New selves, new research ethics?

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Introduction

The first set of ethical guidelines explicitly devoted to Internet research appeared only in 2002 (Ess et al. 2002). Norway published its own set of Internet Research Ethics guidelines soon thereafter – and remains the only nation to have done so (NESH 2003). And IRE (Internet Research Ethics) continues to develop and mature. As but one example, the first set of AoIR guidelines has now been supplemented with a second (Markham and Buchanan 2012). It is certain that IRE will continue to develop and expand – first of all, as pushed by constant changes in the technologies involved. Here, however, I focus on a still more fundamental transformation – namely, profound changes in our sense of selfhood and identity.

Perhaps the most foundational element in ethical reflection is our set of assumptions regarding the human being as a *moral agent* – and thereby, what sorts of *responsibility* s/he may be legitimately considered to hold. I begin by showing that until very recently – certainly past the publication of the first AoIR guidelines – our primary ethical theories and approaches rested on the assumption that human identity is primarily singular and *individual*: and thereby, moral *agency* and *responsibility* were tied directly – and, most often, exclusively – to single individuals. But for several decades now, our conceptions of human selfhood and identity have begun to shift towards various *relational* conceptions – conceptions that stress a sense of identity as inextricably interwoven with various relationships (familial, social, natural, and so on) that define us as *relational* selves. These foundational shifts are accompanied by changing conceptions regarding morality and responsibility: as we will see, there are emerging efforts to understand at both theoretical and practical levels what «distributed responsibility» and «distributed morality» might look like. That is: as our ethical agency is thereby shared and distributed among the network of relationships that define us as relational selves, so our ethical responsibilities are likewise distributed and shared. Hence we are witnessing the development – and in some ways, a rediscovery – of forms of distributed morality more appropriate to such relational selves.

These shifts thus require a transformational rethinking of our ethical frameworks and approaches – including within Internet Research Ethics. Indeed, IRE is a primary domain within which to explore and develop these transformations: relational selfhood is most apparent as it is performed or enacted precisely through the communicative networks at the focus of IRE. At the same time, Norway may play a distinctive role in these transformations. Norwegian research ethics has already recognized in at least one important way that we are indeed relational selves: it has enjoined upon researchers the ethical duty of protecting the privacy and confidentiality of not only the *individual* research subject, but also his or her close circle of personal relationships (NESH 2006, 17). In this way, Norwegian research ethics provides a critical first example of how, I will argue, IRE will develop further, as both researchers and their relevant oversight institutions (such as institutional review boards in the U.S.) begin to take on board these foundational shifts in selfhood.

In the following, I will highlight how modern conceptions of the individual self lead to distinctively modern expectations regarding *individual* privacy as a positive good and right. Protecting such privacy, moreover, has been a core requirement for Internet researchers. But this means that our changing conceptions of selfhood entail shifting – and in some ways, more complex – conceptions of privacy. In particular, the recent work of Helen Nissenbaum, which defines privacy in terms of «contextual integrity» (2010, 107 ff.), appears to mesh well with more relational conceptions of selfhood. Lastly, in order to explore these matters in applied ways, I will describe three recent research projects, each of which involves participants' installing apps on their smartphones that record and transmit enormous amounts of information, much of which appears to implicate what we do in our most intimate spaces. We will see that extant guidelines and legal protections of rights seem sufficient for establishing the ethical obligations of the researchers involved. The failure of a third project, however, points to the need for new frameworks and guidelines for protecting the new forms of privacy attending upon more relational selves.

Initial (high modern) ethical frameworks for decision-making in (Internet) research ethics

Internet Research Ethics began to expand rapidly in the early 2000s (Buchanan and Ess 2008). This expansion followed a handful of scattered U.S. governmental reports, a landmark 1996 special issue of the journal *The Information Society* devoted to IRE, and a watershed 1999 workshop on IRE funded by the National Science Foundation and the American Association for the Advancement of Science. The 2002 AoIR guidelines for Internet research were the first such set of guidelines issued by a professional organization; these were followed by the NESH 2003 guidelines – again, the only national guidelines focusing specifically on Internet research. In the next few years, other professional organizations in the U.S. and the U.K. issued Internet-specific guidelines; at the same time, a small explosion of articles and, indeed, whole anthologies devoted to IRE appeared (see Buchanan and Ess 2008: 274 for details).

