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Smolbny

St. Petersburg State University Faculty
Bard College of Liberal Arts
and Sciences

Program for the Winter Session – Special Focus: The Digital Revolution and Democracy

Jean-Pierre Cléro

IS THE COUPLING WITH MACHINES A THREAT FOR DEMOCRACY?

Descartes distinguished between *thinking beings* and *machines* that are extended things having none the less attribute of thinking. Nevertheless, not long after Descartes's time, were invented calculating machines that did what was first only expected from mental activity. So the mind may be coupled with machines to solve operations that it could not perform alone, first if it has not enough time available to do them; then, afterwards, because it would be impossible for it to get an infinite time to do by itself what they can do. Many handicaps, serious diseases are resolved by a pairing with sophisticated machines. The work of more and more men, whatever its nature, is connected with machines that are substituted to their minds or bodies in an increasing number of tasks, and could not be achieved without their assistance. Our leisure has been linking, already for a long time, to complementarity with material agencies; Deleuze analyzed this phenomenon of *agencement* about cinema. Mind is, from all sides and according to indefinitely various ways, associated with machines that cannot think by themselves, but also, although created by human spirits, that are able to transform the relation that spirits do interweave between themselves and with the real. The coupling of mind with machines is not the adjunction of a pure subject to a pure object; it changes unceasingly the way for the couple to center and form itself into an original accompaniment. Will it be said that coupling has moved the subjectivity and threatens it? Of course, this subjectivity -if there is a sense to speak of it- has changed and it creates productions that are different from those we were able to work and changes the producer itself. Have we any right to complain that we suffer such a situation? We are not in the right to think that there was a brave old age when spirit could have the control of the mediation that matter, materiality supports with it? Plato predicted in *Phaedrus* that the invention of writing « will produce forgetfulness in the minds of those who learn to use it, because they will not practice their memory » (275 b). The identity of spirit is a fiction; a devotion to an idolized past that drives to dream of a retrogradation towards an epoch which is a fancy rather than a reality. The moralists that would for us keeping the control of our couplings cannot give any matter to their dreams. Cleverness, will, imagination, sensibility, affectivity are so radically joined to machines that it is impossible for the further to part from the latter. The ethical problem is not to look back on the past and to claim a spiritual control -or a « human control »- to restore mind in its full rights: this sort of control neither existed nor will never exist. For it is neither to forecast a terrifying post-human situation. At any time, it is necessary to search and find the ethics and the political model that match with this situation always new and that never has been a separation of men from their material agencies. The discourse of the king of all Egypt, Thamus, to god Theuth bears out my assertion. We will tempt to demonstrate that Deleuze's thinking about *agencement* associated with a utilitarian conception of the ethical and political problem of coupling brings forth the best issue when neither pure subjectivity nor purely exterior machine can exist.

Gorm Harste

The Complexity and Democracy debate between Jürgen Habermas and Niklas Luhmann - The early themes

The present paper is chapter 7 from my book *The Habermas/Luhmann Controversy* (Columbia University Press 2019). The book contains two chapters about their debate about democratic legitimation observed in terms of complex communication systems and deliberative discourse ethics. We can observe two levels in the Habermas/Luhmann-debate about political legitimacy. One of them relates to the philosophical claims involved in communication and the use of language. The other level concerns the question why political legitimacy is important, and in addition, how it

becomes important in the context of communication processes in modern politics, and how it takes its stance within the discussion about proposals and decisions. In the present chapter, I will begin the more elaborated analyses of the Habermas/Luhmann-debate with this second level. To most readers, it is probably the easiest way to grasp the problems discussed; in fact, it also corresponds to that, which, historically speaking, has been the overall path followed by the debate. A representative and rich example of this is to be found in one text, which is in all probability the single most important or at least comprehensive text among those generated by the 1971 collection, and in itself an important contribution to this part of the debate, namely Habermas' Legitimation Crisis (Legitimationsprobleme im Spätkapitalismus) from 1973.

Carsten Friberg

The Fall of Public Spaces

In parallel to Richard Sennett's *The Fall of Public Man* I wish to reflect on the transformation of how we perceive public spaces. Space should here be understood as anywhere we find space for social activities. While such spaces could be said to have expanded considerably with the emergence of modern mass media, from radio and TV to the internet, a question is whether these spaces are really to be called public or if they only have an appearance of being public. A central question to ask here is how to understand public and private in relation to them. Does a possible blurring of what is public and what is private enable or undermine a democratic culture? The question is motivated by the lack of transparency regarding how social media regulate users access to and use of virtual public spaces. One such source of regulation is algorithms used in social media. They have lately become a topic of discussion, however their specific functions are still closed land for public investigation. Social media play a vital role in making space for political exchange and action; it became manifest during the Arab Spring and has recently been a topic of much interest in relation to elections in more countries. While this appears as a creation of more public fora for political exchanges and discourses enabling many to participate in debates hence including more citizens into the democratic culture, questions are what these spaces and fora really are. Are they public or rather of an indefinable semipublic kind defined and controlled by private interests? Social media appear as public fora but can they really be considered public when they are private businesses concerned with profit rather than public debate and consequently concerned with different consumer reactions? They do not view the users as citizens but as consumers or customers.

