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Editorial Note

The Journal of Applied Ethics and Philosophy is an interdisciplinary periodical covering diverse areas of applied ethics. It is the official journal of the Center for Applied Ethics and Philosophy (CAEP), Hokkaido University. The aim of the *Journal of Applied Ethics and Philosophy* is to contribute to a better understanding of ethical issues by promoting research into various areas of applied ethics and philosophy, and by providing researchers, scholars and students with a forum for dialogue and discussion on ethical issues raised in contemporary society.

The journal welcomes papers from scholars and disciplines traditionally and newly associated with the study of applied ethics and philosophy, as well as papers from those in related disciplines or fields of inquiry.

Shunzo Majima
Editor-in-Chief

Codes of Ethics

Towards a Principlist Justification

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Abstract

The subject of this article is the "ethical justification" of a code of conduct. How does a code of conduct become an ethical code? The article focuses on the principlist approach in a broad sense, assessing its comparative advantages. Many scholarly critics are unhappy with the chaotic methods of grounding and writing ethical codes. They therefore stress the necessity of reducing this harmful abundant diversity. This paper does not support the monistic (single principle only) justification of an ethical code; instead, it proposes a pluralist justification based on "principlism". The core of the article is a sketch of the conceptual and managerial complexity generated by the principlist justification of an ethical code. It is mainly a conceptual and future-oriented approach, suggesting ways of building codes of ethics that are not yet practically enacted on a large scale and which, for this reason, may seem impractical. Lest they remain so, we have to keep an open mind with regard to their real, and not only their potential, practicality.

Key words: code of conduct, code of ethics, ethical infrastructure, principlism, moral justification of a code.

The subject of this article is a philosophical problem generated in the managerial context of ethics management. This is the "ethical justification" of a code of behaviour: identifying the source of or grounds for the *moral* character of an institutional code. Most people believe that there is no relationship either between ethics and management or between philosophy and codes of ethics. My theory is that we can identify a nascent philosophy of ethics management and that the problem of how to morally justify a code of conduct is one of its topics.

From another point of view, this is an issue of institutional rather than professional ethics: it is related to a system of ethical principles that apply to all the members of an organization – whether a hospital, research institute, university or firm, for example – irrespective of their professions. It is a systematic statement of special rules, which are characteristic of that organization but may in part be shared with other organizations, and some of which also cover the relationship with external stakeholders. These moral rules concern not only professional activities but also interpersonal human relationships – individuals' connections with the institution they belong to and with its external stakeholders. Examples of institutional ethics include academic, business and research ethics, in contradistinction to professional ethics such as nursing or engineering ethics.

There are experts in professional ethics who say that an institutional code of ethics is not a philosophical product and, consequently, that the general ethicist (or moral philosopher)[1] has relatively little to say about what should be the content of a particular code of ethics. Nevertheless, a course on professional ethics might comprise elements of code-building, such as how to interpret a code of ethics, the constituents of a

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[1] I shall use the terms "ethics" and "morality" interchangeably. For the opposite option see Davis, M., "What can we learn by looking for the first code of professional ethics?", *Theoretical Medicine and Bioethics*, 2003, 24(5): 433-454.

professional code and similar.[2] But, even if we aggree, this does not imply that it makes no sense for experts in ethics management to use theories or other ethical frameworks to ground ethical codes. Before starting to set up a concrete ethics code we have reasons to choose between various ethical backgrounds, adopt an architecture of the code, inductively determine the main immoral behaviours as perceived by the personnel and extract from them the relevant moral rules, sketch other provisions of the code by statistical analysis of similar codes, and so on. These all enter the first draft of the code and experts in code-building have thus the chance to tell local professionals what their code should and should not include.[3] I completely agree with Limentani, who states: "Most ethical codes cover a range of topics. They usually include some specific prohibitions, for example forbidding euthanasia, or disclosure of secret information, but mainly they describe general attitudes and expected forms of conduct. … Ethical codes work in a similar way to ethical principles, the use of which has received much attention in recent years."[4]

Indeed, such a code is not a piece of moral philosophy but I shall not hesitate to repeat that it is, nevertheless, based on moral philosophy. Its use does not presume a form of management in its classical shape, but a new kind of management of the moral life of an organization. It does not belong to applied ethics in its original sense – of philosophical analysis of moral issues on the public agenda – but it belongs without doubt to a recent kind of applied ethics, which sells its services and instruments on its own market and is similar to quality assurance management. The expert who is best fitted for managing such a system (including the ethics code) is not the moral philosopher, nor even the specialist in applied (professional) ethics, but the interdisciplinary specialist in ethics management.[5] A course on ethics management, in intensive forms, is most fitted for those professionals who want to become ethics managers, but it also satisfies the interests of graduate and postgraduate students engaged in applied ethics studies. This article is mainly written for those who do not accept that, although this

practice of setting up ethical codes is not philosophical, it nevertheless has a philosophical side and origin and may be taught at its best by the philosophy departments (where various ethical disciplines are developed) rather than by business schools. In a world in which there is a significant trend of hiding the word "ethical" in the phrase "ethical codes" behind a variety of neutral labels – such as "codes of conduct", "business codes", "codes of rules and regulations", "standards of conduct", "professional guidelines" or "statements of values" – can we help genuine ethical codes to survive? Do we have the means to give an undeniable moral profile to a code of behaviour? What is the root of such a code's moral content? Unfortunately, the moral justification of codes constitutes an issue that is rarely present in the literature of ethics management, although we often speak about "codes of ethics", which are made for guiding moral behaviour rather than professional behaviour in general. But we have to admit that sometimes these codes are not "sufficiently ethically grounded".[6]

This article does not describe an empirical procedure for writing a code of institutional ethics[7] either, because it purports to present a rather philosophical approach to how to ground an ethical code. The problem, more exactly, is that of ethical justification of a code of conduct – of answering the question: "What makes a code of conduct a moral code?" or investigating how to explain the ethical character of the code and the constraints required by the option for a given ethical foundation (such as foundation on principlism or utilitarianism).

Various authors have considered that the use of the "justification relation" is able to assure a better conceptual underpinning to a code of ethics, "strengthening both its ontological and its ethical status".[8] The moral justification of a code is usually seen as a relationship between an ethical code and its justifying background, the latter usually provided by an ethical theory,[9] since it may be supposed that an ethical theory is the best explanation of what morality is and therefore the best source of a demarcation criterion for

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2 Davis, M., "Professional ethics without moral theory", *Journal of Applied Ethics and Philosophy*, 2014, 6: 2-3.

3 For the opposite point of view – that of "never supposing that there are experts on what a code should say" – see Davis, M., "Eighteen rules for writing a code of professional ethics", *Science and Engineering Ethics*, 2007, 13(2):171-189, Rule 16.

4 Limentani, A., "The role of ethical principles in health care and the implications for ethical codes", *Journal of Medical Ethics*, 1999, 25: 394-398, at p. 394.

5 This is the management of the ethical life of an organization, no matter the profession, by creating and managing "ethical infrastructures" inside organizations (see the work of D. Menzel, M. Kaptein, L. Trevino, G. Rossouw, etc.).

6 Schwartz, M.S., "Universal moral values for corporate codes of ethics", *Journal of Business Ethics*, 2005, 59(1-2): 27-44, at p. 30.

7 As is, for instance, Michael Davis' "Eighteen rules for writing a code of professional ethics", *Science and Engineering Ethics*, 2007, 13(2):171-189.

8 Kaptein, M. and Schwartz, M.S., "The effectiveness of business codes: a critical examination of existing studies and the development of an integrated research model", *Journal of Business Ethics*, 2008, 77(1): 111-127.

9 A review of the literature on the ethical codes can be found in Wood, G. and Rimmer M., "Codes of ethics. What are they what should they be?", *International Journal of Value-Based Management*, 2003, 16: 181-195 at p. 181.

the moral code. What is thus justified as a moral entity – the code – is an instrument of institutional ethics management. The justifying background is, in general, something heterogeneous. But even if the background includes several entities there is a core element, which varies from case to case: a theory, an ethical framework, a moral principle or similar. In addition to this core element, the code may likewise use legislation on human rights, a contextual selection of social values, individual virtues and methods of education, and so on. All these different features may contribute to the configuration of the ethical code.

The relationship between theory and code may be one of direct transfer (of principles, for example) or it may be deductive (for which the "theory", as well as the code, must be conceived as coherent sets of true propositions – e.g. Mill). It may be an approximation to the limit relation (in which the "theory" is seen as a hierarchy of quasi-mathematical models – e.g. Kant) or, more frequently, as a relation of analogical reconstruction. What we justify in all these cases are not particular moral judgements but a whole ethical code, with all its distinctive ingredients and characteristics: moral values, moral principles, moral rules, moral virtues, the moral character of the whole code, admissible methods of ethical decision-making, means for obtaining good moral judgements and specific instruments for enforcing them. The number and profile of these ingredients depend on the professional and institutional context in which the code is built.

In general, the moral justification procedure has to both establish the moral content of an ethical code and justify why the elements that form this content have a moral nature. The qualities and principles transferred through analogy from a Kantian basis to the code, for example, are as follows. The idea of autonomy is presented under the form of the personnel general participation to the adoption of the code and under that of an autonomous Kantian code-maker, for whom a moral rule is self-imposed, not imposed by the top management; the Kantian principle of publicity may be found here under the form of the requirement to adopt the new rules only after their public debate; etc.[10] To have a utilitarian moral code we must transfer all the relevant ingredients and characteristics of a utilitarian theory to the code, including its global distinctive property of being able, if generally respected, to maximize general utility. The distinctive moral characteristics of the background are transformed into strategies for building the moral code. Similar tactics are also at work when using other ethical theories, pluralist backgrounds or unified theories (like Hare's "Kantian utilitarianism").

Some other strategies are also at work. Which are the best strategies of moral justification? This is one of the questions I attempt to answer.

There are at least three phenomena against which those who work with ethical codes have to fight. The first is the discouraging variety in the manner of writing ethical codes, without any regard for a coherent methodology. Adoption of a largely agreed background of moral justification – like, for instance, that of principlism – could diminish this problematic diversity. The second issue at stake, which must seriously be countered, is a kind of satisfaction with superficial (since arbitrary) justifications of ethical codes; these create the illusion that they are well grounded, although they are not. The result is an incapacity to see and grasp clearly the genuine foundation, which is usually in such cases situated at a more basic level. The moral justification of a code should never be ad hoc, since an arbitrary justification is not a genuine one. This does not refer to the improvement process of the content of the code of ethics, which in reality is open-ended until it is arbitrarily cut off, but to the habit of arbitrarily establishing the deepest source of morality at one level when one knows that its original root is still deeper. The third phenomenon is the tendency among researchers and consultants to abandon their professional exigencies in favour of market requirements. The "code of ethics" was almost killed by the massive invasion of "business codes", "codes of conduct", "codes of good practice" and so on, which are in reality mixtures of moral and (mainly) non-moral rules. It is preferable to have ethical codes dominated by ethical rules, not by efficiency or pragmatic rules. Otherwise, they will not be – as intended – instruments of regulating moral behaviour. Paradoxically, the word "moral" tends to be quasi-prohibited. If we want to guide morally the behaviour of our personnel we need ethical codes; the justification relation helps precisely to establish whether a code is sufficiently ethically grounded.

My aim in this article is to justify an ethical code by appealing to the principlist background in a broader sense, and to assess its comparative advantages. I shall begin by exemplifying what I have called above the chaotic ways of writing ethical codes and I shall show how they dwell on an only apparent justifications. Then I shall compare the relative advantages of the monist vs. pluralist codes, thereby providing arguments in favour of the latter. The most important part of the article is a sketch of the principlist justification of ethical codes, which deserves to be broadly and reliably embraced by code-makers for its comparative advantages. Another outcome of my analysis will indicate that an ethical code should be not merely an organized system of moral standards but moreover a kind of machine: a complex

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10 L'Etang, J., "A Kantian approach to codes of ethics", *Journal of Business Ethics*, 1992, 11(10): 737-744.

mechanism, which needs experts in ethics management to be made functional.

Freedom or Chaos?

If we look at a collection of ethical codes, the most striking feature is its abundant diversity. Its only reigning rule seems to be the lack of any rules. Some codes are sets of moral rules whereas others are a mixture of moral and non-moral prescriptions (business codes).[11] Some are sets of social values while others are moral rules based on universal human rights. They may be sets of obligations classified by the kinds of responsibilities or codes based on the moral values embedded in a particular institutional culture. Other codes are founded on several universal principles stipulated at random or, conversely, on a single classical principle. Some have universal moral principles as starting points, others have ad hoc local principles. Further, some codes do not seem to be based on anything with a recognized moral significance; for example, the code of ethics of the American Institute of Chemists begins, surprisingly, with the imperative: "Uphold the law", which is neither a moral principle nor a particular moral rule, and goes on to demand: "Avoid associating with any enterprise of questionable character". These may constitute good advice but they are not widely recognized moral principles. Significantly, the words "ethics" and "morals" do not appear in the text. In general, I don't believe we can speak about professional moral principles without indicating a justificatory background for them (usually a theory, a moral framework, a professional ethical tradition).

Some codes are called "codes of ethics" but are a recognized mixture of ethical and non-ethical provisions, which is reason enough for not attaching the label "of ethics". One example is the Software engineering code of ethics and professional practice[12] adopted by two international administrative bodies. (Why not by a competent ethics committee?) Moral principle 3 in this code is: "Software engineers shall ensure that their products meet the higher professional standards possible". This is undeniably a professional rule. I might agree that it can have the whiff of an ethical flavour if it is related to the ethical principle of responsibility, but I am not able to understand how it could be a moral principle. I don't see how it is possible that each

profession can invent its own morality – its distinct ethical principles – each time it writes its code, without falling into an unacceptable relativism. The history of discovering and establishing various professional and institutional moral principles (from the *Belmont report* to the *Final report on basic ethical principles in bioethics and biolaw* and the UN's *Putting ethics to work*) shows a different way of approaching this subject. For example, the decision to adopt a certain set of principles is taken by ethical experts and representative political groups, openly supported by lay people, and enjoys high social recognition at the regional or global level; it is not the decision of an ad hoc panel of professional experts nominated by certain administration councils. Moreover, it is worth mentioning that the principlist code of ethics, as I see it, is not a professional code, but an institutional one. And a third point: if ethics is – as some experts say – "a set of morally permissible standards of conduct governing the members of a group because they are members of that group", and if this meaning is "implicit in the claims that a profession has a code of ethics",[13] then such a code cannot morally guide the professionals' behaviour. To say that action X is "morally permitted" means that it is not immoral (forbidden) – that it does not raise moral problems. "Morally permitted" does not mean simply "moral" or "X is a duty" (that is, "morally obligatory"). Morally permitted means morally obligatory or morally indifferent. And morally indifferent means that both doing an action and not doing it are equally permitted. When I say "this action is permitted (and not obligatory)", it does not suggest a weaker form of "moral", but that which is "morally indifferent". Thus, doing an action which is morally permitted (but non-obligatory) does not mean that the action is moral and the nonaction is immoral, but that doing the action is preferable on non-moral criteria. Therefore, a code composed of a set of morally permissible standards of conduct does not help us in choosing the moral action, but only in choosing how to act on non-moral criteria (on expediency or on economic or geostrategic criteria, or similar). If an ethical code is formed of obligations and prohibitions, it can be of help in deciding what to do morally. But if the action is morally indifferent (merely "permitted"), then both doing it and not doing it are neither morally prohibited nor obligatory; we therefore don't have a moral reason to choose between doing and not doing that action. Morally indifferent actions do not offer criteria for moral choices, and consequently cannot be our moral guides.

The following example is that of a professional community of worldwide psychologists, which was

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11 Kaptein, M. and Schwartz, M.S., "The effectiveness of business codes: a critical examination of existing studies and the development of an integrated research model", *Journal of Business Ethics*, 2008, 77(1): 111-127.

12 *Software engineering code of ethics and professional practice*, New York: Association for Computing Machinery, 1999.

13 Davis, M., "What can we learn by looking for the first code of professional ethics?", *Theoretical Medicine and Bioethics*, 2003, 24(5): 433-454 at p. 443.

able – after some years of debate going from national to international levels – to elaborate a professional code of ethics for the whole community based on certain largely recognized moral principles, adapted to the profession. The authors refused to invent ad hoc principles or accept that some psychologists may have distinct moralities grounded on different principles, although they may have the same principles coupled with distinct specific moral rules.

