

Thomas Dreier | Tiziana Andina (Eds.)

Digital Ethics

The issue of images



Nomos



Bild und Recht – Studien zur Regulierung des Visuellen

Edited by

Prof. Dr. Thomas Dreier

PD Dr. Dr. Grischka Petri

Prof. Dr. Wolfgang Ullrich

Prof. Dr. Matthias Weller

Volume 11

Thomas Dreier | Tiziana Andina (Eds.)

Digital Ethics

The issue of images



Nomos

© Cover illustration:

Sophia Amelia Peabody, *View to Bellagio, Lake Como* (1839–1840), The Peabody Essex Museum, Salem, Massachusetts

The painting – created well before the advent of digital technology and even photography – shows the view from the spot overlooking Lake Cuomo where today the Villa Vigoni is located, and where the Conference, the proceedings of which are contained in this book, took place in autumn 2020.

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>

ISBN: HB (Nomos) 978-3-8487-8841-5
ePDF (Nomos) 978-3-7489-3401-1

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library.

ISBN: HB (Hart) 978-1-5099-6414-7

Library of Congress Cataloging-in-Publication Data

Dreier, Thomas | Andina, Tiziana
Digital Ethics
The issue of images
Thomas Dreier | Tiziana Andina (Eds.)
426 pp.
Includes bibliographic references.

ISBN 978-1-5099-6414-7 (hardcover Hart)



Onlineversion
Nomos eLibrary

1st Edition 2022

© Nomos Verlagsgesellschaft, Baden-Baden, Germany 2022. Overall responsibility for manufacturing (printing and production) lies with Nomos Verlagsgesellschaft mbH & Co. KG.

This work is subject to copyright. All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system, without prior permission in writing from the publishers. Under § 54 of the German Copyright Law where copies are made for other than private use a fee is payable to “Verwertungsgesellschaft Wort”, Munich.

No responsibility for loss caused to any individual or organization acting on or refraining from action as a result of the material in this publication can be accepted by Nomos or the editors.

Table of Contents

Part 1 From Drawings to Deep Fakes – Some Introductory Remarks

Chapter 1	Images, Technology, Ethics and Law – An Intricate Relationship	11
	<i>Thomas Dreier/Tiziana Andina</i>	
Chapter 2	From Goethe's <i>Italian Journey</i> to Transalpine Online Navigation – Narrative Changes and Transnational Stereotypes	37
	<i>Werner Gephart</i>	

Part 2 Ethical Foundations

Chapter 3	Digital Image Ethics – How it Could be Pursued and What It Might Have to Say	49
	<i>Reinold Schmücker</i>	
Chapter 4	Form and Norm in Pictures	75
	<i>Enrico Terrone</i>	

Part 3 Images, Art and Society

Chapter 5	Who Cares About Privacy? – The Documedia Surplus Value	81
	<i>Maurizio Ferraris</i>	
Chapter 6	Immersive Artistic Forms – What They Are and How to Identify Them	101
	<i>Davide Dal Sasso</i>	

Table of Contents

Chapter 7	From Works to Living Means of Communication – The Digital Image and the ‘Iconic Turn’ <i>Wolfgang Ullrich</i>	127
Chapter 8	Fairness Aspects of Techniques of Referencing Cultures <i>Eva-Maria Bauer</i>	137
Chapter 9	Towards a New Ethic: Building Transgenerationality – Digital Images to Orient the Future <i>Tiziana Andina</i>	159
Chapter 10	Iconoclasm and Iconoclasm – The Digital Restoration of the Movement-Image <i>Cosetta Saba</i>	171
 <i>Part 4 Binary Encoding, Artificial Intelligence and the Dissolution of the Visual Object</i>		
Chapter 11	Semioethics of the Visual Fake <i>Massimo Leone</i>	187
Chapter 12	From Copy & Paste to Deep Fakes – Digital Collaging and Image Manipulation <i>Olivia Hägle</i>	207
Chapter 13	The Multi-Layered Information in a Digital Image <i>Benjamin Raue</i>	229
Chapter 14	Portrait or Personal Data – The Rivalry of Image and Data Protection Legislation <i>Lorenz Müller-Tamm</i>	239
Chapter 15	Human Authorship and Art Created by Artificial Intelligence – Where Do We Stand? <i>Gianmaria Ajani</i>	253

Part 5 Technology, Ethics and Legal Norms

Chapter 16 A Face in the Cloud? – Identifying Moral Issues and Constraints in Cloud-Based Image Storage	273
<i>Wybo Houkes</i>	
Chapter 17 The Deontic Power of the Internet – Access Controls and the Obsolescence of Legal Norms	297
<i>Thomas Dreier</i>	
Chapter 18 Algorithmic Censorship of Online Visual Content – Ethical, Political, and Economic Rationales	323
<i>Eberhard Ortland</i>	
Chapter 19 The Issue of the Image of Algorithms	335
<i>Lisa Käde</i>	

Part 6 Ethics and Fundamental Rights

Chapter 20 The Constitutional Protection of Images	357
<i>Johannes Eichenhofer</i>	
Chapter 21 Contemporary Art on Trial – The Fundamental Right to Free Artistic Expression and the Regulation of the Use of Images by Copyright Law	387
<i>Christophe Geiger</i>	
About the authors	417

