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Intercultural Information Ethics
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Editorial: On IRIE Vol. 13

It is well known that information and communication technologies have permeated all corners of the world. Images of farmers in Bangladesh or members of a native tribe in Africa wielding mobile phones have become common place. Moreover, the Internet has continued to penetrate deeper and deeper into the everyday world of ordinary people, so much so that it is fast becoming an ubiquitous medium present in different cultural contexts. In this issue, we have invited researchers and scholars to investigate ethical issues that arise from the interplay arising from this very fact.

An inevitable result of the global penetration of the Internet and the mobile phone (in fact the two technologies are fast merging into one device only) is that presuppositions of the world's cultures could clash with those accompanying these technologies. This has given rise to an emerging field called "intercultural information ethics," where the cultural presuppositions of the world's cultures are seen as an important factor in consideration of ethical theorization and the search for ethical guide-lines.

In fact intercultural information ethics has been with us for quite some time, thanks to the works pio-neered by Charles Ess, Rafael Capurro, Makoto Nakada, Lü Yao-Huai, and others. IRIE has addressed the subject for the first time in 2004 with its second issue publishing the proceedings of the International ICIE Symposium 'Localizing the Internet'.

As the technologies are developing fast, and as the world is changing rapidly, there is a need to look further at intercultural information ethics, both in theoretical formulation as well as in how the cultures respond to the technologies. How does it affect people's relationships, customs, their language and every day's beliefs? And vice versa: do these have (different) effects on the net and its development.

In terms of theory, many questions still remain: How are we to come to terms with the age-old philosophical problem of universalism and particularism? In other words, are values embedded in the use of information and communication technologies culture specific or are they universal? Or are there some values that are specific to time, place and culture, and are there some others that are more universal? Does the term 'universal' admit of degree, so that one can be more 'universal' than another?

As the various parts of the world are undoubtedly being bound together more tightly, one part can certainly learn from others. Thus we are happy that we can present in this issue papers from different countries on different continents, some of them co-authored across different cultural backgrounds.

Sincerely,

the editors

Soraj Hongladarom and Johannes Britz
Intercultural Information Ethics

'Culture' have become a catchword in many circles today. Many years ago Huntington argued for a "clash of civilizations" where cultural and religious domains of the world are replacing ideological camps as the main factor in global conflicts (Huntington, 1996). Instead of the ideological camps of the free capitalist states and the Soviet blocks, Huntington sees the world to be effected by deep seated differences stemming not from ideologies which both stem from the same cultural source (namely the European West), but from age-old cultural and religious sources dating back millennia, The clash between the Islamic states and the West presents a clear illustration of Huntington's point. Religion has become the key element driving violent conflicts and struggles.

There are many criticisms of Huntington's view. One of them concerns the nature of the conflict itself. Instead of the purely religious conflicts that took place many centuries ago in the Crusades, conflicts (especially those between the Islamic world and the secular, liberal West) in our contemporary world take on the nature of globalization, and there are many more factors involved in the conflicts beyond only religious matters. This does not mean that religious faith is not a factor, but in order to understand the complexities of the conflicts many more factors are involved. Another criticism is that Huntington divides the cultures or civilizations into a number of neat geographical areas. This might be fine at first when we start out trying to understand the global and cultural regions of the world and how they interact, but as we shall see, when we really look deeper into the matter, we find that there can be as much difference within these geographical regions themselves as there is among the separate regions.

In any case, however, Huntington shows us that cultural differences can be crucially important in fully understanding the world today. Perhaps the clearest mark distinguishing the Crusades of old and the religious conflicts today is the effect of globalization and modernity which is saturated with technology. It is this factor that makes the conflicts today much more complicated and multi-faceted than those in the past. Information technology saturates our lives today; it is used not only in battlefields but everywhere else in our lives—in our homes, our workplaces, our entertainment venues. Mobile phones are being merged with computers and both of them with the Inter-net. News and information travels around the world in huge quantity that boggles the imagination and all of this at the speed of light (even though some users naturally complain of the slowness of their individual connections). And when news and information travels around the world, it encounters differences among cultures and traditions.

Here, then, is perhaps another dimension of Huntington's clash of civilizations. Instead of the armed conflicts, the clashes also take on the form of incongruencies that arise when news and information from one cultural domain travels to another. These can take place in several dimensions. One important dimension is an ethical one. The news and information that travels around the globe carries with it sets of values and justificatory systems behind those values originating in one area of the world but may not be the same in others. When the Internet first came to Thailand, many were shocked by the level of openness and freedom that existed in the online world. However, Thai people in general saw the great potential that the Internet brought to the country in terms of instant connectivity and fast flowing information and so on. So they gradually adopted the Internet and at the same time became rather cautious when it came to the kind of information that appeared to threaten the existing value systems. Even today, after the Internet has been introduced to Thailand for almost twenty years, the conflict between traditional value systems and the openness and freedom still remains and in fact has become more serious as the traditionalists who want to hold on to old values are fighting with tooth and nail to keep the traditional picture of what they think Thailand should be.

This issue represents on the key areas within intercultural information ethics: How can one justifiably maintain the value system belonging to one culture when it is juxtaposed with another system coming from another culture? The Thai people who want to keep their traditional values (such as the belief in a hierarchical society based on ranks) are arguing that they are maintaining their cultural identity. Not doing so would mean that the identity of being Thai will be obliterated by the influx of foreign ideas and values. The hierarchical society is not as bad as the Western liberals might think, so they argue, because in this society those who are ranked higher have the duty to take care of or to provide for the less fortunate, while the less fortunate have the reciprocal duty to recognize the higher rank and thus perpetuating

the system. This is better than the Western liberal society where everybody is fully equal since nobody there is obligated to take care of anybody else, which results ultimately in nobody being obligated to take care of others at all. We may of course agree or disagree with this argument, but this is the gist of intercultural information ethics.

Theoretically, the main area of discussion and debate within intercultural information ethics centers around the age-old philosophical problem of universalism and particularism. The sets of ideas promoting Western style of individualism are predicated upon the more foundational belief that these ideas are universal in nature. It does not make much sense to promote autonomy and liberty of individuals if these individuals are restricted only to a few groups (such as the European whites), because that would totally defeat what these ideas stand for. On the other hand, those arguing for the traditional hierarchical society ideas presumably also believe that their ideas are universal. That is, they believe that there is something wrong with the Western view of atomic individualism, and what makes it wrong is valid not only in Thailand, Japan or China, but it is valid everywhere for every culture. But if this is the case, then the point of debate is not the metatheoretical one of universalism versus particularism, but a first-order one of which value system is better than the other. It is this more down to earth, first-order kind of debate that apparently takes place not only among academic circles, but among practitioners and lay people who encounter these intercultural problems in their daily lives.

This does not necessarily mean that arguments for the particularist or relativist positions have no place. But it means, I believe, that debates aiming to justify positions of the more particularist persuasions are too theoretical to be of much use for practitioners in information ethics who need guidelines on how to proceed in these matters. It does not make much sense to set up a guideline saying that value systems are relative to contexts, because those needing the guideline would want to know how to act, which requires that the guideline provide *content* of how to act in certain situations rather than arguments purporting to show whether any content in the abstract is universalist or particularist (or relativist).

To take a rather concrete example in information ethics, privacy is a perennially interesting issue. Arguments justifying privacy usually proceeds through relying on the view that the individual

person deserves respect and autonomy. And privacy figures in as a necessary ingredient of the respect and the autonomy in question. Privacy of individual citizens need to be protected because they *are* individual, autonomous persons. But that is not the only way to justify privacy. There is another way, which is more consequentialist, and this kind of argument looks at privacy as a necessary factor in bringing about or in maintaining a certain way of living together that is desirable. This kind of argument does not rely on metaphysical assumptions about the individual (that the individual possesses autonomy, and so on), but is more practical in the sense that if privacy is efficacious in bringing about desired goals, then it is justified.

Furthermore, when the set of ideas surrounding Western conception of privacy in information ethics enters a foreign cultural domain, such as one in Asia, there arise several problems and tensions as reported in many research works in the literature (See, e.g., Ess, 2005 and Capurro, Frühbauer, and Hausmanninger, 2007). However, what exactly is at issue, what exactly is the root cause of the tension, is not so much on the content of privacy guidelines in themselves (that much is actually agreed on by both parties), but on the view that privacy is to be justified through reliance upon the atomic and autonomous individual. Practitioners in information ethics in the East would not object to the first-order guidelines regarding privacy (such as the privacy of the individual needs to be protected against unwarranted intrusion by the state or the third party, for example), but they object to the view that privacy is part and parcel of the Western view of the individual. They see the value of privacy protection, because after all they are living in the same globalized world as do people in the West, but they object to the view that, in order to accept privacy guidelines one has to adopt the Western view of the individual. There are other ways of justifying privacy without relying on the atomic, autonomous individual, ways which accord more to the traditional ways of life and belief of cultures in the East.

However, this does not mean that debates focusing on universalism and particularism does not have a place in the discussion on intercultural information ethics. Karsten Weber, whose paper appears in this issue, argues that one should focus on the philosophical and normative aspect of information ethics rather than just showing how other cultures think and believe (Weber, this

issue). This is perfectly all right. Nonetheless, discussion on ethical matters also need some substance, some background information on which the discussion and the deliberation proceed. For example, we learn a lot when scholars such as Pirongrong Ramasoota (2007) and Lü Yao-Huai (2005) show us how people in Thai and Chinese cultures, respectively, react to privacy issues coming from the West and how the go back toward their own cultural roots in order to formulate a kind response which is both true to the roots themselves and at the same time able to meet the challenges arising from information technology and globalization. It is true that ethics is a normative discipline, but how to come up with answers to normative questions differs. By insisting that ethics be a normative discipline, one does not have to subscribe to a system proposed by one philosopher or one philosophical tradition. For instance, to insist that discussions on intercultural information ethics be normative does not mean that one has to subscribe to Kantian ethics. One can certainly proceed with normative enterprise in ethics, finding out what one *should* do in certain situations, without believing any of the foundational premises of Kantian ethics. One can find out what one should do through look over one's shoulder, so to speak, and see what others in different regions of the world are doing. Then one can compare those practices with what one has been doing in order to find out whether one's own current practice is worth carrying on or not. It is true that simply doing this without any further elaboration or deliberation would not, strictly speaking, be a philosophical enterprise, since all that this involves is nothing more than comparing practices. But one can come up with a system of thought that justifies one's own decision, and it is this system that constitutes philosophical result and activity. For example, one can use the example one obtained from observing other cultures as a starting point, an input, toward a construction of criticisms of the system of thought underlying one's own current practice in order to reform that practice in case one finds it to be unsatisfactory.