From an ethical perspective, these diverse documents drew from one of three primary ethical theories: utilitarianism, deontology, and feminist ethics (Stahl 2004; Buchanan and Ess 2008: 274–277). As a brief reminder, *utilitarian* approaches take what we can think of as a kind of ethical cost-benefit analysis: given a set of possible choices before us, what are the (potential) benefits of a given choice (or rule of choice in what is called rule utilitarianism) vis-à-vis the (possible) harms of that choice? Benefits and harms here are initially defined in terms of pleasures, whether simply physical and/or intellectual pleasures. Hence the goal of such ethics is to pursue those choices that maximize pleasure. At the same time, however, utilitarianism argues that the ethically justified choice is not simply the one that would maximize *individual* pleasure: rather, utilitarianism famously aims at «the greatest good for the greatest number.» Utilitarianism first developed in the U.K., beginning with Jeremy Bentham (1748–1832) and perhaps most prominently with John Stuart Mill (1806–1873). Perhaps not accidentally, utilitarian approaches appear to predominate in the English-speaking world, including the U.S. and the U.K. (Buchanan and Ess 2008: 276).

By contrast, *deontology* emphasizes the basic rights of autonomous individuals – including rights to life, liberty, pursuit of property, and, as we will explore more fully below, *privacy*, etc. – as near absolute. This means that these rights are to be protected (more or less) no matter what benefits might otherwise accrue from reducing or eliminating such rights. That is (to take a simple example): a primary critique of utilitarian approaches is that they allow for the sacrifice of the few for the sake of the many. In some cases, we may agree that this is an ethically legitimate choice, e.g. as when we ask police, firefighters, or soldiers to risk their lives in ways that might bring them great pain, or even loss of life – but at the very great benefit for the rest of us of preventing great harm and saving (potentially many) lives. But a similar utilitarian cost-benefit analysis could likewise demonstrate that, whatever the negative costs of enslavement might be experienced by slaves in a possible slave-based society, these costs are dramatically outweighed by the accordingly greater pleasures of the slaveholders. If we immediately reject such a proposal, despite its sound utilitarian calculus, this is most likely due to the fact that we are deontologists who hold that all human beings have basic rights, beginning with rights of autonomy and self-determination: these rights must be upheld, no matter the possible benefits of diluting or eliminating them.

Deontological ethics are primarily affiliated with the work of Immanuel Kant (1724–1804). Kantian deontologies appear to enjoy greater currency in the Germanic-language countries, including Denmark, Norway, and Sweden – first of all, as manifest in the profoundly influential conceptions of the public sphere and democratic processes as rooted in rights of self-determination and autonomy as developed by Jürgen Habermas (Buchanan and Ess 2008: 275).

Finally, feminist ethics is occasionally invoked by researchers, especially in connection with participant-observation methodologies (e.g. Hall, Frederick & Johns 2004). As we will see below, feminist ethics contributes to recent shifts away from more sharply individual conceptions. For that, feminist ethics has remained relatively marginal in IRE.

Shared assumptions: (high modern) Individual agency, privacy, and IRE

As diverse as utilitarianism and deontology are, they nonetheless share a more foundational set of assumptions – namely, the (high modern)[29] understanding of human beings as primarily autonomous *individuals*. This is apparent first of all in the English-speaking traditions of utilitarianism, as these build on a sense of selfhood and identity developed especially by the philosopher John Locke (1632–1704). Locke argues for what Charles Taylor characterizes as a «punctual self» – one that is radically reflexive and rational. Such an atomistic conception of selfhood thereby enjoys a (high modern) sense of radical independence, «free from established custom and locally dominant authority» (Taylor 1989: 167). This radical freedom thereby entails a radical responsibility – for the cultivation of our own selfhood, first of all, and thereby, our own sense of what aims and goals we choose to pursue from the standpoint of such radical freedom. *Contra* more relational senses of selfhood as interwoven with and thus bound to the various authorities and institutions that defined community, society, and political life in pre-modern eras – these high modern selves are «creatures of ultimately *contingent* connections» (Taylor 1989: 170). That is, rather than accepting community traditions, practices, and institutions (most obviously, political and religious institutions) as defining the meaning and goods of our lives, such high modern individuals *determine for themselves* what connections with other individuals and institutions they will take up. These connections, finally, «are determined purely instrumentally, by what will bring the best results, pleasure, or happiness»

29 The distinction between «high modern» and «late modern» is taken from Anthony Giddens (1991: 70).

(Taylor 1989: 171). «Pleasure» and «happiness» here point in the direction of utilitarianism.

The emphasis on individual selfhood is equally apparent in Kantian deontology as anchored in core notions of ethical *autonomy*. «Autonomy» is a term developed from Greek, meaning literally self-rule (*auto-nomos*). In Kant's procedural ethics, this autonomy is expressed precisely in the strictly rational analyses defined by his categorical imperative: «So act that the maxim of your will could always hold at the same time as a principle establishing universal law» (Kant [1788] 1956: 31). This decision-making process seeks to determine whether a given act is ethically legitimate by asking the question whether or not we can endorse the general principle that would result from rendering our choice into a universal law. On the one hand, this decision-making process shows ethics to be an intrinsically relational affair in at least two ways. One, the sort of reason (*Vernunft*) at work here is presumed to be a faculty shared among and largely similar between all human beings (indeed, all rational beings). Two, the question of generalization is thus a question of how far we can will our acts to be the principles of others' acts as well. At the same time, however, this decision-making process rests squarely on the individual and the individual alone.

