
Normative Orders of the Digital Interdisciplinary Conference | 6-7 July 2017

Research Group Internet and Society at the Cluster of Excellence “The Formation of Normative Orders” Goethe University Frankfurt am Main

Since 2007, researchers at the Cluster of Excellence “The Formation of Normative Orders” at the University of Frankfurt have studied political, legal and societal changes both within states and beyond from the perspective of the formation of normative orders. Such orders derive their legitimation from specific norms and themselves give rise to norms. Researchers at the Cluster enquire into the normative conceptions which play a role in these processes.

The aim of this international and interdisciplinary conference is to confront this “Frankfurt perspective” on the formation of normative orders with the “digital”, the conditions of a global society in which information and communication technologies, and particularly the Internet, play an ever growing role.

The Workshop is organized by a group of researches with a background in law, political science, and sociology, who share a particular interest in the effects of digitization and digital networks on law, society, and politics.

Together with scholars and practitioners, and across five panels, we will ask

- whether the digital age leads to new types of normative orders that cannot be adequately described with(in) traditional conceptions of norms?
- which norms collide on the Internet and which norms prevail?
- and whether there is a normativity inherent in information and communication technologies that can and should be regulated?

Thursday, 6 July 2017

13:00-14:00 **Introduction: Normative Orders and the Digital**

Klaus Günther (Director, Cluster of Excellence "The Formation of Normative Orders", University of Frankfurt)

14:00-16:00 **Panel I: Crisis and the Digital**

The frequency and the depth of crisis that have shaken Western societies seem to have accelerated over the last decades. The rapid succession of often interdependent and transnational crisis phenomena has given rise to an intense questioning of our societal orders and its ability to reproduce itself in a democratic and liberal manner. This hardening of crisis discourses has lately been set in conjunction with the rise of information and communication technologies. The assumption that digital communication leads to a better, faster and more inclusionary dealing with societal crises seems to be displaced by an assumption that digital communication gives rise to crises and a deepening rift of societal relations. The panel discusses the complex relationship between digital communication, societal crises and public discourse.

Jennifer Earl (University of Arizona)

Paolo Gerbaudo (King's College London)

Comment: *Thorsten Thiel* (PRIF, Frankfurt)

16:00-16:30 *Coffee break*

16:30-18:30 **Panel II: The End of Scarcity?**

More and more formerly tangible goods are converted into digital goods, which are created digitally and marketed via digital networks. This shift from materiality to immateriality plunged many segments of the economy, e.g. creative and financial "industries", into a crisis. According to some recent accounts, the ongoing metamorphosis is a fundamental one. It provides the technological basis for a world in which, for example, information and entertainment are not scarce any more. As a consequence, (intellectual) property rights as the basis for market transactions become superfluous. The panel will critically assess such claims from an economic and a legal perspective.

Christian Handke (University of Rotterdam)

Marco Ricolfi (University of Torino)

Comment: *Alexander Peukert* (Cluster of Excellence "The Formation of Normative Orders", University of Frankfurt)

18:30 *Evening reception and dinner*

Friday, 7 July 2017

09:00-11:00 **Panel III: Intermediaries and the Constitutionalization of the Internet**

Internet intermediaries fulfill an essential role in the Internet ecosystem as gateways to information and enablers of the exercise of human rights online. In that role, they are vulnerable to interventions by states. States, which have the primary duty to secure to everyone within their jurisdiction all rights and freedoms, must, however, also protect them from human rights abuses by third parties, including companies. Private sector companies have a responsibility to respect human rights, even as they have increasingly become, as special organs of society, de facto legislators, enforcers and adjudicators of online norms, including freedom of expression. Who provides rights and remedies for users? Do international businesses as intermediaries contribute to the formation of a new (transnational) normative order of the digital or do they ultimately rely on national legal orders? Is a new hybrid law emerging? How can we solve conflicts of procedural and substantive law in times of jurisdictional uncertainty and multinormativity? And with the normative order of the Internet buffeted by winds of change: who will ultimately protect citizens-users?

