

## INFORMATION ETHICS: NORMATIVE AND CRITICAL PERSPECTIVES

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### Abstract

This article was delivered as a public lecture at the Universidade Federal do Rio de Janeiro, March 24, 2015. It discusses normative information and library ethics and then formal and critical information and library ethics, the latter being the preconditions to the existence of information access and user's choices. Information professionals have strong responsibilities in creating the possibilities for information, and therefore, for truth and rights to truth, by their choices in constructing and making available or not information. Professional formal and critical ethics are, thus, preconditions to information access and choices by users.

**Key words:** Library ethics. Information ethics.

## ÉTICA INFORMACIONAL: AS PERSPECTIVAS NORMATIVA E CRÍTICA

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### Resumo

Este artigo foi apresentado como conferência pública na Universidade Federal do Rio de Janeiro, em 24 de março de 2015. Discute regras referentes à informação e a ética biblioteconômica e, daí, critérios formais e críticos para a informação e a ética biblioteconômica, a última como condição para existência do acesso à informação e escolha dos usuários. Os profissionais da informação têm grandes responsabilidades na criação de possibilidades para informação e, daí, à verdade e ao direito à verdade, a partir de suas escolhas na construção e no fazer acessível ou não a informação. Critérios formais e ética crítica são, então, condições para o acesso e escolha de informações pelos usuários.

**Palavras-chave:** Ética biblioteconômica. Ética da informação.

### 1 Normative information ethics

The problem of ethics in library and other documentary and information situations and organizations takes multiple forms. The study of ethics, as distinct from the study of policy and of expression per se, is a study of cases where choices are made or have to be made. For this reason, examples and case studies have been used since ancient times to study ethics. In distinction to the study of ethics, the study of policy is the study of the laws and policies that states and organizations have for behavior. And the study of intellectual freedom or freedom



of expression is the study of forms of expression within broader cultural and social contexts than policy. The three types of studies overlap and also may have the same types of problems being studied, but they also have three different modes of approach to such problems. Ethics education involves case studies for some of the reasons that I will discuss, but also because, as Wittgenstein observed, ethics are more properly shown rather than said. We understand and appreciate ethical dilemmas and choices best by seeing them, and we learn ethical actions best by seeing them performed.

We begin by noting the traditional distinction between practical ethics and theoretical ethics. In a library context, for example, in practical ethics one discusses issues such as:

- what to do when a patron of a library or documentary institution asks for materials that are either seen as inappropriate due to issues of good taste or state security (anything from pornography to, in the old Communist states, capitalist literature, and today on the internet, state security information)
- what type of public groups or events a public library institution should host in their building and in their collections (e.g., neo-Nazi groups, etc.)
- what type of patrons should a library serve and how (e.g., children, teenagers, and adults)
- when should a manager of a library promote materials that may not be seen as desirable in a given community due to religious or moral traditions or habits, etc.
- and more general issues of collection balance and distribution

From a normative perspective, many of these practical issues must first resolve the issue of the cultural forms and the social norms that agency must pass through in order to express ethical actions. This involves what the philosopher Rom Harré has called, “moral orders.” “Moral orders” are the cultural forms—such as language—and the social norms for the deployment of such forms that are seen as normative for persons within “social positions.” “Moral orders” are “orders” in two senses: first, they are sets of normative expectations of roles and rules for behavior. Second, by being normative, they are to some degree prescriptive: to be a type of person, one *should* or *ought* to do x, y, or z. This is to say, in order to *respond* or be *responsible* to being a person in a given role, one is expected to more

or less act in certain ways. One responds, that is, one is responsible, to not only the normative expectations of being in a certain role, but more exactly, to the expectations of others.

