**Response to**

**‘Law as a User: Design, Affordance, and the Technological Mediation of Norms’**

Truc Huynh

Purdue University Fort Wayne

(4 February 2022)

“Law as a User: Design, Affordance, and the Technological Mediation of Norms”, by Lawrence Diver expresses a concern in “the technological mediation of law (TM(law)) did not match the technological mediation of reality (TM(reality))”. The author also advised technological artifacts can be better anticipated and guided by legislators, regulators, and legal practitioners so that they can be more compliant by design. The paper also points out that legal norms are not “nearly as powerful as we might suppose when operating in the technical context”. I agree with the author's idea that human privacy cant be violated because of copy-right rules (law is undermined by designer).

Overall there are there point that the author wants to point out:

* The power imbalance between law and architecture (by designer)
* Help avoid conceptual and definitional problems evidence in the legal literature on affordance.
* Encouraging designers can foster better evaluation during their design process

1. **The mediation of law did not match the technological mediation of reality**

I believe the message that the author wants to deliver for us is “the mediation of law did not match the technological mediation of reality”

As a software engineer and a human, I agree with the author's point of view. The designer should not use their infrastructure design to gain their advantages. Moreover, the law must protect both sides: designer and end-user (3).

According to the author, designers tend to design things to their advantage and undermine the law. In this statement, I partially agree with the author. In my opinion, end-user also need to know their right and learn best practices to protect themselves.

The laws are written to protect the people. If we do not fully understand our rights (understand the technology), we can’t defend ourselves. In my opinion, technology laws get are improving daily. For instance, the Sony BMG copy protection incidents led to industry reforms in the area of computer privacy. This is a perfect example of “Affordances are therefore not objective physical properties of the artifact, but rather they arise on-the-fly through the relationship between it and a particular user, as governed by those properties” (Laurance Diver, 2018).

In the Sony BMG copy protection case, Sony deploys a rootkit onto the customer’s PC. That, later on, was exposed on the client’s PC because this software was in the form of a rootkit that opened the door for other malware to infiltrate computers unseen as well (Sony’s rootkit was proved undetectable by anti-virus and anti-spyware programs at that time). This caused a revolution in cybersecurity since malware is introduced largely to the public and a revolution on computer privacy.

1. **What are affordance and dis-affordance:**
   1. **Affordance:**

The relationship between an artifact’s design to a particular user is known as affordance. Individual affordance can be both positive and negative (James Gibson, 1966)

* 1. **Dis-affordance:**

The subjective misapprehension as to the existence of the relationships where the users misinterpret the information that they believe there to be a relationship between them and the artifact when in fact there is none (Laurance Diver, 2018).

1. **What is Technology mediation:**

The relationships of users and artifacts are those of perception (what the users think they can do with the artifact) and those of action (what they can do with it). Technological mediation is the ongoing construction and manipulation of these two relationships by and through artifacts.

According to the author, our civil law was taking a lot of time to form up as now. I agree with his metaphor, digital artifacts need time to mature.

1. **The relationship between affordance and mediation:**

Affordance can be seen as the underlying building block of mediation. Affordances are not fixed attributes of an artifact. They are the relations between particular artifacts and particular individuals in particular contexts. The author also mentioned, “the affordance is an extant fact while it persists, but affordances change and mutate constantly in response to the evolution of their various ingredients” ( Laurance Diver, 2018).

**Reference:**

Laurance Diver(2018) Law as a User: Design, Affordance, and the Technological Mediation of Norms. Retrieved from https://script-ed.org/article/law-as-a-user-design-affordance-and-the-technological-mediation-of-norms/

James Gibson, The Ecological Approach to Visual Perception (Classic Edition, New York: Psychology Press, 2015), p. 119 (emphasis supplied). The concept originated in Gibson’s The Senses Considered as Perceptual Systems (Boston, Mass.: Houghton Mifflin, 1966)

Gibson, supra n. 4, pp. 133–134; Norman, supra n. 5, pp. 11–12. (3)