

Governance in the Digital Society

Summaries, quandaries, conundrums and residual questions

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The conference

The conference was organized according to a structure and logic of 4 panels. Each expressed different premisses, to some degree based on the personalities and expertise of the participants involved, to some degree motivated by the interest of the public and the dynamic of the individual panel discussions.

The programmed panels were:

Governance and Security of the Digital Space
Technology, Law and Democratic Legitimacy
Data Protection and Privacy, How to achieve it worldwide
Trusted service provision in the Cloud

The panel organization of the discussions had a natural tendency to seek concepts that could be shared by all participants in the forum. Perhaps more interesting, however, were the contentious issues that grew out of the discussions. These ranged from conceptual or definitional disagreements, to differing views on the nature of the digital challenge, to differing views of the actual facts on the ground, the actual character of empirical reality, the nature of knowledge and the state of the technology today. The dimensions along which future discoveries can be made and according to which future research can or should be carried out. The range of the concepts, disciplines and empirical facts can be summarized in the following outline.

1. Parameters and premises

1.1. Political

The proceedings of the conference had an explicit political framing, both on the European level and the Luxembourg level. It is clear that Digital Enlightenment Forum and the politics of information have a reciprocal relation.

1.2. Financial/investment

The evolution of the digital/technological as social, political and legal challenge is sharply determined by the options and limitations of large-scale public and private investment.

1.3. Technology oligarchy/monopoly

The parameters of financial support for digital/technological development often concern national and international technical infrastructures. There is already in the development of information technologies a tendency toward a small number of highly advanced and highly capitalized providers, who also set the premises for future research, innovation and development.

1.4. Platform tyranny

This concentration of development resources and capital risks a tendency toward a 'platform tyranny', that is, one or few platforms setting the premises, by financial power, for all the others

1.5. User democracy

On the other hand, the sheer numbers of online and networked users of new information technologies may provide the basis for a new type of mass democracy whose powers are uncharted and whose modalities still undetermined.

1.6. Identity control/management

The meeting place between large-scale, capital-intense development and the mass democracy of user response is most intensely and poignantly observed in the sphere of electronic identity and its management.

1.7. Surveillance

Closely linked to the challenge of identity management is that of electronic surveillance. Pushed to the forefront of public debate by the 'war against terror', in particular in the universe of financial transfers, it is equally potent in the context of the identifying *bona fide* citizens in their day-to-day activities.

2. Discourses

By 'discourse' we understand the set of terms, concepts, ideas, arguments, values, principles, logics, ideologies and legitimating rationalities that present themselves as self-evident (and thus 'invisible'), accepted uncritically, and used as though uncontroversial and unproblematic. Thus in the setting of social science analysis, 'discourse' is generally regarded as the set of terms, concepts and logics that stands to be critiqued, analyzed and put under critical light. In very general terms, the presentations and discussions exposed conflicting discourses, thus making clear the heterogeneity of approaches, at times productive, at times verging on a '*dialogue de sourds*'.

2.1. Business / commerce / investments

A substantial part of the presentations and discussions took place within the discourse of commerce where the primary measure of value and innovation is commercial performance. Clearly this discourse is indispensable in the sense that large-scale innovation can only take place within the setting of commercial enterprise.

2.2. Norms and law

A discourse of the legal norms was often evoked both as a basis for understanding the evolution of information technologies and in order to shape ideas about where and how it should best evolve in the future.

2.3. Technology

The discourse of technology comprises a set of concepts and values that when applied described the possibilities and limitations of the evolution of digital technologies and the relationship between these and society. Society is understood and described in terms that reference the evolution of technology.

2.4. Socio-politics

The discourse of socio-politics understands, describes and analyses technological evolution in terms of political forces, including forces of production and consumption.

3. Principles

In the discussions surround technology and its role in society, a range of principles were advanced and taken for granted without analysis or critique.

3.1. Free trade

Free trade is often applied to technological components, on the one hand, and to the information that information technologies transmit. Traditional modes of the trade policy are problematized.

3.2. Free flow of goods, services and information

Similarly the liberal doctrine of free flow of goods, services and information is made a real possibility in information technologies while at the same time evoking political questions about what should be regulated.

3.3. Privacy

A range of issues were raised and discussed relative to changes in the conceptual paradigms and realities of privacy, both as legal category and as moral or human category.

