups. It therefore pushes us to consider, and involve, as wide a range of stakeholders as possible in decisions and system designs. This too links into several management science approaches that stress the importance of boundary decisions such as Churchman’s ethics of systems design (Churchman 1979), Ulrich’s critical systems heuristics (Ulrich 2000), Midgley’s boundary critique (Midgley 2000) and Mingers’ critical pluralism (Mingers 1997; Mingers 2006).

- **The just, the good and the practical.** DE is both more comprehensive, and in a particular sense more practical, than other ethical theories in recognizing that in the real world there are different types of issues, and different perspectives from which to approach them. As well as questions of justice, DE incorporates, to some extent, the concerns of utilitarianists and consequentialists in accepting pragmatic questions that need to be settled through bargaining and even the exercise of strategic action (the practical). It also recognizes the concerns of communitarians in accepting that some (ethical) questions may well not generate universal, but only local, agreement and yet can still be the subject of rational discourse (the good). It proposes that law is a practice, characterized in terms of legitimacy, which has to deal with issues in all three of these domains, and we would argue that business (and the public sector) is similar in that ultimately long term effectiveness also requires an acknowledgement of the good and the just as well as the practical.

If these are the strengths of discourse ethics, it has to be accepted that, as it stands, it is too abstract and idealized to be directly or practically utilized within business. So we need to consider if it can be pragmatized without becoming entirely emasculated.

**Pragmatizing Discourse Ethics**

In talking of pragmatizing DE we mean it in the everyday sense of making DE more useful, but we also allude philosophically to the American Pragmatists such as Peirce (Peirce 1878) who originally developed the idea of a discourse theory of truth – the community of inquirers – which underpinned Habermas’s (1978) epistemology.

**The Discourse Process**

As we have seen, DE presumes that real debates will happen within an ideal speech situation (ISS). This is never fully realized although it can stand as a regulative ideal towards which actual debates can aspire. What it leads into, though, are methods and techniques to help realize an ISS to the greatest extent. This is very much the domain of soft systems methodology (SSM), other soft methods such as cognitive mapping, and indeed group decision support systems. All these methods share some general characteristics: recognition that participants will have different views and stances on a particular issue; an aim of resolving the issue by exploring these viewpoints through discussion and debate; using a variety of devices or transitional objects to surface and help participants understand each others’ views; and trying to involve a range of stakeholders and to ensure equal participation either through human or computer facilitation.

The methods just discussed tend to be used with relatively small groups, generally within an organizational setting, but there are also a variety of methods that have been developed to work with large groups (perhaps up to 2000) of ordinary citizens or representatives (Bryson et al. 2000; White 2002). Examples are Nominal Group Technique, Team Syntegrity (Beer 1994), Open Space Technology (Owen 1992) and Search Conferencing (Emery et al. 1996). There has also been IT developments aimed specifically at facilitating ethical discourses (Mathieson 2007; Richardson et al. 2006; Unerman et al. 2004; van Es et al. 2004).

All these methods represent a pragmatization of DE in that they cannot guarantee the requirements of an ISS, but they do in large measure have a commonality of purpose with it. Although they have not been developed with moral questions in mind, they are generally used for resolving specific organizational problems or for developing common visions, but they certainly could be used for moral issues and, in at least one case (SSM), ethicality is already one of the criteria that can be called upon. They also do not guarantee consensus, i.e., agreement for the same reasons, as
would be required for pure DE but they do encourage participants to genuinely see the world from another’s perspective and come to an understanding rather than merely a bargain.

This focus on the discourse process can be related to current debates in the IS field concerning a shift towards Web 2.0 applications such as wikis, blogs and social networking tools (McAfee 2006; McKinsey Quarterly 2007). These newer bottom-up collaborative applications emphasize continuous intersubjective exchange aimed at generating understanding of the position of others and, in the case of Wikipedia for example, some achieved consensus. In addition, the open source software movement (Lee et al. 2003) provides a good example of a more bottom-up and consensus approach to the development of software. This now involves many commercial and governmental actors as well (Fitzgerald 2006) but the focus in the software field is more about a discourse process between the actors than in the old days of closed proprietary applications.