"Psychology as an organized and a responsible discipline develops codes of ethics to guide its members in behaving respectfully, competently and appropriately when engaged in research, teaching and practice. Some codes are based on clearly articulated principles, values, and standards while others are based on rules, regulations, and proscriptions/prescriptions. There are tremendous variations in the form, the content, the usefulness and the rate of development of codes of ethics in psychology. For example, some codes provide a statement of moral principle that helps the individual psychologist to resolve ethical dilemmas whereas others do not. As a result, psychologists in different parts of the world are provided with different levels of ethical support and guidance for their behaviour. Furthermore, persons and peoples in these parts are given different levels of protection from the misuse of psychology […]. The rationale for developing a universal declaration of ethical principles for psychologists was at least two-fold: to provide a generic set of moral principles to guide psychological associations worldwide in the development and revision of their own codes of ethics, and to provide a universal standard against which to evaluate the ethical and moral development of psychological progress worldwide".[14]

The purpose of the psychologists' associations was to reduce these "tremendous variations" in the form and content of ethical codes and to establish a worldwide universal standard for estimating the moral progress of the psychologists' community during a certain period of time. They selected, after a long study period, five principles: respect for a person's dignity and of her rights; the principle of well-being maximization; the competence principle; the principle of integrity; the principle of professional and social responsibility. All subordinated associations use the same principles, although the system of moral rules varies according to the specificity of the workplace. Today, there are intense preoccupations at the level of the EU and UN with

setting up universal frameworks to help member states or professional communities to build more and more homogenous codes to guide their moral behaviour.

It is clear that one way to reduce the diversity in institutional codes is to ground them on the same moral basis. The problem is that there are several equally respectable ways of doing this. For example, they could use Kantian codes of ethics,[15] rule-utilitarian codes,[16] feminist codes, contractarian codes,[17] virtue-based codes, Hare-utilitarian codes, and so on. How to choose the best one? If we speak about the distinction between ethical and non-ethical codes, we must say that the ethical nature of a code has its origin in the ethical character of its background. The choice of one by the writers of a code depends, pragmatically, on the moral culture of the host institution, on the competence of the code-makers and on the consequences estimated before starting the work. As Beauchamp remembers, the formulation of the three moral principles for the Belmont Report was influenced mainly by the "common morality",[18] not by the writings of philosophers. Thus, the specific professional moral culture was decisive: in this institutional culture the doctrines of philosophers were also combined.

To conclude, one of my hypotheses is that if we have good reasons to adopt a broadly agreed moral background in which we could really invest our beliefs, we might reduce the arbitrary variation in the ways ethical codes are elaborated and managed. It would be preferable if the selected moral background, to which a lot of moral agents would give their consent, were the expression of several moral principles. By enlarging this background in a pluralist manner (using a plurality of moral theories[19]), we can give a clearer moral identity to the code. But to do this we need such a widely recognized pluralist background.

14 Gauthier , J., *Toward a universal declaration of ethical principles of psychologists: a progress report*. Hove: Psychology Press, 2005.

15 L'Etang, J., "A Kantian approach to codes of ethics", *Journal of Business Ethics*, 1992, 11(10): 737-744.

16 Starr, W.C., "Codes of ethics: towards a rule utilitarian justification", *Journal of Business Ethics*, 1983, 2(2): 99-106.

17 Sacconi, L., "Codes of ethics as contractarian constraints on the abuse of authority within hierarchies: a perspective from the theory of the firm", *Journal of Business Ethics*, 1999, 21: 189-202.

18 Childress, J., Meslin, E.M. and Shapiro, H.T. (eds), *Belmont revisited*, Washington, DC: Georgetown University Press, 2005, p. 14.

19 Muresan, V., "A pluralist ethical decision-making procedure", *Journal of Applied Ethics and Philosophy,* 2012, 4: 11-21.

Pseudo-justifications of Ethical Codes

Chaotic diversity is not the only troublesome characteristic of some collections of ethical codes. The fact that many of the principles used to justify a code are only apparently starting points is another worrying issue. For example, grounding ethical codes on human rights seems prima facie to be a plausible procedure. It requires the code-makers, however, to ignore the fact that the system of rights is based in its turn on a universal ethical principle – that of respect for human dignity.

The preamble of the *UN Declaration on Human Rights* (1948) recognizes "the inherent dignity […] of all members of the human family" as a "foundation of freedom, justice and peace in the world". Art. 1 states: "All human beings are born free and equal in dignity and rights". In other words, all human beings "endowed with reason and conscience" have autonomy – the capacity to decide for oneself – and this is the source of their dignity. It is a supreme value which is the same for all, irrespective of identity. The system of universal human rights is a means to protect the value of human dignity: the principle of justice (issues concerning equity, fairness, equality, non-discrimination and so on) ought be "in accordance with human dignity" (Art. 23(3)) and the principles of freedom, autonomy and moral integrity are "indispensable for human dignity" (Art. 22). In this scheme, the principles of justice, autonomy and integrity are subordinated to the principle of respect for dignity. The same can be said of the *Charter of Fundamental Rights of the European Union* (2007), where dignity is both a fundamental right and the "real basis of fundamental rights".[20] My intention is to show that the level of rights is not the deepest level for grounding a code, since charters of rights are based on moral principles, which can thus be considered a deeper level. For those who base their codes on a selection of rights, the *Charter of Fundamental Rights of the European Union* (2007) can be seen as a kind of ethical meta-code. But they neglect a detail of this document: the *Charter* itself stresses that the dignity of the person represents "the actual basis of the fundamental rights". Thus, the supposed principle derives its ultimate validity from another principle, which is the true principle of the code. This is, in fact, the single principle of such a code of rights. Therefore, we can conclude that a code apparently based on human rights is actually grounded not on human rights but on a hidden, more basic moral principle. The justification in terms of moral principles is

more fundamental than that in terms of rights[21].

Something similar happens with the codes based on some core social values (usually moral and professional). It is common to discuss value-based codes and to consider that values are more basic than principles. This is usually claimed by the supporters of a bottom-up justification strategy. Moral values are ideal states of affairs, which are never completely tangible, like justice, happiness and dignity. They are culturally objective standards – aspirational qualities that are intrinsically valuable or desirable.[22] Their content being usually compact and difficult to be rendered operational, these moral values are not, therefore, direct "guides to behaviour" but heuristic devices that help us choose lower-order norms for moral guidance[23]. No matter how we define it, happiness is a value that does not tell us what to do. "Maximize happiness!" is a principle that does not tell us what to do either, because it does not refer to any concrete action or type of action. Moral principles are universal normative propositions that do not outline specific actions for us to follow but protect and promote basic moral values. Moral rules tell us what we ought to do, even if nobody does it. In a pluralist approach like mine, both value- and principle-based codes melt into the same picture: the values concerned here are tacitly absorbed in the proposition that formulates a moral principle. The "value statement" is not an independent axiological ground, since it is implicitly contained in the system of moral principles which is the foundation of codes. It is identical neither to the code nor to the most basic layer of it. The derived moral rules (derived by specification, balancing, maximizing coherency, and similar) borrow their moral character from that of the background principles. This is one of the major advantages of grounding a moral code on well-known principles of ethics: in this way, we have a relatively indisputable criterion of demarcation for the term "moral".

Let us return to integrity. An interesting way to define the value and principle of integrity is found in *Basic Ethical Principles in Bioethics and Bio law* (1995-1998):

Integrity accounts for the inviolability of the human being. The idea of integrity expresses the

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20 "Charter of Fundamental Rights of the European Union" (2007/C 303/01), *Official Journal of the European Union*, 14.12.2007.

21 For a broader criticism of the justification of a system of rules on rights, see T. Beauchamp, J. Childress, *Principles of biomedical ethics*, Oxford: Oxford University Press, 2001 (fifth edition), p. 374.

22 Schwartz, M.S., "Universal moral values for corporate codes of ethics", *Journal of Business Ethics*, 2005, 59(1-2): 27-44, at p. 29.

23 Mureşan, V., *Managementul eticii* în *organizaţii* (*Ethics Management in Organizations*), Bucharest: Editura Universităţii din Bucureşti, 2009, chap. 5.4.

untouchable core, the inner nucleus of life that must not be subject to external intervention.... Thus it refers to the coherence of life that should not be touched and destroyed. Vulnerability concerns integrity as a basic principle for respect for and protection of human and non-human life.

If we define the value of integrity as "the inner nucleus which assures the coherency of life", it is difficult to grasp the concrete ways of behaving that this very vague definition might have in store for us. But as a principle, it is obviously a prescription which requires us to create or select rules that guide our specific behaviour. For example, the principle of integrity:

obligates us to choose those norms that protect in all we do a sphere of intangible values and qualities through which human beings identify their way of being, living or working, in face of any external intervention[24].

One of the most spectacular findings of my analysis is the following: in all the universities of my country (Romania), ethical codes start from a small number of core social values (called "principles": personal autonomy, justice, merit, professionalism, honesty, transparency, responsibility and so on), which are introduced as the basis of the code. These values, I suggest, could be taken as part of only one moral principle: the principle of integrity. So, grounding a code on institutional core values is tantamount to basing it implicitly on only one ethical principle. This is a proof, one may say, of the priority of principles, not of values, in grounding an ethical code.

The classification of codes adopted in the EU is not, however, encouraging for the principlist approach. It is even less so with regard to results in the field. One EU document distinguishes between codes of ethics, codes of conduct and codes of rules and regulations. In Moilanen's presentation[25], the code of ethics should be a short general document that establishes the values and principles of moral behaviour. It is associated with a management model based on integrity: an aspirational code. At the other extreme, the code of rules and regulations stipulates in a minutely detailed way the expected actions and the sanctions associated with them, connected to an ethical context dominated

by the compliance values. Half the European countries have chosen to implement a mixed kind of code that combines these, called a "code of conduct". It contains mid-level norms that establish both aspirational values and a set of concrete expectations. One document also distinguishes between the value statement and the code of conduct. A value statement is a document aimed at establishing the (moral?) values of the organization's culture without giving detailed rules of application in specific situations. Moilanen's presentation shows that most European countries have introduced both value statements and codes of conduct, although EU directives claim that a good code of conduct has to include focal moral values, which thus removes the need for a separate value statement. Having in view these facts, and keeping in mind the cultural specificity of the European countries, the EU representatives involved in creating codes of ethics concluded that to impose their adoption would be excessive, since in most cases the adopted codes were nothing more than value statements, without any reference to ethical principles. However, empirical research shows that half the member countries use value statements and the other half codes of conduct. The EU seems to encourage the adoption of codes of conduct, while warning that they have to include values and principles.[26]

The ensuing risk, which Moilanen doesn't mention – or doesn't see clearly – is that by choosing to focus the European policy on codes of conduct rather than codes of ethics, the purpose of setting up moral institutions is ignored. We seem to forget that the prevention of the phenomena of corruption and immorality in general requires sui generis measures which entail a professional ethical approach, distinct from the post factum legal one, or from public relations methods used to consolidate reputation and similar. The great loss, therefore, would be the actual marginalization of ethics management under the absurd justification that ordinary people are afraid of the word "ethics" and that to speak about ethical codes is just "too much". In this way, the justification relation can be the guardian of the ethical code's authenticity. Similar analyses lead us to the conclusion that the best justified ethics codes are those based on a set of moral principles, which tacitly contains a set of basic moral values. This explains why the principle approach is now the most generally accepted and influential way of grounding ethical codes. Consequently, we shall look in the following pages for a rule-based code of ethics, since it seems to be the most operational and the best philosophically grounded. However, a new difficulty confronts us right away: to use a single theory (whether

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24 The Barcelona Declaration on Policy Proposals to the European Commission on Basic Ethical Principles in Bioethics and Biolaw (adopted in November 1998 by Partners in the BIOMED II Project)

25 Moilanen, T., "The adoption of an ethics framework in EU member states", Conference on Public Integrity and Anticorruption in Public Service, Bucharest, May 2007.

26 Moilanen, T., "The adoption of an ethics framework in EU member states", Conference on Public Integrity and Anticorruption in Public Service, Bucharest, May 2007, p. 8.

Christian, Millian or Kantian) implies a kind of dogmatic attitude – religious or theoretical – which is hardly convincing. For example, one may ground a code on the utilitarian theory. An unavoidable question then arises: why have you chosen this theory and not the Kantian or Christian morality? R. M. Hare gave an answer by trying to unify two of these theories to obtain an implausible "Kantian utilitarianism". In fact, he tried to unify several theories. Pluralistic approaches (in the sense of several theories) seem much more fitted to our moral experience and cultural situation. The problems are: first, that to obtain such a unified theory as grounds for an ethical super-code is a very complex and difficult task and second, that there already exist several unifications of this kind. But is there another way out?

What I suggest here is principlism. This is a pluralist ethical framework,[27] which is rule-based but abandons the great theories as assessment frameworks, and which provides instead an empirical "checklist" – a set of criteria able to identify and judge situations without any direct help from theoretical input. The original basis of this methodological framework is built on four moral principles belonging to the "common morality": autonomy, beneficence, non-maleficence and justice.[28] These are universal prescriptions characteristic of the so-called "common morality", shared by all mature and normal people and articulated by various schools of Western moral philosophy. The pluralism of principles is implicitly supported by theoretical pluralism. This non-theoretical background helps us recognize a moral code. As the history of principlism shows, it is possible to extend this interpretive pattern from bioethics to business ethics and other domains; we are also free to modify its principles. In an attempt to "revisit Belmont", the authors of the Belmont report (which apparently proposes three principles, while in reality many more are involved) suggest increasing even further the number of principles in accordance with the realities of the 21st century. The principle background of such an ethical code is, therefore, not at all rigid and fixed.

A Principlist Code of Ethics

I have shown that one of the causes of the wide variety reigning in the world of ethical codes is the small number of ethical unifiers – of pluralist ethical grounds capable of unifying the various ways of constructing ethical codes. The definitions of "ethics" and "morality", the ethical theories and the pragmatic ethical frameworks are all diverse; on the other hand, the lack of experts in code-building stimulates the mentality that "anything goes". How might we stop this dispersion? The use of great theories or ethical frameworks as broadly accepted backgrounds in setting up ethics codes gives us a chance to reduce the all-too-numerous alternative ways of building them.

I shall propose here quite a strong pluralistic unifier, which is inspired by bioethical principlism but not necessarily restricted to it. This will guide the genesis of a principlist ethical code. The principlist procedure has various forms: classical principlism, ethical matrix, selection grids for scientific projects, Christian ethics seen as a form of principlism, and so on. It is the most widespread ethical tool in the biomedical field, but it can also be extended to other domains. It is grounded on certain core ethical principles, which are widely recognized standards of behaviour in a variety of fields, able to ground vast systems of moral rules. Scholarly authors are aware that the number and formulation of principles are practical problems which will generate debates forever. They have proposed "to modify and augment" the number of these principles by adding a new one: respect for communities.[29]

What does this ethical framework teach us?

Leaving aside the details, the initial and fundamental suggestion made by this ethical framework to those who want to use it as a guide for building and managing ethical codes is that it is good for a code to have, in an explicit manner, certain ethical principles as its basis. These should be widely recognized prima facie principles belonging to an influential cultural and philosophical tradition, such as the Western one, wherein one can find the utilitarian tradition, the Kantian tradition, the tradition of justice theories and others. The worst alternative would be to adopt ad hoc principles, without any justification. The above theories articulate our fundamental intuitions about what is morally right – intuitions that each of us is most unwilling to abandon or even revise, and in accordance with which we establish all other moral rules. The majority of actual codes of ethics ignore such a promising pluralistic starting point.

Generally speaking, because a lot of code builders invented ad hoc "principles", it would be useful to gather, systematize, classify and professionally homologate, at the level of EU or UN ethics committees, a portfolio of universal or widely recognized ethical principles, given that the current list still needs to be debated. This is somewhat analogous to the list of widely accepted

27 We have here a plurality of principles. We may also have a plurality of theories: see my proposal in Muresan, V., "A pluralist ethical decision-making procedure", *Journal of Applied Ethics and Philosophy*, 2012, 4: 11-21.