If that can be the case, then observing what other cultures are doing through empirical research and investigation is important and hence should remain a part of intercultural information ethics. Papers by Kenya Murayama, Thomas Taro Lennerfors, and Kiyoshi Murata (Murayama, Lennersfors, and Murata, this issue), as well as one by Ryoko Asai (Asai, this issue), clearly illustrate this point. Though the main thrust of both papers are descriptive and social scientific, they provide needed background information for deliberation in information ethics. For example, the difference in attitudes toward file sharing in Sweden and Japan, as shown in Murayama et al., does provide for a rich resource for ethical reflection as to which attitudes are more appropriate, and whether contexts do play a role in finding out the answer. Another paper that deals with applying theoretical matters to empirical contexts in information ethics is one by Pak-Hang Wong (Wong, this issue), who argues a conception of the "good life" should be regarded as a guiding light in deliberation in the field rather than the purely procedural matter of the right and the just (Wong, this issue). Wong says that there is a lacuna in the current literature in information ethics as there is a shortage of works dealing with non-Western theories of the good life which would provide for substance for deliberation for his kind of ameliorative conception of information and communication technologies. Here Wong is dealing not so much arguing for a metaethical stance on universalism versus particularism as premising his view on a tacit assumption of the universal character of his argument. He is arguing, in short, that everybody should pay more attention to the ameliorative aspect of the technology rather than the procedural one alone.

The last paper in the issue is a purely theoretical one dealing with "informational existentialism" – a kind of existentialism that happens when everything is saturated with informational stuff (Costa and Silva, this issue). The authors argue that informational existentialism will facilitate discussion in intercultural information ethics because it allows for an opening where individuals can be more accepting and truthful (Costa and Silva, this issue). Heidegger's own existentialism provides a basis on which the authors' informational kind of existentialism is constructed. More importantly for this issue, the authors argue that this kind of existentialism provides for a better way in which dialogs between the East and the West, indeed between any types of intercultural communication, can be conducted.

So these are the papers in this volume. Intercultural information ethics is a rich field and there are many topics and areas which remain to be further explored. The papers here represent some of the pioneering attempts at breaking new grounds. We hope that the new ground here be rich and fertile.

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Karsten Weber:

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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    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.

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[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.

Fundaments 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

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[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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Ryoko Asai:
NEKAMA Men Living Different Lives on the Internet

Abstract:

At present, a huge number of people join in online games or SNS. With increasing the number of its users, online communication with invisibility and anonymity has generated a new type of communicators in Japan; those are referred to as "*Nekama*" and have communication based on the Japanese gendered linguistic system, in online communities. "*Nekama*" means a male participant who represents himself as a female in the cyber space. Whereas, he naturally spends his daily life as a male and most of them are heterosexual in the real space. Doing "*Nekama*" enables a male participant to free from traditional gender role. However, the existence of "*Nekama*" can bring up gender issues in the cyber space. Because they fill the lack of information about who they are with gender images and the Japanese women's language. Therefore, "*Nekama*" release himself from fixed gender order in the real space, and at the same time he reproduces and strengthens gender order in the cyber space.

Agenda:

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      – Asai, R., Classic yet Contemporary Gender Norm: is ICT an amplifier of gender bias?, Proceedings of CEPE2009 Eighth International Conference of Computer Ethics: Philosophical Enquiry, pp.18-26.

Introduction

In recent decades, numerous studies have examined the effects of information and communication technology (ICT) on gender and gender roles. Some studies have focused on the relation between women and ICT, revealing the existence of gender disparities or inequalities in information societies. Researchers have also proposed that ICT use contributes greatly to the empowerment of women, especially those in developing countries. The role of ICT in female empowerment is widely accepted by governments and organizations, including international organizations such as the United Nations. However, while many studies on gender and ICT have focused on women, it is likely that men have also been affected by the development and deployment of ICT.

This study examines the effects of ICT on men in Japan from the viewpoint of gender. Specifically, this paper illustrates the importance of ICT to Japanese men who present themselves as women in cyberspace, where that gender role may be supported more than in the real world. The next section describes the general characteristics of online communication in Japan. The third section looks at characteristics of nekama by categorizing them into two types. The fourth section focuses on aspects of gender identity on the Net and investigates how behavior constructed based on gender images affects the communication pattern. These issues are considered referring to interviews with nekama. The final section examines how ICT influences the diversity of gender identity in Japan.

Evolving Online Communications in Japan

Increasing the number of online communication participants

The internet makes interactive and many-to-many communication possible for users. And the deployment of ICT allows people to increase their opportunities to make use of ICT as a means of communication on a daily basis. The development of ICT provide simplified information transmission capacity such as blog and SNS, and improve the utility value of information by finding and sorting huge date in a manner that is appropriate and effective. Many ICT companies provide various communication contents on the Net, where users can not only communicate with other users but also make their own avatars as they want to make it, such as putting nice virtual clothes on them and make them in the image of users themselves. And also users can have their own virtual pets or play sports on their computers. Moreover, some users look for their partner through online communities, and after their finding their partners on the Internet they meet each other offline and some couples get married in real[1] (Yoshihara 2008).

In other words, users would perceive the cyberspace as a part of their daily lives, not dividing from their lives in the real space. These phenomenon evoke questions about identity and norm in the cyber space; is it possible to establish identity within the cyber space?; if users behave based on their identities on the Net, what kind of features does their identities have?; how is different in their identities and norms between the cyber space and the real space? This study explores the possibility of forming identity on the cyber space, with referring to interviews with users those join online communities and keep long-term relationships with other users.

In contemporary Japan, a large number of people join in online games or social networking services (SNSs). In 2005, the total population of Internet users was approximately 85.29 million, and 66.8% of Japan's households were estimated to have at least one Internet user. As of the end of March, 2006, 7.16 million people were registered as SNS members, and 8.68 million were registered as bloggers (Ministry of Internal Affairs and Communications 2006). In addition, enrollment in online gaming has recently increased to 28 million, with 1.75 million of these gamers estimated to be members of fee-based game sites (ECR Report 2006, Online Game Forum 2006). As increasing the number of game playing users, many online game companies have provided various kinds of gaming contents, for instance massively multiplayer online role-playing games such as Ultima Online[2], or play-

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[1]   These phenomena are observed not only in Japan but also in the US. According to Yoshihara (2008), "online-dating" has become popular among many internet users in the US. They register online-dating sites, look for their prospective boyfriends in the Net and if they have interests with others there they meet each other off-line. And when they don't establish good relationship, they break up, go back to online-dating sites and find other potential dates there.

[2] Ultima Online is one of the bigger graphical massively multiplayer online role-playing games (MMORPG) released on 24th of

ing sports games with using avatars such as PangYa (playing golf game on the Net), to users across borders. And Japan has some SNS companies; for example, mixi which is one of the biggest SNS companies in Japan has about 20 million users (mixi 2010). Its user can access their SNS sites not only through personal computers but also through their own mobile phones. Thus its SNS system makes users possible to access favorite online communities even when they go outside.

Two types of online communication

As mentioned above, the Internet offers various kinds of communication and many users communicate with others vigorously for a variety of purposes. Communication can be classified broadly into two types in terms of the length of communication: "transient communication" and "continuing communication". The former, "transient communication", is defined as communication that users communicate with others only once or a few times, such as on bulletin board systems (BBSs). The latter "Continuing communication" means a relatively long-term relationship among certain people through online communication for instance online games or SNS where users repeatedly communicate with others by using characters and emoticons. Many online contents provide preselected characters those play discretionary roles in games and online communities to users. Those characters act in the cyber space in place of users themselves.

Both communication types greatly depend on invisibility and anonymity on the Net, and those two factors can bring about differences between online communication and communication in the real world. Users in both communication types can enjoy communication with others. However, in transient communication, some communicators can disrespect and humiliate others because of invisibility and anonymity on the Net. In this case, communicators wrongfully use the difficulty of users meeting with each other directly in the real world. Thus it is difficult for a victim to find and accuse a slanderer on the Net. And communicators in this type tend to perceive that the cyber space can be open to all users and enable users to unfettered access to others.

On the other hand, some users expect to establish comparatively long-term relationship with others in online communities. And those users sometimes assume that they will meet each other face-to-face in the off-line situation, in communicating with others and exchanging information. Therefore, such communicators want to have continuing communication and keep a good relationship with others. As a way of achieving continuing communication, the community members are often required to present a user ID or an access code at the time they enter the site, and access to online communities is relatively limited. In this case, invisibility and anonymity are reduced, and participants have the sense of belonging to their online communities in which they find value similar to that of belonging to communities in the real world (USC Annenberg School Center for the Digital Future 2006). According to postmodernism thoughts, the Internet could enable people to release from the modern space where people have been tied themselves to traditional roles and norms, and also to establish another identity freely which they want to make (Yoshida 2000). However, anonymity makes users possible to behave what they want (Suzuki 2007). Two communication types as mentioned above reflect on drawback and advantage of the Internet.

Recent developments in online communication may be modifying communication behavior in Japan. Yamagishi (1999) noted that Japanese society conventionally attaches importance to effective social and economic management through establishing mutual cooperative ties; these ties grant comfort within close relationships of high cohesiveness. However, at present, relationships that are more open to the outside world have increasing benefits, versus retaining and reinforcing closed relationships.

Many online communities may help foster a sense of belonging at a time of declining opportunities for establishing a sense of belonging in the real world. And the lack of belongingness is recognized as a social issue relating to social capital in the real world, at the present. In particular, participants in online games and SNSs can easily gain a sense of commonality and belongingness because they share interests or concerns with other participants on the Net. In some online games, participants need to find companion and play together with other participants to play or complete the game and mark good score. Therefore, online communication is inevitable for those users to enjoy their activities on the Net. As many people have communication through the Internet, we can see that online communication make the meaning of the body change. In order to

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September in 1997 in US, after one month released in Japan. Japanese players constitutes about the hlaf of its population of this game. http://www.uoherald.com/uoml/

explore how the meaning of the body change by online communication, this study focus on male users those engage in online communities as female users. In other words, those pretend and conceal their sex from other users on the Net. They are referred to as Nekama in Japan.

