

Values for the Future: The Role of Ethics in European and Global Governance¹

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In June of this year The European Group on Ethics in Science and New Technologies (EGE) published a Statement which aims to provide a fresh perspective on the role of ethics and governance of new technologies in Europe. It emphasizes the **importance** of ethics for the **future** of Europe and envisages an **ambitious** and **proactive** ethics. I will briefly clarify what such an ‘**ambitious** and **proactive** ethics’ entails according to the EGE and which challenges it will have to meet.

1. Democracy in Europe

But let me start with a preliminary remark about the importance of democracy. The European Commission has taken up the challenge of declaring a new push for democracy as one of its priorities, adopting its new *EU Action Plan on Human Rights and Democracy* and the *European Democracy Action Plan* and launching a landmark *Conference on the Future of Europe*. The EGE welcomes that the European Commission has taken up the challenge of declaring a new push for democracy as one of its priorities and recommends to maximise opportunities for public participation in policy making. The EGE has stressed in the past - and indeed stresses again - the close links between the practice of ethics in its remit and participatory governance and democratic principles. Our ethical reflections on new technologies and innovation are premised **on** and situated **in** a socio-political system under the rule of law, democracy and respect for human rights.

Moral values are not for one small group to decide in everyone else’s stead. The values we live by **are and ought to be** the outcome of inclusive debates and democratic practices, with mutual respect and meaningful relations between citizens and between those who govern and those who are governed. This means cultivation of a space of public reason and ensuring opportunities for civic engagement at all stages of the policy cycle. This strong call has been a leitmotiv of EGE advice.

Ethical reflection and analysis are more than a set of afterthoughts or philosophical accompaniments; they need to address issues at an early stage of innovation when ethical considerations can still make a real difference. They are an integral and constitutive part of all policymaking, governance and management. Such an approach to ethical reflection goes to the **heart** of what Europe stands for in the world, but it is the **contrary** of a parochial, de-globalised or nationalist view on ethics. It implies a

¹ https://ec.europa.eu/info/news/new-ege-statement-ethics-and-governance-shows-how-values-and-democracy-are-necessary-responsible-future-making-2021-jun-09-0_en

willingness to respectfully justify one's views to any party likewise willing to engage in an exchange of thought. Ethical claims are valued vantage points for constructive dialogue in light of common problems, neither absolute truths nor mere opinions, valid relative to a social and cultural framework.

2. Opportunities for Europe

Europe has developed ambitious plans for its digital and climate leadership. On both dossiers Europe rightfully foregrounds ethical principles and fundamental rights, enshrined in the constitutive and binding treaties of the European Union.

Europe's ethical stance on progress and innovation has given rise to astonishment and disbelief outside of Europe and to concerns in Europe itself: how can one prosper in a high tech economy, how can one lead in digital innovation or spearhead data driven research and AI development while being firmly committed to the highest ethical standards, especially when others don't?

Obviously, Europe cannot afford to forgo the benefits that innovation – in its broadest, social meaning – may bring for citizens in Europe and beyond. It must thus move forward and compete in global markets while adhering to the core ethical principles at its foundations. Here an apparent tension emerges.

However, the tension may subside if progress is taken in a broader sense – in the same way we have broadened our conception of the performance of a country's economy beyond GDP metrics. Haven't we made progress when we manage to take care of the interest of future generations as well as of the interest of the most vulnerable people who live today, haven't we made progress if we manage our data in such a way that we can do good medical research and protect the data of patients at the same time? Moral values and ethical principles should be conceived as much more than frustrating constraints. They are expressions of care, of proactive responsibility, and commitment to the wellbeing of all, and **as such** can open up surprising trajectories of responsible innovation.

The EGE suggests that our Values and Ethics can function as a catalyst of innovation and beneficial change. Some have spoken about "beneficial constraints" and as a recent reports in Harvard Business Review show, constraints may stimulate rather than hamper creativity and innovation. Those who turn a blind eye to values constraints may not only be morally blameworthy, but may also miss out on innovative solutions they would otherwise have discovered. One can for example deceitfully pretend to have come up with a motor management system that is both sustainable and super-efficient, but all the time that one succeeds in fooling the world about one's accomplishments, no work was done on the truly innovative and responsible option.

