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Tech Ethics: Speaking Ethics to Power, or Power Speaking Ethics?

Lily Hu*

Abstract: In recent years, tens of product teams, research institutes, academic conferences, and college courses—the list goes on—have cropped up under the banner of tech ethics to grapple with the social and political impact of technology. For some, an orientation around ethics indicates a moment of humility in an industry characterized by hubris. Now even major tech corporations are seeking expertise outside of the technical sphere. In speaking tech ethics, we speak ethics to power. For others, the outlook is less rosy. Critical observers take tech ethics to just be the latest tool in the same-old corporate toolshed—new rhetoric in service of old interests. Tech ethics is a wolf in sheep’s clothing. It is power speaking ethics. But debate about tech ethics concerns more than descriptive analyses of current efforts as such. The capacities of ethical tech as a political movement are also up for scrutiny. What is the political payoff of anyone speaking ethics at all? In this article, the author approaches the question by drawing on a critical history of another moral-turned-political movement. A critical inquiry into the ascendancy of human rights, the author suggests, elucidates the multiple functions of moral reasoning and rhetoric in political movements and lends insight into how they may ultimately bear on political efficacy. The 20th century history of human rights gives reason to be suspicious of moral language that is evasive of engaging political and ideological battles. However, it also points to the possibility that long-standing moral ideals may be renewed and refashioned into new claims. Tech ethics may yet play such a role: placing explicitly moral demands on those typically taken to be exempt from moral standards. This demand reaches beyond what the specialized moniker of “tech ethics” suggests.

Key words: ethics of technology; political movements; human rights

1 Introduction

Every year in late-April and early-May, thousands of tech enthusiasts gather in convention center auditoriums, usually in the San Francisco and Seattle Areas, to watch the industry’s biggest names unveil their companies’ latest innovations. The sequential late-spring slate of developer conferences—Google I/O, Facebook F8, and the Apple Worldwide Developers Conference—are like a techie’s West Coast Met Gala: celebrities don signature outfits and dazzle star-struck fans; press and critics report on who best captured the zeitgeist; at the center

of the events, the products themselves shine (in the case of most digital devices, literally emitting light) as though beaming at the crowds.

But unlike the Met Gala, which showcases reactions to a theme announced ahead of time, developer conferences also set an agenda to come. Like all things in the tech world, conferences are about the future. We are shown snippets of our soon-to-be world—if the tech companies get their way, that is—a world of fancy wrist devices that “watch” much more than time, of cylindrical home assistants that serve as home stage lighting directors, of phones that unlock at a glance. The futures imagined by Silicon Valley are idealized visions of the human-technology partnership: technologies are our tools. They help us do what we want. The more we develop, the better off we will be in attaining what we want. The questions that follow these assumptions—What do we

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want? What should we want? To what extent are technologies really mere tools?—are best left to be pondered by others outside the conference center.

It was striking, then, that Microsoft CEO Satya Nadella’s opening keynote at his company’s 2018 Build conference looked not to the future but to the past—first, to the Industrial Revolution by way of the economist Robert Gordon’s anti-techno-optimist book *The Rise and Fall of American Growth*, and then, even more surprisingly, to the mid-century existentialist philosopher of technology Hans Jonas. Nadella recounted Jonas’s claim that acting responsibly is to “act so that the effects of your action are compatible with the permanence of genuine life”. Transitioning to a discussion of Jonas’s 1973 essay “Technology and Responsibility”, Nadella continued: “That is something that we need to reflect on, because he was talking about the power of technology being such that it far outstrips our ability to completely control it, especially its impact even on future generations.” Nadella then segued from Jonas’s words on responsibility to outlining the three core pillars he claims will guide Microsoft’s plans for the future: privacy, cybersecurity, and ethical artificial intelligence. Technology might well still be a tool, but it is also something that needs to be controlled and even constrained.

It is notable that this dual challenge of the contemporary tech moment found its way into Microsoft’s biggest publicity event of the year by way of philosophy. What are we to make of Nadella’s choice—which we now see repeated in the rhetoric of many institutions grappling with the rapidly growing social and political impact of technology—to adopt the language of ethics in response to tech’s crisis of legitimacy? It is likely, of course, that the invocation of Jonas and Nadella’s entreaty to his fellow engineers to consider “not only what computers can do but what computers should do” was mere publicity stunts aimed at humanizing both Microsoft and the tech industry more widely. But granting, for the sake of argument, his commitment to the matter, we might still ask what good it would serve? What can philosophy and ethics do in the harsh technological realities of our present world?

