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Information Ethics in a Different Voice, Or: Back to the Drawing Board of Intercultural Information Ethics.

Abstract:

Within the information ethics community one can observe a mainstream discussion including some fundamental presuppositions which appear to be something like dogmas. The most important of these dogmas seems to be that we must create a new kind of intercultural information ethics. It is often argued that (comparative) studies have shown that different cultures, according to culturally determined norms and values, react in different ways to the impacts of ICT; it is stressed that an intercultural information ethics must take these cultural particularities into account. But in the paper at hand it shall be argued that taking cultural differences into consideration does not create a necessity to invent a new intercultural information ethics. On the contrary it shall be claimed that we already know several intercultural ethics which only have to be applied to ICT and its impact to societies.

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- Relevant publications:
 1. Anything goes? Ethisch sensible Problemfelder in der digital vernetzten Wirtschaft. In: D. Aufderheide, M. Dambrowski (Hrsg.): Internetökonomie und Ethik. Wirtschaftsethische und moralökonomische Perspektiven des Internets. Volkswirtschaftliche Schriften, Heft 556. Berlin: Duncker & Humblot, 2009.
 2. The Next Step: [Privacy Invasions by Biometrics and ICT Implants](#). Ubiquity. An ACM IT Magazine and Forum 7 (45) 2006.
 3. [Privacy invasions](#). In: EMBO Reports, Science and Society Special Issue "Science and Security", 7/2006.
 4. Das Recht auf Informationszugang. Berlin: Frank & Timme, 2005.

It is most obvious that Alison Adam titled her paper "Computer Ethics in a Different Voice" (2001) with reference to Carol Gilligan's seminal work "In a Different Voice. Psychological Theory and Women's Development." published in 1982. And it is evident that the title of the paper at hand echoes Alison Adam's. However, this essay shall not deal with a feminist approach to intercultural information ethics and it shall not suggest that a feminist point of view in information ethics is essential for something that could be called *intercultural* information ethics – contrary to, for instance, what Thomas Froehlich proposes (2004). The title of the paper shall indicate that the debate concerning intercultural information ethics has to be advanced from another and different perspective than it is currently done.

Gilligan's work started an important debate about the question whether gender is an essential (moral) category which has to be taken into consideration in debates concerning justice; Adam's paper carried on that discussion with regard to computer and information ethics. But in contrast to these and many other works, the paper at hand shall reject the idea that ethics as well as social and political philosophy must incorporate social particularities like gender, religion, culture, and the like on the theoretical level. On the contrary, it shall be argued that each kind of moral theory at first must formulate basic principles which are independent from social particularities. However it is important to note that these particularities become central at the time basic moral principles are translated into real-life norms and values used in applied ethics like (intercultural) information ethics.

It is also important to note that although it is quite evident that the paper at hand has been written from a universalistic approach to moral philosophy, questions of universalism, pluralism, or relativism are not dealt with. Without further explanation and justification I would like to state that such universalism-pluralism-relativism-debates are at best confusing and misleading and at worst merely sophisticated attempts to ignore well justified moral claims (cf. Bielefeldt 2000: 92; Wong 2009: 51).

The current state of affairs

Within the information ethics community one can observe a mainstream discussion including some fundamental presuppositions which seem to be something like dogmas. The most important of these dogmas appears to be that we as a scientific

community must create or invent a new kind of intercultural information ethics. Roughly speaking, the argumentation goes as follows:

Several (comparative) studies have shown that different cultures react in different ways to the social impacts of information and communication technology (ICT). People try to adapt to the challenges of ICT by applying culturally determined norms and values. One source of these norms and values is the locally dominant religion, another one local tradition, and a third one culturally defined philosophy. From the most obvious fact that religions, traditions, and philosophies are diverse, that they include quite different norms and values, and that they demand for very different kinds of behaviour the conclusion is drawn that an intercultural information ethics must take those differences into account.

As it was already mentioned, such social and cultural particularities indeed do have a role in information ethics and therefore of course in intercultural information ethics. But in the paper at hand I shall argue that taking cultural differences and particularities into consideration actually does not create a necessity to invent a new intercultural information ethics. On the contrary it shall be stressed that we already know several intercultural ethics which only have to be applied to ICT and its impact to individuals and societies.

Such a strong claim which at least seems to oppose the mainstream (intercultural) information ethics discourse clearly has to be well justified. One building block of such a justification is to stress the distinction of morals and ethics. Although this difference can be understood as widely accepted among moral philosophers one can learn that most if not all of the papers which often are referred to, for instance in the Call for Papers for Vol. 13 of the International Review of Information Ethics, to corroborate the claim that there is an urgent need for a new intercultural information ethics actually do not deal with ethics but with morals and simultaneously do not take into account the distinction of morals and ethics.