Everyone occupies many moral orders simultaneously. One is a mother, a friend, a daughter, and a professor, for example, and each of these demand that we speak and behave in slightly different ways to others. These demands not only come from tradition and social, cultural, and organizational settings, but they are incorporated into the expectations of others. Particularly as we grow older, we are approached by others as less ‘selves’—in the sense that we are, ourselves, agents of potential powers of expression and action—but more as ‘persons’—in the sense that we act as agents of learned powers for expression and action. In other words, as we grow older, in life or in a profession, we are expected to perform with greater *responsibility*—that is, we know how to correctly *respond* to the demands of our professional or life agency. Whereas we would expect a young person in life or in a profession to have potential powers of action built up from formal education or from analogical experiences, we wouldn't expect of them heuristic knowledge of how to perform in a role. This has been known since ancient times, and so as Aristotle noted, we might expect that a young person could do high levels of formal learning, such as mathematics, but we wouldn't expect that they would have much practical knowledge, much wisdom, in a field of endeavor that requires much experience. Indeed, we treasure the fresh powers and insights of youth, and while we may appreciate the wisdom of old age, which is built from seeing countless similar examples and forming heuristic rules of judgment from such, we also recognize that such prejudgments can become detrimental prejudices. So, the best balance in life and in one's life age is often said to be seen in middle age or in the middle parts of one's career, where freshness of insight and passion are mixed with experience. One need not be a social scientist to understand these things; they have been well observed for thousands of years.

Moral orders are culturally constructed and they are made up of cultural forms for expression—that is, language, how one dresses, the intonations by which one speaks, etc.—and the social norms for deploying these in social and situations and contexts. They are largely learned and are only sometimes explicitly stated (as in organizational rules for behavior—most famously, perhaps, in military rules of conduct). Because they are cultural and social, they differ between cultures and this can lead to cultural misunderstandings and even conflicts. Because they are learned, they are products of experience and psychological

development, and so they are best displayed and expected to be displayed by persons at some levels of maturity.

One shouldn't understand moral orders in an overly rigid manner. They are normative behaviors and expectations, and like languages, they don't exist and they erode over time in the absence of particular behaviors and expectations. Like speech acts, too, individuals have styles of expressing moral orders and so we tend to take into account individual and cultural idiosyncrasies, cultural differences, and the vagaries of specific situations when we judge other people. Indeed, one of the signs of maturity is the ability of a person to judge another person as not just an individual within a role, but a self of potential powers; that is, to judge other people like we often judge ourselves. And conversely, another sign of maturity is that we also expect that we, ourselves, come increasingly to understand the normative cultural and social roles and rules—that is, the moral orders—that we occupy.

For an individual person, though, moral orders sometimes conflict with one another, and such conflicts result in ethical issues. In the ethical tradition of Western philosophy for thousands of years, ethical issues are often found to be unresolvable. In their final analysis, they are, to use the language of deconstruction, irreducible. They are unresolvable because the moral orders are in some cases so distinct as not to be resolvable by meta-orders or meta-rules. In their most acute form, ethical decisions take place in radically temporal moments whose outcomes are far from assured or in which there seem only bad choices to choose from. One chooses this set of actions or that set of actions or attempts to choose something in between or one vacillates in choosing this or that. Kierkegaard's narrative stories, such as *Fear and Trembling*, are depictions of agents having to choose between moral orders. These stories' narrative composition help us understand the situational complexities of ethical choices and the difficulties agents sometimes have in making ethical choices, as well as the radical temporality of the moment of choosing and its aftermath. For, in making an ethical choice sometimes all the norms that ordered one's life are turned on their heads for a moment before the lessons of the choice are learned, and so a new, more personal, moral order may appear.

Consequently, ethical choices sometimes bring with them an historical shift for the person making the choice, or in larger social situations with more historically or politically powerful agents, choices remake history or the possibilities of history. A political leader's decision or a general's decision on the battlefield can change how history is understood and what we believe and how we go about things in our daily lives. These decisions can change

what we believe is good or bad. Changes in political economy may change the values of subsequent generations and erase earlier values and judgments of good or bad. Contemporary neoliberalism, for example, heralds individual competition and wealth accumulation over the collectivization of work and wealth, and so it has changed or erased social values for good and bad actions over the past 35 years, as well as the memory of what came before. Heidegger's work forefronts this type of ethical agency for both individuals and societies: ethical choices can recast the remembered historical examples and lessons of a person or a society, and so can change future choices and understandings of the present, past, and future.

