

# *Liberal Individualism and Internet Policy*

## A Communitarian Critique

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*The work of the Right is done very well, and spontaneously, by the  
Left on its own.*

Jean Baudrillard

**T**HIS CHAPTER EXAMINES AN ETHICAL FRAMEWORK PROMINENT IN DISCUSSIONS of Internet policy—liberal individualism—and critiques that ethical framework from the point of view of communitarian ethics. What is happening right now in Internet policy discussions is that the political and ethical framework of liberal individualism—a framework that undergirds policy proposals on the political left and right—is being offered as the only valid moral framework for Internet policy, as if there were no other viable alternatives, when in fact there are many.

In *Rhetorical Ethics and Internetnetworked Writing*, I lay out several alternative ethical frameworks that offer critiques of liberal individualism, including feminist ethics (Card; Jaggar; Cahill; McIntosh), casuistic ethics (Jonsen and Toulmin), communicative ethics (Habermas; Benhabib), and postmodern ethics (Lyotard and Thébaud). In this chapter I focus on one of these alternatives—communitarian ethics—to show that there is indeed an ethical alternative to the individualist paradigm, which both the right and the left, conservatives and liberals, Republicans and Democrats, invoke to guide their policy debates—debates on matters such as pornography and harassment on the Internet, copyright of electronic text, and free speech on the networks.

My interest in these issues is motivated by my feeling that there is a decided gap between the principles espoused by various network advocates (like the Electronic Frontier Foundation) and ethical problems arising on the nets. For instance, the various ways electronic text tends to be produced, distributed, and reproduced on the Internet are raising a serious challenge both to the conventional notions of intellectual property rights (i.e., authorship and ownership of text) and to the publishing industry (Porter, “Legal Realities”). Who

owns electronic text? Who has the right to borrow it, and for what uses? The ethical/political principles people frequently invoke do not help them address such problems. “Free speech” and “pluralism” (or “diversity”) are the most common god-terms. Like “democracy,” everybody believes in “free speech”—which makes such a term useful as a rallying cry and strong as a principle, but nearly useless in terms of mediating differences about the limits of free speech. In short, it functions well as a prayer, a rallying cry, or as a starting point for inquiry. It doesn’t function so well as a heuristic or guide to addressing real ethical dilemmas facing cyberwriters.

We need to take a closer, more introspective look at the ideological assumptions of our ethical frameworks. Examining our frameworks is important to the various kinds of writing work we do in cyberspace: to how we constitute and situate ourselves ethically as writers/publishers of electronic discourse; as listowners, managers, and developers of network groups and archives; as website developers; and as teachers in Internetworked writing classrooms. We need to examine the principles we invoke and the stances we adopt for ethical assistance in guiding our writing actions in cyberspace.

#### LIBERAL-INDIVIDUALISM AND THE POLITICS OF THE INTERNET

One place we can see liberal individualism influencing policy discussions is in the lobbying efforts of the Electronic Frontier Foundation (EFF). Howard Rheingold, Mitchell Kapor (co-founder and President of EFF), and others associated with EFF have, for instance, taken a more or less absolute free speech position toward discourse on the networks. Rheingold, for instance, thinks that “even the most obnoxious expressions deserve protection, on the grounds that restrictions on antisocial communications can easily be extended to communications that don’t jibe with the political views or morals of those in power at the time” (1991, 46).

Kapor advocates “freedom of speech on networks” except in “exceptional cases” (162). Their position is warranted by the view that network participants can police themselves mostly. Even though they admit the likelihood that there will always be some nasty incidents (like the Jake Baker episode at the University of Michigan—see Branam and Bridgeforth; Branam; Cain), social pressure brought to bear will solve the problems. Their response to electronic harassment: just ignore harassers and they will go away.

The problem, as they see it, is government bureaucracy (especially law enforcement agencies) and Big Business Who Is Trying to Control what should be a free citizens’ network. Rheingold (1991) identifies the villains as the Secret Service, the FBI, and the National Science Foundation. The “defenders” are the Electronic Frontier Foundation, the American Civil Liberties Union, and Computer Professionals for Social Responsibility (CPSR). Meeks sees the bad guys as the National Security Agency, the FBI, and “other assorted spook agencies.” John Perry Barlow admonishes the Clinton administration for not living

up to their 1992 campaign promise that they would stand up to the evil governmental bureaucracies (surprisingly, as he says, because “hell, a lot of them are Deadheads”). Barlow chides the Clinton administration for, instead, giving in to the old-paradigm “Guardian Class,” those hanging on to a Cold-War mentality which justifies violation of individual rights under the auspices of protecting U.S. citizens from terrorism. Kapur sees legal and governmental institutions as a threat to civil liberties. The stories he tells, like the government raid on Steve Jackson’s files, remind us of the ignorance of law enforcement agencies and their attempts to curtail individual freedoms.

In *The Virtual Community*, Rheingold expresses a view that we might call grassroots optimism. If only government bureaucracies and Big Business would stay out of the way and leave us alone, everything would be fine. People are fine. The technology is fine. The problem is Big Organization and Government. The Panopticon is what will happen if the Government gets control. Without interference, virtual communities will inevitably grow and prosper, like micro-organisms in petri dishes (6)—that is Rheingold’s metaphor, the community as fungus. Another metaphor is the network known as the Great American Picnic (20). This is another version of the level-playing field, town-hall metaphor, a popular one for liberal individualists.

