

## ASHWANI KUMAR

## Senior Advocate to the Supreme Court; Former Union Minister for Law & Justice, India

The subject of the Session has invited much attention in the last three decades. We now know on high authority that the transformative technological changes in the decade of the 90's fueled the process of globalization and "preponed the advent of 21<sup>st</sup> century" (Eric Hobsbawn). The world is united in recognizing that the technology holds the answer to some of the most pressing challenges of our age, which includes climate change, pandemics, water and food scarcity in large parts of the world, the threat of terrorism, cyber warfare, the challenges of urbanization and population growth etc.

While the technological revolution has empowered people with unprecedented access to information and knowledge, questions arise about the ethical dimensions of a technology driven society. We are informed for instance that the world generates every day 2.5 quintillion bytes of data which would fill 10 million blue-ray discs, the height of which stacked, would measure the height of four Eiffel Towers on top of one another, and that 90% of the world's data today has been created in the last two years. And we also know that only 0.5% of all data is analyzed and used, according to research firm IDC.

Imagine then, the potential threat from this storehouse of information to the personal privacy of individuals. The vast and empowering reach of digital technology, particularly the internet, has raised legitimate questions about invasion of our limited private spaces that defined our humanity. Questions regarding the ethics of the collection and use of private medical data including the DNA information about individuals are periodically raised. Social media reporting, impossible to effectively regulate, has irretrievably wrecked hard earned reputations without a meaningful recourse for affected individuals. In the context of the increasing reliance for objectivity on algorithms fundamental questions arise about "...the separation between technical models and real people and about the moral repercussions of that separation..." Can we at all forget that in the ultimate analysis the algorithms that power the data economy are based on choices made by fallible human beings? Can we at all forget that algorithms could encode human prejudice and misunderstanding into automatic systems that are supposed to direct our daily existence? The ultimate ethical question that challenges us is whether digital technology will complement or replace human capabilities, reducing in the process not only millions of jobs and economic security but also impacting the human side of our existence? Can technology be a substitute for human experience, values and judgment? Is it not that the decisions we make about the deployment of morally neutral technology itself involve moral choices and value judgments?

We are told that "the internet is showing us what it thinks we want to see, but not necessarily what we need to see". Shannon Vallor (2011) has argued that while social media, such as Facebook, could strengthen friendships, it cannot facilitate Aristotle's "virtuous friendship" and the "shared life". Similar questions arise with reference to self-driving cars, drones and robots. What, for instance, would be our ethical response when crash-optimization algorithms in self-driven cars protect its occupant and injure a pedestrian or a motor cyclist in a clear and conscious technologically determined choice. Such crash optimization algorithms challenge our deepest ethical judgments and raise questions about fairness, law and policy.

It is clear that the debate about ethical aspects of a technology-driven society must occupy centre stage so that, if it comes to a choice, "the essential humanitarian morality" is not sacrificed at the altar of uniformity. It is clear that the concept of good life and "human flourishing" cannot be achieved by brushing aside the profoundly ethical questions that concern human dignity, particularly because despite the revolutionary technological advancement we have not



been able to establish a happy society. Income inequalities and diverse disparities have alienated a large segment of the global population and have divided the world between the ultra rich and the very poor. Social trust and human bonding have become a casualty. Indeed, "...The Gross National Product does not measure the health of our children, the beauty of our courage, our wisdom or our compassion... It measures everything in short, except what makes life worthwhile..." (Robert Kennedy, 1968). Indeed, the technological society compels the question "what should be the idea of an ideal life?"

In the realm of Government-Business Relations we find an increasing tendency of an inter-see distrust between government and business. There is also a visible and perceptible disconnect between people and their elected representatives and in almost every jurisdiction, the disconnect is becoming increasingly pronounced. Issues relating to mal-governance, nepotism and the declining socio-political morality continue to challenge the legitimacy of democratically elected governments. The pervasive impact of media, particularly the technologically-driven social media has not always positively impacted the processes of governance, politics and social change. Insinuations and often unfounded allegations anchored in an all pervasive "politics of envy" challenge the first principles of civilized governance. For instance, the cardinal rule of criminal jurisprudence that presumes in favour of the innocence of the accused until proven guilty is the first casualty of a media-driven politics and trial by media. The universal fundamental human right to dignity which includes the right to reputation is irretrievably jeopardized through untenable allegations that go viral and electronically saved forever on social media, wrecking in the process homes and families of those impacted. Are we unable to restore the compromised individual dignity merely because technology has outpaced our laws and regulatory frameworks?

I recall the wisdom of Pope Francis and I quote: "...A technology severed from ethics will not easily be able to limit its own power..."

Can we allow our creature to become our master? It is for us assembled in this hall to heed the warning of Albert Einstein that we must not let technology exceed our humanity. We know that the world will be poorer if we achieve "brilliance without conscience" (General Omar Bradley, 1948). We must, as Martin Luther King reminded us not to let "...Our scientific power...outrun our spiritual power..." And as for combating corruption in politics and society we must strive for values and education that would promote probity as a way of life, "...where honesty is a routine expectation... If we have integrity, then nothing else matters, if we don't have integrity, then also nothing else matters..." (Dr. Manmohan Singh) Indeed "... In trying to alter a climate of conduct, it is encouraging to bear in mind the fact that each vicious circle entails a virtuous circle if the direction is reversed..." (Amartya Sen, 1999).

The questions posed above are not interested to pit technology in an adversarial position to humanity. They only underscore the truth that it is men and women in flesh and blood who have directed the course of social evolution in the image of their own wisdom and of their own creation. That is why our search for answers to the difficult questions and challenges of our age must continue. And as Goethe reminded us "...one must from time to time repeat what one believes in, proclaim what one agrees with and what one condemns..." Indeed, "... if not us, who? If not now, when"?