Pluralistic Gender Identity: Doing /Playing "Nekama"

General Characteristics of "Nekama"

On one of the major online game sites in Japan, over 91.0% of the players are male and 9.0% are female (BB Serve 2005). Online game software creators generally configure approximately the same number of male and female characters. However, more than half of the players pose as female characters on online game sites, in contrast to the male-dominated gaming population. That is, many male users are more likely to appear and play as females on online gaming sites. In addition, many men not only pose as female characters but also present themselves as women when they communicate with other players[3]. In other words, they use feminine forms of expression, choose conversation subjects that women are more likely to talk about, and dress their characters or "avatars" in women's clothing.

The Japanese term nekama is thought to have been introduced in the pre-World Wide Web period in the early 1990s; the term has sometimes been associated with otaku, meaning an obsessive fan. Nekama originally derived from the term okama, which refers to a gay man or male cross -dresser and is an abbreviation of "okama on the Net." However, nekama does not necessarily correspond to a man's sexuality[4]. Nekama refers to a certain type of male behavior in online communication. Specifically, nekama go about their normal daily life as person of male gender, and almost all are heterosexual in the real world. However, they represent themselves as female on the Net. Thus, this term commonly refers

to a man pretending to be a woman on the Net, regardless of his sexuality.

Two main reasons are given as to why men become nekama. One is to elicit positive responses from other males, feel as if they were women and enjoy themselves as women through online communication. However, some of those nekama persuade other male users to believe that they communicate with real women and after that rally them on their credulity openly on the Net. This behavior pattern greatly depends on the invisibility and anonymity of online communication as mentioned above. In this case, nekama men can enjoy becoming women and drawing men's attention. And also they can play a silly trick on others, sometimes play an evil joke.

The second reason of acting nekama is to get the enjoyment or sense of release by acting as a female. In this reason, nekama tend to pretend himself as a woman completely as long as possible and extremely dislikes exposure of their real figure or the fact that they are nekama. They intend to establish a relationship with others as female users do on the Net. Those nekama users assume continuing communication with other players or participants and try to do their best to become female players. Needless to say, it is very difficult for nekama of this type to meet others in the off-line situation. However, they assume that they have a good relationship with others and keep it for long time in the cyber space somehow.

In Japan, although many nekama are known to exist, little is known about them. The nekama phenomenon connects with gender issues in communication. If a nekama is exposed as a fake woman to others, his communication causes a malfunction not only in the cyber space but also in the real world. In the cyber space, he may be labeled as a liar and be excluded from the community. In the real world, people around him may develop unfounded notions that he might be gay or have unusual sexual predilections. But, in the second type of nekama, a nekama user has communication with others to release himself from fixed gender roles and social norm and enjoy himself more in the cyber space. In this sense, he can establish communication without biological sex difference, and communicate with each other by complementing invisible sex difference with text and gender image. Through verbalized existence, he can be free from biological difference and able to feel that he is more himself than anything.

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[3] We could observe such users those pretend their biological sex and gender in the real space not only in Japan but also in the US. In the US, this phenomenon is called 'gender switching' (Turkle 1995).

[4] Corresponding to nekama, some Japanese female users pretend their sex and gender in the real space and act as male users and male characters on the Net. Those female users are called 'Nenabe' in Japanese. Nenabe is an abbreviation of "onabe on the Net." Onabe means that lesbians or female cross –dresser.

Doing "Nekama": Case of a Nekama Participating in an Online Game

As many linguistic sociology studies have noted, gender is considered an important element of communication in the real world. Thus, gender has a great influence on the underlying conditions for communication (Nakamura 2001). Given the importance of gender, what effect does acting nekama have in continuous communication on the Net? Few indexes are available for online users to discern other users' sex and gender in communicating on the Net. This question relates to another question about a relationship between language and body in communication. In other words, communication is generally established not only by language and text but also by invisible factors, such as sex, facial expression or voice inflection (Ikeda 2000). In online communication, there are more invisible factors than in the real world and online communication sometimes stems from these missing parts. Because missing parts excite others' interest in a communicator on the Net.

In Japan, gender as an invisible factor functions greatly as an important role to lubricate communication because of gendered Japanese language system, what is called as "women's language". According to Inoue (2006), Japanese language is necessarily a social relation containing both a semiotic system and social action. Language itself is composed of images, ideas, identities, and gender. Thus individual speakers are engendered in the process of linguistic activities. Based on this notion, nekama not only pretends to be a woman on the Internet, but also engender a gendered environment in the cyber space, through having communication as a woman. Nekama want to be free from a male gender role in the real world. At the same time he makes a gendered space on the Internet and enjoys gendered communication there. Nekama takes seemingly contradictory behavior between in the real world and in the cyber space. This study focuses on two nekama men in order to explore nekama's contradictory behavior. Those two nekama's narratives clearly explain the reason why they act as nekama in communicating online and how acting nekama affects them .

The first nekama is in his late twenties and acts as a female character in the one of the biggest online game sites for five years more. He operates very famous female character in the game site and other players recognize that he is a "real" woman in the real world. When he appears in the site, other players come close to his character and want to talk with him, where others believe that he is a female player. And also he behaves as a female and talk with them by using Japanese women's language. He said that acting as a female on the Net allows him to disengage from the masculinity enforced socially in the real world. And he can find his feminine side of him and feel his own identity more strongly than in the real world.

Historically, as well as presently, Japan has preserved a relatively stronger system of gender roles and norms than is common in the West. Thus, in the real world, this informant always conformed to his assigned gender role ("I am a man, so that means I strive for 100% in my job, never crying or whimpering"). On the Internet, however, he can relieve the weight of gender, revealing a feminine side or a different disposition to an online game buddy. At a time he plays nekama, he uses women's language without his noticing and he thinks that women's language make him more comfortable and natural on the Net. For him, being nekama is a way to break loose from the restrictions of the male gender role and express his pluralistic identity.

Playing "Nekama": Case of a Nekama Participating in a SNS

Another nekama acts as female in a SNS community which is a kabuki theater fan community. Kabuki Theater is traditional Japanese theatrical performance and all of actors are male, and the theater has huge female fan groups. The informant is in his early thirties and belong three SNS communities where he act as a female. All of three communities are composed of the almost same members those like a kabuki theater. However, they talk not only about kabuki and also not-kabuki topics for example love, fashion and so on. Based on a topic, they use separate communities. He started his communication as a male user at first. However, female participants are very cautious of male participants; differences in gender/sex prevent him from having heart-to-heart communications with others. Thus he chose acting as a female on the Net and after that he could make a good relationship with other kabuki fans through online communication. He told me that he does not pretend anything but his sex and that he talk and behave what he wants. He recognizes that being nekama allows him to establish, nurture, and preserve good relationships with other participants, especially with female participants.

The effectiveness of his playing nekama is deeply connected with the characteristics of the kabuki fan community. Most site administrators of kabuki fan

Web sites appear to be women, and many women comprise online kabuki fan communities. That is, women make up the majority of kabuki fan communities. For this reason, many men feel that the community is exclusive, and even if they joined, they might have difficulty opening up to other members because of the gendered image of male users which female users have. This comment reveals that both men and women communicate with others based on their gendered image of other users.

This case shows a gender issue in online communication in Japan. Women may believe that men negatively understand their chatting with other women on the Internet; men also have gender-based images of communication and feel that gender difference make their communication difficult. After exploring the possibilities of communication beyond gender/sex, the informant decided to pose himself as a woman on the community. He emphasized that he has never told a lie or cheated anyone except his sex and he just uses Japanese women's language to lead female users to believe that he is a female in the real world and he is harmless. Being nekama serves to facilitate his communication on the Internet and it seems to be nothing more than means for establish a good friendship with other participants.

Both two nekama cases illustrate that being nekama is an effective measure for ameliorating gender problems in the cyber space. The first case indicates that the development of ICT and online communication has extended possibilities for expressing pluralistic identity as mentioned above that he recognized he has both a masculine side and feminine side on him. The second case shows that gender functions as an important factor in building human relationships and communicating in the cyber space. That is, the existing gender images shared by people reproduce new gendered images in the cyber space. And also communication in the both cases establishes based on the relationship of mutual trust among community members. Most important thing is that nekama need others to believe that they are female biologically in the real world. Thus, nekama use Japanese women's language because gender is made by language and productive of language (Inoue 2006). In other words, Japanese gendered linguistic system based on typical gender norms and gender images are very understandable signs of showing sex/gender in communication.

Amplifying Social Risk Related to Gender by online communication

When a physical bodily sign is deficient in the online communication, nekama complements it with stereo-typed gender images to make their communication go smoothly. Letting the other imagine the lack of information about who he is in real makes him more feminine and a more plausible female user. Therefore he does not need to lie to the other necessarily, just telling only a part of information about him and rousing the other curiosity and imagination through text-based communication using the women's language. In this process, nekama utilizes the symbolic difference which information contains, and brings about gender reproduction in the cyber space. By strengthening persuasive power of the message using by stereo-typed gender image of women, the message tend to easily stick out in people's mind, and exert an influence on transforming people's social norm to a greater or lesser extent.

Therefore, online communication using gender image and gender norm can maintain and strengthen existing gender order both in the cyber space and in the real space. This aspect also point out from ICT's dual characters. One is that utilization of ICT brings about a major change in existing frameworks of communication form, society and so on. Another is that use of ICT maintains and, even, strengthens existing frameworks. As is well known, this trend in the cyber space goes against the global trend away from gender discriminations and gender inequalities.

Needless to say, communication fettered by conventional gender role and particular gender image could convey the wrong meaning of messages to people at times. Up to now, many gender studies have developed this kind of argument. In these studies, researchers have point out inconsistencies in not only gender discrimination between men and women but also gender inequalities among same sexes. In other words, online communication by using ICT and the gendered linguistic system has originally had some gender problems. For example, most sophisticated computer users and many of whom work with computers as programmers or system administrators are men (NRI 1999). They have developed ICT based on value, social norms and gender roles they have fostered in their lives.

