World Academy of Science, Engineering and Technology
International Journal of Information and Communication Engineering
Vol:2, No:8, 2008

The Role of the Ethnos of Intellect in Legal and Informatical Observation of "Information Society"

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Open Science Index, Information and Communication Engineering Vol:2, No:8, 2008 publications.waset.org/15797/pdf

***Abstract*—**By the end of XX century in the structure of humanity some changes have been provoked: a new ethnos - Ethnos of Intellect is formed and is still being formed, beside the historical types of ethnoses: open ethnos, closed ethnos, wandering ethnos, dead ethnos, - and this event was caused by the technical progress, development of informational and transport communications, especially - by creation of Internet. The Ethnos of Intellect is something very close to the „Information Society" described by J. Ellule and Y. Masuda that was regarded as the culture of XXI century, being an antithesis for technical and technicistical civilizations, but it's necessary to indicate also the essential difference between these concepts: the Ethnos of Intellect is the antithesis of Socium. The existence of such an ethnos within human society that has already become an Information Society itself is extremely important in observing legally and informatically a new kind of reins in the hands of the political power, revealing every attempt to violate the human rights of simple citizens. A concrete example of some conjunction points of legal informatics and informatical law in a certain kind of ambiental studies of the project "State Registre of Population" in Russia is very eloquent.

***Keywords*—**Culturology, Legal Informatics, Sociology of Groups.

I. Introduction

BY the end of XX century in the structure of humanity some changes have been provoked: a new ethnos – *Ethnos of Intellect* is formed and is still being formed, beside the historical *types of ethnoses*: *open ethnos*, *closed ethnos*, *wandering ethnos*, *dead ethnos*, – and this event was caused by the technical progress, development of informational and transport communications, especially – by creation of Internet.

The Ethnos of Intellect, ethnos existing without any territorial boundness but non-wandering, consists of persons with a high energetic potential that are defined in the vertical structure of human society (*Egos*, *Kin*, *Socium*, *Ethnos*, *Cosmos*) to be the Persons of Ethnos (the *professions of Persons of Ethnos*: *actors*, *artists*, *musicians*, *scientists*, *writers*…, or – the people who collect, generalize and transform the experience of their own ethnos into systems of concepts, making it available for each member of this ethnos) [1]. The Ethnos of Intellect is formed by those Persons of Ethnos that are able to belong to overnational, overethnical unity because their activity has a high degree of freedom from their mother--languages, it is equally successful both within the borders of *native ethnos – genetic*, *energetic* either *mental*, and outside of it. The mentioned condition is fulfilled if the system of concepts used by a person of ethnos is an overnational phenomenon as in case of the painter, in contrast to the system of concepts used by the specialist of Georgian philology that is a language-object of national meta-language. The members of Ethnos of Intellect contact each other using in case of necessity the newest communications facilities, and even if they haven't formed any territorial or social communities, the ethnos still exists, exists because of the very high energetic potential of every carrier of energy that determines the enormous coefficient of stability. Within the borders of this ethnos itself the powerful joint projects are created, from an interdisciplinary scientific investigation to a piece of synthetic art.

Analyzing the *activity compounds of the Ethnos of Intellect* as a group: *technical culture* ("This that needs to be done", that is based on the realistic approach to the reality, activating the Adult part of personal structure), *group etiquette* ("This that must be done", that is based on the classicistic approach to the reality, activating the Parent part of personal structure), *group character* ("This that we want to be done", that is based on the romantic approach to the reality, activating the Child part of personal structure) [2], it's possible to make suppositions about sociodynamics of this ethnos. Its *group etiquette* has to be formed yet, it is still an ethnos without established habits, traditionally prescribed rules, in other words, it develops during a free improvisation process. From the point of view of the author, this property is only an advantage.

The point about such important property of the social group as *vitality* seems to be extremely important in case of Ethnos of Intellect. Having analyzed all aspects of this property: *physical vitality*, *ideological vitality*, *effective vitality* – and taking into account the factors of *private structure*, *individual structure* and *organizational structure* of the given ethnos [1, 2], it's obvious to conclude that the private structure and the individual structure of Ethnos of Intellect are very rigid (the super-high energetic potentials of particular energo-carriers result in a stability coefficient of this ethnos – much higher than the same coefficient of any other ethnos, as even the problem of *'to belong or not to belong'* isn't determined either territorially or genetically, but only energetically), what guarantees its great ideological vitality and, also, the great physical vitality. The effective vitality requires a corresponding level of organizational structure of the group that is connected, in its own turn, with the compactness; the highest level of compactness of Intellect Ethnos is evident from the very beginning: the aim, the purpose of being of this ethnos as a group is the constructive creative work that is accomplished always with a maximum concentration and

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energetic explorations, so, the vitality of Ethnos of Intellect proves itself to be extremely high.

