

Law of Networks

Drawing Manual for The Law on Information

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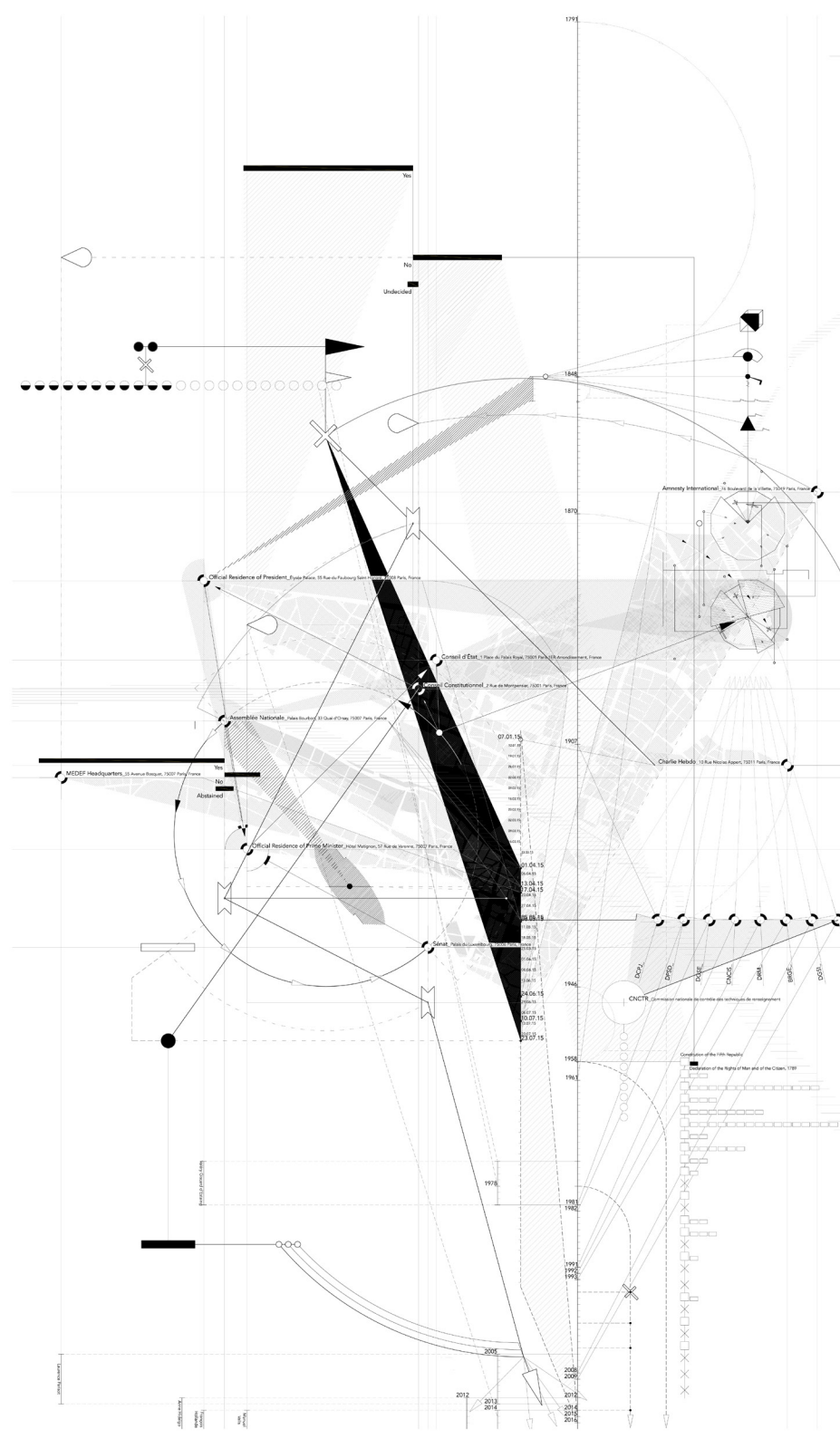
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Overview

Having identified a legal programme for the project, an analysis of the French legal system was undertaken. In this way, it was hoped that I would gain a better understanding of the issues that face the system with regard to new, potentially illegal activities, made possible by the internet.

As a constantly evolving entity, it is difficult for a legal system, based on a principle of Civil Law, whereby a code of law is recorded and amended, but with which, every Judge must comply on every case that they here, to keep up. The system, structured in its nature, is not suited to a force which can provides new ways of breaking and evading the law.

Three cases were selected. Each was chosen to offer a new perspective on French law, and to highlight different forms that a legal system might take, as well as to identify an additional systems which may influence or be involved in the process of law making and enforcement.



Case One: Law on Information

This case revolves around the process of amending the existing legal code in response to new challenges faced by the French government. It looks at how laws of online surveillance were changed in the wake of the Charlie Hebdo attacks.

The purpose of this booklet is to explain the drawing made in response to the Law on Information case. It is important to note that the drawings are not intended as architectural elements or proposal, merely a graphical representation of the examples of the French Legal system.

Therefore, for each example, the case is described in three ways. The first way is in explaining the research behind the drawing, highlighting, as "case notes" the key dates, events and relationships. Secondly, the drawing is broken down into its constituent layers, so as to highlight the events and characters as they appear in the drawing and to explain the construction and process of making. The third section for each drawing is a key, identifying the more conceptual actions of the drawings, for example, how our way of seeing and interpreting the law has shifted as a result of the evolution of the internet.

The third section, it is hoped, will created ways in which these drawings, drawings which are essentially of relationships and systems, can be translated into architectural strategies for a proposal in Marseille.

Case Notes

Law on Information

07.01.15_Charlie Hebdo Attacks

At 11:30 local time, Saïd and Chérif Kouachi, forced entry into the offices of Charlie Hebdo in Paris, the French satirical newspaper. They killed 11 people and injured 11 others in the building and a Police officer outside the building.

01.04.15_Law on Information

A bill is proposed to increase the rights of the government with regard to surveillance without the prior permission of a judge. The process is fast tracked in response to the attacks.

13.04.15_ Manuel Valls Speech

French Prime Minister, Manuel Valls defended the law in a speech. Following this, an opinion poll was taken.

63% were in favour of restricting civil liberties in order to combat terrorism.

However, 33% said they were opposed to the proposed legislation.

Following this, the proposal was debated for three days in the National Assembly.

05.05.15_The National Assembly

The National Assembly approves the law which will allow intelligence gathering powers by the government on French Citizens, with a large majority of 438 out of 526 votes in favour of the proposition.

The bill is supported primarily by the Socialist Party, the current ruling party, and the UMP, led by the former President Nicolas Sarkozy.

However, much opposition comes from activist groups, business leaders and journalists. They base their objections of vague language, which allows interpretation to a dangerous degree with regard to privacy and human rights.

