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RETHINKING THE INTERNAL MARKET OBJECTIVE IN THE LIGHT OF OPEN ACCESS AND OPEN INNOVATION

May 10, 2019
Università Europea

Roberto Caso
University of Trento
Faculty of Law
LawTech Group



GARY OLDMAN
IS WINSTON CHURCHILL

DARKEST HOUR

Caso - Open Science - Roma - 2019

FROM THE MIGHTIEST BRITISH OF ALL TIME

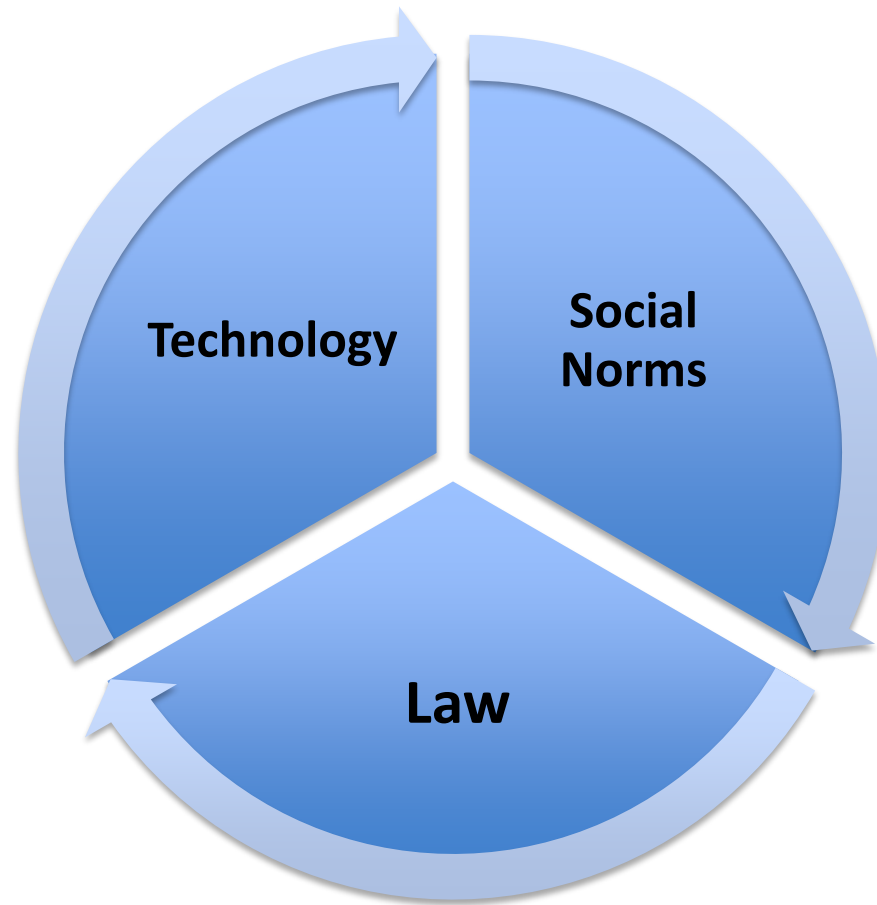
Main arguments

- **Shift from democratic to authoritarian science.** While science has progressed thanks to public dialogue, the current evaluation system is centered on private information control
- **A less democratic society.** The transition from the rule of the law to the “governance by numbers” well describes the crisis of Western democracy (Alain Supiot)

Outline

1. Democratic science, public dialogue and intellectual property
2. Private information control and authoritarian evaluation of science
3. Open Science as public and democratic science

