

https://dspace.org/

Liberty and the infosphere: affiliation over citizenship

Bregman, Craig Howard

2018

https://hdl.handle.net/10539/26319

Bregman, Craig Howard (2018) Liberty and the infosphere : affiliation over citizenship, University of the Witwatersrand, Johannesburg, <http://hdl.handle.net/10539/26319>

Downloaded from a DSpace repository. https://dspace.org/

LIBERTY AND THE INFOSPHERE: AFFILIATION OVER CITIZENSHIP

Craig Bregman

Student Number: 9405381W

A thesis submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirements for the degree of Master of Arts, Applied Ethics for Professionals.

Johannesburg, 2017

ABSTRACT

The title of my research report, *Liberty and the Infosphere: Affiliation over Citizenship*, speaks about an ideal of liberty, a maximal version, and then asks where such a version may be located, the proposition being that the infosphere, or more specifically, the internet offers such an environment. It then poses a supporting proposition in the form of the question: *why we ought to a pursue a libertarian quest for freedom of affiliation online.* This implies that we should affiliate with others, and that affiliation, as a collective-forming enterprise, is a better way of expressing liberty than that offered by the concept of citizenship. In pursuing this line of thought, I draw on a consequentialist frame of reference, arguing that liberty ought to guide us towards achieving the best results for both ourselves as well as others. This leads me further to propose a rule-consequentialist formulation of principles designed to maximise our experience of liberty by steering us through morally permissible actions and away from morally impermissible alternatives.

DECLARATION

I declare that this research report is my own unaided work. It is submitted for the degree of Master of Arts, Applied Ethics for Professionals, in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.

Craig Bregman

22nd day of November, 2017

1. Table of Contents

ABSTRACT 2
DECLARATION 3
INTRODUCTION 4
OVERVIEW 4
RATIONALE AND IMPORTANCE OF THE REPORT 6
RESEARCH AIMS AND OBJECTIVES 7
RESEARCH QUESTIONS 8
STRUCURE OF THE ARGUMENT AND THE REPORT 10
1. LIBERTY 12
1.1. LIBERTY 12
ON LIBERTY 12
LIBERTARIANISM 14
RULE CONSEQUENTIALISM 16
1.2. AUTONOMY 18
1.3. PURPOSE 20
2. FROM *LIBERTY* TO *INDIVIDUALS AND COLLECTIVES* 23
3. INDIVIDUALS AND COLLECTIVES 24
3.1. IDENTITY 24
3.2. VOLUNTARY AFFILIATION 29
3.3. CITIZENSHIP 32
4. LIBERTY OFFLINE VERSUS LIBERTY ONLINE 35
5. THE INFOSPHERE / THE INTERNET 39
5.1. THE INFOSPHERE / THE INTERNET 39
5.2. PRIVACY 43
5.3. UNRESTRICTED ACCESS 47
6. LIBERTY AND THE INTERNET 50
6.1. MAXIMISING LIBERTY 50
6.2. MAXIMISING THE INTERNET 51
6.3. COMBINING AND MAXIMISING LIBERTY AND THE INTERNET 52
7. OBJECTIONS 55
8. CONCLUSION 62
9. READING LIST 66

INTRODUCTION

OVERVIEW

John Stuart Mill, writing in the mid-1800's, was deeply concerned about liberty – morally, socially, and politically. He was especially concerned about the tyranny of mass opinion and its attendant prejudices. Today, over a century and a half later, these concerns are still prevalent.

In *Liberty and the Infosphere: Affiliation over Citizenship*, I consider the extent to which liberty may be maximised online in the internet, a sub-section of what Luciano Floridi calls the Infosphere. The orientation of liberty online is prompted by dilemmas occurring offline. These include the censure, oftentimes extreme, of individuals and/or sub-groups within a society or a nation-state. Online though, people can project themselves beyond the physical limitations of the state. And so, I argue that online the collective-forming initiative of voluntary affiliation affords individuals (and, by extension, collectives) a greater sense of liberty than that available to them offline through the institution of their citizenship.

Given the limitations and complications of offline liberty, principally of nation-state citizenship, and the virtual borderless-ness and complexities of an online alternative, what are the appropriate normative strategies and applied procedures for furthering liberty online?

RATIONALE AND IMPORTANCE OF THE REPORT

Article 3 of The Universal Declaration of Human Rights proclaims liberty as an inviolable human right. (http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf) However, the journalistic excerpts below belie the overriding authority of such a claim. In the first, a secular blogger, living and working in a secular country, is targeted and killed by religious extremists; in the second, those who identify as lesbian, gay, bisexual, transgender or intersexed (LGBTI) are subject in at least seventy-six countries to punitive laws that criminalise their sexual orientation.

On the issue of censure, in the form of extreme retribution, "The Guardian" website ran an article on May 12, 2015, by Saad Hammadi and Agence France-Presse, entitled, *Third atheist blogger killed in Bangladesh knife attack*.

> "A secular blogger [Ananta Bijoy Das] has been hacked to death in north-east Bangladesh, the third such deadly attack this year… Imran Sarker, head of a Bangladeshi bloggers' association, said Das was an atheist who wrote blogs for Mukto-Mona, a website formerly moderated by Avijit Roy, a Bangladeshi-born US citizen who was stabbed to death in the capital, Dhaka, in February... According to the Mukto-Mona site, Das won the publication's annual rationalist award in 2006 for his "deep and courageous interest in spreading secular and humanist ideals and messages" ... Bangladesh is an officially secular country… There has been an increase in attacks by religious extremists in recent years."
> (https://www.theguardian.com/world/2015/may/12/third-atheist-blogger-killed-in-bangladesh-after-knife-attack)

On the issue of censure, in the form of legal repression, the website "Erasing 76 Crimes", lists 76 countries where LGBTI is currently illegal:

> "A total of 72 countries have criminal laws against sexual activity by lesbian, gay, bisexual, transgender or intersex (LGBTI) people, according to a tally by

> the International Lesbian, Gay, Bisexual, Trans and Intersex Association, or ILGA. In a similar tally by the Erasing 76 Crimes blog, a total of 76 countries have such laws. The discrepancy is a matter of categorization, not a disagreement about where such repressive laws apply."
> (https://76crimes.com/76-countries-where-homosexuality-is-illegal/)

Liberty for some does not include liberty for all. While rights exist to safeguard liberty, in practice these are often violated, either in a sense, culturally, as with religious retribution (article 1) or, juristically, in the case of legal repression (article 2). The questions foremost in my mind are: how is liberty to be understood and expressed; who has the right to pursue liberty and where; which versions of liberty, if any, count for more than others; are there acceptable limitations on the liberty of some because of a priority that may be afforded the liberty of the many? Assuming consensus cannot be reached on what qualifies as liberty, but that consensus exists around the fact of there being differences of opinion on multiple issues of moral interest, how and where ought the complexities of this ethical pluralism to be addressed? In other words, is there a viable normative means of maximising liberty, and, if so, where would such a version of liberty ideally be located? Firstly, I shall contend that there is a viable normative means of maximising liberty and, secondly, I shall propose that such a version may ideally thrive online.

RESEARCH AIMS AND OBJECTIVES

The aim of this report is to suggest a normative means of maximising liberty online.

In seeking to fulfil this aim, I will address the following:

1. What does liberty entail and how may it be maximised?
2. What distinguishes an online version of liberty from an offline version of liberty?
3. Is an online version of liberty a maximising version compared to an offline version of liberty?
4. What are the appropriate normative strategies and applied procedures for maximising liberty online?

The following are the main objectives of this report:

1. To describe the main features of liberty;
2. In light of 1., to posit a maximising version of these features;

3. In light of 2., to suggest a means of exemplifying these features, individually as well as collectively;
4. To contrast and compare the expression of liberty online versus offline;
5. To posit a normative means of maximising liberty online.

Furthermore, while each of the themes in this report has been extensively addressed in the literature, they have not, on my investigation, been combined in the way I propose doing here. It is therefore my hope to add to the literature, not by necessarily augmenting the theories related to each of the themes, but by synthesising them in such a way as to shed at least some light on the means by which liberty may be maximised online.

RESEARCH QUESTIONS

Within the overarching theme of *Liberty and The Infosphere: Affiliation Over Citizenship*, my report includes the proposition of *why we ought to pursue a libertarian quest for freedom of affiliation online*. In their account of libertarianism, also referred to as classical liberalism, Peter Vallentyne and Bas van der Vossen assert that "libertarianism is a [mainly] political philosophy that affirms the rights of individuals to liberty, to acquire, keep, and exchange their holdings [or property], and considers the protection of individual rights the primary role for the [minimal] state." (Vallentyne and van der Vossen, 2014: p.1) From this, a narrower version of moral libertarianism is primarily concerned with the matter of self-ownership, which, in its strongest sense, prohibits the non-consensual use of one's person by others (Ibid, 2014: p.4). Altogether, the quest being proposed is that of pursuing a social project of mutually beneficial interests by recognising the intrinsic value of the individual, expressing her liberty as an individual, with like regard for the liberty of others.

Gerald Gaus and Shane G. Courtland observe that "running throughout liberal political theory is an ideal of a free person as one whose actions are in some sense her own." (Gaus and Courtland, 2015: p.5) Nonetheless, on a point of contrast between classical liberalism and 'new' liberalism, which is more egalitarian in nature, Gaus and Courtland note that "since the aim of government in a community is to assure the basic liberty and property rights of its citizens, borders are not of great moral significance in classical liberalism. In contrast under the 'new' liberalism, which stresses redistributive programs to

achieve social justice, it matters a great deal who is included within the political or moral community." (Ibid, 2015: p.21) Given my aim of maximising liberty online, the libertarian notion of the moral insignificance of borders is instructive.

I shall also apply a version of rule-consequentialism with which to maximise the pursuit of liberty based on good outcomes. Adopting Mill's harm principle as the primary rule, I will then apply the rules of online privacy and unrestricted online access, as in freedom of association. These are intended to preserve the integrity of individuals and foster affiliation within collectives respectively. Under the auspices of Mill's harm principle, both privacy and unrestricted access shall be applied in such a way as to avoid the type of impermissible harm that would otherwise violate the intended good outcomes of a general consequentialist aim.

STRUCURE OF THE ARGUMENT AND THE REPORT

My argument is summed up in the following diagrams and accompanying explanation.

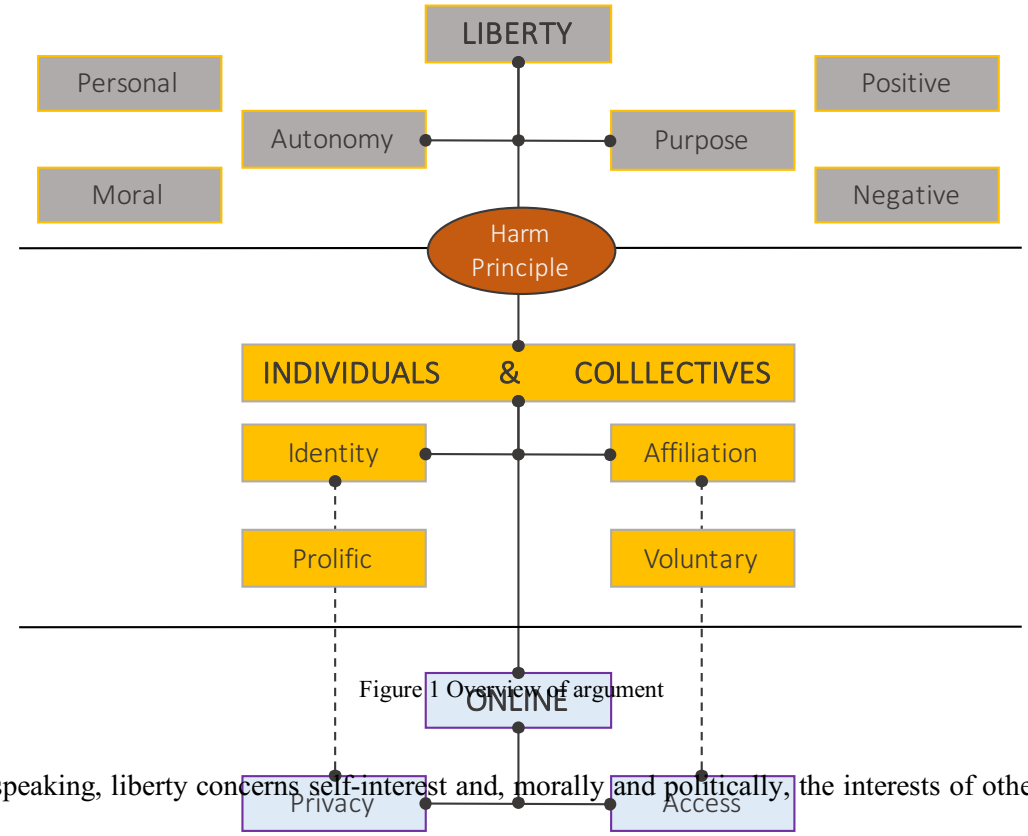


Figure 1 Overview of argument

Broadly speaking, liberty concerns self-interest and, morally and politically, the interests of others. A central claim I will make is that liberty, in the form of autonomy, is exemplified through the expression of individual and, by extension, collective purpose, which is then explored online.