2 A Turn Toward, and Away From, Tech Ethics

While discourse in and about tech continues to be largely ruled by a spirit of optimism, a tempered tone, tales of caution, and attention to societal risks and harms have

become features of the industry’s narrative, too. Concern about such wide-ranging matters as the role of social media in our civic landscape to a digital economy built on surveillance to automation-driven joblessness has technology companies under greater public scrutiny. Increasing attention to the ways technology makes and remakes society has been followed by demands for oversight, regulation, and more generally for a reassertion of values into the discussion of what we build.

Latter values-focused approaches to technology’s implications for society, often centering around the language of moral ideals and principles, appear under the broad umbrella term of “tech ethics”, and their rise both inside and outside of the companies themselves has been accompanied by two kinds of responses. On one view, to the extent that philosophy can be useful at all for building a just society, some amount of moral theorizing needs to make its way down from the heavens to affect the practices and politics of our earthly institutions. If we can come to an agreement on the content of certain shared moral ideals (a tough proposition to be sure, but one that is not impossible), public declarations infused with ethical language can give shape to those moral ideals in the real world and give directedness to actions aimed at achieving them. “Ethics” can force a shift in companies’ normative orientations, from their own bottom lines to the roles they play in society: the duties and obligations they owe to a broader public. In doing so, thinking morally can help companies avoid potential future missteps and their accompanying social consequences.

Others see tech’s adoption of ethical language as serving less honorable purposes. Skeptics not only doubt the extent to which ethics can transform tech’s practices but have questioned whether ethics, as deployed, is meant to even serve those purposes at all. Commentators such as Ben Wagner have decried the recent onslaught of company principles, frameworks, and guidelines, and as mere “ethics-washing”, aimed at masking deeper structural critiques and preventing regulatory actions^[1]. In an industry ridden with scandals and rapidly losing public trust, critics wonder why ethics has been chosen as the rallying cry. For companies that have as of yet been largely unconstrained by state and legal forces, why have ethical frameworks, promises, and principles appeared as safe policies to embrace? The tech ethics cynic sees the easy co-optation of ethics language as, to use a popular phrase in tech, “features, not bugs” of the ideas

themselves: vague claims to center human values, consider the social good, and avoid bias and unfairness. In his book *Radical Technologies*, Adam Greenfield characterizes messaging like Nadella's as a "fig leaf of 'ethical development'", allowing corporations to carry on with business as usual, so long as they assure the public of their attention to various ethical considerations^[2].

But critics like Wagner and Greenfield are skeptical more generally of the tech ethics program, even when formulated by seemingly independent tech advocacy groups. Their reason for suspicion is clear once you follow the money. Besides those initiatives that are official company efforts, many organizations that forward an ethics-centric agenda—the Association of Computing Machinery's Fairness, Accountability, and Transparency (FAccT) conference, the Good Technology Collective think tank, and the Center for Humane Technology, to name a few—are financially backed by Big Tech. Partnership on AI is a non-profit collaborative effort between several of the most prominent tech firms (Amazon, Apple, Facebook, Google, IBM, and Microsoft). OpenAI, similarly, is sponsored by Amazon and Microsoft, and supported by Elon Musk and Peter Thiel. Even the ivory tower, often caricatured as fetishizing separation from the concerns of reality in favor of high-minded independent inquiry, has sought a slice of the tech ethics pie and the money guaranteed to come along with it. The Stanford Institute for Human-Centered Artificial Intelligence (HAI), an endeavor set on incorporating human values into technology design and policy, is advised by a roster of Silicon Valley and Wall Street executives; meanwhile, the Technical University of Munich Institute for Ethics in Artificial Intelligence has received \$7.5 million in funding from Facebook.

As a practical matter, this relationship between "independent" research and corporate cash is par for our neoliberal course. Ours is an era of unprecedented slashes to the public financing of non-profit organizations, as well as some of our most important democratic institutions: elections, libraries, universities, and public service broadcasting. Whereas ethics ventures might have received public support in the past, shrinking budgets in funding agencies such as the offices of the National Endowment for the Humanities have left institutions increasingly reliant on the graces, whims, and self-interest of private philanthropy, both corporate

and individual. Thus, given that programs and promises to be ethical need funding, institutions are left with little place to go but to the standard stock of elite private donors. Recent unveilings of colleges and university centers dedicated to the "social good" demonstrate shocking cases of short-term memory loss: Stephen Schwarzman, known in part for allying with Saudi Crown Prince Mohammed Bin Salman, will have his name forever emblazoned on an "ethical" College of Computing at Massachusetts Institute of Technology (MIT) in exchange for a financial setback of \$350 million, while Henry Kissinger spoke at the MIT College's inaugural festivities and attended the HAI launch. It is clear why these collaborations are also in the interest of their patrons: for the rich, famous, and morally dubious, paying for tech ethics buys a seat at the table and an opportunity to eclipse the more unsavory parts of one's history. Tech ethics are indulgences; universities gladly sell.

