Editorial

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Biographical notes: Maria Bottis is an Attorney-at-Law and an Assistant Professor, School of Information Science and Informatics, DALMS, Ionian University She is an Honours graduate of Athens Law School (graduated first of class). She is a holder of an LLM degree (Cambridge Law School UK) an LLM degree from Yale Law School and a PhD degree from the University of Athens. She was appointed Faculty Fellow at Harvard University, Center for Ethics and the Professions (2000–2001). She is appointed as the Director of INSEIT (2014–2018). She has authored and edited 15 works (books-monographs). She is also the author of more than 80 Greek and international publications on computer and information law/ethics, data protection, digital divide, library ethics, privacy medical/health law and others. She is the founder of the International Conference on Information Law and Ethics (ICIL) series.

This issue contains a selection of papers from the 6th International Conference on Information Law and Ethics which took place in Thessaloniki, Greece in the spring of 2014. The conference centres on the legal and ethical aspects of the management of information, in its widest possible sense, unconnected to the medium via which information is being transferred. In this sense, let me start with quoting from our keynote speaker in ICIL 2014 Emilios Christoudoulidis' wonderful paper, first in this issue, on the meaning of information:

> "…Something registers as information only if it happens to 'surprise' expectations. There is no information without such element of surprise, no information, that is, unless the 'new', information-bearing event, grafts itself onto the existing structures of meaning. This grafting underwrites the path-dependency structures of meaning…"

Quite tightly connected to this view on information, the ICIL conference also follows Luciano Floridi's wonderful description of the history of information, a history which does not start with digital technology, or even with the printing press; a history which starts actually with history itself. Permit me to quote here a fascinating little passage from Floridi (2010):

> "…History is actually synonymous with the information age, since prehistory is the age in human development that precedes the availability of recording systems. Hence, one may further argue that humanity has been living in various kinds of information societies at least since the Bronze Age, the era that marks the invention of writing in different regions of the world, and especially in Mesopotamia. Comparing the computer revolution to the printing revolution would be misleading not because they are unrelated, but because they are actually phases of a much wider, macroscopic process that has spanned millennia: the slow emergence of the information society since the fourth millennium BC."

Floridi is, of course, not the only one to have detected what the real history of information is about. Rafael Capurro, a leading information ethics scholar, founder of the International Centre for Information Ethics, has long time ago started the description of the field of information ethics at the very beginning: with the ancient Greek civilisation, when «παρρησία», freedom of speech in the ancient Greek Agora was absolutely essential for democracy and where also freedom of printed works first originated. For the information ethics world, it seems that the field originates at a time where technology was, modernly speaking, practically non-existent.[1]

With these ideas in mind, we are happy to present here the work of some of the scholars who presented their papers in ICIL 2014.

I will begin with Emilios' Christodoulidis paper. Christodoulides tests the famous relationship between information and democracy and finds it, at times, even antithetical:

> "There is no natural correlation between lifting the barriers (to information) and empowering people. Instead, there are key considerations and moves of a strategic nature that in each case decide the optimal balance, so that we are not left with the nonsense of celebrating openness ..in situation ..wheresyndicalists are granted the right to organize industrial action only when they have taken extensive steps to minimize its impact…".

But this is not the only crucial point in Christodoulides' paper. We may already know that in many cases, information about people may make people not act out of fear and this, in its turn, may very well hinder democratic processes (Mitrou, 2009). What is novel and very eloquently described is that democracy needs *a certain pace of time* for information to travel and become meaningful for its recipients, so that they can form their own opinions also upon it. And democratic and deliberative political processes have to be slow enough to allow a solid will formation. And in our days, this time and this slowness just does not exist. Our society has proven too dynamic for this end, too quick for its own good. In this sense, the law that blocks or frees information must be wise enough so as not to lower barriers to information so much so as to lead to the collapse of the political space, as Christodoulides so wonderfully explains.

Continuing with Atina Krajewska, we are delighted to host of the most original papers we have seen on the relationship of information technology law with the developing global health law system. Krajewska compares the development of information law with global health law and sees how digitalisation of information has affected and should affect in the future global health law. It is difficult to underestimate how crucial it is for us to understand these processes, at a global level, as hard as this is; besides, as she artfully lays in the beginnings of her paper, there is much to gain from this comparison, on the basis of constitutional laws which have international dimensions.