- One's autonomy pertains to oneself personally (aligning with a libertarian sense of self-ownership) and to others morally.
- Positively, purpose entails the will and ability to act and, negatively, the absence of impediments to this action.
- Individuals subscribe to an identity, which I will argue can be prolifically (and virtually) comprised of multiple interests.
- Collectives are ideally formed from the voluntary initiative of their members.
- Individuals, expressing themselves prolifically, through voluntary affiliations with others can do so most readily online.

- To preserve the integrity of their liberty, the rules of privacy and unrestricted access ought to be observed.
- These, in subordination to Mill's harm principle, establish an overarching rule-consequentialist criteria according to which liberty acts as a prescript, guiding us towards morally permissible consequences by steering us away from morally impermissible alternatives.

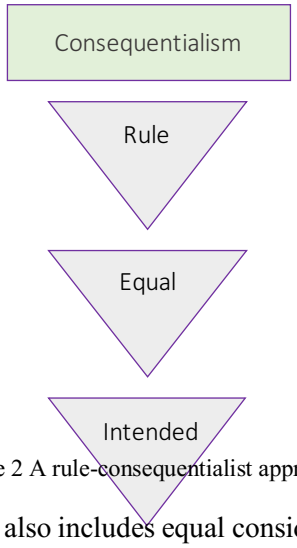


Figure 2 A rule-consequentialist approach

- This consequentialist approach also includes equal consideration of all persons' value and aims to yield the subjective outcomes of intended or foreseen consequences.
- The entire response calls into question our conception of citizenship as it applies to the organisation of moral norms of liberty among shifting global societies.

1. LIBERTY

1.1. LIBERTY

INTRODUCTION

This section includes the following:

- An exposition of liberty, drawn from the work of John Stuart Mill;
- A definition of the particular version of harm and the harm principle I intend applying within a rule-consequentialist framework;
- An exposition of libertarianism, politically and morally, and my reasons for applying it to my argument;
- An explanation of the rule-consequentialist approach I shall apply as a permissive normative strategy of maximising liberty online.

ON LIBERTY

As stated in my introduction, Mill is especially concerned about the tyranny of mass opinion and its attendant prejudices. For example, a community that includes a minority denied their liberty cannot derive a higher sense of liberty except on the basis of prejudice – exactly the concern Mill seeks to resolve. As such, Mill establishes the individual as the primary agent of liberty. Only following moral consideration of the individual first can the collective interest be developed further. But what exactly does 'the individual interest' entail? How would Mill, or anyone for that matter, provide a definition comprehensive enough to include every conceivable, or, should that be, every permissible interest? No plausible answer exists for such a question. The range of interests is too vast. Furthermore, the reality of ethical pluralism renders any attempt at establishing a definitive list of permissible interests inadequate. Hence, Mill goes on to endorse an "antagonism of opinions,'" (Ryan, 2006: p.xxvii) initially proffered by Alexis de Tocqueville, in virtue of a thriving liberty of competing opinions in which "no single view dominated." (Ibid: p.xxvii) The value of this derives from the reflexive nature of engaging with one another on equal terms: one's self-interests enhanced by an appreciation of, but also a contention with the interests of others. Also, the possibility that a contrarian opinion may on merit turn out to be true, or, if false, aid in fortifying the merit of an alternative, is further reason not to censor it.

In addition to de Tocqueville's antagonism of opinions, Mill endorses a) the interaction of individuals and collectives; b) pursuing what they believe is in their own best interest; by c) expressing a self-expansive style of liberty, including freedom of expression and association. In the words of Alan Ryan, "[w]e need freedom of speech and thought not just to discover new truths about external reality, but also to discover new truths about what we might do with our lives. Because human beings and human nature itself change over time, we must keep the door open for new insights." (Ibid, 2006: p.xxxiii) Encouraging this progressive style of perpetual self-discovery with like regard for the same in others, Mill nonetheless introduces what he calls the harm principle with which to set prudential limits to our self- and other-regarding attitudes and behaviours. Simply put, "we may only coerce [as in constrain] those who inflict [direct] harm on other people who have not given their full and free consent, [that is, non-consenting innocents.]" (Ibid, 2006: p.xxxix) The rule here is one of self-defence. Importantly, according to Mill, it does not preside over other instances, even those involving self-harm.

But what exactly does the harm principle entail? James Edwards notes that "there is no single such principle; there are many harm principles." (Edwards, 2014: p.253) Of particular interest is Edwards' observation that certain types of harm principles are criticised for being either under-inclusive or over-inclusive (Ibid, 2014: p.254). In the case of the latter, liberty is likely to be unduly constrained due to over-regulation, whereas with the former the risks pertain to an attitude of imprudent over-permissiveness liable to result in instances of otherwise avoidable harm. But what did Mill have in mind and is his version helpful? Edwards notes that "Mill's harm principle… is most plausibly seen as a negative constraint." Edwards goes on to explain: "The fact that my purpose in prohibiting [something] is to prevent harm cannot *itself* be thought to generate a reason to prohibit [that something]." (Ibid, 2014: p.257) For example, I may be prevented from firing a gun if and only if in so doing my intent is to cause harm to an innocent, rather than practice my aim at a target. The act though of firing a gun is not in question. So then, practicing a certain belief (secularism, for example) or identifying with a particular sexual orientation (gay, for example) are both in and of themselves harmless. Similarly, opposing positions – religious fundamentalism over secularism – are mutually harmless. Edwards adds that "one is harmed by that which diminishes one's prospects in life. One's prospects in life are partly a function of one's ability to pursue whatever valuable projects and goals one has set for oneself." (Ibid,

2014: p.260) In other words, one's life orientation (meant in the sense of one's beliefs, practices and goals) ought not to be the target of direct harm, either in the form of undue constraint or extreme violation. The harm principle, negatively speaking, prohibits actions based on their impermissible consequences, defined as those acts which may foreseeably result in either diminishing someone's life prospects or causing them unwanted harm. On my view, the feature of foreseeability is important because it imputes responsibility to the agent of action based on his/her appreciation of what may diminish another's life prospects and/or cause them direct harm.

In summary then, Mill's version of liberty includes the following:

- It is impermissible to silence an opinion which may be true (Mill, 1859/2006: p.60);
- Diversity is a vital characteristic of a thriving environment open to multiple opinions (Ibid, 1859/2006: p.53);
- Individuals ought to be free to choose what they know is in their best self-interest (Ibid, 1859/2006: p.113);
- Self- and other-regarding considerations of liberty ought to be exercised freely without bringing harm to others or impeding their ability to achieve the same (Ibid, 1859/2006: p.16);
- The individual's and, by extension, collective's ultimate purpose is to give free reign to their pursuit of liberty and well-being. (Ibid, 1859/2006: p.60)

I now turn my attention to the theory of libertarianism, which is politically and morally centred on the value of the individual.

LIBERTARIANISM

Politically speaking, libertarianism endorses individual liberty and ownership of property, secured and protected by a minimal state. Morally speaking, libertarianism promotes the concept of self-ownership free of any external non-consensual coercion. In their *Introduction* to "Alternative Conceptions of Civil Society", Simone Chambers and Will Kymlicka note that "[Michal] Walzer's [left-liberal] egalitarian perspective leads him to defend a strongly positive theory of the state, while [Loren] Lomasky insists

on a minimal state. Walzer's civil society is one in which the opportunities afforded by voluntary association are guaranteed by the state, whereas for Lomasky civil society thrives by default, that is, by the state withdrawing in favor (sic) of maximum liberty for individuals to "direct their affairs as they see fit."" (Chambers and Kymlicka, 2002: p.8)

In other words, libertarianism entails a permissive state of self-rule; it promotes a high degree of independence and as little external interference as possible. In the words of Robert Nozick, "Individuals are inviolable." (Nozick, 1974/2013: p.31) Another key element of Nozick's argument is that libertarianism recognises the uniqueness of the individual, whereas other liberal theories sublimate the individual into the broader context of collective well-being. (Mack, 2015: p.13) The combination of self-ownership and a protective yet non-interfering minimal state accords well with Mill's emphasis on *individual* liberty free of the tyranny of *mass* prejudice. From this account, the appeal of voluntary affiliation seems more apparent from a view of individuals acting in their own self-interest, unencumbered by any form of unsolicited and/or collective coercion. Within this libertarian framework, I propose that the contribution to be drawn from the concept of property relates to the virtual article of oneself, occupying a place online in the internet. Therefore, the role of a 'state' is to recognise and protect the individual's ownership of the virtual article of herself. (I am not including other online forms of property such as domains and so on.) This virtual article of identity can be comprised of multiple interests. (This will be the topic of further discussion in the section on identity below.) Suffice it to add at this juncture that an individual, an identity, comprised of multiple interests and multiple online personas, can interact simultaneously with other multiple online personas. The environment capable of accommodating this type of interaction, the state in a sense, is, I propose, a virtual borderless global state, the state of the internet. While it is possible for the internet to be limited, whereby certain sites and services are either blocked or censored, which is the case in some countries today, in general use the internet provides people with a far greater scope of movement and interaction than is ordinarily available to them in their physical lives. Therefore, if one's online experience is important to one individually, then it is important to adopt a normative approach of acknowledging and protecting one's sense of individuality online. Hence, libertarianism, politically (or, perhaps, a-politically in a sense) and morally, seems well-suited to furthering this intention.

Liberty, on Mill's view and the view of libertarians, primarily concerns individual self-interest. Through a variety of other features, including diversity and the impermissibility of illegitimate harm, it extends to include the interests of others too. In other words, liberty ought to be constrained in instances where direct harm may be inflicted on innocents. Hence, even the most progressive style of liberty is not without limits. If maximising liberty depends upon a state of permissibility, that permissibility in turn depends upon the prudential, as in, foreseeable, anticipation of consequences that are likely to avoid the type of harm under discussion. Therefore, in an effort to realise the broadest expression of self- and other-regarding interests, a minimal cluster of rules ought to be set down with the intention of giving liberty as wide a berth as possible with as clear-sighted a view as possible of avoiding impermissible consequences.

This brings me to a discussion of the application of a rule-consequentialist approach.

RULE CONSEQUENTIALISM

"[Consequentialism] assesses acts and/or character traits, practices, and institutions solely in terms of the goodness of the consequences." (Hooker, 2016: p.2) Having adopted Mill's harm principle as a negative constraint, moral consideration must vest with the anticipated intention of avoiding harm to innocents. Accordingly, something, a belief, practice or an act, is harmless in and of itself and it is its improper application that ought to be scrutinised in instances where it is likely or intended to bring unwanted harm to others. So as to legitimately limit such applications or intentions, rules ought to be established so as not to sanction the belief, practice or act, but to prevent the belief, practice or act being applied in such a way as to lead to foreseeable harm being exacted on innocents. This sharpens my application of consequentialism into rule-consequentialism. The rules ought to apply so as to produce the best foreseeable consequences by comparison to the consequences likely to ensue from alternative rules. The primary rule to be applied in the case of liberty is Mill's harm principle. When it comes to maximising liberty online in the internet I will apply the additional rules of privacy and unrestricted access, both of which are addressed in more detail in the relevant sections below. Furthermore, "in determining moral rightness, benefits to one person matter just as much as similar benefits to any other person ([that is,] all who count count equally)." (Sinnott-Armstrong, 2015: p.4) On the view of each

person's uniqueness, and a collective obligation to avoid the tyranny of mass prejudice, a consequentialism of equal consideration ought also to be applied. Assessing the normative implication of the harm principle from this perspective it is apparent that it applies impartially to all individuals. In other words, an equal-rule-consequentialist framework functions to secure the liberty of all impartially, equally and with as much foreseeable clarity as can be anticipated. The requirement of foreseeability is hence the third and final feature of my proposed consequentialist approach. It requires that when acting each person does so with as comprehensive a moral consideration as they are capable of applying. While such consideration may centre on their self-interest first, it cannot be said to be comprehensive if it stops short of considering the interests of others too.

In summary, the proposed consequentialist approach includes the following:

- A minimal set of rules with which to regulate as permissive an environment as possible for the purpose of maximising liberty;
- Rules which apply impartially and with equal consideration of each person's interests;
- Rules designed to produce the best foreseeable consequences.