For instance, the paper by Nakada and Tamura on "Japanese Conceptions of Privacy" (2005) is an excellent work describing cultural determined norms and values and their impact to Japanese people's everyday behaviour. In fact, Nakada and Tamura are unfolding certain moral and social norms which regulate people's behaviour: It is a social psychology paper that refers to religious beliefs and metaphysi-

cal assumptions widely held by Japanese people. *Mutatis mutandis*, the same can be said with regard to Lü's (2005) most interesting paper concerning Chinese attitudes to privacy. Here, the author refers to Chinese history in order to explain the privacy-related behaviour of Chinese people. In fact, Lü delivers a genetic (in the sense of philosophy of science, not biology) explanation with reference to historical and cultural facts.

Particularly for westerners, both papers are most informing since knowledge concerning Chinese as well as Japanese culture is not yet widespread. The same has to be stressed regarding all those works which inform us about culturally determined attitudes, behaviour, traditions, formal and informal regulations, and laws in other than European or North-American countries.¹ There is too much information about such countries which is unknown even to experts in the field of (intercultural information) ethics.

Ethics is more than the description of morals

Nevertheless, I would claim that the assumption that the distinction of morals and ethics most often is neglected can be generalized with respect to (almost) all papers which are included in the "Special Issue on Privacy and Data Privacy Protection in Asia" edited by Charles Ess in 2005. These essays deal with locally or regionally bounded social and moral norms and values as well as with their impact to people's attitudes towards ICT. To even strengthen my claim it can be said that the prevalent non-observance of the difference of morals and ethics is a central trait of the current intercultural information ethics discourse.

Ethics, however, is more than collecting empirical facts about people's behaviour. Of course, one can argue with pretty good reasons that it is essential to know how people actually deal with ICT and how religiously, traditionally, or philosophically defined rights, duties and demands regulate the use of ICT as well as how ICT's repercussions change social life, religious duties, and traditional conduct. But to assert that a culturally determined particular understanding and conception of, for instance, privacy must be included in an intercultural information

ethics cannot be justified only with reference to empirical facts. Just the opposite is true: In principle, norms and values cannot be justified with reference to facts – this theoretical assumption, too, is widely accepted among moral philosophers. The information that people belonging to a particular culture follow a particular conception of privacy is just a fact, not a justification of a norm: Ethics is a normative endeavour and not part of the more or less empirical orientated social sciences.

Indeed, ethical propositions often refer to empirical facts but they always also contain normative claims which cannot be justified only with reference to the existing reality and which cannot be reduced to empirical facts; ethical propositions include "ought", not only "is". A (partial) justification of a particular moral norm or concept like, for example, privacy would be given if one firstly can establish a chain of statements like

"In culture XYZ the concept of individual privacy cannot be justified because it would prioritize the individual instead of the community. But in this particular culture, the community and its well-being are held more important than privacy and freedom of individuals since a prosperous community is seen as a necessary condition for the life and well-being of persons."

In this chain of statements one will find references to empirical facts as well as to moral norms and values. Secondly, by eliminating the empirical references such a set of statements can be reduced to a justification of moral claims:

"The common good is more important than individual rights. Privacy is an individual right. Therefore, the common good is more important than privacy."

Of course this is quite too simplistic a justification – although one can often hear it in political debates concerning security after 9/11. And surely one can challenge that this argument can persuade someone to believe that the moral claim that the common good is more important than individual privacy now is justified. I would give in and would even say that – in this simplistic form – this justification is as persuading as the more or less implicitly made statement that since privacy is handled this or that way in this or that culture this or that particular concept of privacy has to be part of an intercultural information ethics. It is evident that to justify a moral claim more has to be done.

¹ It must be stressed that such research, focused on populations, must be supplemented by studies focused on individuals (cf. Neff & Helwig 2002: 1446; Schwartz & Bardi 2001).

Although some of the papers mentioned above which deal with intercultural information ethics include such considerations most often the emphasis is laid on empirical facts and descriptions of culturally determined practices. As important this is, it is not ethics.

Fundamentals for an universalistic intercultural information ethics

The second building block for the justification of the claim that intercultural information ethics has to be advanced from a different perspective than usual is to stress that we already know a couple of well-established, deeply elaborated, and often as well as fiercely debated conceptions of ethics and social and political philosophy which can be applied to intercultural problems raised by the use of ICT. To say it in another way: Moral philosophy already provides for several conceptions of ethics which can be applied to intercultural usage of ICT. Or, finally, to put it in a different voice: By now, actually we know more than a few conceptions of intercultural information ethics.

This statement might be surprising since moral problems of the application of ICT were raised just some years or, at the utmost, a few decades ago, compared with, for instance, moral issues in health care or in the conduct of war. Moreover, intercultural questions of the use of ICT are currently even unfamiliar to large parts of the moral philosophy community. But a second look might reduce this surprise. The "just war doctrine", for example, was developed by philosophers like Francisco Suarez, Hugo Grotius, or Samuel von Pufendorf in the 16th and 17th century by applying more abstract moral principles that themselves do not refer to war but which can be used to deduce rules of moral conduct in war.