06.05.15_Hollande's Pledge

As a response to objections, the president, François Hollande, pledges to submit the legislation to the Conseil Constitutionnel, who regulate and oversee the passing on new legislature.

04.06.15_Passed at the Senate

The law goes to the Senate, where it is passed. The law sets out the legal framework within which eight French intelligence agencies can gather information.

It also creates a new regulative body, the Commission nationale de contrôle des techniques de renseignement, CNCTR. It is a nine person committee, led by the Prime Minister, that will oversee the surveillance operations. It has the power to refer concerns to France's highest administrative court, the Council of State (Conseil d'État).

23.07.15_Conseil Constitutionnel

The Conseil Constitutionnel review the legislation. They decide to uphold the law, with three amendments required before the law comes into effect. These amendments include the prohibition of intercepting overseas communications.

Some aspects of the law went into effect immediately. Other provisions were implemented by decrees at later dates.

Layers of the Case

Law on Information

The following pages demonstrate the stages in which the drawing was made, so as to individually explain the layers of the drawing. The explanation is broken down into three parts:

1. The base of the drawing - Time, World Geography and City Geography

These elements create the first layer of parameters upon which the rest of the drawing is made.

2. The fixed elements - Legislation, Institutions and Organisations and Systems of Government

Each fixed element has its own place in time, and all institutions and organisations have a geographical location. For example, the Charlie Hebdo offices, have a street address in Paris, and is linked to a weekly time line to show its involvement in the case.

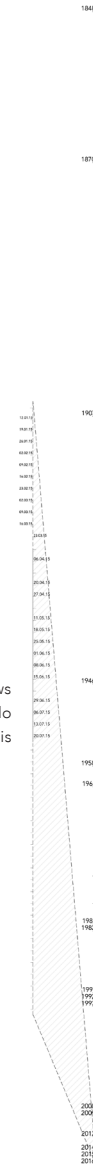
3. The process of passing the legislation - The Charlie Hebdo Attacks, Law Proposed, Manuel Valls Speech and Vote, National Assembly, The Senate, Amnesty International, Conseil Constitutionnel.

This section documents each stage of the process, broken down by date.

For each of the stages highlighted in their own drawing, each of the elements within them have been described. Additionally, where elements have been used to generate a form, but were not included in the final piece, they have been shown in pink.

Time

Yearly time line, showing only the key dates which relate to the case, starting in 1789, which the French Constitution was first written, and dating until now.



Zoomed in weekly time line. The period of time shown in this time line shows the year in which the new legislation was passed, dating from the Charlie Hebdo attacks up until the beginning of 2016, when the legislation is fully in effect. It is related back to the yearly time line by the hatched area.

World Geography

A mercator projection of the world map is shown in pink. This provides a base to the drawing, using latitude and longitude lines to locate certain places geographically. The world map and the latitude and longitude numbers were later removed for clarity.

France is hatched, to show its location, in reference to the rest of the world.

Latitude and longitude grid retained on the final drawing so as to make reference to the world map.

City Geography

The Seine, shown to given the Paris map scale and location.

Map of Paris. This map is used to locate the city scale organisations and institutions relevant to the case. Each point has its own location based on its street address.

Legislation

This layer deals with the history of the French Constitution which was updated in the wake of the Charlie Hebdo attacks.

The Constitution of the Second Republic, 1848 - 1852

The yearly time line shows the key dates on which the Constitution was rewritten, as a result of new government or war.

The Constitution of the French Republic, 1789 - 1848
The Constitution of the Second Republic, 1848 - 1852

The Constitution of the Third Republic, 1870 - 1940

The curves show the evolution of the Constitution between the date it was first written and the date it was abolished.

The Constitution of the Fourth Republic, 1946 - 1958

The current Constitution, The Constitution of the Fifth Republic, was written in 1958. Since, then it has been in a constant state of updating and amendment.

The rectangular elements describe the structure of the current constitution. There are 27 sections, of which 10 have been removed since its first draft, shown as crosses. The filled rectangle shows the piece of legislation which was amended throughout the course of this case.

1848

1870

1946

1958

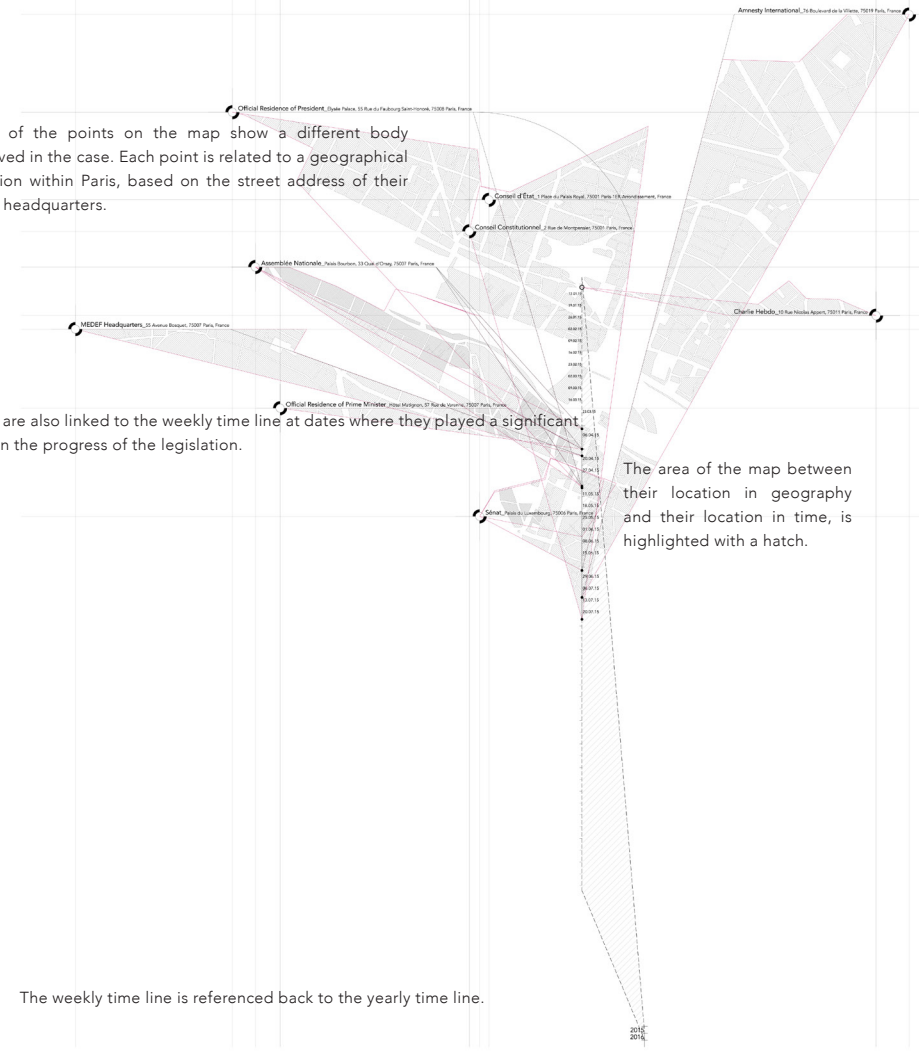


Institutions and Organisations

Each of the points on the map show a different body involved in the case. Each point is related to a geographical location within Paris, based on the street address of their main headquarters.