Methodology



1

Democratic science, public dialogue and intellectual property

The Way We Were



Science and democracy

Robert K. Merton



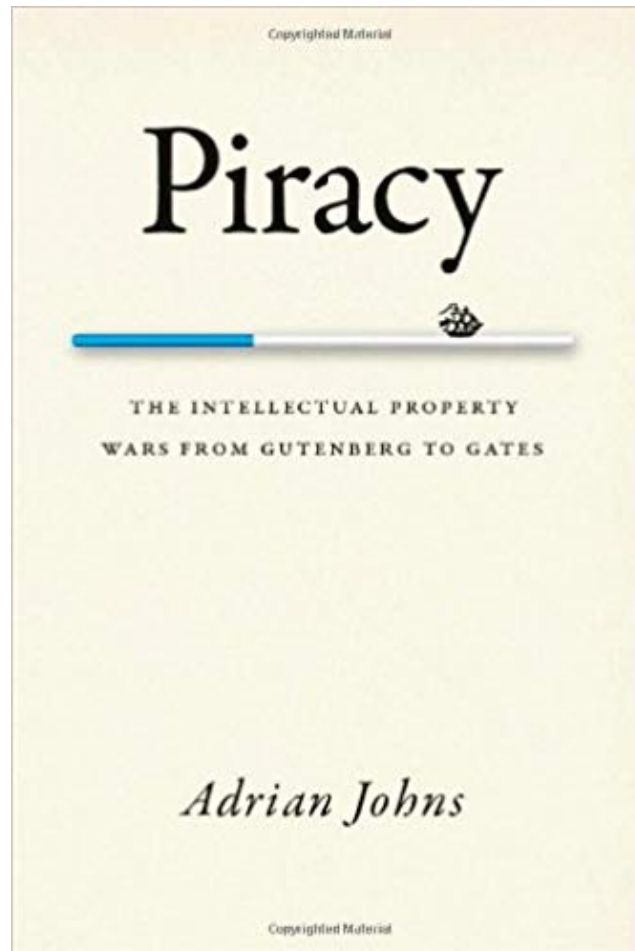
Michael Polanyi



Some important similarities

- Norms of science are informal
- There is a tension between the esteem for consolidated knowledge and its criticism
- Scientific dialogue is public

Adrian Johns



Maria Chiara Pievatolo



Bollettino telematico di filosofia politica

Overlay journal of political philosophy

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Una scienza senza qualità

Ottobre 2018 | Maria Chiara Pievatolo | Leave a comment



DOI 10.5281/zenodo.1469848

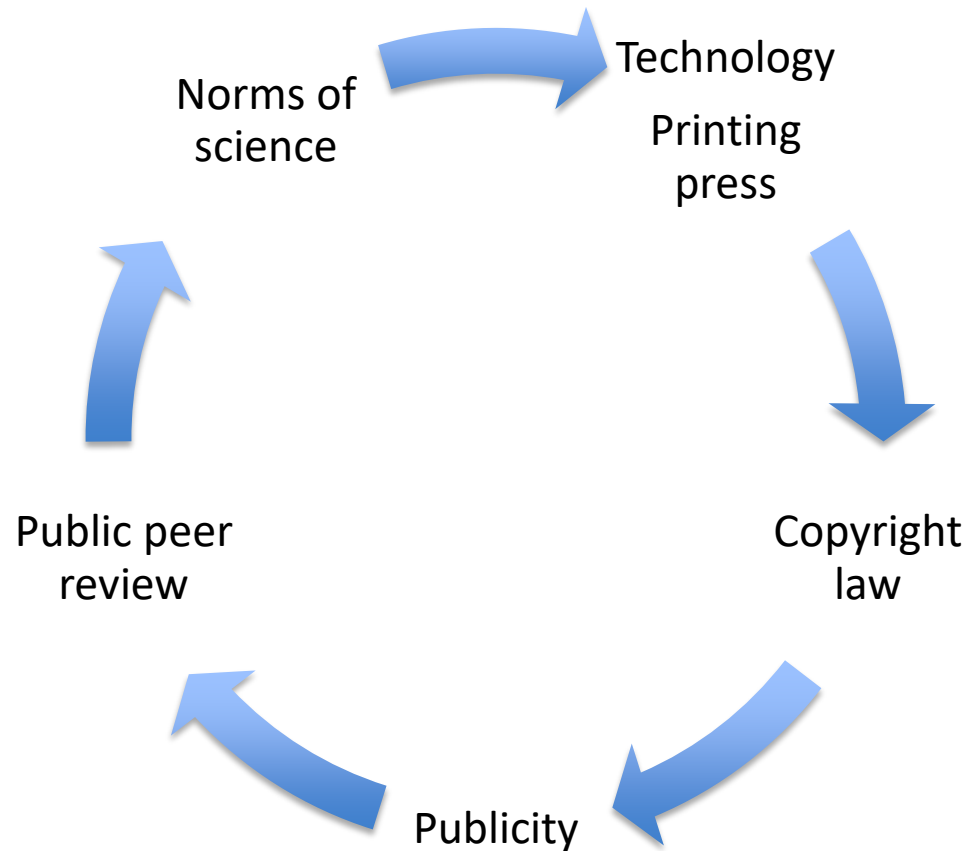
Quantità e qualità: un confronto impossibile?