CONCLUSION

On Mill's view and the view of libertarianism, liberty concerns self-interest and, morally and politically, the interests of others. Endorsing a diversity of opinions, and freedom of expression and association (which I will later refer to as voluntary affiliation), Mill seeks to promote a progressive style of liberty. Harm is that, on the view of Mill, which entails the negative constraint prohibiting *acts* which result in direct harm to innocents. Furthermore, libertarianism endorses as little external interference as possible in individual affairs, in other words, a minimal state. A minimal state combined with a minimal set of rules in a rule-consequentialist approach is, I propose, well-suited to maximising liberty. Locating liberty primarily in individuals, for whom liberty is intrinsically valuable to their well-being, it is important to understand how we ought to express liberty as comprehensively as we can.

This brings me to the themes of autonomy and purpose.

1.2. AUTONOMY

INTRODUCTION

This section includes the following:

- An exposition of autonomy, personal as well as moral, which includes the major conditions of a comprehensive version of autonomy;
- A rationale for why a comprehensive version of autonomy is required if individuals are to maximise their expression of liberty.

ON AUTONOMY

From a personal perspective, autonomy "concerns the independence and authenticity of the… values [and] emotions that move one to act in the first place." (Christman, 2015: p.10) From a moral perspective, autonomy concerns "the respect others owe to us (and we owe ourselves)." (Ibid, 2015: p.10) Both versions of autonomy, personal and moral, rely on our independence of deliberation. Hence, personal autonomy also includes, a) "authenticity conditions" – the ability to reflect upon and identify with one's desires and values; and, b) "competency conditions" – the capacity for independent deliberation free of external interference of a debilitative or manipulative kind. (Ibid, 2015: pp.4-6) And moral autonomy requires, a) rational precedence – the recognition of one's (and everyone else's) inherent freedom, encouraging prudential formulations of moral obligation among rational agents; and, b) relational reasoning, whereby moral imperatives are patterned from an "enmeshed" arrangement of rational and passionate (psychological, emotional) considerations. (Christman referencing Sandel, 2015: p.21)

The underlying principle of impartiality that provides justification for rules (within a rule-consequentialist framework) means that we ought to have sound reasons, based on foreseen consequences, for how we go about expressing liberty. And so, it becomes important to identify and evaluate a means of applying autonomy in such a way as to justify our actions and moral considerations.

It may be proffered that, minimally, one is required neither to demonstrate a high degree of authentic self-reflection nor competent deliberation in order to attain a sufficient measure of independence worthy of a satisfactory state of autonomy. Maximally, though, a person's choice of values, as a precursor to independent deliberations of a self- and other-regarding kind, is what gives scope and meaning to her expression of authentic autonomy. And therefore, it may be argued that a person acting from a minimal position, without applying due moral regard for others, runs the risk of *foreseeably* violating the liberty of others. Instead, we are encouraged to apply a more comprehensive version of autonomy, constitutive of a sensitive and considered appreciation of one's self- and other-regarding interests, drawing on a variety of available decision-making criteria with which to apply one's authenticity and competency considerations, as well as one's rational and relational assessments. This most thoroughly defines a sense of individual and collective purpose to which we are likely to be most enduringly drawn. This is because it exemplifies the principle of providing sound justifications for expressing a version of liberty based on rules designed to produce the best foreseen consequences for all involved.

To test this claim, I assess what may be lost by discarding any of the four main conditions of personal and moral autonomy.

- Authenticity: leading to a lack of clear self-interest to be otherwise drawn from a genuine commitment to one's desires and value.
- Competency: leading to a lack of independence to be otherwise gained from making decisions and choices for oneself.
- Rational: leading to a lack of an enduring sense of freedom to be otherwise derived from recognising one's inherent freedom and the same in others.
- Relational: leading to a lack of comprehensive self-awareness to be otherwise attained from combining one's reason with one's psychological and emotional considerations.

Discarding any of the conditions of autonomy may not automatically precipitate a reduction of liberty. Doing so does however leave a deficit of self-defining resources, which, when applied together, produce a more fully formed version of autonomy. Hence, in proportion to the objective of maximising liberty, one's autonomy ought also to be maximised as fully as possible.

CONCLUSION

I have provided an overview of the main features of autonomy. Furthermore, I have demonstrated why a comprehensive style of autonomy is necessary to promote a maximal version of liberty if such a version is attuned not only to one's own interests but to the interests of others too. This, I believe, provides a good normative basis for pursuing liberty in an ethically sound manner.

1.3. PURPOSE

INTRODUCTION

This section includes the following:

- An exposition of positive and negative liberty as applied through individual purpose;
- An explanation of how purpose ought to be optimised, aligning one's positive and negative liberties by applying a comprehensive version of autonomy;
- An explanation of how even opposing positions of purpose may be accommodated through the application of my proposed rule-consequentialist approach.

ON PURPOSE

Purpose stems in part from one's interior will or ability to act. The capacity to act, referred to as positive liberty (Carter, 2012: p.1), is to varying degrees influenced by the limitations of one's circumstances. The extent to which external factors permit or constrain one's purpose is a matter then of negative liberty. (Ibid, 2012: p.1) Taken together, one expresses that which is positive (her will and capacity) against whatever is negative around her (her circumstances). Should these coalesce seamlessly, her purpose being proportional to the limitations of her circumstances, she may be said to occupy a space of optimal liberty. For example, if a person should wish to be alone in a small room without any prospect of ever leaving, then she will benefit from the optimal liberty of a term of solitary confinement. But if one's intentions or circumstances, or a combination of both, are over or under extended, then a purpose-deficit will occur. Examples include: expressing a position (one's sexual orientation) in circumstances where one's negative liberty is unreasonably censured, or, pursuing a position (attacking a secular

minority) in circumstances where one's positive liberty ought to be constrained. Both examples fail as a result of their bad, or morally impermissible consequences. Neither one's sexual orientation nor one's beliefs are in and of themselves wrong; by the same token, nor are any opposing perspectives on either matter. In both examples, however, the acts of violating another's liberty, by censuring their sexual orientation (thereby diminishing their life prospects) or attacking them based on their secular beliefs (thereby harming them physically), are morally impermissible. Even if enacted in total self-interest (as if on grounds of ethical egoism) nonetheless, these violations betray an over-extension of will on the part of the perpetrators leading to punitive circumstances for the victims. Furthermore, they belie a comprehensive application of autonomy in that they most obviously lack the other-regarding considerations included under the condition of rational precedence which recognises their own inherent freedom but also the freedom of others. How then can these diametrically opposed positions be simultaneously accommodated? Taking the more controversial line of viewing the situation from the perspective of the perpetrators (being the legislator criminalising certain sexual orientations, or the religious extremist targeting secular advocates) we must assess the extent to which the perpetrators' interests are unreasonably violated by the presence of the others. At most, the perpetrators might claim that their life prospects are diminished by encountering the positions and beliefs of their 'opponents'. They certainly could not reasonably claim that they suffer direct physical harm. Nonetheless, even the first claim seems weak. And within the context of liberty it requires that all the main features of liberty – individual uniqueness, diversity, non-tyranny of prejudice, non-harm – be discarded in preference to an egoism without consideration of others. Therefore, I contend that the narrowest means of accommodating these opposed positions is to enable everyone, as far as is possible, to secure their interests and interact freely to promote them without coercing the non-consensual participation or subjugation of others. On this view, the feature of diversity may be partially elided, but it cannot be completely excluded. This version requires that individuals align their positive and negative liberties as much as they can; they have to apply all the conditions of their autonomy in contending with the unavoidable limitations of their personal and circumstantial conditions so as to maximise their purpose, individually as well as collectively. This objective is what requires the protection of certain rules of a rule-consequentialist approach, as well as the environment capable of enabling individuals and collectives to maximise their liberty.

CONCLUSION

I have demonstrated how a maximal version of liberty includes one's positive and negative liberty. One's purpose is drawn from the alignment of one's positive and negative liberty. However, this does not amount to ethical egoism. It is only with due regard for a comprehensive application of autonomy that one's purpose may be said to meet the normative requirements of a permissible expression of liberty. This requires that one respect the liberty of others.

Now that we have examined liberty, autonomy and purpose, and given reasons for why a consequentialist approach of applying liberty is well suited to promoting good outcomes, based on rules which give equal consideration to each person's value in a way that has foreseen or intended benefits, I want to turn our attention towards the theme of Individuals and collectives, pertinent given the sense I have that liberty, in the form of autonomy, is exemplified through the expression of individual and, by extension, collective purpose.

2. FROM *LIBERTY* TO *INDIVIDUALS AND COLLECTIVES*

As stated in the section on liberty, Mill establishes the individual as the primary agent of liberty. Only following moral consideration of the individual first can the collective interest be developed further. This is not an endorsement of ethical egoism though, which "is an ethical theory to the effect that one *ought* always to act in one's own best interests [and] that an action *is right* if and only if it benefits the agent." (Mautner, 2005: p.180) Liberty includes broader considerations of others too, including the recognition of others' freedom and their ability to pursue their own interests. On this, and the rule-consequentialist approach of avoiding foreseeably impermissible consequences, it is important to recognise the underlying feature of agency. In other words, liberty ought to be expressed with due consideration and awareness, that is, non-arbitrarily. The significance of this is highlighted by briefly comparing the concept of affiliation to that of citizenship. To affiliate is to *choose* to affiliate, whereas citizenship is arbitrarily assumed at birth. Therefore, on a view of maximising one's negative liberty, affiliation affords the means of *actively* realigning one's collective interests with one's self-interest. And, as individuals, subscribing to an identity which, I will argue, can be prolifically (and virtually) comprised of multiple interests, we ought to be free to select, augment and pursue what is in our best interest from a range of available options. Therefore, in the section that follows I address the following:

- How individuals may express their identities in ways comprised of multiple interests;
- How collectives ought ideally to be formed from the voluntary, as in non-arbitrary, initiative of their members;
- And how this view calls into question our conception of citizenship as it applies to the organisation of moral norms of liberty among shifting global societies.

3. INDIVIDUALS AND COLLECTIVES

3.1. IDENTITY

INTRODUCTION

This section includes the following:

- An exposition of three main theories of identity, namely, the psychological, the biological and the narrative;
- A version of identity drawing on a combination of the psychological/narrative theories and demonstrate how such a version correlates to an expression of autonomy and purpose;
- A distinction between two conceptions of identity, namely, primary and prolific.
- A description of primary identity, consisting in data and traits which are specific to a person.
- A description of prolific identity, a poly-narrative composite comprised of multiple interests, a conception of identity better attuned to a maximal version of liberty and one which may be ideally expressed online.

ON IDENTITY

Of the philosophical theories of identity generally discussed, three are pertinent to my report, namely the psychological, the biological and the narrative.

"*The Psychological Criterion of Personal Identity*… [includes] psychological continuity [which] consists in overlapping chains of strong psychological connectedness, itself consisting in significant numbers of direct psychological connections like memories, intentions, beliefs/goals/desires, and similarity of character." (Shoemaker, referencing Parfit, 2014: p.10) In "*The Biological Criterion of Personal Identity*… X=Y [over time] if and only if Y's biological organism is continuous with X's biological organism." (Shoemaker, referencing Olson and DeGrazia, 2014: p.11) Finally, "*The Narrative Criterion of Personal Identity* [claims that] what makes an action, experience, or psychological characteristic properly attributable to some person… is its correct incorporation into the self-told story of his or her life." (Shoemaker, referencing MacIntyre, Taylor, Schechtman and DeGrazia, 2014: p.15).

Regarding the biological criterion, David Shoemaker provides the analogy of a brain transplant. He notes that the recipient assumes the *psychological* characteristics of the donor. He therefore argues, successfully I think, that our physical characteristics count for less than our psychological characteristics in defining who we are. (Shoemaker, 2014: pp.36-37) Similarly, Luciano Floridi observes that our online experience is less about our physical immutability (a biological criterion), and far more about our intangible interactions (Floridi, 2013: p.10), interactions that are constituted psychologically and narratively. That said, is there a significant relationship between identity (psychological and narrative) and liberty? Do the intangible features of the former correspond with features of the latter? And can a certain conception of identity affect our liberty, and, if so, can its effects be maximising?

On the first two questions:

- The psychological criteria of identity, which include intentions, beliefs, goals and desires, accord with the authenticity and competency conditions of personal autonomy.
- Applying these criteria socially, with like-regard for the interests of others, requires that we employ the rational and relational conditions of moral autonomy.
- Having the will and ability to act and adapt to circumstances, pursuing one's purpose over a lifetime of experience gives content to the self-told story of one's life.
- Therefore, psychologically and narratively, one's sense of identity corresponds to one's liberty in the form of autonomy and purpose.
- In other words, one's liberty is inextricably tied to an expression of one's identity too.

I shall now make a distinction between two types of identity which are pertinent to the third question.

The first is what I will call primary identity.

