

# Emergency Ethics, Law, Policy & IT Innovation in Crises

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## ABSTRACT

Ethics, law, and policy are cornerstones for effective IT innovation in crisis response and management. While many researchers and practitioners recognise this, it can be hard to find good resources for circumspect innovation approaches. This paper reviews *The Library of Essays on Emergency Ethics, Law and Policy* (2013), a four Volume series edited by Tom D. Campbell, that presents a collection of 113 seminal articles and chapters on emergency ethics, law and policy, and emergency research ethics. Building on a selective summary overview of each volume, the authors draw out core themes and discuss their relevance to research concerned with the design and use of intelligent systems for crisis response and management. The series brings together important insights for information system design and organizational innovation, but there is a lack of attention to socio-technical dimensions of emergency response and management. The authors conclude by discussing research within ISCRAM and the related fields of science and technology studies and IT Ethics, showing that entering into a conversation would be highly productive.

## KEYWORDS

ELSI, Emergency Ethics, Information Technology, Law, Policy, Research Ethics

## INTRODUCTION

Many information systems designers and practitioners care deeply about the ethics, law and policy of socio-technical innovation in the field of emergency response and management. IT innovation can, for example, create tensions between data protection, interoperability and transparency in crisis response organisations, prompting researchers to search for ‘privacy by design’ solutions to protect people affected by crises and crisis responders from intrusive data processing (Weber & Gustiené, 2013). At the same time, information technology can enhance responders’ capacity to address ethically problematic issues such as ‘role abandonment’ in the face of danger or overwhelming chaos (Noble, White & Turoff, 2014). These two recent examples of interdisciplinary engagement between IT design and enquiries into ethical, legal and social issues (ELSI) drawn from philosophy, psychology, anthropology and the social sciences highlight a deep mutual interest on the one hand, but also a need for more in-depth engagement with each other’s concerns and knowledge.

The literature that could facilitate such cross-disciplinary insight has been scattered across multiple academic fields, making a comprehensive overview of issues and available research difficult. Tom D. Campbell’s formidable effort to bring together seminal work in the fields of emergency ethics, law, policy and emergency research ethics has resulted in a two thousand page compilation of previously

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published articles and book chapters in four volumes as *The Library of Essays on Emergency Ethics, Law and Policy* (2013). This series brings together classic essays and more recent studies reaching from 1922 to 2012. In this review of the complete four volumes, we provide an overview of the series and summarise some of the key contributions to leverage insights for advanced research in IT supported crisis response and management.

We review each volume in turn, followed by a short discussion of the relevance to innovation in IT supported emergency response and management. The article concludes with a discussion of selected work within the fields of innovation in crisis management, science and technology studies and IT ethics. The aim is to illustrate the potential of a deeper interdisciplinary dialog on matters of ethics, law and policy, building on *The Library of Essays on Emergency Ethics, Law and Policy*.

## EMERGENCY ETHICS

The first volume of the series on *Emergency Ethics* is edited by A.M. Viens and Michael J. Selgelid and includes 25 journal articles and book chapters which are organised in five parts: Part I, The Nature and Significance of Emergency; Part II, Ethical Issues in Emergency; Part III, Ethical Issues in Emergency Public Policy and Law; Part IV, War, Terrorism and Supreme Emergencies; Part V, Public Health and Humanitarian Emergencies. Contributions explore the nature and significance of emergencies, normative implications and a range of perspectives on the ethics of emergency response.

The volume opens with a deeply philosophical and political debate, which is well worth patient consideration in relation to IT innovation, as we will show. Carl Schmitt's famous statement 'Sovereign is he who decides on the exception' sets the scene, referencing his classic book *Political Theology: Four chapters on the concept of Sovereignty*, first published in 1922. Schmitt couples the concept of sovereignty with that of exception. According to him, exceptions require decisions to be made outside of the law, because:

*The exception, which is not codified in the existing legal order, can at best be characterized as a case of extreme peril, a danger to the existence of the state, ... it cannot be circumscribed factually and made to conform to a preformed law (Schmitt, 1985, p. 6').*

For Schmitt, only the sovereign, defined as 'he who stands outside the normally valid legal system', can declare an exception: 'He decides whether there is an extreme emergency as well as what must be done to eliminate it' (p. 7). An influential but also controversial figure in emergency ethics scholarship whose work underpinned the spread of National Socialism in Germany, Schmitt sets off one of the key debates that runs through the whole series.

Both Michael Walzer in 'Emergency Ethics' (2006) and Tom Sorell in 'Morality and Emergency' (2002) side with Schmitt in entrusting the head of state with the authority to declare an emergency as a state of exception and to suspend constitutional laws in order to effectively respond to it. Walzer (2006) argues that in cases of 'supreme emergency' - a concept first used by Churchill in the face of the threat of Nazism, and defined by Walzer as a situation when 'our deepest values and our collective survival are in imminent danger' (p. 33) - governments and political leaders should be able to do whatever is required, even if immoral, to confront the danger and ensure the survival of the political community. Sorell (2002) also argues that extraordinary situations warrant extraordinary uses of power. He defines an emergency as 'a situation, often unforeseen, in which there is a risk of great harm or loss and a need to act immediately or decisively if the loss or harm is to be averted or minimised' (p. 22). Sorell makes a distinction between private and public emergencies and in the case of the latter he particularly singles out what he calls the 'more extreme' or 'general' public emergencies, such as 'an unexpected and overwhelming all-out military attack' (p. 26). In these cases, Sorell argues, the threat to be 'sucked into' a moral black hole, a free-for-all breakdown of moral and social order, is

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