Mauro, in un articolo recente, critica così la valutazione quantitativa della ricerca ispirata ai principi del *new public management* :

Articoli recenti

Dissonanze: Giuseppe Valditara e valutazione dell'università e della ricerca
M.Galletti, S.Vida, "Libertà vigilata: una critica del paternalismo libertario"
Cinquanta sfumature di giallo: le società scientifiche ai tempi della valutazione di stato
Hannah Arendt: una teoria politica "a-morale"
Una scienza senza qualità
Agorà o museo? Una proposta di

“Academic copyright” and publicity



2

Private information control and authoritarian evaluation of science

Monsters University: be competitive!

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Max Weber: “Science as Vocation”, 1918

- “Of late we can observe distinctly that the German universities in the broad fields of science develop in the direction of the American system. The large institutes of medicine or natural science are '**state capitalist' enterprises**' [...]”
- “Thus the **assistant's position** is often as precarious as is that of any '**quasi-proletarian**' existence and just as precarious as the position of the assistant in the American university”

Alain Supiot: Governance by Numbers

Governance by Numbers - Introduction

1. From Government to Governance
2. The Dream of Harmony by Numbers
3. The Unholy Union of Capitalism and Communism
4. The Limits of Governance by Numbers
5. The Decline of the State
6. The Abuse of Work
7. From the Decline of the Law to New Ties of Allegiance

Governance by Numbers

Presentation



Governance by Numbers by Alain Supiot is the title of a book published in 2015, and based on two lecture series given at the Collège de France, "From government by laws to governance by numbers" (2012), and "Figures of allegiance" (2013).

The film "Governance by Numbers" gives an overview of the book in the form of an extended conversation, divided into seven illustrated chapters. As Supiot's complex thinking on the history of Law and on modes of human government unfolds, we come to understand how law, like the arts and sciences, has always structured the human imaginary, which

is the true link between the real and the ideal, and the substratum of civilisations. However, Supiot argues, with the disappearance of the industrial imaginary, we have entered the era of the cybernetic imaginary, which revives the West's age-old dream of grounding social harmony in calculations. Repudiating the goal of governing by just laws, this new discourse advocates in its stead the attainment of measurable objectives efficiently. This leaves no option open to populations or countries than to ride roughshod over social legislation, and pledge allegiance to those stronger than they are. "Governance by Numbers" is a hard-hitting indictment of the Total Market and the normative uses of economic quantification, and a powerful pedagogical tool for understanding the subtleties of the law, the failings of the European Union, and the shockwaves of institutional change which are transforming our epoch.

GOVERNANCE BY NUMBERS

A Conversation with Alain Supiot

*A film proposed by Philippe Petit
Directed by Cyril Bérard*

*Production - Fondation Hugot of the Collège de France
Production Manager - Florence Terrasse-Riou*

*Executive production - Betavita
Executive Producer - Cyril Bérard*

Eugene Garfield



Metrics and private information control



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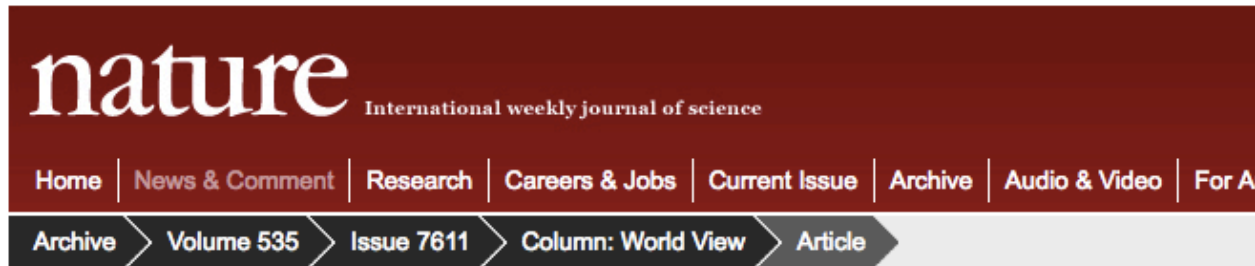
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Biagioli, Nature, 2016



nature International weekly journal of science

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Archive > Volume 535 > Issue 7611 > Column: World View > Article

NATURE | COLUMN: WORLD VIEW



Watch out for cheats in citation game

The focus on impact of published research has created new opportunities for misconduct and fraudsters, says [Mario Biagioli](#).

