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The Judgments We Make: Justice in a Digitized World

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I

October 2014. A *Philadelphia* magazine reporter records a joke delivered by standup comedian Hannibal Buress and posts it online. The recording of the joke, which crassly highlights details regarding actor Bill Cosby's lesser known and morally questionable past, goes viral with serious implications. Cosby, who has been charged previously with sexual assault—and navigated these cases with minimal damage and remorse—has now become the focus of numerous incriminating articles and conversations. This results in a marked increase in charges against Cosby. Through the medium of the internet as many as 35 testimonies from 35 women shared their stories of assault at the hands of Cosby. This discussion continues, and it appears to have reopened important cases for justice on the behalf of previously silenced people (Malone and Demme, 2015).

April 2013. In response to the Boston Marathon bombings, social media users took to online platforms. They began a hunt for suspects through analysis and engagement in speculative discussions about crime scene photos and videos posted on the web. Although inspired by decent intention, and presented with what seemed to be enough compelling information to identify a probable suspect, these citizen detectives ultimately singled out the wrong individual. Major media outlets ran with the speculative, and ultimately, incorrect theories. As a result, citizens targeted innocent people with threatening attention. Meanwhile, the real perpetrators were found and apprehended by traditional forms of law enforcement (Lee, 2013).

These are but two of a number of similar stories. They show, at least in part, the influence of technology and how it complicates notions of *judgment* and *justice* in a digitized world (*justice* understood here as the administering of reparation for a wrong committed). Advances in digital detective work, as Horning of *New Inquiry* suggests brings about lateral surveillance or *participatory surveillance*, the many observing the many (2012). How might ethicists formulate a reliable response to the ways in which digital technologies have complicated the ethics of judgment and justice, when a digital culture enables and encourages people to spy on, incriminate, and judge one another? Which is to ask in turn: can digital technologies function as viable, democratic distributors of justice, or, should they be considered incapable of producing and disseminating enough reliable information and due process to judge and deploy proper justice? To answer these questions, I will begin by defining technology employing Heidegger's (1977) treatment of it as a way of revealing. From this conceptual locus, I will explore what digital technology *reveals* about the status of judgment and justice in the West. Finally, I will conclude with the presentation of an inwardly reflective heuristic that will help individuals and groups make outwardly just judgments about what is revealed by digital technology.

II

To begin with Heidegger's understanding of technology: the technology of a hydroelectric dam is similar to that of a smartphone. Both enable the "unlocking, transforming, storing, distributing, and switching about" of the natural world's essences (Heidegger, 1977, p. 7). The hydroelectric dam harnesses and unlocks energy, the smartphone harnesses and unlocks information, but what is harnessed and unlocked in both technologies is not, as Heidegger forcefully contends, under the architect's or the user's complete control: "Man can indeed conceive, fashion, and carry through this or that in one way or another. But man does not have control over unconcealment itself," (Heidegger, 1977, p. 18). This comparison not only highlights the positive potential of technology, but also the damage it can cause. The hydroelectric dam can produce power for an entire city, but it can compromise the fragile ecosystem in which it is situated; the smartphone cannot reopen forgotten or dismissed cases of sexual harassment, but it can disseminate to millions of people a red herring to blame for a terrorist act. So, the question of digital technology's viability as a distributor of

justice becomes entangled in the inherent and contingent variables always tied to any technological revealing.

This question regarding digital justice, then, is not one of quantity. Its usefulness does not derive from the amount of cases in which digital justice succeeded or failed. Conclusions cannot be sufficiently drawn from such statistical information. Rather, it is a question of quality. Based on digital technology's variable capacities to harness and reveal information, can we reasonably extend the same trust to it as we do to traditional justice structures, to judge whether or not a person is guilty or innocent, a victim or villain? For many people today—especially those who received inadequate justice from traditional structures—the answer is yes. Such an answer reveals much about the capacity of digital technology and its current status today. Technology promises to deliver that which used to exist beyond one's grasp. It grants the ability to judge immediately without an intermediary institution to slow down the process of judgment and prevent justice from being deployed.

It appears that like journalism before it, justice is being deprofessionalized in a digitized world. This is because the world demands justice and news *now* rather than *later*. In some circumstances, justice is indeed needed *now*, as one can see in the first example cited above, when a repeat offender had circumnavigated traditional law structures with minimal reparation. In other circumstances, however, justice must be left to *later*, as in the second example, so that the smoke of bombs can dissipate and the right course of action be thought of and acted upon correctly. The only answer one can give to the question of justice, judgment, and digital technology, then, is *maybe*.

III

To conclude. If we are to answer *maybe* to the question of digital justice—to acknowledge that it is less controllable than we imagine, and therefore, succeeds and fails to deploy justice—then we continually must question technology, and in the process, turn the question back to ourselves and ask: how is it that *I* would like to be judged? It was Jesus who suggested, "For with the judgment you make you will be judged, and the measure you give will be the measure you get," (Matthew 7:2). This inwardly established and outwardly focused lens offers significant purchase on the question at hand. It suggests an ethic of

reflectively delayed judgment which allows time and space for one to apprehend a case without rushing to snap judgments in a world saturated with accelerated digital media; it privileges critical empathy over suspicion, hysteria, and outrage; and, it is to acknowledge that the answer to the question of any technology is to question technology constantly, for “questioning builds a way” and “questioning is the piety of thought,” (Heidegger, 1977, p.19). As suggested, Heidegger’s work provides a way to understand with technology as a tool of revelation, so too our digital actions reveal our ethical understandings of justice. As there are times when we ought to speak, there are times we ought to stay silent. Only the deliberate development of time and space in order to consider how we ought to judge and would like to be judged, can help us discern when it is time to speak; digitally or otherwise.

References

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