Additionally, online communication includes not only gender issues but also racial, economic and age

problems constitutionally. In a gendered Japanese society, ICT would make the gendered division of labour and it is assigned gendered symbolic values through communication (Lohan 2001). And given the ICT's dual characters, the gendered division and gendered symbolic values would socially maintain and strengthen through the use of ICT. Of course online communication using ICT inevitably faces to gender problem in the developing process and also in the uses of it.

Conclusions

In Japan, the existence of nekama connects with gender issues not only in the cyber space but also in the real space. That is, the nekama phenomenon illustrates that our communication on the Net is influenced by existing gender, gender norms and gender images as well as communication in the real space. As the cases have shown above, some nekama attempt to resolve their own gender difficulties by using the invisibility and anonymity of the Internet, as well as conventional gender images. These findings suggest that ICT provides people with effective alternatives to the gender roles required in the real world. In other words, those nakama phenomena are reflected by gender roles and gender norms in the real world. Many male users participate on online communities as nekama and they share and exchange information, feeling or thought on some topics between others users regardless of biological sex differences. However, the process of sharing their feeling and thought with the others means that users share their own cultural values and social norms. Moreover, online communication can reproduce gender order in the cyber space through using the gendered Japanese women's language.

Every information receivers not always comprehend and interpret sending information in the same way. According to Ikeda (2000), sending message itself has no meaning, and the meaning of the message are provided by information receivers. And information contains nonlinguistic factors as well as linguistic ones, and communicators send and receive information including both factors consciously or subconsciously. In order to perceive and construe the message, receivers extract "information as Vorstellung" from their own existing knowledge, experiences and reasoning capability (Nakamura 2001). And receivers finally find meaning of the message through the extraction process. As compared with communication in the real space, online communication is established with many people

including anonymous person and users who is just browsing. Therefore, meanings of messages through the Internet become diversified depending on the number of users those have experience, normative consciousness and social value in their own way. Under these circumstances, users could find person who has possibility to share value with them, on the Net. Nekama phenomena show that ICT allows people to extricate themselves from enforced gender identity through a process of expressing another gender identity in the cyber space. And also it shows that many users foster a relationship of mutual trust one another by doing nekama and sharing their own value with others. The more gendered system of language in Japan can make nekama's communication go smoothly and easily.

Some nekama men behave as if they are real women when they communicate with other community members. This can be seen as a means for resetting one's own gender role in the real space through the anonymity and invisibility of the cyber space. However they do not notice that their acting of nekama reproduces gendered order and strengthen gender norms on the Net. In the real space, the gender system is gradually transforming, with the past demand of decreasing gender roles. In the faceless communication on the Net, the lack of information and the blank of communication are filled with gender which people have in the real space. Therefore changes in the real space will likely influence the gender situation in the cyber space. And these changes create the possibility of establishing another identity based on discourse. The situation and meaning of nekama are changing in the cyber space as a function of the gender changes in the real space. As increasing the number of nekama, we could observe more clearly how gender impacts human relationships in Japan and the pluralistic nature of gender identity. And also we could clarify how gender in the real space reflects on people's behavior in the cyber space more expressly. Whereas, we need to recognize that online communication would be saddled with social risk of amplifying typical gender norms and gender roles against the stream of eliminating those in the real space.

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Winny and the Pirate Bay: A comparative analysis of P2P software usage in Japan and Sweden from a socio-cultural perspective

Abstract:

In this paper, we examine the ethico-legal issue of P2P file sharing and copyright infringement in two different countries – Japan and Sweden – to explore the differences in attitude and behaviour towards file sharing from a socio-cultural perspective. We adopt a comparative case study approach focusing on one Japanese case, the Winny case, and a Swedish case, the Pirate Bay case. Whereas similarities in attitudes and behaviour towards file sharing using P2P software between the two countries are found in this study, the Swedish debate on file sharing has been coloured by an ideological and political dimension, which is absent in the Japanese context. This might indicate that Swedes have been more interested in issues of right and wrong, and the creation of political subject of piracy, while the Japanese are more interested in their own individual well being.

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Introduction

In this paper, we address how two particular cultures respond to problems arising from the use of information and information technology. More specifically, we address the ethico-legal issue of P2P file sharing and copyright infringement in two different countries – Japan and Sweden. Even though these countries are similar in their being technologically advanced and comprising an Internet savvy population, in this paper we would like to explore the differences in attitude and behaviour towards file sharing between Japan and Sweden especially from a socio-cultural perspective. Such an investigation can indeed be made by quantitative analyses of the use of and attitudes towards P2P file sharing, but we have aimed for adopting a comparative case study approach focusing on one case in Japan, the Winny case, and the other case in Sweden, the Pirate Bay (TPB) case. An analysis of these two cases, which both developed into court cases, will constitute the core of this paper. First, we will briefly describe the cases and particularly focus on the differences in the technological and legal framework between these two cases (or countries). Second, we will deepen our analysis of the cases from a socio-cultural perspective digging deeper into issues of ethics rather than law. Third, in a comparative discussion, we will pin down some similarities and differences in the use of and attitudes towards P2P file sharing between the two countries before we move on to a final discussion about the possible implications of this study.

The technological and legal environment of Winny and the Pirate Bay

Today, many cases of copyright infringement occur due to the widespread use of P2P software all over the world. The very use of P2P software does not imply copyright infringement, since there are many ways of legitimately using file sharing protocols. However, according to a survey of the Association of Copyright for Computer Software (ACCS 2009), 98.0% of file sharing in P2P networks concern files protected by copyright.

When P2P file sharing started, it had already been illegal to upload files with copyright in Japan, but to download copyrighted files was not necessarily illegal. However, since January 2010, it has become illegal to download music or video files with copyright. In Sweden as well, only uploading copyrighted materials used to be illegal. However, since the amendment of the file sharing law (Fildelningslagen) on July 1, 2005, downloading copyrighted files has also been illegal. The Swedish legal framework was further amended in April 2009, when the controversial IPRED law (based on the EU directive IPRED), which allows copyright holders to force Internet service providers to reveal details of users' file sharing activities, came into effect.

Having very briefly described the legal framework in the two countries, we now turn to the cases.

Winny

The P2P software called Winny was developed by Isamu Kaneko in 2002 and has been used by many Japanese to share files. Kaneko had assumed an assistant professor position at a renowned university, and excelled in programming technology. His first purpose was to develop a perfectly encrypted file sharing system; according to his remark presented on the 2-Channel, the biggest Japanese BBS site, he wanted to develop a system with high anonymity allowing users to share copyrighted files without fear of being detected and prosecuted. He developed the file sharing system based on the Freenet system (http://freenetproject.org) with a user-friendly interface like WinMX, another popular P2P file sharing software. Win"ny" was named after WinMX as a successor to it. The Winny system does not need a central server, but peers are connected directly with other peers and each peer can maintain high anonymity, leading to its high popularity among young computer users.

As Winny spread in Japan, it became regarded as a problematic system due to the promotion of illegal online behaviour such as copyright infringement and distribution of obscene materials and child pornography. In November 2003 two Winny users were arrested for copyright infringement and in May 2004 the developer was arrested for assisting copyright infringement by High-tech Crime Division, Kyoto Prefectural Police Department. In addition, since March 2004, many cases of data leakage have been reported. Data leakage is caused by worms named "Antinny" spreading over the Winny network, that make files stored in hard disks of personal computers sharable via Winny (Orito & Murata 2008). Nevertheless, the number of Winny users has not decreased. The statistics of ACCS (2004; 2005)

show that the number of Winny users was 480 thousand in April 2004, just before the developer was arrested, and 634 thousand in January 2005. Moreover, following Winny, new P2P file sharing systems with high anonymity such as "Share" and "Perfect Dark" were developed and have been widely used.

The Pirate Bay

The website TPB was started in November 2003 and has since then grown to become one of the world's biggest BitTorrent trackers (Traffic rank 100 according to alexa.com, and rank 20 in Sweden and Norway), allowing users to easily access BitTorrent files. BitTorrent divides the shared files into small fragments, which is suitable for distributing larger files such as movies. TPB does not store any copyrighted files, but only addresses to these files. Therefore, it serves as the infrastructure for file sharing. An important difference from the Winny software is that user anonymity cannot be guaranteed.

TPB does not control the linked content, which became clear in September 2008 when sensitive material from a Swedish murder case leaked out on TPB and the operators of TPB refused to delete this information. They also have not agreed to delete copyrighted material. The founders of TPB believe that they just provide the platform for file sharing and that file sharing per se is not wrong. TPB was in the beginning praised for its innovative platform for file sharing and seen as a leader in Internet technology. At the same time, however, copyright was a constant issue that was discussed whenever the name TPB was mentioned.

On May 31, 2006, the Swedish police raided PRQ where TPB servers, which allegedly contained proof of copyright infringement, were hosted. Soon after the servers were confiscated, TPB started operations from the Netherlands, and just two weeks after the confiscation TPB resumed its service from Sweden. During this tense period, TPB changed its logo from its regular pirate ship, to a pirate ship firing cannon balls at the logo of Hollywood, expressing its discontent with the confiscation, which according to some sources could have been triggered by the American film industry.

Based on the material from the confiscated servers, on January 31, 2008 prosecutor Håkan Roswall brought an indictment on four people related to TPB for violation of copyright, assistance for violation of copyright, and preparation for violation of copyright.

The case is about 20 pieces of music, nine films and four computer games. SEK 1.2 million in indemnification is demanded by the State. The record companies demanded SEK 15 million in compensation and American film companies demanded SEK 93 million.

On February 16, 2009, the Pirate Bay trial started at the Stockholm District Court lasting for about two weeks. On April 17, 2009, the four people were found guilty for assisting in making copyrighted content available. Each defendant was sentenced to one year in prison. They were ordered to pay SEK 30 million. All the defendants have appealed the verdict. Representatives of the film industry also appealed seeking higher compensation. After the verdict, the members of the Pirate Party drastically increased, possibly showing discontent with the verdict. On May 12, 2010, the Supreme Court decided that there was no case of challenge/partiality. The defendants are considering appealing to the Court of Justice of the European Union (EU). Therefore, it will probably take six or seven years before a final verdict is reached.

Socio-cultural aspects of Winny and the Pirate Bay

The P2P technology community has been characterised by their respect for civil liberty on the Net, typically observed in hacker ethic (Himanen, 2001), the development of web-based censorship- and tampering-resistant publishing systems such as Publius (Waldman, Cranor & Rubin, 2001) and the free software movement, the GNU project (http://www.gnu.org/gnu/thegnuproject.html), led by Richard Stallman.