12 July 2016



PDF



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When scientists misbehave, the culture of 'publish or perish' is often blamed. Some researchers cut corners, massage data and images or invent results to secure academic papers and the rewards that come with them. This is rightly regarded as misconduct. But there is a new class of bad behaviour — one that is driven by a related but different pressure: 'impact or perish'.

3

Open Science as public and democratic science



Double identity



Open Science: a new hope

- Open Access publications
- Open Data
- Much more than this...

European Union



EU Open Access, Open Science policy

- FP7; H2020
- Recommendation 2012/2918
- EUOSC
- OpenAIRE; Zenodo

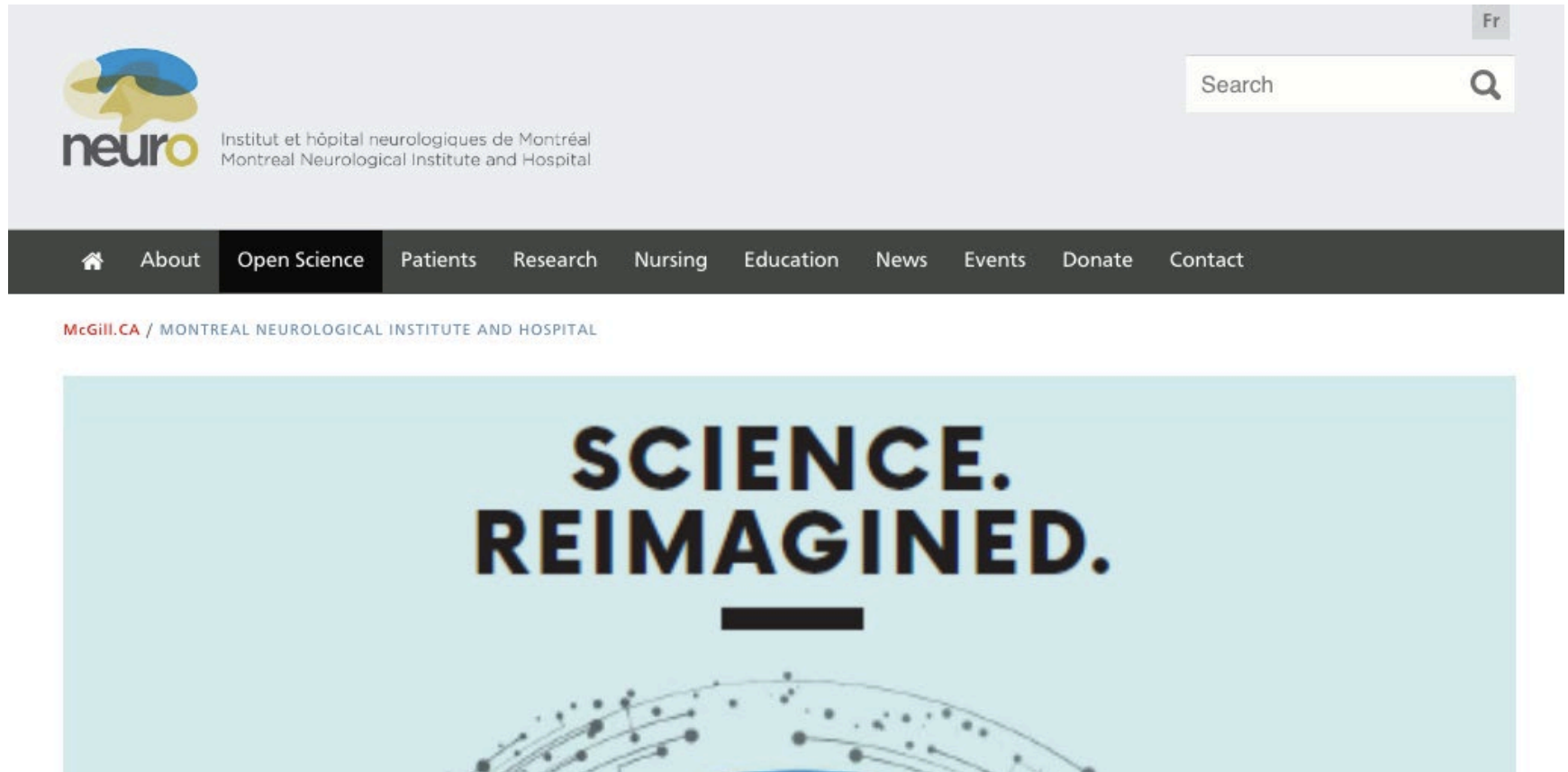
Open Access/Open Science/Open
Innovation