And so in both traditions, the moral agent is presumed to be a solitary individual. Confronted with a specific ethical choice, such an agent is envisioned as considering her possibilities and options as a solitary being, apart from the voices, influences, and perhaps coercion of others. Moreover, whether making her choice through a more deontological or more utilitarian approach, the moral agent is thereby the entity who bears the sole and exclusive *responsibility* for that choice.

(High modern) notions of selfhood/ identity: Privacy as a positive good

This strongly individual conception of human beings is thus the subject that both justifies and demands democratic-liberal states – and with these, basic *rights*, beginning (in the U.S., but based on Locke) with rights to life, liberty, and pursuit of property. More gradually, *privacy* emerged as a primary right to be enjoyed and protected by such individuals. In the case of the United States, this required a period of nearly a century, from the amendments to the U.S. Constitution (1789) to the first explicit defense of *privacy* as a right – specifically, the right to be left alone and free from intrusion (Warren & Brandeis, 1890). As Bernhard Debatin points out, the concept is rooted in Fourth Amendment protections against «unreasonable search and seizure» of private property, among others (2011: 49). Subsequently, both the meaning of «privacy» and thereby its justifications have developed in several directions – and in ways that vary importantly from culture to culture. Broadly, privacy can be defined as an «expressive privacy,» one that «protects a realm for expressing one's self-identity or personhood through speech or activity» – without fear of repercussion from others (DeCew 1986, cited in Meeler 2008, 153). Such privacy is requisite first of all for one's own *self*: «expressive privacy sustains *an arena within which one can freely select behavior* that *maximizes one's expression of self*» (Meeler 2008, 157; emphasis added). Such privacy, as a zone of exclusion that prohibits others from entering, is required further to serve *decisional privacy*: that is, private space is a necessary condition for ethical reflection and decision-making of either the utilitarian or deontological sort. Broadly, such a space is required if we are to deliberate, reflect, critique alternatives, and thereby *freely* choose or judge what is to be one's own conception of the good life. This includes deliberating on and then determining one's political, religious, career, and other personal choices and commitments (in Kantian language, one's *ends*) and thus the appropriate and necessary *means* for achieving those ends. As U.S. philosopher Deborah Johnson emphasizes, such privacy is needed for the self to develop as an autonomy thereby able to participate meaningfully in debate and other democratic practices (Johnson 2001: for additional national examples, see Ess 2013a: 44–47, 62–68).

We can also note that U.S. conceptions of privacy and privacy rights are squarely *individual*. By contrast, discussions of privacy in Denmark and Norway, for example, use the terms *privatlivet* («private life») and *intimsfære* («intimate sphere»). Very briefly, private life is considered to include the close relationships that make up one's «intimate sphere.» To highlight the importance of protecting *privatlivet* thus entails protecting not simply the privacy of the individual, but also the privacy of those whose close relationships constitute one's *intimsfære*.

Finally, we need to be clear how such a conception of privacy – specifically, of *individual* privacy as a *positive* good – thereby basically reverses earlier understandings of privacy. These earlier understandings – in both the pre-modern West and in multiple non-Western societies – turned first of all on a very different conception of selfhood and identity. Most briefly, throughout most of human history, and in cultures distributed globally (e.g. as influenced by Buddhist and Confucian traditions, as well as in multiple indigenous societies) – the prevailing emphasis in foundational conceptions of identity is precisely on the *relationships* that define who one is. These relationships are first of all familial – i.e. defined by your parents and grandparents (and their ancestors in turn), your siblings, your aunts and uncles, and, if you have them, your spouse and children. In this view of the self, notions of privacy as a positive good are only *relational* notions – e.g. of familial privacy vis-à-vis the larger village in traditional Thai society (Kitiyidasai 2005). Consequently, should an individual want to be alone or away from the relationships that define him or her, the motives for doing so can only be suspect. So it is, for example, that until 1985 the only word for privacy in Chinese – *yinsi* – was defined as something shameful, hidden, or bad (Lü 2005).

Individual privacy as definitive for «traditional» Internet Research Ethics

With this as a background, we can now see how high modern, strongly individual notions of privacy and privacy rights have been foundational to Internet Research Ethics. In the U.S., to begin with, IRE is rooted in human subjects protections that grew up after both «internal» scandals such as the Tuskegee Institute syphilis study and the horrors of Japanese and Nazi «experimentation» with prisoners during WWII. Protecting the privacy of individuals is an explicit requirement – along with other protections of anonymity, confidentiality, and identity that likewise serve to protect individual privacy (see Buchanan and Ess 2008: 277–281).

