

## **Panel Proposal: Data Ethics Reloaded**

June 2020

### **Organizer**

Gijs van Maanen MA | [g.vanmaanen@uvt.nl](mailto:g.vanmaanen@uvt.nl) | Tilburg University

### **Presenters**

dr. Esther Keymolen | Tilburg University

dr. Linnet Taylor | Tilburg University)

Gijs van Maanen MA | Tilburg University

### **General description**

The use of ethics by tech companies has been put under scrutiny by both academics and practitioners. Think, for instance, about the short-lived existence of a Google AI ethics council in 2019, or the growing number ethical guidelines that saw the light over the years. Academics noted instances of ‘ethics washing’ and ‘ethics shopping’ by tech firms, which put into question what we can reasonably expect from the ethical and moral norms so sought for in academia. This panel contributes to this debate by raising questions about ethics’ regulatory capacity on different levels. Esther Keymolen will look into what it means to do ethics as a tech employer. Her argument consist of an analysis of moral exemplars, Vallor’s virtues framework, and insights drawn from her experiences when teaching data science to master students. Rather than starting from the level of the individual, Linnet Taylor argues that an appropriate response to the aforementioned issues would be a normative framework spanning public *and* private sector. The central component of this framework, she argues, is legitimacy. Gijs van Maanen’s more conceptual argument, to conclude, consist of a more politicized conception of ethics where principles and theories, are replaced with questions, and ‘exemplars’.

---

### **Ethics from within. What does it take to be(come) a virtuous tech employee?**

**Keywords:** data ethics, virtue ethics, empirically-informed philosophy

**Author:** Esther Keymolen

In 2017, Google employees started campaigning against their company’s involvement in Project Maven. This project, in collaboration with the Pentagon, aimed at employing machine learning to improve targeted drone strikes. The employees’ campaign resulted in massive protests: 5000 employees signed a petition to demand the cancellation of the project and dozen resigned. June 2018, Google ended their involvement.

While there currently is quite some attention to regulation and commercial data ethics to steer data-driven companies towards more responsible behavior, less attention has been paid to the political power of tech employees who fulfill a key role within these companies.

This paper will delve into the question what it takes to become a virtuous tech employee. This question will be addressed from a virtue ethics perspective, encompassing three strategies. First, this paper will look into tech employees who could serve as moral exemplars. Next to the Maven project, other events, such as Tech won’t build it and No Tech for ICE, will be analyzed to describe the actions of tech employees and identify specific character traits. Secondly, these findings will be analyzed from the techno-moral virtues framework, developed by Shannon Vallor (2016). How does this list of virtues relate to the real-life cases? Thirdly, these findings will be compared and contrasted with insights deriving from in-class discussions with master data scientist students on virtues they believe to be important in their working life.

## CV

Esther Keymolen is Assistant Professor in Ethics, Law, and Policy of new Data Technologies at the Tilburg Institute for Law, Technology, and Society (Tilburg University). Esther has a background in philosophy of technology, philosophical anthropology, and postphenomenology. She also holds a Bachelor's degree in pop music. Her research focuses on the role of trust and privacy in networked and smart environments. In her book *Trust on The Line*, she develops a conceptual trust model, which she applies to analyze different topical cases, such as: Airbnb, smartphones used as hotel keys, and personalized online advertisement. Esther's work has appeared in several newspapers, documentaries, and on Dutch television.

---

### **Public actors without public values: legitimacy and the regulation of technological power**

**Keywords:** public governance, legitimacy, non-domination

**Author:** Linnet Taylor

The scale and asymmetry of commercial technology firms' power over people through data, combined with the increasing involvement of the private sector in public governance, means that increasingly people do not have the ability to opt out of engaging with technology firms. At the same time, those firms are increasingly intervening on the population level in ways that have implications for social and political life. This creates the potential for power relations of domination, and demands that we decide what constitutes the legitimacy to act on the public. Business ethics and private law are not designed to answer these questions, which are primarily political. If people have lost the right to disengage with commercial technologies, we may need to hold the companies that offer them to the same standards to which we hold the public sector. This paper therefore argues for the development of an overarching normative framework for what constitutes non-domination with regard to digital technologies. Such a framework must involve a nuanced idea of political power and accountability that can respond not only to the legality of corporate behavior, but to its legitimacy.

## CV

Linnet Taylor is an Associate Professor at the Tilburg Institute for Law, Technology, and Society (TILT), where she leads the ERC-funded Global Data Justice project. The project aims to understand the different perspectives worldwide on what constitutes just treatment through data technologies, and to develop a framework for global data governance informed by principles of social justice. Her research focuses on the use of new sources of digital data in governance and research around issues of human and economic development. She was previously a Marie Curie research fellow in the University of Amsterdam's International Development faculty, a postdoctoral researcher at the Oxford Internet Institute, and studied a DPhil in International Development at the Institute of Development Studies, University of Sussex.

---

### **The politics of data ethics: from theory and principles, to questions and 'exemplars'**

**Keywords:** ethics first, political philosophy, exemplars

**Author:** Gijs van Maanen

At times, the idea and practice of ethics in the tech-industry is used by companies to wash away the concerns raised by a company's behavior or a techno-political crisis. In response, researchers worried that ethics itself might be insufficiently capable of dealing with the problematic behavior of those companies. Some scholars, however, beg to differ, and warn against the tendency to reduce a criticism of 'ethics washing' into one of ethics *simpliciter*. While it is important to not conflate a

company's usage of ethics, with ethics as a valuable activity, that does not mean that the dominant principle-based type of ethics is unproblematic. This paper suggests that the focus on principles, dilemma's, and theory in conventional ethical theory could explain its lacking resistance to abuse by dominant actors. While drawing from the work of political theorist Raymond Geuss, it argues for a question, rather than theory or principle-based ethical practice. The emphasis of this approach is placed on the acquisition of a thorough understanding of social-political phenomena. In addition to this move from principles to questions, this paper makes a case for the importance of 'exemplars' or stories, as integral component of one's ethics. Precisely the fact that one should acquire an in-depth understanding of the problem in practice will also allow one to look in the past, present or future for similar and comparable stories of which one can learn.

## **CV**

Gijs van Maanen is PhD researcher at the Tilburg Law School, where he studies Dutch open data policy through the lenses of political philosophy, ethnography, and STS. He studied history and political philosophy in both Groningen and Leiden. His history thesis was titled 'Deliberative democracy in the Netherlands' and focused on one specific deliberative 'mini public' which took place in the city of Groningen. In his philosophy thesis, he evaluated the social-political relevance of a new movement in feminist political theory called 'new materialism'. He published on, among other topics, theories and practices of openness, ethics washing, and democratic theory. He is affiliated with the 'Ambassade van de Noordzee', a Latour-inspired long-term initiative examining the rights and political voices of the North Sea.