Open Access/Open Science

≠

Open Innovation

McGill, CIPP, MTL Neuro Institute (MNI) Tanenbaum Open Science Institute



The image shows the top portion of a website. At the top left is the logo for 'neuro' with a stylized brain icon. To its right is the text 'Institut et hôpital neurologiques de Montréal' and 'Montreal Neurological Institute and Hospital'. In the top right corner, there is a search bar with the text 'Search' and a magnifying glass icon, and a small 'Fr' language selector. Below this is a dark navigation bar with a home icon and the following menu items: 'About', 'Open Science', 'Patients', 'Research', 'Nursing', 'Education', 'News', 'Events', 'Donate', and 'Contact'. Below the navigation bar is a light blue banner with the text 'SCIENCE. REIMAGINED.' in large, bold, black letters. At the bottom of the banner is a decorative graphic of a network of nodes and lines.

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Montreal Neurological Institute and Hospital

Fr

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**SCIENCE.
REIMAGINED.**

MNI, five principles

- 1. Share scientific data and resources MNI researchers will render all positive and negative numerical data, models used, data sources, reagents, algorithms, software and other scientific resources publicly available no later than the publication date of the first article that relies on this data or resource.

Gold, 2016

 OPEN ACCESS

COMMUNITY PAGE

Accelerating Translational Research through Open Science: The Neuro Experiment

E. Richard Gold 

Published: December 7, 2016 • <https://doi.org/10.1371/journal.pbio.2001259>

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Abstract

Introduction

Definition

Enhancing Partnerships

Allowing for Knowledge

Abstract

Translational research is often afflicted by a fundamental problem: a limited understanding of disease mechanisms prevents effective targeting of new treatments. Seeking to accelerate research advances and reimagine its role in the community, the Montreal Neurological Institute

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Elsevier Acquires SSRN

By **ROGER C. SCHONFELD** | MAY 17, 2016
6 COMMENTS

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Elsevier acquires bepress, a leading service provider used by academic institutions to showcase their research

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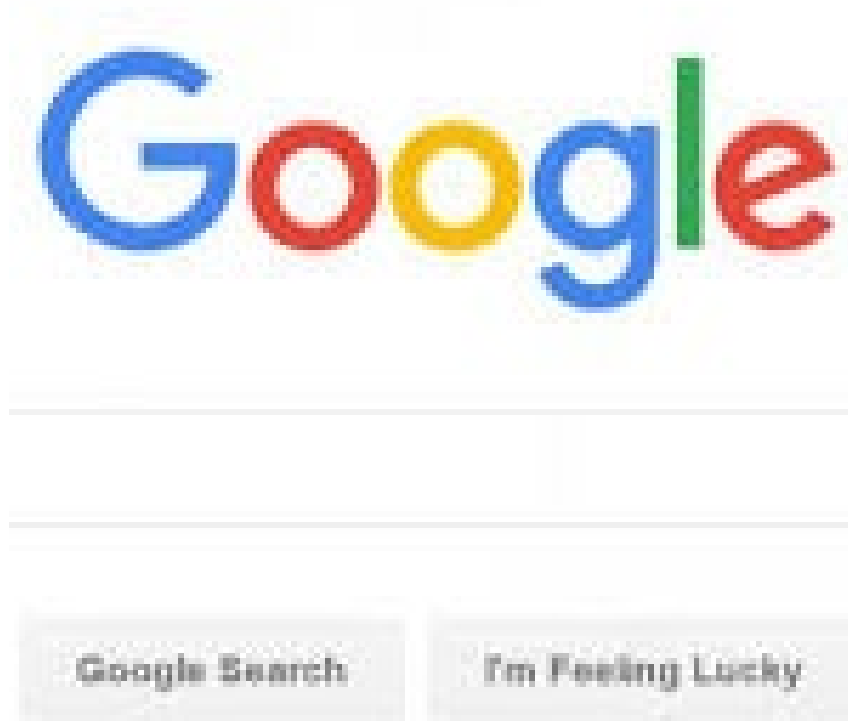
Publishers take ResearchGate to court, alleging massive copyright infringement

By **Dalmeet Singh Chawla** | Oct. 6, 2017, 5:47 PM

Sabina Leonelli



Data control



Values and principles

Open Science may help hindering the centralization of evaluation powers only if it becomes aware of the fact that, in the digital age, it has become the heir of all the values and principles that public science has traditionally fostered in the analogic age

Aaron Swartz “Legacy” 2006



Legacy, 2006

“So what jobs do leave a real legacy? [...]