28 Beauchamp, T. and Childress, J. *Principles of biomedical ethics*, Oxford: Oxford University Press, 1979, chap. 1.1.

29 Childress, J., Meslin, E.M. and Shapiro, H.T. (eds), *Belmont revisited*, Washington, DC: Georgetown University Press, 2005, Introduction.

"universal human rights". The principles may be analysed by specialists in ethics: it is their task to justify why these and not others are the basic moral principles. Lay people, as users of ethics codes, should participate in the debate and finally adopt the list of principles by a kind of wide social agreement. Each code designer would be able to choose from this portfolio those principles which suit his domain the best. As ethical principles are very abstract norms which defend the core moral values of human beings and tell us what morality is, it follows that it is not necessary to distinguish between a value statement and ethical principles: values are tacitly assumed in the ethical principles. For example, the value of autonomy is tacitly assumed in, and protected by, the principle of autonomy or respect for dignity (understood as autonomy). This principle requires us to protect freedom of choice and humans' capacity to develop views and life plans without being impeded by others, even if others deem those acts to be wrong. Without such a reciprocal check of moral principles and implicit moral values, there is greater risk of postulating arbitrary non-moral basic values and principles. Not to mention the fact that it is more usual to ground moral norms on principles than on values by specification, whereas values need more effort to be transformed into rules. Difficult or not, it is the job of ethics committees to generate specific moral norms starting from principles. The employees have to apply them and should contribute to their formulation in the process of setting up the code.

These ethical principles inform specific guidelines for the users of the code, such as informed consent, risk–benefit assessment, selection of subjects, conflict of interests and so on. From the autonomy principle, for instance, we can specify the rule of informed consent for hospitals and the rule of voluntary consent to participate in research alongside the rule of abandoning the research team at will, but also the rule of freedom of expression for mass media. Even more specific rules are derivable, such as: do not force people to take a drug, inform the experiment subjects about the outcome and circumstances and protect the private data of the patients. Moral rules (duties), unlike principles, tell us what we are morally allowed to do and what we are not. They are obligations or prohibitions for the use of human subjects. The major criterion for developing the system of moral rules (the code) is the "coherence maximization" of the whole system or, more exactly, the degree of agreement of the rules with the principles. This is the main criterion for adopting new rules, and includes coherence with the principles, coherence of the rules between themselves or, eventually, some other special criteria, such as utilitarian ones.

When we speak about moral rules we miss an essential distinction which principlists teach us to emphasize. This is the distinction between "basic moral rules" (such as do not lie, do not commit suicide – the only ones we usually take into account), "authority rules" (regarding the hierarchy of the first type of rules in certain situations or the rights of legal representatives – in general the overruling relationship) and "procedural rules" (such as what to do in the case of a patient's temporary incompetence during a surgical intervention). The last two categories are not classic moral rules, but a kind of meta-rules (which is precisely the reason they are usually ignored); however, they are vital for the proper functioning of the system of basic moral rules.

A special kind of procedural rule which may be attached to the code is what I have called the "moral routes of the organization".[30] These are well established "roads" or chains of procedural rules, along which sit institutional or technical facilities (such as a hot line and ethics desk or an ethics consultancy office) intended efficiently to resolve the repetitive, concrete moral problems of personnel and clients relative to which long experience has been accumulated. Such experience may include, for example, cases of malpractice, what to do in a case of sexual harassment, which gifts are morally permitted, where to address complaints, and so on. To this we can add a moral highway, which tells everyone how to behave correctly when confronted, for the first time, with a completely new institutional moral problem. In such cases we need to supplement the code with a new rule. This is the exclusive task of the ethics committee – a task that cannot be tackled individually by each member of that organization or by administrative bodies like boards of governors or executive councils.

We usually stop here when we characterize the codes: we say that an ethical code is a system of moral rules (and, if we don't forget, we add that it is based on principles or on something else). The principlist method prompts us to go further than that. An ethical code may also explicitly specify the rights of the members of that community, or more precisely the rights of all stakeholders – internal and external – treated impartially. Some people see no place for rights in ethical codes, but if you make room for moral duties you have to allow the correlative rights too. Moral rights are valid claims that should be guaranteed by society to all its members; they are enforced by competent institutions and protected by sets of moral duties. The right to freedom in scientific research is protected by a set of duties (moral rules) which both forbid the unreasonable limitation of this kind of freedom and establish its reasonable limits. Of course, not all moral duties are correlative to some rights – only the duties of justice are; the meaning of moral duties in general and of the principles from which they derive is broader. This is one of the main reasons it is not possible

30 Muresan, V., "An organization's moral topography", *Transilvanian Review*, 2013, 22(1): 33-46.

to raise rights to the rank of principles in an ethical code: this would mean to ignore a part of morality – those moral duties which are not correlative to rights. Such correlations between rights and duties may help us select only the justified moral rules specific to organizational ethics. For example, the right to life is correlated with a set of moral duties of not killing innocent human beings, and these duties are specifications of the moral principle that requires the respect of human dignity. Therefore, a chapter of the code may specify the fundamental rights of the members of that institutional community and of its external stakeholders, these rights being by themselves a guide for selecting the proper moral duties to be included in the kernel of the code. Thus, the accepted duties suggest what (correlative) rights are relevant to be put in the code and the relevant rights tell us what (correlative) duties we have, eventually, forgotten, as we may have no criteria for introducing new rules in a code.

In addition to the sphere of rights, we arrive finally at the "periphery" – the ever-changing ambit of living moral judgements, through which we adopt new rules or morally assess novel actions and decisions. This is the zone where all supporters of a principlist code of ethics enrich the system with new duties. This also becomes a highly professionalized field because it requires competence in methods of ethical decision-making, and therefore competence in technical moral philosophy. Each code of ethics has to have one or more appropriate decision-making procedures which must be applied by the members of the ethics committee. In our case there are several procedures: specification of principles and rules, weighing of reasons and coherency maximization of the set of principles and rules.[31]

Finally, an element whose presence is more and more desirable in the architecture of ethical codes consists of the personal moral virtues characteristic of a given profession, which is seen as a moral activity. These were a later acquisition of bioethical principlism, focused as it was on rules. They must be carefully identified and people should be educated in them through special programmes of "character building". They are dispositional qualities of character, which motivate moral behaviour and ensure that people are moral, not just acting in accordance with institutional rules. For example, a virtuous health professional should have compassion, discernment, trustworthiness, integrity and conscientiousness as professional ethical virtues (moral virtues related to a profession).[32] The "compliance" ethics

management style and its corresponding punishments are never enough; they should be complemented by "integrity" measures, in which the character and a culture of integrity are central (Fig. 1).
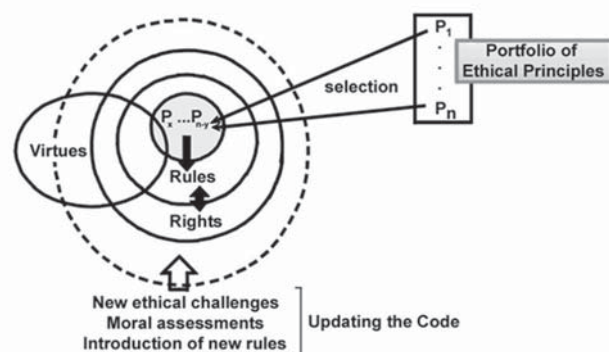

Fig. l. The complex structure of a code of ethics based on principlism

The presence of virtues in the ethical code is almost always ignored nowadays, although I think that taking them into account is absolutely essential for transforming a mere system of rules, mechanically respected, into a genuine moral code. The problem of virtues is vital for every organization because it concerns both the motives that push us to respect a moral code and the way we achieve its implementation. A member of the organization may (formally) respect the provisions of the moral code, but act immorally (if, in fact, he has an egoistic purpose). To act morally means something more than to respect ethical rules – it means to respect them for the sake of themselves or, in other words, to follow the rules our conscience dictates and not be guided by some other hidden purposes. Therefore, having a virtuous character is a sine qua non condition for really acting morally. Making efforts to build moral character is a necessary condition of having a genuine moral life in institutions. Moreover, sometimes the way moral rules are respected is decisive, as in the doctor–patient relationship. Hospital managers acknowledge that they do not need a kind of medical robot which mechanically respects ethical rules, but rather people who believe in these rules and are able to sympathize and communicate with the patient. They are looking for something more than compliance: they are looking for people able to understand and rationally feel what is morally right. Gradually, more managers are acknowledging that what their organizations need, in order to control immoral behaviour, is not to multiply rules and punishments but to educate responsible personnel. Ethical virtues are character traits formed by a sui generis training, which guide their possessors constantly to perform worthy actions and to live a virtuous professional life. In this moral context, the simplest way to identify morally

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31 Beauchamp, T. and De Grazia, D., "Principles and principlism", in G. Khushf (ed.), *Handbook of bioethics: taking stock of the field from a philosophical perspective*, Dordrecht: Kluwer Academic, 2004, p. 69.

32 Beauchamp, T. and Childress, J. *Principles of biomedical ethics*, Oxford: Oxford University Press, 2001 (fifth edition),

"worthy actions", as well as people's moral virtues, is to correlate them with the moral duties specified by the code. Analysis of the rules agreed upon within the organization can result in the creation of a table of virtues and vices relevant for that organization, which it needs to inculcate in the character of all its members, given that this system of rules circumscribes the morality of that institution. That is why a living ethical code periodically requires training in ethical awareness.

The whole variety of ethical virtues could be introduced under a single new principle: that of integrity. This refers to the moral integrity of both people (i.e. the intangible kernel of personal moral virtues of the employees) and institutions (i.e. the institutional characteristics which stimulate the moral behaviour of personnel and inhibit their immoral behaviour). The part of the code that concerns virtues is also the basis of the whole moral pedagogy concerning the personal assimilation of a moral code by transforming the rules of conduct and principles (values) into moral dispositions likely to become our second nature.

What principlism suggests (see Fig.1 above) is that an ethical code is something more complicated than an institutional system of moral duties. It is a system of principles (which tacitly contain the focal moral values); a system of moral rules (of different types, including some which don't have the appearance of moral rules); a set of profession-specific rights, correlative to a part of the moral rules; and, finally, a constellation of character virtues. In this approach, an ethical code demands a significant enforcement effort, using adequate means.

Finally, my last suggestion ensuing from the principlist doctrine is that this form of grounding the code makes clear why we have three types of ethical training. Compliance training is suitable for creating awareness and better understanding of moral rules and principles. For character building and the internalization of moral rules, the training meant to form moral dispositions is suitable: this is based on case analysis, simulations, psycho-drama and similar. To manage the periphery of the system of rules, wherein we adopt or reject new moral rules, we need training in the development of moral thinking, based on the study and internalization of ethical decision-making methods. All these forms of training are methodologically distinct.

Beauchamp and Childress do not see their principlism as a doctrine opposed to virtue ethics, narrativism or moral casuistry. They rightly observe that what is important in moral life is often not the systematic respect for principles and rules but a character on which you can rely, good sense and a certain emotional sensibility.[33]

These are essential for establishing a good doctor–patient relationship, for example; therefore, the application of the code must take into account education in ethical virtues. We must be aware that paradigmatic examples of casuistry implicitly contain principles and rules if they are general enough. The most appropriate method is neither top-down nor bottom-up, but a combination: a kind of "reflective equilibrium". "Wide reflective equilibrium occurs when we evaluate the strengths and weaknesses of all plausible moral judgements, principles, and relevant background theories."[34] Contrary to its name, we can see now that a principlist code of ethics is not a mere set of principles and rules. If we want to build a code of ethics which actually works (guides and educates), we have to admit its complexity. Its mechanism consists of principles, values, rules and rights, virtues of character, decision-making procedures, ethical routes, analogies, emotions, narratives and parables, as well as enforcement measures. Suppose we have such an ethical code. To use it appropriately we must embed it in a specific managerial system, conceived just for managing the moral life of an organization – this is a functional system of ethics management (an "ethical infrastructure") which may be quite complex, but without which it is unlikely that the code will survive.

Concluding Remarks

A code which has a utilitarian justification is associated with the following standard of assessment for creating new rules: an action is moral if it is an instantiation of a moral obligation belonging to the ethical code, and is immoral if it violates it. A rule of the code is moral if, when respected in general, it maximizes general well-being in an impartial way. A code is moral if, when respected in general, it assures the maximization of well-being of all those concerned, treated impartially. An ethical puzzle is solved by comparing the consequences.

A code which is justified by principlism relies on several principles (not necessarily just the four mentioned earlier), and an action is moral if it is in accord both with the code rules and, indirectly, with the principles. The morality criterion of a rule is coherence with the rest of the rules. A moral puzzle is solved by specification of principles or by balancing the reasons of action.

The differences between these two models of moral justification are visible. Adopting principlism has the following comparative advantages:

it strengthens the worthwhile point of view that we

33 Beauchamp, T. and Childress, J. *Principles of biomedical ethics*, Oxford: Oxford University Press, 2001 (fifth edition), pp. 14, 26.

34 Beauchamp, T. and Childress, J. *Principles of biomedical ethics*, Oxford: Oxford University Press, 2001 (fifth edition), p. 399.

need moral principles to make moral judgements and that the principle approach deserves to be our first option in writing an ethical code, although other ways of justifying an ethical code are not prohibited;

this does not ignore the organization's values (the value statement is tacitly included in the set of selected principles);

it is a pluralistic frame of moral assessment with an extra unifying force, compatible with the theory of virtues, with narrativism and consequentialism as Beauchamp and Childress showed;

it is adaptable, in principle, to several contexts (bioethics, but also business ethics, ethical matrix and others);

it is very rich in practical suggestions which are of interest for setting up a code of ethics (kinds of rules, integrated methods of decision-making, kinds of ethical training and so on);

it is based on a concept of common morality, which combines the intellectual experience given by the plurality of classic ethical theories with the know-how assured by the morality of a specific professional field – therefore, it is a "friendly" procedure from the perspective of the lay person;

principlism suggests a complex decision-making procedure fitted for the ethical code: it is a combination of what was called a top-down procedure, like specification, and a bottom-up procedure, like the casuistic method.

We may add the procedures of "maximizing the coherency" of the code when introducing a new rule and "weighing the reasons" in the case of moral puzzles. All these decision-making procedures are perfectly transferable to the moral code. It is worth mentioning that principlism approaches the principles not as a kind of unchangeable foundation from which all valid moral rules should result but as a basis that is changeable at the last instance when coherency reasons require it.[35] We can change a rule or even a principle under the influence of a bottom-up analysis of particular cases, the justification being in all cases the coherency on the whole of the set of norms resulted by introducing a new rule or a new moral judgement.[36]

How does the adoption of a principlist code of ethics answer the three problems formulated in the beginning of this article? First, if we adopt such a code the moral background is not a moral theory but a moral framework, in which moral problems are projects

rather than finite products – something that must be continuously improved by reflective equilibrium. This is an approximate assessment guide, not an algorithm. It includes several moral principles, ideals, rules, virtues, judgements and so on, as well as a lot of practical and theoretical moral experiences. Common morality – in Beauchamp's and Childress' view – includes prescriptions which are universally valid and which link all people in the way fundamental human rights do. This largely shared background is a very stable assessment framework which – if adopted – can reduce the chaotic variety of codes, but at the same time maintain the plurality of principles. It combines unity at the level of principles with diversity at the local level of rules and moral judgements.

Second, a principlist code facilitates the identification of the most basic moral root of our code because the common morality contains prescriptions that are universally valid for humanity, since they are able relate to all people universally. Thus, it is probable that the moral principles are the most stable and comprehensive norms of the system – although not absolutely invulnerable – which give a law-constitutive definition to the concept of common morality.[37] In this case, we transfer this basic characteristic to the ethical code without any modification.

Finally, sometimes one uses a mixture of moral and non-moral rules under the name "code of conduct" only to avoid the word "moral". If we are certain that the principles of common morality are indeed moral, the same certainty will apply to the code's rules, which, being derived from these moral principles, are without doubt also moral. Principlism claims that the moralities of various professions belong to morality in the broad sense. These moralities and their codes are diverse, but the principlists claim that they have their own universal core of values and principles. This universal core – the common morality – is the source of the moral nature of the code and preserves its ethical purity, which is certainly a sign that we are sincerely interested in the organization's moral life.

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35   Beauchamp, T. and Childress, J. *Principles of biomedical ethics*, Oxford: Oxford University Press, 2001 (fifth edition), p. 69.