Much of the ethics-washing discourse has well identified the at-best-amoral coffers of tech ethics initiatives, which allow corporations to maintain oversight and even steer the public conversation about their growing power. On this view, Silicon Valley, with its long financial strings, plays the tech ethics marionette; "ethics" is a show, and they know it.

But while an ethics-washing story that centers corporate control over the terms of political conversation captures one important aspect of tech ethics, it underplays another critical feature of the dynamic between ethics ventures and tech companies in today's movement. The author wants to suggest that there is a much deeper dependence than the mere financial one between tech ethics initiatives and the corporations they attempt to keep in check—one that is relatively less explored and lies in the political rationality of tech ethics. This dependency is mutual. Just as Big Tech needs "ethics" on its side to maintain public goodwill, "ethics" ventures need Big Tech for their own legitimacy. It is an uncomfortable fact that however much external advisory boards and universities claim to be "third parties", ethical tech institutions are in fact parasitic on the continual moral failures and disappointments of a hegemonic tech industry. These groups and efforts survive only because Big Tech has chosen to engage the ethics discourse while it has blocked most other political movement-building. Up to now, the tech ethics

discourse has only been able to make headway to the extent that corporate power has remained largely intact.

This mutual dependency, however, also suggests that applying the common ethics-washing critique is less straightforward than we might expect. All sorts of tech critiques now appear in the language of ethics for a variety of reasons—some might take on “ethics” as a convenient label that now happens to hold sway with companies; others might masquerade as “ethics” simply to survive in the space; still others might intentionally choose to reinsert “ethics” in our political discourse. Still, the endorsement of ethics by corporate board members and organizing tech workers alike is unexpected and also unsettling. How should we understand such a multifaceted movement that lies at the convergence of so many different political motives and ideologies? Does the mutual dependency between tech ethics efforts and tech corporations expose the minimal political capacities of the movement? Or is it evidence of shifting tides in the public’s expectations of corporate behavior? How can we interpret and update the ethics-washing critique in light of the highly varied nature of the tech ethics landscape and of the political moment in which it sits? The author considers these questions through a lens that focuses on the place of moral rhetoric in political movements. What are the political affordances of the tech ethics movement’s self-conscious orientation around the language of ethics?

The author wants to note from the outset that her investment in these questions is not that of a disinterested onlooker. As a researcher, the author has worked in the broader tech ethics area. The author has participated in conferences, organized workshops, and even taught classes on the field. This article is equal parts personal and academic interest. On one hand, self-reflection and anxiety about the author’s own experiences and relationship to this burgeoning tech ethics space. On the other hand, diagnosis and analysis of what tech ethics does and can do as a trend, a practical strategy, and a field of study. The exercise here is an attempt at scrutinizing a movement and community of which the author is a part—recognizing all the limitations of theorizing without remove.

3 Moral Ideals and Political Movements

Moral ideals occupy a delicate position within political programs. The capacity for a moral political campaign to

achieve democratic victories is highly contingent on its surrounding political conditions. Interpreting the political capacities of the tech ethics movement requires an analysis of both the material and ideological conditions under which such ideas and activism are able to flourish today. But tech ethics is not the first inspiring political movement to self-consciously center moral ideals. In this article, the author looks to another moral-turned-political human rights, which rose to become the lingua franca of global justice in the latter half of the 20th century, as a frame through which to analyze the contemporary tech ethics moment. The author shows that in the cases of both tech ethics and human rights, there arises a mutual dependency between the movements and their moral ideals on one hand and reigning institutions and their logic on the other. Just as reigning institutions appeal to higher moral ideals to bolster claims of legitimacy, both the present-day tech ethics and the 20th century human rights movements rely on the power of sponsor institutions to ensure their continued political relevance. The tension at the nexus of moral ideal, political practice, and institutional instrumentalization is a central feature of the history of human rights and one that the author argues is crucial to interpreting “tech ethics” as a contemporary phenomenon.