What about the philosophical concept, the Ethnos of Intellect is something very close to the '*Information Society'* described by *Jacques Ellul* and *Yoneji Masuda* that was regarded as the culture of XXI century, being an antithesis for *technical and technicistical civilizations* [3, 4]. Their opinion makes it appropriate to think that the mentioned authors have supposed something like Ethnos of Intellect but it's necessary to indicate also the essential difference between these concepts: the Ethnos of Intellect is the antithesis of Socium (the members of Socium are meant to absorb and distribute the undesirable trends of dehumanization, technological determinism, alienation, …, the most principal characteristic of modern culture crisis – the total distribution of mass culture happens also upon the persons of Socium), and because of it the final establishment and development of Ethnos of Intellect will be the angle-stone for a large-scale distribution of values of individuum culture, turning the general crisis of culture a thing quite possible to overcome.

O. Spengler had determined the XX century as a period of death of European culture and its degradation to civilization but there wasn't appeared and there isn't appeared any *ethnical culture* (*monoethnical*, *biethnical*, or, at least, *poliethnical*) that will accomplish the next *cycle of birth*, *development*, *crisis* and *death*. Now, it means admissible to regard the omni-ethnical, overethnical Ethnos of Intellect as the ethnos ready to bear the Culture of Intellect that will receive the heredity from European culture after the final degeneracy of the latter. As it is said in France, '*Le Roi est mort, vive le Roi* !'

In any case, the Culture of Intellect is a goal of the activity of Ethnos of Intellect and, simultaneously, is the result of this activity. Because of it, it's very interesting to see what an importance may be given to the existence of such an ethnos within human society that has already become an *Information Society* itself, or - the society with its most significant economic and cultural activity of creation and distribution of information and with information exchange as the most essential part of its social development.

The *Information Society* that creates *an informational civilization*, is intended to use all the new and even all the future technologic facilities for the better accomplishment of its goals. Besides, there's the serious trend from the Governmental organs of all countries (naturally, the Governments consist of persons of Socium) to consider Internet, for example, a comfortable instrument for social monitoring and permanent control of all citizens (one of the widest discussions about the argument, both in the field of jurisprudence and from technological point of view, the Convention "E-Privacy-2008" that had place in Florence /Italy/, May 9-10, 2008, was dedicated to the actual and future problems of privacy in digital era: digital communities and data retention, evolution of social control, anonymous communication and publication of the information, civil rights watch in the Net, etc.; the sharpest critique is developed in [5, 6] and directs the attention towards the serious peril of such advanced perspectives for the normal *modus vivendi* of normal *Homo Sapiens*). In the today's conditions of informatical inequality, digital divide, etc., namely the members of Ethnos of Intellect result both the persons who have the access to information, that is, - to the news in the field of the Governmental initiatives, and the persons who are competent to investigate the innovations, determining if ever and how they do violate human rights of simple citizens. So, their correct sense of citizenship (even if they are the members of over-political unity) is extremely important in observing legally and informatically a new kind of reins in the hand of the political power.

All the more, this observation is needed for the countries where the corresponding legislation isn't elaborated yet (for example, in European Union there are [7, 8], etc., at least), as the question there is even not to defend the privacy of a single citizen but to defend his most primary rights – those to live and to survive, literally. The Government is going to make a system's surveillance in order to reveal the violations of norms by the citizens, but, as Giovenal said, "*Quis custodiet ipsos custodes*"?

There is a concrete example of some conjunction points of legal informatics and informatical law in a certain kind of ambiental studies of the project - "Государственный Регистр Населения (ГРН)", that means the "State Registre of Population" [9], and that is discussed very strongly in Russia [10, 11]. This project is offered by the Ministry of Communications of Russia and it is only one of the versions for a huge electronic database that in the nearest future will contain all the anagraphic traces of every single Russian citizen.