If we think again of Kierkegaard's stories of ethical choice, then we may also see that there is a relationship between rhetoric and morals and ethics. There is a genre of literature that teaches morality in sayings. "Do not lie," "do not kill," "honor your mother and father": these are called "morals" because they teach us moral rules. As the notion of moral orders suggests, morals are prescriptive. Morals may or may not be based on religion; whether they are religious or more broadly cultural, they tell us what to do—they prescribe a course of action. When these prescriptions are new and strong enough, they can also erase other values and the experiences and memories tied to those.

Morals can also be descriptive. They can describe the best course of action, and so suggest what is best to do in the form of a statement or a story: "honesty is the best policy" is one such statement. Another is given in Aristotle: "one swallow does not make a summer, nor does one day a year." This is a saying, where patience is suggested. Oral sayings are an ancient form of evidence for practical actions and they are a chief form of argument in many cultures.

The narrative story form for morals, too, has ancient roots. Aesop's fables and Jean de La Fontaine's fables are two examples of moral stories told in allegory. Other, more recent narratives, such as Kierkegaard's, Sartre's, or Camus's stories and novels are more narratively extended, and they depict ethical choice itself as the theme of the story.

The representation of morals and ethical choices is an element in most of what we call literature, however. In this sense, literature is a practical action. In classical literature and in its rebirth in renaissance and later literatures through the 18<sup>th</sup> century, morality and ethics is often tragically depicted through the rise and fall of the aristocracy and ruling classes, and in comedy, by the workings of fate and chance in the middle or upper classes. From the late 18<sup>th</sup> century on, morality and ethics is shown most often in bourgeois life. And throughout the Western literary tradition, though perhaps most in the Spanish picaresque novels of the 16<sup>th</sup>

and 17th centuries, there exists a sort of unofficial morality of practical experience, where non-ruling class people have to adopt double standards just to get by and members of the ruling classes are depicted as hypocrites in the difference between their preaching of morals and their actual actions. In classical literature whose view is that of the elite or ruling class (for example, in histories), members of the lower classes are often seen as scoundrels, traitors, and collectively as an unruly and disrespectful mob. In the Christian gospels, because of their moral choices made despite the prevailing norms and common sense, ordinary people are seen as tragic and closer to or part of God. In the Ancient Greek tragedies and in Shakespeare and other Elizabethan works, the morality of the common person is seen in the jeering of the satyrs and the wit of the working people, as well as from the perspective of the playwright himself in depicting the rise and fall of the ruling class, largely based on their *hubris*.

Thus, in the Western literary tradition, both morals and ethics are shown in the form of commands, statements, and stories and plays. It is worth remarking on this in the context of information ethics for at least three reasons.

First, our contemporary notions of information are often understood as declarative statements of facts or, today, as ‘data.’ However, we see that the information of both morals and ethics is often given in much larger rhetorical forms and in non-statement forms.

Second, ‘morals,’ as a genre category of literature, is explicitly tied by its very word to the problem of morality and so to moral and ethical philosophy. Literature and moral and ethical philosophy overlap in not only the importance of representation in understanding, that is, the role of ‘showing’ for ‘saying,’ but also the importance of roles and role playing for moral expression and the development of ethical dilemmas. Normative descriptions of moral agents and moral orders are not only analogous to character depiction in literature, but such narrative depictions are the basis for moral agency and moral orders in everyday life. Morality, normatively understood, is a ‘living narrative.’ Conversely, realist novels since the 19<sup>th</sup> century, such as Flaubert’s *Madame Bovary* have attempted to show the ethical difficulties that occur when normative moral orders conflict with one another or are inadequate to deal with the complexities of reality or the changes that have occurred in a society. Whereas works of 19<sup>th</sup> century literary naturalism, such as Zola’s *Theresa Raquin*, shows a dependence upon documentary notions of evidence and the social sciences of the time, and thus arrive at relatively determinative moral behaviors for characters, more realist novels attempt to be less ‘moralistic’ and more ‘ethical’ in their depictions, because the reality of human life is not strict rule following, but rather, rule creating, even in the process of rule