Second, the author reads the tech ethics movements, both the corporate and tech worker movement one, as part of broader projects that look to (re)claim the role of moral reasoning and language in our political sphere. If the author is right, then the stakes of the movement are much greater than the specialized title “tech ethics” suggests. Here again, the history of the rise of human rights has something to offer. If the political demands we make are at-bottom moral claims about living in a just society, what factors influence the fate of these moral arguments? Knowing an answer to this question can help us assess our current ethical movement—has it been irredeemably captured by tech industry elites? Or does it have political potential? In looking to the post-World War II development of human rights, we gain a new perspective on ethics-washing charges and can in turn, better evaluate the opportunities and risks of today’s tech ethics efforts.

3.1 Human rights: Moral or political?

Human rights, those rights we are entitled to simply by

virtue of being human, project an unconditional moral objectivity, justifying their priority over the more contingent facts of our worldly existence: what leaders we might have, what government happens to rule us, and what political system we currently live under. Though human rights are genealogically descendant of a natural rights tradition that reaches back centuries, their rapid international ascendancy in the 1970s spawned a new orientation to global justice that emphasized individual rights separate from those entitled by citizenship. Human rights claimed higher moral ground than those enshrined by positive law; hence, Sen's description that they are often seen as "parents of law"^[3]. By emphasizing rights outside of, and indeed above, governance structures, the modern-day human rights movement did not have to confront perennial challenges of political organization.

Some scholars who study the political circumstances surrounding human rights see a less rosy picture of their international prominence. Moyn's account of the 20th century history of human rights locates their ascendancy at a time of exhaustion with ambitious egalitarian visions^[4, 5]. Moyn sees such timing as evidence of the compatibility of modern-day human rights activism with whatever dominant ideological order happens to reign. This is perhaps a first hazard of relying on moral language—even moral language that we more or less "all agree with"—as political speech. Far from offering a stable moral lens through which to appraise the well-beings of humans and their rights, the concept of "human rights" has always functioned as a political tool, to be folded into, rather than to destabilize, the reigning geopolitical calculus of those who choose to wield it, be it watchdog NGOs, international political bodies, or nation-state governments.

Consider, as example, the state of US foreign policy before and after Jimmy Carter's famously human rights-centric inaugural address in 1977. In the decades leading up to the "golden era" of human rights in the 1970s, the US amassed a remarkable record of toppling regimes and replacing them with right-wing military dictatorships—most notably in Latin America with Guatemala in 1954, Brazil in 1964, Chile in 1973, and Argentina in 1976. But to believe that foreign policy principles and strategies were fundamentally altered after 1977 is to fail to appreciate the fundamentally politically-embedded and instrumental nature of moral

discourse. Moralistic human rights language could also be easily incorporated into pre-existing interstate allegiances and conflicts. "Good" human rights-focused foreign policies became entangled with the more morally-ambiguous ideal of "democracy promotion". Interventions originally justified in the name of the former were frequently later defended by reference to the latter. Human rights rhetoric reached new heights of dark irony in the 1980s when the Reagan Administration embarked on its bloody foreign policy strategy in Central America that left dead hundreds of thousands of civilians, much of which was pursued under the direction of Assistant Secretary of State for Human Rights and Humanitarian Affairs, Elliott Abrams. Abrams repeatedly upheld the human rights record of the right-wing military junta in El Salvador that was responsible for an estimated seventy-thousands civilian deaths during the course of the country's civil war.^① He even continued to push for more US aid to the Salvadoran government, explicitly saying, "The purpose of our aid is to permit people who are fighting on our side to use more violence"^[10]. The real human rights mission was to protect American-style democracy, and on Abrams' view, the junta were "freedom fighters", so the moral choice was clear.^②

Such blatantly self-serving rhetoric remained so much a feature of the Reagan Administration's human rights-centric foreign policy that in 1985, advocacy groups explicitly accused Abrams of developing and articulating a "human rights ideology which complements and justifies Administration policies"^[11]. Funnily enough, the same charge has often been levied against the entire realm of human rights practice and politics itself. From their United Nations declaration in 1948 to Carter's human rights inaugural speech to Amnesty International's Nobel Peace Prize in the 1977, human rights have always relied on the approval of the reigning Western political bodies for the legitimacy of its moral force. It is for this reason that the contemporary human rights agenda has retained a largely liberal approach to justice, eschewing the broad egalitarian economic concerns that have been at the center of other notable 20th

① On Elliott Abrams' human rights offenses and defenses of the US foreign policy in Central America^[6-9].