Again, how we are to implement such protections varies – first of all, depending on whether we take a more utilitarian or more deontological approach. For example, IRE in the U.S. context characteristically discusses the need to *balance* individual rights (including rights to privacy) with possible benefits to the larger society (and, perhaps, the individual subject). The usual language emphasizes a need to minimize the risk of possible harm – reflecting the utilitarian view that the greater good for the many can justify at least marginal costs to the few (especially if, like firefighters and police, they freely agree to undertake the risks involved). By contrast, the NESH guidelines (2003, 2006) emphasize that the rights of human subjects must never be compromised, irrespective of the potential benefits – an emphasis consistent with the stronger reliance in northern Europe on more deontological approaches (Buchanan and Ess 2008: 276).

We can also see some difference between U.S. and Norwegian approaches in terms of *who* is to be protected as a research subject. In general, U.S. regulations focus squarely – as we would expect – on the research subject as an *individual*. By contrast, the NESH guidelines (2003, 2006) further include the explicit obligation «to respect individuals' privacy [*privatlivet*] and close relationships [*nære relasjoner*] (NESH 2006 B.13, p. 17). To be sure, there is some concern noted in the relevant U.S. codes for the need to protect «third party information» that is gathered from a primary subject, e.g. about his or her friends or close relations (Protection of Third Party Information in Research 2001). And by 2011 there is recognition that human subjects protections may be required for such secondary or tertiary subjects (UCLA OHRRP 2011). Nonetheless, Annette Markham observes that the need to protect the privacy of not only the primary subject but also his or her close relationships is only «vaguely addressed» in the U.S. codes. By contrast, «the NESH guidelines are the most specific, and I think even more importantly, articulated in a way that seems to make it a critical part of the central goal of privacy protections.»[30] This inclusion would seem to closely correlate with the greater emphasis on relational dimensions of selfhood in Norwegian privacy discussions. In these ways, the NESH guidelines appear to assume a sense of selfhood or identity that is *both* singular *and* relational. That is, singular or individual identity is apparent in the need to protect individual rights to privacy (*privatlivet*) – as the importance of relational identity is apparent in the need to respect the close relationships that constitute one's *privatlivet* in good measure. While heading in the direction, we might say, of more traditional or classical conceptions of selfhood as (fully) relational, the NESH guidelines clearly retain a strong – indeed, fully deontological – emphasis on the rights of the individual.

30 Annette Markham, personal communication. I would also like to express my deep gratitude to Annette Markham and Elizabeth Buchanan for their expert help and invaluable references on this point.

Insofar as this is true, as we are about to see, the NESH guidelines thus stand ahead of the curve of change and development that seems required in IRE as our conceptions of selfhood in Western societies are changing more broadly.

(Late modern) shifts in selfhood, responsibility and privacy

To be sure, strong notions of individual privacy became ever more fully encoded and protected in various ways in Western societies throughout the 20th century. In light of the rise of networked communications in the latter half of the 20th century, perhaps most important among these were developing notions of *informational privacy*, our having the ability to control information about us that we consider to be personal (Tavani 2013: 136). Perhaps somewhat paradoxically, however, at the same time conceptions of selfhood in Western societies began to shift away from strongly individual conceptions towards more explicitly relational ones (3.1). These shifts, as we will further see, correlate with changing conceptions of privacy and expectations of privacy protections (3.2) – and, finally, with the development of new philosophical theories of privacy as well (3.3).

Changing conceptions of selfhood and responsibility

Within philosophy, as we have seen, conceptions of selfhood even at the time of Kant and Hegel were not *exclusively* individual, but also included the social or the relational (cf. Hongladarom 2007). Building on Kant, in particular, Habermas's theory of communicative action (1981) highlights a conception of communicative reason as relational (McCarthy 1978: 47). Identity is thus a social identity, one inextricably interwoven with and thus shaped through our engagements with others (cf. Ess 2013b: 217).

Twentieth century philosophy included several other emerging movements that likewise emphasized the social or relational dimensions of selfhood, beginning with phenomenology. So Maurice Natanson reversed Descartes' famous dictum, *cogito ergo sum* (I think, there I am) with the statement «We are. Therefore I am» (1970: 47). Inspired in part by ecological ethics (i.e. an ethics that emphasizes precisely our inextricable interdependence upon one another), feminist theorists and researchers, beginning with Carol Gilligan, found that women as a group tend to emphasize not simply individual interests, choices, etc., but also those represented within the «web of relationships» that formed the context for specific ethical decisions (1982). More recently, *virtue ethics* has experienced a renaissance – most remarkably vis-à-vis contemporary networked communication technologies such as social networking sites (SNSs). Virtue ethics, in both ancient and contemporary cultures and settings, addresses precisely the situation of more relational selves, as it stresses our learning how to establish and foster community harmony as a key component of both individual and community contentment or happiness (*eudaimonia*) (e.g. Hursthouse 2012; cf. Vallor 2009, 2011, 2012).