When you examine the particular features that constitute Rheingold’s ideal electronic citizen, his vision seems less benign. Rheingold’s community is white and upper middle class, with the leisure time to surf the net. It is mostly male, mostly baby boomers and their offspring, mainly centered in the cultural space between San Francisco and Silicon Valley. They are technologically sophisticated yuppies, but yuppies with a 1960s social conscience. They are liberals, but not radicals. They are, in Rheingold’s own words, the “granola-eating utopians” (48). They are—not Rheingold’s own words—the people who are most like Rheingold.

The irony of Rheingold’s position is that though he is a liberal-individualist, his nominal emphasis in his book is as the title suggests: virtual communities. Rheingold, though, is by no means a communitarian. In his view communities are simply collections of individuals: “Virtual communities are social aggregations that emerge from the Net when enough people carry on those public discussions long enough, with sufficient human feeling, to form webs of personal relationships in cyberspace” (5). This construction of community is a Rawlsian contractarian one: the community is constituted by individuals (i.e., it does not pre-exist individuals) and gains its authority only through the rights granted it by the individuals in it. Such a position is not at all the same as communitarianism.

Don’t get me wrong. I am in the main supportive of Rheingold’s, Kapur’s, and others attempts to protect civil liberties on the network and to act as advocates for electronic citizens. Abuses and violations of individual rights have occurred. Free speech is a good thing (we can all agree on that), and government invasion of privacy and censorship of discourse should be resisted. Many

of their concerns are valid; the U.S. Congress has attempted to pass repressive legislation, which the EFF was justified in opposing. For instance, Meeks points out how the government seems to be moving toward approval of the FBI's request for "putting a trapdoor into digital switches, allowing agents easy access to phone conversations" and other forms of electronic communication. There is continued fear (into 1996) that the Clinton administration in collusion with the Republican-controlled Congress will propose legislation that will favor copyright owners rather than users of information by putting restrictions on the fair use of electronic text (Jacobson). Such legislation would work in favor of publishers' and property owners' interests to the detriment of teachers and students. Similarly, there is a strong desire in the U.S. Congress to punish those who use the Internet to distribute "obscene" or "pornographic" material. The so-called Gorton-Exon Communications Decency Act, which was included as part of a comprehensive telecommunications bill approved by both the U.S. Senate and House of Representatives and signed into law by President Clinton in early 1996 (see Wilson), was intended to make Internet service providers liable for pornographic material stored on their electronic databases, whether or not the service provider had put that material there or even had knowledge of it. (Update: In June 1996, a federal court overturned the decency act on the grounds that it stifled free speech—a decision that free network advocates vigorously applauded—see Quittner 56.)

I have no quarrel with EFF's effort to lobby government action in the direction of protecting the individual's rights to free speech and privacy. However, the principles they espouse have their limitations, because (1) there are some types of ethical dilemmas that liberal individualism cannot help us solve; and (2) liberal individualism often ends up protecting the rights of current property owners at the expense of the community good. Their position has some troubling economic implications. For instance, Kapor's brand of electronic freedom—which advocates "freedom of speech on electronic networks," except in "exceptional cases" (162)—is a position that will lead, ironically, to the increased commercialization of the nets. The free speech philosophy coupled with an open-market economics will lead to commercial control—and that will mean that the only denizens of the net will be those who can afford it: that is, the granola-eating utopians in Silicon Valley and California, but not the students in inner-city schools in Gary, Indiana, or in rural schools in South Carolina.

The extreme position that these advocates take will, I am afraid, lead to other kinds of abuses. First, the position of *absolute* anti-State intervention is a hard one to defend, if one examines the problematic cases. Should the State not intervene when a husband beats his wife? Or when a member of the Faith Assembly Church refuses to allow her child to receive necessary medical attention? Are these "private" matters only?

Granted, the nature of the harm is different in these cases. The issue in Internetworked writing hinges on the possible harm of "only words"

(MacKinnon). When do words alone constitute harm or physical threat to an individual? The Jake Baker case points to an instance where the courts initially determined that *in this particular context* the student's fictional story was more than simply fiction. In using a real classmate's name and in fantasizing about her rape/torture in email posted to the newsgroup alt.sex.stories, University of Michigan student Jake Baker blurred the fiction/nonfiction line just enough to get himself jailed. *Given their context of use*, his words alone constituted a threat to a person's physical well-being.

Those who advocate an absolute free speech position—based on what Catharine MacKinnon refers to as “the stupid theory of equality” (98)—do not sufficiently acknowledge the intimidating power of violent speech, the capacity of speech to silence especially those who have been historically silenced and marginalized. Nor can such a view address an ethical issue like “spamming” (also known as “mondo posting”)—that is, the question of how (or whether) to control blanket postings of political or commercial messages to numerous newsgroups or, increasingly, listserv discussion groups. Neither Rheingold or Kapor take any heed of the relatively low participation of women in network activity. America Online reports tht 84% of its subscribers are male. CompuServe reports that 88% of its users are male (“It’s a Man’s World Online” B1). Exact numbers for the Internet at large are harder to come by, but estimates suggest that 65% to 95% of Internet users are male. Nor do they consider the numerous critiques that suggest that the Internet networked environment may be a hostile place for women (Takayoshi; Selfe; Hawisher and Sullivan).