② The descriptor "freedom fighters" was oft used in the Reagan Administration. President Reagan used the term to refer to anti-Communist insurgents everywhere in his first State of the Union of his second term in 1985. Elliot Abrams adopted the term to refer both to the Contras in Nicaragua and to the insurgents in El Salvador.

century political movements, such as socialism. Reliance on institutional endorsement has thus limited the extent to which human rights can stand independently of the larger animating political ideals of the dominant powers that be, let alone challenge them. As the US's war in Iraq so devastatingly showed, "humanitarian" campaigns have proven compatible with a diverse set of political frameworks and agendas. Without their own positive independent vision for global justice, human rights, even when pursued earnestly as a guide to moral political action, have been continually subordinated to more assertive ideologies—in the case of the US, ideologies of neoconservatism, of imperial expansion, and of global capitalism.

3.2 Tech ethics: Moral or political?

If there are lessons to draw from this recent history of human rights for the purpose of understanding tech ethics, this transition from moral theory to institutional political instrumentalization is a good place to start. Just as causes of all sorts have marched under the banner of human rights, so we see the same in conversations about tech ethics: Google's capacity to bring high-quality information to people across the globe becomes a social responsibility to augment its user base. At the WIRED25 Summit, Sundar Pichai portrayed the business decision to expand into global markets as an urgent moral choice, saying, "Today, people either get fake cancer treatments, or they actually get useful information"^[12]. Following this line of reasoning—in which Google withholds life-saving information when it fails to service populations—Pichai arrived at the conclusion that Google is in fact ethically "obliged" to consider how it can expand its services to the 1.4 billion people in state-censored China. For Apple's Tim Cook, taking ethics seriously means calling the business model of ad tech what it is: platforms built on exploitation and surveillance. What is the solution to this "data industrial complex"^[13]? Ensuring strong protections against personal data extraction via hardware solutions—luxury good devices that feature premium encryption for users. Fortunately for Google and Apple, doing ethics-aligned business is not so hard after all. The business instrumentalization of tech ethics follows the same pattern as that of the state's deployment of human rights rhetoric: enlisted to complement and justify more fundamental strategies that protect political and economic interests.

Ethics-washing critics have called attention this corporate ethics charade, but as the author has suggested, the incorporation of ethical language into business pitches represents only one modality of the tech industry and tech ethics interdependence. While firms might refer to ethics to stave-off greater public scrutiny, the legitimacy of tech ethics as a viable political program also in part depends on the recognition that the effort is awarded by corporations. Ethics-washing critics have much less noted this second type of reliance. Beyond the material consequences that tech ethics groups would face if they issued a genuine challenge to tech power, many mainstream organizations adhere to a theory of change that requires corporate approval—a dependency on institutional heavyweights that, as the author has shown, echoes the logic and geopolitical power relations of the human rights political landscape. In the case of tech ethics, proposals to be ethical can only remain relevant if tech firms choose to endorse them. Ironically then, tech ethics groups become reliant on a certain sweet-spot of crisis: enough to sustain their sense of purpose and urgency, but not too much to spur calls for a rejection of industry elites and a radical revision of our institutions. That is, a deeper ethics-washing charge may in fact cut both ways—corporations use ethics as a diversion that distracts from meeting more substantial political demands; independent tech advocacy groups use ethics to bolster their own relevance as institutional changemakers.

This joint convergence on a weak political program is no surprise to critical scholars of human rights. We see the same with modern advocates of "human rights" who envision a global community of watchdogs for abuse but rarely ask whether the baseline from which urgent crises deviate is itself morally and politically acceptable. Much of human rights appears now so obvious to the Western public that the moral consensus seems to justify a movement that retreats from the political sphere. Of course, the de facto reliance of human rights on dominant political powers and their governing ideologies continues to demonstrate political allegiance, albeit a silent one. The failure of human rights and humanitarian organizations to see their work as politically inflected simply serves to naturalize these dominant political conditions and ideology. Here we notice a superficial but rather telling trend in how tech ethics institutions are

named. Many of their names emphasize an alignment with “humanity”— the Stanford Institute for Human-Centered Artificial Intelligence, Center for Human-Compatible AI, All Tech is Human, and the Center for Humane Technology, for example. The obviously-good alignment with “humans” provides groups cover for failing to commit to more specific political projects. Tech ethics proposals have thus existed mainly as the negative of crisis moments: every breach of our privacy and revelation of biased technological design is fodder for ethics watchdogs, which can then prompt (gentle) intervention to correct the aberration.