3.4. Sharing concepts

Sharing concepts is understood as an attempt to allow the convergence across domains of expertise and discourses.

3.5. Trust

Trust as a fundamentally human characteristic is increasingly applied to human-machine relations, and, more interestingly, machine-machine relations.

3.6. Transparency

Closely linked to the notions of free information flow and trust, the notion that meta-information surrounding information technologies, i.e. how systems deal with information, its storage and flow, should be universally shared.

3.7. Data protection/minimization

Linked to privacy, data protection and data minimization were described as linked through the particular characteristics of information systems.

3.8. Non-discrimination

Sharing and use of meta-information should not be conditioned or discriminatory.

3.9. Right to be forgotten

Following on formulations in the draft revised data protection directive the 'right to be forgotten' corresponds to the technically problematic notion that one's personal data can be used within an information system, then erased.

3.10. User-control

User-control thematizes a technical democratization of information systems.

4. Concepts

A range of new and mutated concepts were raised, used, and sometimes discarded without explicit critique. Many have technical uses or connotations; some constitute transitions from humanistic to technical settings, and back.

4.1. Data vs. information

The difference between data and personal information was assumed by some, critiqued by others. Is there something irreducible and non-transferrable about information about human beings?

4.2. Trust

The profoundly human concept of trust is gradually transitioning to technology, and returns to the human with a technological dimension.

4.3. Trust wrapping

In technical terms, trust can be 'wrapped', that is, its capacities in one adjacent segment of systems to another.

4.4. Social contract

The traditional concept of the social contract is being stretched from its 'social setting' to find application to technical notions. Is community technological? Is the original social contract, distorted by social networks based in technological systems?

4.5. Social wrapping

Social systems are changed by the technological systems they increasingly rely upon.

4.6. Data/identity ecosystems

The ebb and flow of data exchange increasingly takes the form of a system, simulating natural ecologies.

4.7. Trusted data

What does it mean to trust data? The concept of trusted data reaches beyond the epistemology of truth and falsehood.

4.8. Currency

What is the structure and function of the exchange of data?

4.9. Identity permissions

Identity is increasingly the object of identification. Security systems seek to identify identities through systems of permission.

4.10. Sharing push/pull

In the ecology of information, flows are directed and motivate both from the source and from the destination end.

5. Technologies

Naturally the range and variation in new and evolving technologies was a constant point of reference for the discussions.

5.1. Communication

Information technologies are communication technologies. How do they compare and contrast with traditional communication technologies?

5.2. Networking

Networks are as old as societies. Yet information technologies multiply and accelerate the effects of networks.

5.3. Cloud

Cloud technologies alter the premises of Western daily life, from the status of the individual as the center of Western political identity, to the notion of community, politics etc.

5.4. Modeling

Technologies of modeling produce simulations and copies of societal forms. What is their status?

5.5. Data-mining

First formed by commercialized methodologies of mass canvassing, data mining uses computer power to create a commercial understanding of people, individuals and communities.

5.6. Virtual computing

Data technologies make possible the reproduction of the relation between the human and the machine.

5.7. Tracking

The identification and tracking of individuals at great distance and on a mass basis is becoming more common.

5.8. Biometrics

The biometric revolution digitalizes the identification and tracking of individuals.

6. Actors

A variety of actors are involved in the interfaces between technology and society. The identification and mobilization of these actors re-emphasizes the changes in the notion of the governance of people.

6.1. Political leaders, governments

There are new responsibilities, new competences and a struggle to master (understand) the technologies at the heart of government itself.

6.2. Lawmakers

Governing through law encounters new challenges in the form of the new needs for the policing to address new forms of digital criminality, and new legal measures to deal with them.

6.3. Owners / investors

Digital technologies change the notion of ownership and private property.

6.4. Advertisers

The concepts of promotion and sales, key to traditional capitalism will be altered considerably by changing relations between the saleable thing and the information on the basis of which it can be promoted and sold.

6.5. Technicians/engineers

The role of engineers will grow in importance.

6.6. Designers

Design will be moved away from the fine arts and toward a digitalized, information-based design.

6.7. Operators

The difference between operators of information technology and the technology will become more complicated. 'Instrumentality' as a concept will gain a new meaning.

