

**A Duty Ethics Analysis on the Facebook–Cambridge Analytica Scandal**

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On my honor as a University student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.

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## **Introduction**

In early 2018, a whistleblower revealed that the British political consulting firm had harvested personal data from millions Facebook profiles and was using the data to microtarget political advertisements during election cycles in various countries, most notably in the United States, where it assisted with Senator Ted Cruz's 2016 presidential election campaign and later Donald Trump's campaign. While the efficacy of these microtargeted ads is debatable -- one could argue that they did not have an appreciable effect on the results of the election, they play into the much larger problem of election interference in the 21st century, where new technology developments have changed the game in how social and political interactions happen.

Much of the literature on the topic focuses on the legal and political consequences of what transpired in the time period between when Cambridge Analytica began its operations and when it was whistleblown and subsequently scrutinized. There is little literature on the morality of the actions of the key players in the operation, such as the developer of the app and the CEO of Cambridge Analytica, who was presumably making the decisions of the company. By glossing over making moral judgements, we lose the opportunity to see what it means to be an ethical agent in sensitive situations like these.

By viewing the key players' actions through the lens of duty ethics, a convincing argument on the morality of the actions can be made. I will categorically show that the actions of the app developer and the CEO were morally wrong, due to their consistent violations of Kant's formulations of the categorical imperative.

## **Background**

The Facebook–Cambridge Analytica data scandal was a scandal involving the nonconsensual collection of millions of peoples’ personal Facebook data for the purpose of tailoring political advertisements towards them. This process was expedited by the use of an app called *This is Your Digital Life*, which allowed Facebook users to participate in informed consent research, purportedly for academic usage (Graham-Harrison, 2018). This app was developed by a sole developer/researcher named Aleksandr Kogan, who was a researcher at Cambridge University commissioned by Cambridge Analytica. Headed by CEO Alexander Nix, Cambridge Analytica was a political consulting firm that used techniques such as data mining and microtargeted advertising to influence elections in several countries. The breach of trust between the users and Facebook occurred when Facebook not only allowed for the collection of personal data of those participating in the surveys, but also the Facebook friends of the people who took the surveys. This, in effect, allowed for data collection on a much greater scope than was originally intended, which fueled Cambridge Analytica’s efforts to sway public opinion during the 2016 United States election season. The reveal and subsequent outrage caused Facebook’s stock to dip and calls for regulation on how tech companies can use personal data.

## **Literature Review**

Given the recency of the Facebook–Cambridge Analytica data scandal, the majority of the literature on the topic focuses on the political and economic effects of the events that transpired, rather than the moral implications of the actions of those involved. In his case

study, Wilson goes into depth about the details of how the scandal transpired, the various methods in which the personal data have and could be misused for political influence, and the technology behind *how* the data was gathered. It's revealed that the data collection spans all the way back to 2015 and Facebook was entirely complicit, fully aware of what Cambridge Analytica was doing. Wilson also includes an "anticipatory analysis" on the ethicality of the situation, laying out the groundwork for further ethical analysis.

Looking deeper, Pappova attempts to build an analysis of the scandal through the lens of Utilitarian ethics, reflecting on the ambiguity of the cost of the invasion of the personal privacy of millions, balancing the benefit received by Facebook and politicians, and eventually concluding that the effect of the scandal was a net negative on society. While Pappova ultimately fails to reconcile the ambiguity in the costs of the scandal, she presents an argument that makes a moral judgement call on the scandal, rather than focusing on the politics behind it.

Finally, Ward's analysis of the Cambridge Analytica situation is a direct application of Kantian ethics and the categorical imperative to the actions of Cambridge Analytica as a whole, and specifically the action of microtargeting adverts towards more politically vulnerable users. Ward concludes that the microtargeting fails the Kantian litmus test, as it infringes on individual autonomy of human beings (Ward, 2018). In contrast to Ward's analysis, I'll be applying Kantian ethics to the actions of individuals who were responsible in this case, to examine what happened at a more granular level, rather keeping responsibility at the collective level.