Similar shifts can be seen in the literatures of psychology and social science. So Georg Simmel describes the self as a «sociable self» (1955, 1967). For his part, George Herbert Mead inaugurates «the social theory of consciousness» that reiterates the sense we have seen in 20th century philosophical theories that individual identity first emerges out of a shared, social identity ([1934] 1967: 171). As a last example, Erving Goffman describes the self as defined by its roles and relationships that are then performed and managed in different ways (1959).

These social and psychological accounts are of particular import as they have become prevailing theories for studying our engagements with one another in the online and mediated contexts facilitated by Internet communication. This relational – but still also individual – self is further apparent in more contemporary work in IS, beginning with the widely used conception of the self as a «networked individual.» Michelle Willson summarizes this conception as stressing how «the individual experiences her/himself as largely in control of her/his sociability through the possibilities of the [network] technology,» a view that highlights such individuals as «compartmentalized or individuated persons who approach and engage in constitutive social practices in ways chosen by themselves» (2010: 498). As Willson goes on to point out, this view is criticized for overstating the possible agency – if not narcissism – of such an individual, precisely at the expense of our social and the relational dimensions (2010: 499 f.). By the same token, still more overtly relational conceptions of selfhood have also come to the foreground (e.g. Gergen 2009). This is to say: much of contemporary Internet research presumes a self that is both individual *and* relational – while our prevailing codes and guidelines for Internet research ethics remain grounded in an exclusively individual conception of selfhood, as we have seen.

These shifts, finally, are recognized within philosophy to require correlative changes in our conceptions of ethical responsibility. As a first example, contemporary feminists are developing notions of «relational autonomy» that build on these various recognitions that our sense of selfhood and agency is interwoven through and defined by our relationships with others; at the same time, the notion of relational autonomy retains earlier (high modern) understandings of moral agency and responsibility as connected with strongly individual notions of selfhood (Mackenzie 2008). Two philosophers who attend especially to computation, networked computing and the networked communications facilitated by the Internet have further contributed to these emerging notions. Judith Simon details how such networks embed us in a «distributed epistemic responsibility» (2013), and Luciano Floridi provides both a theoretical account for and practical examples of what he calls distributed morality and distributed (ethical) responsibility (2012). These notions of distributed epistemic and ethical responsibility are clearly coherent with the more relational emphases of selfhood and identity afforded by online and mediated environments.

Changing privacy practices and expectations of privacy protections

These shifts in our philosophical, sociological, and psychological conceptions of selfhood further appear to correlate with observed *practices* and «performances» of privacy in online and mediated environments. Broadly, it seems clear that especially in the last two decades, we have witnessed a rather dramatic shift from strongly individual notions of privacy to various forms of «group privacy» – i.e. precisely the sense of wanting to protect information shared within a close circle of friends or relations (an *intimsfære*).

As a first example: especially with the emergence of social networking sites (SNSs) in the early part of the 21st century, it is a commonplace for parents to complain and worry about information their adolescent children post in such settings. Simply put, from the parents' perspective, their children are revealing far too much *private* information about themselves. To be sure, these worries are not always misplaced. Well-known cases of cyberbullying such as that carried out against Amanda Todd, ending in her suicide in 2012, make the point that of course it can be risky to reveal too much of oneself online. Over against these negative examples, however, there are numerous researchers who document what we can think of as positive privacy practices – including what Patricia Lange has described as two forms of «group privacy» on SNSs.

The first, the «publicly private,» is exemplified by posting videos on YouTube that are «hidden» in the sense that they are tagged in such a way that only close friends and relatives, as the intended audience of the video, know how to find them. The «privately public» goes further in terms of revealing to relatively unknown «friends» what a previous generation might have considered quite private, e.g. sexual orientation: but *not*, e.g. one's home address (Lange 2007).

Similarly, Stine Lomborg (2012) has documented how a prominent Danish blogger and her readers negotiate through processes of phatic communication the creation of a «personal space,» one that is neither purely individually private nor fully public. That is, the online exchanges often head in the direction of revealing more individually private matters: at the same time, especially when it becomes clear that a border has been crossed into what a given person feels should remain individually private, there is quick movement away from that discussion point back into a more neutral but shared space. As Lomborg puts it, «both author and readers balance a fine line between, on the one hand, pressure to reveal personal issues as a preamble for developing relationships among participants and, on the other hand, a norm of non-intrusiveness to protect each other's [individual] privacy» (2012: 432).

