

Call for Papers

JUNGES DIGITALES RECHT | YOUNG DIGITAL LAW 2022

Second conference on **22nd and 23rd of July 2022** in Hamburg (hybrid) under the topic:
Opacity or Transparency

The digital transformation is permeating all areas of life and encompassing all existing areas of law, without regard to traditional dividing lines between different fields and subdisciplines of the law. For the law and legal researchers - as for society as a whole - this development holds both opportunities and risks, which need to be addressed and overcome.

A wide variety of mainly AI and algorithmic systems and tools in many, if not all areas of our lives such as communication, medicine, transportation, lending or employment raise questions regarding their functioning. Some of these systems make decisions and predictions, which are often drastic or at least significant for the person affected. At the same time the processes of those systems are neither comprehensible to their users, nor to other individuals affected by them. This opacity around digital tools and products is shaped not just by the inaccessibility of technological knowledge and the complexity of such systems, but also by external conditions such as the private, corporate structures of the companies that develop and operate many of them.

As a result, and with a view to the acceptance of such systems and their conformity with the foundational values of human rights and democracy, demands for their increased comprehensibility, explainability and transparency are ever-present. Such demands in turn raise even more questions about the scope, meaning and goal of a notion like transparency: is it a value in itself that should guide all systems or is it merely a tool to prevent adverse impacts in especially sensitive contexts? Does more transparency counteract the benefits of such systems? What (and whose) purpose does transparency serve? How do the EU-legislation or initiatives contribute to answer these questions? And in turn: in which constellations does opacity, transparency's counterpart, actually hold value – for example by protecting data, by preventing an informational overload, by structuring interactions or even by ensuring due process?

The networks' second conference therefore focusses how asymmetries in the availability of information and knowledge are addressed, negotiated and justified in, through or even against the law of digital transformation. A – **non-exhaustive** – list of potential questions around the topic of Opacity or Transparency encompasses questions such as:

- What could be a contemporary interdisciplinary understanding of the Terms “opacity” or “transparency”?
- How do concepts of transparency relate to digitized and/or automated decision-making, both public (e.g. court proceedings and administrative decisions) and private (e.g. digital platforms and the corporate power structures of tech companies)?

- What are emerging trends within different areas of National and European Regulation in requiring or incentivising the transparency or opacity of digital systems?
- How should the digitization of court proceedings across different subdisciplines of law be regulated and utilized? Can those changes ensure court proceedings will still be public and transparent?
- Do the terms “opacity” and “transparency” have to be interpreted differently across the legal disciplines and court proceedings? Do criminal and administrative proceedings have to be more transparent than civil proceedings?
- How can we assess, measure and implement transparency requirements towards governance actors to make lasting improvements to technologies instead of a culture of transparency-tokenism?
- How does the concept of transparency relate to regulating digitized economic sectors such as the financial, transport or employment sectors?
- Is there a right to comprehensible decision-making when it is digitalized and/or automated? When should a duty to explain decision-making arise?
- Is there a duty to explain (legal) automation to a certain extent? If yes, how should “explainability” be designed? And for whom should and can it be designed?
- How can concepts of access to information, reproducibility of the decision-making process and counterfactual reasoning be combined to design “transparency” and “explainability”?

Against this background, the research network 'Young Digital Law' calls for abstracts on these, and other questions from **all fields of law**. The conference will be held in both English and German. Abstracts, presentations and the finished contributions may be submitted in both languages. We plan to publish the finished contributions in a conference transcript (participation is voluntary). We are happy to answer questions relating to the conference or this call via the Email address provided below.

Submission Information

Contact: junges-digitales-recht.jura@uni-hamburg.de.

Format: Word (.docx) or .odt document of max. 500 words

Deadline: ~~31. January 2022~~ **28. February 2022**

Call for Organizers

Do you want to take over the conference planning at your university in 2023? And are you an international, diverse and interdisciplinary team? Then get in touch with us by **15 May 2022** with the subject line "Team 2023".

About Young Digital Law

Junges Digitales Recht | Young Digital Law sees itself as an open research network. It contributes to a jurisprudential-collaborative science that does not view future technologies and law in isolation from the social conditions that shape them. For this, our disciplines should no longer be seen as dividing lines, but as "contact zones" for intradisciplinary communication. The Young Digital Law wants to lay the foundations of a new self-understanding for the exchange at these contact zones for researchers of the coming generation of scholars. The future of legal science in the digital society belongs to cooperation. Only in this way will it be possible to find and illuminate new, goal-oriented paths in the ramifications of the increasingly networked world of the digital age.