The EGE is of the opinion that Europe has a unique opportunity and responsibility to initiate and drive ethical debates in a world that faces many global challenges. Europe has to make its ethics work in practice by showing how fundamental rights and ethical principles can lead to fruitful innovations that others will also be interested in too, if only at a later stage.

The General Data Protection Regulation serves as a powerful example of how Europe has foregrounded individual rights and freedoms while embracing digital innovation and thereby has set global ethical standards by means of EU law. The European Commission is justified in assuming the same can and must be achieved for AI, Data Governance and European Self Sovereign Identity.

Global EU partners, sometimes referred to as its 'system rivals', may seek to shape ethical frameworks for regulation, global governance and global standards of new technologies building on ethical

premises that may be inconsistent with EU law and its core ethical ideals. So this is by no means a trivial pursuit, but the EGE is of the opinion that ethics has been, currently is, and will in the future be an important pillar of the European project and potent ingredient in its geo-political positioning, in enhancing its regulatory power and serving as a source of responsible innovations.

3. The 21st century condition

Our times of rampant mis- and dis-information, deep fakes, Troll armies, has resulted in an epistemic chaos where an appeal to facts, the truth, or the world as it is, has become deeply problematic. *Merchants of doubt* have tainted science with anomalies, anecdotal evidence and flawed statistics, *Influencers and meddlers* have compromised independent journalism with fake news, propaganda, disinformation and hyper-partisan narratives. *Lobbyists* have undermined trust in politics. *Profit maximizing and managing elites* have obliterated trust in the financial sector and the corporate world. *“Conspiracy entrepreneurs”* crowd out serious attempts to understand the world. Digital Technologies have given a helping hand to all of them. The consequences of the epistemic crisis reach far beyond confusion. As Voltaire remarked “Those who can make you believe absurdities can make you commit atrocities”.

In order to further develop a future proof approach to ethics for Europe the EGE identifies some of the main conditions that any public ethics relevant to policy and governance of innovation in the 21st century will have to come to grips with.

First there are complexities, deep uncertainties and unforeseen consequences. Our societies are hyper-connected and give rise to complexities and “wicked problems”, that is problems with unclear and shifting problem statements, disagreements about relevant expertise, and changing criteria for what counts as a successful solution.

Secondly, in dealing with wicked problems we encounter frequent, recurrent, deep disagreements which are often reasonable in the sense that they do not necessarily stem from flawed reasoning, misunderstanding of the facts, but are the result of a plurality of perspectives, values and worldviews.

Thirdly, whatever policy option one adopts there will always be a conception of the good life, an image of man, a model of society, that is challenged by it, either by its consequences or by its justifications.

Fourthly, Our ethical thinking about these issues is situated in a world of shifting power balances and gross inequities resulting in asymmetries in influence, which are typically financially and digitally leveraged. This gives rise to widespread and corrosive distrust, which is a formidable stumbling block for the implementation of even the wisest policies.

Furthermore, Ethics as a discipline is in the meanwhile in transition itself. The fates of previously unconnected people around the world are now interdependent in complex ways and the number of persons whose wellbeing needs to be considered in decision and policy making at a given place and time has vastly expanded. A standard question in ethics has always been: what ought I to do here and now? We now have to consider what our collective omissions may possibly mean for distant and future inhabitants of the earth and for the earth itself.

And **finally**, a recently gained weak confidence about foundations for ethics in our common humanity, and common evolutionary biology has become shaky, now some advocate that human beings - as we know them - could be enhanced and transcended by engineering design.

4. An ambitious conception of ethics for a demanding future

In light of these features of our condition, in addition to being ideal oriented, analytic and reflective, ethical analysis will have to be aligned with new forms of policy making that are being considered to deal adequately with uncertainty and complexity, emergent properties, non-linearity, exponential growth, and tipping points in complex adaptive systems. Our ethical thinking – in research and practice - thus needs to be agile, interventionist, interdisciplinary and ‘translational’ (i.e. covering the whole spectrum of fundamental research to professional practice).

