

# THE CONSTITUTION OF INFORMATION: FROM GUTENBERG TO SNOWDON

## CONFERENCE / WORKSHOP

**When:** May 28-29, 2015

**Where:** University of Toronto Faculty of Law

**Who:** Professors Lisa Austin and Ariel Katz, Principal Co-organizers, as well as other scholars and speakers TBA

**Co-sponsors:** Centre for Innovation Law and Policy, Faculty of Law, University of Toronto; Tel Aviv University, Faculty of Law

**Publication:** Theoretical Inquiries in Law

### **Description:**

The invention of the printing press and its rapid adoption throughout Europe towards the end of the 15<sup>th</sup> century had sparked several struggles over who controls the production, use, and dissemination of information. These struggles helped shaping many of our most important cultural, scientific, political, and legal institutions, including those lying at the heart of the constitutional order of the modern state. The scientific revolution, the emergence of the modern state and its gradual separation from the Church, freedom of expression and freedom of the press, intellectual property, and privacy, including search and seizure law, are only some of the institutions whose formation is closely connected to the printing revolution and information revolution that ensued.

This conference will focus on the current *digital* revolution, the current struggles over the control of the production, dissemination, and use of information, and how those struggles impact on our understanding and experience of traditional liberties, the rule of law, and constitutional rights, and democratic governance.

For example, the information age brings with it challenges to privacy, freedom of expression, freedom of association, democratic accountability, and freedom of information. Information is at once more available and more controllable than before.

Many of us have written about specific facets of these challenges from within our own diverse specialties in areas such as intellectual property, privacy, freedom of expression, health law, communication law, etc. Although these debates have arisen within specific legal contexts (defamation, copyright infringement, pharmaceutical regulation, search and seizure) many have also shared a concern for the role of various information intermediaries and the resulting complex private/public relationships.

This conference will bring together diverse scholars who have explored different aspects of information and communications technology on our basic rights and liberties and asks them to reach beyond their specialized conversations to take account of the bigger

picture: is the information age fundamentally reshaping our constitutional order? How should law respond? Our aim is to expand the scope of our understanding beyond how the law or discrete laws constitute information to the Constitution of information.

There is an ancient parable of several blind men and an elephant. In the parable, the blind men feel different parts of an elephant and then try to understand the sort of thing that an elephant is. Of course, the person who touched the head has a radically different response from the person who touched the tusk or the person who touched the tail.

This conference tries to bring the elephant into view.

Never has it been more important to take stock. The place of digital information technologies in society, and its intersection with all these issues, has been changing rapidly. The increasing role of user-generated content, the dramatic explosion of Big Data, the retreat of governments from collecting and processing some forms of information on the one hand, and the stunning revelations regarding surveillance by the NSA and other agencies (in the US and elsewhere) on the other hand, make it imperative that we understand the bigger picture regarding the nature of power and the nature of freedom in the information society.

[Theoretical Inquiries in Law](#), one of the most highly regarded peer-reviewed legal periodical will publish a special issue devoted to selected papers presented in this conference.