I will not address the political aspect such as discussing conflicts between consumer's voluntary agreeing to terms of conditions and the need of regulation of businesses influencing the public order despite individual user-behaviour; likewise I will not address sociological questions of how social media may change behaviour among different groups. My focus is to raise philosophical questions about the significance of public and private in relation to social media. When talking about public spaces and private business, public interest and private users how are the differences defined? What interests are involved? Are ideas of public and private undergoing changes due to new technology affecting communication, accessibility and perception of privacy? Are the differences in how we perceive public and private to the advantages of a democratic culture or a matter of ideology?

Morten Bønke Pedersen

The value of democracy: A Kantian contribution to a contemporary understanding of democratic legitimacy

While Kant's concept of democracy was different from today's, his inquiry of the constitutional and representative form of government as the only viable form

designed to respect citizens' equal freedom relates very well to what we actually mean by "democracy" today. However, when looking at democracy today it is commonly proclaimed to be facing a severe legitimation crisis, being threatened by both populists and autocrats. This development has made it common to ask about "the value of democracy" as if we were looking for some benefit that democracy effects. Even non-instrumental arguments for democracy have a tendency to look for a value of democracy that is external to democracy – such as freedom, justice or equal treatment. My paper will show that this is a wrong way to assess political legitimacy. In line with Kant's political and legal thinking I will investigate the question of the moral importance of democracy as something that cannot be fully conceived independently from the idea of a democratic organized public order. While arguing that the democratic public legal order constitutes something of moral importance and supporting the assumption of an overall progress in legality, Kant didn't write much of the historical materialization of this legal order. Looking at the state of contemporary democracy one could very well be inclined to criticize his hypothesis of progress for being without any empirical plausibility. Though few philosophers today share Kant's modernist idea of humanity as an eternal subject eventually repealing the gap between legal coercion and moral freedom, my presentation will show, that his historico-political thinking provides instructive insights fruitful for theorizing about the creation, progression and legitimation of meaning through the cause of historical exemplary events.

Natallia Vasilevich

[The Holy and Great Council of the Orthodox Church \(Crete, 2016\) addressing Fundamentalism, Democracy and Human Rights](#)

Barbara Gornik,

[Potentialities of Information and Communication Technology for Building Culture of Human Rights](#)

New technologies have proven to have immense impact on people's behavior, especially through the use of smart phones, social media and related information-communication (IC) tools. Several organizations, including PeaceTech Lab, The Peace Innovation Lab at Stanford, JustPeace Labs, Médiateur have already recognized the potential of technology for conflict prevention, human rights respect and peace-building. The paper follows their position in arguing that IC technology represents innovative way to tackle various societal challenges, especially in view of their weighty impact on contemporary social relations. The paper's basis standpoint is that building culture of human rights shouldn't be understood only in a narrow sense as postulating knowledge about human rights but also as building social and institutional infrastructure that supports human rights ideals. As anthropologist Sally Engle Merry says, human rights become part of local social movements and local consciousness by translating and transplanting institutions, programs and measures that give support to the emergence of human rights among the people at the local micro-level. Following this, the paper gives an overview of existing IC tools, which have been used for tackling challenges related to integration of migrants in European countries as well as for fostering mutual respect and countering racism and intolerance with the local population. It focuses particularly on practices, which aim at changing people's attitudes while achieving social solidarity, stimulating migrant integration and promoting of culture of human rights. In the second part, the paper presents the project "Migrant Children and Communities in a Transforming Europe"

(MiCREATE), funded under Horizon 2020 program, as one of such initiatives, which plans to develop IC tools for social inclusion in school systems in order to empower migrant children in an ethnically diverse society.

Alexander Vashkevich

TBA

Adam Diderichsen

Policing False Positives: Lessons from Epidemiology

Modern crime control technologies often rely on a combination of massive amounts of data and some kind of test that allows law enforcement agencies to select interesting cases ('positives') from a background noise of uninteresting cases. Often, it is assumed that more data equals better security, since a larger data set will lead to more hits. This is in particular the assumption behind mass surveillance. Drawing lessons from epidemiology, I shall however argue that large data sets mean that the signal from true positives will drown in the noise from false positives. I shall then pursue the implications of this idea on two levels. First, the practical implications for policing of the notion that 'small is beautiful' when it comes to surveillance. Second, the political and ethical implications for both civil liberties and for the relation between state and citizens that the attempt to police false positives may have.

Barbara Kowalczyk

"Smart borders".

I would like to present several EU law solutions in matter of external borders management based on administrative cooperation and EU databases. It causes some very important questions worth investigating in terms of human rights protection, e.g. access to asylum.