following. Again, in reality, and so in literary realism, moral orders exist because people act in ways that they think are moral and ethical. Moral orders, like languages, are always being reworked in their being renewed.

Third, if we understand morals as being formally or informally prescriptive, then we may come to a deeper understanding of the difference between morals and ethics. Ethics appears when morals and moral orders cannot resolve choices in a situation; that is, when expression becomes manifest as an event of moral choosing. Unlike morals, ethical cases often do not give an answer as to what to do in a situation. Learning ethics is not the learning of rules to follow, but rather is learning about cases of moral ambivalence and how to reason through them by appeals to higher order rules or analogous cases. They are examples of problems that can occur when two or more moral orders or prescriptions come into conflict with one another or when moral orders are not applicable to reality. They are more interesting, in a way, than moral choices, because they show us the character of someone when there is no obvious answer for what is the right thing to do. For example, when there are only seemingly bad choices to choose from or when the agent must dig deeply into his or her experience or into the facts of the situation in order to pull out tools for further action.

What would be an example of an ethical dilemma involving conflicting moral orders? A soldier, for example, is not just a soldier who follows orders, but also a human being who must make judgments independent of orders. Which moral order—that of being a soldier or that of being a non-soldier human being—takes precedent when the soldier is confronted by an uncertain situation, for example, that of a person coming toward one in a war zone. Does one treat that person as an enemy combatant or as a civilian? In a library situation a case may be that of deciding on whether to give a person information on weapons or suicide methods. Does one act as simply a librarian or act as a more general human being in a society and culture? What are the moral rules for being a librarian? Is a librarian simply an information retrieval device? Or is being a librarian characterized by other ‘essential properties’ or powers?

When do moral orders cease to be applicable or may have never been applicable to reality? If we examine the case of Emma Bovary in Flaubert’s novel we find that her chief moral order is drawn from 17<sup>th</sup> and 18<sup>th</sup> century aristocratic women’s novels that were reworkings of medieval tales of chivalry, and in the 19<sup>th</sup> century were again rewritten for bourgeois and working class women. The result of following such a moral order is disastrous for Bovary. It is a case of following an idea to its logical end despite its lack of success in a

given reality and its terrible consequences. But the character of Emma Bovary is so sympathetic to us because she is stupid in the ways that we are all stupid, not least in a heavily textually mediated world for knowledge: we follow narratives of how to act and we do so irrationally when there are not other examples to follow. We follow these narrative orders for practical activity — i.e., these ‘moral orders’ — not because we morally or ethically *must*, but *we have to*, in order to perform expressive actions and to give value and meaning to our lives.

As we see, when reality doesn’t help us resolve moral conflicts, that is, ethical dilemmas, then we may look to higher level moral orders — for example, professional codes. But sometimes this is not possible or not the best strategy. In these cases, we also look at analogous cases and we look at metaphors that borrow from other practical examples. For example, if say that a librarian is essentially an information retrieval device then this also raises the issue if this is all that a librarian is and what is the difference between a librarian and an information retrieval engine.

But, metaphorical reasoning can also go the other way, as well: if a librarian has ethical responsibilities to act in a manner that is not just mechanistic to a determinate rule for professional behavior, then do not also search engine designers have such a responsibility? Why should librarians have ethical responsibilities as whether to give information on weapons procurement to a mentally disturbed or angry person and a search engine company does not? Why should libraries be held to community standards regarding pornography accessibility and search engines should not? Ultimately, we must then ask about the moral and ethical responsibilities of automated systems, and so also, their designers and operators. This is a very controversial area of both ethics research and systems engineering, not only because there is philosophical controversy as to how accountable automated systems can be to moral responsibility and ethical choice, but because there are many instances where it is more convenient to simply say that automated systems either are not morally and ethically responsible or their moral or ethical choices are limited to their own actions and not to their designers and operators. In short, the more distant we become from our actions by means of technical systems then the greater is our tendency to say that it is the technical systems that bear the responsibility for actions and not their designers and operators.