They are also linked to the weekly time line at dates where they played a significant role in the progress of the legislation.

The area of the map between their location in geography and their location in time, is highlighted with a hatch.

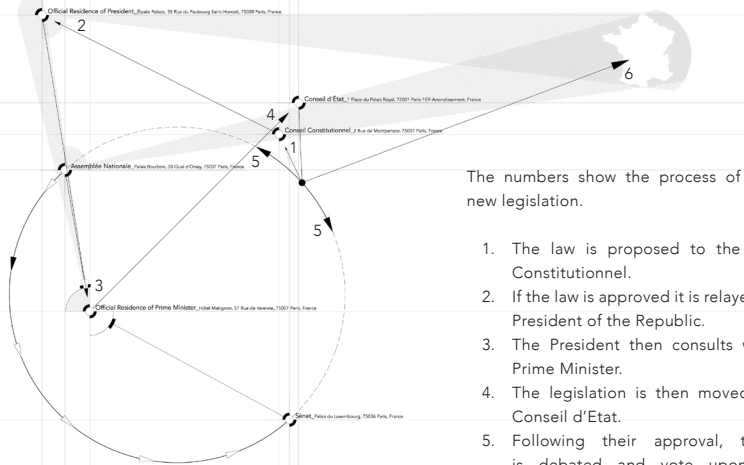


The weekly time line is referenced back to the yearly time line.

Systems of Government

The systems of government layer of the drawing is used to describe the relationships between many of the institutions mentioned in the drawing, and their relationship to France as a whole.

The shaded areas show the relationships of election and appointment. For example, the French citizens elect the President, who then goes on to appoint a Prime Minister.



The numbers show the process of passing new legislation.

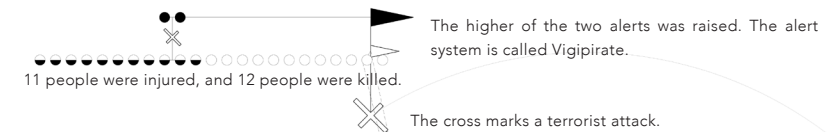
1. The law is proposed to the Conseil Constitutionnel.
2. If the law is approved it is relayed to the President of the Republic.
3. The President then consults with the Prime Minister.
4. The legislation is then moved to the Conseil d'Etat.
5. Following their approval, the law is debated and vote upon within Parliament. Parliament is made up of the National Assembly and Senate.
6. Following a vote in favour of the new legislation, the law is put into practice in France.

Referenced off of the yearly time line, as the dates in power of some of the key governmental individuals involved in passing the legislation. The are also vertically aligned with their location and time points. Anne Hidalgo, the mayor of Paris, 2014 - now; Francois Hollande, President of the Republic, 2012 - now; Manuel Valls, Prime Minister, 2014 - now.



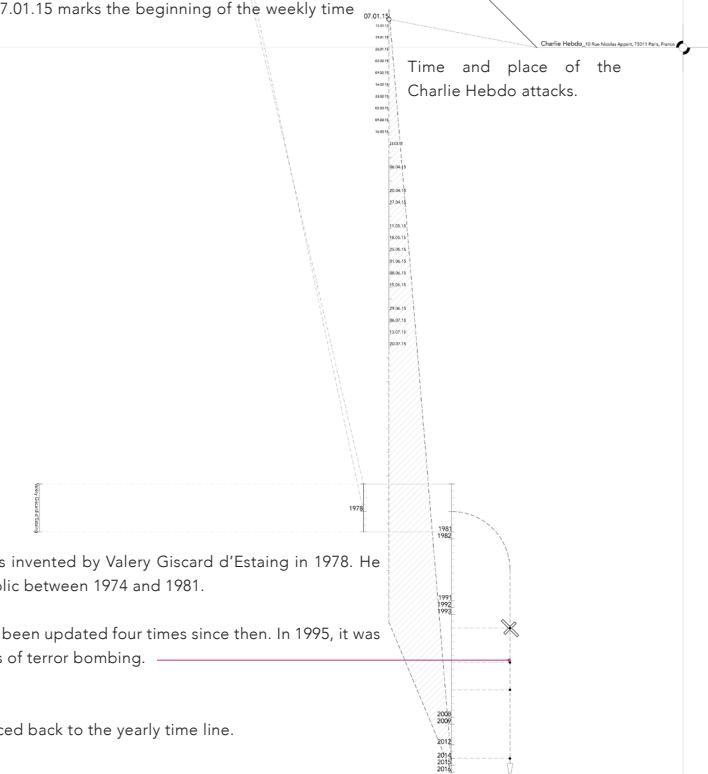
The Charlie Hebdo Attacks

The attacks were carried out by two men.



The Charlie Hebdo attack on 07.01.15 marks the beginning of the weekly time line.

Time and place of the Charlie Hebdo attacks.



The Vigipirate alert system was invented by Valery Giscard d'Estaing in 1978. He was the President of the Republic between 1974 and 1981.

The Vigipirate alert system has been updated four times since then. In 1995, it was updated in the wake of a series of terror bombing.

The weekly time line is referenced back to the yearly time line.

The cross marks a terrorist attack.

As a result of the attack, a new bill is proposed. This symbol is used throughout the drawing to show the movement of the bill through parliament.

The location and time of involvement of the National Assembly.

The proposed bill. This diagram references an early drawing of the surveillance concept.

The location and time of involvement of the Charlie Hebdo offices.

This is referenced to the weekly time line to show the date the bill was first proposed.

The weekly time line is referenced back to the yearly time line.

Manuel Valls Speech and Vote

An informal citizens vote is taken to give an idea of how citizens feel about the new legislation.

Medef give a speech condemning the new legislation.

Most condemnation of the proposed legislation is based on the feeling that the new law is a contradiction of an existing constitutional section - The Declaration of the Rights of Man and of the Citizen.

The Prime Minister gives a speech in favour of the legislation. This symbol is used to show a speech through the drawing. It is vertically aligned to the Prime Ministers time and place location.

At the same time that the Prime Minister gives his speech, the bill is being debated in Parliament.

The structure of the Constitution of the Fifth Republic.

The dates of the Prime Minister are referenced.