36   De Grazia, D., "Common morality, coherence and the principles of biomedical ethics", *Kennedy Institute of Ethics Journal*, 2003, 13: 220-221.

37   The law-constitutive definition of something (e.g. of common morality) is a method which requires that the definition should be considered incomplete prior to specification of the basic moral norms or principles which link all people in all places; it is completed by mentioning those norms. Thus, a necessary condition for something to be a common morality is that it should satisfy certain universal moral norms. Moral virtues are also part of common morality. The core of common morality in the biomedical field is formed by the four well-known principles: autonomy, beneficence, non-maleficence and justice.

Acknowledgements

Netcitizenship

Addressing Cyberevenge and Sexbullying

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Abstract

This article discusses the phenomena of Cyberevenge, sexbullying, and sextortion, especially among young people. The discussion, based on extensive review of books, research reports, newspapers, journal articles and pertinent websites, analyzes these challenges. The article suggests some remedies to counter these online social ills which pertain to promoting responsibility of netcitizens, schools, governments, Non-Governmental Organizations (NGOs) and social networking sites.

Key words: Cyberevenge; homophobic bullying; Internet; netcitizenship; responsibility; revenge porn; sexbullying; sextortion; social networking

Man is the only animal that blushes. Or needs to.
———Mark Twain

Introduction

The Internet has created new markets and is profoundly changing the way people interact, express themselves, relax, find leisure, explore the world and think about their lives. The Internet, like the electric grid, is made of physical elements that constitute a set of connected nodes. Beyond its physical elements, the Internet includes an interdependent interplay of agents who engage in various social but also anti-social activities. At the dawn of the 21st Century, social networking sites were launched. These sites enable netusers to share information, photos, private journals, hobbies and interests with networks of mutual friends. They provide both off-line and online friends with the ability to email and chat online, connect classmates and study partners,

contact friends of friends. Social networking sites also open ventures by providing forums where business people and co-workers can network and interact, single people meet other singles, matchmakers facilitate bonding between friends, and families map their family trees. While social networking is often used for pro-social activities,[2] such networks might also be abused for negative, anti-social purposes.

The Internet's design and raison d'être enable netusers to post and download anything they see fit, but soon enough people began to exploit the net's massive potential to enhance partisan interests, some of which are

2 Chih-Chien Wang and Chia-Hsin Wang, "Helping Others in Online Games: Prosocial Behavior in Cyberspace", *CyberPsychology, Behavior & Social Networking*, Vol. 11 (2008): 344-346; Kaveri Subrahmanyam, Stephanie M. Reich, Natalia Waechter and Guadalupe Espinoza, "Online and Offline Social Networks: Use of Social Networking by Emerging Adults", *Journal of Applied Developmental Psychology*, Vol. 29, Issue 6 (2008) 420-433; Michelle F. Wright and Yan Li, "The Associations between Young Adults' Face-to-face Prosocial Behaviors and Their Online Prosocial Behaviors", *Computers in Human Behavior*, Vol. 27, Issue 5 (September 2011): 1959-1962.

harmful and anti-social. As can be expected, given that the Internet has been a part of our lives for a relatively short time, the discussions of the psychology of social networking, its responsible use and whether steps should be taken to self-regulate or regulate it are in their infancy. Generally speaking, the Internet is perceived as a free highway, and the way to combat problematic speech is said to be by more speech. In the United States, still the home of the majority of Internet sites in the world and the land of the First Amendment, emphasis is put on education. Americans put far more protections on free expression than restrictions on speech. We should not allow the abusers to dictate the rules of the game. But of course we should fight against those who abuse this freedom. The discussion about the appropriate means to combat abuse is very much in its embryonic phase.

The objective of this article is to discuss the phenomena of cyberevenge, sexbullying and sextortion. As the Internet provides a forum for making sexual advances and for sharing sexual experiences, it also serves abusers who exploit intimate vulnerabilities to take revenge. Revenge porn is a growing concern especially among young adults who change partners.[3] Sometimes, when the termination of relationships is non-consensual, the disappointed partner utilizes technology to share with others the past intimate moments as revenge. The Internet also provides easy ways for sexbullying (bullying that focuses on sexual issues) and sextortion (extortion by the exploitation of sex and intimacy).

I make a distinction between netusers and netcitizens.[4] The term "netuser" refers to people who use the Internet. It is a neutral term. It does not convey any clue as to how people use the Internet. It does not suggest any appraisal of their use. In turn, the term "netcitizen" as it is employed here is not neutral. It describes a responsible user of the Internet. Netcitizens are people who use the Internet as an integral part of their real life. That is to say, their virtual life is not separated from their real life. Even if they invent an identity for themselves on social networks such as Second Life,[5] they do it

in a responsible manner. They still hold themselves accountable for the consequences of their Internet use. In other words, netcitizens are good citizens of the Internet. They contribute to the Internet's use and growth while making an effort to ensure that their communications and Net use are constructive. They foster free speech, open access and social culture of respecting others, and of not harming others. Netcitizens are netusers with a sense of responsibility. This article makes a plea for netcitizenship.

Cyberevenge

Cyberevenge is a sub-category of cyberbullying: using the Internet to settle accounts, taking revenge for disliked conduct of another. Commonly it involves invasion of privacy.[6] Modern technology has amplified the bullying phenomenon tenfold. Cyber bullies can mask their identity and make use of text messaging, email, instant messaging, message boards, chat rooms, web pages, webcams, blogs, social networking websites, and audio-visual sharing sites such as Flickr (online photo management and sharing application) and YouTube to cause embarrassment to others. The perceived anonymity of the Internet is instrumental in enticing people to cyberevenge. The humiliation can now be posted on many cyber locations, and the list of technological arenas keeps growing with the inventions of new tools and mechanisms. Most cell phones have picture-taking and video-recording capabilities that can easily be uploaded to the Internet. The offensive files could involve pestering, vicious or sexual warnings or threats.[7]

However, if one does not take active steps to conceal one's IP address and other revealing details, it is quite easy to reveal one's identity. Thus, as in cyberbullying cases, a vicious cycle is opened where victims may wish to avenge the revenge or gain compensation. One form of social irresponsibility might yet again lead to another or it might lead to legal battles. Commonly the revenge involves one of the most private characteristics of human life – sex.

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3   Heather Saul, "Revenge porn 'on the rise in the UK', campaigners warn", *The Independent* (April 5, 2014); Ronald Chavez, "Microsoft joins Google in removing links to revenge porn", *MashableUK* (July 23, 2015), http://mashable.com/2015/07/22/microsoft-joins-google-will-remove-links-to-revenge-porn/; Jacqueline Beauchere, "'Revenge porn:' Putting victims back in control", *Microsoft* (July 22, 2015), http://blogs.microsoft.com/on-the-issues/2015/07/22/revenge-porn-putting-victims-back-in-control/

4   Netcitizens are also called Netizens.

5   Second Life a virtual world that was launched on June 23, 2003 by Linden Lab. Its users, called "residents", interact with one another via avatars. Second Life provides

residents with opportunities to explore, socialize, participate in individual and group activities, create and trade virtual properties and services, and travel throughout the world. See http://secondlife.com/whatis/

6   On privacy, see R. Cohen-Almagor, *The Scope of Tolerance: Studies on the Costs of Free Expression and Freedom of the Press* (London and New York: Routledge, 2006): 35-76. For further discussion, see Andrei Marmor, "What Is the Right to Privacy?", *Philosophy and Public Affairs*, Vol. 43(1) (2015): 3-26.

7   "Bullying", http://northamptonshirescb.proceduresonline.com/chapters/g_bullying.html

In Ireland, Damien Mulley had lost his bags in a flight. He did not like the way the company, Sky Handling Partners, tried to resolve the matter and posted an angry and frustrated post on his blog.[8] Mulley's language explicit and blunt, full of rude adjectives, angered someone at Sky Handling Partners who sought cyberevenge by signing Mulley up to a gay dating website and filling in details on his behalf, using his name and email. When Mulley discovered this, he ran a quick reverse Domain Name System check to locate who was sending the false information. The DNS check showed that the originator of the cyberevenge post came from City Jet Handling, which is the former name of Sky Handling Partners. Mulley asked to speak with the Sky manager and when refused he posted his story on Digg, a popular Irish social networking site.[9] When Mulley's story hit the front page of Digg, Mulley had to move servers to keep up with the traffic on his blog.[10] It is safe to say that the reputation of City Jet Handling was not served by this irresponsible conduct. Freedom of expression is easy to use, by everyone.

Pupils are increasingly using social networking sites to take revenge and undermine disliked teachers. Often they do this by spreading offensive sexual allegations against their targets. Pupils are called to join social networking groups dedicated to offend teachers. In a survey of 630 UK teachers, the Association of Teachers and Lecturers found 94 said they knew of colleagues who had had a group set up to discuss and post abusive messages about them. False social networking profiles can be easily opened in the name of others. In one incident it was reported that such profile was opened in the name of a teacher who was said to enjoy "under-age sex with both boys and girls."[11]

Revenge Porn and Sexbullying

A widespread manifestation of cyberevenge is revenge porn designed to harass and humiliate the victim. "Sexting" is the sharing of explicit texts, nude photos and

videos via cellphone. The sending of sexually explicit photos electronically, primarily between cell phones, is on the rise. Kiss-and-tell now becomes show-and-tell. Sexual partners enjoy sharing their intimate moments. In 2008, the National Campaign to Prevent Teen and Unplanned Pregnancy surveyed teens and young adults about sexting or posting such materials online. The results revealed that 39 per cent of teens in the US had sent or posted sexually suggestive messages, and 48 per cent reported receiving such messages.[12] Another 2008 survey showed that 20% of American teens (ages 13-19) and 33% of young adults (ages 20-26) have sent or posted nude or semi-nude pictures or video of themselves.[13] A 2009 survey reported similarly that about 1 in five teens (13-18) had sent, received or forwarded sexually suggestive nude or nearly nude photos through text messages or email ("Someone put embarrassing pictures or videos of you on an Internet page without your permission," 11%; "Someone videotaped or photographed you doing something embarrassing without your knowledge and shared it with other people," 9%).[14] A 2011 European study found that fifteen percent of 11 to 16 year-olds received peer-to-peer sexual messages or images.[15] With such a volume of activity, no wonder revenge porn is on the increase.

Sexting is fine as long as it is done between consenting people. There is no point to prescribing that only adults, 18 year-old and older, may use sexting. This prescription would not hold water.[16] Such legislation would not be worth the paper on which it is written. It would be as pointless as prohibiting the smoking of weed on campuses today and as the alcohol prohibition in the United States was during the 1920s. It would make many

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8   Damien Mulley, "Why Sky Handling Partners are cunts", http://www.mulley.net/2007/06/04/why-sky-handling-partners-are-cunts/

9   http://about.digg.com/; Damien Mulley, "Sky Handling Partners – The Return – So who's signing me up for dating websites?", http://www.mulley.net/2007/06/20/sky-handling-partners-the-return-so-whos-signing-me-up-for-dating-websites/

10 Mick Fealty, "Dublin company and a nasty cyber revenge…", *Slugger O'Toole* (June 21, 2007), http://sluggerotoole.com/2007/06/21/dublin-company-takes-nasty-cyber-revenge/

11   Katherine Sellgren, "Teachers bullied by 'hate sites'", *BBC.com* (March 31, 2010).

12 Katy Hastings, "Teenager commits suicide after 'sexting' a nude photo to her boyfriend made her life a misery", *MailOnline* (March 11, 2009), http://www.dailymail.co.uk/tvshowbiz/article-1161112/Teenager-commits-suicide-sexting-nude-photo-boyfriend-life-misery.html

13 Dena Sacco, Rebecca Argudin, James Maguire *et al.*, "Sexting: Youth Practices and Legal Implications", *Berkman Research Publication* No. 2010-8 (June 22, 2010): 5-6.

14 The MTV-Associated Press Poll, *Digital Abuse Survey*, conducted by Knowledge Networks (September 23, 2009), http://www.athinline.org/MTV-AP_Digital_Abuse_Study_Full.pdf

15 Bojana Lobe, Sonia Livingstone, Kjartan Ólafsson and Hana Vodeb, *Cross-national Comparison of Risks and Safety on the internet* (LSE, London: EU Kids Online, August 2011): 10. See also Michele L. Ybarra and Kimberly J. Mitchell, "'Sexting' and Its Relation to Sexual Activity and Sexual Risk Behavior in a National Survey of Adolescents", *Journal of Adolescent Health,* Vol. 55 (2014): 757-764.

16 Amy Adele Hasinoff, *Sexting Panic: Rethinking Criminalization, Privacy, and Consent* (Champaign, IL: University of Illinois Press, 2015).

young people criminals. Distributing sex images without consent, however, is criminal. In Britain, those who do this commit an offence under the Sexual Offences Act 2003.[17] Society has an obligation to fight against sexbullying as it has an obligation to combat any other form of bullying.

Many couples do not stay together. Later, after they break up, one or both of them sometime betray their mutual trust and post intimate, private photos on the Net. Internet sites collect explicit photos depicting ex-girlfriends in sexual situations.[18] One site promises "Nude and REAL Ex-Girlfriends and Ex-Wives Photo Blog Submitted by Surfers as Revenge or Bragging Rights."[19]

Sexbullying includes the creation of graphic websites or SNS pages devoted to harassing a person, ranking the fattest or "sluttiest" student, and online death threats.[20] Sexbullies are often motivated by anger, revenge or frustration. Sometimes they sexbully for entertainment or because they are bored or have the opportunity. Some have a wicked sense of humour or wish to receive some sort of recognition from their peers. The power-hungry do it to torment others and for boosting their craving-attention ego. They get a perverse sense of gratification from tormenting others and causing them distress.[21]

Sexbullying might cause significant emotional and reputational damages. The effects of posting intimate photos with disparaging descriptions and identifying details can be devastating. Some victims said that they lost their jobs, had difficulties in establishing new relationships, were approached by strangers who recognized their photos, and experienced difficulties as a result in their friendships and family relationships.[22] Sexbullying might also lead to tragic

and most unnecessary loss of life. In several instances, the publication of photos contributed to suicide. For instance, after her former boyfriend distributed nude pictures of her to hundreds of students at high schools in her area, Jessica Logan was tormented by classmates. Her peers were harassing her, calling her offline and online slut, porn queen, whore. The 18-year-old Ohio girl had been harassed by her peers at her school so badly that she became depressed and even afraid to attend classes. Jessie Logan's grades plummeted, and she started skipping school. When Jessie would attend school, she would hide in the bathroom to avoid being teased. Logan committed suicide in July 2008 just weeks after appearing on TV to tell her story and stop others suffering in the same way.[23]

In the Spring of 2009, a 13 year-old student named Hope Witsell sent her own topless photo to a boy she liked in order to get his attention. A third party intercepted the photo while using the boy's cell phone and soon enough the photo had gone viral. It was circulated to her peers who began taunting Witsell, calling her "slut" and "whore." A MySpace page titled "Hope haters" was established.[24] After a few months of constant badgering, Hope could not stand it anymore and hanged herself in her bedroom.

The ease of taking photos with digital media also gives rise to sextortion. Sextortion involves varying forms of maliciousness and deceit. People may take photos of a sexual nature for their own pleasure and

17 Sexual Offences Act 2003, http://www.legislation.gov.uk/ukpga/2003/42/contents

18 Richard Morgan, "Revenge Porn", *DETAILS* (September 30, 2008), at http://www.details.com/sex-relationships/porn-and-perversions/200809/revenge-porn

19 http://www.exgfpics.com/blog/. See also the explicit and graphic http://www.revengetv.com/t1/

20 Ruth Gerson and Nancy Rappaport, "Cyber Cruelty: Understanding and Preventing the New Bullying", *Adolescent Psychiatry,* Vol. 1 (2011): 67-71.

21 Why do kids cyberbully each other?, http://www.stopcyberbullying.org/why_do_kids_cyberbully_each_other.html. See also Dorothy L. Espelage, Kathleen C. Basile, Lisa De La Rue and Merle E. Hamburger, "Longitudinal Associations Among Bully, Homophobic Teasing, and Sexual Violence Perpetration Among Middle School Students", *J Interpers Violence* (published online October 13, 2014). One referee noted that the vicious person believes that his bad actions are normal, even right, and that his critics are wrong. He is proud of his acts and does not understand why people blame him.