Documentary infrastructure also involves moral and ethical issues. Documentary technical and technological infrastructures have a long history in libraries and other information storage and access institutions. Writing itself is a technology that is intrinsic to documents, as are the mediums of storage and the standardized forms in which writing is



preserved, held, and transmitted. In the modern period, standardized classification structures and naming vocabularies, as well as location codes and other techniques and technologies formed the infrastructure by which documents were collected and accessed or distributed within and across institutions. These have been types of structural languages through which a user accesses information and information is made available to the user. These modern forms of metadata were obvious infrastructures that users had to deal with if they wanted the information that were held by documentary institutions, such as libraries. The user had to come to the library, use these rather obscure and incomprehensible codes, and hope that the information materials that they wanted were organized within the codes that they chose as matching their needs. Largely, the user had to conform their tasks or needs to the technical language and technologies of the documentary organization.

More recent documentary systems have, of course, attempted to address the user's needs more at the level of his or her entrance vocabulary. But this is not as easy as it sometimes seen. Language use varies and so there remains in post-coordinate digital information retrieval systems the issue of stabilizing an individual's query in terms of the description of a document. An early incarnation of Yahoo! did this in terms of a post-coordinate adaptation of subject headings. Google's Page-Rank search algorithm did this in terms of ranking documents according to user popularity and by other means. Probability searching may use multiple types of vocabulary in a document or even user recommendations in order to increase the likelihood of creating a precise correspondence between user needs and documentary content (i.e., increased 'precision' or 'relevance'). 'Keyword in context' and 'keyword out of context' are two of the older means of trying to form understanding out of information retrieval term searching. In one way or another, these have all been adaptations of traditional paper-based documentary techniques used in subject headings and other types of controlled vocabulary, concordances, and paper-based citation indexes.

With the newer systems that attempt to work from user input of terms rather than from mediating language metadata, there is the problem of the invisibility of the documentary forms of mediation. The moral and ethical questions here involve such problems as that of the transparency of the algorithms, indexing, and ranking of results for the user, and the surveillance of the user toward the purpose of making the search results more relevant to the user (e.g., recommendation systems, location-based searching, ubiquitous computing, etc.). The level of both corporate and government surveillance in the name of serving users is rather astounding and unregulated. In almost all cases of information surveillance or online

‘tracking’ by large corporations the data that is collected on us is sold for profit. And even in the case of content creation on the internet, internet search companies, such as Google, profit from that content creation not only through advertising but by data analytics generated from the further reuse of internet content during the search and subsequent processes.

Here, the ethical choices made by corporations and by governments may be part of a normative political economy. The moral orders of neoliberalism valorize competition and wealth concentration as their highest values, and so they trump other moral stances and erase other ethical dilemmas.

## **2 Formal and critical ethics: the ethics of producing the conditions for ethical choice**

So far I have been addressing information ethics from the aspect of theoretical and practical considerations of normative rules and agent choices. Here we address questions of when, why, and how we express ourselves through words and other actions in order to move through the world and work with others. Ethically, the problem is that of showing in our choices of expression what is good about our character and what might contribute to a good world. Even if all that can be shown to be good is the difficulty of our choices and the depth of our consideration of others and our options and reasoning, then this itself may be considered to be a universalizable good. While our actions may not always end up as good or just due to subsequent events, ethics is about showing judgments through actions toward the good and the just. From such we are judged to be ethically wise and worthy of consultation on practical matters, just as if we were to know a lot about an area of knowledge we may be judged smart and worthy of consultation on intellectual or theoretical matters, and just as if we were an athlete we may be judged to be worthy of consultation on matters about the movement and preservation of the body. In each of these cases, it is not just the description of being wise or smart or physically able that is important, but the showing that one knows how to be such by doing what is understood to belong to each area and under difficult and trying conditions. We admire and model ourselves not always on the best person in a discipline, not always by those who have the most natural talent or follow the rules the best, but on those who have achieved something in spite of great obstacles and who, out of this, *understand* how something is done and other ways of doing it. The showing of ethics shows most of all understanding, and understanding often cannot be said in the form of explanations.

