ESIL Interest Group on International Law and Technology
Pre-Conference Workshop
Annual Conference of the European Society of International Law
Aix-Marseille University, Aix-en-Provence
30 August 2023, 13.00-18.30 CEST

Is Fairness in Digital Governance a Trap?

Contemporary legal and policy discussions around the social and political implications of algorithmic decision-making and digital governance have increasingly revolved around an aspiration for 'fairness'. While this aspiration may seem at first sight to be a relevant ideal for both law and technology in digital governance, there are political and distributive implications at stake in taking fairness as a given, especially when left undertheorized. The language of fairness is used by a multiplicity of actors in global digital governance, and thus serves a wide variety of purposes, from the normalization and stabilization of problematic practices, to attempts at constraining them. This workshop will try to unpack the various facets and functions of the language of fairness - and adjacent ideals such as 'ethical,' 'transparent' or 'human-centric' digital technologies - in digital governance.

The language of fairness has taken on very different meanings with different stakes at hand in both *governance of technology* and *governance by technology*. If fairness is, in itself, a pluridimensional concept within the international law discipline, the epistemic disconnect between the different communities involved in digital governance may further translate in different characterizations and meanings attributed to the concept of 'fairness' which may or may not be reconcilable. In taking a critical view towards 'fairness' in discussions of international law and digital governance, we are interested in exploring those stakes in this workshop.

Registration
To attend this workshop, **please register** via Aix-Marseille University's registration site:
https://www.esilaix2023.fr/register

Time and Location

Date: Wednesday 30 August 2023
Time: 13.00-18.30 CEST
Place: Room 0.25 (building Portalis), Aix-Marseille University
Format: Hybrid

Programme

13.00 – 13.15: *Welcome* by ESIL Interest Group on International Law & Technology coordinators

13.15 – 14.45: *Panel 1: Content Moderation & Procedural Fairness*

Discussant(s): Stefania Di Stefano & Barrie Sander

1. 'Procedural Fetishism in the DSA'

Rachel Griffin, PhD Candidate, Sciences Po Law School (online)

2. 'Curb Your Enthusiasm: Why Europe's Digital Reforms May Not Become a Global Standard'

Moritz Schramm, PhD Candidate, Humboldt-University of Berlin, Faculty of Law (online)

3. 'Public Values and Private Reasoning - An Interrogation of Meta Oversight Board's Decisions in the Indian Sexual Harassment Case and the Zwarte Piet Case'

Anita Gurumurthy, Executive Director, IT for Change
Malavika Rajkumar, Project Associate, IT for Change
Merrin Muhammed Ashraf, Research Assistant, IT for Change

4. 'Procedural Fairness in Algorithmically Mediated Society: The Place of the Marginalized?'

Dorothea Endres, PhD Candidate, Graduate Institute of International and Development Studies (in person)
Luisa Hedler, PhD Candidate, Copenhagen Business School, Department of Management, Politics and Philosophy
Kebene Wodajo, Senior Research Fellow, University of St. Gallen, Institute for Business Ethics (in person)

14.45 – 15.00: *Break*

15.00 – 16.30: *Panel 2: Global Digital Inequalities & Marginalized Communities*

Discussant(s): Rebecca Mignot-Mahdavi & Dimitri Van Den Meerssche

5. 'Data Colonization in the Globalized World: A Perspective From India'

Pratiksha Ashok, PhD Candidate, UC Louvain, Faculty of Law (online)

6. 'Digital Health Governance: ASEAN and Digital (In)Justice?'

Tsung-Ling Lee, Assistant Professor of Law, Taipei Medical University, Graduate Institute of Health and Biotechnology Law (in person)

7. 'Proactiveness as Fairness: International Collaboration in the Face of Emerging Technologies'

Michal Saliternik, Assistant Professor, Netanya Academic College School of Law (in person) (paper co-authored with Sivan Shlomo-Agon)

8. 'Algorithmic Fairness for Asylum Seekers and Refugees: Fairness Conceptualized Across Law, Sociology and Public Perception'

Francesca Palmiotto, Postdoctoral Researcher, Hertie School (online)

William Hamilton Byrne, Assistant Professor, University of Copenhagen, Faculty of Law (in person)

16.30 – 17.00: *Break*

17.00 – 18.30: *Panel 3: Placing Fairness in Ethics & History Discourses*

Discussant(s): *Roxana Vatanparast & Thomas Kleinlein*

9. 'Moving Beyond 'Fairness'? Where Has 'Legalizing' the Ethics in AI Debate Really Taken Us'

Neli Frost, Post-Doctoral Global Fellow, NYU Law (in person)

10. 'Spontaneity and the Right to Self-Determination in the Age of Algorithmic Security'

Henning Lahmann, Assistant Professor, Leiden University Law School (online)

11. 'From Automata Guardians to AI Judges: The Debate on Fairness, Law and Technology in Medieval Europe and Nowadays'

Ekaterina Markovich, PhD Candidate, University of Turku, Faculty of Law (in person)

Polina Ignatova, Post-Doctoral Researcher, Linköping University, Department of Culture and Society (in person)

12. 'Living in a World of Fairness: Some Reflections on the Cybernetic Dimension of Fairness'

Raphaël Gellert, Assistant Professor, Radboud University, Faculty of Law (in person)