22 Erica Goode, "Victims Push Laws to End Online Revenge

Posts", *NY Times* (September 23, 2013), http://www.nytimes.com/2013/09/24/us/victims-push-laws-to-end-online-revenge-posts.html?hp&_r=0

23 Katy Hastings, "Teenager commits suicide after 'sexting' a nude photo to her boyfriend made her life a misery", *MailOnline* (March 11, 2009), http://www.dailymail.co.uk/tvshowbiz/article-1161112/Teenager-commits-suicide-sexting-nude-photo-boyfriend-life-misery.html; Mike Celizic, "Her teen committed suicide over 'sexting'", *MSNBC.com* (March 6, 2009), at http://www.msnbc.msn.com/id/29546030/; "Jessica Logan (18) hanged herself after her boyfriend circulated a nude photo of her", *MyDeathSpace.com* (March 7, 2009), http://www.mydeathspace.com/article/2009/03/07/Jessica_Logan_(18)_hanged_herself_after_her_boyfriend_circulated_a_nude_photo_of_her

24 Randi Kaye, "How a cell phone picture led to girl's suicide", *CNN.com* (October 7, 2010), http://articles.cnn.com/2010-10-07/living/hope.witsells.story_1_photo-new-school-year-scarves?_s=PM:LIVING; Michael Inbar, "'Sexting' bullying cited in teen's suicide", *MSNBC.com* (December 2, 2009), http://today.msnbc.msn.com/id/34236377/ns/today-today_people/; Pete Kotz, "Hope Witsell, 13, Commits Suicide Due to Bullying Over Topless Photo She Sexted", *True Crime Report* (December 2, 2009), http://www.truecrimereport.com/2009/12/hope_witsell_13_commits_suicid.php

use. Later those photos might become a source of trouble as they are abused to coerce or to extort from the photographed people. The originators of the photos become victims. As they wish their intimate photos to reach only certain eyes and not others, once the photos reach the wrong eyes those photos might be used for blackmail. Trust, of course, is a major issue. If you do not trust the person with whom you share intimate photos or you are unable to save and/or transmit the photos in a secure place or way that is for designated eyes only, you should avoid taking such photos.

Some forms of sextortion are malicious and deceitful from the start. These forms of conduct are also known as webcam blackmail, where criminals deceive webcam users into unclothing and preforming sex acts.[25] Here it is not about relationships that had turned sour. Rather it involves criminal design to manipulate people, often young people, deceive them and use their sexuality and naiveté against them.

Adolescents are the most frequent victims of sextortion.[26] Netcitizens need to share with younger people their experiences and ideas on how to keep safe online, and advise them what to do if they run into trouble. It is very important to speak to adolescents about the importance of privacy. There is no need for adolescents to divulge too much information about themselves or to expose themselves in intimate ways. They should be extra careful as to whom they reveal personal information. We need to instruct them to listen to their feelings: If postings do not look right, do not feel right, or make Netusers uncomfortable, they should consult a trusted adult. Netcitizens may spend time with younger friends and members of family, showing them how to responsibly use technology and how to report different forms of cyberbullying, explaining that not

reporting cyberbullying only plays into the bully's hands.

Young people might be reluctant to report such intimate and personal incidents to their families and they may not wish to involve the police. Thus it is suggested that awareness will be raised about existing hotlines that are available to Netusers who may wish to remain unidentified to pinpoint disturbing content. One example is www.cybertipline.com operated by the American National Center for Missing & Exploited Children (NCMEC). Hotlines have to be transparent. Netcitizens should be aware – at the point of entry – of the persons/ organizations responsible for running the hotline system and those persons and organizations on whose behalf hotlines are operated. Transparency also means that explanation is provided as to which concerns will be processed, under what criteria and by which public authorities. The reporting system should be explained in sufficient detail, Netcitizens should have the ability to track their concerns throughout the process, and they should be informed of the final outcome of the process.[27] To this end, organizations running hotline systems need to publish reports about their work.

Easy targets for all forms of harassment and sexbullying are youth who are questioning their sexuality or are embracing unorthodox sexual preferences: homosexuality, bi-sexuality or trans-gender identity.[28] They are at a greater risk than their peers because they seek acceptance, reassurance and like-minded people.[29] Thus they use social networking sites to communicate with people and by doing this they also expose themselves to potential abusers who might wish to humiliate and expose them. Outing homosexuals against their will is another form of sexbullying which can be termed homophobic bullying. It might cause enormous strain which, in turn, might lead to suicidal thoughts and actions. Non-consensual outing blurs the line between private and public, and it might have very tragic consequences.

25 Martin Bagot, Thousands of teens blackmailed by 'sextortion' criminals who threaten to post naked pictures online", *Mirror* (August 11, 2014), http://www.mirror.co.uk/news/uk-news/thousands-teens-blackmailed-sextortion-criminals-4038111; "Sextortion", *BBC*, http://www.bbc.co.uk/programmes/profiles/40DhRnbN7b69gMkPqsJ1m0Q/sextortion; "Sextortion", *FBI* (July 2015), https://www.fbi.gov/news/stories/2015/july/sextortion. See also Stop Cyber Sextortion, *Facebook*, https://www.facebook.com/pages/STOP-Cyber-Sextortion/666823696724014

26 Sonya Colberg, "Teen girls are most-common target of sextortion, OKC detective says", *NewsOK* (August 24, 2010), http://newsok.com/teen-girls-are-most-common-target-of-sextortion-okc-detective-says/article/3488122; Erin McClam, "Experts increasingly worried about 'sextortion' of minors online", *CNBC* (July 16, 2013), http://www.cnbc.com/id/100889001; Amy Williams, "Teen Safety in the News: Sextortion, the New Online "Epidemic"", *TeenSafe* (June 1, 2015), http://www.teensafe.com/blog/teen-safety-news-sextortion-new-online-epidemic/

27 Jens Waltermann, and Marcel Machill (eds.), *Protecting Our Children on the internet: Towards a New Culture of Responsibility* (Gütersloh: Bertelsmann Foundation, 2000): 48.

28 Elliot Spagat, "Transgender Teen Commits Suicide After Bullying", *Time* (April 11, 2015).

29 Andrew Shrock and dana boyd, "Problematic Youth Interaction Online: Solicitation, Harassment, and Cyberbullying", in Kevin B. Wright and Lynn M. Webb (eds.), *Computer-Mediated Communication in Personal Relationships* (New York: Peter Lang, 2011). See also R.C. Savin-Williams, "Verbal and Physical Abuse as Stressors in the Lives of Lesbian, Gay Male, and Bisexual Youths: Associations with School Problems, Running Away, Substance Abuse, Prostitution, and Suicide", *Journal of Consulting and Clinical Psychology*, Vol. 62 (1994): 261-269.

18-year-old student Tyler Clementi asked his roommate, Dharun Ravi, to give him some privacy in the room they shared at Rutgers University dorms. Ravi agreed, and went down the hall into a friend's room, where he allegedly logged onto his Skype account and connected to a webcam he had set up in their shared room. Ravi and his friend watched Clementi engaged in a sexual encounter with another man. Ravi then allegedly streamed the video live, and that same night broadcast to the 150 followers of his Twitter feed details of his voyeuristic escapade, outing Clementi in the process and writing with no sense of civility and friendship: "Roommate asked for the room till midnight. I went into Molly's room and turned on my webcam. I saw him making out with a dude. Yay."[30] Two evenings later, Ravi allegedly tweeted: "Anyone with iChat, I dare you to video chat me between the hours of 9.30 and 12. Yes it's happening again."[31] The next day, students told Clementi his privacy had been violated via webcam. His world fell apart. Having asked no one for help, Clementi committed suicide. Ravi's alleged clear-eyed irresponsible conduct directly led to this most unnecessary death. Civility, decency, privacy and respect for others are significant. People should think about the likely consequences of their actions.

Netcitizenship

This article makes a plea for Netcitizenship, for conducting one's affairs on the Internet with a sense of social responsibility. People have wider moral and social responsibilities to their community. These are dictated by social norms and by one's conscience. Some things are not to be done. Common standards of civility and decency compel us to keep some activities private. People live within a community and understand that actions have consequences. Most of our conduct is other-regarding in one way or another, affecting the lives of other people. Acting responsibly means acting

with foresight: Seeing that offensive and harmful consequences of one's conduct that can be avoided are, indeed, avoided.

Responsibility and accountability are important as sometimes people and organizations seek independence from their responsibilities. Ambrose Bierce, an American journalist and satirist, described responsibility as a "detachable burden easily shifted to the shoulders of God, Fate, Fortune, Luck or one's neighbor. In the days of astrology it was customary to unload it upon a star."[32] In the Internet age, Netusers unload it upon cyberspace. Here an interesting phenomenon emerged that confuses the concept of moral and social responsibility. In the offline, real world, people know that they are responsible for the consequences of their conduct, speech as well as action. In the online, cyber world, we sometimes witness unfortunate responsibility shake-off. The Internet has a dis-inhibition effect. The freedom allows language one would dread to use in real life, words one need not abide by, imagination that trumps conventional norms and standards.[33]

Netcitizenship is composed of three layers: legal, moral and social responsibility:

Legal responsibility refers to addressing the issue by agencies of the state. Through its various institutions, the state sees fit to provide and administer certain services. It does not leave them for the citizens. For example, the state is responsible for securing its borders against external attacks and to provide security for citizens inside its borders. For that purpose, there are army and police forces, acting in accordance with legally binding decrees that clarify what is allowed in the administration of security. A further example concerns the administration of justice: The state is responsible for establishing courts to settle disputes between individuals, and grievances between citizens and agencies of the state. Presently governments are considering law changes to curb the rising trend in revenge porn.[34]

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30 Ed Pilkington, "Tyler Clementi, student outed as gay on internet, jumps to his death", *Guardian.co.uk* (September 30, 2010), http://www.guardian.co.uk/world/2010/sep/30/tyler-clementi-gay-student-suicide; Paul Thompson, "Student jumps to his death after roommate secretly films gay sex session and puts it on the internet", *MailOnline* (September 30, 2010), http://www.dailymail.co.uk/news/article-1316319/NY-student-Tyler-Clementi-commits-suicide-gay-sex-encounter-online.html#

31 *Ibid.* For further discussion, see Kate Zernike, "Rutgers Webcam-Spying Defendant Is Sentenced to 30-Day Jail Term", *New York Times* (May 21, 2012), http://www.nytimes.com/2012/05/22/nyregion/rutgers-spying-defendant-sentenced-to-30-days-in-jail.html?_r=1&nl=todaysheadlines&emc=edit_th_20120522

32 Ambrose Bierce, *The Devil's Dictionary*, 1911, at http://www.alcyone.com/max/lit/devils/

33 R. Cohen-Almagor, *Confronting the Internet's Dark Side: Moral and Social Responsibility on the Free Highway* (Washington DC.: Woodrow Wilson Center Press and Cambridge University Press, 2015).

34 Daisy Wyatt, "Lauren Goodger calls for tougher laws on revenge porn after sex tape leaks online", *The Independent* (July 27, 2014), http://www.independent.co.uk/news/people/news/lauren-goodger-calls-for-tougher-laws-on-revenge-porn-after-sex-tape-leaks-online-9631203.html; John Lyon, "Newly Effective Arkansas Laws Include Bans On 'Revenge Porn,' Voyeurism Via Drone", *Times Record* (July 26, 2015); http://swtimes.com/legislature/newly-effective-arkansas-laws-include-bans-revenge-porn-voyeurism-drone#sthash.63QZ1kyx.dpuf; John Moritz, "Lawmakers review penalties to NC's first revenge porn law", *News and*

Agencies of the state see that the Internet is not above the law: what is illegal in the offline world is also illegal on the online world. Sextortion is illegal both offline and online. Citizens are expected to abide by the law.

In moral responsibility, the personal responsibility of the agent to conscience is at issue, with appeals to moral consideration. Certain forms of conduct fall within the realm of morality rather than law. Being mean to others is not illegal yet it contradicts basic norms of civility. In the liberal world, sexting is accepted when conducted between consenting adults. People may debate the morality of the conduct but it is legal. Sexting becomes morally and legally problematic when consent is lacking and more so when sexting abuses and exploits children. It is assumed that there is a causal connection between the agent and the action or the consequences of the action, and that the action was intentional. When people perform a morally significant act, we may think that they may deserve praise. When they fail to perform a morally significant act we may blame them for omission.[35]

Thus, by moral responsibility it is meant that autonomous agents have the understanding of the options before them, have access to evidence required for making judgments about the benefits and hazards of each option, and are able to weigh the relative value of the consequences of their choice. Responsible agents have a sense of history. They understand the connection between past, present and future. They comprehend causes for action, and are able to appreciate likely consequences of a given conduct. In this context, the idea of conscientiousness is relevant. It describes a condition of an active and inwardly driven pursuit of positive goals, duties, and obligations. The goal is to converge between the ought and the is, that individuals be motivated by ethical standards alongside or instead of profit motives.

William J. FitzPatrick claims that all cases of moral responsibility for bad actions must involve a strong form of akrasia, i.e. acting against one's better judgment.[36] If an agent does something bad, either he does so in full knowledge that he should not be doing it, which is clear-eyed akrasia, or he is acting from ignorance. In the former cases the agent will be held responsible. In the latter case whether he is responsible or not will

depend on whether or not his ignorance is culpable. His ignorance will be culpable only if he is responsible for some earlier failure that gave rise to that ignorance. And he will be responsible for that earlier failure again only if that was a case of clear-eyed akrasia. We do not establish culpability until we arrive at a relevant episode of clear-eyed akrasia.[37] Ignorance, whether circumstantial or normative, is culpable if the agent could reasonably have been expected to take measures that would have corrected or avoided it, given his capabilities and the opportunities provided by the social context, but failed to do so either due to akrasia or due to vices such as overconfidence, arrogance, dismissiveness, laziness, dogmatism, incuriosity, self-indulgence and contempt.[38] Failure to recognize the wrongness or imprudence of one's conduct does not relieve one of responsibility. In the above real-life story, Ravi failed to act in a civil way, respecting the privacy of his roommate due to vices of overconfidence, arrogance, dismissiveness, self-indulgence, contempt for others, or the like.

An understanding of responsibility as protecting individual rights and avoiding the infliction of unjustifiable harm on others is the very basis of liberal morality that presupposes the existence of inviolable individual rights. Responsibility in the sense of honouring interpersonal obligations and responding to the needs of others is a matter of personal choice and of social convention.[39] In other words, moral responsibility is often interconnected to social responsibility. Irresponsible conduct that violates basic trust between people about keeping private what should be private is immoral and undermines social conventions and norms, first and foremost those of respect for others, and not harming others.

Lastly, the concept of social responsibility assumes that autonomous agents have the understanding of the options before them, have access to evidence required for making judgments about the benefits and hazards of each option, and able to weigh the relative value of the consequences of their choice. Social responsibility further assumes that people are not islands to

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Observer (August 2, 2015), http://www.newsobserver.com/news/state/north-carolina/article29794702.html; "Revenge Porn Law", *WXII12* (August 4, 2015), http://www.wxii12.com/news/revenge-porn-law/34539184

35 See "Moral Responsibility," *Stanford Encyclopedia of Philosophy*, at http://www.seop.leeds.ac.uk/entries/moral-responsibility/index.html

36   William J. FitzPatrick, "Moral Responsibility and Normative Ignorance: Answering a New Skeptical Challenge", *Ethics*, Vol. 118 (2008): 590.

37   *Ibid.:* 593.

38   *Ibid.:* 609. Martha Nussbaum clarified that according to Aristotle akrasia is frequently (not always) caused by an excess of theory and a deficiency in passion. The person who acts akratically against her better judgment is frequently capable of performing correctly in all the intellectual ways; "what she lacks is the heart's confrontation with concrete ethical reality". See M.C. Nussbaum, *Love's Knowledge* (NY: Oxford University Press, 1990), p. 81. For further discussion, see George Sher, *Who Knew? Responsibility Without Awareness* (NY.: Oxford University Press, 2009).