Lomborg's analysis is of particular interest precisely in that she argues that these communicative phenomena reflect Georg Simmel's notion of «the sociable self,» i.e. a self «engaged in a network of relationships» which as such is a self that «is attuned to the norms and practices within the network of affiliation» (*ibid.*). This is to say: the «personal space» that emerges through the blogger and her readers is precisely the sort of shared privacy («group privacy») that we would expect of more relational selves. In particular, it closely echoes the familial sense of privacy of traditional Thailand that we noted above (Kitiyidasai 2005).

Changing philosophical conceptions of privacy

In response to these transformations, there have been a number of efforts to reconceptualize privacy. The most significant of these is Helen Nissenbaum's account of privacy as a matter of «contextual integrity»: in this view, privacy emerges as a right to an «appropriate» flow of information as defined by a specific context (2010: 107 ff.). Such *contexts* or «spheres of life» can include, for example, education, the marketplace, political life, and so on. For a given context, a specific set of *informational norms* define the usual or expected flows of information *within* that context. These in turn are defined by three parameters: the actors involved (e.g. as subject, sender, and/or recipient); attributes (the types of information); and «transmission principles» that determine «the constraints under which information flows» (Nissenbaum 2011: 33). Nissenbaum gives the example of medical information shared between patients and their doctors. As highly personal and sensitive, patients expect this information to be kept confidential, though they would recognize that it could be appropriately shared with other medical professionals as needed. By contrast, were a physician to follow the informational norms of the market – e.g. by selling the information to a marketing company – patients' expectations of appropriate information flow «would be breached» and «we would say that informational norms for the health care context had been violated» (*ibid.*).

More broadly, precisely as Nissenbaum invokes *actors* as a first parameter defining information norms, she thereby cues us towards a now familiar sense of selfhood – namely, of human beings as taking up a wide range of roles and relationships with one another. Here Nissenbaum relies on James Rachels, who makes clear the connection between given *roles* – in his examples, «businessman to employee, minister to congregant, doctor to patient, husband to wife, parent to child, and so on» and specific expectations regarding privacy (Rachels 1975: 328, cited in Nissenbaum 2010: 65, 123). So Rachels develops an account of privacy grounded in the recognition that «there is a close connection between our ability to control who has access to us and to information about us, and our ability to create and maintain different sorts of social relationships with different people» (Rachels 1975: 326, cited in Nissenbaum 2010: 65).

To my knowledge, neither Rachels nor Nissenbaum explicitly invokes a notion of selfhood as *relational* selfhood. But as Rachels brings forward the core importance of our social relationships as critical to defining privacy, he thereby clearly points in the direction of the relational or social selfhood we have seen theorized in Mead, Simmel, and Goffman, for example. This would suggest that Nissenbaum's notion of privacy as contextual integrity, resting as it does on the need to define actors and thereby on Rachel's attention to social relationships, is distinctively suited for the emerging emphasis we have seen on selfhood and identity as both individual and relational.

Relational selves and Internet research ethics: Successes (and failure) in the field

Implications for IRE?

These transformations in our practices and philosophical conceptions of privacy thus appear to closely correlate with the major shifts we first examined in some of our most foundational ethical concepts – namely, our conceptions of human identity and selfhood, as these in turn interweave with our understandings of ethical agency and ethical responsibility. We have also seen that extant forms of ethical guidelines for Internet research – apparently, with the exception of the NESH guidelines – presume an all but exclusively high modern conception of the individual as ethical agent and all but exclusive bearer of ethical responsibility: these presumptions result precisely in primary obligations (whether utilitarian or deontological) to protect *individual* privacy, confidentiality, and so on. Clearly, as our sense of selfhood, ethical agency and responsibility, and correlative practices of privacy change, so our codes and guidelines for Internet research will need to change accordingly.

Again, it appears that the NESH guidelines, as enunciating most articulately and explicitly the requirement of researchers to protect not only the privacy (*privatlivet*) of individual subjects, but also that of their close relationships (NESH 2006: 17), thereby already demarcates the directions IRE will need to pursue in order to take on board these foundational shifts. At the same time, however, if we are to develop IRE codes and guidelines for these more recent practices and conceptions, our brief look at Nissenbaum's account of privacy makes at least one point clear: «privacy,» defined precisely in terms of the specific but widely diverse *actors*, roles and relationships that constitute selves as not simply individual but also as markedly relational, thereby becomes more complex, nuanced, and multi-faceted. In particular, we can characterize this shift in terms of a move *from* a relatively singular and stable understanding of the individual, and thereby relatively static or fixed conceptions of «privacy,» and thus what researchers were obliged to protect, *to* an understanding of the individual as strongly relational, where these multiple relations change over time. Thereby our conceptions of «privacy» become fluid and dynamic, as subject not only to specific *contexts*, but, more fundamentally, to ongoing negotiations between actors and their close circles of consociates (their *intimsfære*). Broadly, it seems that researchers' ethical obligations on this point will thereby become only that much more complex, dynamic, and, in some instances at least, very difficult.