**Universalization**

A second area to be considered is the DE requirement that for a norm to be moral it must be acceptable to all those affected. This clearly raises major practical issues for this would never be possible in theory let alone in practice (Haas et al. 2000), although “universal” does not mean all human beings, only those affected by a particular issue and so could even in principle be quite restricted. It can be seen as involving a tension between ethical contextualism and moral universalism (Ulrich 2006). The more that discourse aims for moral universalism the less it will be able to justify; the more that it accepts a narrow context the less justified the results will be. This could be read as a disabling contradiction within DE, but we would prefer to see it as a creative tension which can lead to better, and more just, decisions.

Again, this can be assisted by already existing methodologies. In essence, the problem is twofold: boundaries - i.e., which stakeholders (interpreted as anyone who could be affected) must be included; and representation – i.e., who can stand as representatives for the many? Churchman (1968) was one of the first to say that in order to properly evaluate our designs we have to consider the whole system of which they are a part. This meant drawing the boundaries expansively or “sweeping in” as many aspects of the situation as possible, but the problem is always where do you stop? If we assume that the organization(s) concerned is basically benevolent, i.e., it wishes to generate a just result, then we can follow Reed (1999a) in suggesting that we need to include stakeholders who will be affected economically, politically in terms of equality, and ethically in terms of their self-identity.

However, it seems more likely that organizations will often not wish to include all stakeholders, and there may indeed be situations of outright conflict as for example between companies and pressure groups, or between planners and citizens (Palazzo et al. 2006). Here we can turn to critical systems heuristics and boundary critique. Critical systems heuristics (Ulrich 1994) developed from a combination of Churchman and Habermas’s work and helps to challenge the boundary judgments that are often made by experts or those in power against the interests of those who are affected but powerless. It consists of twelve critical questions, first asked in the “is” mode and then asked in the “ought to be” mode, that aim to reveal the partiality of the judgments that have been made over which facts and values are relevant to the design. This forces those in power to justify their boundary judgments and ultimately perhaps to change them. Midgley (Cordoba et al. 2006; 2000) and Mingers (2006) have also developed methods for challenging and questioning boundary judgments.

With respect to the second aspect, representation, this is clearly necessary in many cases, although the internet does offer the potential for mass participation, but is a complex area. Representatives can be chosen in many ways – elections, random sampling, ad hoc, convenience etc and each has its own benefits and problems. Parkinson (2006) provides a comprehensive review within the context of practical real-world attempts at deliberative democracy.

The concern with universalization in discourse ethics can be related directly to debates in the IS field, and a good illustration of this concerns the so-called ‘digital divide’ (Warschauer 2003). This involves lack of access to digital technologies but also the social, cultural, educational and linguistic contexts that affect whether people are able to utilize technologies effectively even if they have access. Thompson (2004) provides an interesting case study of the World Bank’s ‘Global Development Gateway’ that aims to provide a global forum for debate about development issues. However, Thompson argues that the forum excludes the views of many bottom-up and local development groups and can be seen as a form of land-grab by the Bank in defining the meaning of ‘development’ and thus, ironically, a form of digital divide in itself. The focus on universalization in discourse ethics relates directly to Thompson’s concerns about who participates on the Development Gateway, who are the silent voices and how could they be better represented.
Legitimacy and Effectiveness

A major strength of DE is its recognition of a plurality of types of issues. Consequentialism tends to focus on economic aspects; communitarianism and virtue ethics is valuable but has no standpoint outside of different cultures or religions to attempt to deal with the major divergences that exist in today’s world; and Rawls also finds it difficult to deal with this problem, simply assuming that different traditions will have enough in common to generate agreement. DE accepts that all three types of issue exist and can be resolved in different ways. In principle the distinctions are clear – pragmatic issues assume agreement among those involved about goals and values; ethical issues accept that there are genuine differences between individuals and groups but that these can be tolerated; while moral issues are those that genuinely require the agreement of all affected.

