

Ethics of Justice: Social Contract Theory and Students from the University of Arizona

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The ethical issues presented in the case, *Students and Sensors: Data, education, privacy, and research* concern student privacy and transparency of data collection of personal information. As framed through the ethics of justice lens, these issues are relevant to the concepts and theories surrounding moral and ethical duty, justice, liberty, and security. The case study done at the University of Arizona involves researchers who are analyzing data from student ID swipes at different locations on campus to better understand student trends in routines and relationships. The study is being done to gain a better understanding of student habits concerning their daily routines and relationships and how those habits might influence student retention and feelings of support. The University researchers state that all information collected is anonymized but that depending on the findings, certain personal information might be shared with school academic advisors. The hope is that the data obtained via the study will help administrators better understand how to best support their students and influence higher retention rates of freshmen. The concerns surrounding this study, however, relate to privacy infringement and transparency of the purpose of the study, whether or not students should be made aware that their personal data is being collected, and if they should be given the opportunity to opt-out. The ethical issues and disputes, in this case, occur where the moral worth of the study is concerned. These ethical issues can be further analyzed through the lenses of Social Contract Theory, Veil of Ignorance, and the Reflective Equilibrium Method.

Social Contract Theory sees the basis of morality as an agreement, specifically that agreement or contract between a people and their government. The people agree to give up some variation of their freedoms in exchange for the protection of other rights from the governing body (Zack, 2011). Thomas Hobbes coined this theory and saw it as being a necessary contract

between a people and their sovereign or in application to this case, a contract between the students and their administration. Through Hobbes' definition of Social Contract Theory, the students agree to go to the University and forgo certain civil freedoms, such as potentially having to waive the privacy of certain personal information, in exchange for the promise of security from the University. Within that contract, improving upon support for students and thus retention rates could be argued as a "security".

As Hobbes places his trust in the abilities of the sovereign, John Rawls offers a more democratic approach to this theory, placing his faith in the ability of abstract individuals to construct fair institutions (Zack 2011). Rawls then pairs his conception of fair justice with the idea that human nature is to be rationally based on obtaining and maintaining that fairness (Zack 2011). Through Rawls' lens, The University is acting per its contract with the students, as a just and rational institution, conducting the data analysis in the fairest way possible. The Veil of Ignorance, as Rawls determines it, adds a final layer to his understanding of Social Contract Theory, presenting that if the contract is to be truly fair, it must function as a deliberative process in which the participants do not know how they are advantaged or disadvantaged (Zack, 2011). This would mean that students at the University of Arizona are being analyzed in the data collection as equals through their social contract with the school, and it can be further assumed that they and the researchers have no prior understanding of each other's advantages or disadvantages.

Both Hobbes and Rawls assume that justice serves as the motivation for the duties defined by the theory, as is the natural equality of individuals in a society. They place their trust in the rationale and justice of the governing, to truly act in the best interest of their students in conducting their research. The Social Contract Theory assumes that all students possess a similar

sameness and that acting under Rawls' Veil of Ignorance, none are aware of any specific inequalities between their status and that of others. Rawls proposes that this is the fairest way to enact justice or rather to make decisions for society or in this situation, to assess how to most fairly support students. If no one knows what their status at the university is and everyone is seen for their sameness, no one will be inclined to biases in their data analysis nor their implementation or interpretation of it.

The reality however is that all students are most likely not equal at the University of Arizona, so there will be contradictions in the data and analysis. Rawls would argue that there is a background sense of justice that can be trusted in this contract despite inequalities and that the University researchers will act on their duty to create fairness (Zack 2011). Rawls would further argue that even in the face of contradictions where underlying beliefs and application to duty are concerned, the Reflective Equilibrium method can be utilized to find a solution. In the use of this model, Rawls argues that contradictions in principles can be resolved by analyzing which principle is the most strongly held and then sticking to that particular principle. For example, suppose a student believes that having the school collect data on her whereabouts while on campus potentially puts her in danger but also wants to make the campus support system better for incoming freshmen. In that case, she is met with a conflict of principles. The Reflective Equilibrium method would call upon the student to weigh her beliefs, i.e. what the possibility of the information being leaked is. She might then ask herself if it is better to have data to support students or not at all. This student would then assess her principles and the facts of the situation and determine that all Universities have access to some degree of personal information such as address, phone numbers, grades, health information, etc., and that this personal data has not been at risk prior, so she decides to reconcile and allow the University to continue to collect data.

The Reflective Equilibrium method requires individuals to make exceptions to their moral principles and/or weigh which serves more of a fundamental purpose to their character. Students are not the only individuals in this scenario that could be required to make these conceptions, as the leaders at the University of Arizona should also assess their duties and obligations to their students. The Strike, Hallar, & Soltis model serves as an alternative method in the analysis of what the right thing to do is. In the first steps of the model, the leaders are met with their disputes and their intuitive moral reactions could be prompting them with immediate personal perspectives on what they should do. Before acting, however, they should further assess the fairest and most just way to act and what principles surround their decision-making processes (Strike, Hallar, & Soltis 2005).

Immanuel Kant's concept of goodwill serves as a relevant principle to use in assessing the justest way to act. Kant's notion of goodwill is seen in relation to acting purely upon duty, i.e. what is the duty of the leaders to the University? To the students? To determine how to act, Kant argues that this justification of adhering to one's duty is a necessity of law (Zack, 2011). In his Categorical Imperative, he further argues that humans should "act in such a way that you treat humanity... always as an end and never simply as a means (Kant, 2011). This belief that no action or duty should ever warrant the use of a person as a means to achieve something should further prompt the leaders to assess what their purpose in conducting the data is. The leaders should consider their purpose in conducting the study and collecting the data and its relation to their overall duties to the University and the students. They should then be able to reason that all are intertwined and should be treated as equals, not just as a means to an end or a way to obtain desired data, and further determine that the most just and fair thing to do would be to be

transparent in their purpose for data collection and allow students to opt-out of the research if desired.

In assessing what is potentially missing in this analysis, other perspectives such as ethics of critique and ethics of care could be brought into consideration of determining what the right and wrong ways to act are. In viewing this case through the ethics of critique lens, the assumptions that are built into the human rationale could further help in understanding and analyzing Rawls' argument that all humans possess rationality. The concept of who is creating the law that guides rational thinking and for what purpose creates a different perspective concerning acting by duty. Concepts concerning privilege and oppression could also help play a further role in the analysis of the sameness that Social Contract Theory assumes of individuals within a society. Ethics of care could further bring in interpretations as to the interpersonal connections students experience within their daily routines, adding to the analysis of the data being collected by the University and deepening the meaning of the emotions of the students concerning their role as data in the case study. Overall, considering other principles and perspectives outside that of ethics of justice traditions could add complex layers to the understanding of the ethics and mores involved in this case and prove beneficial to the analysis of what actions those concerned with this case should take.

References

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