What can we usefully say further about ethics and the future of Europe under these conditions? The EGE suggests that a pro-active and ambitious conception of ethics has the following features.

Firstly, a future ethics should accommodate the importance of design in the 21st century. We know by now that **values and worldviews are baked** into everything that is made by human beings: “artefacts do have politics”. This starting point is extremely important, since everything around us is designed, from governance systems to means of communication, production processes, voting procedures, smart cities and genomes. As Sir Winston Churchill aptly observed : First we shape our houses and then our houses shape us. Sometimes value choices and world views are incorporated intentionally in design, sometimes inadvertently and unwittingly. Design choices may be well-intentioned or morally dubious or objectionable. For example, when they are manipulative, discriminatory, dishonest or disrespectful, such as is the case with dark patterns on the Internet, computational propaganda, polarizing recommender algorithms or subtle nudges in online behavioural advertising.

Ethics in the 21st century should thus be present *when and where* values are inserted intentionally or surreptitiously into our life world in the form of technology. Ethics should also be present in *a form* that makes it more likely that it will be of practical consequence. Ethical reflection will have to deliver specifications of what our values and principles imply in terms of design requirements for institutions and new technologies.

Without concrete specifications and requirements our ideas remain inconsequential – gratuitous even. And moreover, if **we** do not specify what our values mean for the shaping of the world of tomorrow, democratically, continuously, systematically, transparently, **others** may do it **haphazardly, self-servingly and undemocratically.**

We should work therefore on the competences, capabilities, mechanisms and the supporting institutions that allow us to systematically investigate, scrutinize, govern and account for what is designed, developed and produced. We have to insert ethics when and where it matters and in a forms that it cannot be disregarded. This is what we may call the ideal of ‘design for values’, ‘value-sensitive design’ or ‘ethics by design’ – concepts that are referenced more and more in policy documents, but often in an *ad hoc* manner, for example in the context of data protection regulation regarding “privacy by design” and *in the context of* AI governance concerning algorithmic fairness by design. This approach applies - we suggest - more widely and needs to be generalized and made part and parcel of our education, production, monitoring, inspection, standardization and governance of innovation

and new technologies. A European approach along the lines of the EU's concept of *Open Responsible Research and Innovation*, forms an excellent vantage point in this regard.

Secondly, our ethics needs to be ambitious. Ethics for the future of Europe - and beyond - needs to be **an ethics** that is ambitious, proactive, daring and public, an ethics that asks the hard, painful, or tedious questions. Such a way of doing ethics does not simply serve to make institutions and processes 'a bit more ethical' without addressing the larger political, social and economic factors that give rise to these institutions and processes in the first place.

An ambitious public ethics as the EGE envisages does not merely passively **respond** to new developments – such as new fields of scientific research or new technologies – but it participates in shaping the agenda. It does not take refuge in technical fixes, reduced moral ambitions or purely instrumental reasoning.

An ambitious public ethics should be aimed first and foremost at our collective problems. There is no shortage of challenges as we know: there is a stock list of formidable problems that humankind needs to urgently address, whether we refer to these problems as the Grand Challenges, the Millennium Goals, or the UNSDGs.

In this, ethicists and ethics advisers have a responsibility to act in the service of the public, rather than in the service of innovators or market parties in a narrow sense. There is understandably a growing frustration with ethics when seen as 'defending politics', or 'ethics washing', as when ethics groups or company ethics boards are established to validate contested developments or as means to hedge against public criticism or as moral buffers. Ethicists have the obligation to ask uncomfortable questions, also for those without a voice.

Conclusion

The EGE concludes in her statement that the development of a *Charter of Democracy of the European Union* could, among other things, provide guidance to the way ethics of innovation and new technologies along these lines needs to be institutionalized in Europe. I quote from the EGE statement: **"it is now time to buttress the objective to maximise opportunities for public participation in policy making in the EU, and to engage in the development of a Charter of Democracy of the European Union"**

Such a charter could no doubt also provide valuable guidance to the active exploration of how new digital technologies can be responsibly utilized to harness our collective wisdom and augment collective deliberation processes and to strengthen our democracies in a digital age.

Thank you for your attention!

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