## Conceptual Framework

A moral analysis of the situation can be done using the framework of duty ethics, also known as deontological ethics. In duty ethics, an action is morally right if it is in agreement with a moral law, which can take the form of a law, norm, or principle (van de Poel, 2011). Duty ethics focuses on the individual actions that a person performs, rather than the moral character of the person or the consequences of their actions. In his system of duty ethics, Immanuel Kant argues that morality can't be based on happiness, as happiness can mean different things for each person. Kant places much emphasis on the autonomy of the individual, postulating that "man himself should be able to determine what is morally correct through reasoning" (van de Poel, 2011). If an action were to restrain the rational autonomy of individuals, Kant would more likely than not agree that such an action is immoral. According to Kant, an action is moral as long as it follows the categorical imperative, formulated as, "act only on that maxim which you can at the same time will that it should become a universal rule" or as "act as to treat humanity, whether in your own person or in that of any other, in every case as an end, never as the means only" (van de Poel, 2011). The latter is more succinctly put as "respect people as *people*, and not use them", also known as the reciprocity principle (van de Poel, 2011). By using these two simple yet universal rules, all other moral norms can be derived. Pure Kantian ethics does not allow for any exceptions to formulations of the categorical imperative. In order to reconcile Kantian ethics with reality, William Ross further developed this ethical framework by introducing two levels - *prima facie* norms and self-evident norms, which allow for more flexibility in the interpretation of an action's morality. These *prima facie*

norms, or “at first appearance” norms, are norms that seem to be good at first and are usually the applicable norms. The second type, self-evident norms, are norms that are good once everything has been taken into consideration, including the potential consequences of actions. In this paper, I’ll directly utilize Kantian ethics and the categorical imperative to determine if choices made by key actors in the scandal, such as Aleksandr Kogan, were moral or not. I will also determine which extensions of Kantian theory could be useful in deciding the morality of these actors’ actions.

## **Analysis**

In the time period during and leading up to the whistleblowing of the scandal, Cambridge Analytica as a whole acted immorally. The individual actions of key individuals comprise the collective action of the company, and because these individual actions themselves violated the categorical imperative, Cambridge Analytica can be said to have acted immorally. Specifically, the actions of the app developer, Aleksandr Kogan, and the actions of the CEO, Alexander Nix, were instrumental in defining the company’s actions and its means for doing so. In the following paragraphs, I will detail each individual’s actions and how they are immoral according to Kantian theory.

### Actions of the App Developer, Aleksandr Kogan

In order to understand the actions of Kogan, it is necessary to provide some background on how he was implicated in the scandal. While not an employee of Cambridge Analytica himself, Kogan was approached by employees of Cambridge Analytica to develop

a Facebook app that would be used to collect the data of an indiscriminate number of people. In programming the app, Kogan explicitly took advantage of a loophole in Facebook's policy for third party apps that allowed the app to collect much more information than it purported to. On the surface, the app appeared to be a harmless personality quiz, but in addition to profiling the quiztaker, the app also collected demographic information (race, gender, age, income) as well as psychographic information such as purchasing habits, Facebook likes, and hobbies from the Facebook friends of the quiztaker (Graham-Harrison, 2018). This information was then used to build a so-called "psychograph", a map of the user's political and ideological leanings. Given the network-like nature of Facebook friends, the app worked virally, collecting the data of roughly 50 million Facebook profiles (Graham-Harrison, 2018).

According to Facebook's platform policy in late 2014:

Only use friend data in the person's experience in your app ... If you use any partner services, make them sign a contract to protect any information you obtained from us, limit their use of that information, and keep it confidential ... Don't transfer any data that you receive from us to any ad network, data broker or other advertising or monetization-related service. ("Platform Policy")

Even though Kogan didn't use the data to perform microtargeted advertising, he clearly broke the policy agreement between himself and Facebook by acquiring and passing off data to Cambridge Analytica. The action of programming the application to collect Facebook friend data wasn't to improve the experience of the person using the app and

Kogan didn't do his due diligence to protect the gathered data. In breaching the Facebook developer policy, Kogan violates the categorical imperative in its first formulation. If everyone who developed on Facebook's platform brushed off the rules, the platform could quickly become very exploitative, which would be an untenable position for the company and its users. Such a society where safeguards for privacy are disregarded could not function. Of course, this presupposes the notion of privacy, but if ignoring privacy policy were universalized, there would be no privacy, logically making this argument only relevant where privacy is a norm.

In a BBC radio interview, Kogan said "We were assured by Cambridge Analytica that everything was perfectly legal and within the limits of the terms of service" (Weaver, 2018). However, simple ignorance or turning a blind eye cannot be used as an excuse for not considering the potential ethical consequences of engineering decisions. Kant prescribes that one should never treat oneself or another being as a means to an end; Kogan in this instance treated Facebook users as a means to an end, disregarding the rational autonomy of the users in pursuit of profit. To this end, Kogan acted immorally.

