Debate

The Problem with Ethics: Difficulties in Constructing Normative Frameworks

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As some of you may recall, we previously invited six participants to share their views on the future of online privacy. The present debate is no less interesting: it centres on the difficult question of how societies might best go about the difficult business of developing normative frameworks around surveillance practices.

The idea that motivated the amassing of this particular collection of papers began with a reading of Kevin Macnish's thought-provoking essay on the need for what he terms 'just surveillance.' In this piece, which anchors the debate as a whole, Macnish takes a courageous stand in advocating for the adoption of an ethical model of surveillance based on the tradition of 'just war'. I use the term courageous here deliberately. It has been my long experience that social scientists are often quite keen to document the myriad of ways in which social practices produce various problems, but appear rather shy when it comes to the onerous task of proposing actual solutions. The lack of willingness to dive headlong into thorny problems by taking an active position that is too frequently in evidence is a rather unfortunate problem because, whether you agree with the intent, focus or even particular specifics of a given proposal, these 'trial balloons' serve an important scholarly and social function: they move us beyond critique by animating goal-oriented discussions that can help us to build consensus around how to deal with a particular issue. In other words, like them or love them, they are frequently starting blocks to developing needed change.

It is in the spirit of being willing to dive in headlong that you will find Macnish's work, as well as the pieces offered by the four authors who agreed to tackle his essay within the pages that follow. These authors are: Gus Hosein (Privacy International), Gary Marx (M.I.T.), Elin Palm (Linköping) and Eric Stoddart (St. Andrews). Each has reflected on what Macnish has proposed and, coming from four unique standpoints, shares her or his thoughts. Ostensibly, each has written on the relative merits and weaknesses of Macnish's 'just war' proposal; however, their papers also afford insights into why normative frameworks are useful, and why they are so damned difficult to construct. For example, Gus Hosein writes of what he takes to be the need for such frameworks to be built through consultative processes—direct democracy in action—but openly acknowledges the limits of such processes, including their potential for drift. His point is well-taken when one considers that constructing and/or attempting to employ any particular model to address a social issue will inevitably result in actual and potential problems being missed (no one individual being particularly omniscient). Both Elin Palm and Eric Stoddart have thoughtfully pointed to some of these limitations. Where these authors differ, though, is in how they view the relative merits of the proposal as a whole and, consequently, how they address the implicit question raised by Macnish: 'what should be done?' Eric Stoddart is 'suspicious', and perhaps rightly, of any attempt to impose a normative framework on this form of social activity on the ground that such attempts

could very well conceal in its intentions, or be used to support in its application, power inequities. Elin Palm, on the other hand, is not opposed to a unified approach towards the problem question of ‘what should be done’, but cautions that the present model has some significant limitations, which she thoughtfully attempts to address. Gary Marx, our final contributor, is also not opposed to a unified approach. In fact, one of his criticisms of Macnish’s approach is that it is presently too narrowly focused on areas in which surveillance generates conflict and coercion. In his rather laudatory comments, Marx states he would like to see a broader approach that incorporates what he terms ‘other major surveillance scenes’.

To round out this collection, we have Macnish’s response, in which he considers the various points made by the authors who graciously agreed to provide their thoughts on his work.

I hope that readers will enjoy this ‘debate’ and that it will inform much discussion to follow!

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