Marinos Papadopoulos, on copyright, proposes "a bipolar system of copyright in the internet environment". As he notes, "…efficient control of the use of p2p network technology is not possible without outright banning the technology altogether or without severe drawbacks with regard to monitoring and privacy…". In attempting to offer a solution to this standard puzzle which intellectual property law has been as yet unable to solve, Papadopoulos proposes a levy or a tax on products and services used for file-sharing. His detailed explanations and justifications on how this could be done certainly add important aspects in this ongoing discussion.

On intellectual property again, Björn Coene, with his article 'Calibrating intellectual property: let's not get lost in metaphysics' reminds us immediately of the famous phrase by Justice Story in 1841. Justice Story said, in a phrase that every intellectual property

law scholar knows, that "[p]atents and copyrights approach nearer than any other class of cases ... to what may be called the metaphysics of law, where the distinctions are, or at least may be very subtle and refined". But Coene is not happy with this; he doesn't accept it. So many other researchers also do not, and have tried to rescue a legal field, where logic, science, is supposed to found its fundamental tenets, from something as evasive, as fine, as metaphysics. Not that this is always possible. Coene wants (or dreams of) intellectual property rights burdening "certain perceptible things with *ergaomnes* working 'intellectual servitudes' which grant the right holder a power over a particular slice of the possible perceptible acts concerning these perceptible things". Lets follow him in his travel towards intellectual property rights seen as servitudes; we certainly are to gain.

Titti Mattsson follows with her delicate paper on informed consent and data protection for patients in Sweden, 'Collecting data for quality improvement and research in Swedish health care, and the individual patient's right and ability to protect their privacy'. Usually we see Sweden as a model country for social rights; we would expect to see the same high protection for patient individual rights, such as the right to data protection. As Mattsson notes, "…Sweden has unique opportunities for quality registers because it has comprehensive population registers and unique personal identification numbers. Sweden has a tradition of maintaining national, individual-based registers...". Mattsson shows us that there is a lot to ameliorate in the way Sweden collects patient data. In her conclusion we read: "…this legislation (on data collection) allows for registering information about incapable persons without enough guidance for the health personnel how this will be done…". When this lack of guidance relates to elderly and incapacitated persons, as Mattsson describes, we are evidently before a case where the highest sensitivity from the part of the legislator is warranted.

Alessandro Mantelero's paper, 'Children online and the future EU data protection framework: empirical evidences and legal analysis' offers us a clear view of the various problem we encounter in order to protect a part of the vulnerable, due to their age, citizens of our information society. The paper is founded upon solid empirical evidence, namely upon a number of empirical studies on teen online behaviour, conducted in Europe and in other countries, as well as upon a recent survey conducted by the author. It follows that the paper is in line with ICIL's 'wish', not only that we base our conclusions upon scientific evidence and surveys, but also, on the importance of the psychological aspects of dealings with information.

Iliana Araka, Nikos Koutras and Elisa Makridou continue with their brilliant paper on open access repositories and their role according to academia's perspective in Greece. Yet, this paper examines the concepts of creation, use, reuse and management of open educational repositories in the context of Greek college education and their relation to freedom of teaching. For this purpose, a survey was conducted based on online questionnaires that were distributed to all academic instructors throughout Greece. On one hand, the results of this survey demonstrate the crucial role of open access repositories regarding Greek college education and, on the other hand, their positive effect on freedom of teaching. As Araka et al. state "In all societies, Greek included, teaching methods are crucial for the role they play in terms of well-educated personality and effective citizen formation. The use of open educational content within teaching in Greece can be the basic means which will further assist educational process as an alternative educational method." Hence, it is evident that access to information leads to knowledge and knowledge is power therefore the concept of open access repositories

clarifies that education should be keep up with technology beyond traditional modes of teaching.

We hope this issue will satisfy researchers and scholars who, like us, we dare say, "do not want millions, but for an answer to their questions", to quote another famous phrase from Dostoyevsky's 'Brothers Karamajov'. I am personally in heavy debt to Professor Niloufer Salvadurai, Chief Editor for the journal, for her kind invitation to me, to edit this issue. I hope this collaboration will continue, as ICIL does; we need to publish the great works of our colleagues in this magnificent journey in our science we were blessed to embark on.

Notes

1 The Field [online] http://www.icie.zkm.de/research (accessed 15 September 2015). On the history of information ethics see http://icie.zkm.de/research. I repeat here the observations I made in 'Law and Information: a Love-Hate relationship', TEKMHRION, Ionian University Press, 2012 (pp.187–200) [online] file:///C:/Users/Maria/Downloads/articles_2012_02%20(1).pdf (http://bottis.ihrc.gr).