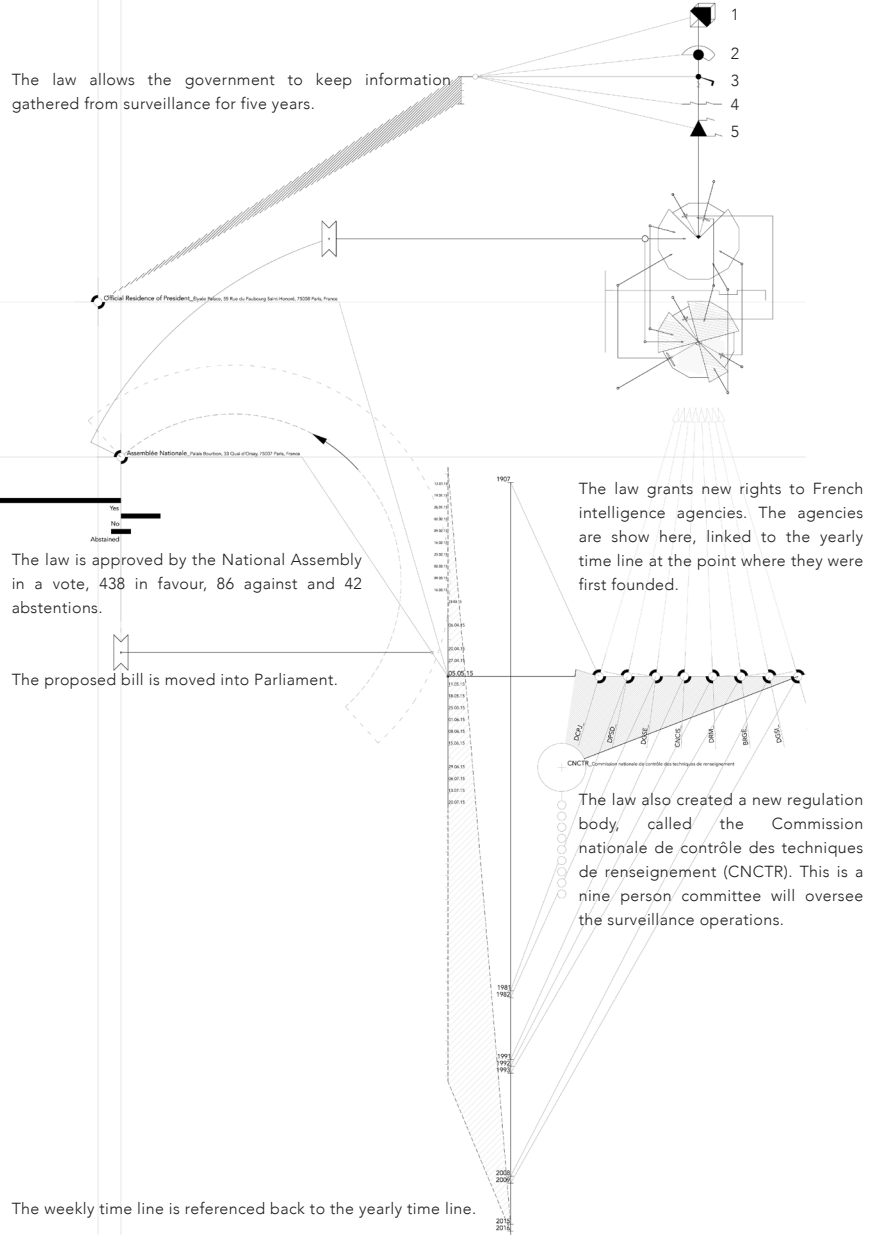
The weekly time line is referenced back to the yearly time line.

National Assembly

The numbers show the new rights of the government granted by the new legislation. It allows French intelligence agencies to:

1. install "boîtes noires" attached to servers to enable the collection of data en masse;
2. place cameras and microphones in private homes;
3. install "keylogger" software to record real-time key strokes on targeted computers;
4. demand that Internet service providers hand over data upon request;
5. deploy ISMI catchers to track all mobile phone communications in a given area, to intercept and record communications. They can also track the movements of people carrying the phones.

The law allows the government to keep information gathered from surveillance for five years.



The weekly time line is referenced back to the yearly time line.