39 Lawrence Kohlberg, *The Philosophy of Moral Development: Moral Stages and the Idea of Justice*. Vol. 1 of *Essays on Moral Development* (San Francisco: Harper and Row, 1981).

themselves. We live within a community and have some responsibilities to it. The responsibilities are positive and negative. That is, we have a responsibility to better the society in which we live, and a responsibility to refrain from acting in a way that knowingly might harm our community. Cyberevenge, sexbullying and sextortion have wider negative implications on our community as they undermine trust between people, offend our sensibilities and harm the dignity of the person.

Furthermore, it is assumed that we are rewarded by the social framework in which we live, we care about society, would like to maintain it and to contribute to it. The contribution is proactive. We take active steps to do good and to avoid harm.[40] Netcitizenship carries burdens and obligations. People should respect their responsibilities, being cognizant of the consequences of their actions. At the same time, people have discretion as to the ways open for them to carry out their responsibilities, in accordance with their capabilities and the circumstances at hand.

In 2009, Craigslist was on the headlines for the wrong reasons. Its adult section was abused for cyberevenge purposes. The victim was a 17 year-old girl who was subjected to a porn attack. Elizabeth A. Thrasher, 40, from Missouri, became the first person to be charged with felony cyberbullying in that state after she allegedly posted photos and personal information of the young girl to the "Casual Encounters" section of Craigslist. Thrasher had an extended argument with her ex-husband. The girl, who was the daughter of the girlfriend of Thrasher's ex-husband, sent Thrasher a message over MySpace. Thrasher responded by posting the youngster's picture, cell phone number, email address, and employer on Craigslist section, which is frequented by adults looking for anonymous, no-strings-attached sex. The girl was bombarded with lewd messages and calls in response, including pornographic pictures from men she did not know.[41]

The fact that Craigslist and other such forums can be abused with such ease is most worrying.[42] More

needs to be done to ascertain that the people who post such advertisement are the true advertisers. Otherwise, sexuality-based cyberevenge will increase. ISP Corporate Social Responsibility requires closing the door for Net abusers.[43] Craigslist needs to be proactive in setting adequate privacy and security provisions for its users. The hand should not necessarily be the quickest organ in one's body when one is writing; but when it is, the company should ensure good standards of moderation. Livingstone et al persuasively argue for the need to coordinate multi-stakeholder efforts to bring about greater levels of Internet safety and ensure there is meaningful youth participation in all relevant multi-stakeholder groupings.[44]

Conclusion

Social networking sites and blogs have increasingly become breeding grounds for anonymous online groups that attack women, sexual-orientation minorities, and others. The ethical use of information and communication technologies, and the sustainable development of an equitable information society, need a safe and public infosphere for all, where communication and collaboration can flourish, coherently with the application of human rights and the fundamental freedoms in the media. Sustainable development means that our interest in the sound construction of the infosphere must be associated with an equally important, ethical concern for the way in which the latter affects

40 Burton S. Kaliski (Ed.), *Encyclopedia of Business and Finance* (New York: Macmillan, 2001); Marvin L. Marshall, "Ensuring Social Responsibility," *Thrust for Educational Leadership*, Vol. 23, No. 4 (1994).

41 Mike Harvey, "American woman Elizabeth Thrasher faces jail over 'cyber-bullying'", *The Sunday Times* (August 19, 2009), http://technology.timesonline.co.uk/tol/news/tech_and_web/the_web/article6802494.ece; Dan Goodin, "Woman charged with cyberbullying teen on Craigslist", *The Register* (August 18, 2009); "Cyberbullying Case To Test Megan's Law", *The Law Firm Network* (April 1, 2010).

42 "Craigslist", *NY Times* (December 4, 2011), http://topics.nytimes.com/top/reference/timestopics/organizations/c/craigslist/index.html; Associated Press, "CRIME: Another Ohio Craigslist job scam death suspected", *delmarvanow.*

com (November 25, 2011).

43 Kenneth E. Goodpaster, "Corporate Responsibility and Its Constituents", in George G. Brenkert and Tom L. Beauchamp (eds.), *The Oxford Handbook of Business Ethics* (NY: Oxford University Press, 2010): 126-157; Gabriel Abend, *The Moral Background: an inquiry into the history of business ethics* (Princeton, N.J.: Princeton University Press, 2014); Michael Kerr, Richard Janda and Chip Pitts, *Corporate Social Responsibility – A Legal Analysis* (Markham, Ontario: LexisNexis, 2009); A.B. Carroll, *Business and Society: Managing Corporate Social Performance* (Boston: Little, Brown, 1981). See also R. Cohen-Almagor, "Freedom of Expression, Internet Responsibility and Business Ethics: The Yahoo! Saga and Its Aftermath", *Journal of Business Ethics*, Vol. 106, issue 3 (2012): 353-365.

44 Sonia Livingstone, Giovanna Mascheroni, Kjartan Ólafsson and Leslie Haddon, *Children's Online Risks and Opportunities: Comparative findings from EU Kids Online and Net Children Mobile* (London: EU Kids Online, LSE, November 2014). For further discussion, see K.J. Mitchell, L.M. Jones, H.A. Turner, A. Shattuck & J. Wolak, "The Role of Technology in Peer Harassment: Does It Amplify Harm for Youth?", *Psychology of Violence* (June 1, 2015).

and interacts with the social environment.[45] Ethical behaviour is behaviour that abides by relevant standards of conduct and considers the consequences of one's actions, and being accountable for it. Ethics is not merely a question of dealing morally well with a given world. It is also a question of shaping the world for the better. This is a proactive approach which perceives agents as world owners, creators, and producers of moral goods.[46] When Netusers produce evil, society needs to develop adequate mechanisms to educate and raise awareness of the harsh consequences that might result from such an irresponsible behaviour. We all have a shared responsibility to shape a safe and, if possible, better world for our children.

The fundamental principle of social responsibility rests on the duty to make humanity itself our end. The way to do this is by promoting the ends that autonomous human beings freely choose as long as they do not harm others. Abusive language might lead to depression and suicide. Cases of revenge porn, cyberevenge, sexbullying and sextortion should be raised and discussed in schools and, if needed, in the workplace. They should be deliberated openly and fervently. People, especially young people, should be made aware of the power of the word and settle the confusion between online and offline responsibility. Young people are vulnerable and society has an obligation to protect vulnerable third parties.[47]

Responsibility and accountability should be shared by all involved: parents, school teachers and administrators, civil society organizations and business, countries and the international community at large. The aim is that people take responsibility and develop a sense of ownership over their actions, building foundations for change and improvement in their life chances and opportunities. We as a society should invest in transforming Netusers into Netcitizens, people with awareness regarding the consequences of their conduct, users of the Internet who are cognizant about the values and importance of moral and social responsibility. Without such awareness, the present rowdy Internet will continue to be very costly. Safety should be maintained both online and offline, and studies should be carried out about the connections

between the two. As stopcyberbullying.org holds, the task is to create a generation of good cybercitizens, controlling the technology instead of being controlled by it.[48]

Netcitizens can develop a website, blog, or social networking groups on Facebook and other social Netforums for friends and community in which they evoke awareness to the problems of revenge porn, cyberevenge, sexbullying and sextortion, alerting readers to potential signs of distress that bullied people manifest. The warning signs include unexpected or sudden loss of interest in using the computer; nervous, jumpy, anxious or scared appearance upon accepting messages; with young people, discontinued interest in going to school, extra-curricular and/or general out-of-school activities. Bullied people might be visibly angry, frustrated, depressed or gloomy after using the computer.[49] They might become abnormally withdrawn and distant from family, friends, and favourite activities. They might lack appetite or suddenly begin to do poorly in school. They might complain frequently of headaches, stomach aches, or other physical ailments, have difficulty in sleeping or have frequent bad dreams, appear troubled or suffer from low self-esteem.[50]

Netcitizens may also point to valuable information on the Internet, put out by The Center for Safe and Responsible Internet Use,[51] the World Association of Newspapers and News Publishers (WAN-IFRA),[52] Stop Online Abuse[53] and The Cyberbullying Research Center.[54] In July 2015, an anti-bullying/parent notification app was launched. This anti-bullying app records a video of the bully in real time and notifies the parents of where their child is.[55] A coordinated effort of all stakeholders – Netcitizens, readers of the Internet, ISPs and web-hosting sites, state authorities and the

45 Luciano Floridi, "Ethics in the Infosphere", *The Philosophers' Magazine*, Vol. 6 (2001): 18-19.

46 Luciano Floridi, "Ethics after the Information Revolution", in L. Floridi (ed.), *Handbook of Information and Computer Ethics* (Cambridge: Cambridge University Press, 2010).

47 K.J. Mitchell, D. Finkelhor & J. Wolak, "Youth Internet Users at Risk for the Most Serious Online Sexual Solicitations", *American Journal of Preventive Medicine*, Vol. 32 (2007): 532-537. See also Kimberly J. Mitchell, Michele L. Ybarra, Lisa M. Jones and Dorothy Espelage, "What Features Make Online Harassment Incidents Upsetting to Youth?", *Journal of School Violence* (published online January 6, 2015).

48 http://www.stopcyberbullying.org/take_action/take_a_stand_against_cyberbullying.html. For further discussion, see Luciano Floridi, *The Fourth Revolution: How the Infosphere is Reshaping Human Reality* (Oxford: Oxford University Press, 2014).

49 Brandy Williams, "6 Signs of Cyber Bullying and What You Can Do About It", Yahoo!

50 Miriam D. Martin, "Suicide and the Cyberbully", http://ezinearticles.com/?Suicide-and-the-Cyberbully&id=4328660

51 https://www.internetsafetyproject.org/wiki/center-safe-and-responsible-internet-use

52 internet in the Family, *World Association of Newspapers and News Publishers,* http://www.wan-ifra.org/articles/2011/01/12/internet-in-the-family

53 http://www.stoponlineabuse.org.uk/. The website provides advice for individuals, especially women and LGBT people (lesbian, gay, bisexual and trans) about fighting abuse and harassment online and in other media.

54   http://www.cyberbullying.us/

55   http://the-no-app.com and http://apple.co/1MsEaiv

international community at large, will result in a more responsible Internet. There is a need to assure a certain security level on the Internet, like in any other industry.

I suggest publishing overviews and reports on a regular basis; lobbying for international awareness about the harms and abuse of technology; helping support groups and institutions that want to set up tip-lines, and advancing our knowledge of social networking and the psychology of people who use the Internet for various purposes. Clearly, there is a lot to learn about Net human behaviour and what can be done to increase moral and social responsibility of all parties concerned. The fighting against cyberevenge and sexbullying involves all responsible agents, including me and you.

A Realist Self?

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Abstract

Since the demise of the Cartesian dualist view of the self a number of possible definitions of what the self could be, if indeed it can be said to be anything, have been put forward but no consensus has yet been reached. In fact, such seems a long way off. In what follows four accounts of the self that are representative of the broad trends in the literature are analyzed for theoretical vigor and empirical accuracy in light of recent advances in cognitive studies and the findings of psychological research into behavior and decision-making. The self-concepts examined are of both the anti-realist and realist varieties, with one particular realist account found to be most apposite. The account is not without its flaws, however, and as such an alternative self view is offered that builds on and adds to its strengths. Finally, some ethical implications of adopting the proffered self-concept are considered.

Key words: anti-realist self; Hume; Kristjánsson; nonself; realist self

1. Outline of the Study

The search for an accurate description of the self has been a centuries long affair, and the following will not attempt to definitively solve this problematic. Rather, this paper will instead focus on exploring four common theoretical accounts of the self, examining each for philosophical robustness and correspondence to recent research in cognitive and psychological studies. The four accounts to be considered have been chosen for their representational qualities and are not meant to be an exhaustive analysis of the work done on the self heretofore. Largely following Kristjánsson's descriptive categories in *The Self and Its Emotions* (Kristjánsson 2010), the first account will consider the soft anti-realist position, the second will cover the hard anti-realist position, and the third the soft realist position. Our final account will be of the contextualized (or conditioned) soft realist position, a category that Kristjánsson did not consider and whose title I have had to create. The hard realist position, that of a separately existing and (usually) eternal Cartesian ego or soul comprising the self and temporarily housed in the body, will not be examined due to its tendency to preempt further debate on the topic and

its general rejection by the academic community save for historical or religious discussions. Our study will then conclude with a proposal for an alternative version of Kristjánsson's self-concept which would be more in line with the interdisciplinary research presented and could offer important ethical benefits were such a view to be adopted.

2. Four Accounts of the Self

A. *The soft anti-realist position, or The (non-communal) libertarian atomistic self*

This is the account of the self that most of us hold without really thinking about it and upon which the majority (if not entirety) of present Western-style legal charters are based, and so it is from this angle – the political – that we are best able to tease out what it entails since the position is generally taken for granted and not explicitly argued for. Legal structures such as bills of rights bestow certain privileges and offer certain protections from the perspective of an individual living within a society but not as a part of that society. (That is, the individual's concerns are given primary

importance; e.g. freedom of speech, which may well lead to negative social outcomes in certain instances of its use but which is thought to be of sufficient importance for the individual that it is guaranteed. Framers of such laws naturally see a society in which each individual has free speech as being a better society, but their focus in crafting such a decree is on how an individual will live, not on how the society as a whole (in a transcendental sense) will live.) Focused fundamentally on the individual, and her relationship with the greater society only in so far as she needs shielding from it and liberties to operate as she pleases in defined ways within it, this account takes form through the liberal policies and governance it enacts. Thus it is that Dworkin takes the essence of liberalism to be equal consideration of and respect for each individual, whose civil liberties are needed to guard them against the preferences of others concerning how they should act (Gaus 2000). Similarly, Narveson takes his 'liberty rule' to be of paramount importance, by which one may do whatever one pleases granting that such doesn't harm another or interfere with another's affairs. This attention to a person's actions and how the actions of others may affect said person fundamentally rests upon the extension of ownership between that owning and that owned; this is the self, understood as one's will or one's mind, owning one's body and behavior in the way a material object is owned (Narveson 1998). Responsibility for what is done and the resultant consequences therefore rests with each free-floating mind and the ramifications of any one person's acts extend only out to one degree of separation from their source. This is an atomistic self, one that is the 'owner' of the actions meant to be protected from incursion upon or held responsible for the effects of, depending on the situation, and since bodies are owned by minds and are the means by which actions are executed, the chain of ownership-responsibility is clear: action $\Rightarrow$ physical body that committed action $\Rightarrow$ mind that directed physical body. The self, to put it crudely, is that point where the buck stops.

A primary problem with this line of reasoning is that we still don't know what the self is. Is it an 'individual' – a collection of organic materials animated by a directing mind? Is it that directing mind itself? What exactly *is* a mind? Philosophers and neurologists have long discussed what a mind, as opposed to a brain, can be said to be and have still not arrived at a satisfactory definition, though it can be hoped that research into consciousness may one day settle the matter. Narveson, however, only adds to our confusion in his argument on body ownership, claiming that 'Everyone is "boss" over his own mind' (ibid., note 35, 18); if I'm myself and the self is my mind, and I'm boss over my own mind, then all we've done is to come back to our original query of what the self is. That there is nothing that can be pinned down, but there's still something there, is

what makes this the soft anti-realist position rather than its hard variant (to be discussed below). A number of ideas have been proposed to fill in the gap here, notably Dennett's and similar narrative accounts of the self as the central character (or 'center of narrative gravity') in descriptions of what happened to a given brain-body aggregate (Dennett 1991). This is still a something foisted onto a nothing, but does take into account the brain's parallel and distributed structure; we have no 'central command center' but instead have a number of systems that are specialized and locally processing, bound together in a network out of which the mind arises as an emergent property. Although we think that our consciousness is unified, it is in fact a 'constellation' of specialized consciousness systems whose products are thought to be integrated and interpreted by a cognitive module that evolved for that purpose (Gazzaniga 2011). (It may be tempting here to label the interpreting module as being what the self really is, but even if that module is definitively proven and its location – if it has one – is discovered in our neural mass, its function would remain descriptive and not generative.) Nevertheless, as Kristjánsson points out, soft anti-realist positions, be they of the narrative or another variety, cannot differentiate between self-knowledge and self-deception (Kristjánsson 2010): I may think that something happened to me only to later be told that that actually happened to my brother and I was misremembering what he had told me; before being informed of my error I was convinced that what happened to my brain-body was the contents of the story in question, and its central character was me. After learning my mistake, what is the identity of the central character in the erroneous section of my narrative? While I held the false memory were my self and my brother's self somehow the same, had his self entered my narrative? And where was my true self during the lost time in which my memory has deceived me into narrating falsely? Who was the 'me' of the events that really occurred? Without a self that can be tracked in any real sense we are left to wonder. Finally, this account, with its viewpoint of sealed off and atomized individuals, egregiously fails to notice that none of us exist in a vacuum and that each self is highly contextual, based not only on current situation but also local culture, historical time period, geographic location, and a host of other details (Ravven 2013). The self cannot be defined in the absence of such because the self will never exist in the absence of such, nor will the self ever be fully free from outside influences that affect its behavior and decision-making, a point we will return to. For now, we move our attention to the other anti-realist account, that of the hard version.