In this part, we will argue that TPB case has this aspect. On the contrary, however, we will argue that one cannot find any relationship between the Winny case and the culture of the P2P technology community, since Winny users use P2P as a means of acquiring files with no deeper ethical motivation. This reflects the culture of Japan where technology tends to be considered unrelated to non-technological factors including society. In this regard, the Winny case shows a striking contrast to the TPB case.

Winny

As described above, despite the arrests of the developer and users of Winny, the majority of P2P file sharing software users in Japan have not stopped using Winny; directly after some users were arrested, the general use of Winny decreased, but just after a few weeks, usage of this P2P software was back at the previous level. As a result, copyright infringement occurs every day.

Personal, as well as public, information leakage brought about by Antinny, which were allegedly developed to punish persons for using Winny for illegal activities such as digital theft, has become a serious social problem. Personal information leaked has been used for the purpose of involuntary personal identity disclosure (*Sarashi* in Japanese). The Information-technology Promotion Agency of Japan (IPA), which has led information security policies in Japan, urged users not to use P2P software. However, an employee of IPA used Winny and his personal computer was infected by Antinny leading to his personal information being leaked. Although this was a shocking case, it was not covered by the newspapers, but only discussed on Internet news sites in Japan (IT Media News, 2009). The lack of coverage in newspapers might contribute to the low awareness of such risk among the Japanese public at large. What one can learn from the Winny case is that usage of P2P software has not decreased even though the developer and even some users were arrested. Why?

One aspect is that, in a collectivist society which Japan is considered to be, the Japanese are prone to go along with the crowds; a sense of agreeableness is considered more valuable than confirming one's identity in Japanese society. The proverb "the nail that sticks up gets hammered down" describes the Japanese culture well. Takeshi Kitano, film director and comedian, came up with the similar saying "If everyone crosses against the red light, then there's nothing to be afraid of" in the mid-80s, and many people retain sympathy for this idea; it is acceptable for them to commit a misdemeanor when everyone surrounding them does. Therefore, P2P software users in Japan tend to consider it is permissible to use P2P software because many others use it.

A central part of this is that Japanese people are relatively unaware of their rights (Kawashima, 1967), partly because many of them were not products of citizens' struggle to achieve them, but

were just imported from abroad. This unawareness has been a stumbling block in individuals' participation in and commitment to society. Ordinary Japanese young Net users know there is something called copyright, but do not care about what the right is and why it should be protected. They are indifferent to the reality that copyright has a dimension of protecting vested interests of middlemen, not artists or creators, in the music and film industries. In fact, few Internet forums (e.g. 2-Channel, P2P interpretive site, etc) have discussed copyright issues. Rather, the interest of P2P file sharing software users is in whether they can enjoy sharing copyrighted files using the software without fear for being detected and/or arrested. For example, there is a thread titled "Why BitTorrent usage does not lead to being arrested" on the 2-Channel. The problem of copyright infringement has never been discussed in this thread. Thus it appears that illegal file sharing does not have any political motivation.

On the other hand, the developer of Winny told that the existing business model of the Japanese digital contents industry was already ineffective and a creative destruction of the industry based on new technology including his P2P software system was necessary. However, most Winny users are not interested in a business model of the digital contents industry; all that they want is to enjoy exchanging files of movie, music, game and other applications online. In fact, a WinMX user arrested for copyright infringement told in the interview that he merely wanted to obtain files using P2P file sharing software to expand his digital file collection. The benefit of free or costless sharing of digital contents files was emphasised. Therefore, when the developer of Winny was arrested, Winny users' concern was just about subsequent availability of Winny services and this led to the development of other P2P software such as "Share."

The Pirate Bay

The Pirate Bay case on the contrary has always concerned the issue of copyright, since its inception in 2003. Similarly to the Winny case, a lot of discussions about TPB have taken place on Internet forums, but TPB has also been discussed in Swedish newspapers. As can be understood from the name, TPB has always been a provocative, and some would say ideological player. In Sweden and abroad, TPB has become one of the focal points for the discussion about file sharing. TPB has some points in common with the Pirate Bureau, a Swedish think-tank on file sharing and freedom of speech. This

organization was formed in 2001, probably as a reaction to the Anti-Pirate Bureau (Antipiratbyrån), representing the interests of the record and film industry. TPB was founded by the Pirate Bureau, but is now run independently of it, even though some people are active in both organisations. Further related to this pirate movement is the Pirate Party, a party striving to reform laws regarding copyright and patents. The party also fights for increased right to privacy and the transparency of state administration (www.piratpartiet.se). The Pirate Party won 0.63% in parliamentary elections in 2006, and in the European Parliament election in 2009, the Pirate Party polled at 7.1% which gave it one seat in the European Parliament occupied by Christian Engström.

Moreover, TPB case is thus not only about file sharing as such, but also about a struggle for free file sharing without intrusion from "big business" such as the American music industry and Hollywood. In other words, TPB is an agent of civil disobedience for freedom of sharing digital files. In many newspaper articles, Sweden's independence towards bigger political entities such as the U.S. (claiming indemnification for copyright infringement) and the EU (for the IPRED law) is discussed. To sum up, due to its strong (and provocative) brand, TPB is a central player in the discussions about file sharing and copyright in the Swedish context. One can thus say that TPB has played the role of a copyleft activist against the establishment of copyright.

However, Jonas Andersson, a Swedish researcher on file sharing argues that "entities such as The Pirate Bay are controversial, despite the fact that the existing technical infrastructure of the Internet favors this type of data exchange" (Andersson 2009, 30). Andersson argues that the movement is politicised because of the brand and the frequent media appearances, even though many of the users just see file sharing as an everyday means of consuming culture.

The results from the parliamentary elections in Sweden in 2010 will give some insight into how much support the Pirate Party has today, and whether we can talk about a politicised file-sharing movement in Sweden or not.

Discussion and conclusions

Our conclusions are that Japanese young P2P users have low awareness of copyright protection. A lot of Japanese P2P users stop use for a while when an incident happens, but after a while, restart the use of P2P. Discussions on web forums concern the risk of being caught, which indicates a somewhat individualistic approach to file sharing. In Sweden, illegal file sharing was also back at previous levels after the IPRED law came into effect (Zeropaid 2009), which indicates a similarity between Swedish and Japanese users. However, the Swedish debate on file sharing has been coloured by an ideological and political dimension, which is absent in the Japanese context. This might indicate that Swedes have been more interested in issues of right and wrong, and the creation of political subject of piracy, while the Japanese are more interested in their own individual well being (trying to avoid being arrested), reversing the well-worn dichotomy of individualism (Sweden) / collectivism (Japan).

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Pak-Hang Wong:
The 'Good Life' in Intercultural Information Ethics: A New Agenda

Abstract:

Current research in Intercultural Information Ethics (IIE) is preoccupied, almost exclusively, by moral and political issues concerning *the right* and *the just* (e.g., Hongladarom & Ess 2007; Ess 2008; Capurro 2008) These issues are undeniably important, and with the continuing development and diffusion of ICTs, we can only be sure more moral and political problems of similar kinds are going to emerge in the future. Yet, as important as those problems are, I want to argue that researchers' preoccupation with the right and the just are undesirable. I shall argue that IIE has thus far overlooked the issues pertaining to *the good life* (or, individual's *well-being*). IIE, I claim, should also take into account these issues. Hence, I want to propose a new agenda for IIE, i.e. the good life, in the current paper.

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Current research in Intercultural Information Ethics (IIE) is preoccupied, almost exclusively, by moral and political issues concerning *the right* and *the just* (e.g., Hongladarom & Ess 2007; Ess 2008; Capurro 2008). For example, researchers in the field have paid special attentions to privacy (e.g., Ess 2005; Lü 2005; Kitiyadisai 2005; Nakada & Tamura 2005; Capurro 2005; Hongladarom 2007), intellectual property rights (e.g., Burk 2007), freedom of information (e.g., Rooksby & Weckert 2007), etc. These problems are undeniably important, and with the continuing development and diffusion of ICTs, we can only be sure more moral and political problems of similar kinds are going to emerge in the future. Yet, as important as those problems are, I want to argue that researchers' preoccupation with the right and the just are undesirable. I shall argue that IIE has thus far overlooked the issues pertaining to *the good life* (or, individual's *well-being*). IIE, I claim, should also take into account these issues. Hence, I want to propose a new agenda for IIE, i.e. the good life, in the current paper.

In the first section, I will diagnose the reasons for the negligence of the good life in IIE. Particularly, I will point out that specific understandings of *ethical pluralism* and *subjectivity of the good life* may lead researchers in IIE to neglect the issues pertaining to the good life. In the second section, I will demonstrate the importance of the good life in IIE. Firstly, I will argue that the good life is inherently connected to the right and the just, and therefore it cannot be ignored by researchers who are interested in the right and the just. Secondly, I will argue that framing IIE in terms of 'moral problems' and/or 'political problems' have an undesirable distorting effect. The scope of IIE, I will argue, can be broadened to include other important *ethical* issues by introducing the good life into the field. Finally, I shall end this paper by proposing some directions for future research.

The 'Good Life' in Intercultural Information Ethics

Charles Taylor has claimed that contemporary moral philosophy "tended to focus on what is right to do rather than on what is good to be, on defining the content of obligation rather than the nature of the good life", and, thus, he lamented that contemporary moral philosophy has become "cramped and

truncated."[1] Similarly, Axel Honneth has recently noted that

> "*In the last three decades, social criticism has essentially limited itself to evaluating the normative order of societies according to whether they fulfill certain principles of justice. Despite the success of this approach […], this approach has lost sight of the fact that a society can demonstrate a moral deficit without violating generally valid principles of justice.*[2]

Honneth termed the questions left out by social criticism "ethical" questions, which are about what is "desirable beyond all consideration of what is just".[3] In other words, both Taylor and Honneth have pointed to an existing gap in contemporary moral philosophy and social criticism (or political philosophy). What goes beyond the right for Taylor and the just for Honneth is precisely the issues pertaining to the good life. The issues, which are currently left out, can be succinctly captured by the question: 'How should I live?'[4]

Whether Taylor's characterisation of contemporary moral philosophy and Honneth's report of the current state of social criticism (or political philosophy) are true in general, I think, they have accurately described the current research in IIE. Researchers in IIE have thus far been shied away from topics beyond *what is right* and *what is just*. As a result, I think, the scope of IIE has become unnecessarily limited. In the following section, I will diagnose the main reasons behind the reluctance to incorporate the good life in IIE.