Primary identity consists of the data about a person which are specific and immutable, for example, a physical likeness in the form of a photograph, a statistical instance in the form of an identity number,

and a traceable instance in the form of an address. These data are specific in that they apply to a *particular* person; they are immutable because they apply to that person entirely. Together they are coordinatable to provide a fixed impression and position of a person. In other words, they render someone identifiable and locatable. Primary identity may also include character traits (comprised of beliefs, positions and interests) expressed over time. These traits provide an idea of who someone is. So, we come to construct an identikit of a person – we have immutable data about their distinguishing features and whereabouts and interpretive information about their attitudes and behaviours. From these coordinatable pieces, someone can be tracked down and either killed or prosecuted (recall the secular blogger in Bangladesh and the LGBTI communities in at least 76 countries, both cases mentioned in my introduction).

The distinguishing characteristics of primary data – specific, immutable, coordinatable – can impact one's liberty negatively. They also apply to a person in a very *local* way, by which I mean, they point to someone in the physical sense of their actual person and location. And, we can and do discriminate against primary identities. However, is there a way of conceiving of a different type of identity; a conception of identity that may be better suited to the intangible world of the internet where everything is in a sense ephemeral and remote, by which I mean online and virtual? And, if there is such a conception, is it capable of expanding the horizons of liberty, presenting more options, providing greater means of expressing and testing one's opinions, offering a broader spectrum of association than that available to one on the ground so to speak?

This brings me to the second type of identity, what I call prolific identity.

As a starting point for understanding this conception of prolific identity, I refer to Luciano Floridi's suggestion that "[we] 'identify' (provide identities) to each other, and this is a crucial… variable in a complex game of the construction of personal identities, especially when the opportunities to socialize are multiplied and modified by new [Information and Communication Technologies]." (Floridi, 2013: p.215) In other words, one's expression of identity is far greater in a virtual environment where the parameters of interaction are extended. Recalling that interaction of a self-expansive kind (among individuals and collectives partial to a proliferation of opinions with which to augment and refine their

self-interests) is central to the project of maximising liberty, a conception of fully identifying with oneself and fully expressing one's sense of identity is desirable. But what does it mean to express oneself fully in this way?

In the context of my report, and, at this juncture, with the intention of only highlighting some key features, it means the following:

- From the perspective of liberty – to express one's interests in accord or competition with the interests of other's in an environment thriving from diversity.
- From the perspective of libertarianism – to exercise self-ownership free (as in, as free as possible) from external interference or constraint.
- From the perspective of rule-consequentialism, as I have applied it – to pursue liberty by applying a minimal set of rules with which to safeguard the interests of individuals and collectives on the basis of sound moral consequences.

Prolific identity, expressed online, can, in its most expansive sense, be a poly-narrative composite of multiple interests. Furthermore, these interests can be expressed in ways that may not always be practically feasible. For example, I may want to express myself as multiple genders in different relationships, or, I may want to express political views that are at odds with my religious convictions. And by applying Mill's harm principle as a negative constraint whereby a position or practice in and of itself is not harmful, expressing prolific identity in this way is, in and of itself, harmless. Only if one's intentions in doing so are to inflict harm, is the act of presenting a position morally impermissible. (This will be further addressed below in the sections on online privacy and unrestricted access.) But it is also important to understand that prolific identity, in its thinnest sense, may just as legitimately comprise even a single interest. In the final analysis, prolific identity is intended to compensate for (or at least attempt to do so) instances where one's primary identity renders one incapable of pursuing one's life purpose. Where, for example, one's beliefs or sexual orientation make one a target offline, online one's identity and liberty ought to be safeguarded from this type of harm. And because one's primary and prolific identities are conjoined in the same moral agent, the way in which liberty is pursued and maximised online must be morally regulated so as to avoid harm to innocents, both online and offline.

CONCLUSION

In this section, I argued for a combination of the psychological/narrative account of identity. I demonstrated how such a version is suited to the expression of autonomy and purpose. I then distinguished between two conceptions of identity. Primary identity is that which defines one based on specific data and traits. It is what renders one locatable, and, to an extent knowable. It is, in a sense, a definition of one's offline existence. On the other hand, prolific identity is a conception comprised of potentially many more multiple interests. It represents the ability to express oneself in ways which may not be feasible offline. As such, it is attuned to an online environment. And it allows for the exemplification of the expression of liberty.

3.2. VOLUNTARY AFFILIATION

INTRODUCTION

This section includes the following:

- A description of *affiliation's* appeal to collective interest, and *voluntarism's* non-coercive commitment to moral action;
- An explanation of the important feature of being able to voluntarily enter and exit affiliations;
- A demonstration of voluntary affiliation's ability to enable the expression of prolific identity;
- A validation of the conscientious participation of all those involved in voluntary affiliation ;
- An explanation of why such an initiative requires an environment that is porous.

ON VOLUNTARY AFFILIATION

Affiliation concerns the act of uniting in action or interest. (http://www.dictionary.com/browse/affiliation?s=t) Voluntarism includes "the view that obligations (legal or moral) can arise for a person only by means of a voluntary undertaking [under conditions of non-coercion]." (Mautner, 2005: p.649) Affiliation is consistent with the requirements of autonomy and purpose – one acts in accordance with personal autonomy (self-interest) and moral autonomy (collective-regarding interest); committing to action (exhibiting positive liberty), in an environment conducive to collective union (affording negative liberty). Similarly, voluntarism stems from one's interest in a collective scheme, and includes the principle of non-coercion, a substantive feature of Mill's harm principle. The notion here of obligation is derived from a person's commitment to action, an action, which, on a consequentialist view, is anticipated will result in intended or foreseen good, or, at least, a better good than any other available action might achieve.

Voluntary affiliation also includes the ability to enter and exit a collective at will. As with the theme of self-discovery, first highlighted in section 1.1. on liberty, and recalled in section 3.1. on identity, we may find that our affiliations change with our changing interests: interests are either modified or discarded, so too are our affiliations. This requires a freedom of movement, or a porosity of interaction. In section 3.1., I presented the concept of prolific identity. One's prolific identity allows for expressive

possibilities that in reality may be difficult or even impossible to realise. Theoretically, though, voluntary affiliations enable us to *traverse* barriers and engage in a variety of experiences. The feature of diversity in a single agent drawn to a range of interests, some even mutually antagonistic, promotes an ideal of liberty, which can extend to prolific agents across multiple affiliations. For example, Citizen A of Country Y and Citizen B of Country Z would ordinarily be friends, despite the war between their countries and the conflict of their cultures. Congruously, Citizen X (of Country Nondescript) sympathises simultaneously with the respective political positions of Country Y and Country Z, with Citizen A and Citizen B, and with aspects of their respective cultures. Let us assume that Citizens A and B have no way of actively fostering their friendship. In other words, they cannot overcome the impediments restricting the expression of their mutual interests, because they are physically and ideologically hardship-bound by the limitations of their circumstances. By contrast, let us assume that Citizen X has access to the resources necessary to pursue a range of interests and affiliations, including her sympathies with aspects of Citizen A's and B's respective predicaments. In so doing, Citizen X elevates a unifying good between Citizens A and B, somewhat in absentia, by marrying the possibility of their shared interests while also casting a charitable light on various features of their respective cultures. The point, though, of this analogy, while committed to a sense of common good, is primarily to demonstrate that the ability to affiliate voluntarily ought to feature prominently in any project to do with liberty. This is because affiliation is instrumentally valuable in that it propels us into action; *voluntary* affiliation is furthermore contributively valuable in that it imbues our collective-forming initiatives with a genuine sense of conscientious participation. Other examples include Person D whose political persuasions disqualify her from openly expressing herself in an environment where she would be persecuted for doing so; or Person E whose interfaith beliefs do not 'practically' cohere; or Person F who identifies transnationally and transgenderly while in reality possessing only one passport and one gender. How liberating it would be for Persons D, E and F if they could affiliate voluntarily so as to express rather than conceal themselves in an environment, or space, with a high degree of porosity conducive to multiple, simultaneous and seamless affiliations.

Within an environment such as this, no one is necessarily split between interests, which is to say, no one has to 'trespass' from one interest or identity to another. Instead, we retain our identities, affiliating meaningfully and freely. We unite in action and interest, intra- and inter-personally, and we commit

ourselves to the realisation of both our self- and other-regarding concerns. From a consequentialist standpoint, voluntary affiliation contributes to the claim that liberty is exemplified, in the form of autonomy, through the expression of individual and, by extension, collective purpose in the following way:

- Someone who contributes to the collective interest does so purposefully if in so doing she expresses a sense of conscientious participation;
- A collective thus comprised validates the interests and intentions of its members;
- Arguably, one's membership – affiliation – ought to be voluntary if by belonging one hopes to benefit from an enduring sense of individual and collective purpose;
- The implications of these formulations are morally significant if they serve to underscore the intrinsic well-being of the individuals and the collectives involved.

Hence, the task now is that of identifying the environment and the means of expressing our prolific identities and voluntary affiliations most meaningfully. While I have made it clear that I believe the internet to be such an environment, it is important to first examine the concept of citizenship given that it most obviously concerns the interests of people living in large-scale societies.

CONCLUSION

I have demonstrated that the feature of voluntary affiliation endorses non-coercive, collective-forming enterprises, and includes the feature of porosity, allowing people to enter and exit affiliations at will. As such, it is adept at accommodating the aspirations of our prolific identities. This is accounted for in the explanation of how through affiliating voluntarily we can traverse, as opposed to trespass, multiple self-conceptions. This now propels me towards identifying an ideal environment for furthering the project of liberty, which has come to include the concepts of prolific identity and voluntary affiliation.

3.3. CITIZENSHIP

INTRODUCTION

This section includes the following:

- A description of the main aspects of citizenship;
- An explanation of citizenship's arbitrary nature;
- A brief discussion of some of the main theories of citizenship;
- An explanation of why citizenship cannot necessarily accommodate a maximising version of liberty, especially one drawn from the expression of prolific identity and pursued through voluntary affiliation.

ON CITIZENSHIP

Wayne Norman and Will Kymlicka distinguish "four interrelated aspects of" citizenship, namely, our:

- Legal status: "[This includes] the specific legal rights and obligations which attach to the status of citizen."
- Sense of identity: "[The importance] that the status of citizenship *mean* something to individuals; in other words, that they identify with their political community, cherish their membership in it, and even feel a certain pride about it."
- Position of solidarity with others: "The belief that citizenship should serve as a locus – perhaps the *primary* locus – for community and solidarity."
- Meaningful commitment to civic virtue: "[The belief that] citizens have the right, and perhaps also the duty, to participate actively and responsibly in the political, social, and cultural betterment of their community." (Norman and Kymlicka, 2005: p.211)

Norman and Kymlicka proffer a version of citizenship founded on rights and obligations (legal status and civic virtue respectively) enhanced by a sense of personal belonging and communal well-being (through identity and solidarity with others). As favourable a version as this is, it seems to rely upon a negative imperative: citizenship must *compel* us to feel charitably about ourselves and our civil/political community. But what if someone, Citizen X, feels ostracised, because of her contrary political or

personal position, such that she lacks a dignified sense of identity, does not enjoy a sense of solidarity with others and does not feel committed to any kind of civic virtue? Or, less opposed, she feels only partially aligned with some of the privileges of her citizenship? What is it about citizenship that does not quite correlate with an optimal view of positive liberty? I contend that it pertains to its arbitrary nature – we have no choice over where we are born. Hence, from the outset, citizenship has to contend with the complexities of accommodating *arbitrarily-placed* citizens who may upon reflection feel otherwise about the purported benefits of their citizenship.

Citizenship is a very complex matter. Indeed, all models of citizenship, of which there are many, aim to define a set of reasonable limitations within which citizenship may be comprehensively exercised and appreciated. Republicanism advocates "civic self-rule." (Leydet, 2014: p.4) Liberalism promotes "[private] citizenship primarily as a legal status." (Ibid, 2014: p.5) Feminist theorists have concatenated the political into a context of shared public and private experience, arguing in the round for a more thorough version of citizenship, (Ibid, 2014: p.7). And universalists have sought to transcend difference and unify people along lines of common interest. (Ibid, 2014: p.16) But, as Dominique Leydet observes, the "internal diversity of contemporary liberal democracies [and] the pressures wrought by globalization on the territorial, sovereign state" (Ibid, 2014: p.1) have forced a re-examination of the concept of citizenship.