One such example of how the ethics-washing charges may indict all do-good tech organizations who push the mainstream tech ethics agenda is well illustrated by the activism pursued by the Center for Humane Technology (CHT), an organization which boldly declares on its website that, “Technology is hijacking our minds and society”. Its ethical concerns have primarily cashed out in the form of advocating for more conscientious consumption of technology and greater emphasis on the design of applications that allow users to better monitor their digital activity. Tristan Harris, co-founder of CHT and former Google Design Ethicist, sees the roll-out of recent phone user limiting features built into Apple’s iOS 12 and Google’s Well-being tool as encouraging responses to CHT’s “Time Well Spent” campaign against “attention-hacking”. Although Harris acknowledges that such apps represent only baby steps in a larger battle, he sees “Time Well Spent” as flipping a switch, triggering a “race to the top for who can care more about the fabric of society”^[14]. On Harris’s view, then, profit-driven market interactions still operate as the fixed point of institutional behavior with which ethical aspirations must align. A movement that takes this tack can hardly see a role for tech beyond serving as either our harvester or our caretaker.

Interdisciplinary tech ethics-adjacent research ventures like the Fairness, Accountability, and Transparency (FAccT) conference illustrate a more specialized form of mutual dependency in which the tech ethics academic discourse feeds on the shortcomings of Big Tech, while Big Tech bolsters the legitimacy of tech ethics by engaging the ethics discourse. While FAccT as an academic venue does shine light on important normative, technical, and critical inquiry in the fields of computer science, law, and tech-concerned social

sciences, it is also likely the case that without the support of large tech companies, the field would not be seen as urgent, impactful, and generally as “hot” of a research area as it is today. Applied research of this sort greatly benefits when large tech companies adopt their proposed “more fair” technical practices or ethical guidelines. FAccT researchers are, generally-speaking, not shouting into the void; quite the opposite, many are in fact meeting at post-conference corporate-sponsored cocktail parties to discuss collaborations across institutions and interests. In environments like these, it is easy for considerations about making a real-world positive impact to become considerations about how companies can be convinced to adopt such reforms. Sadly, this thought process effectively subordinates questions about what justice requires to questions about what companies will likely find agreeable. The scope of the tech ethics discourse can thus be easily hemmed by the naturalization of corporate logic.

It bears noting that the limitations of CHT, FAccT, and similar organizations are not specific to the groups themselves; they have arisen due to a general shift in our political economy, in which the realm of the economic increasingly shapes and even displaces the realm of the political. Just as the ascension of human rights cannot be understood absent the parallel dawn of the neoliberal age, tech ethics efforts must also be situated within this greater political context. Mainstream ethics efforts fill a vacuum of institutional political activism in an area that exists due to a variety of factors: successful political capture, insufficiencies of collective action, a significant structural advantage of Big Tech in the economy, and a genuine uncertainty among both policymakers and the general public about the harms and benefits of technology. This stalemate, along with the chilling effect of financial sponsorship, limits the extent to which ethics groups are willing and able to agitate for more ambitious structural change. What remains is the narrow ability to challenge those impacts and behaviors that organizations view as clearly morally objectionable— hence the language of ensuring “humane” tech solutions—in order to ameliorate those particular ills.

4 Inevitability and Contingency in the Politics of Tech Ethics

In pointing out the mutual dependency that underlies much of the mainstream tech ethics movement today, the

author does not intend to immediately undercut the critical value and independent integrity of all such ventures of research. The interdependency does, however, bring to the fore important questions about the politics and morality of conducting “ethical” research in an area that is shot through with neoliberal logic. As a researcher who has participated in FAccT, the author finds these conflicting desires exceedingly difficult to negotiate. On one hand, the author has an interest in producing work that speaks with courage and honesty to her normative political commitments; on the other hand, the author has an interest in being accepted by a larger community of scholars, many of whom reside at Big Tech, and the author carries a (faint) hope that tech companies will consider her scholarship in a way that destabilizes unjust yet profitable business practices. On one hand, the author has an interest in scholarship that dispels with the siren song of political neutrality on the most urgent questions of ethical tech; on the other hand, the author has an interest in the community’s continual appeal to Big Tech, which allows it to persist as a model of productive discourse between academia and industry. In ideal conditions of practical discourse, perhaps these two visions would be reconcilable. But such a rosy interpretation refuses to confront the necessity of political struggle in a sphere well overdue for it.