Case studies

«Difficult,» however, does not necessarily mean impossible. On the contrary, three recent research projects using smartphones – i.e. devices that usually accompany us precisely into our most intimate and private spaces –exemplify some of the privacy challenges opened up not simply by current networked technologies, but by individuals who seem increasingly willing share intimate and private information across these networks. Two of these projects – one in Denmark and the second in the U.K. – appear to show that researchers can build privacy protections that are sufficiently strong to persuade their subjects that their personal information is safely held. A third example, however, shows that these new challenges are still sufficiently novel that extant guidelines, codes, and laws are not always able to provide researchers with needed guidance and support.

A first project, «Device Analyzer,» is based at the University of Cambridge, U.K., and, at the time of writing, has attracted the voluntary participation of over 17,000 participants worldwide (see http://deviceanalyzer.cl.cam.ac.uk/).[31] The purpose of the research is to discern patterns in how smartphones are actually used. Consistent with utilitarian approaches, the project website further elaborates the benefits that will accrue to participants. These begin with «new ways to look at what is happening inside your mobile phone!» – i.e. as the app records in exquisite detail more or less *everything* (more on this shortly) and makes this data, in both raw and analyzed forms, available to the participants. Specifically, the project's analyses offer to help participants choose the data plan (i.e. a given subscription or package of telephony and data services offered by a given provider, ranging from minimal minutes of talk,

31 (Accessed 14 March 2014). I am very grateful to Rich Ling (Telenor / IT-University, Copenhagen) for first calling my attention to this app.

numbers of texts, and megabytes of data downloaded – and thus least expensive – to more expansive and thereby expensive packages) best suited to their actual patterns of use as documented by these analyses, as well as apps that might be of interest. In addition, the project promises that «[t]his data is stripped of personally identifying information as best as possible while preserving useful information.»

Indeed, the project goes to great lengths to explain to participants how their individual identities are protected, coupled with a detailed list of the extensive range of data collected (see http://deviceanalyzer.cl.cam.ac.uk/collected.htm). Briefly, much of the data is «hashed» – i.e. assigned an identifier tag that refers, e.g. to a real number called by a participant: the project analyzes the tagged information, not the real numbers themselves, to discern, e.g. patterns in calling. Moreover, once the app is installed on one's phone, it provides participants with considerable control over the data collected (one can pause or stop altogether).The homepage is careful to inform the participant that «We do not collect transferred content. This means that we do not know which websites you visit or the login details that you enter.» This assurance is repeated in affiliation with specific components of the app – e.g. «Data transfer» – and in the descriptions of the details of the information collected (in this case, the amount of data transferred over a given period of time through either the phone connection or through WiFi).

At the same time, the kinds and amount of data collected are breathtaking: the detailed lists of data types alone fill more than one A4 page. It is distributed across four categories: basic data, data about applications and their use, hashed identification of the GSM cells the phone connects with, and an estimate of the phone's «coarse location» (every five minutes). And participants are clearly willing to contribute this data. While their identity may not be perfectly protected, it appears that participants are willing to have this extensive and detailed data collected about their phone use both because they retain considerable control over their participation and because they receive some interesting and perhaps useful benefits. However this may be, the identity protections of the project are explicitly focused on *individual* identities (as hashed). It does appear that the identities of close friends and relations are also protected by default: phone numbers are hashed, for example.

A similar project on how Danes use their smartphones likewise requires participants to install a «Mobile Life» app, one that collects data such as «number of calls, sent and received text messages, location information, data usage, and product and application usage» (Zokem 2011: 1; author's translation). In this relatively extensive (four page) legal document, participants are promised anonymity: no personally identifiable information will be used (ibid.). Moreover, according to the project director, her participants are further assured by the fact that the project is sponsored by Telenor, which enjoys a strong reputation throughout Scandinavia.[32] As with Device Analyzer, the privacy protections offered here are squarely addressed to the *individual*. And, as with Device Analyzer, the content of messages, etc. sent to one's close associates is not collected. Moreover, the data collected are to be analyzed and distributed only in aggregated and statistical form, thereby protecting both the identity of the individual and the identity of those within one's *intimsfære*. In contrast with Device Analyzer, however, these protections are spelled out explicitly in terms of «rights and obligations» [*rettigheder og forpligtelser*] (Zokem 2011: 3), as defined by the national jurisdictions of Denmark and Finland (Zokem 2011: 1).

