

Perceiving the “conceptual deficit”: effective policy for the Information Age

Helen Picard

M.Sc. in Interactive Digital Media

Supervisor: Donal O’Mahony

2016

Abstract

This essay argues that major events in the development of the Information Age, which commenced with Claude Shannon in 1948, can be understood only by looking at the exceptional nature of the shift in the use and application of information. The “conceptual deficit” posited by Luciano Floridi underlies the surface level debate of the 1990s and 2010s “Crypto Wars”. This in turn reflects a paradigm shift to the hyperhistorical phase of the Information Age, defined by our dependence on information not merely as a product but as the means of production and life in the modern age. The nature of this dependence is what distinguishes us from Claude Shannon’s paradigm where information was neutral and ideally devoid of meaning. This shift, reflected for example in the blurred lines between smartphones and computers, has rushed ahead of legal infrastructure which still relies on legacy concepts in formulating policy.

This paper analyzes the history of the 1990s and 2010s Crypto Wars and recent flashpoints such as the 2016 FBI-Apple dispute and the United States Senate’s proposed Burr-Feinstein Bill concluding with the American case of *Riley v. California* to demonstrate that policy coherence can only follow conscious recognition of the conceptual deficit and the related boundaries appropriate to the hyperhistorical age.