To my mind, drawing on a criticism of universalism, "an alternative conception of citizenship based on the acknowledgment of the political relevance of difference (cultural, gender, class, race, etc.) … [including] the recognition of the pluralist character of the democratic public, composed of many perspectives, none of which should be considered a priori more legitimate" (Ibid, 2014: p.1) strikes a better chord. While citizenship, in its various forms, may present the only viable means of arranging large-scale societies on the ground, its arbitrary, nation-state bound predicament seems incompatible with an agency-centred model of liberty in which individuals arrange their affiliations according to their interests. Some of the key features of liberty – autonomy, purpose, freedom of expression and affiliation – are not the same as the aspects of citizenship proposed by Norman and Kymlicka. Norman and Kymlicka go so far as to concede that when it comes to identity, "citizenship identity competes with

private individualistic interests… and [also with] membership of other sorts of "identity groups" defined by religion, gender, ethnicity, or sexual preference (sic)." (Norman and Kymlicka, 2005: p.211)

While some now "claim that citizenship can be exercised in a multiplicity of 'sites' both below and above the nation-state" (Leydet, 2014: p.22) I contend that this does not necessarily amount to a maximising theory of *liberty*. Closer to the cause is the "development of transnational civil society… [whereby] networks coalesce around a common ideology or conception of the good… composed of voluntary associations organized around shared interests." (Ibid, 2014: p.37) Signaling a progressive orientation towards the value of voluntary affiliations, these initiatives extend the political initiative beyond the arbitrary bounds of citizenship. However, they perhaps stop short of accommodating the proliferations of a prolific identity-oriented theory of liberty, eminent within each of us and outside the scope of any citizenship-centred project.

On a final note, even in the most liberally inclusive societies, "the specific legal rights and obligations which attach to the status of citizen" (Norman and Kymlicka, 2005: p.211) are to some extent partial to the laws and customs of that particular society. Therefore, I contest that an optimal state of liberty cannot be accommodated within the concept of citizenship, but that it has to be sought outside the nation-state in an environment more porous and more conducive to liberty's requirements. This leads me then to an exploration of the infosphere, and more specifically a sub-region of the infosphere, the internet.

CONCLUSION

I have shown that the concept of citizenship is arbitrarily bound by nation-state laws and customs. As such, even though its main aspects are admirable, it cannot guarantee liberty. Furthermore, even though there are several competing theoretical versions of liberty, none can necessarily aspire to a maximising version of liberty. For such a version, one must identify an environment that enables freer forms of expression and association. My task now is that of exploring the potential of maximising liberty online.

4. LIBERTY OFFLINE VERSUS LIBERTY ONLINE

In the chapter of his book, *The Ethics of Information*, entitled, 'The informational nature of selves', Luciano Floridi observes that "[h]uman life is quickly becoming a matter of *onlife* experience." (Floridi, 2013: p.210) He describes the "*onlife experience* [as] the digital-online… spilling over into the analogue-offline and merging with it." (Ibid, 2013: p.8) Despite this merging, are there significant differences between an online and an offline experience? And, if there are differences, do they in any way affect how we go about expressing liberty online as opposed to offline?

At this juncture, it may be helpful to recount some of the main claims I have made about liberty and individuals and collectives thus far.

In my introduction, as part of detailing the structure of this report, I advanced the following schematic of how liberty might be maximally pursued and expressed online:

- Broadly speaking, liberty concerns self-interest and, morally and politically, the interests of others.
- Liberty, in the form of autonomy, is exemplified through the expression of individual and, by extension, collective purpose.
- One's autonomy pertains to oneself personally and to others morally.
- Positively, purpose entails the will and ability to act and, negatively, the absence of impediments to this action.
- Individuals subscribe to an identity, which I will argue can be prolifically (and virtually) comprised of multiple interests.
- Collectives are ideally formed from the voluntary initiative of their members.
- Individuals, expressing themselves prolifically, through voluntary affiliations with others can do so most readily online.

On the specific issue of liberty, drawing on a version proffered by John Stuart Mill, I summed up Mill's position as follows:

- It is impermissible to silence an opinion which may be true;
- Diversity is a vital characteristic of a thriving environment open to multiple opinions;
- Individuals ought to be free to choose what they know is in their best self-interest;
- Self- and other-regarding considerations of liberty ought to be exercised freely without bringing harm to others or impeding their ability to achieve the same;
- The individual's ultimate purpose is to give free reign to her pursuit of liberty and well-being.

Distilling the above into a summation of critical features to do with the liberty of individuals and collectives, on my view and in the context of this report, a minimal set of criteria ought to at least include the following:

- The absence of impediments to individual and/or collective liberty.
- The construction of prolific individual identity.
- The enablement of voluntary collective affiliation.
- The promotion of diversity of and access to multiple opinions.

With these features in mind, I propose comparing their application online versus offline to ascertain if there are firstly any significant differences in experience between the two environments and, assuming there are, if secondly these differences cast a new light on the benefit of pursuing liberty online.

Regarding the absence of impediments:

- New information communication technologies often precipitate an increase and acceleration of interaction among people.

- A few examples illustrate the point – letter to telegraph; telegraph to telephone; telephone to online social media.
- In each instance, the barriers of time and distance are reduced such that the communication is increasingly faster and/or richer.

Regarding the construction of prolific individual identity:

- People may manifest and express a range of personas/identities in their everyday lives.
- Someone may present a certain version of herself to her family at home which is different from that which she presents to her colleagues at work and so on.
- So, the ability to express oneself variously is not in question.
- That said, it seems to me that in an offline environment someone cannot simultaneously express more than one persona at a time.
- However, online, it is possible to be more than one persona and to also expand the range of personas one is capable of manifesting, simultaneously and across distance and time.

Regarding the enablement of voluntary collective affiliation:

- People affiliate to communities and causes in their everyday lives.
- So, the ability to affiliate is not in question.
- That said, there are instances in many countries where certain affiliations are either prohibited or difficult for people to pursue safely.
- However, online, it may be easier to express these affiliations if doing so online better avoids the risk of being in direct harm's way.
- Furthermore, in instances where people cannot pursue their goals to affiliate because the community or cause is not available to them in their offline environment, they may seek out these affiliations online.

Regarding the promotion of diversity of and access to multiple opinions:

- It is reasonable to assume that people have neither the capacity nor the desire really to pursue an ungraspable range of opinions from all corners of the world.
- That said, it is reasonable to acknowledge that when given the opportunity, people often do benefit from encountering diversity, both from the point of view of broadening their knowledge of the world and potentially expanding their own scope of interest.
- As with the features above, the potential to access a broader range of opinions, that is, to enter an environment comprised of greater diversity, is greatly extended online by comparison to what is likely available offline.

Based on the above, I contend that an online environment offers greater scope for pursuing, expressing and maximising liberty. And so, recalling the question I posed at the beginning of my introduction, what are the correct normative strategies and applied procedures for furthering liberty online? The next section on the infosphere addresses this question.

5. THE INFOSPHERE / THE INTERNET

5.1. THE INFOSPHERE / THE INTERNET

INTRODUCTION

This section includes the following:

- An explanation of the informational nature of the internet;
- A description of the informational nature of human beings;
- An explanation of Luciano Floridi's Levels of Abstraction, by which the informational nature of people is exposed;
- A discussion of Levels of Particularisation, by which prolific identity can be expressed;
- A validation of the consequential good that can be achieved through expressing prolific identity online;
- A caution regarding the potential dangers associated with online design techniques intended to exploit our online vulnerabilities.

ON THE INFOSPHERE / THE INTERNET

Luciano Floridi coined the neologism, the infosphere. "*Minimally,* [it] denotes the whole informational environment constituted by all informational entities (thus including information agents as well), their properties, interactions, processes, and mutual relations." (Floridi, 2013: p.6) Smart appliances, social networks, and data servers are informational entities: they produce, transmit, receive, interpret, and act upon information. So too are photographs, identity numbers, addresses and tombstones: they may not be able to receive and interpret information, but they do produce and transmit it. Humans are, in essence, Floridi's *inforgs* – "informationally embodied organisms", (Ibid, 2013: p.14) whose powers of reception and response are, based alone on comprehensive conditions of autonomy, more complex than those of other entities. Arguing for the ethical consideration of information, Floridi employs a method of Levels of Abstraction (LOA) (Floridi, 2013: p.32; Floridi, 2014: p.52) to show how informational availability abstracts from the detail of a human being into that of a mammal and more distantly a collection of basic elements. Like an identity number, these become informational connectors of 'human' value.

Dimensionally, "[the infosphere] is an environment comparable to, but different from, cyberspace [the internet / online], which is only one of its sub-regions, as it were, since it also includes offline and analogue spaces of information." (Floridi, 2013: p.6) In other words, information is ubiquitous. Online, inforgs can engage in relations with other inforgs and informational entities through *intangible* interactions. Offline, these interactions are more readily *tangible*. Nonetheless, I want to clarify that 'prolific' and 'primary' are not mutually exclusive to 'online' and 'offline' respectively. One may reveal aspects of one's primary identity online as well as pursue certain prolific interests offline. As argued in the previous section, though, the potential to generate interests, personas, and affiliations is greater online than offline. Online, inforgs can plot the course of LOA in the opposite direction, employing what I call (adapting Floridi) a method of Levels of Particularisation (LOP). Drawing from a wider variety of available options, inforgs can particularise and manifest (maximise and optimise) a range of interests, personas, and affiliations. And if, on "[assessing] the goodness of the consequences", (Hooker, 2016: p.2) we find that by optimising our interests, affiliations, and personas, we produce "acts and/or character traits [prolific identities], practices [interests], and institutions [voluntary affiliations]" (Ibid, 2016: p.2) that enhance our individual and collective liberty, then our LOP are morally sound.

But are digital technologies (the building blocks, design elements and/or tenants of the internet) *designed* to enhance our liberty? James Williams strikes a telling note of caution: "Digital technologies privilege our *impulses* over our *intentions*. They are increasingly designed to exploit our psychological vulnerabilities in order to direct us toward goals that may or may not align with our own… [that] a primary effect of digital technologies is thus to undermine the operation and even development of the human will. This militates against the possibility of *all* forms of self-determination at both individual and collective levels." (Williams, 2017: http://ninedotsprize.org/extracts-stand-light-freedom-persuasion-attention-economy/) Hence, on Williams' account, rather than attain a sense of freedom, online we may actually suffer a diminishment of purpose.

In summary, Williams advances the following argument:

1. Digital technologies usurp our attention and exploit our psychological vulnerabilities;
2. They do this by employing persuasive, as in potentially coercive, designs;
3. Therefore, online, we may be (mis)directed away from our genuine interests.

And:

4. As a result of this (mis)direction;
5. We may suffer a diminishment of our life prospects (without even realising it).

In respect of human beings as inforgs, (1), (2), (3) and (5) are direct violations of the harm principle. (1) and (2) are more particularly violations of the libertarian imperatives of minimal external interference in and non-coercion of one's right to liberty. Furthermore, in respect of how other informational entities operate, the use of exploitative mechanisms that undermine the tenets of liberty, such as freedom of will and choice in an environment conducive to diversity, violates a rule-consequentialism of equal consideration of each entity's value. It also maligns the potential of achieving consequences of foreseen value in liberty when the intention is to actively subvert certain critical tenets of liberty.

Williams proposes that "we must… move urgently to assert and defend our freedom of attention…" He adds that "We can find precedent for such a freedom in Mill when he writes, in *On Liberty*, that the 'appropriate region of human liberty' … 'comprises, first, the inward domain of consciousness' … 'liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative.' 'This principle,' [Mill] writes, 'requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character.'" (Williams, 2017: http://ninedotsprize.org/extracts-stand-light-freedom-persuasion-attention-economy/)

Therefore, it is necessary to determine by what rules the integrity of informational 'human' value may be safeguarded online, and to what extent these rules may be limited as to primarily maximise liberty without leaving it over-permissively vulnerable to exploitation.

CONCLUSION

I have demonstrated that the informational nature of the internet and human beings presents conditions conducive to expressing prolific identity and maximising liberty. However, I have also exposed some of the dangers of online design directed at exploiting human psychological vulnerabilities and thus

undermining liberty. With this in mind it is important to determine how interaction online ought to be directed so as to produce sound moral outcomes. I now turn to the features of privacy and unrestricted access as they pertain to the protection of our prolific identities and the promotion of our voluntary affiliations online.

5.2. PRIVACY

INTRODUCTION

This section includes the following:

- An explanation of the informational property of identity online;
- A distinction between anonymity and privacy;
- An argument of why a breach of informational privacy involves a violation of one's identity and liberty;
- Two accounts of why informational privacy is beneficial to liberty;
- An explanation of the place and role of privacy within my rule-consequentialist approach.

ON PRIVACY

Floridi states that "informational privacy… [must take] into account the essentially informational nature of human beings and… their operations as social agents." (Floridi, 2006: p.111) Online, these operations entail intangible interactions among inforgs (and other informational entities). Floridi continues: "Such re-interpretation [of the informational nature of human beings] is achieved by considering each individual as constituted by his or her information…" (information that applies to LOAs and LOPs) "… and hence by understanding a breach of one's informational privacy as a form of aggression towards one's personal identity." (Ibid, 2006: p.111) So, online, we are our information (Ibid, 2006: p.111) and we ought not to suffer a violation of that which is intrinsically us, namely our identities. Furthermore, Floridi notes that "we never stop becoming ourselves, so protecting a person's informational privacy also means allowing that person the freedom to change, ontologically." (Ibid, 2006: p.112) This sounds like a freedom of self-expression, of exploration and adaptation to changing interests, a freedom to manifest and, on my view, to do so optimally, that is, prolifically.