The liberal-individualist image of networks—what they are, as well as what they could or should be—fails to recognize the role of power in any discursive arrangement and fails to acknowledge differences among participants. Not just race, gender, and age differences—but differences in values as well, i.e., different ethics, different attitudes about the way things ought to be, fundamental differences in how we orient ourselves to the world and how we make it. Those differences get obliterated by the kind of homogenizing metaphors that Rheingold invokes—but they also get obliterated in the political philosophy that informs his vision. As Rawls articulates this position in *A Theory of Justice*, liberal individualism is a philosophy that supposes that “each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override” (3).

A number of postmodern theorists have raised challenges to this sort of discursive model. Many are questioning whether a bill of rights for electronic use based on a liberal Enlightenment ethic—with its constructs of *man*, free speech, and *individual* human rights—is adequate for dealing with the postmodern phenomenon of electronic discourse via networks. Martha Cooper points out how both Classical and Enlightenment traditions are based on “a vision of face-to-face communication” between equal and opposite (and male) advocates, each of whom has “the possibility of obtaining accurate information and

choosing among policy alternatives.” She calls this “an image of autonomous individuals”—what we’ve come to know as “the level playing field” assumption about discourse rights.

Michel Foucault points out that there is no ideal speech situation free from institutional hierarchies, traditional alignments, and power relations. All discourse occurs already in a situated practice of power relations. Though the liberal Enlightenment view assumes an assembly of people speaking their minds freely—as Rawls says: “it seems reasonable to suppose that the parties in the original position are equal” (19)—no such assembly does or can exist.

The thought that there could be a state of communication which would be such that the games of truth could circulate freely, without obstacles, without constraint and without coercive effects, seems to me to be Utopia. It is being blind to the fact that relations of power are not something bad in themselves, from which one must free one’s self. I don’t believe there can be a society without relations of power, if you understand them as means by which individuals try to conduct, to determine the behaviors of others. The problem is not of trying to dissolve them in the utopia of a perfectly transparent communication, but to give one’s self the rules of law, the techniques of management, and also the ethics, the *ethos*, the practice of self, which would allow these games of power to be played with a minimum of domination. (Foucault 18)

Foucault’s entire research project of studying institutions like the prison and the hospital argues that the *principles* of justice and freedom espoused by Enlightenment philosophers were seldom realized in *practice* (that is, in the institutions and bureaucracies that their advocates constructed). In a way, he suggests, the utopian ideal makes things worse, because it can have the effect of obscuring the exercise of power and thus making it more invincible in its invisibility.

Seyla Benhabib’s chapter on “Models of Public Space,” from *Situating the Self*, also considers the limitations of “the liberal model of public space.” Her critique is based on the elision of “legal” and “ethical” within such a model.

An additional limitation of the liberal model of public space is that it conceives of political relations all too often narrowly along the model of juridical ones. . . . The liberal principle of dialogic neutrality, while it expresses one of the main principles of the modern legal system, is far too restrictive and frozen in application to the dynamics of power struggles in actual political processes. (100-101)

Foucault and Benhabib serve as examples of how the liberal-individualist political metaphor is being challenged by postmodernist ethicists: that is, on the basis of its failure to recognize that human relations always already occur in a system of power; on its inadequacy to handle “tough ethical cases” that will inevitably emerge; and on its legalistic view of ethical problems (an impractical view for day-to-day ethical writing issues, as well as a potentially expensive one). The liberal-individualist view does not address the material

conditions of the networked writing situation or the fundamental inequalities and differences that exist there. Foucault reminds us that all discourse occurs already in a situated practice of power relations, institutional hierarchies, and alignments.

Rheingold thinks that under the skin everybody is the same—and that given non-interference by Evil Powers—we will eventually work out our differences and form one big comfortable Virtual Community. This strikes me as a seemingly benign, but actually insidious, utopian goal—a dystopia. The image is of the world as a New England townhall meeting, with “all” citizens participating in an equal forum. Except we know that the forum was never equal and that not everyone got to speak (Phillips): The forum waved the banner of democracy when in fact it was a body based on the privilege of race, gender, and property.

This metaphor, which is also a model of discursive relations, is incapable of dealing with the tough ethical cases that are occurring in networked communities. It does not deal well with the collision of differences; it simply hopes that differences can be worked out. This kind of ethical approach cannot begin to understand or deal with ethnic slaughter in Rwanda. It cannot begin to deal with the problem of gang violence and drive-by shootings in Cleveland and Los Angeles. Nor can it understand how women might be intimidated into silence in an electronic community because of angry and hostile postings by men.

In 1992, a male student at Carnegie Mellon University was charged with violating the university’s anti-harassment policy for posting “offensive” messages on the electronic bulletin board maintained by the campus Women’s Center. The student’s repeated and lengthy postings described in graphic detail instances of sexual violence against women and insisted that it was the job of men everywhere to re-establish their physical mastery over women. The student’s postings had the effect of shutting down discussion on the bulletin board, intimidating some members into silence and provoking angry response from others.

