

A Report of "Computers, Freedom and Privacy 2000" Conference

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"Challenging the assumptions" was the theme of this year's 'Computers, Freedom and Privacy' conference (April 4-7). The tenth edition of CFP was held in Toronto and, as usual, it brought together professionals from a broad range of fields: computer scientists, lawyers, business, journalists, academics, NGOs and students.

Reversing the chronological order of things I start my review with the last session entitled "Ten Years of CFP: Looking back, looking forward", because it condensed and made visible two themes that underlie the feeling of this conference. The first has to do with a shift from 'whether the Net will be regulated' -a concern which prevailed in the first editions of CFP- to a concern with 'who will regulate it' -that dominated this year's conference. Adding to this point, Simon Davis (Privacy International) spoke of a struggle between 'us' (computer scientists, privacy advocates, etc) and 'them' (business and government). The second, has to do with the delicate balance between concepts such as freedom and privacy. How can we make them work together, and if they don't which should prevail?

These issues were dealt with in a variety of contexts that ranged from the 'domain name system', to children's rights, intellectual property, surveillance and technological determinism, amongst others [1].

Although the 'domain name system' and its regulation was a hot topic, after debating it for almost two mornings the only conclusion that one can arrive to is that it is a dead topic. On one hand, nobody seems to applaud the ICANN initiative for it resembles too much a political instrument; on the other, nobody can provide feasible alternatives [2]. Jerry Berman (Center for Democracy and Technology) summarized this position well when saying that ICANN should be concerned only with issues of management of the domain names. The rest, he said, should be in the hands of the government and the different organizations that lobby there. It goes without saying that the above mentioned government is the American one, and that the 'lobby groups' are also American.

Another hot topic, and the one that created the most heated discussion, was that of 'net filters' and children's rights. With two defendants and two opponents the panel on "Views of the Bertelsmann Foundation's self-regulation of internet content

proposal" was the best place to see the inextricabilities of the concepts of freedom and privacy. The proposal's supporters argued for the need to 'protect our children', for the self-regulating aspect of the proposal, and for the innocuous character of labeling devices. The opponents replied with the real danger of institutional use of these filtering systems as mechanisms of control (what happens when a website falsely self-rates itself?...), and with the global homogeneity of the filtering systems themselves because, in fact, there is no filtering system that, for example, has a category for media monopolies... Christopher Hunter (Annenberg School of Communication) brought up the danger of pushing idiosyncratic speech to the 'no-man's land' of the web and the subsequent homogenization of content. As it is, he said, 80% of the traffic goes to 5% of the sites.

An issue that the panelists did not question, but that is of the greatest importance, is that of giving unlimited power to parents to decide for their children. In countries such as the U.S. and Canada, where a 'zero tolerance' policy is already in place in schools it is urgent to consider if implementing filtering systems at home will not lead to the creation of children that are unable to deal with any situation that falls beyond the lines delineated by others and that lack a capacity for self-critical thinking. Besides, why assume that the Net is more powerful than any other media in perverting our children and that, therefore, there is a need for strict regulation?

On the theme of surveillance Duncan Campbell gave an excellent report on ECHELON. Campbell started off with a bit of history and argued that despite widespread belief ECHELON was not born out of the cold war. In fact, he said, the USSR never had a system like this or the ability to create it. The fact of the matter is that ECHELON is a product of our own Western society, it is designed to monitor global satellite communication (140 centers around the world) and it does so automatically. That is, 80% of what is intercepted is sent directly to the U.S. Its enemies are not single individual users that write 'dangerous' keywords in their email messages, rather, its enemies are hackers, NGOs, single lobby groups, et cetera. Campbell argued that current movements in favour of stronger security laws-such as the banning of anonymous web hosting in France-are used to increase surveillance.

Questions related to intellectual property (IP) and the adjacent legal systems were very prominent in this conference. Apart from the usual legal discussions there were two ways of approaching this issue that I believe are helpful to understand the broader social aspects of the enforcement of IP laws. The first was brought up by

Jessica Litman, a Professor at the Wayne State University. Litman highlighted the dangers of applying the traditional IP model to the new digital context. Discussing specifically the issue of piracy, Litman stated that the current IP model establishes a direct correlation between strong copyright models and the amount of works produced, that is, it implies that the more 'protection' the more 'production'. Using this kind of metaphor its proponents have managed to convince people that anything that has the same effect as piracy is indeed piracy, and that if the results of any practice are the same as piracy then it is also piracy. Litman argued that in order to change this situation we need to start using new metaphors that reflect a new reality. In order to do this we have to come up with a new vocabulary to replace the current one. Thus, rather than using words such as piracy or cybersquatting-which are heavily loaded words-we should use terms that are neutral in the eyes (and hears) of the majority of people.

The second point, which I think is important to mention, was brought up by Randall Davis (MIT). Davis affirmed that new technologies change our relation to information. To exemplify these changes Davis mentioned what happens to libraries when their contract to an online journal finishes. The library no longer possesses the previous issues, these were only there while there was a bond between both institutions. Thus, Davis argues, information becomes more an experience than an artifact.

It is then possible to take this argument a step beyond the immateriality of information, and note that the experience of information is based on a relationship: Information no longer resides in you or in me but in our connection, and this, I believe is crucial to the understanding of the so-called 'new digital society'.

The last point that I want to mention is that of the discussion regarding the non-neutrality of technology. Although many speakers addressed this issue, I will focus exclusively on Steve Talbott. Talbott, the publisher of the NetFuture newsletter, argued for the need to look beyond the immediate technological use, that is, to start by thinking about our (human) needs and concerns and then think of the technology. If you don't understand how the things are connected, he argued, then the cause of problems are solutions. Talbott argued that throughout our struggle for progress we seem to have lost track of our initial goals and purposes, and technological advancement became, in itself, a goal or even the goal. For example, we first wire up all the schools in the nation and only then think about how to use this technology. Or, we introduce notions of efficiency in realms-such as workplace-

that traditionally had much less numerical and statistical traits. Our freedom, says Talbott, resides in the capacity to think in larger terms, to leave behind the immediate and think about the future while keeping in mind our humanity.

Much more could be said about this conference, but as I finish I just want to mention one last problematic issue: diversity. This issue is double sided for, on one hand, this conference has the great merit of being diverse both in the range of issues dealt with, but also in the spectrum of fields. The presence of specialists both from the private and governmental areas, the presence of theorists and pragmaticians, of lawyers and journalists, et cetera is definitely a characteristic that makes many other conferences envious. But, by the same coin, this conference lacks diversity in attendees and realities. Most of the sessions dealt exclusively in a very North-American (if not American) reality which does not apply to most of the world. As an attendee from Spain put it, "in Spain we deal with much more basic and profound problems than the ones dealt with here". Also, the attendees were almost exclusively white and largely male.

But, personally, what bothered me the most was the widespread tendency to say 'consumers' or 'little guys' when referring to people. In a conference whose aim is to deal with privacy and freedom issues, and try to make these concepts part of the public awareness it strikes me that confining it to the realm of 'consumers' is not the solution. Rather, we should see these concepts as part of that which makes us human, as a right that everyone should and must have.

[1] Wired News published yesterday a summary of many of the panels of the conference: [<http://www.wired.com/news/politics/0,1283,35519,00.html>].

See also USA Today: [<http://www.usatoday.com/life/cyber/tech/cth671.htm>]

[2] A good, if impractical, solution was advanced by Simson Garfinkel, who proposed that we take all the meaning out of the domain name making it similar to a telephone number.