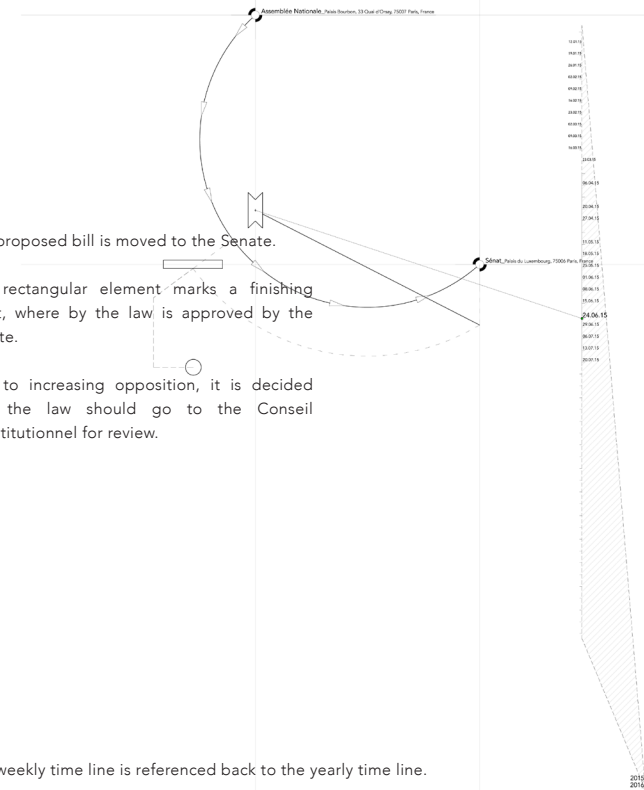
The Senate

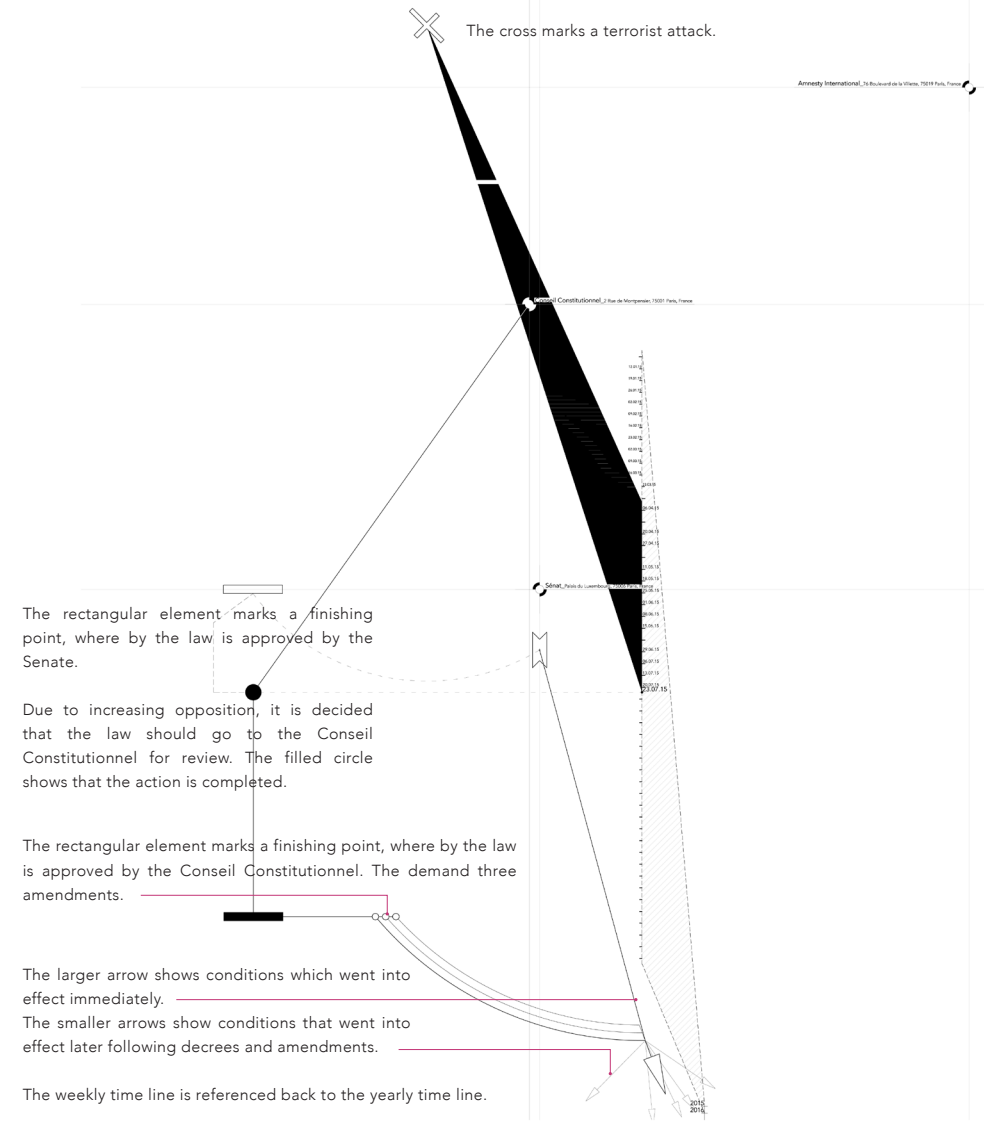
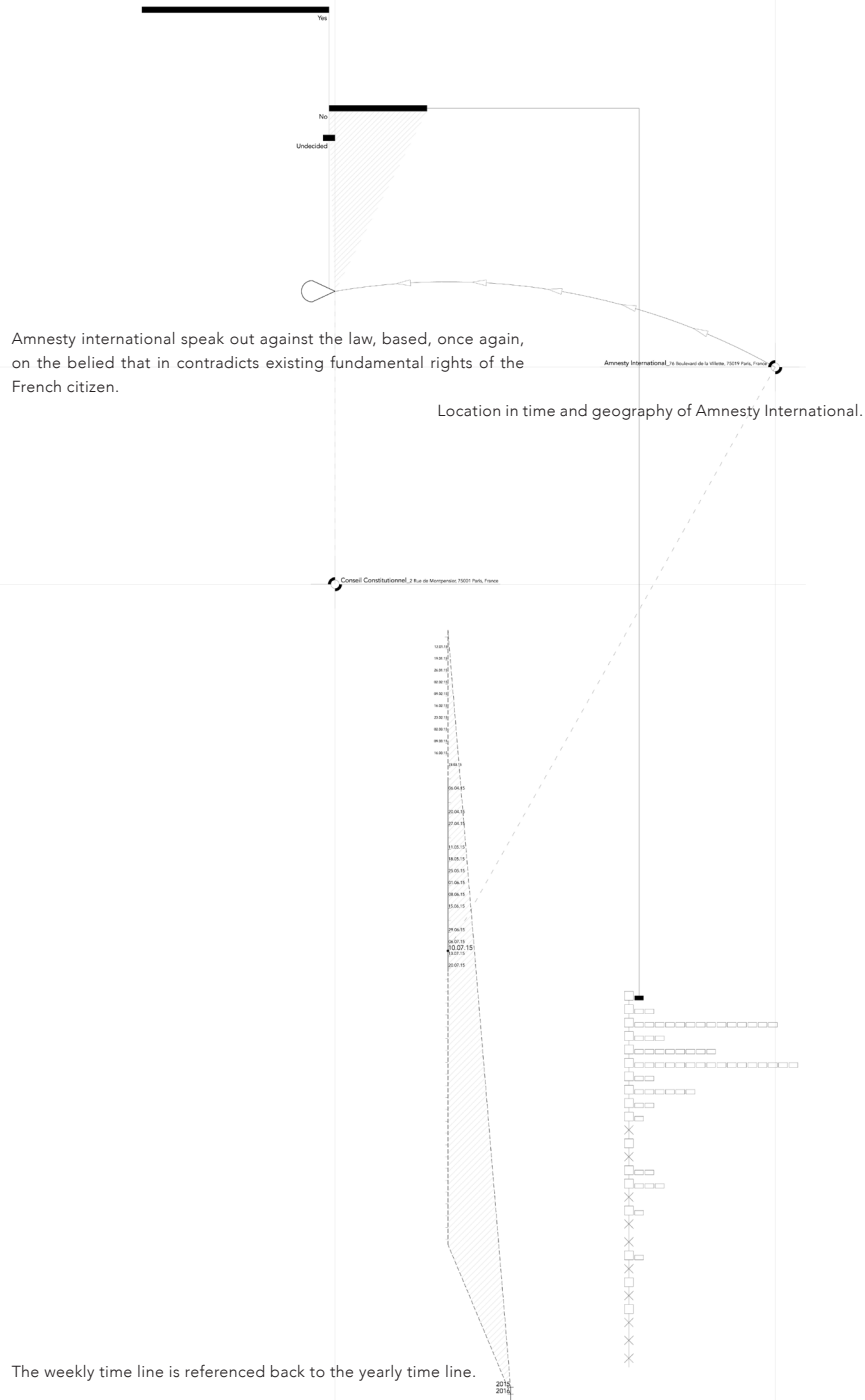
The proposed bill is moved to the Senate.

The rectangular element marks a finishing point, where by the law is approved by the Senate.

Due to increasing opposition, it is decided that the law should go to the Conseil Constitutionnel for review.

The weekly time line is referenced back to the yearly time line.