In the same interview Kogan mentions "I have never profited from this in any way personally. This money was paid mostly ... for the participants – each person was paid \$3 to \$4 (£2.10 to £2.80), so that's where really the money went" (Weaver, 2018). If Kogan did not stand to gain from his actions, one must ask the question: why would he invest the time and energy into doing them? There are several possibilities. 1. He is lying or misleading about his gain. This option vacuously infringes the categorical imperative. 2. He did what he



did in accordance with his own rational will, responding to what he believed were reasons for doing so, insofar that he was his own lawgiver. 3. Kogan did not act freely and so his agency as a human was violated, making the actions of a third party immoral, as they treated Kogan as a means to an end, and not as an end. In the second case, Kogan's actions are slightly more ambiguous. At first glance, he appears to be acting in accordance with his own moral lawmaker. From the BBC interview:

Honestly we thought we were acting perfectly appropriately. We thought we were doing something that was really normal ... What was communicated to me strongly is that thousands and maybe tens of thousands of apps were doing the exact same thing. And this was a pretty normal use case of Facebook data. (Weaver, 2018)

As a *prima facie* norm, this works out -- Kogan was simply doing what was accepted by society at that point in time, doing his duty to provide a service by developing *This is Your Digital Life*, but at a deeper level, he must have considered the potential implications of his actions. The potential implications of the data being misused were a foreseeable issue, as Facebook clearly outlined protection policies in their guidelines, and within that framework, which embeds the will of the users Facebook serves, it is self evident that the implications overrule the claim that what he did should be a moral norm. Thus, in both cases 1 and 2, Kogan's actions were immoral. In the third case he cannot be held morally accountable for his actions because he would not have been acting out of his own moral will.

### Actions of the CEO, Alexander Nix

The CEO, Alexander Nix, was directly responsible for making the decision to use the collected data for political advertising purposes (“Aleksandr Kogan and Alexander Nix; Analysis To Aid Public Comment”, 2019). Nix directed subordinates to meet with political contacts to arrange for the support of their campaigns in exchange for money. In effect, Nix orchestrated the microtargeting of advertisements, treating whole elections, which greatly affect the populus in which they occur, as a means to an end - pure profit and the gain political connections. Within the treatment of elections as an end, the users of Facebook were treated as an end to influence elections. Both actions are categorically immoral on Nix’s part.

### Refutation from a Software Engineer’s Perspective

Both Kogan and Nix violated the categorical imperative and showed a blatant disregard of the rational autonomy of Facebook users, given that the results of their actions were foreseeable. According to the *IEEE Code of Ethics for Software Engineers*, software engineers can only be held responsible for the *foreseeable* consequences of their actions. One could reasonably argue that Kogan’s actions were *unforeseeable*, as Kogan appears to argue himself. In 2015, we had not yet seen election interference on the scale and of the methodology as we saw in the 2016 United States election. As such, the precedent for what could happen had not been set, and Kogan, simply viewed as an app developer, could not have predicted the consequences of his actions. However, Kogan was not a mere software developer, he was the head of his lab at Cambridge University’s Psychometrics

Centre(Weaver, 2018). In such a position of power, overseeing a number of subordinates, he has to be held to a higher level of responsibility than that of a mere lone software engineer. Although he performed the function of an app developer, he was much more instrumental to the scandal in effect than software engineer who is told by a higher up he must develop an app. Keeping this in mind, it is acceptable to morally judge his actions consistent with the standards of someone in a position of power, as well as a software engineer.

## **Conclusion**

Through piecing together the facts of what transpired in the Facebook-Cambridge Analytica scandal and the responses of those who were involved in the scandal, it is possible to make a structured argument for the morality of the actions of the app developer, Kogan, and to a lesser extent, the CEO, Nix. The actions taken by the two show significant violations of the categorical imperative and a blatant disregard of the rational autonomy of the users who were affected. By using the lens of Kantian ethics, the actions of the two are categorically immoral, without redemption.

As a person in a position of power, Kogan was responsible for much more than the narrow scope of his app - he was also responsible for the wide reaching effects that his app helped fuel. As a software engineer, it's often difficult to determine how what is written could affect others. This ambiguity is impossible to clearly decipher, but considering the potential effects against the litmus test of the categorical imperative and its formulations is a significant step towards doing so.

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