Understanding is often shown by actions, and so is a function of literary depictions and alike, as well.

Distinct, but not altogether separate from the previous issues, information ethics also must address not only the practical choices, but also the creation of the practical and theoretical choices that we make. This domain overlaps with theoretical or disciplinary knowledge, in the sense that one must be aware of or speculate upon what allows or affords agency and how information and documentation work to make or afford agency. Here we have questions regarding what may or may not be considered to be information, knowledge, or truth, or what may or may not lead someone to do good, just, and responsible actions. In short these are questions regarding historical, social and cultural processes that lead to empirical events and claims. Like Immanuel Kant and a rich tradition that followed his work, we are trying to ‘critically’ understand *the conditions* for understanding, action, and taste, and beyond this, how we can practically make certain conditions occur and our ethical responsibilities for doing so.

For example, if library classification does not afford a person’s identity or sense of him or herself as a member of a group, then how could the person responsively respond to the historical needs of that group, much less themselves as members of it? How can they find information about the struggles of being African-American or gay or whatever so-called ‘sub-culture’ exists outside of the domain of official knowledge?

Another example would be that of a mother whose child disappeared during years of violence or state secrecy. If documentary systems were not in place or if they were in place and are held in secret, then how could the mother know that there is actually knowledge about what happened to her child?

Similar situations occur within other forms of potential secrecy. These secrets may be historical, political, medical, or many others. Currently in the United States individuals and corporations do not have to reveal campaign contributions to individual candidates, with some contributions being in the hundreds of millions of dollars. There are also demands by corporations, such as Monsanto, that they shouldn’t be forced to reveal the nature and risk of genetically and chemically modified plants and foods to the public. In both cases, claims are made that forcing corporations and individuals to divulge information violate their free speech rights. In the case of governments, public demands for information are often denied for reasons of national security, or the demands are deferred for decades for the same reason.

Demands for information from private individuals are buffered by traditions of rights of privacy, which often emerged in the late 18<sup>th</sup> century in countries under the influence of the Enlightenment, emerging democracy, and notions of public and collective agency. These same rights in the context of the United States have been taken as belonging to corporate bodies and governmental bodies as well, as sovereign agents, just as individual human beings have been thought of.

In the Anglo-American cultural tradition of liberal thought, information access is thought of as a *laissez-faire* event. And just as in understandings of individual action, the conditions of action tend not to be as theorized as in countries whose national cultures emerged in the 19<sup>th</sup> century when modern social theory and social movements appeared more robustly. In the Anglo-American library and information science tradition, for example, there is little account of the importance of the creation of information needs by the documentary system as a cultural, historical, social, and technologically mediated system. Subsequently, the individual is not often thought of as a subject of a documentary system. In brief, there is not any account of the subject-of-need for information and how this subject is formed.

As a consequence, what constitutes a right to information and a “right to truth” lacks historical, social, and cultural contexts. On a practical level, such questions lack a discussion of the responsibilities that professional agencies of documentary authority and those governmental and corporate bodies over them have toward creating the possibility of such subjects. Such subjects are not just ‘subject-to’ governance, but ‘subjects-for’ expression, and they must be educated and informed toward this latter. Working toward the development of such citizens is not only the ethical choice of professional documentalists and librarians, but also of the governmental and corporate bodies and agents within which and for whom they work.