Should the student be reprimanded? Should his account be revoked? The issue centered on whether the student’s postings constituted harassment or whether they were a protected form of free speech, especially since they were directly related to the topical identity of the newgroup. Such issues hinge on a number of complex situational factors: e.g., the incident happened at a private rather than public institution; the student’s messages were aimed at feminists generally not at specific women (which, from one point of view, made the remarks “political” rather than “personal”); the messages were posted to a public bulletin board, not to individuals; the university’s student code explicitly allowed for free public expression of ideas, even controversial or potentially offensive ones.

One relevant principle (taken from the Netnews Bill of Rights, drafted by lawyers, systems administrators, and librarians as a guide to network usage—see Kadie) is that “Materials should not be proscribed or removed [from public

bulletin boards] because of partisan or doctrinal disapproval.” The Electronic Frontier Foundation took the viewpoint that, because the student posted to a public bulletin board he had an absolute right to post what he wanted; if people didn’t like it they should ignore it. Others would say that his postings constituted harassment and intimidation of women on the basis of gender—and that such an instance is a clear form of harassment. As this case was discussed on USENET groups—mainly by the men who do 90% of the posting on the EFF newsgroups—the presumption was in favor of the student and his right to free speech, even when such speech effectively destroyed an electronic community. Such cases exemplify the tension between one individual’s right to freedom of expression and another individual’s right to be protected from harassment and intimidation based on personal characteristics of gender, race, religion, and other protected statuses.

There is yet another side to the problem: administrators and teachers might be ethically responsible or legally liable for offensive material stored on their computer systems or posted on their online conferences. An interesting test case concerning computer harassment occurred at Santa Rosa Junior College. At the request of students, the college set up separate bulletin boards for men and women to hold discussions regarding gender. (That was the first mistake: setting up separate lists based on gender itself is probably a civil rights violation). Some comments posted on the men-only discussion group contained “anatomically explicit and sexually derogatory remarks” about two women at the college. In April 1993, the women filed an harassment complaint with the Education Department’s Office for Civil Rights. The male student chiefly responsible for initiating the discussion also filed a complaint that the university’s response to the case threatened his right to free speech.

Now, one facet of the issue here is determining whether the computer conference is a public forum or an “educational program.” DeLoughry and Wilson phrase the question this way: Do “students who use computer bulletin boards or conferences have the same rights of free speech that they would have on the campus quadrangle” (A26). If the conference relates to a specific class or instructional purpose, then the University has more responsibility (and authority) for what happens there. If the conference is more an open forum, then the free speech tenet probably holds more force. But the gray area is huge here—and we are especially at sea because we do not yet have an established body of legal precedent to help our deliberations. Branscomb sees the question as not admitting to a simple answer: “computer bulletin boards are an electronic hybrid, parts of which may be looked on either as public or private, depending on the desires of the participants” (158; see Kapor 162; Shade).

The end result: the college had to pay both women and the man \$15,000 each to settle the claims. And this is one of the dangerous side effects of this kind of dilemma. Universities can be caught between the free speech principle on one end, and the problem of harassment and protection of the innocent on the other.

The university is damned if it does and damned if it doesn't, seemingly, and that can lead to a chilling effect. The more universities are caught in such dilemmas, the more their response will be to shut down resources or strictly monitor their use, and the less likely they will be to support a wide range of network activity.

In Rheingold's virtual community, women are just supposed to ignore harassment. At this point, Rheingold is just not sufficiently aware of historical factors in the exercise of power. At other points he is not aware of the economics of power that inevitably inhabit electronic spaces. The technology in his vision is supposed to simply "be there" to support our social activity. It is not clear to me how it is supposed to get there and stay there without some kind of business, government, or organizational "interference." "Organization" is a bad word in Rheingold's vocabulary. He just doesn't see the fact that he belongs to organizations (like Well and EFF), too, that in large part help him construct the view of community he espouses—and that it is largely through organization of some kind that large-scale action is made possible. (Rheingold sees Well and EFF as "communities" rather than "organizations" like IBM, Microsoft, and the FBI. Communities are benign, organizations are malicious.) Without the "interference" of the federal government, there would be no Internet as we know it today.

Is the First Amendment a desirable first principle for discursive practice on electronic networks? Richard Bernstein identifies a troubling emergent sentiment that views the First Amendment as the last line of defense for white heterosexual men. The First Amendment, according to Bernstein, is being invoked to protect men's rights to use sexually harassing and racist speech as a way to counter what many of them perceive to be unfair affirmative action in favor of blacks and women. By keeping the playing field level through broad interpretation of the First Amendment, those in power can be assured of staying in power. Bernstein's point is not to dismiss the First Amendment, but simply to suggest that although it may be a widely held legal principle, the First Amendment does not have and should not be granted universal status as an ethical principle, as many are wont to do.

In *Only Words*, Catharine MacKinnon points out that the First Amendment was originally developed to protect the powerless from the powerful (the U.S. government or Government generally). But increasingly, the First Amendment is being used in defense of continued discrimination against the less powerful, as Stanley Fish has also noted.