Legal Actions

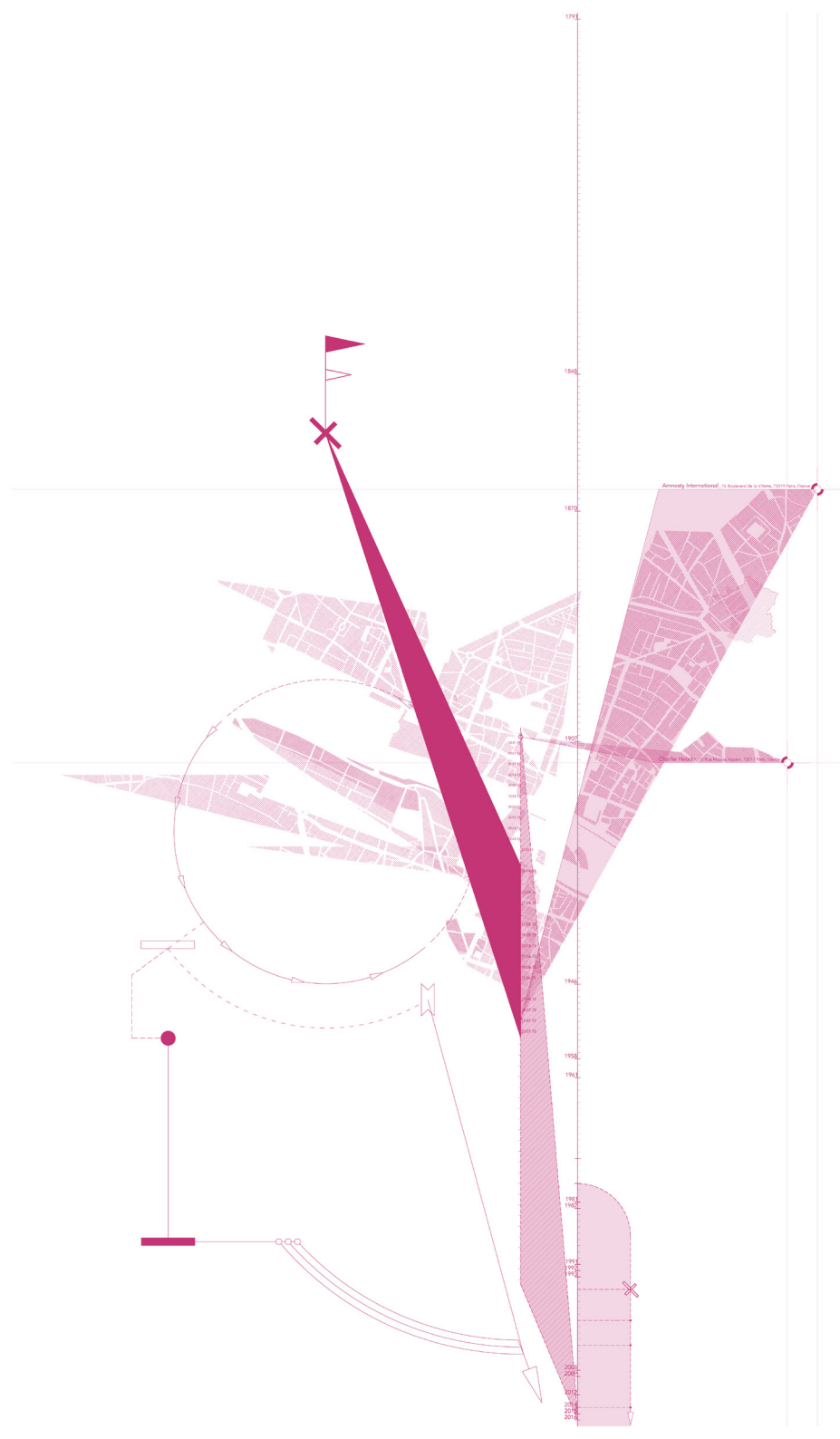
Law on Information

This section seeks to set out the key legal actions undertaken in the case, highlighting, in particular, how the existing French Legal Code is interpreted and amended in the light of a constantly evolving internet, and explaining how these actions have been shown in the drawing.

In this drawing, six key concepts have been extracted:

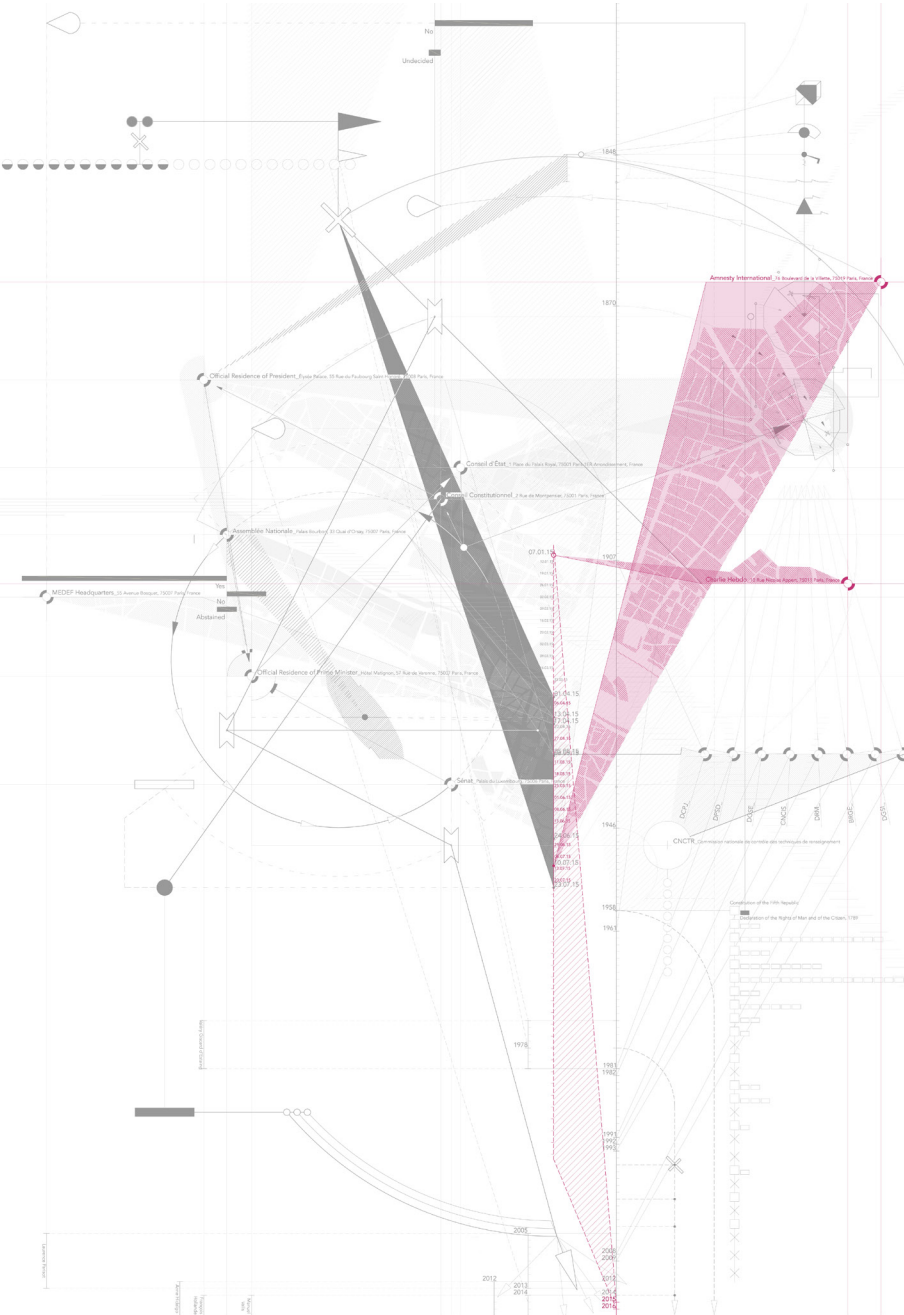
1. Shifting Time Scales
2. Shifting Geographic Scales
3. Location in Time and Geography
4. Updating
5. The Influence of a Single Event
6. The Process of Debate and Review

The following pages document how these elements have been treated within the context of the drawing.



