

Collaborative Discussion 1 – Research Methods and Professional Practice – Peer Response, Rob Mennell – Michael Geiger

Thank you Rob for your well-reflected post on the legal ramifications and trade-offs of the Association for Computing Machinery's 'Malware Disruption' case study in an international context (ACM, N.D.). The listed considerations of the legal argument as to whether an intervention by states and the associated disruption of infrastructure is legal in order to prevent criminal acts shows the complexity of the Internet in the context of legal and ethical principles. The primary question that arises here is: to what extent may criminal acts be undertaken in order to ward off other criminal offences?

On an international legal level, it can be stated that both parties involved are entitled to their rights. In this way, the Charter of the United Nations can be applied to both actors. The acting governments have a right to protect the rights of their citizens under Article 2.3, while the government concerned has the right of national sovereignty under Article 2.4 (UN, 2022). The respective procedure must also be weighed up on an ethical level. In the case study, ACM (N.D.) refers to Principle 1.a of the Code of Conduct and argues that Rouge Services' harmful behaviour has harmed victims and may justify the attack on the company (BCS, 2022). This is also supported by principle 2.f, which condemns the implementation of malicious actions. However, this reasoning can equally be applied to the attack on rouge services. Rouge Services' forcible shutdown caused harm to the company's clients. It must be assumed that, in addition to the malicious actors who used the hosting service, users who behaved legally and ethically were also affected.

It can thus be argued that the security providers who carried out the attacks also behaved ethically reprehensible according to principles 1.a and 2.f (BCS, 2022). This example shows how complex and multidimensional legal and ethical principles can

be. A situational adapted reflection and corresponding interpretation of the justification of action must therefore be carried out individually.

References:

ACM (N.D.) Case: Malware Disruption. Available from: <https://ethics.acm.org/code-of-ethics/using-the-code/case-malware-disruption/> [Accessed 15 November 2022].

UN (2022) *Charter of the United Nations*. Available from: <https://legal.un.org/repertory/art2.shtml> [Accessed 15 November 2022].

BCS (2022) *Code of Conduct for BCS Members*. Available from: <https://www.bcs.org/media/2211/bcs-code-of-conduct.pdf> [Accessed 15 November 2022].