MacKinnon implies that the free speech principle should have built into it a preferential option for the marginalized. That is, it should allow the marginalized, oppressed, or silenced a chance to speak against the majority, the dominant, the hegemonic—but should not be applied to further discriminate against the marginalized, oppressed, and silenced (39). In any particular case, of course, one has to determine the degree of possible harm to those involved. Usually it is the weaker, the oppressed, and the marginalized who bear the greater burden of risk in such cases—though not always. (Acts of

terrorism—for instance, the bombing of the federal building in Oklahoma City—show quite vividly how any individual or small group can, through an act of ultimate extremity, cause some harm to the more powerful. The futility of such acts, however, is that the terrorist attempt to harm the powerful usually ends up harming individuals while leaving the system of domination intact.) Essentially, MacKinnon is urging us toward a kind of affirmative action ethic in such cases. The other implication—more mine than MacKinnon’s—is that the First Amendment is not a Rule, but a principle to be applied heuristically. Yes, it represents a deeply held value, but in any given case it may conflict with other deeply held values, in which case some kind of careful judgment is necessary. (MacKinnon thinks that the First and Fourteenth Amendment, which mandates equal protection for all citizens, ought to be placed in a kind of binary tension, though the courts typically don’t do that. Without the balance of the Fourteenth, she feels, the First Amendment can become a tool of dominance.)

The Electronic Frontier Foundation takes the position that all network discourse should absolutely be protected by the First Amendment (Rheingold, “Why Censoring”). I consider this as a presumptive position, but they advocate it as an absolute rule. To advocate such a position is, to me, to underestimate the power of an individual’s use of language, its capacity to do harm, and especially on electronic networks the capacity to shut down communities. Yes, the presumption lies with the individual because the individual is usually the weaker entity, but the communitarian position says that in some situations it’s the community that needs protection.

The appeal to free speech is one that Stanley Fish sees as both a conservative and a liberal strategy. Fish distrusts the abstract appeal to principle, because such abstractions often obscure differences in how people construct the terms and differences in the way they are applied:

when words and phrases [such as “free speech” and “neutrality” and “Reason”] are invoked, it is almost always as part of an effort to deprive moral and legal problems of their histories so that merely formal calculations can then be performed on phenomena that have been flattened out and no longer have their real-world shape. (viii)

Fish notes that there is really no such thing as free speech, and he thinks it is a good thing. He calls the First Amendment “the First Refuge of Scoundrels” (102). He notes that in cases involving hate speech, the neutrality or fairness argument is often used to advocate continuing a policy (or practice) of hate, oppression, and harassment.

The absolute free speech position, as advocated by the Electronic Frontier Foundation, assumes an ideal speech situation as its core model of discourse—a speech situation where everybody is more or less reasonable and more or less equal—or even if not, has an equal and inviolable right to speak. This view participates in the American myth of the classless society, which insists “Of

course we are all equal!" Of course this is not true, especially as pertaining to access to literacy (Stuckey).

This view does not address fundamental inequalities in the material nature of the writing situation. Some people have access to computers and modems, others don't. Some know how to manipulate newsgroup technology, others don't. Large and muscular white males with shaved heads and swastikas on their arms can intimidate smaller women into silence—and they do.

Rheingold occupies a position that privileges individual identity, and rights extending from that identity, as the originating source for ethics and law. And in general, approaches to dealing with problems on the networks have been very individual-oriented. Even self-proclaimed postmodern positions (such as are often expressed in computers and composition forums like ACW-L) often end up circling back and becoming a kind of "liberal postmodernism," which still places its ethical focus on the individual writer. Rheingold and Kapor think that their position is the only reasonable alternative to a system of strict, top-down governmental control, but there are numerous alternatives that should be considered in any discussion of network ethics.

#### THE COMMUNITARIAN ALTERNATIVE

It's especially hard for those reading from mainstream U.S. culture to see beyond the god-term "individual rights"—but if you read African communitarian theory or liberation theology you can see how the principles "we" believe to be inviolable can in fact be problematic. You begin to see how the concepts "individual rights" and "human rights" are actually very different constructs. "Individual rights" is an Enlightenment, Western, and capitalist framework that posits individual ownership as the basis for discussions of policy. "Human rights" is a social construct that posits community justice as the more appropriate basis for such discussions.

The social-communitarian position posits that rights and responsibilities originate in communities and that "what is good for the community" should ultimately take precedence over individual rights in matters of tough ethical decision making (see Baynes; Bellah et al.; D'Entrèves; Devine; Miller).

Amitai Etzioni sees communitarianism as providing a necessary middle ground in U.S. politics between the absolutist Authoritarians (groups like the Moral Majority) and Radical Individualists (groups like the ACLU—166). (Kapor and Rheingold would fall into the category of Radical Individualists, though Etzioni does not consider issues involving Internetworked writing.) Etzioni's interest is in "balancing individual rights with social needs" (182)—and his argument is warranted by a belief in one's innate responsibilities to communities (social, familial, academic, electronic, disciplinary, professional, institutional, political, etc.) and by a principle of reciprocity (though not in a strict *quid pro quo* economic sense).

One example Etzioni uses to identify his position is the question of the ethics of airport electronic security gates. Though the ACLU originally

opposed the use of such gates as violating the rights of the individual (who must be presumed innocent), Etzioni sees those gates as a good communitarian solution, treating everyone equally (and so not innately unjust) and also protecting all from terrorism. The analogy would extend well to security and privacy issues for Internetworked writing, suggesting that in the communitarian view some “invasion” of privacy—for example, trespass into someone’s email account—might be allowable in order to protect users’ from electronic terrorism in the form of viruses, as long as any such policy is applied equally and fairly to all users—and is used to *protect*, not to *monitor*. The irony here is that certain intrusions that restrict individual behaviors may be necessary (desirable) for the common good.