Intercultural Information Ethics and the Minimal Moral Denominator

Elsewhere, I have attempted to show that the aim of current research in IIE is to establish the *minimal moral denominator* (MMD), i.e. a set of basic norms and/or normative principles for ethical and political

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[1]   Taylor, Charles: Sources of the Self. 3

[2]   Honneth, Axel, Reification. 84

[3]   Ibid

[4]   Usually, the question: 'How should I live?' is being used in contrasting *the right*, i.e. morality in the narrow sense, with *the good*, i.e. morality in the broad sense. (Williams 1985) It is less often to be used in contrasting the *the just* with *the good* because the question is individualistically phrased with 'I'. To overcome the individualistic bias, I think, one may rephrase the question into 'how should a group of individuals, e.g., citizens, live?'

issues which is *potentially acceptable by 'all' ethical and cultural traditions*.[5] (Wong 2009) Understanding the aim of IIE to be to establish MMD has a natural tendency to *exclude* the issues pertaining to the good life because MMD is ill-suited to answer the issues.

I have argued that for MMD to be potentially acceptable by all ethical and cultural traditions, it must be either *open* or *thin*, that is – it is either vague and/or ambiguous enough for multiple interpretations, or it is only procedurally justified but not substantively justified. Yet, it is precisely the openness and/or thinness of MMD that make it unsuitable for answering the issues pertaining to the good life. Answering the question: 'How should I live?' normatively requires researchers to offer *positive* recommendation to individuals. It requires researchers to determine, for example, whether an ICT or ICTs-related activities is *good for* the individuals and, thus, they should have/use/engage with it.

Yet, MMD, characterised by openness or thinness, is essentially agnostic to positive recommendation. For instance, while MMD's openness allows multiple interpretations of norms and/or normative principles to be valid, it also strips away MMD's ability to determine which interpretation is superior. More importantly, because of the openness of norms and normative principles, MMD cannot non-arbitrarily demonstrate that one positive recommendation is better than another. The same is true of MMD's thinness. Procedural justification is fit to delimit behaviours and social practices, but it suffers from the difficulty to offer positive recommendation. A reasonable procedural justification can tell us what we should *not* do by ruling out behaviours and social practices with procedures that are accepted by individuals who are minimally rational and by ethical and cultural traditions which satisfy some criteria of reasonableness. In other words, so long as the behaviours and social practices are not ruled out by the procedures, they are permissible. However, the procedures in themselves do not offer any criteria or mechanisms to distinguish the goodness of various behaviours and social practices.

To sum up: I have argued elsewhere that the aim of current research in IIE is to establish MMD, which is characteristically *open* and/or *thin*. The openness and thinness of MMD, in turns, make it difficult to include the good life into IIE because the issues pertaining to the good life are out of reach for MMD.

Putting the Good Life Aside: Pluralism and Subjectivity

Still, it is worth pondering why researchers in IIE have focused on MMD. There are, I think, *two* closely related presumptions held by researchers in IIE, each of them has made it difficult for the good life to enter in IIE. Since there are few discussions on the place of the good life in IIE, this section will be largely speculative.[6] Here, I shall outline the two presumptions, i.e. *ethical pluralism* and *subjectivity of the good life*, and explain how specific understandings of them may lead to the omission of the good life in IIE.

As Ess (e.g., 2006, 2007) has argued convincingly, ethical pluralism should be at the core of IIE. Here, ethical pluralism refers to the view that there are *different*, but *equally legitimate* ethical and cultural traditions in the world. And, it is the recognition of the truth of ethical pluralism that motivates research in IIE. In recognising the legitimacy of other ethical and cultural traditions, one cannot impose the normative standard of their own tradition to people of other traditions without, at the same time, being guilty of ethical-cultural imperialism. Despite its importance to IIE, specific understanding of ethical pluralism, I suspect, may be responsible for the exclusion of the good life in IIE.

The specific understanding of ethical pluralism in question is best captured by John Rawls's "fact of reasonable pluralism", which stated that we are living in a world characterised by "a pluralism of comprehensive religious, philosophical, and moral doctrines [and, more importantly,] a pluralism of incompatible yet *reasonable comprehensive doctrines*."[7] Rawls stated that a comprehensive doctrine includes "conceptions of what is of value in human

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[5] To say that the minimal moral denominator (MMD) has to be potentially acceptable by *all* ethical and cultural traditions is oversimplified and naïve. Instead of *all* ethical and cultural traditions, MMD is sufficient if it is potentially acceptable by *all reasonable* ethical and cultural traditions. So construed, however, it implies that a proper and complete formulation of MMD requires a prior account of reasonableness (of ethical and cultural traditions). To avoid further complexities of defining reasonableness, I shall only use the simplistic and naïve formulation of MMD in the current paper.

[6] A notable exception is Brey (2007a). Brey has discussed the differences in various value systems and noted that Eastern cultures, e.g., Confucian and/or Buddhist cultures, exhibit different views of the good life. Another exception is, Bynum's (2006) 'Flourishing Ethics', in which the good (or, in Bynum's terms, flourishing) plays a central role. While Flourishing Ethics is not developed *explicitly* for IIE, it can be extended to IIE. (See, e.g., Ess 2007)

[7] Rawls, John: Political Liberalism. xvi; my emphasis.

life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole."[8] In short, it is people's comprehensive doctrine which informs them *how they should live*.

In Rawls's view, the goal of political philosophy is to achieve an overlapping consensus. Since reasonable comprehensive doctrines can be incompatible, they have to be set aside. Comprehensive doctrines, thus, are being excluded from political philosophy; and, relatedly, because answers to the question: 'How should I live?' are based on people's comprehensive doctrine; the question, therefore, is not a legitimate consideration in political philosophy, too. Accordingly, one can discern a sharp distinction between the right (and the just) and the good in Rawlsian ethical pluralism. Understanding ethical pluralism in the Rawlsian way, thus, naturally excludes the issues pertaining to the good life because they are not regarded as the proper subjects to political philosophy. While Ess's own view of ethical pluralism strives to overcome the deficiency of Rawlsian ethical pluralism by reintroducing ethical and cultural traditions into IIE, his view resembles Rawlsian ethical pluralism with its primary emphasis on the right (and the just).[9]

A related presumption that leads researchers to exclude the issues pertaining to the good life, I think, is the view that the good life is *subjective*. This presumption ties closely to the liberal view of person as *autonomous* and *rational being*. According to this view, individuals are self-determining and self-responsible for their life project, and they are themselves also the only persons who have authority over their choices. The view also states that individuals are capable of pursuing their life project via means that are most suitable and efficient to them. Together, this view of person asserts the individuals themselves are the *only* and the *best* persons with respect to the issues pertaining to their lives. Hence, no inference on their choices of life project is justifiable.

In line with the liberal view of person, the issues pertaining to the good life are out of reach from moral and political philosophy. Because of the alleged subjectivity of the good life, it is, therefore, difficult for the researchers in IIE, who hold a broadly liberal view of person, to incorporate the good life into their ethical and political reflections.

Of course, the liberal view of person and the subjectivity of the good life are *not* unquestioned in moral and political philosophy.[10] And, indeed, researchers in IIE have explicitly argued for alternatives to the liberal view of person (e.g. Hongladarom, 2007). However, the effort is put mainly to argue for the *compatibility* of the alternatives to the liberal view of person. In this way, the issues pertaining to the good life are deemed unimportant.

The Good Life, Why?

In the previous section, I have postulate why issues pertaining to the good life have been excluded in IIE. In this section, I want to offer two claims for including the good life in IIE. My first claim looks at the relationship between the good life, the right and the just, and my second claim focuses on the advantages of incorporating the good life in IIE.

The Good Life, the Right and the Just

The omission of the good life in current research in IIE, as I have attempted to demonstrated, is a result of the sharp distinction between the right/the just and the good. The separation of the right/the just from the good is, in my view, unwarranted. As Keller (2009) has rightly pointed out, the distinction between the right/the just and the good is merely *technical:* It does not accord to our pre-theoretical intuition. He has also rightly noted that one's theory of the good will always play a central role in their theory of the right. Consider, for example, Rawls's theory of justice (or, any Rawlsian theory of justice), which is dependent on the notion of *primary goods*; Rawls's theory of justice is applicable only if a prior list of primary goods is provided. In other words, if we understand 'the good life' as the basic, fundamental components for individuals to *live a good life*, then the distinction between the right/the just and the good will simply collapse.

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[8]   Ibid. 13

[9]   Ess, in his recent works (e.g., Ess 2010), has duly noted the importance of the good life in IIE from a virtue ethics approach. While Ess's attempt is admirable, his discussions of IIE remain mostly about the issues on the right and the just. In this way, although the virtue ethics approach has given more attentions to the good, the good still appears to subsume under the right and the just.

[10]   For an overview, see Wall (2008) and Christman (2009).

Yet, researchers in IIE may question the aforementioned claim and state that what is at stake is only *terminological*. Indeed, they can agree entirely with the claim that 'the good life' is important to IIE *insofar as it is regarded as the basic, fundamental components for individuals to live a good life*, but, at the same time, point out that it adds *nothing new* to the debate. They may continue to state that the issues have already been taken care of in terms of 'the right' and 'the just', namely if *privacy* is the basic, fundamental components for individuals to live a good life, then IIE have already discussed the privacy-related problem extensively. Similarly, moral and political problems arise from intellectual property rights, freedom of information, etc. are also widely discussed by researchers in IIE. In other words, researchers in IIE have already taken up the issues, albeit in different terminologies.

I think the complaint is reasonable. It is, indeed, true that privacy, intellectual property rights, freedom of information, etc. are central topics in IIE. Yet, I think, reconceptualising IIE in terms of the good life (in the aforementioned sense) can act as a heuristic device to counter the tendency of reflecting in terms of MMD. Unlike MMD, which aims at delimiting behaviours and social practices, 'the good life' is *positive*, i.e. it identifies what individuals should have/use/engage with. Hence, it facilitates ethical-political reflections beyond the right and the just.