But one good source of them is trying to do things that change the system instead of following it. For example, the university system encourages people to become professors who do research in certain areas (and thus many people do this); it discourages people from trying to change the nature of the university itself.

Naturally, doing things like changing the university are much harder than simply becoming yet another professor. But for those who genuinely care about their legacies, it doesn't seem like there's much choice”.

Thanks!

Open Access papers

R. Caso, Il diritto d'autore accademico nel tempo dei numeri e delle metriche, Trento LawTech Research Paper nr. 36, Trento, Università degli studi di Trento, 2018

<http://hdl.handle.net/11572/210960>

R. Caso, The Darkest Hour: Private Information Control and the End of Democratic Science, Trento LawTech Research Paper nr. 35, Trento, Università degli studi di Trento, 2018

<http://hdl.handle.net/11572/208881>

R. Caso, L'ora più buia: controllo privato dell'informazione e valutazione della ricerca, in Rivista Critica del Diritto Privato, 3/2018, pp. 383-418

working paper presentato alla conferenza AISA “La scienza come ignoranza degli esperti ed il governo del numero”, Università di Pisa, Pisa, 16 marzo 2018,

Zenodo: <https://zenodo.org/badge/DOI/10.5281/zenodo.1202200.svg>

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<http://www.lawtech.jus.unitn.it/>

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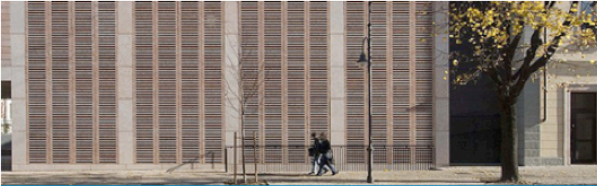
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Trento Lawtech Seminars 2011

The program in progress of the Trento Lawtech Seminars 2011 edition is now available


COMING NEXT

February 3, 2011 – Presentation by Roberto Caso, [Dal libro all'e-book: crimini e misfatti del diritto d'autore](#) [From the Book to the E-Book: Crimes and Misdemeanors of Copyright], Politecnico-Università degli Studi, Aula Magna Università degli Studi, via Po 17, Torino.

February 9, 2011 – Presentation by [Giovanni Pascuzzi](#) and [Paolo Guarda](#), La cybersecurity degli altri: appunti di diritto comparato [The Cybersecurity of [View all](#)

PUBLICATIONS

[Matteo Ferrari, THE LIABILITY OF PRIVATE CERTIFICATION BODIES FOR PURE ECONOMIC LOSS. Comparing English and Italian Law](#), in Journal of European Tort Law 2010, Volume 1, Issue 3, pagg. 266-305



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AISA: aisascienzaperta.org



AISA

Associazione italiana per la promozione della scienza aperta

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Pisa, 16 marzo 2018: “La scienza come ignoranza degli esperti ed il governo del numero”

Publicato il 26 febbraio 2018, aggiornato il 5 marzo 2018 da [Maria Chiara Pievatolo](#)

“Science is the belief in the ignorance of experts.”
Richard Feynman, 1966

16 marzo, ore 10.30-13

Giuseppe Longo (Centre Cavallès, CNRS-ENS; Graduate School of Cell and Developmental Biology, Tufts University), *La scienza come ignoranza degli esperti ed il governo del numero*

Reti per mettere in contatto la diversità e potenziare le singolarità *oppure* per produrre effetti di “campo medio”? Dinamiche della conoscenza in rete, nuove ed adattive, dai limiti mobili, *oppure* appiattimento normato su standard identici? Nella società, la “*governance* by numbers” impedisce il “*governo*” che dovrebbe risultare dall’interpretazione e dal dibattito nell’agorà. In scienza, il senso dei limiti e l’interpretazione dei dati contribuiscono alla novità del sapere. Le scelte vanno fatte ora, prima che Big Data non interpretati, dimostrabilmente ricchi di “correlazioni spurie”, l’immensa audience in rete di tweets senza senso e di articoli scientifici solo “main stream”, uccidano politica e scienza.

Roberto Caso (Università di Trento), *L’ora più buia: controllo privato dell’informazione e valutazione*

Cerca ...

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[Pisa, 16 marzo 2018: “La scienza come ignoranza degli esperti ed il governo del numero”](#)

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