Wolfgang Schulz (University of Hamburg)

Sophie Stalla-Bourdillon (University of Southampton)

Commentator: *Matthias C. Kettemann* (Cluster of Excellence "The Formation of Normative Orders", University of Frankfurt)

11:00-11:30 *Coffee break*

11:30-13:30 **Panel IV: The Privatization of International Cooperation in Criminal Matters**

Law enforcement agencies from all over the world are keen to access data gathered by major US Internet Service Providers (like Google, Facebook or Skype). Somewhat counterintuitively, ISPs increasingly decide themselves on whether to grant or refuse requests to access emails, chat protocols, motion profiles etc. In bringing together academics and practitioners, our panel will explore the privatization of international cooperation in criminal matters by asking whether it is normatively justifiable and practically necessary.

Alexander Dix (European Academy for Freedom of Information and Data Protection)

Markus Hartmann (Public Prosecutor's Office, Cologne)

Tania Schröter (European Commission)

Dominik Brodowski (University of Frankfurt)

Commentator: *Christoph Burchard* (Cluster of Excellence "The Formation of Normative Orders", University of Frankfurt)

13:30-14:30 *Lunch*

14:30-16:30 **Panel V: Regulating Order: Algorithms**

Over the past decade, the concept of 'algorithm' was increasingly established in public debates. In these debates the formerly mathematical term focuses now on the digital with respect to action and decision-making impacts. With the mobilization of digital devices in ordinary everyday encounter, the digital transgress the limitations of the internet. In sociological understandings, algorithms refer to automated and machined actions, perceptions, and decision-making processes, which were classically considered to be a solitary ability of human beings. The panel discusses the questions concerning the implications of these transformations for normative orders and possible means for regulations. Who might be the responsible 'subject' for algorithmic decisions and what kind of 'objects' are algorithms as regulated decision makers? How might the cultural imagination of the normatively responsible human actor change if human decisions are superseded by algorithms? This panel discusses these questions from a sociological perspective?

Marc Lenglet (European Business School, Paris)

Robert Seyfert (University of Duisburg-Essen)

Commentator: *Valentin Rauer* (Cluster of Excellence "The Formation of Normative Orders", University of Frankfurt)

16:30-16:45 **Closing Remarks: Normative Orders of the Digital – Frankfurt's Contribution to the Internet's Future**

Alexander Peukert and *Matthias C. Kettemann* (Cluster of Excellence "The Formation of Normative Orders", University of Frankfurt)

Organization: Christoph Burchard, Dominik Brodowski, Christopher Daase, Matthias C. Kettemann, Alexander Peukert, Thorsten Thiel, Valentin Rauer

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Registration: Conference attendance is free but please register with Ms Hofmann at hofmann@jur.uni-frankfurt. The dinner fee is 25 Euro.

Cluster of Excellence “The Formation of Normative Orders”

Welcome to the Cluster of Excellence “The Formation of Normative Orders” at Frankfurt University! We are living at a time of profound and rapid social changes. These changes are bound up with social conflicts, both within states and beyond them. Whether it is a matter of a just social order under conditions of “globalization” and new technological possibilities or a just “global order” in the face of scarce resources, climate change and armed conflicts –we are confronting challenges of a new kind that cannot be met with traditional conceptions of order. In a world of different cultural self-understandings and traditions, transnational norms and institutions are emerging whose validity is being – and must be – placed in question.

The researchers in the humanities and social sciences united in the Frankfurt Cluster of Excellence have made it their task to analyse these processes from the perspective of the “formation of normative orders”. They see the processes and conflicts in question not merely as facts and as phenomena to be described in functionalist terms; instead they enquire into the normative conceptions which play a role in this context, and thus confront, and in the process transform, one another. In the eyes of the researchers who work here, the dynamic and thrust of the current upheavals and conflicts first becomes apparent in the normative dimension.

Normative orders are understood in this context as historically grounded “orders of justification” based upon “justification narratives”. They privilege certain legitimations, where norms and values of very different kinds (moral, legal and religious, to mention just a few) are interconnected or give rise to tensions. Such orders derive their legitimation from specific norms and themselves give rise to norms, though always in a dynamic sense.

Researchers from a wide variety of disciplines, such as philosophy, history, political science and legal studies, as well as ethnology, economics, theology and sociology, cooperate within this research alliance. Their goal is to be able to reach conclusions informed by all of these perspectives concerning the extent to which we live in an era of the formation of new normative orders.

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