At least potentially, the same can be done with regard to moral issues concerning the application of ICT in intercultural contexts. This time, the "rules of engagement" might be deduced from general theories of moral philosophy. These are, for instance, Utilitarianism, Egalitarianism, Liberalism, Communitarianism, Libertarianism, and the like. All these theoretical frameworks include a more or less elaborated conception of what it is to be a human being (which means a philosophical anthropology and a theory of action), an idea of a just society (which means a social or political philosophy), a notion of the source of moral rights and duties, most often

ideas regarding metaphysics and epistemology, and of course a more or less elaborated theory and justification of moral right and wrong (which is an ethics).²

Seminal works like John Rawls' "A Theory of Justice" (1971), Robert Nozick's "Anarchy, State, and Utopia" (1974), or Michael Walzer's "Spheres of Justice" (1983) contain methodological advices pertaining to the deduction of practical rules from abstract principles.³ This is obvious with regard to Rawls' concept of the "veil of ignorance", Nozick's "entitlement theory" and, maybe less obvious but nonetheless important, Walzer's idea of "blocked exchanges". Although these works are hallmarks in political philosophy the pretty controversial debates they ignited might be even more significant for an intercultural information ethics. Those debates provided for clarifications of concepts like, for instance, group rights (e.g. Barry 2001; Kymlicka 1997, see also the essays in Sistare, May, Francis 2001) which are essential in discussions concerning intercultural moral problems, whether with or without reference to ICT.

Instances of application

By now, one will find several attempts to apply these theoretical frameworks to social impacts of ICT and to intercultural aspects of ICT. Alan F. Westin already used a liberal or even libertarian framework to argue in his book "Privacy and Freedom" (1967); even today it is often cited in papers relating to the importance of privacy for individual liberty and the constitution of a free society. Somehow in contrast to Westin's work, Amitai Etzioni wrote his book "The Limits of Privacy" (1999) from a communitarian point of view. Here, he made a case for limits of privacy for the sake of the common good. In Germany Beate Rössler developed her conception of privacy in "Der Wert des Privaten" (2001) from a liberal perspective and Karsten Weber compared communitarian, liberal and libertarian positions concerning ICT in his book "Das Recht auf Informationszugang" (2005). These are only a few

² Due to lack of space I cannot further elaborate the following issue: I would stress that moral claims have to be deduced from basic principles instead of being invented by induction as Wong (2009: 50) and other scholars (cf. Fleischacker 1999) mentioned. Moral induction, that is the least to be said here, is always in danger of leading to moral relativism. For induction bases on an empiricist approach which raises questions of subjectivism.

³ ... and to overcome the already mentioned subjectivism.

examples of books; the number of books, papers, essays, and presentations on conferences regarding ICT in conjunction with such theoretical frameworks is much bigger. What has to be done now is to clarify how real world norms and values, traditions, and religious demands can be translated and connected to theoretical concepts of those frameworks mentioned above and how they can be integrated in those frameworks.

It would be worth the effort to systematically adapt these elaborated and highly sophisticated theoretical frameworks to moral issues regarding the (intercultural) use of ICT. All the papers and studies which already were written and done would provide for this aim by filling abstract conceptions and ideas with real life. Although it is most likely that such an endeavour will fail, as well as the aim to find a globally accepted common ethics has failed until now, the search for reasons and arguments which can be understood and accepted across cultural boundaries find its worth in itself: While we quarrel with arguments we implicitly conceive each other as being equally capable of understanding each other and therefore as being worth to be convinced with arguments, not force.

Conclusion and further research

In any case, even if this enterprise shall fail, it is to be expected that there will be one result which can further be used to develop some pragmatic rules of engagement regarding our use of ICT and of information: At least some intercultural conflicts might be solved if we stress that information can be understood as property – which implies that, for instance, privacy can be understood as property (cf. Lessig 2002; Volkman 2003).⁴ Many culturally defined sets of norms and values as well as national legal systems include some forms of property rights and protect them well. And the above mentioned theoretical frameworks of Utilitarianism, Egalitarianism, Liberalism, Communitarianism, Libertarianism, and even Marxism include conceptions of property rights as well as ideas regarding the just appropriation and fair distribution of property – although they conceive such rights with different scope and range. However, for the application of these frameworks in an intercultural information ethics it is essential that there already exist elaborated justifications of moral

claims which can be applied to real world problems of ICT's usage in intercultural contexts. I agree with Wong (2009) that such pragmatic rules like codes of conduct and the like cannot be the core of an intercultural information ethics. But until we might find some basic principles in intercultural information ethics pragmatic rules may be all we have to resolve and prevent conflicts.

Therefore, it is time to return to the drawing board and it is necessary to include more of moral philosophy's basic principles in intercultural information ethics. Otherwise, we will continue to tell us stories about our culturally determined use of ICT but won't get any deeper insights how to solve conflicts nurtured by its use. Don't get me wrong: Telling stories is important, but the story of intercultural information ethics must not end with telling stories.

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⁴ I even would like to claim that not only property as a part of economic theory but economic theory in general is key to the foundations of an intercultural (information) ethics.

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