Location in Time and Geography

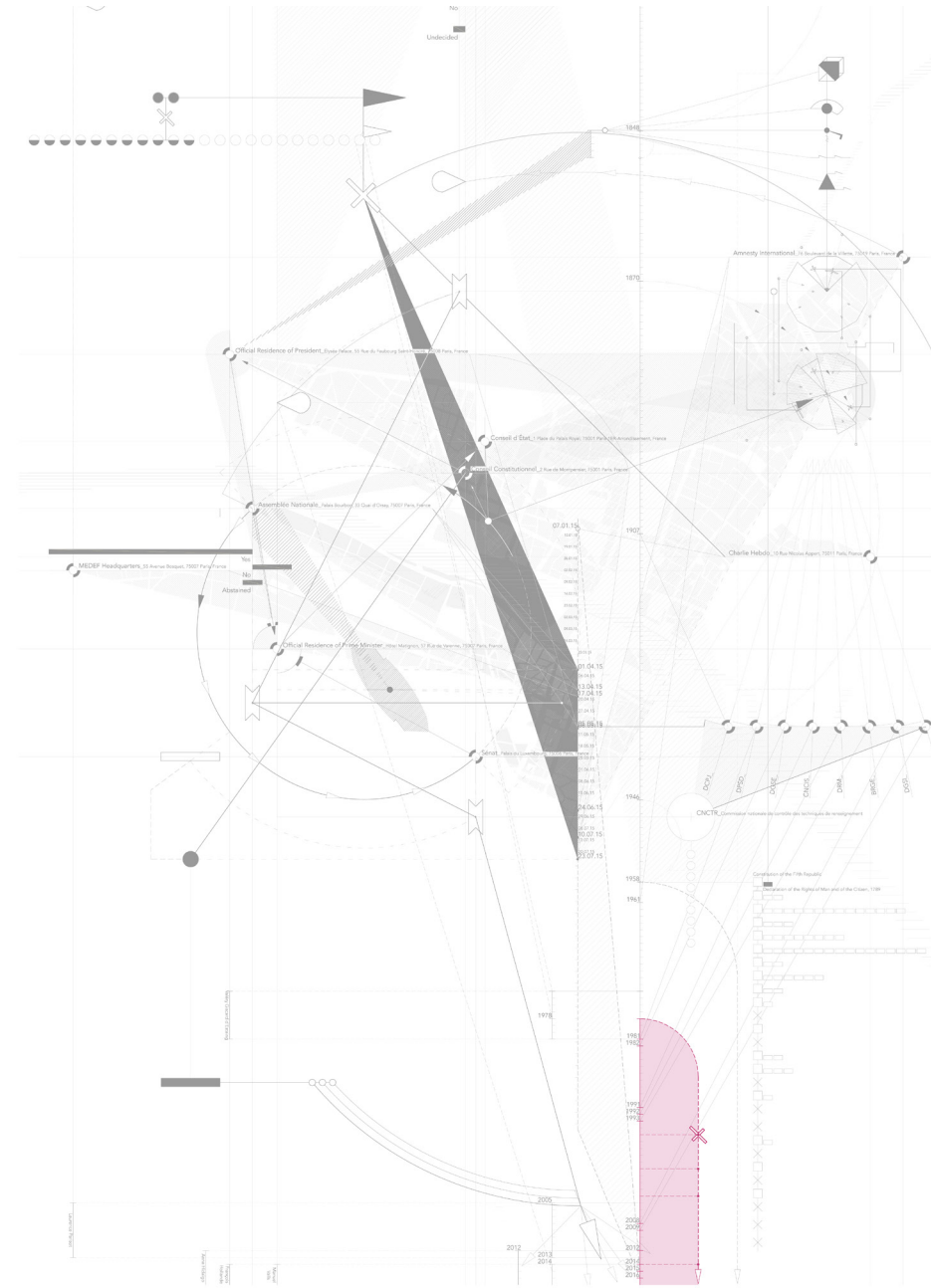
Each event, organisation or institution shown within the drawing is situated based on their place in time and geography. When considering the role of the physical within the realm of the internet, surely, part of its purpose is to reconnect the virtual relationships developed through and over the internet back to a physical time and place which can then be understood within the realm of the physical.