While the virtues of privacy are well appreciated, what are the concerns? On the subject of anonymity, Kathleen Wallace "characterize[s] the issue of accountability in relation to anonymity as [Plato's] Ring of Gyges scenario. [This] scenario is when someone's ability to be invisible – anonymous – allows unethical or criminal action with impunity." (Wallace, 1999: p.31) But are anonymity and privacy the

same? Wallace explains that "anonymity obtains when it is known that someone (or some people) exists but who it is (or they are) is unknown – the action or trait in virtue of which someone is known to exist is not coordinatable with other traits of the person(s)." (Ibid, 1999: p.25) In other words, anonymity occurs following the de-compilation of one's identity to the extent where she is no longer knowable. It therefore "ensure[s] privacy." (Ibid, 1999: p.29) Privacy, however, functions differently. With privacy, one's data is not necessarily decompiled but concealed, as with the example of a private folder of personal details kept under lock and key. The act of concealment shields one from undue scrutiny or "undesirable intrusions". (Allen, 2000: p.1108) In other words, privacy can "facilitate communication [affiliations], to avoid reprisals, and so on." (Wallace, 1999: p.29) A complete absence of privacy precipitates a complete absence of anonymity, but the reverse is not necessarily the case; one can surrender anonymity and still maintain privacy. Importantly, my focus is on the function of privacy and not anonymity. The relevance of this distinction centres on the weight of moral responsibility. The intention behind a rule-consequentialist approach of maximising liberty online is to strengthen the moral legitimacy of my argument. A feature, such as anonymity, prone to abuse of the Ring of Gyges kind will weaken my position.

Simply put, my argument goes as follows:

- Online, one is synonymous with one's informational nature;
- A breach of informational privacy is a violation of one's informational nature, that is, one's identity;
- One's (prolific) identity is a critical element of one's liberty;
- Therefore, privacy is an important safeguard of the integrity of one's liberty.
- Furthermore, because privacy is the concealment but not the de-compilation of one's identity, rule-consequentially, should someone commit direct harm against someone else, the perpetrator's identity can and ought to be revealed. This ensures that we are never over-permissively relieved of the important aspect of taking moral responsibility for what we do.

So as to defend a position on privacy, I want to examine two scenarios. The first has to do with avoiding undue scrutiny; the second has to do with promoting mutual interests. In both scenarios, privacy functions to conceal primary identity with the foreseen consequences of promoting liberty.

Scenario 1 concerns Person G.

- Person G agrees with aspects of Ideology X and Ideology Y;
- She is drawn to certain features of Faith 1 and Faith 2;
- She expresses herself variously as multiple genders across a spectrum of orientations;
- She identifies with some of the political perspectives of her citizen Country H as well as of Country I.

Assuming that none of the positions held by Person G are in and of themselves morally impermissible, and that Person G is without privacy, then:

- If her positions are considered compatible by others and/or the laws of state or custom, Person G is unlikely to attract undue scrutiny; but
- If her positions are considered incompatible by others and/or the laws of state or custom, Person G may suffer undue scrutiny; therefore
- Person G ought to have the benefit of privacy so as to express herself freely.

Scenario 2 concerns Person A and Person B.

- Persons A and B are neighbours;
- However, they refuse to associate with another on account of their opposing political positions;
- Yet, they share a common passion for Interest C;

Assuming they are in a perpetual state of transparency:

- Persons A and B will remain hostile to one another; but
- Assuming they attain a state of privacy;
- Persons A and B might affiliate around their common interest.

Both scenarios pursue the foreseen objective of yielding good consequences. For Person A this entails freedom from undue scrutiny while pursuing her prolific interests; for Persons A and B this entails overcoming their differences so as to pursue their mutual interests. Privacy enables this to happen. Without privacy, the potential to produce good is compromised. Contributively then, privacy may work to lower one's inhibitions, encouraging an exploration of more opinions, more options and more experiences, enhancing one's sense of self and others, and improving one's overall appreciation of liberty. However, it is important to note that under certain conditions privacy can and ought to be removed. For example, should an act, committed under privacy, contravene the conditions of the harm principle, making the act morally impermissible, then the primary identity, or data, of the perpetrator ought to be revealed. Hence, an important aspect of my consequentialist argument is that privacy functions as a subordinate rule to the harm principle.

While privacy may support prolific identity, voluntary affiliation benefits from the feature of unrestricted access.

CONCLUSION

Having shown that privacy primarily shields us from undue scrutiny or reprisal, and also works to promote the pursuit of our mutual interests, nevertheless, I have firmly established that it fulfils the role of a subordinate rule to that of the harm principle. And so, while privacy functions to conceal our primary identities with the intended or foreseen consequences of promoting important features of our liberty, should we in any way violate the harm principle, such a violation automatically precipitates the removal of our privacy. I now proceed to a discussion of the feature of unrestricted access.

5.3. UNRESTRICTED ACCESS

INTRODUCTION

This section includes the following:

- A re-articulation of the importance of the feature of diversity in liberty;
- A description of unrestricted access as it pertains to freedom of movement and association online;
- A discussion as to why freedom of movement and association is important in accessing diversity but also in avoiding harm;
- An explanation of the place and role of privacy within my rule-consequentialist approach.

ON UNRESTRICTED ACCESS

I like to think of an impression, most prescient in Mill's version of liberty, of an ecosystem sustained through a balance of complex interactions-and-connections where diversity thrives. Interestingly, Luciano Floridi coined the neologism, infosphere, "on the basis of 'biosphere', a term referring to that limited region on our planet that supports life." (Floridi, 2013: p.6) To my mind, diversity flows from interactivity. Online, people produce an environment of connectedness; the pathways created ought to be kept open; the principle ought to be one of unrestricted access. Here, 'access' refers to freedom of movement and association. Censure of any kind – limitations on movement, impediments to associations – imply restrictions contrary to liberty.

Unrestricted access allows people to experience diversity. Diversity is comprised of multiple opinions. Opinions are formed from access to information with which people shape their interests. On Mill's version of liberty, one ought to be free to select what is in one's best interest. Doing so one ought to recognise the same in others, either acceding then to alternative perspectives which present better options, or refuting these in favour of fortifying one's own opinions. From a libertarian perspective, one ought to be able to conduct one's liberty with minimal external interference. This is consistent with a feature of freedom of movement and association. Of course, where informational availability is unwanted or potentially harmful, access to this information ought to be avoided, but not necessarily

restricted. In adults, this may be regulated through acts of self-determination, people voluntarily avoiding or exiting certain experiences or associations. Self-determination is a function of choice, and, similarly to actively affiliating, exiting or avoiding unwanted informational availability requires freedom of movement and (dis)association. This enables the avoidance of harm that may otherwise affect those who are unable to escape it. But to assume that standards of unwanted informational availability are the prerogative of external agents, such as governments or other social censors, is to assume that individuals ought not to have choice over their interests in the first place. Missteps of this nature, though, amount to a tyranny of opinion and prejudice. Of course, while shielding innocents, such as children, from improper relationships or inappropriate content online is, more than merely permissible, absolutely necessary, this is not the same as restricting adults' access, where doing so limits their ability to properly express their liberty. In fact, on a rule-consequentialist view, shielding innocents and promoting proper access are compatible and morally permissible if the intended and foreseen consequences are to, a) avoid harm; and, b) maximise liberty.

In the final analysis, maximising liberty requires unrestricted access to all types of information. Information which can be proved to be prejudicially false fortifies the position of alternative truth-verifiable claims. Furthermore, if this prejudicial position constitutes popular opinion, then applying limitations on access to alternatives is, on a rule-consequentialist perspective, tantamount to pursuing foreseeable consequences which are morally indefensible. While it is unlikely that lines of such clarity on opinion may be drawn, the net gain of unrestricted access to diversity online is likely to further the project of liberty.

As with the feature of privacy, unrestricted access functions as a subordinate rule to the harm principle. I shall go further to say that it is also subordinate to the rule of privacy. In the final analysis, restricting our access is less harmful than undermining our privacy. While the former may reduce our prospects of encountering a proliferation of opinions and affiliating freely, the latter can lead directly to undue scrutiny, or worse yet, undue harm. Therefore, the rules are in descending order of priority: harm principle – privacy – unrestricted access, which is consistent with the order of liberty – individual – collective.

CONCLUSION

Having demonstrated that unrestricted access is an essential feature of liberty online, especially if we are to benefit from the widest array of opinions and affiliations, I have nevertheless established it as a subordinate rule to both that of the harm principle and the rule of privacy. In so doing, I have completed my set of consequentialist rules. These are, in combination, intended to regulate our online activities by applying minimal limitations on our liberty, thereby maximising its expression.

I now turn to an explanation of what it means to maximise liberty and the internet, and, in so doing, summarise what a maximal version of liberty online ought to entail.

6. LIBERTY AND THE INTERNET

6.1. MAXIMISING LIBERTY

Think of liberty taken to the Nth degree – an outer limit. A practical limit nevertheless, not a region of unattainability: the Nth degree of what each of us may hope for.

We would hope to express everything we were capable of expressing, affiliate as readily as we wanted, encounter as much as we were capable of experiencing, and benefit from the broadest range of interests available to us. Under these conditions, one's autonomy and purpose is provided scope to reach a maximising limit.

Where liberty extends beyond what may have been previously possible, is with the conception of prolific identity online. We have come to appreciate that online we can express ourselves through multiple self-conceptions, simultaneously in parallel. This expands our scope of affiliation. It also amplifies the other features of liberty.

On a consequentialist view, the Nth degree of liberty seeks to bring about the best consequences in terms of expressing our autonomy, purpose, freedom of expression and affiliation, as well as our prolific identities. However, this is dependent upon the following rule-consequentialist formulations:

- Liberty, in the form of autonomy, is exemplified through the expression of individual and, by extension, collective purpose, where all affiliates abide by the harm principle.
- Autonomy is exemplified when our personal and moral considerations are made to apply to our self- and other-regarding interests.
- Purpose is exemplified when we adapt and align our positive and negative liberties proportionally.
- Our prolific identities can be maximised online under conditions of privacy.
- Freedom of (expression and) affiliation thrives online under conditions of unrestricted access.

From the above formulations we can deduce what acts are likely to obstruct the best consequences and are therefore morally impermissible. These include:

- Acts intended to elicit the non-consenting coercion of unwilling participants, or acts intended to inflict direct harm on innocents.
- Acts where our autonomy is exercised without regard to our personal and moral considerations.
- Acts where our purpose is rendered so as to break the alignment of our positive and negative liberties.
- Acts which compromise our privacy and, in so doing, reduce our ability to maximise our prolific identities.
- Acts which restrict our ability to freely express ourselves and affiliate.

6.2. MAXIMISING THE INTERNET

Consider the internet taken to the Xth degree: identities and affiliations proliferating exponentially. Again, not impractically. Socially, for example, people can interact with 10's, 100's, 1000's, or 100,000's of people via networks and platforms projecting them across cyberspace.

Online, I may express a range of interests and personas. In certain instances, these may reflect my offline equivalents, for example, as a fan of a local sports team. But, in other instances, they may extend beyond my offline equivalents. For example, I may express political interests unavailable to me in my lived experience. I may affiliate in the same way too, keeping close to my offline collectives or seeking affiliations outside of them. Given the internet's informational synchronicity, whatever I express remotely (online) is immediately happening locally (offline) too – while I am online in multiple locations I am also offline interacting from home. In other words, from a fixed, primary location, I am projecting across space and time – here in South Africa physically while communicating intangibly with people in Asia and Europe and also travelling elsewhere via virtual reality simultaneously. Nonetheless, I am psychologically and narratively always me. Any supposed distance between my activities online and offline is collapsible. The implications of this hyper-connectivity are significant. For example, under whose jurisdiction am I acting when I enter a foreign online location? If I should

form a same-sex relationship with someone from a country outlawing this, are we protected under some sort of international immunity? Running counter to this, my activity online is also asynchronous. My records – interactive, intimate, personal – may be accessible long after an event, circulating beyond my control. In other words, I may be subject to scrutiny by others without context. For example, should I relocate from one place to another, or apply for a job, could the history of my online activities come back to unfairly haunt me? Here I am thinking of permissible interests and affiliations, not public records of misconduct. Hence, while the internet is an environment whose scope for freedom of expression and association extends beyond that available offline, the normative rules of privacy and unrestricted access ought to work to maximise, but importantly also safeguard liberty.