However, in practice things are not so straightforward. Habermas tends to assume that an issue or question will be either pragmatic, or ethical, or moral. Or, he sees a process in which issues that begin as pragmatic then become problematized as ethical or moral. However, we think it more likely that complex issues may well involve aspects of all three, or that the three offer different perspectives or lenses on a complex issue, possibly held by different stakeholders. For instance, let us take the environment as an issue. We can see that this must in part be a moral issue since the health of the planet concerns all human beings. But we can also see that peoples’ reaction to it in terms of becoming vegetarian or going carbon neutral could be ethical issues on which individuals or groups could differ. Finally, some aspects such as making plane engines more efficient or improving alternative energy sources could be seen as purely pragmatic. But, there could be debate over even this with some groups, e.g., President Bush’s government, trying to maintain that the whole question is a pragmatic one as it will ultimately be solved by technology.

This means that the distinctions which seem clear in theory are not in practice and may well require considerable practical debate to sort them out. Here again, SSM can be of use, not least because it contains within it concepts that are clearly relevant to DE, namely CATWOE4 and the 3(5)E’s5. CATWOE is used as a checklist and contains reference to three groups of stakeholders – Customers, who may be beneficiaries or victims of the system; Actors who carry out the system’s activities; and the Owners of a system. The 5E’s are used to monitor and control the system’s activities and can easily be aligned with DE:

- E1 Efficacy: does the system work and do what it is supposed to? (Pragmatic)
- E4 Ethicality: is the system compatible with the values of stakeholders? (Ethical)
- E6 Equity: is the system fair and just for all affected? (Moral)
- E3 Effectiveness: does the system meet the owners’ aspirations in the long term? This has to take into account all the other criteria in the same way that legitimacy does for law.

There is an implied ordering here: the overall goal is effectiveness, the long-term success and sustainability of the system’s owner and this obviously requires that the designed systems actually work. However, this is not enough for efficacy must be subordinate to ethicality – the system must not contravene the authentic values of those who use and are affected by the system. And ethicality in turn is subordinate to morality – individual or group visions of the good life cannot override what is fair and just for all (Habermas 1992b).

In any real-world situation there will be a complex interplay of pragmatic, ethical and moral issues, and probably differing viewpoints about them. It is tempting for managers to stick with the efficacy question and concentrate on developing systems that at least work, for that is often difficult enough witness the many, public IS failures. But, we would argue, long term effectiveness and sustainability require that responsible managers engage with the moral and ethical issues as well. Discourse ethics provides a rigorously justified procedural framework for this task, although one that needs to be adopted in a pragmatic fashion, aided by well-tested methodologies for shaping and facilitating discourse.

A specific IS example involving issues of efficacy, ethicality and equity is the proposed introduction of identity cards in the UK (LSE Department of Information Systems 2007). There are major pragmatic concerns as to whether these will ‘work’ in terms of speed, reliability etc. but also ethical concerns as to whether they are acceptable to a wide range of individuals and stakeholder groups, for example by increasing the possibilities for identity theft. In addition, will they be fair and just for all those affected? For example, there are major concerns that the system involves a centralized register that could be used to analyze and target specific individuals or groups in a discriminatory way. Discourse ethics could be used as an analytical tool to examine complex cases such as this in a more formal way.
Conclusions

There is much concern about the ethics of business activities and decisions at this time and information systems and technology is a key business component. Habermas’s general social theories have been used in both planning IS and also in understanding their effects but his later work on discourse ethics has received little attention. We have argued in this paper that the theory’s emphasis on practical debate and discussion amongst all those affected is highly relevant to contemporary ethical and moral concerns in the business world. We have also argued that it is relevant to analyzing current issues such as Web 2.0 and open source software but further work is needed to develop the IS implications through particular studies which utilize the theory in detail. We hope our paper provides a good starting point for this work.

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In common language ethics and morality have similar meanings. To the extent that there is a difference, morals refers to particular beliefs or norms while ethics refers the science or system of morals, or to a particular ethical code. Habermas uses the terms in a different and specific sense.

Indeed, Habermas accepts that it should really have been called “a discourse theory of morality” rather than ethics (Habermas 1993a, p. vii)

For Habermas, both truth and rightness are discursively vindicated but there is a significant difference. For truth, discourse merely recognizes or signifies that a statement is (believed to be) true in respect of an objective world. For morality, discourse actually justifies or creates the norm as a norm within the social world (Habermas 1999a, p. 38).

Customers, Actors, Transformation, Weltanschauung, Owner, Environment

Efficacy, Efficiency, Effectiveness, sometimes augmented by Ethicality and Aesthetics. We have added in “Equity”.

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