Technology, data and the law: post-pandemic responses

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Project Description:

This call is looking for research students interested in advancing critical scholarship on technology, data, law, regulation and governance with an eye on economic, political, philosophical and cultural effects. We are keen to supervise projects that analyse technology, data and law as interrelated sites of ideological production in post-pandemic contexts; as psycho-political phenomena (e.g. technological fetishism); as constitutive and trans-jurisdictional projects (e.g. promotion of personal data sovereignty *contra* formal State mechanisms and authority); and as philosophical and phenomenological objects.

Covid-19 has punctured the routine function, organization, integrity and normality of domestic and global governance. Responses to the "new normal" created by Covid-19 have included pivots by societies to the assurances, utility and range of personal devices (Bluetooth in smart phones for example) and more sophisticated systems, such as quantum computing, machine learning, artificial intelligence (AI), and facial recognition algorithms to track and trace the virus not through physical populations *per se* but through past, present and future populations of aggregated personal data. This places the integrity and enforcement of existing laws and regulations in jeopardy and has (re-)ignited debates between those who believe in unassailable rights to privacy that mitigate data extraction by government, and those who view restrictions on individual and civil liberties represented by a loosening of data protections a small price to pay for mastering and containing the virus, and determining what and where to go next. Despite the level of sophistication of the technologies used in the present moment compared with even recent systems for data capture and analysis, such as facial recognition software capable of identifying someone with a face mask, the debates and arguments concerning recent technological interventions are not new. This does not mean, however, that the policies and practices of lawmakers, nor the legal or political imagination grasps what is at stake from post-pandemic responses. Potentially, a research proposal might be based on unpacking and problematising the latter points.

Other issues relate to specific types of data regulation deployed in terms of post-pandemic responses. A new *de facto* governmentality of data or algorithmic governmentality is emerging from the Covid-19 crisis linked with "massification" of digital contact tracing implemented by several governments, ranging from authoritarian regimes such as China to liberal democracies such as France. Do the possibilities of post-pandemic algorithmic governmentality mean that liberal democracy regulations and authoritarian regulations will merge ever closer, as forms of neoliberal authoritarian or post-democratic global regulation?

But algorithmic regulation is not only carried out only by states but also by organizations such as Google, Apple, Facebook, and Amazon (GAFAM). From that perspective, what are the strengths of organizational regulation compared with state regulation? This is relevant for states that cannot control or impose norms to those organizations that shape data – two exceptions being the US with the GAFAM and China with its own digital corporate giants. Further, how are standard organizations deploying organizational digital surveillance of customers, operations and workforce – for instance, within the Deleuzian framework of societies of control – in response to the "new normal". This emergent *de facto* governmentality appears to legitimise if not legalise illegal practices of state mass surveillance as exposed by NSA whistle-blower Ed Snowden. So how does post-pandemic algorithmic governmentality relate to previous covert algorithmic governmentality? Potential research proposals might explore one or several of those sites of governmentality.

Methodologically, we welcome *conceptual* projects that deploy a problematisation of post-pandemic phenomena of technology, data and the law. We would also be open to *empirical* projects that employ relevant qualitative methodologies such as (but not limited to): documentary analysis, cultural analysis, media analysis or discourse analysis. Typically, a project could involve a comparative dimension and revolve around one or several case studies.

About the Supervisors:

Robert is the author of multiple books and articles analysing technology, data and law, including *Regulating Blockchain: Critical Perspectives in Law and Technology* (Routledge, 2018). In addition to significant supervisory experience, Robert has extensive expertise in terms of internationally excellent research in the areas corresponding to the areas of this PhD studentship proposal. Charles has substantial research expertise on the intersection of critical theory, critical management studies and political economy. This includes a focus on the articulation of power and resistance in organizations and neoliberalism – for example, in *Resisting Financialization with Deleuze and Guattari*. (Routledge, 2018). Charles has also relevant supervision experience in those areas.

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