Like liberty, the internet taken to the Xth degree is not without practical limitations. As I have contended throughout this report, these limitations ought to be kept to a minimum, but that minimum must satisfy the basic criteria of withstanding exploitation. They must be permissive yet prudent. Privacy ought to protect me in all manner of my expression from undue harm. And unrestricted access ought to enable me to affiliate freely.

6.3. COMBINING AND MAXIMISING LIBERTY AND THE INTERNET

Taking the Nth degree of liberty and applying it online, how can a maximising combination of liberty and the internet be realised? Firstly, by acknowledging the distinguishing features and conditions of liberty and the internet respectively. Secondly, by applying a prudential set of normative constraints with the intention only of safeguarding the interests of liberty. That is, the constraints are minimal and not maximal, drawing on a libertarian sense of individual freedom enabled under the permissiveness of a minimal state. Furthermore, the intention of securing a maximised version of liberty online can, I contend, be achieved by adopting a consequentialist approach of pursuing the most favourable foreseen results based on rules respecting the equality of all agents' interests.

In summary then, the conditions of liberty include:

- Liberty is primarily a matter of individual interest.
- Individual liberty is constituted initially from a comprehensive version of autonomy.

- Autonomy enables individual purpose of a positive kind relating to one's will and/or ability to act.
- Purpose is maximised then under circumstances that do not impede one's will and/or ability to act.
- A collective is comprised of individuals, that is, collective liberty is derived from and an extension of individual liberty.

Hence, liberty, in the form of autonomy, is exemplified through the expression of individual and, by extension, collective purpose.

- Furthermore, individual interest is drawn, formed, and refined from interaction with others in an environment of diversity.
- Diversity benefits from interactivity-and-connectedness among the widest range of interests.
- Individuals ought to be free to access as many interests as they choose and from these express a version of their own interests.
- Interactivity among individuals and within collectives ought not to be impeded.

Hence, an environment able to accommodate the widest range of interests and facilitate the freest interaction among individuals and within collectives is preferable for the purpose of promoting a maximising version of liberty.

- Nation-state conceptions of citizenship are in the first instance arbitrarily assigned to individuals at birth.
- Nation-state conceptions of citizenship are limited by the laws and customs of governance in effect within each nation-state.
- Nation-state citizenship cannot necessarily appeal to the interests of all its citizens, nor can it enable the free movement of its citizens or other citizens across national borders, nor can it guarantee the incorporation of other societal norms into its own ethical standards or vice versa.

- The internet though is an environment that can facilitate a much freer movement of agents and interests.

Hence, the internet is conducive to promoting a maximising version of liberty.

In lieu of the protections of individual interest within liberty, the internet ought to be regulated according to a normative approach which, a) enables liberty to be maximised; and b) ensures against harm that may be inflicted by the irresponsible or exploitative expression of liberty; and c) overcomes constraints such as of a nation-state conception of citizenship.

I have therefore proposed a rule-consequentialism based on the following:

- The equal recognition of each person's claim to express their liberty.
- The foreseen consequences capable of producing morally permissive actions based on the intended benefits for all involved.

Applying this approach so as to maximise liberty online, and in keeping with the tenets of liberty, the rules are, in descending order of priority as follows:

- The harm principle: ensuring against direct harm inflicted on non-consenting innocents.
- Online privacy: preserving the integrity of individuals' identity such that they are not exposed to undue scrutiny which may then lead to them suffering acts of direct harm.
- Unrestricted access: enabling free interaction among individuals and within collectives such that their liberty can thrive.

7. OBJECTIONS

Throughout my report I have already plotted and rebutted several objections. In this section, I present a few more for consideration, relating them to specific sub-sections of my report.

IDENTITY

Prolific identity may be theoretically possible, but can it be practically realised? And, if it can, does it not run the risk of undermining the virtue of responsibility by allowing agents to separate personas in such a way as to absolve each persona from having to take responsibility for the actions of any of the other personas?

Prolific identity is a poly-narrative composite comprised of multiple interests. One may not always be able to express these interests in one's lived reality. For example, one cannot present as two genders simultaneously. Or, one may be too afraid to openly express political views which may expose one to harm. Or, quite simply, one may not have access to a set of beliefs one is nonetheless strongly drawn to and would like to explore further. And, finally, one may not practically be able to communicate with 100's or 1000's of friends at a time. Nonetheless, one may feel strongly about various opinions, aspirations, and feelings towards as expansive or narrow a range of interests and relationships one would like to have. In their chapter, *Online and offline relationships*, in the book entitled, "How the World Changed Social Media", the authors reject "a dualism of offline against online" and begin with a definition of social media as scalable sociality." (Miller, Costa, Haynes, McDonald, Nicolescu, Sinanan, Spyer, Venkatraman and Wang, 2016: p.113) They demonstrate that in certain instances people find a greater intimacy online in relationships with strangers or peers who they do not live with (Ibid, p.113) and that "people recognise that they can exploit a variety of contexts for relationships as different frames." (ibid, p.113) "Finally it is possible that this new dimension of visible creativity in both relationships and identity is making us more conscious, both of our relationships and of ourselves." (Ibid, p.113) Hence, prolific identity, either expansively or narrowly, is feasible and realisable and especially so online.

How though ought one to take responsibility for having and expressing and acting upon all these potential interests?

Suppose, for instance, that I have two online personas through whom I express conflicting opinions. Or, despite the pleasantness of all my other personas, I have one particular persona through whom I express highly inflammatory opinions with the intent of inciting others. Am I hiding behind my personas? Am I really able to claim that I was not aware of what they were doing? Oftentimes, people express conflicting opinions about a range of issues. And, people may have a nasty side to them, a particular perspective which reveals a character trait that seems out of keeping with the rest of their demeanour. So, there is nothing unrealistic about these scenarios. The question has more to do with how an individual ought to assume responsibility for his or her behaviour. If one persona should violate the harm principle, can the others be guilty of the same offence? And if two personas belonging to the same primary agent express diametrically opposed opinions, how does the primary agent apportion responsibility for the position of each?

I have proposed a rule-consequentialist approach of regulating activity online. It applies rules in descending order of priority: harm principle to privacy to unrestricted access such that a violation of the harm principle automatically precipitates the removal of privacy and the implementation of restrictions. So, if one persona is guilty of violating the harm principle, the primary agent will bear the consequences across all personas. This type of comprehensive responsibility is consistent with the application of a psychological and narrative construct of identity. An individual is psychologically and narratively coterminous with all the interests of her life. She ought to assume responsibility for all her personas and interests, and all the activities related to them. In the first instance, the notion that one may absolve oneself of any responsibility for the actions or opinions of her personas is, therefore, incoherent. And in the second instance, as primary agent, she ought to take responsibility for her opinions and actions on the grounds of having good reasons for expressing them. In the final analysis, to borrow some legal terminology, each of us is jointly and severally liable for our various personas, interests, and opinions. This is the same as taking responsibility for all our actions offline too.

VOLUNTARY AFFILIATION

"[Some]of the criticisms of [John Rawls'] veil of ignorance have argued, anonymity may simply offer the opportunity for rationalization of ongoing, thinly disguised agendas of self-interest, conscious or not, rather than a forum for impartial deliberation." (Wallace, 1999: p.32) Wallace's observation is drawn from her discussion of anonymity, but I refer to it here as a valid criticism of my feature of voluntary affiliation.

The potential certainly exists that voluntary affiliation may encourage collective-forming initiatives attracted to insular interests. Simone Chambers points out in her chapter, *Critical Theory*, in the book entitled, "Alternative Conceptions of Civil society", that "citizens can retreat into insular and defensive groups… where particularism and difference define participation and where the self-organization of citizens contributes to a general atmosphere of distrust and misunderstanding." (Chambers and Kymlicka, 2002: p.101) Furthermore, once formed, these collectives may function to isolate their members from exposure to other ideas, thereby fortifying any prejudices they may already have. However, such a claim will, at the outset, have to defend the view that people are by their very nature averse to diversity. Rather than a claim of moral pluralism, this amounts to a claim of moral relativism, arguing that the very notion of moral progress ought to be viewed with scepticism. However, it is possible that insularity may come to define certain communities. But is insularity in and of itself impermissible? Recalling what I wrote about harm in the section *On Liberty*: "The harm principle, negatively speaking, prohibits actions based on their impermissible consequences, defined as those acts which may foreseeably result in either diminishing someone's life prospects or causing them unwanted harm. On my view, the feature of foreseeability is important because it imputes responsibility to the agent of action based on knowledge of what may diminish another's life prospects and/or cause them direct harm." Insularity itself cannot necessarily cause harm. However, it may be argued that insularity is likely to curtail one's life prospects. This type of insularity is then a form of *in*voluntary affiliation. As Chambers notes, "Individuals do not develop life plans in isolation. They develop them in interaction with others in society. The freer that interaction is from the distorting effects of power and domination, the more opportunity actors have to exercise individual autonomy." (Ibid, 2002: p.93) The underlying principle of *voluntary* affiliation is one of freedom to enter and/or exit at will. If one chooses to stay

within the confines of insularity, then one has made a choice to narrow one's prospects in accordance with one's interests.

PRIVACY

"Anonymity is one method of minimizing accountability. The Ring of Gyges scenario is when someone's ability to be invisible – anonymous – allows unethical or criminal action with impunity." (Wallace, 1999: p.31) Drawing anonymity into the feature of privacy, it is certainly possible that in some instances privacy may be exploited for bad ends. However, I have shown how privacy, while functioning to conceal our primary identities, nonetheless does not dissolve our identity – we are coordinatable, and traceable in the event of violating the harm principle. Therefore, practically as well as ethically we ought to assume responsibility for all our online activities.

Furthermore, The Ring of Gyges scenario could only materialise if all the members, or affiliates, of a collective agreed to unilaterally violate the harm principle. Furthermore, this would entail the broader non-consenting acquiescence of any and all victims of the perpetrated offence, such that the net effect would be to entirely conceal the violation from detection. This not only violates the harm principle on two accounts (direct harm and non-consensual participation) but also violates the feature of *voluntary* affiliation which is intended to enable us to enter and exit collectives at will. The implication here is that neither unwilling participants nor non-consenting victims would be able to leave the collective and expose the violations taking place. Given that my argument appeals to a comprehensive sense of liberty derived from both our self- and other-regarding considerations, the chances of such a mass violation are remote. And in the final analysis, my rule-consequentialist argument stipulates unequivocally that if we should in any way violate the harm principle, then our veil of privacy ought to be automatically removed so as to expose and prevent further violations from occurring.

CITIZENSHIP

It may be argued that conditions of liberty are inextricably tied to conditions of citizenship. The only viable means of securing liberty is to secure the human rights of citizens. Furthermore, nation-states' control of legal jurisdiction extends to policies governing citizens' use of the internet. Ultimately, the

internet is subject, like citizens, to the limitations imposed by the nation-state. Therefore, to contemplate a situation in which citizenship is negated is, in many important respects, self-defeating. The better argument is to call for more widespread adoption of respect for and implementation of safeguards to secure human rights to liberty, online as well as offline. This is a compelling and important argument, articulated clearly in the following excerpt:

> "ARTICLE 19 [a non-profit organisation promoting freedom of expression] welcomes the adoption at the UN Human Rights Council (HRC) of a significant resolution on "the promotion, protection and enjoyment of human rights on the Internet" (A/HRC/32/L.20)."
>
> "The resolution is a much-needed response to increased pressure on freedom of expression online in all parts of the world", said Thomas Hughes, Executive Director of ARTICLE 19. "From impunity for the killings of bloggers to laws criminalising legitimate dissent on social media, basic human rights principles are being disregarded to impose greater controls over the information we see and share online," he added."
> (https://www.article19.org/resources.php/resource/38429/en/unhrc:-significant-resolution-reaffirming-human-rights-online-adopted)

However, upon evaluation of the likely outcomes of preferring a rights-based argument for liberty, focused on the participation of nation-states in lieu of their citizens, over the rule-consequentialism of regulating voluntary affiliation, I contend that the latter is practically more robust. My contention may be subject to criticism in the event of a unilateral, universal adoption of the human right to liberty extending to accommodate every conceivable interest, belief and practice. But this is hardly a realistic position. Furthermore, in the other extreme, if every nation-state were to crack down on human liberty, limiting it to a very narrow list of parochial permissions, then the former argument of securing the human right to liberty fails outright. So the better way of assessing the situation will be to view it from the contrasting perspectives of a fairly open environment and a fairly closed environment, each allowing

access to the internet perhaps in varying degrees. In both instances, given the order of rules I have applied in my rule-consequentialist approach, the protection from harm is of paramount importance. Privacy ought then to apply such that online, people's primary identities are not subject to undue scrutiny. If access is then restricted, this is of a lower priority. While restricted access limits the potential of maximising liberty, it does not necessarily precipitate a violation of one's privacy or freedom from harm. Therefore, defining the normative rules according to which voluntary affiliation can be exercised is, to my mind, a better way of securing a common denomination with which individuals can pursue their own styles of liberty. Furthermore, as much as this is a report involving technology, it is not principally about technology. Instead, it is about the ways in which liberty ought to be maximised *through* technology. And, because of the internet's virtual borderless-ness, I am here reminded of the libertarian notion of self-ownership within a minimal state. Added to which, a libertarian perspective is less concerned about nation-state borders and objectives than it is about the position of individual freedom. Therefore, ultimately, to rely more heavily upon a theory of citizenship, which binds people arbitrarily yet inextricably to their nation-state, strikes me as counter-intuitive when it comes to expressing and maximising liberty in an environment such as the internet, which, even if limited in certain jurisdictions, enables virtual interaction beyond the nation-state. Morally speaking, I contend that it is better to rely upon a strong normative approach which prescribes impartial measures of equal consideration to all irrespective of citizenship or any other arbitrarily defining feature (or limitation) of their existence.