B. The hard anti-realist position, or The reductionist nonself

The hard anti-realist position endeavors to rectify one of the central errors of its soft cousin: that of attempting to be a something with nothing underneath defended by those 'who confuse the masks with the face', as Kristjánsson memorably puts it (Kristjánsson 2010, 44). This account is laid out in great detail by Parfit in his *Reasons and Persons* (Parfit 1984), there called the reductionist view. Parfit uses a series of imagined scenarios of varying degrees of likelihood (such as a false memory about a day in Venice or a teleportation to Mars gone wrong) to arrive at and then expand on the conclusions he uses to define the hard anti-realist viewpoint: 1) we do not exist separately from brain/body, physical/mental events, 2) identity is not always determinate, 3) unity of consciousness and the unity of a whole life cannot be explained by claiming many 'different experiences are had by the same person' but must describe the relations between the experiences and the person's brain and can be fully described without claiming the 'experiences are had by a person', and 4) personal identity doesn't matter and what does matter is psychological connectedness and/or continuity with my cause for such (ibid., 216-217).[1] This final conclusion – 'what does matter' – is labeled relation R, which Parfit defines succinctly as: 'psychological connectedness and/or psychological continuity, with the right kind of cause', adding 'in an account of what matters, the right kind of cause could be any cause' (ibid., 262). It may be helpful at this point to introduce an example of what Parfit means, and so we will look at one that he himself uses, namely, teleportation gone wrong. Imagine that you have been sent to Mars by your employer on an assignment, but due to the limitations of space travel the fastest way to get there is not to be physically transported but instead to use a teleportation device,[2] a machine that doesn't actually move anything but rather reads it and reproduces it elsewhere. The way the teleporter works is that it scans the current state of every cell in your body and then fully reconstructs an exact replica of your body at its sister location on Mars. (Parfit considers both cases of the machine destroying your body on Earth in the process of replication and also that of your Earth body not being destroyed; his discussion of the two body scenario is interesting but beyond our current scope.) In such a case all that you are left with in your brand new body, but still exactly like your old body, is relation R, but this does

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1   Parfit also allows that physical continuity and similarity may be important too.
2   Parfit actually calls it a 'teletransportation' device; I have shortened it for simplicity's sake.

not mean that the self is relation R because, again, there is nothing there of substance post-teleportation that has remained. There is no self, and we deceive ourselves into thinking that there is only because we typically have both relation R and physical continuity; what Parfit means to demonstrate is that there are cases (albeit at present imaginary ones) that challenge these presumptions but still force us to admit that I am my Mars 'me' without there being anything of 'me' on Mars at all. Parfit finds this very liberating, proclaiming 'On my view, what fundamentally matters, in our concern about our own future, is the holding of relation R, with any cause. This would be what matters even when it does not coincide with personal identity.' (ibid., 289) Instances where relation R does not coincide with personal identity would be like that just discussed, a 'branch-line case' where your Earth body stops but your Mars body begins, or a 'division case', where your Mars body begins even while your Earth body goes on, making both bodies 'you'; and since there is no self, both bodies *can* simultaneously be 'you'. This potentially takes the sting out of death – it evidently does for Parfit, anyway – and allows us to view our own mortality as just one more blip in the long stretch of the natural world's cycle. There is nothing that is essentially me, so when I die nothing will be lost. Indeed, by this view, we may 'die' any number of times during our lives as relation R is lost and taken up again (e.g. your early childhood years of which you have no recollection when shown photographs of the time, or even blacking out what happened after your staff party the night before). Parfit tells us, 'If we are Reductionists, we regard the rough subdivisions within lives as, in certain ways, like the divisions between lives. We may therefore come to treat alike two kinds of distribution: within lives, and between lives.' (ibid., 333-334) In its full denial of any self the hard anti-realist account may be counterintuitive yet it still appears to be clear and convincing.

It is not, however, without its problems. To begin with, there is the matter of personal identity and Parfit's claim that relation R matters more than it. In considering what we think we are, that is, what our personal identities are, Parfit examines both physical and psychological criteria and declares both to actually be reductionist. The physical case is that a person is the same person if enough of the brain, and not the whole body, has continued (without branching) between the past and the present; the psychological case is that a person is the same person if there is overlapping psychological connectedness that forms a psychological continuity between the past and present, also without having branched. These both boil down to Parfit's view, he writes, because: 1) 'the fact of a person's identity over time just consists in the holding of certain more particular facts' and maybe also 2) 'these facts can be

described without either presupposing the identity of this person, or explicitly claiming that the experiences in this person's life are had by this person, or even explicitly claiming that this person exists. These facts can be described in an *impersonal* way.' (ibid., 210, emphasis in the original) We must therefore reject both of these to be a non-hard anti-realist regarding the self, Parfit claims, and instead take personal identity as involving something beyond what the physical and psychological cases are propounding: a further fact of the soft anti-realist or realist kind. We can grant Parfit the point that the physical and psychological arguments reduce to his reductionist position without agreeing that relation R ('psychological connectedness and/or psychological continuity, with the right kind of cause') has more value than personal identity because what each of us takes our identity to be is singular and resonates with deep personal – and only personal, it cannot be transferred – meaning for us. This meaning is the 'something beyond'; this is the 'further fact' connecting the present person with their future version beyond how R is defined. Parfit tries to preempt this uniqueness objection by the following: He concedes that when R is held uniquely (U) in a one-one form (i.e. nontransferable (and nonbranching in teleportation or other imaginary cases)), then personal identity (PI) is equal to relation R plus uniqueness, thus: PI=R+U. Parfit then reduces U by stating that if I am R related to a person 'the presence or absence of U makes no difference to the intrinsic nature of my relation to this person', and hence adds very little to R, although it 'can be plausibly claimed to make a small difference'. But this 'small difference', Parfit then states, 'would be much less than the intrinsic value of R. The value of PI is much less than the value that R would have in the absence of PI, when U fails to hold.' (ibid., 263) This is technical and slippery writing, but if looked at closely it reveals a large hole in the logic of the argument that is clear when we substitute in some whole numbers. We will follow Parfit's estimation of the unimportance of U and make that a 1, and we will also follow Parfit's estimation of the importance and high intrinsic value of R and make that a 4. There is no way that PI's value would be 'much less than the value that R would have in the absence of PI, when U fails to hold' because all of these elements are related and R in the absence of PI is the same as R on its own, i.e. R before U has been *added to it to make* PI. In our numeric substitution we have U=1, R=4 and therefore PI=5 (PI=R+U). Take U away from that so now we have R on its own and we still have R=4, but PI is not less than R and nor is it equal to R, it is nothing at all because we need to add U to R to arrive at PI. (PI does not equal 4 here since if U had *no* value then PI=R+0, which is the same as PI=R and we have already established that PI=R+U.) Even if R is not held uniquely, say, in the branching case where

Earth you and Mars you both exist, each version of you would still have a personal identity that meant a great deal to each and that would diverge from the other-planetary double's personal identity with each passing second as their lives moved on and experiences added up.[3] We now have a strong claim contrary to Parfit's assertions that relation R matters more than personal identity and that personal identity does not matter at all (recall his initial conclusion 4 above: 'personal identity doesn't matter and what does matter is psychological connectedness and/or continuity with my cause for such') that we can add to the more commonsense objections to the hard anti-realist position of which Parfit's account is representative. Foremost amongst these, as the preceding has endeavored to show, is that by this view things simply don't work. Kristjánsson writes that hard anti-realists 'take pot shots at the notion of truth as correspondence with reality. There is a basic difficulty with rejecting this notion: Almost all human actions, communications, interactions and investigations seem to presuppose its truth.' (Kristjánsson 2010, 38) (That Parfit's arguments rely on scenarios that themselves have no correspondence with reality may be instructive in this regard, but their usefulness as analytic tools could belie that.) Furthermore, without a sense of persisting internal sameness that lasts over time, moral responsibility becomes increasingly difficult to pin down (ibid.). If we can indeed treat subdivisions within lives as being like different lives in some ways then we may find ourselves embarking on a path that results in entirely undesired reforms to our justice systems (e.g. is Frank in his current life responsible for the crime the entity we used to call Frank – who looks just like our Frank now but who experienced such a subdivision – committed prior to the subdivision? What if he is found not to be? Other undesired judicial changes stemming from different reasons are also a possible outcome of the contextualized soft realist account discussed below). On the whole, the hard anti-realist viewpoint 'makes travesty of everyday moral experience' (ibid., 46), and it is also unclear how the ubiquitous situational and contextual pressures that we all face would affect us on this account, or indeed, if they would be thought to affect us at all. Finally, as we noted above, emergent properties can and do exist physiologically: the sense of a unified conscious mind is

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3 Relation R would also diverge as time went on, of course, eventually leaving each double with potentially no connection to their original singular being (as in the case of the nonrecollection of childhood events). The personhood of each is in question here, and that issue is debatable (note though that in both the physical and psychological criteria there is a 'no branching' rule), but the point that I am trying to make is not about personhood, only that relation R does not matter more than personal identity.

a primary example of such. Could the self not therefore also be an emergent property of our natural biological functioning, even if it cannot be pinned down in a hard sense? The next two subsections will consider the self from that and related perspectives.

C. The soft realist position, or The Humean emotional self

What will perhaps strike many readers as being most remarkable about the soft realist account of the self is that it is realist – that it claims that there is in fact a substantive nature to selfhood without making the further Cartesian ego or soul claims that we tend to associate with the realist stance. While admitting that there is no consensus on the definitive way to interpret Book II of Hume's *A Treatise of Human Nature,* Kristjánsson suggests that Hume 'seems to be arguing that, whereas the self as a succession of related ideas and impressions cannot be a direct object for the understanding, the self of whose moral actions each of us is intimately conscious can be a direct object for our emotions', making the self's realism, its actuality, consisting of emotional activity and generating a self-concept that is dependent on reinforcement from others via social interactions and societal rules and conventions regarding emotions (ibid., 47-48). The self here is each person's moral being, the day-to-day psychological unit of reference we go by, akin to 'the voter' or 'the citizen' or 'the taxpayer'; it is seeing oneself from an affective and morally related point of view (ibid.). Kristjánsson summarizes his soft realist self as being composed of three sets of self-related emotions: 1) self-constituting emotions: those that define us, our 'core commitments, traits, aspirations or ideals', 2) self-comparative emotions: those that take the self as 'an indirect object' or 'a reference point' for 'comparison with a baseline of expectations', and 3) self-conscious emotions: those that are in the self they are about, that take the self as 'their direct attentional and intentional object' (ibid., 75-77). The self here is that which we carry around with us and that more or less matches what we mean when we speak of ourselves, it is the culmination of the creature performing the actions, thinking the thoughts, and having the feelings that we internally associate with those actions, thoughts, and feelings, and that others associate with them too. This is the self that we're used to in the hard realist sense but without any notion of an element that is eternally existing or inhabiting from the outside. There is no mental 'pure ego' here that takes up residence in the physical body, rather the physical body, along with our unique sense of personal identity, is all that the self is and part of that body's normal functioning is to have the emotion-based ongoing characteristics that make up Kristjánsson's first emotive set above and the self-referencing features that

make up his second and third sets. This view of the self, like the narrative variety of the soft anti-realist position, matches with the multivariate and highly specialized modular functioning of our physical brains (Gazzaniga 2011), but unlike the narrative account Kristjánsson's soft realist self posits a substantive object (the day-to-day psychological unit) that can differentiate between self-knowledge and self-deception, even if it cannot be said to exist physically. Our self-concept as a moral being, moreover, means that it can correspond to reality or fail to correspond, it can be judged objectively through the lens of its quality as other-dependent in the social realm. Our daily interactions will either reinforce the way in which we see ourselves as being or they will show us where we have been in error.

Of the accounts of the self examined so far this one is the strongest in both the theoretical and neurologically accurate (as regards functioning) senses, yet it still leaves something to be desired and this has to do with how Kristjánsson handles agency and decision-making in his soft realist self. In a discussion of the 'gappiness problem' taken from psychological research (Blasi 1980), where it has been found that moral reasoning either fails to motivate moral action or does so only slightly, Kristjánsson refers to his 'unified moral self of rationally grounded emotion' as a means of repairing the disconnect – or rather, showing that there isn't a disconnect and that the root of the problem of failed moral action lies elsewhere (Kristjánsson 2010, 97). Kristjánsson takes the soft realist self as showing that there is no difference between the 'moral-self' (having moral concerns as part of one's identity (Blasi 1980)[4]) and having moral emotions, and thus motivating moral action, because those emotions are the foundations of the self. Moral emotion can join together moral cognition and moral action through the training, in an Aristotelean sense, of a (soft realist) self to be a moral self because there is a difference between episodic emotions and dispositional emotions, with the moral (soft realist) self having its grounding in the latter. Emotional reactions show the internalization and integration of 'a certain emotional disposition into his or her moral self.' (Kristjánsson 2010, 94) In a sense, I think that Kristjánsson's account here is accurate, yet it fails to note the evolutionary grounding that our emotions have and gives rationality a more central role than it appears capable of taking, stating that a reflective decision is required to make moral concerns part of one's self-identity and that, again, the baseline of a moral self is 'rationally grounded emotion' (ibid.). There is a large amount of empirical research that demonstrates that most of our decisions are in fact made unconsciously, based on

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4   This was Blasi's suggestion for how to solve the gappiness problem.

intuitions that have been honed by natural pressures over millennia, and that only after a decision has been made and acted upon (or thought or feeling generated) does our rationality step in and provide an internal reason for the action/thought/feeling (Haidt 2001, 2012).[5] The intuitive rules that drive our decisions seem to be both *prima facie* and reflexive, biologically useful for their efficiency even if not always correct (Osman & Stavy 2006). Gazzaniga summarizes the brain's functioning in this way with 'Many moral intuitions are rapid automatic judgments of behavior associated with strong feelings of rightness or appropriateness…not usually arrived at by a deliberate conscious evaluative process that has been influenced by reason' (Gazzaniga 2011, 166). Some of our decisions can nevertheless be swayed by reason, particularly when coming from others and thereby having a social affect on us (Haidt 2001), and our intuitive evaluations can change during our lives, but for the most part by the time we have gotten to the point where we are rationally deciding what to do, we are not – contra Hare – coolly considering our now-for-now and now-for-then preferences and then weighing them against logic and the facts (Hare 1981), we are instead attempting to explain to ourselves the decisions that our unconscious minds have already come to and put into play. Kristjánsson's account is not the fully rational one that Hare's is; it is, after all, based on emotion and seeks to promote individuals who will thoughtfully decide what kind of emotional dispositions they seek to have and will then set about inculcating them through the chosen or designated method. In many ways this is quite similar to Haidt's model, and it is in Kristjánsson's rejection of that model that we can see the Achilles' heel in his own. Kristjánsson dismisses Haidt's and similar systems, as well as the opposing rationality-centered systems, as being two-tiered (emotion on one level and reason on another), where 'emotion is distinct from – if complementary to – reason' (Kristjánsson 2010, 98) and thus as not having placed one within the other, one as the other: his 'rationally grounded emotion', as above. Yet if the research revealing the timing of our decision-making (intuitions first, reasoning later) is correct, and at this point it certainly seems to be, then perhaps Kristjánsson's order should be reversed, giving us a soft realist self of emotionally grounded reason. That would, however, still leave Kristjánsson's concern with the emotional training of a moral self intact, a point with important ethical ramifications.