Intercultural Information Ethics and Ameliorative Aspects of ICTs

Besides, the current research in IIE too often focuses on the moral and political *problems* emerge from the development and diffusion of ICTs. The emphasis on 'problems', I think, has created an unfortunate impression that ICTs are merely sources of moral and political disruption. Despite the moral and political challenges brought by ICTs and ICTs-related activities, we can hardly deny that ICTs are also beneficial to individuals, too. By framing IIE in terms of moral and political problems, researchers in IIE have left out a series of important issues. For example, the Internet, particularly the Social Networking Sites (SNS), has enabled non-face-to-face intimate relationships (e.g. Briggle 2008). Whether this *new* form of intimate relationship is *good for* individuals of different ethical and cultural traditions has remained unexplored. Similarly, individuals' (self-) presentation on the Internet has enormous impacts on their life, and the impacts are clearly dependent on the ethical and cultural traditions of

the individuals.[11] The issue of what the *better* (self-) presentation is *in* and *for* different ethical and cultural traditions is indispensible to answer the question: 'How should I live?'

These questions are distinct from moral and political *problems* in that they are not moral and political problems *per se*. They have to do with "the best thing to do", whereas in moral and political philosophy the problems are centred on rightness and justice. A failure to do the best thing does not make a person wrong or unjust (at least, not "wrong" in the moral sense). Hence, they are *not* about *permissibility*, but about *amelioration*. In other words, they are about *improving one's life by better uses of ICTs and engagements with ICTs-related activities*. By incorporating the ameliorative questions into IIE, researchers can go beyond MMD and offer positive recommendation to individuals.

Concluding Remarks: Future Research

I have argued in this paper that the issues pertaining to the good life have thus far been neglected by researchers in IIE. I have also argued that the negligence is a result of the aim of IIE to be to establish MMD. Finally, I have pointed out that researchers in IIE have no reasons to shy away from issues pertaining to the good life because (i) there is no sharp distinction between the good and the right/the just, and (ii) ameliorative questions of ICTs and ICTs-related activities require inter-/cross-cultural investigation, too.

As Brey (2007b) has pointed out, researchers in Information Ethics have only recently begun to look beyond the right and the just. He has also noted that different theoretical framework(s) is required for investigating issues pertaining to the good life. The same is true for investigating the good life in inter-/cross-cultural settings. So far, researchers in IIE have restricted themselves to *moral theories, e.g. deontology, consequentialism and virtue-based ethics*. These theories are helpful insofar as we regard 'the good life' as the basic, fundamental components for living; but they are unhelpful when we seek to answer the ameliorative questions.[12] In

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[11]   The point is similar to Weckert's discussion of offense in Weckert (2007).

[12]   Consequentialism is, perhaps, an exception because it equates the good with the right/the just.

order to answer the ameliorative questions, we need to know *what is good for 'us'*. In other words, we need a theory of the good life (or well-being), which tells us what we should strive for.

In the West, philosophers have elaborated *three major theories of the good life*, i.e. hedonism, desire theories and objective-list theories.[13] These theories allow researchers in Information Ethics to evaluate the impacts of ICTs and ICTs-related activities on individual's well-being; and, also allow them to offer positive recommendation based on the theories of the good life they maintain. Unfortunately, there are relatively few contemporary philosophical studies on the *non-Western* theories of the good life. Hence, to embark on the new agenda of IIE, the first step is to systematically investigate the non-Western theories of the good life. Once the non-Western theories of the good life are elaborated, researchers in IIE can begin to compare and contrast how different ethical and cultural traditions perceive the impacts of ICTs and ICTs-related activities on the good life. Researchers in IIE, then, will be better equipped to offer positive recommendation with respect to the good life in inter-/cross-cultural settings.

The future IIE, therefore, should consist of two parallel strands. The first strand, which has already existed in IIE, focuses on the moral and political problems emerging from the development and diffusion of ICTs. The second strand, then, aims at the ameliorative aspects of ICTs and ICTs-related activities. Among other things, IIE of the good life investigates theories of the good life of different ethical and cultural traditions; and it attempts to improve individual's well-being in inter-/cross-cultural settings.[14]

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[13] It is beyond my scope to provide an in-depth analysis of different philosophical theories of the good life/well-being in this paper. For an overview of these theories, see Crisp (2006), Hurka (2006) & Schroeder (2008).

[14] Early version of this paper was presented at ReGIS x STI-IE Joint-Workshop on Intercultural Information Ethics in Asia (University of Tsukuba (Japan), 2009). I would like to thank my audiences for helpful remarks and suggestions. Particularly, I would like to thank Prof. Rafael Capurro and Prof. Makoto Nakada for their valuable comments.

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Gonçalo Jorge Morais Costa and Nuno Sotero Alves Silva:

Informational Existentialism! Will Information Ethics Shape Our Cultures?

Abstract

The evolution of philosophy and physics seem to acknowledge that "informational existentialism" will be possible. Therefore, this contribution aims to comprehend if Heidegger existentialism can enrich the bound between information theory and the intercultural dialogue as regards to information. Even so, an important query arises: why specifically Heidegger's philosophy? Because it highlights an intercultural dialogue namely with East Asian and with Arabic philosophy, which is also consistent with the debate concerning the potential value and contribution of information theory to the intercultural dialogue. Therefore, this manuscript intends to understand if information is shaping worldwide cultures as a consequence of its existence.

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Introduction

The organic and interdisciplinary evolution of science in nowadays, namely in physics and philosophy, resumes a theoretical "combined" approach as regards to the perception of information. For that, the authors discuss the concept of "informational existentialism", which intends to realize if Heidegger existentialism can enhance the intercultural dialogue that information theory has been promoting about the impact of information in worldwide cultures.

Despite the prior claim, the authors' shed some light pertaining to a crucial remark of this manuscript: the idea under scrutiny come to mind during ETHICOMP 2008 keynote speech of Professors' Terrell Ward Bynum and Simon Rogerson. To them your deepest consideration, in spite of not knowing how they enlightened us!

Although, it is important to summarize that speech: the Copernican Revolution was refined when authors' like Newton, Einstein and Heisenberg related matter and energy as key components of all "objects". Furthermore, more recently the Information Revolution has acknowledged that these "objects" entail data flows, because the universe is made out of information (Bynum and Rogerson 2008). From this assumption it is possible to observe an analogous awareness among physics and philosophy regarding world conceptual explanation (e.g. Llloyd in physics, and Floridi in philosophy), which the word "informational" resumes.

On the other hand, the authors' contribution reveals the philosophical movement of existentialism. This movement outlooks human existence as having a set of underlying themes and characteristics, such as anxiety, dread, freedom, awareness of death, and consciousness of existing. Existentialism is also an outlook, or a perspective, on life that pursues the question of the meaning of life or the meaning of existence. This assumption exhibits a paramount importance (e.g. Corey 2003), because informational flows that ICT promulgate and "exist" are shaping our lives, as well as our cultures.

According to Górniak-Kocikowska (2007) ICT is the most human technology, and Wiener (1954) had already claimed the core importance of information in human life, so it is possible to acknowledge an "informational existentialism". As a result, information theory has been playing an extremely important role in recognize the ethical challenges of these information fluxes through an enhancement of intercultural dialogue, which contradicts the argument of Stahl (2008) concerning the non-universality of information theory. Nonetheless, this argument was refuted by Luciano Floridi in its work *Information ethics: A reappraisal*.

In spite of the previous claims the authors' of this manuscript believe that Heidegger existentialism can deepen the link between information theory and the intercultural dialogue as regards to information impact in our lives. For that, in order to promote a feasible analysis the authors' acknowledge the following issues: a defence for choosing Heidegger's existentialism, the importance of ontology, linking the theoretical dimensions (information, information ethics theory and Heidegger's existentialism), and finally discussing the conceptual overlap ("informational existentialism").

Information

Concept

Information is a polymorphic phenomenon and a polysemantic concept (Beijer 2009), which resumes dissimilar insights: mathematical, economical, biological, semantical, philosophical and ethical. Therefore, the overall contribution of these research disciplines depends on the level of abstraction adopted, cluster of requirements and desiderata orientating a theory (Floridi 2005).

Etymologically information refers to "inform", meaning "to give form to, put into form or shape" (Oxford English Dictionary 2008). Despite this argument, the ancient Greek word $\varepsilon i\delta o\varsigma$ ("eidos") denoted the ideal identity or spirit of something in Plato's philosophy. Hence, symbolically "information" represents not only a communication, but equally a conviction or a choice. Likewise, the Latin verb *in-formo*, which connects the terms *in* and *forma*, suggests form or shape as well as represent, sketch, and delineate (Crane 2001).

Perspectives

A complete absence of semantically content highlights Claude Shannon's theory (1948), in which information is characterized as uncertainty. Following Martin (1995), Shannon endeavours to perceive information as a "thing" (material analysis). As a result, this tangible dimension of information engages an expected conclusion: information exhibits "commodity" characteristics. For that reason, it is

possible to acknowledge information as a "raw material" that will be transformed during production stage (Cash, MacFarlan and McKenney 1992). This analogy illustrates the idea that information can be significantly diverse according to its function or, future function within the economical process.

Regarding a biological perspective, the authors' plead Lange and Lapp (2007) despite the work of Jonas Salk and Jonathan Salk (1981) act like praxis. Salk and Salk distinct three key features that universal evolution and increasing complexity outlines in systems: physical and biological (being each of them characterised by new emergent and vital properties). The appearance of a novel third system resumes the intrinsic property of both previous systems.

Finally, it is possible to intrinsically correlate semantics, philosophy and ethics approach to information, because as Lakoff and Johnson (1980) argue information is a precious fluid. These authors linked the features of ordinary liquids like water and to less tangible but nevertheless appealing notions like *chi*. Although, Kornai (2008) had combined this perception with semantics, and philosophy, leading to a conclusion: information as a fluid engages identity, sentience, volition, and reverence.

Information Ethics Theory

Key remarks

Floridi and his colleagues (1999; 2004) developed the information ethics theory, which refers that everything is "informational" objects or processes, because all entities are described as clusters of data, that is, as information objects. More precisely, any existing entity will be a discrete, self-contained, encapsulated package containing because:

- the appropriate data structures, which constitute the nature of the entity in question, represents the state of the object, its unique identity and attributes;

- a collection of operations, functions, or procedures, which are activated by various interactions or stimuli (that is, messages received from other objects or changes within itself), and correspondingly define how the object behaves or reacts to them.