In *A Theology of Reconstruction*, Charles Villa-Vicencio advances his case for the communitarian agenda, beginning by noting that the liberal Enlightenment view of individuality is tied to a troubling economic agenda: free-market capitalism. As a South African, Villa-Vicencio writes from a context in which the liberal Enlightenment codes—indeed the verbatim principles of the U.S. Constitution—were used in conjunction with a strict rule-of-law philosophy to uphold a system of apartheid.

The dominant western, libertarian, individualistic understanding of humanity (seen in the American *Bill of Rights*, the *Rights of Man* included in the French constitution and, to a lesser extent, in sections of the *Universal Declaration of Human Rights* read in isolation from the entire text) stands in contradiction to this emphasis [i.e., African communal ethics]. In these declarations the rights of individuals all too often in reality means the rights of *some* individuals at the cost of other individuals. (166)

Villa-Vicencio contends that the Rawlsian theory of justice which starts with individual liberties assumes a more-or-less free society to begin with: such a theory of justice “fits a society within which there is more or less equal distribution of wealth better than it does situations which show vast discrepancies between the rich and the poor, which is a dominant feature of South African society and an increasing number of contemporary capitalist countries” (236). Villa-Vicencio challenges the assumption of the sanctity of private ownership.

Villa-Vicencio sees the liberal Enlightenment view as presupposing a society of more-or-less equal participants, who have more-or-less the same access to wealth, and who already have equal rights under a constitution. In a society or community with inherently unequal participants, or with a long history of inequality, the appeal to the liberal enlightenment view may have the effect of maintaining the status quo (see Fish 76). In a culture where access to computer writing technology is unequal—like U.S. culture (see Piller)—the liberal-individualist view can have the effect of maintaining inequality by further distancing the haves from the have nots.

Villa-Vicencio offers an “alternative to western individualism” (172), which merges Christian ecumenical ethics and African communal ethics and builds

from the principles of reciprocity and Christian charity (see West). “The African world view emerges as a striking alternative to western individualism. It is at the same time an alternative to ideologies that reduce people to by-products of social and economic forces. . . . Individual developments and aspirations . . . are tempered in traditional African society by the needs of the community” (172).

Villa-Vicencio sees such an ethics as grounded in theology, but also as having a secular and political manifestation which he sees as evident in the United Nations’ *Universal Declaration of Human Rights*: “Theology grounds the human rights debate within a personal-communal sense of existence which transcends the divide between western individualism and collectivist notions of human rights, characteristic of much within the secular debate on human rights” (155).

Villa-Vicencio thinks that theology provides a missing perspective to secular ethics, and he invokes theological principles he feels can command broad consent, even by those opposed to any form of theological intrusion into political affairs. Theology provides a point of critique outside the borders of national boundaries. Villa-Vicencio starts with the principle of “love your neighbor,” which as he says, is “for the Christian, a familiar doctrinal notion, but one that is not often given practical expression within the context of Western individualism” (174). On the contrary, liberal-individualism can often take the form of an isolationism (169) and a neglect of others, which Villa-Vicencio sees as inherently unethical.

An important feature of Villa-Vicencio’s communal ethics is that its sense of community arises from *but is not tied* to particular racial, sociological, or geographical groups. He is talking about using a tribal and family based communal model in order to construct a trans-communal ethic; the community he imagines is a global one. In addition, the communal ethic that Villa-Vicencio advocates has a strong presumption in “favor[ing] the poor and marginalized members of society in defining and prioritizing human rights” (160). Presumption in favor of the weak and marginalized is an ethic that rhetoric/composition has not often advocated, but it can easily be forged into a principle for treatment of others in electronic communities.

The point here is that there are alternate ethics which Kapor, Rheingold, and others do not address, but which raise a serious challenge to their assumptions about what is, or should be, “right.”

The ethic being appealed for requires an outlook on life significantly different to that contained within the creeds of liberal individualism. At the same time it affirms the democratic right and the ability of all people to share in the shaping of society, something often denied ordinary citizens within centrally controlled collectivist societies, ruled by a political elite. It is an ethic which is grounded in a vision of humanity within which each will no longer be responsible solely for him or herself. (Villa-Vicencio 162)

We see a communitarian, reciprocity-based ethic articulated in the Connolly et al. “Bill of Rights for Electronic Citizens.” Connolly et al. realize that most who have tried to write an electronic bill of rights have begun with a commitment to the liberal ideal, which is inadequate for dealing with the post-modern phenomenon of electronic discourse via networks. Because Connolly et al. are more interested in developing principles that pertain to and support “the electronic community of researchers” (54), they develop an ethic based on a gift-exchange system of property as an alternative to the conventional property rights system of Western capitalism and Enlightenment liberalism. In this respect, their bill of rights for electronic citizens is compatible with Villa-Vicencio’s communitarian ethic and poses a clear alternative to policies based on liberal individualism.

We should be clear about what Villa-Vicencio is proposing in his communitarian ethic: not that we should abandon the individual in favor of the State or Government, which is the binary that EFF assumes offer us our only two choices. Villa-Vicencio’s position is that the “community” is something different, offering a mediating ground between the “individual” and the “state”: in traditional African society, “the extended family unit and village membership . . . function as an intermediary between the individual and the state” (172). He argues for including the community as an important (and currently missing) feature of human rights legislation—and I would agree that the notions of “community” and “forum” (Porter, *Audience and Rhetoric*) are important constructs currently missing from most discussions of public policy on electronic networks.