D. The contextualized soft realist position, or The embedded and determined self

The final self account that we will examine is similar to

Kristjánsson's in being a soft realist position, but is more inclusive of scientific research into cognitive functioning in its theoretical framework and far more radical in its conclusions. This is Ravven's contextualized soft realist position, applying a label that neither Ravven nor Kristjánsson has given to her work and one that I hope will not be misleading. This account also posits a substantive self that is grounded in emotion but stretches that foundation to layers far below where Kristjánsson has them. Ravven cites the work of Panksepp (a neuroscientist) which argues that the self emerged evolutionarily as an affective system to facilitate survival, that it stems from very early sections of the mammalian brain, and that it is something that is shared across all species of mammal (Panksepp 2011, in Ravven 2013). As such, the self here is our (and nonhuman mammals') 'point of view of survival' and 'first emerges in the precognitive ability of most organisms to operate from an ego-centric point of view.' (Asma & Greif 2012, in Ravven 2013) Although this is an emotionally-based self, it is not a Humean reflective self composed of the three sets of self-related emotions that Kristjánsson detailed; rather, it is more of a primal urgency, a voice from deep within that guides and directs. It is here that this view's highly contextualized nature can be most clearly seen, for not only is Ravven's version of the soft realist self a substantive one, it is a highly situationist and mostly deterministic one. Ravven stresses the embedded nature of the composition of our sense of self, stating that it is constructed by its current relation to another; that is, that we all have multiple selves each of which corresponds to a significant relationship and is partially formed by that very relationship and its object (other) through the carrying over of the sense of self involved. Despite this position's status as a soft realist view, none of us have a singular 'me', but instead 'the feeling of self is a mental capacity that can be projected inward or even outward onto the world…we make parts of the world feel like self, and we fill our feeling of self with our engagements in the world.' (Ravven 2013, 372) This notion of a malleable, distributed self that twists and turns with the forces around it also leads Ravven to write that our actions and fate 'are determined… by who our parents were, what world and situation we were born into, and who we became as a result of our early experience, our genetic inheritance, and on and on' (ibid., 348). Accordingly, the agency we assign ourselves mistakenly infers causal ownership of our actions when in fact there lays behind each act a multitudinous number of causes and conditions, that we ignore contributing factors and falsely imagine our behavior to spring from an unbiased free will (ibid.). Ravven does nonetheless try to assign moral responsibility by following Lear's lead in his analysis of Oedipus: that, despite all that may have been ordained by outside forces, what matters in the end

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5 Both sources summarize the evidence and present Haidt's Social Intuitionist model in detail.

is that it was done by us. Ravven writes that 'This given "me" is that by which I am constituted. It is the "me" I find, and I resign myself to accepting it. In so doing, Lear says, I become transformed from being passively acted upon into a morally responsible agent.' (ibid., 348-349; Lear 1998)

There is much that is good in the socially minded and contextualized aspect that informs this position of a soft realist self, taking into account as it does the lessons we have learned of the overwhelming influence of group and setting from such famous psychological experiments as Zimbardo's 1971 Stanford Prison Experiment and the electric shock experiments studying the tendency for obedience to authority figures by Milgram, both of which Ravven refers to on numerous occasions. Moreover, factors such as our upbringing, historical time and place, socioeconomic background, and the capriciousness of the genetic lottery all certainly play large parts in our lives. However, to assign full determinism is a step that many will see as going much too far, and Ravven does more or less do so, if not in so many words. Her version of agency and moral responsibility, for instance, amounts to little more than an admission along the lines of 'This thing that I did was generated by uncountable and interrelated background causes over which I had no control, culminating in the performance of the act by my physical body, but I'll accept the consequences of the action anyway.' Very few of us would consent to taking on responsibility in this way if we held such a view, particularly in legal contexts, and if this account is true then our legal systems themselves would need an overhaul of a proportion that is difficult to even imagine. Gazzaniga, in his consideration of social influences and the brain's highly programmed and often unreachable workings that occur automatically and unconsciously, still concludes that 'ultimately responsibility is a contract between two people rather than a property of a brain, and determinism has no meaning in this context…Brakes can be put on unconscious intentions'; conclusively 'we have to look at the whole picture, a brain in the midst of and interacting with other brains, not just one brain in isolation.' (Gazzaniga 2011, 215) Despite the long arm of our genetic inheritance, and all of the factors outside our grasp, we are creatures with agency who do have at least some degree of control over what we do, although that degree may vary widely from person to person and even from time to time within one person's life. Ravven replies to Gazzaniga's position on this by citing his lack of consideration of neuroplasticity – that our brains' neocortical pathways are rewired by experience – and that because of that neural characteristic the influence of culture, meaning, and language are not voluntary but are flexible; we cannot change our patterns of thought through will but 'only by training and re-training' (Ravven 2013, note 96, 470-471). This appears to leave

the door of choice open a crack, at least as far as our situational interpretations go, which would surely play a large part in subsequent behavior. But Ravven on the whole appears to be uncomfortable with that stance, preferring instead the more potent near-determinism that marks her discussions of the changing self, the contexts in which we move, and the primacy of the ego-centeredness that is an ancient evolutionary heritage fueling our affective systems which in turn drive our behavior. This is Haidt's social intuitionism, which Ravven also references, as well as Greene's work (Haidt 2001 & 2012, Greene 2013),[6] with little or no hope for a self-reflective feedback loop – a position that I would be very surprised to find either psychologist holding. In her book's concluding section, 'A Final Word on Moral Responsibility', Ravven even goes so far as to state that 'If free will is relinquished, we come to recognize that what must be *must indeed be,* and that what must have been *could not have been otherwise.*' (Ravven 2013, 419; emphases in the original) This is a very comforting thought to all of us who have regrets, but if true then it would take us into a realm of unalterable fate that not a few would find abhorrent and it would also wreak havoc on the meaning and purpose in life that many people have discovered for themselves. There is a final problem with this account as well, and that is that Ravven appears to take what are still controversial findings as conclusive. For example, she cites Damásio's position that the self defines itself by its relations to the environment and its relationships with others (referencing Damásio 1994 and 1999) as being a fundamental and crucial point, yet she also states that the data is at present inconclusive. Panksepp's work is also controversial, as is the extent to which Ravven embraces neuroplasticity. When drawing our conclusions from the research being done into the brain we must remember that the field of neuroscience, along with its revelations about cognitive functioning, is a rapidly changing one and this is something that Ravven does not seem to keep in mind. Although her ideas are exciting and, if they withstand the test of time, would potentially mean a radical reorientation of human life, it seems to me that Ravven's contextualized soft realist self would be far stronger and more applicable at present if it were tempered down by a large margin. Nevertheless, in what follows we will take much from this account, as well as from Kristjánsson's soft realist self, in our offering of a self-concept that seeks to accurately reflect the conclusions about our natural functioning that are widely accepted, and that may allow us to approach one another in a more ethically affirmative manner.

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6   Both of these researchers present the brain's functioning as being prewired and specialized by area – the modular view that is at present generally accepted but which Ravven rejects in favor of a more plastic view.

3. The Limited Choice Soft Realist Self

There does seem to be good reason for accepting the commonsense view that there is substance to the self although that substance is almost certainly not in a physical or definitive form; even the soft anti-realist account is based on this assumption – with its something that is supported by nothing – despite being an anti-realist position (though the hard anti-realist position is an exception here). Ravven's account of an emotional self made up only or primarily by a biological drive to survival and that exists as a multiplicity which transforms depending on current relational statuses seems excessively shallow, however, and it may be noted that its foundational survival drive can be included in Kristjánsson's fuller three sets of self-related emotions, fitting into the third category of self-conscious emotions. It is Kristjánsson's account generally, in fact, that seems to be the most robust of the four that were examined, and its deficiencies can be made up for by supplementing the position rather than by having to start over again from scratch. To his affective and self-reflective account we may add the growing psychological evidence in favor of an intuition first, reasoning second model of decision-making and behavior initiation which is augmented by Ravven's emphasis on background causal factors and social pressures playing an important role in shaping the parameters that influence our intuitions. As Rorty has put it, 'the central flaw in much traditional moral philosophy has been the myth of the self as nonrelational, as capable of existing independently of any concern for others' (Rorty 1999, 77), and to this relational aspect may be added the historical, geographical, and epochal embedded nature of the self that Ravven highlights. The place in which we find ourselves, in which our selves exist, is one that is marked by many outside pressures and unconscious leanings, our selves are interdependent with each other and with the environments which we inhabit. Our selves may not *define* themselves this way, as Ravven cites Damásio as arguing, but it nevertheless seems reasonable to hold the lesser position that how others see us does play into how we come to see ourselves, as per Kristjánsson's Humean model. Moreover, these very multiple layers of mutually dependent and interlocking social fabrics and influencing factors that form our world point to a limiting of potential actions and options, and the more so when we consider that in most cases our unconscious minds will be the deciding element, with their own internal influences of current affective aspects, personal values held, life experiences, and the like. We are not fully free to do absolutely anything at any time because what we will be able to do, and more to the point, what we will consider ourselves able to do, will be limited by factors

over which we have no control. The fact that everyone else is in this same situation should give us pause when starting to judge others as we recognize the limiting external and internal restrictions that we all face. This is not a universalist ethics, but it does acknowledge that the broad generative processes that affect our choices as individuals are shared across our species, differing by regional, cultural, and linguistic inputs but still affecting us in similar ways. That our choices are limited does not, however, mean that they do not exist, and it is because of their existence that we retain agency and moral responsibility. As Gazzaniga points out, criminals do not usually commit crimes in front of police officers (Gazzaniga 2011), and everyday experience confirms both that we have self control and are able to exercise it to varying degrees, unless one is willing to accept the full determinist position and consider our perceived self control to be an illusion; some problems with hard determinism have been mentioned above and are discussed at length elsewhere. Our intuitions and social pressures may be pushing us in a certain direction but we still have the ability to choose within those parameters that we confront, and more importantly, we also have the option of partially choosing how we will intuitively react by working to foster positive immediate unconscious reactions and minimize negative ones through reflection and repetitive training.

Although some arguments against a soft realist view of the self have already been discussed above in our consideration of the representative anti-realist accounts, perhaps the most direct objection that could be made would be that it is simply one more theorized account among many, with no hard evidence that would cause us to consider it more accurate than its rivals. While Kristjánsson's three sets of self-related emotions that compose the soft realist self may be difficult to ascertain empirically rather than experientially, our shifted foundation to that of an emotionally grounded reason – instead of the other way around – that we gave to his self-concept in light of the research on how our decision-making tends to happen (intuitive reactions primary, rational thinking secondary) does have a sound basis in the experimental sciences. Greene notes that 'From a neural and evolutionary perspective, our reasoning systems are not independent logic machines. They are outgrowths of more primitive mammalian systems for selecting rewarding behaviors – cognitive prostheses for enterprising mammals. In other words, Hume seems to have gotten it right.' (Greene 2013, note to 137 text, 368) Since our ability to reason, and likewise all that we take to be quintessentially human about that, has at its core an affective network of action promotion, similarly grounding our internally held view of self in the emotions would appear to be far more valid than any of the alternatives, and unless a hard realist self were to

somehow be discovered this seems to be our best bet.

What ethical applications may such a view of the self entail? To begin with, by focusing on the embedded and interconnected nature that all of our selves have it would be easier to see in others commonalities with oneself. This would help us put ourselves in others' places when interacting with them through the recognition that they too are affected by similar social and related pressures and that their actions and outlooks towards us arise from a limited range of options. It would also inform the way we regard others with whom we have little or no direct contact by placing them within their respective wider spheres vis-à-vis our own, and understanding that there are many generational pressures culminating in current practices – something that could be particularly advantageous if applied to current debates on multiculturalism and the struggle for acknowledgement that minority groups often undergo (Hanssen 2000). A real-world example may help to illustrate the ideas currently under consideration, and to make the case a little more interesting we will use an incident from my own life here in Tokyo which includes intercultural elements that might otherwise not be present but in light of the preceding multicultural comment and our increasingly globalized world seem appropriate. As for many Tokyoites, taking the train occupies a central part of my life and dealing with the crowds and the stress of the daily commute presents many opportunities for conflict. Not long ago I was taking the stairs up from the line I had been riding on to transfer to another line and continue my morning journey when an incident that relates to the present discussion took place. Typically one is expected to walk on the left side of the staircase when ascending, but there are many stations where signs have been posted directing people to instead go up on the right side and down on the left (as you face the stairs from the bottom); the station where I transfer is one such place. On that day as I started to climb I noticed that a man was coming down on the same side that I would go up on, but as the signs said that where I was was designated for ascending I assumed he would move over and continued going up, keeping my eyes on the steps immediately in front of me to avoid tripping. Suddenly I saw his feet on the next step and looked up to see him standing there glaring at me. He had not moved over at all and, judging from the look on his face, was very irritated that I was on the side of the stairs that I was. For a split second I considered pointing to the very visible signs stating that this was the ascending side both behind me on the lower floor's ceiling where the train line information was posted (visible as you descend onto the lower floor) and on the stairs themselves while saying something polite but direct, but then thought better of it and moved around him, glaring in return as I did so.

Now, I admit that I could have acted much better in this situation, but I also could have acted much worse had I not recently been thinking about the affective forces and background issues in people's lives that influence behavior; to see how all of this fits together allow me to unpack this brief episode using the foregoing analysis. To begin with are Kristjánsson's three sets of (my) self-related emotions and how the everyday contributes to continually shaping the self: 1) my self-constituting emotions (defining commitments, traits, ideals) include a strong sense of justice, that what is right ought to be favored and that this includes the proper following of established social rules designed to make everyone's life safer and better (e.g. traffic laws, deference conventions, etc.), this led me to believe that my following the directing signs on the stairs should be reciprocated by others; 2) my self-comparative emotions (referencing the self indirectly against baseline expectations) involve an awareness of my status as an outsider here in Japan and the pressure I feel not to stand out any more than I already naturally do; viewed against my own expectations regarding how I think I should behave I 'rated' myself in this instance fairly poorly; taking us to 3) my self-conscious emotions (in the self they are about, attentional and intentionally direct) informed me that I could have and should have done better, I realized too that I was tired and irritable that day and that those feelings played into it; I also realized that the other man may have been tired and irritable as well, contributing to how he behaved. This last point also demonstrates how the intuitive and affective backgrounds that we have feed into and connect with our self-related emotions and help unconsciously form the boundaries of the spectrum of choice that we consider ourselves to have in those instances when we stop and apply our conscious minds to the situations we find ourselves in (rather than just operating unthinkingly from the intuitive level). These boundaries of choice are in addition restricted by any number of contextual elements. With my own North American cultural background my intuitions (functioning automatically and unconsciously) told me that I had no need to – and indeed should not – move over when I first glimpsed the man descending on the wrong side: people who are in the right do not yield to those who are mistaken. Surely he would see the signs and move to where he should be, it would be best to carry on where I was. Although I cannot speak for the other man involved his intuitions may have been giving him pre-packaged decisions (as it were) indicating that one must always walk on the left side, or that as a foreigner I ranked below him on the social hierarchy scale and therefore should submit to him, or that as someone younger I should allow him his preference (I am often told that I look younger than I am, something that in many places would be advantageous but works against one in a society where age is afforded status).

Each of us could have overridden our intuitions but we failed to, and I could have met him with a smile and a laugh as I moved around him instead of a returned glare but I did not; this is a point I should address as I seek to equip myself with improved intuitive reactions, another lesson that can be taken from the psychological research that underpins the self-concept being outlined here.

The above is just a tiny example but it does give us a glimpse into how the process of applying this view of the self ethically could work, and how our awareness of these issues and our monitoring of our self-related emotions can make us behave better towards other selves and our own selves. The self as understood on this view is something that is an ongoing and real part of us, but it is also constantly being shifted, reinterpreted, and reconstructed as we go about our lives, reflect on ourselves, and receive feedback from others. Moreover, this is happening for every self in our vastly interconnected human milieus, each interaction adding to the picture of the self for that self. If we can therefore foster a deeper awareness of and respect for the interdependent links that we share with the other selves both within and without the public arenas in which we operate then we may be able to approach an understanding of what we are that includes many more of those others than current atomistic accounts permit. Rorty writes that 'Moral development in the individual, and moral progress in the human species as a whole, is a matter of re-marking human selves so as to enlarge the variety of the relationships which constitute those selves.' (Rorty 1999, 79) The limited choice soft realist self-concept would move us in that direction, while also yielding a view of the self that better fits both our intuitions of what we are and the research into our cognitive constitution and behavioral output.

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