Despite this level abstraction and fundamental contribution to philosophy and science in general,

Tavani (2007) presents some interesting comments to Floridi´s work regarding ontological issues: if the theory distinguishes informational from mental privacy; as well as, descriptive and normative aspects of privacy.

Intercultural dialogue

The importance and influence of information theory has been so profound that is promoting intercultural dialogue between Western and Eastern societies (Collste 2007), which authors like Ess (2006) or, Hongladarom (2008) have attempted to demonstrate. Nonetheless, as pointed out in *The intercultural ethics agenda from the point of view of a moral objectivist* (Himma 2008), is necessary to draw the attention for moral objectivism, because it provides a superior foundation for the normative debate for intercultural information ethics. Additionally, is vital to boost this intercultural dialogue not only pertaining to privacy, but a broader discussion encompassing all issues that information theory enables, as a consequence of its core definition: everything is "informational" objects or processes.

Existentialism

Overview

Existentialism is a 20th century philosophy that resumes the analysis of existence and how individuals spend a lifetime changing their essence or nature. Therefore, this philosophical perception captures a first-person or subjective reflection with reference to ultimate questions: free will, choice, and personal responsibility (Sanderson 2003).

Clearly, existentialism is typically divergent to rationalist and empiricist doctrines that comprehend the universe as a determined, disciplined structure, in which rationality and natural laws govern all beings and guide human activity (Earnshaw 2006). Despite avoiding rationality, a majority of existentialists feel that rational lucidity is advantageous wherever achievable. A potential justification for this assumption relies on the contribution of Crowell (2004): conventionally, philosophers have related existence as significance for the latter "instantiation", which prescripts an individual's way of life, its judgment about meaning and value of existence, which characterizes ancient Western and Eastern philosophy.

Hence, existentialism does not encompass a good life as wealth and pleasure, social values and structured control, as well as accept what is. This is consistent with Corey (2003) assumptions regarding the purpose of existentialism in a group setting: enable members to become truthful to themselves; widening their perspectives on themselves and the world around them; and, clarifying what gives meaning to their present and future life. So, these intentions resume quite well ICT ethical implications of "informational existentialism".

Heidegger philosophy

For Heidegger "being" entails a "fundamental ontology", which is prior to any epistemology because epistemology is grounded in ontology. According to Knight (2007), Heidegger acknowledges a pre-Socratic assumption of "being" (*sein*), namely in *Parmenides*. "Being" resumes the underlying reality; and, it heralds all other assumptions. Without a proper perception of "being" no proper knowledge is possible, so is beyond each entity and every potential features pertaining to any entity (*dasein*).

For White (1996), temporality describes this relationship in a generic sense, because content is given by a peculiar historical time frame. This author claims that Heidegger establishes an analogous significance about the outlook of the temporality of "being", to which the concept "what-is-absent" (*abwesen*) imposes neutrality regarding temporality. Therefore, appropriation (*ereignis*) resumes a "matter of certain relations and connections" (White 1996, p. 159).

As a consequence, the study of individuals' expresses dissimilar conceptions of what it means to "be" moral. Following Benoit (2010), Heidegger's thought does not allow a distinction among subject and object, and therefore ethics entails a derivative notion: history of philosophy as metaphysics. Despite the arising critic that Heidegger Cartesian and epistemological model hypothesis fails, because humans are not autonomous subjects in an object-filled world trying to understand it (Esfeld 2001); as well as, the non-deductive or systematic form that "exegesis of poetry or the more aphoristic fragments of the pre-Socratic philosophers" (MacIntyre 1967, p. 543) present.

Nevertheless, the truth is that Martin Heidegger is a futuristic thinker due to its unmistakable mystical ring (Caputo 1986). Still following Caputo (1986, p. xvii), "Heidegger even claims that his thinking is beyond the regions of philosophy".

Discussion

Why Heidegger?

This subsection aims to highlight an overall argument that emphasizes the first clues with reference to Heidegger's philosophy for enriching the intercultural dialogue. To produce such evidence it is vital to debate: (i) universality of ethics; (ii) to demonstrate Heidegger's intercultural characteristic.

According to Stahl (2008) universality refers to the scope, rage and applicability of an ethical theory, as well as the ethical scheme of influencing individuals' to recognize or to pursue it. If the reader kept in mind the aim of this manuscript, that Heidegger's existentialism will be an additional component of information ethics theory, then universality is accomplished because the foundation continues to be information ethics theory (Floridi 2008).

The intercultural characteristic of Heidegger is realistic, namely the relationship with East Asian and Arabic thinking. In *A dialogue on language between a Japanese and an inquirer* is possible to establish a parallel between his work and Zen Buddhism, as well as Taoism (Imamichi 2004). Or, in *The phenomenological quest between Avicenna and Heidegger* to recognize his influence in Arabic philosophy (El-Bizri 2000).

However, Heidegger's prudence against the "inauthenticitiy" that arises from an inactive and uncritical recognition about our cultural identity, clearly justifies an intercultural dialogue. Moreover, Ma and van Brakel (2006) resume this intercultural dialogue of Heidegger through three dimensions: in Asian and Arabic cultures the word "nothing" is well explicit, so the word for "being" is crucial; personal experience is transcendent rather than through words or rational creeds. Consequently, it provides an account of planetary unification on the basis of different traditions. In conclusion, Heidegger philosophy is transcultural (more than intercultural) (Capurro 2008).

Ontology- the praxis!

Prior to the tri-dimensional analysis of the "informational existentialism" it is essential to approach the concept of ontology! Ontology is often defined as the branch of metaphysics that traditionally discusses the overall existence of entities (Oxford English Dictionary 2008). Therefore, human ontology has its origins in the work of Heidegger which is based upon Cartesian grounds.

In addition, in computer and information science entails a data framework that symbolizes a set of concepts within a domain and its relationships (Siricharoen 2009). Nevertheless to grant a consistent argument the authors plead Gruber's (1995) definition: a set of meanings of formal and informal vocabulary. This is consistent with the bias that cultural heritage information imposes due to implicit concepts and relations (Doerr et al 2003). Moreover, as individual intuitive ontology has a direct effect in respective cultural representations (Boyer 2001). Therefore, is cultural ontology neutral regarding Heidegger's temporality?

Analytical dimensions

In order to promote a reliable debate with reference to "informational existentialism" a tri-dimensional analysis will be under scrutiny: (1) information vs. information ethics theory; (2) information vs. Heidegger's existentialism; and, (3) information ethics theory vs. Heidegger's existentialism.

Moving forward, it is time to frame the analytical dimensions:

1. information ethics theory fairly replies the ethical challenges that information embraces at a traditional ontological level (categorization and relationships). Even so, a Floridi (2009) claim is that digital and informational ontology are distinct concepts, despite both entail "modes of presentation" of "being". Hitherto, this refreshing contribution seems to neglect the ontological boundaries of informal vocabulary, which derives from individual intuitive digital ontology (Eldred 2009);

2. Heidegger's existentialism provides the missing link: the existential! This is consistent with the argument about the ontology of cultural objects (Thomasson, 2005), because these are divided into material aspect of their existence and superimposed meanings and functions. In fact, Web 2.0 enables individual cultural ontology because images and texts represent perceptual and other bodily experiences, which is consistent with virtual anthropological property of human beings (Zwingenberger 2004), as well as our need to perpetuate ourselves through a future distributed existence, even at a cognitive level (Goertzel 2008), despite the historical difference between analogical and digital. The defence the for these as-

sumptions relies on the work of Heidegger itself: (i) "world" is a "meaning structure of experience" through which "being" is known (Fennberg 2005); (ii); "body" resumes the physical (*körper*), as well as the phenomenal body (*leib*), however our consciousness about our entire bodies is not separate (Zwart 2009); (iii) so, the recognition of the role of cultural practices and tool-use arises from thinking of "being" (White 1996);

3. Heidegger's existentialism will enhance the intercultural dialogue that information ethics theory has began. For that, the remaining clues about Heidegger's philosophy are crucial to proclaim this hypothesis: (i) the different temporal matrix by Heidegger resumes a combination of linear (Western) and heteromorphic (Eastern) time (White 1996), which clearly resumes the informational flows that ICT enables; (ii) Eastern and Arabic influences in Heidegger's seem to resist manipulation and replication and its bound to Western objectivity (White 1996), which individual digital objects imply; (iii) Capurro (2006) demonstrates that Heidegger's metaphysics unlocks the limitations of Floridi's information ethics theory regarding digital ontology.

"Informational existentialism"- an overlap?

The concept of existential authenticity is well known throughout several disciplines, despite being rich and complex. In ICT case, the medium for extending human body has definitely construct metaphors about our existential condition, consciousness and experiences (Davies 2002), through a "subjective source of inter-subjective ground of experience" (Csordas 1999, p. 181).

Moreover, Stelarc remarks body as immaterial concerning mode and level of social interaction between people. In *From psycho-body to cyber-systems*, Stelarc argues that: "where the body becomes the object of physical and technical experiments in order to discover its limitations" and where "electronic space becomes a medium of action rather information" (Stelarc 2005). This scenario is clearly representative of personal digital heritage (individual digital objects creation), which allows a constant digital screening of our existence. Therefore, our "manifold of experiences" enables: the ability for self-reflection; individuals' to become honest to themselves; wide their perceptions on themselves and the world around them; and, clarify

temporality. Summing up, it emerges "informational existentialism".

Nevertheless, what signifies "informational existentialism"? Is the virtual extension of human existence through digital personal objects appropriation, which allows questioning our experiences, attitudes and values transversally to temporality. Hence, through "informational existentialism" the level of obscurity concerning Heidegger's concept of appropriation ("being" and "time") will diminish.

However, several questions arise that future work will demand:

1. Which are the cognitive differences concerning individual digital objects?

2. Will access limit or enhance (equity) individual digital objects creation? If yes, at how extent may restrict our informational existence?

3. Which will be the existential limit: philosophical or technological?

4. And, if that limit enables a deepen level of self-reflection concerning free will, choice, and personal responsibility.

Conclusion

Given the overall argument of this manuscript, the authors argue that the research hypothesis, "informational existentialism", is perfectly justifiable considering Heidegger's philosophy and the enrichment of the intercultural dialogue that information ethics theory has been promoting. Yet, it is compulsory to reframe the discussion concerning information objects ontology and its human dimension, as well as information in humanities.

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