#### COMPLICATING COMMUNITARIANISM: LIBERATION THEOLOGY

Some have accused the communitarian position in general of being soft on power—that is, for not recognizing the institutional inequalities that might exist in a given community (and that function to enable relations within that community); for not allowing space for the critique of community; and for not addressing the tough issue of incommensurability between communities. Communitarianism in some of its Anglo-American, conservative forms can promote intolerance of the Other or the individual in the name of the public good. Elizabeth Frazer and Nicola Lacey, for instance, critique communitarian theory from a feminist perspective, pointing out that “the communitarian emphasis on traditional discourses and practices inevitably reproduces the dichotomized thinking characteristic of western culture” (168). Among other things, this thinking leads to “the invisibility of gender in political theory” (213). They wonder whether communitarians have really escaped the “implicitly male individualism of liberal theories” (146).

Frazer and Lacey’s critique aims at the communitarian philosophy articulated by Anglo-American theorists like Habermas, MacIntyre, and Rorty.

Similarly, Derek Phillips critiques the American communitarian theories of Bellah and MacIntyre for their utopian readings of American history. The golden past that such communitarians urge us toward, says Phillips, was in fact “a hierarchic political order resting on the natural right of the wise to rule the less wise” (62). Frazer and Lacey’s and Phillips’ critiques remind us to distinguish between various types of communitarian theory.

The Anglo-American theory of Etzioni, Bellah, and MacIntyre is is a type of communitarianism that suffers from many of the same faults as liberal individualism. It essentializes “community” in the same way that the liberal position could be said to essentialize the individual. But this is not the only form of communitarianism. Neither Frazer and Lacey nor Phillips consider postcolonial forms of communitarianism nor Marxist and neo-Marxist forms (such as liberation theology), which might be seen to practice in very different ways—though these, too, might be challenged on the grounds of obscuring gender difference.

The limitation of the Anglo-American communitarian position is, I believe, the potential threat it poses to the marginalized groups, the minorities, that constitute any social community. One corrective to this problem can be found in the Marxist version of communitarianism found in liberation theology.

Liberation theology attempts to situate theology in the material conditions of a people (as opposed to its more traditional location in metaphysics). Liberation theology as a movement aims to heal the binary between formally abstract theological speculation and situated pastoral care as it intersects with the material conditions of people; it is an effort to transform a decontextualized form of inquiry (traditional theology) into praxis. Liberation theology formally emerged in the Medellín document (written by 130 Latin American bishops in 1968), which denounced political and institutional systems which subjugated the poor. It argued that theology must reconceptualize itself not as abstract formulations but as a form of action directed at both critiquing economic and social systems which oppress and at improving the material conditions of the poor (see Smith; Berryman). Liberation theology has a Marxist component to its articulation—in the respect that it combines a Christian/Catholic theological emphasis with a Marxist praxis. Liberation theologians insist that theology and ethics must be situated in the material conditions of people and focus particularly on how ethics intersects with economics, labor, production, and the ownership/distribution of property in a society. In this respect, liberation theology is very much a situated ethic.

Liberation theology attempts to move theology from the realm of “theory” to that of praxis. Theology in this system is seen not only as a descriptive tool or as a means of spiritual action, but as a lever of critique for enacting social change. As a theory of economics, liberation theology opposes three things: “profit as the key motive for economic progress, competition as the supreme law of economics, and private ownership of the means of production as an absolute right that has no limits and carries no corresponding social obligation” (Smith 125; see also Boff and Boff; Gutiérrez; Berryman). What it begins

by noticing is that the liberal individualism advocated by both the right and the left in U.S. politics operates in collusion with a model based principally on private ownership of property.

According to Enrique Dussel, the basic (and absolute) principle of liberation ethics is this: Liberate the poor (73). He sees the basis for this ethic in both New Testament scripture and in the theory of Karl Marx (who, he says, has been misinterpreted as “collectivist” rather than what he really is—“communal”). The community that Dussel imagines as operative here is an ideal ethical community that works against the existing social order (which primarily dominates and oppresses, at the very least by turning its back on the poor). This liberation version of communitarianism is very different from those in the Anglo-American tradition. Its key difference is that such a communitarianism has in it a preferential option for the poor. What prevents its becoming a kind of oppressive majority rule is chief operating principle that the operation of the community must presume in favor of the poor—by which Dussel means the economically disadvantaged, but which could be extended to cover all marginalized and oppressed groups in a community (see Sullivan and Porter).

“Liberate the poor” is the foundational principle of this ethic, because it provides a linkage between real persons in a community (and their material status) and the notion of a transcendent/utopian existence. It provides the linkage between current actual conditions and a hoped-for ideal state. It is an ethic that does not satisfy itself with merely expressing the ideal state (e.g., “equality for all”) or articulating generalized action (e.g., Aquinas’s “do good”), but situates the expression of an ideal in a demand for action which takes into account present circumstances. The implication is that since we do not have this ideal we hope for, the only ethical thing to do is to work to achieve it.