6.8. Controllers

Mid-level managers of technologies and managers of knowledge tend to merge in unprecedented ways.

6.9. Citizens

What is a citizen? The identification of the citizen with his/her citizen-data will have wide-ranging consequences for the way we understand citizenship.

6.10. Users

There is a (relative) democratization of information through the increasingly widespread access to knowledge.

7. Subjectivities

We understand 'subjectivity' as a mode of access to the self and the empirical world. It is in its broadest sense a 'point of view', the position from which one thinks, reads, hears, speaks, acts in the world. It is the collective set of conditions in which one is oneself, and acts out that self-knowledge. It is, finally, the position from which the world *is* for the subject, the facts that are taken into account when assessing the world, and the impressions that contribute to understanding how the self, the individual, the citizen is situated in the world.

7.1. Political

Perhaps the most important subjective position, both from which technology influences and is influenced is the political.

7.2. Technological

Technological rationalities and the world seen from the position of the technological subject dominate debates.

7.3. Moral

The ethical challenges or dilemmas that confront moral subjects play an important in shaping politics in general and the politics of technology in particular.

7.4. Socio-cultural

The awareness that any subject has its place in society and culture is deeply influenced by the information technologies. Inversely, the way we see and understand technologies and our role in the technological evolution is deeply determined by social and cultural codes.

7.5. Gender/sexual

Technology in general and information technology in particular are deeply gendered. How are technology and gender intertwined?

7.6. Economic

The economic self-awareness of technological actors and the technological self-awareness of the economic actors are reciprocally determined.

8. Powers

Information technologies, more than other types of technology, involve relations of power.

8.1. Political

Information technologies by virtue of being both involved in the high-speed and high-quantity transmission of knowledge have considerable political force.

8.2. Financial/investment

The politics of financial distribution are accelerated through linkages with information technologies.

8.3. Technology oligarchy/monopoly

The power concentration around those entities that possess or control information technology platforms translates into to power relations.

8.4. Platform tyranny

Ownership and development of technology platforms has similar effects.

8.5. User democracy

The horizontal role of users in complex information systems constitutes a form of democracy.

8.6. Identity control/management

The control of informational identity, the management of ownership of data, etc. forms a complex kind of power relation.

8.7. Surveillance

Since Bentham's panopticon, surveillance has long been regarded as a kind of power. Informational surveillance is a new kind of power.

9. Policies

Discussions of policy options, sought, in a variety of ways, to link technological change, social reality, and options of government. The DEF is formed with clear policy ambitions in mind. These could be reflected upon to the great benefit of the initiative.

9.1. Revised data protection

The conference was opened with a reminder of pending revision of the EU data protection directive. The theme was raised and re-raised throughout the proceedings.

9.2. New governance

Not only do new technologies put pressure on the traditional means of governing peoples, they synthetically generate new forms of governance, sub-governances, and microcosms of governance.

9.3. New social contract

See above. New forms of social contract produce new forms of governance.

9.4. Credentialing practices

The question of how to manage the unavoidable challenge of credentialing both actors and technologies is confounded by both.

9.5. Trust frameworks

See above. Trust is not only a component in the well-functioning of information technology system. The new forms of technologically oriented trust also have consequences for the way that trust-in-governance can be assured.

9.6. Identity and permissions

Similarly, identity is not only a personal, system-technological concept, but also a political one, deeply linked to challenges of governance. Who are the governed? From situation do they experience the world and attempts to govern it?

9.7. New data transfer frameworks

Governing data means governing its flows, its emitters and receivers. These are clearly influence by the current and coming changes in data transfer frameworks.

9.8. New security models

If, in line with recent advances in ways of understanding security as governance, technology is to play a role, then technology-as-security-governance needs to be better understood.

10. Digital Enlightenment

The very concept of a digital Enlightenment serves to unite the technological and scientific concerns surrounding digital technologies, and the social issues of relevance for them.

10.1. The Enlightenment divide

There is a considerable gap between those that have access both to digital technologies, and discussions about them and those who have neither..

10.2. Development and innovation

By the same token, development and innovation takes place within the confines of a very small society comprising capital and high-level technological know-how

10.3. The analog and the digital subject

The advancement of digital technologies opens the question of whether subjectivity can still be understood as analogical, based on a certain continuity of experience or whether the default is henceforth a digital subject.