(Virtual) P10 / Public Policies for Digital Risks: A Comparative Policy Analysis

Topic : COMPARATIVE PUBLIC POLICY

Chair : Sivan-Sevilla Ido (University of Maryland)

Second Chair : Shawn Janzen (University of Maryland)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

This panel proposes to comparatively investigate and explain the way public policies are designed and enforced for governing societal problems associated with digital technologies. We seek to develop a comparative understanding on the extent to which traditional public policy theories can explain the policy gaps and failures witnessed in this space. We are also interested in understanding whether digital risks require new forms of governance or should we acknowledge that empirical observations point to the same-old public policy challenges.

The exponential creation, flow, storage, and use of digital information is rapidly affecting individuals, nations, and societies. They face increased risks to cybersecurity, privacy, discrimination, bias, and manipulation aspects, that undermine individual rights, risk our infrastructures, alter democratic principles, and can sway social order. These pressing issues, however, have been mostly studied by sociologists, law scholars, computer scientists, business researchers, and media experts. These problems have received only little attention from public policy & administration scholars, or from political scientists interested in public policy. Consequently, we are curious if this attention deficit allows for a lack in theoretical models that can explain some of the alarming public policy failures of our time. Puzzles include, but are not limited to, questions such as:

Why do very few corporations control most of the digital space (Hill, 2020)? Why has the tech industry's self-regulation culture persisted? Why do cyber threats and data breaches keep expanding without an effective public policy response (Siboni and Sivan-Sevilla, 2018)? How can we explain the narrow framing of privacy vis-à-vis other policy objectives in the policy process (Regan, 1995; Sivan-Sevilla, 2018)? How come platforms have nearly no liabilities for the content they facilitate (Lee, 2020)? Why have the blunt violations of European data protection laws by the digital advertising industry are not leading to significant enforcement (ICO, 2019; Sivan-Sevilla, 2020b)?

On one hand, creating public policies for digital risks may seem like a unique governance challenge. The fact that data is an increasingly important commodity (e.g. Cohen, 2016), the argument goes, changes the way traditional policymaking should work in this space. For instance, digital policy issues can cut across various institutional policy settings, with a wide variety of regulatory ideologies, in ways that are threatening traditional administrative boundaries (Sivan-Sevilla, 2018; Zanfir-Fortuna & Ianc, 2018). Expertise is almost exclusively in the hands of the regulated instead of the bureaucracy and political institutions. Regulated entities hold intimate knowledge about their networks and services, with certain private intermediaries (e.g. cloud services, vendor-controlled platforms) becoming increasingly important governance actors. This requires government officials to find the delicate balance between relying on market forces and intervening for the public interest. Jurisdictional boundaries are also barriers to national policymaking. Governing problems that arise from technologies that are global in nature requires a response that is sometimes beyond the reach of the regulator. This creates tension and introduces friction in governance efforts (e.g. EU-US data transfers, GDPR implementation in the EU, the inability to address global cyber threats).

On the other hand, empirical observations on the creation of public policies for digital risks show that traditional mechanisms are in fact in play, such as the politics of harmonization in the EU (Sivan-Sevilla, 2020a), path-dependency in policymaking (Sivan-Sevilla, 2018), significant private lobbying impact (Atikcan and Chalmers, 2019), or ideational institutionalism (Seidl, 2020). So perhaps the same old traditional drivers for public policy can still sufficiently explain policy outcomes in this space?

CALL FOR PAPERS

We invite papers seeking to advance research on the drivers of public policy outcomes (or non-outcomes) to govern digital risks, focusing on the political dynamics, interest groups, institutional dynamics, and ideational

theories. We encourage papers that adopt a comparative approach to policy analysis (Peters and Fontaine, 2020) and seek to explain any kind of policy variation over time, across nations, or among sectors. We specifically do not want to limit papers to investigate a certain policy level and welcome research on the municipal, state, federal, or supra-national levels of policymaking.

Despite our desire to promote public policy theorization for issues of digital risk, we are open to papers from various disciplines (law, sociology, anthropology, business), as long as their unit of analysis is some aspect of a public policy ecosystem. Papers can adopt a wide variety of theoretical perspectives and methodological approaches to explain what leads to certain outcomes over others.

Our goal is to start and build a research network of scholars that are interested in risks associated with digital technologies and aim to understand drivers for public policy outcomes, highlighting different trends and approaches of policymaking over digital issues. We hope to create a culture of fruitful exchange of ideas that would take us one step closer to a more empowering digital world to live in.

References

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Session 1 [afternoon preference]

Tuesday, July 6th 16:30 to 18:30 (Virtual 31)

(Virtual) Multidimensional Preferences for Regulating Self-Driving Cars. Evidence from a Conjoint Experiment conducted in the US, Japan, and Germany

Sebastian Hemesath (Carl von Ossietzky Universität Oldenburg)

Markus Tepe (Carl von Ossietzky Universität Oldenburg)

(Virtual) The privacy vs security dilemma: government access comparative policy analysis

Takanobu Sato (Waseda University)

Meryam Azar (Tokyo University of Foreign Studies)

(Virtual) Politicization of Artificial Intelligence: Who drives the Political Debate?

Nicole Lemke (University of Geneva)

Philipp Trein (University of Lausanne)

Frédéric Varone (University of Geneva)

(Virtual) INTERNATIONAL GOVERNANCE OF TRANSBORDER DATA TRANSFERS: TOWARDS A COHESIVE SYSTEM?

Tatiana Heim (University of Twente)

(Virtual) Beyond risk regulation regimes: varieties in governing automation and algorithmic risks in the public sector

Regine Paul (Max-Planck-Institute for the Study of Societies, Köln, Germany)

Emma Carmel (University of Bath)