Fundamentally, the ethical problems of a right toward information, and ultimately, a right to truth, are dependent upon models of governance and subjectivity. Is citizenship only a condition of being a ‘subject-to’ governance, or is it a condition of being a ‘subject-for’ governance? In other words, does the subject belong to the condition of being governed or does the government belong to the condition of belonging to citizens? Who *responds* to whom? Where can ‘*responsibility*’ or ethics be found in the government-citizen relationship or in the corporate-consumer relationship? And consequently, where can ethical choice be found and how are the conditions for choice historically and social predetermined by institutional and documentary structures?

States and corporate bodies are often seen as static persons. But they aren't. States and corporate bodies plan for the future through leadership and through the work of the people within them. They create futures not only through their people, but also by manipulating the environment around them. Indeed, in this way, they may appear to us to be individuals and to possess reason.

Moral and ethical actions appear in states and corporate bodies by not only individual decisions, but by policies, and most of all by legal strictures as to what they can and cannot do, and what they must do. Without legal requirements for making information available and, moreover, making the knowledge of such information available in a proactive and educational manner, such entities have no incentive to divulge information to the public.

Thus, there appears another aspect to information ethics that is little discussed. And that is the political-legal traditions and the documentary traditions that afford both information and the seeking of information. Here we embark not only upon a different type of information ethics than that of individual choice alone, but a different notion of the relationship of governance founded upon a right to know and a right to truth. It is one that underlies modern education as the creation of a subject-of-need for information, knowledge, and truth, but which has so far not been adequately extended to the secrets of government and governance, and one which fears to intrude on corporate autonomy. It is a product of the 19<sup>th</sup> century and of so-called 'socialist' or — in the language of that century, but not recently of ours — 'democratic,' notions of government's role in individual development, knowledge, and the development of political agency and power, rather than an 18<sup>th</sup> century laissez-faire notion. Like the critical analysis of documentary infrastructures, it asks how do we know that there is information to get? How is information created and made available? How is something considered to be information or to be true information? *But it also asks, how do we educate a person to ask for information, to know that information exists, to know that they themselves exist as a subject of an information need?* And beyond this it asks, how do we create a state of desiring subjects for information, *for a state of desiring subjects for information? And for a world of desiring subjects?* For, both information and the need for information are only constructed and develop by education and learning. And such constructions are not only the ethical responsibility of individuals and 'society,' but of the state as the means toward serving both individuals and society.

This requires a different notion of political economy and governance toward knowledge and truth. So far it has only been seen in the most dire historical conditions of

truth commissions, led by modern notions of there being more fundamental human rights than those given by states to citizens. But what I am suggesting here is that there is an even greater issue than that of trans-national human rights demands upon documentary providers for information access. I am suggesting a fundamentally new contract with the state, whereby the state is seen as a provider of knowledge and information for its own change, and so, for its own instability at times. This is a threatening model, not only for those in power, but those subjected to power. It requires that the state not be static, that it be dynamic, and that it reveals its own secrets for the purpose of understanding it and how it can better serve its people. This is a more fully democratic model. It challenges the current model whereby a democratic nation exists only until the sovereign state periodically returns—the so-called ‘state of exception.’

What I am proposing is a right of information as a precondition to rights of information access, to possibilities for truth. I am arguing for a prejudgment to a right to be informed as itself being a more preliminary right to information, and so, a right to information as a new way of thinking knowledge and with this, governance. A right founded not upon a user’s need for some information object, per se, but a right founded upon the right to needs for knowing how and when and why one is governed, how one develops to be a citizen-subject, and how one governs one’s self in relationship to documentary and governmental systems, both seen and unseen. That is, a right to understand one’s social positioning within documentary-governmental systems and the moral rules and choices that one is positioned within.

With documentary governance there is not only an ethical system after moral orders, but more importantly, before. In other words, there is an ethics to revealing the basis for morality and for ethics and how such are constructed, not least of all today through documentary infrastructures.

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