The ethical standpoint of liberation theology addresses relations between humans, both on an individual and a communal level: How should I be for/to others? How should we be for/to others? In what manner should I/we relate to them? In this respect at least, liberation theology and feminist ethics overlap: both focus primarily on the representation of ethics as relations—or in post-modern terms, subjectivities (see Porter, *Rhetorical Ethics*). Dussel defines praxis as “both act and relationship . . . praxis is the actual, here-and-now manner of our being in our world before another person” (8). Dussel’s definition seems to posit a one-to-one praxis, but he posits this relationship as necessarily occurring within a community framework.

Given conditions of fundamental inequity, or faced with a situation of oppression, “liberate the oppressed” is the only ethical stance possible for a community or individual to take. It’s the chief operative principle in such situations, and it’s a principle not present per se in democratic ideals, not inscribed in the U.S. Constitution. Liberate the oppressed—the principle is not a static claim, but a pronouncement of an intention and an action. It indicates the fundamental posture one must take toward oppression. Liberation theology expresses this action as a “preferential option for the poor and marginalized.” In the view of

this theology, the principle is necessary to moralize the communitarian framework. Communitarianism without this principle runs the risk of further oppression of the marginalized, it runs the risk of the majority determining the rules for the minority. Situating this principle within the communitarian framework allows communitarianism to work without (or, at least, with less) oppression. Hence (the argument implies), having a “preferential option for the poor and marginalized” is how a community maintains justice for its members.

We are always left with the issue of defining the oppressed. Who are they exactly? And who is the implied “we” addressed by the directive? Who does the principle speak to and what agency is implied by it? (See Sullivan and Porter, chapter five, for a discussion of the problematics of defining the oppressed.) Paulo Freire draws a sharp distinction between “oppressors” and “oppressed,” between practices (especially educational practices) that humanize and those that dehumanize, and between right and left. The appropriate ethical position vis-à-vis these concepts is of course to avoid being an oppressor and to assist the oppressed in improving their status. These binaries of Freire’s arise out his lifeworld experiences in Latin American cultures with a dramatic difference between the poor and the privileged classes, and Freire’s understanding of these binaries is quite materialistic: the distinction is based on socio-economic factors—who has wealth, who doesn’t; who has access to the mechanisms of political influence, who doesn’t; who has food and clothing, who doesn’t. It is easier to “see” oppression in countries where the socio-economic gap between rich and poor is immense (like the U.S.), and where the disadvantaged condition of the poor is observable in every city and village. It is harder to see in relatively affluent countries or communities, or in towns where everyone is in a similar condition. It is often masked in the arena of technology access, especially in a privileged state university. You never see who’s not on the Internet.

From the standpoint of Marxist liberation theology or communitarian theory, the first principle of Internet ethics might well be something like this: Work to insure that the poor and marginalized have access to Internetworked resources; make sure that such resources are fairly shared and distributed (such a sentiment is found frequently in discussions of access in computers and composition literature—see, for example, Hawisher et al. 257-262). Though there is no legal or constitutional imperative to liberate the poor, most computer ethicists agree that this is a critical concern of computer ethics: how to allot, distribute, and pay for computer resources; how to insure that computer resources are fairly shared and distributed in a society where full participation in the political life of the community may soon *require* computers.

## CONCLUSION

The communitarian ethic poses a significant challenge to the ideological framework of liberal individualism—especially to its reliance on abstracted and decontextualized first principles which often are exercised in the name of

justice and democracy but which in practice can too often lead to continued oppression. What we might designate as a postmodern form of communitarianism examines the particular discourse dynamic to determine where and how power is being applied; it makes a situational and casuistic and essentially *rhetorical* judgment about the operation of power, and about the threat of domination, in any given discourse situation (Porter, *Rhetorical Ethics*). It would point out, for instance, that in certain cases it is the community that needs protection from individuals. It would certainly not allow an individual male to shut down a Women's Center newsgroup through the use of intimidating speech; rather, it would insist that the free speech clause of the U.S. Constitution was intended to protect the less powerful, not provide license for intimidation of marginalized groups. Liberation theology, a particular form of communitarian thought, posits the necessity of presumption in favor of the materially oppressed. Without such a presumption, any system operating from a belief in neutrality or applying a set of abstract first principles runs the risk of further oppression.

I am not offering communitarian ethic as the only alternative to liberal individualism, nor as an ethical framework we should always necessarily adopt. What I am saying is that we need to question the individualist ethic that supports many of the statements about ethics and legality on electronic networks. Unfortunately, the liberal-individualist policy position receives almost unquestioned support within the fields of computers and composition and from rhetoric/composition because it dovetails neatly with those fields' individualist focus on the activities of the *solitary writer*. Despite the considerable emphasis on collaboration and social construction, these fields' principal orientation is still the individual student writer (and also, "the text"), and they still favor an individualist ethic (albeit largely an implicit one) over communitarian and other sorts of ethical positions. We should examine the ideological assumptions of that framework, as well as its economic implications, and ask if it best serves the interests we claim to represent.

#### ACKNOWLEDGMENTS

This chapter is based on material from chapter four (and other portions) of James E. Porter's book *Rhetorical Ethics and Internetworked Writing* (Ablex/New Directions in Computers and Composition Studies, 1998). Some passages are borrowed from Patricia A. Sullivan and James E. Porter's book *Opening Spaces: Writing Technologies and Critical Research Practices* (Ablex/New Directions in Computers and Composition Studies, 1997).