Karolina Kulińska

Participation of the Deaf citizens in public life in the EU

A problem of not perceiving persons with hearing loss as a fully-fledged subject of human rights began to disappear recently. To this day, there are many misconceptions in that regard, causing lack of effective and holistic approach in public policy which would enable independent existence of those persons. It is especially noticeable in term of equal access to healthcare or education; however, it significantly affects the Deaf citizens ability to act in the public sphere as well. The aim of the presentation is to outline the framework of the said issue, focusing on the linguistic, legal and social barriers and perspectives. This will be further illustrated with the case study of the Republic of Poland.

Liudmila Ulyashyna

Sui generis Nature of Charter of Fundamental rights of the European Union in the system of international protection of individual rights.

Charter of Fundamental rights is a phenomenon appeared due to the development of the European Union. The Charter refers to universal values of human rights and sets an extensive list of provisions, which aim to strengthen the protection of fundamental freedoms in the light of changes

in society, social progress and scientific and technological developments¹. Indeed, protection of personal data; rights to integrity of the person and prohibition of eugenics practice; a ban on making the human body and its parts as such as a source of financial gain; prohibition of the reproductive cloning of human beings; environmental and consumer protection; rights to good administration etc. are newly recognized human rights in the international system of individuals' rights protection. However, the dualistic nature of the Charter – as an international treaty on one side and a part of the EU Treaties succeeding the European Community on other side – as well as other peculiarities of the normative act make the instrument hardly tailored for the individual protection of human rights. The author will analyze the document through a comparative approach when several international and regional legal instruments will be presented with application of the concept “human rights regime” (Donnelly, J., 1986) in order to approach a question: Is the Charter of Fundamental Rights a truly new step in international human rights protection or just a plausible attempt to create a comfortable tool for European bodies operating in the lagoon of the EU “self-contained” regime (Bruno Simma and Dirk Pulkowski, 2006)?

Katsiaryna Beliakova

Migration and Security

In recent years, the term “migrant” has often been used by populists in many countries as a synonym for a threat to society especially in electoral campaigns (even in countries that do not accept large numbers of migrants/refugees). Immigration is presented as an enemy of society, which directly affects the internal security of the state, determines the growth of criminality, migrants are often seen as outsiders who take jobs away from the local population. From the other hand, we can observe how this attitude primarily affects the safety of immigrants in these countries without division into refugees, working migrants and foreign students for example. Is the process immanent to the phenomenon of migration or it is possible to get out of this circle?

Sten Schaumburg Müller

Private life and anonymity

Private life is a prerequisite for a well-functioning democracy. In order to participate in societal life each member of society must be able to act as a competent citizen, competent to judge for herself, to commit herself, not just to be a tool for others' interests etc. This idea of the necessity of private life protection in a democracy is defended strongly by Jürgen Habermas. Among other rights, private life protection is in an important sense not merely up to the legislator to decide, but rather a prerequisite for having a democratically elected legislator in the first place. This perception of private life is recognizable in the judgments of the European Court of Human Rights. Of course, Habermas' idea of 'private life' is not beyond criticism, and the line between the basic necessary protection (which in principle ought to be out of reach of the legislator) and the concrete details for which exactly the legislator is fit, is not clear cut and ready to use. For the present purpose, however, the interesting part is the advent of digital media and their adverse impact on private life: Firstly, the mere fact that we are communicating by digital media enable states and tech companies to gather, to get access to and to exploit private information from all the digitally communicating participants. By means of big data technology the information may be used for profiling, foreseeing and influencing decisions made by private parties, decisions regarding consumer behavior, voting behavior (constitutional behavior) and even genuinely private life behavior in relation to choices of way of living, mating etc. Secondly, digitalization of communication jeopardizes private life to the extent that states cannot or do not protect private life on the internet compared to offline protection. Possible violations of private life such as dissemination of nude and sex pictures and movies appears to be hard to prosecute, probably because of a mix of tradition (internet violation is simply

not conceived of as serious) technical problems (how to investigate online private life violations) and jurisdictional challenges. Similarly, unlawful attacks on reputation, which i.a. the ECtHR has specified falls under the protection of private life, appears to be difficult to prosecute. The challenges connect to the issue of anonymity (and other issues of freedom of expression). Anonymity may be conceived of as a necessary component of freedom of expression (ECtHR *Delfi v Estonia*) and as an obstacle for the necessary social life in a democratic society (ECtHR *SAS v France*). Obviously, anonymity thrives much easier on the internet, and to the extent that anonymity enables violations of private life, it must be considered 1) whether there ought to be restrictions on anonymity and 2) whether the intermediaries are or ought to be liable.

Oleg Bresky

New forms of democratic representation and participation

Digital progress leads to the formation of new types of representation and democratic participation. Representative democracy has a vulnerability in terms of genuine participation. The use of numerical technologies expands this kind of vulnerability and risks for real participation. The presentation considers such risks and participatory models including fake participatory and abuse of representation.