These two examples suggest that, so far at least, extant forms of privacy protections (e.g. hashing data and using only statistical

32 Christine Von Seelen Schou (Telenor & University of Copenhagen), personal communication, 20.12.2012.

aggregations) and relevant law (in the Danish example) are sufficient to assure contemporary subjects, addressed as *individuals* first of all, that the remarkable range of data recorded through their smartphones will not be used in ways that would reveal their identities and potentially embarrassing or harmful information about them. A last example, however, demonstrates that this is not always the case.

A proposed research project in Scandinavia was designed around the use of an app on participants' smartphones similar to the apps described above. The app would record the whole range of communicative behaviors facilitated through the phone, including texting, status updates, and web-browsing, photos taken and saved, contacts added, deleted and retained, and so on. This unprecedented glimpse into their subjects' personal lives – obviously a rich source of new research data – also presented now familiar ethical challenges regarding how to protect subjects' anonymity, privacy, and confidentiality. The researchers themselves were uncertain of how to proceed: worse, the various relevant authorities – their own university guidelines, national law and national research council guidelines – offered advice and direction based on earlier, more limited modes of research. The researchers thus faced a mix of both inappropriate and inconsistent guidelines. The result was, in effect, an ethical paralysis – with the further result that the research could not go forward.[33]

I suggest that these research examples are significant primarily because they (seek to) implement communication technologies that represent *par excellence* the extension of networked communications that both facilitate and symbolize our sense of selfhood as increasingly relational, not simply individual. The good news for Internet researchers who can only rely on extant guidelines is that research into our most intimate spaces and behaviors can go

33 Anonymous researcher, personal communication, 20.06.11.

forward nonetheless. This is in part as more traditional notions of individual rights to privacy are rigorously protected through technical means and, in the Telenor example, with an extensive legal contract. At the same time, insofar as we are indeed shifting in our sense of selfhood towards more relational selves, it may be that participants are willing to install such apps in part because of a somewhat greater comfort level with sharing personal information within research projects such as Device Analyzer that promise the «best possible» but not absolute individual privacy protection.

The collapse of the third project, however, suggests that current possibilities for Internet research that move into the most intimate spaces of our lives – a move that is coherent with increasingly relational senses of selfhood and more shared conceptions of privacy – are well ahead of extant guidelines, policy, and law in at least some cases. This collapse further suggests that Internet Research Ethics should pursue the development of new guidelines more precisely tuned to more relational senses of selfhood – though not necessarily at the cost of more traditional, individual senses of selfhood. In this development, we would likely be well served by taking up Nissenbaum's notions of privacy as contextual integrity as a starting point.

Concluding Remarks

Internet Research Ethics can now point to a long and deep tradition of both national and international literatures – including the AoIR and Norwegian National Ethics Committees' guidelines. But the relentless pace of technological development and diffusion constantly offers us new ways of communicating and interacting with one another – ways that frequently open up novel ethical challenges for us both as human communicants and as researchers. In particular, I have tried to show that a specific strand of challenges emerge because of transformations at the most foundational levels, i.e. with regard to our primary assumptions regarding the nature of the self and thus how we are to understand moral agency, ethical responsibility, and affiliated notions of privacy – where protection of privacy stands as a primordial ethical obligation for researchers. To do this, I have traced important connections between the high modern ethical frameworks of deontology and utilitarianism with strongly *individual* notions of selfhood and privacy, as these have been foundational for IRE (and research ethics more broadly) over the past several decades. I have then turned to (late modern) shifts towards more relational conceptions of selfhood and affiliated notions of distributed morality and responsibility – as these correlate in turn with more recent expectations and practices of privacy as shared or group privacies, for example. Specifically, Helen Nissenbaum's account of privacy as «contextual integrity» draws specifically on more relational notions of selfhood – notions that we have also seen already explicitly in play in Norwegian approaches to privacy in terms of *privatlivet*, the *intimsfære*, and correlative Norwegian research ethics requirements to protect the privacy of not simply individual subjects but also that of the persons whose close relationships constitute the *intimsfære* and as such *privatlivet*.

Certainly, these shifts from more individual towards more relational understandings and practices of selfhood thus complicate and make more difficult the articulation and fulfillment of researchers' ethical obligations. But as both the extant Norwegian codes and the first two case studies explored in the final section suggest, «difficult» does not mean impossible. On the contrary, the success of these cases – of apps installed on smartphones that allow researchers to reach into what otherwise have been the most closed and intimate spaces of our lives – exemplify techniques, including articulate legal contracts, that appear to be viable and effective in protecting both individual and more relational forms of privacy.

The failure of a third project, however, illustrates in part the fatal consequences for researchers in these new domains that can result instead when local guidelines and national codes fail to mesh effectively with these newer understandings and practices. Those of us engaged with the ongoing development of Internet Research Ethics obviously have our work cut out for us. I have argued that both the Norwegian research ethics codes and Nissenbaum's account of privacy as contextual integrity provide us both real-world examples and philosophical approaches that should prove most useful in such efforts.

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