The problem, then, is that the success of FAccT’s constructive cross-sector exchange cuts both ways. It proves that tech companies’ products and processes can be shaped by thoughtful ethics-adjacent research, but it also shows how a symbiotic relationship between tech firms and tech ethics can obscure the fundamental fact of political contestation undergirding the ethical issues at stake. This latter consequence is what the author finds to be most worrying about tech ethics collaborations today. If the story of ethical technology has, up to now, been one of effective assimilation under corporate influence, then we may have to face up to a great potential irony of tech ethics: that pursuing the ethical movement we most need would actually compel us to immediately cast many of our current campaigns into obsolescence. This, in fact, is the ethics-washing charge at its strongest: a claim about the use and norms of tech ethics in a corporatized language-game inimical to our dire need for a genuine redistribution of power.

The strong ethics-washing claim that the political virility of tech ethics language has been doomed from the

start shares notable similarities with another influential idea in the scholarship on human rights. The view that an appeal to “ethical technology” undermines the larger political project parallels historian Lynn Hunt’s “logic of rights” account of how the inexorable cascade of natural rights philosophizing led to the current wide acceptance of human rights^[15]. On Hunt’s view, once human rights were born in the 18th century America and France, it was only a matter of time before they would develop into a full-fledged form as they did in the latter half of the 20th century. Whereas Hunt claims that rights language could only lead to an earnest commitment to their undergirding moral principles by the powers that be, the tech ethics cynic sees that ethics language in tech could only lead to a full absorption of such principles into corporate logic. The two perspectives share a belief about inevitability, though their conclusions are diametrically opposed.

Hunt’s account, however, sees only continuities in the intellectual history of natural rights stretching to human rights practice today, overlooking broader political context as a force shaping the course of the movement. An “ethics-washing” tale about the inevitability of corporate capture of ethical language in our current moment commits a similar oversight and fails to account for the significance of historical contingency to all intellectual and political movements. In *The Last Utopia*, Samuel Moyn reminds us that a more complete history of human rights is not a tale of ripening—a slow but sure coming into being—but a tale about the breakdown of political alternatives: a national sovereignty mission toward social democracy accompanied by a decolonization project toward a more egalitarian international order. Neither were these projects doomed from the start. The New International Economic Order (NIEO), proposed in 1974, sought to upend the reigning global economic order by calling for redistributive justice and an international body in which every nation-state, regardless of its size or economic power, would be given one vote in matters of global import. Leaders of new nations in the Global South were especially focused on gaining the ability to override the liberal notions of free trade and economic ownership that had been taken as central in matters of international governance. They asserted a “right to development”, a collective claim by former colonized people against their colonizers in the North to both take their national fates into their own

hands and to a fundamental equality on the international stage. Alas, in the late 1970s, when a political future like that proposed by NIEO was seen no longer as viable, a limp moral individualism dressed up as human rights was left to take up the mantle of global justice. It is important, however, to recognize that the NIEO did not fail of its own accord—politics are always operating beneath the surface. Rather, elite neoliberals who feared the effects that runaway democracy would have on the reach of property and capital undertook a concerted effort to make known the great danger that the NIEO posed to Western civilization. General Agreement on Tariffs and Trade (GATT) chief economist Jan Tumlir scoffed at the audacity of the Global South’s attempt to restructure international politics to achieve redistribution, speaking about NIEO with a sneer, “Not only do nations claim to be determining their own future within a global order; now that order itself is to be transcended”^[16].

The human rights of the past fifty years must be read in light of a shattered NIEO. The present movement, in contrast, has not sought such bold plans as restructuring international governance. It has largely defended a minimalist conception of global justice, aimed at mitigating the harms of famine, severe poverty, and those reprehensible political leaders who starve, torture, and kill. Transformations of the social, economic, and political order within the nation, along with aspirations of solidarity and egalitarianism at the international level, have been left behind.

5 An Outlook on Tech Ethics

The cynic who sees human rights as descendent of an Anglo-American tradition of liberal individualism interprets this to be an unavoidable outcome of moral ideals with inherently impoverished political capacities. But this conclusion is wrong. Alternative histories and origins of human rights can be found, even within the narrow confines of the Enlightenment.^③ In the nearby French tradition, human rights were closely tied with egalitarian (though, it should be noted, still largely exclusionary) ideas of democratic self-rule and participatory government. There is no reason that a 20th century human rights practice built on these tenets could never have flourished. Nevertheless, few critics of human rights now hold out hope for this possibility: the

^③ For two recently published books that look elsewhere for origins of human rights^[17, 18].

thin moral individualist capture of human rights has proven too successful. It is better to pursue other ways forward now.