In a democratic society it would be a normal behaviour to make all the stages of such project on the "e-state" creation as transparent as possible. In general, even the program codes, they have to be available for the citizens, and the presence of a corresponding software architecture and infrastructures is very important. However, the specialists that have examined the abstract architecture of this software, speak about a multi-agent structure, moreover, about the evident principal of the given programme agent in the real world and some kind of a self-organization of agents [12].

According to the most elementary definitions, "agents are entities within an environment… they can sense and act… Agents are not isolated entities… they are able to communicate and collaborate with other entities" [13]. "A software agent is a piece of software that acts for a user or other program in a relationship of agency… The concept of an agent provides a convenient and powerful way to describe a complex software entity that is capable of acting with a certain degree of autonomy in order to accomplish tasks on behalf of its user" [14]. "Agents generally – and including some software agents – have the ability to learn and to reason, logically or otherwise. They may discover facts and rules about the world or about others and may assess and argue these truths and may alter their ontology" [15].

So, while agents in general do possess such properties as autonomy, reactivity, persistence and social ability, intelligent software agents have also the ability to adapt and the ability to learn. What about the definition of a multi-agent system, it is "a system composed of multiple interacting intelligent agents. Multi-agent systems can be used to solve problems which are difficult or impossible for an individual agent or monolithic system to solve… The agents in a multi-agent system have

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several important characteristics: Autonomy - the agents are at least partially autonomous; Local views - no agent has a full global view of the system, or the system is too complex for an agent to make practical use of such knowledge; Decentralization - there is no one controlling agent (or the system is effectively reduced to a monolithic system). Typically multi-agent systems research refers to software agents. However, the agents in a multi-agent system could equally well be robots, humans or human teams. A multi-agent system may contain combined human-agent teams. Multi-agent systems can manifest self-organization and complex behaviors even when the individual strategies of all their agents are simple" [16].

All the more, the multi-agent system that includes into its own structure the data-mining agent will be extremely capable in controlling all the data on Earth available for this system as: "A data mining agent is a software program built for the primary purpose of finding information efficiently. It is a type of intelligent agent that operates in a data warehouse and does the actual dirty work involved in finding sometimes less than obvious relationships between different pieces of data. This type of agent is able to detect major trend changes, as well as detect new pertinent information. If a new piece of information is found, the agent will generally attempt to alert the end-user of the new information" [17].

Knowing all potential consequences of the mentioned conditions in theory and knowing all real manipulations over information of the nearest and farthest past in practice, one has to imagine some service supplied by some provider possessing the right to be a rightful representative of some person other than provider and controlled by some controller other than provider. For example, the concrete version of the controller being the person that the service in question being a rightful representative of some other person concludes the contract with, is quite probable.

Even more problems in comparison with civil cases seem to be foreseen for the field of administrative law, because of its complicate, detailed differences (responsibility, plenipotentiarity, rightfulness etc.) related with electronic administrative regulations and not - with electronic commercial ones. The citizens' request of exclusive treatment and use of passports program on the computers that belong to the State instead of that of hosting-providers is just one, maybe the most important example, but there do exist also birth certificates, residence certificates and so on [12, 18].

The proposal of a solution introducing a new notion "programme person" and offering to discuss the relations of agenting is able to find a strong resonance among the population. All the more, in the existing Russian reality of a total transgression of tributary legislation (*volens-nolens*), for example, there's no actual necessity to defend the rights of obedient citizens respecting the law, - the "State Registre of Population" could be used simply to reveal practically all the economically active population, examining the sum of taxed rents and that of expenses of the given citizen, that would obviously have catastrophic results [12]. One more assumption, on the bases of the experience of an other post-Soviet republic having had the *coup d'état* twice in the post-Soviet period and passing now through the situation of a possible third *coup d'état*, - if such an event happens there in Russia, the repressive actions of a new government will be facilitated much more with the help of information technologies, extremely, if this will be a multi-agent electronic universal registre of the whole population.

So, it's indispensable to revise the software architecture and to precise the conditions of agenting, in order to make the "State Registre of Population" of Russia really a project leading to the democratic "e-state" creation, and such an operative and active reaction from the population of Russia itself (first of all – Russian programmers and jurists) expresses the real importance of members of Ethnos of Intellect in representing the *avant-garde* of every population within the Information Society.

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