UNRESTRICTED ACCESS

Unrestricted access online could put minors, or other innocents, at risk of being exposed to inappropriate content. In other words, an unregulated space is potentially dangerous for those not equipped to navigate it. The same may be said for other sources of content such as bookstores and television. The notion though that minors, or other innocents, are susceptible to being taken advantage of to a greater extent online that in other environments is a serious criticism. However, the harm principle places a responsibility on those who are custodians of minors, or other innocents, to ensure their safety by shielding them from inappropriate activities that could have the effect of subjecting them to undue harm. The descending order of priority of rules specifically provides for instances of restricting access where

to do so would maintain the primacy of the harm principle. Therefore, it is incumbent upon adults to protect children in this way by limiting their online access accordingly.

Furthermore, the harm principle obligates us to consider the interests of others so as to ensure that we do not participate in their non-consenting coercion. Therefore, in the event that minors or innocents were to inadvertently enter upon affiliations that were inappropriate for them, other affiliates are, on a consequentialist view, required to direct them away from such activities thereby protecting them from the potential harm they might otherwise be unwillingly subjected to. While I concede that it may be unreasonably difficult for us to know exactly who is necessarily a minor or an innocent, nonetheless, on the rule-consequentialist perspective I have proposed, the intended or foreseen consequences of having unrestricted access online would not be to potentially entice or coerce minors or innocents into participating in activities against their will.

8. CONCLUSION

In Liberty and the Infosphere: Affiliation over Citizenship, I have sought to define a normative means of maximising liberty online. On the question of what liberty entails, I have provided a substantive version drawn from the seminal work of John Stuart Mill. The main features of Mill's version exemplify – in the first instance – the individual claim to liberty possessed of an appreciation of one's self-interest. It extends then to include like regard for the liberty of others requiring that self-regarding interests be measured with other-regarding concerns. I extended this to include a comprehensive version of autonomy and a description of purpose aimed at aligning one's positive and negative liberty. I underscored the independence of deliberation required in such a version of liberty with an account of libertarianism. Primarily focused on self-ownership and a minimum of external interference, as of a minimal state, libertarianism is permissive in the sense required to enable maximum liberty. So as to regulate the proper expression of this style of liberty, I advocated a rule-consequentialism based on impartial, equal regard for all individuals, attuned as well to the intended or foreseen benefit of pursuing good outcomes. The primary rule in this approach is Mill's harm principle, applied negatively in that harm is not intrinsic to an opinion, practice or belief, but can only result from the intention of inflicting harm. This version of harm extends the range of permissible interests and activities beyond what may otherwise be deemed impermissible on the basis of opinion alone, which, in the worst cases amounts to social prejudice. The effect of all this is to claim that liberty ought to be maximised, on terms of amplifying its salient features, under conditions of minimal interference and with a minimum of rules directed towards good outcomes based upon impartial, equal treatment of all individuals; that by this version, liberty, in the form of autonomy, is exemplified through the expression of individual and, by extension, collective purpose.

I then proceeded to create a bridge between this version of liberty and a core feature of individuality, being identity. I presented two conceptions of identity, namely, primary identity and prolific identity. I distinguished between the two, demonstrating that while primary identity included immutable details about an individual, prolific identity was directed towards the potential of expressing as wide a range of interests as possible. Prolific identity is thus the better version if one's aim is to maximise liberty. More so, prolific identity by its very poly-composite nature is designed in a sense for a virtual

environment where intangibility and immutability are in operation. Hence, prolific identity points towards the environment of the internet as an ideal location for maximising liberty. I then explored two concepts of collective interest, namely, voluntary affiliation and citizenship. Extending the quest for a maximising version of liberty, I argue for why voluntary affiliation underscores the features of liberty by relying on one's self-determination when it comes to voluntarily affiliating with others. By contrast I showed that one's citizenship is at the outset arbitrarily located within a nation-state whose laws and customs may provide one with a sense of liberty but cannot guarantee it. Therefore, in the final analysis, both prolific identity and voluntary affiliation are regarded to be important aspects of maximising liberty online.

A fundamental question in my argument is whether or not a distinction can be drawn between an online version of liberty and an offline version of liberty. Furthermore, is an online version of liberty a maximising version compared to an offline version of liberty? To compare and assess this I established the following four criteria:

- The absence of impediments to individual and/or collective liberty.
- The construction of prolific individual identity.
- The enablement of voluntary collective affiliation.
- The promotion of diversity of and access to multiple opinions.

In each instance I demonstrated affirmatively that an online environment offers greater scope for pursuing, expressing and maximising liberty. And so, I then proceeded to examine not only the internet, but also the correct normative strategies and applied procedures for furthering liberty online.

Drawing on the work of Luciano Floridi, I proceeded to describe the informational nature of the internet and also of human beings. I borrowed and inverted Floridi's Levels of Abstraction (according to which our informational availability abstracts from a person eventually into basic elements) to posit Levels of Particularisation (LOPs). LOPs allow us to develop our online, informational personas in the expression of our prolific identities. The underlying objective here was to demonstrate that in an online environment one can express as wide or narrow a range of interests as one chooses. Similarly, one can

affiliate as widely or as narrowly as one would like to. In other words, online, one is in a minimal state, so to speak, whose limits of expression and interaction are vastly more permissive than what one might be able to experience offline. Having established this, I turned my attention to the next two rules in my rule-consequentialist approach, namely, privacy and unrestricted access (freedom of online movement, association, and access to content). Privacy I noted is not the same as anonymity. Anonymity is the complete absence of coordinatable traits that in combination can lead to one's identification. Anonymity can be dangerous online, enabling people to void themselves of any responsibility for their actions. Privacy though ought to endure so as to protect individuals from undue scrutiny or harm. And privacy may only be removed in instances where someone has inflicted directed harm on an innocent thereby precipitating his or her, the perpetrator's, identification. Privacy then extends an individual's appreciation of liberty. Individually and collectively, unrestricted access allows for free movement and association online. By having access to as wide an array of experiences as one would like to have expands one's scope, appreciation and expression of liberty.

Importantly, I explained how my rule-consequentialist approach applies the rules of the harm principle, privacy, and unrestricted access in descending order of priority. So, if access is restricted this does not automatically precipitate the removal of privacy. And should one's privacy be exposed, then the final rule of the harm principle ought still to be maintained. However, should the harm principle be violated, this automatically precipitates the removal of privacy and implementation of appropriate restrictions on access.

I summed up my claims in the next section in which I combined maximising versions of liberty and the internet. In this section I sought to substantiate my central arguments. In brief these are that:

- Liberty, in the form of autonomy, is exemplified through the expression of individual and, by extension, collective purpose.
- The internet is ideally suited to promoting a maximising version of liberty.
- A rule-consequentialist approach ought to be adopted so as to prevent direct harm to innocents and safeguard the identities and unrestricted interactions among individuals online.

In the final analysis, drawing on the words of Simone Chambers, “A world in in which there are many options, many contrasts to one’s chosen way of life, many moral differences, many conflicting identities to choose from, and many different associations to join is a world that has a built-in critical component.” (Chambers and Kymlicka, 2002: p.100) To that I would add that it is a world that also has a built-in appreciation of liberty.

9. READING LIST

Ed. Allen, R. (2000). *The New Penguin English Dictionary*. London: Penguin Books

www.article19.org

Buss, S. (2014). "Personal Autonomy." In *The Stanford Encyclopedia of Philosophy* (Winter 2014 Edition). Ed. Edward N. Zalta. URL = <http://plato.stanford.edu/archives/win2014/entries/personal-autonomy/>, pp. 1-51.

Carter, I. (2012). "Positive and Negative Liberty." In *The Stanford Encyclopedia of Philosophy* (Spring 2012 Edition). Ed. Edward N. Zalta. URL = <http://plato.stanford.edu/archives/spr2012/entries/liberty-positive-negative/>, pp. 1-34.

Chambers, S and Kymlicka, W. (2002) *Alternative Conceptions of Civil Society*. Princeton: Princeton University Press

Christman, J. (2011). "Autonomy in Moral and Political Philosophy." In *The Stanford Encyclopedia of Philosophy* (Spring 2011 Edition). Ed. Edward N. Zalta. URL = <http://plato.stanford.edu/archives/spr2011/entries/autonomy-moral/>, pp. 1-45.

Darwall, S. (2005). "Theories of Ethics." In *A Companion to Applied Ethics*. Eds. Frey and Wellman. Oxford: Blackwell Publishers, pp.17-37.

www.dictionary.com

Edwards, J. (2014). "Harm Principles." In *Legal Theory 20* (2014 Edition). Cambridge: Cambridge University Press, pp. 253-285

Floridi, L. (2013). *The Ethics of Information*. Oxford: Oxford University Press

Floridi, L. (2006). "Four challenges for a theory of informational privacy." *In Ethics and Information Technology* (2006) 8. New York: Springer, pp. 109-119

Floridi, L. (2014). *The Philosophy of Information*. Oxford: Oxford University Press

www.theguardian.com

Gaus, G and Courtland S. (2015) "Liberalism." In *The Stanford Encyclopedia of Philosophy* (Spring 2015 Edition). Ed. Edward N. Zalta. URL = <http://plato.stanford.edu/archives/spr2015/entries/liberalism/>, pp. 1-36.

Hooker, B. (2016). "Rule Consequentialism." In *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition). Ed. Edward N. Zalta. URL = <https://plato.stanford.edu/archives/win2016/entries/consequentialism-rule/>, pp. 1-54.

Leydet, D. (2014). "Citizenship." In *The Stanford Encyclopedia of Philosophy* (Spring 2014 Edition). Ed. Edward N. Zalta. URL = <http://plato.stanford.edu/archives/spr2014/entries/citizenship/>, pp. 1-55.

Mack, E. (2015). "Robert Nozick's Political Philosophy." In *The Stanford Encyclopedia of Philosophy* (Summer 2015 Edition). Ed. Edward N. Zalta. URL = <http://plato.stanford.edu/archives/sum2015/entries/nozick-political/>, pp. 1-60.

Mautner, T. (2005). *Dictionary of Philosophy*. London: Penguin Books

Mill, J. S. (1859/2006). *On Liberty and The Subjection of Women*. London: Penguin Classics

Miller, D; Costa, E; Haynes, N; McDonald, T; Nicolescu, R; Sinanan, J; Spyer, J; Venkatraman, S; and Wang, X. (2016) "Online and offline relationships." In *How the World Changed Social Media*. London: UCL Press, pp. 100-113

www.ninedotsprize.org

Norman, W and Kymlicka, W. (2005). "Citizenship." In *A Companion to Applied Ethics*. Eds. Frey and Wellman. Oxford: Blackwell Publishers, pp.210-23.

Nozick, R. (1974/2013). Anarchy, State and Utopia. New York: Basic Books

www.ohcr.com

Ryan, A. (2006) "Introduction." In *On Liberty and The Subjection of Women*. London: Penguin Classics, pp. ix-xlvi

www.76crimes.com

Shoemaker, D. (2014). "Personal Identity and Ethics." In *The Stanford Encyclopedia of Philosophy* (Spring 2014 Edition). Ed. Edward N. Zalta. URL = <http://plato.stanford.edu/archives/spr2014/entries/identity-ethics/>, pp. 1-76.

Sinnott-Armstrong, W. (2015). "Consequentialism." In The Stanford Encyclopedia of Philosophy (Winter 2015 Edition). Ed. Edward N. Zalta. URL = <http://plato.stanford.edu/archives/win2015/entries/consequentialism/>, pp. 1-42

Valentyne, P and van der Vossen, B. (2014). "Libertarianism." In *The Stanford Encyclopedia of* Philosophy (Fall 2014 Edition). Ed. Edward N. Zalta. URL = http://plato.stanford.edu/archives/fall2014/entries/libertarianism/, pp. 1-27

Wallace, K. (1999). “Anonymity.” In *Ethics and Information Technology*. Vol. 1. The Netherlands: Kluwer Academic Publishers, pp. 23-35