With this framing in mind, the question for our own movement is simple: has the corporate capture of tech ethics proven too successful as well? Commitments to ethics and social responsibility now sit comfortably within a corporation’s standard stock of business-speak, while even the nominally-independent-but-flush-with-corporate-cash tech ethics sphere can only plea for decency. What role now remains for ethical language to play in a movement that wishes for a genuine challenge to corporate power?

Returning to the importance of political and historical contingency to the development of human rights practice is instructive. Even if the global justice affordances of the human rights project have more or less been settled, the same question about the capacity for justice within the tech ethics movement has not been. If Moyn is right that the fate of a movement is as much dictated by the fate of alternatives, then declaring the larger fight for tech ethics as dead on arrival is premature.

First, there is good reason to believe that the happy illusion of consensus enforced by steady economic growth and Third Way politics is coming to an end. The 2000s have already brought startling revelations that the United States (and capitalist liberal democracies more broadly) is neither economically nor politically stable. Reform in the form of technocratic tinkering is no longer the horizon of our mainstream political imaginary. If the ascent of a sufficientarian human rights program could only sit comfortably once egalitarian internationalisms had lost out to a rising neoliberal agenda, then the return of politics means a resurgence of ideological debate—and a potential overthrow of previously reigning conceptions of justice. Perhaps tech corporations will no longer be able to smooth over their crisis of legitimacy with good ethics messaging. The ever-louder ethics-washing chorus itself demonstrates the mounting challenges that corporations face in trying to assert their own visions of ethics. The public is increasingly keeping their eyes on the capture and subversion of our ideals.

Second, the decision to place ethical language at the center of a promise of better behavior is not a risk-free strategy. Companies that choose to do so make the explicit and important concession that their conduct

should be held accountable to normative principles and demands from the public. In this renewed era of political mobilization, it is possible that—or one can only hope that—attempts to pervert ethical language for business purposes represent such a clear transgression against the urgency of reevaluating our society’s moral commitments that the tech ethics strategy can backfire: companies might find themselves unable to tame demands for ethical tech and instead need to commit to them in earnest.

Whether this will in fact happen will of course be determined by a variety of factors, but there is reason for cautious hope. Tech workers protest against their companies’ unethical practices have already been a surprising instance of collective mobilization in direct response to the hypocrisy of tech ethics: for example, Google employees successfully pressured their employer to cancel its multiple bids for government military contracts that would contribute to more effective killing operations^[19, 20], as well as to retract a controversial external advisory board on ethics that included a member with anti-LGBTQ, anti-immigrant, and climate denialist views, mere days after it was announced^[21]. In their activism, tech workers are increasingly recognizing the role that ethics language has served for companies up to now, but rather than cede the conceptual ground, they have continued to insist on an ethics that, in the words of legal scholar Rashida Richardson, serves as a “moral compass” rather than “just another rubber stamp”—an ethics that refuses to be controlled by tech but instead seeks to hold power within it^[22]. As an ideological transformation beyond just a policy one, neoliberalism expunges our social world of ethical commitments to anything other than private economic interests. Rejecting neoliberalism—and preserving democratic politics—requires this exact kind of struggle to reclaim ethics from those who attempt to redefine its meaning and possibility.

One can recognize the historical contingency of ideas and the performativity of words while also still acknowledging that some bannered slogans will be more effective than others in achieving a political vision. Choosing language is a task of political strategizing. But in the end, no words, even the most carefully selected and perfectly suited, predispose a movement to victory. A belief in the inherent lack of certain concepts and the superior natures of others can mask the fact that political

efforts are never descriptive; they are always aspirational. Taking ethical principles and language to always be deployed as speech acts should help us to re-interpret our current tech ethics moment as a failure of deeds, not only a failure of words. Moral principles, be that of human rights or of ethical tech, communicate a political end that we insist on. Their assimilation under other logics is dangerous precisely because they risk redefining not only the words themselves but the terms of the larger political project. Their successful capture disciplines our ambitions for a better world.

Asserting a tech ethics that insists on the moral commitments between us and our institutions, each of us to each other, is political work that can never be carried out by corporations and the elite, orchestrating conduct from above, but only by all of us from below, collectively building and agitating for a future that is fully our own.

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