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Updating

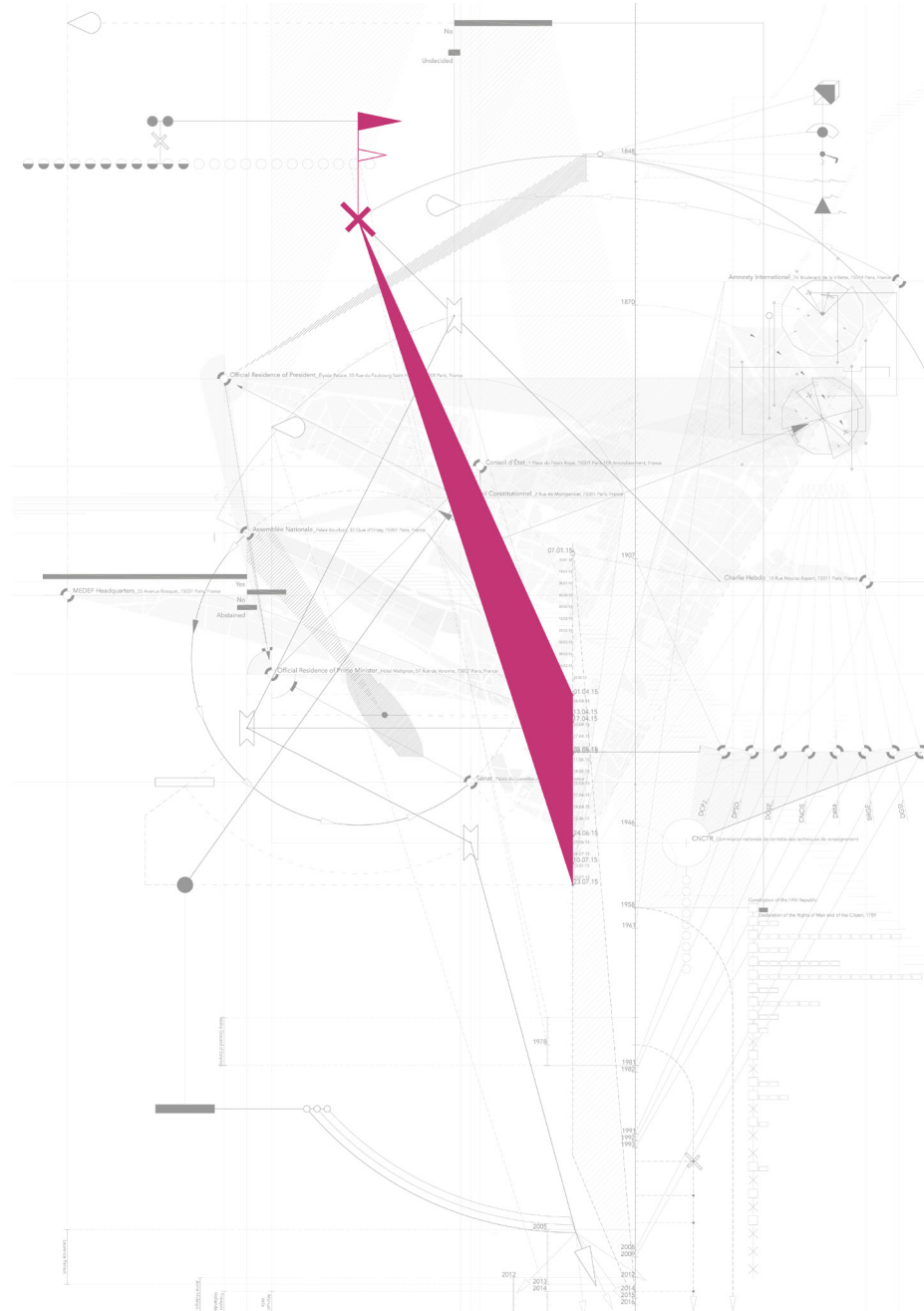
Through the course of singular events, legislation and procedural information is repeatedly updated. In this case, we can see that the Vigipirate, the alert system for France has been updated four times since its conception in the late 70's. Additionally, the French Constitution has been amended and even rewritten repeatedly since its first incarnation in 1789. What does it mean, then, for an apparently static system to be so susceptible to influence from events and changing opinions?



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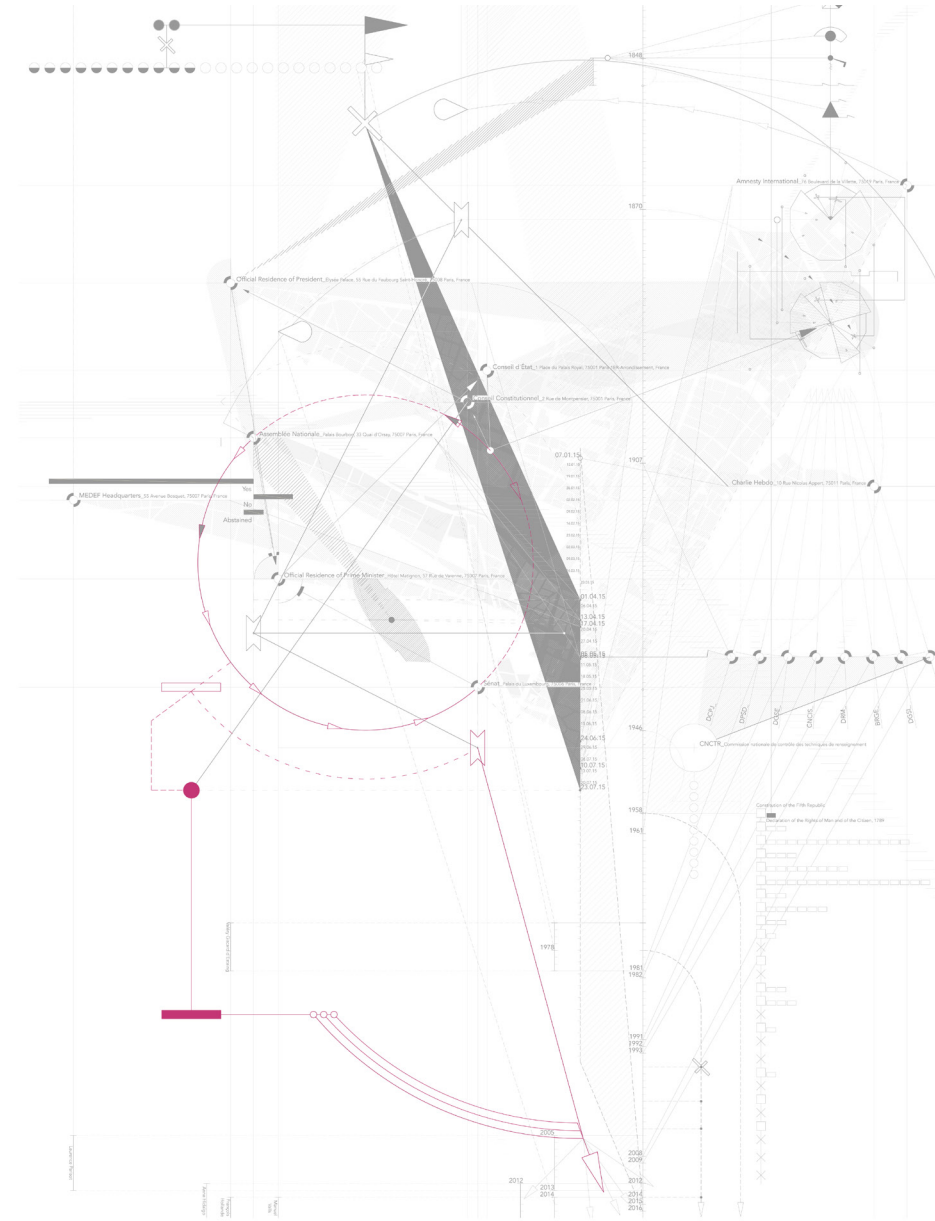
Influence of a Single Event

The Charlie Hebdo attacks caused not only devastation in the moment, but continued to have influence upon France for the next year in terms of legislation. And, will continue to assert influence until a new event forces a new amendment to the constitution. The Constitution, therefore, becomes a physical record of moments of change and disruption to the norm of thinking.



Process of Review and Debate

Throughout the process of creating new legislation, there are moments of debate and review. In particular, this is marked by the passing of the law by the Senate and then review by the conseil constitutionnel. The process does lead to development and the refining of the legislation, but it is important to note that it is an internal process, confined to the spaces of the government. All outside opinion was dismissed, and the process continued forward regardless. It is important to consider, also, what this filtering and refining of a document means in the realm of the internet, when reactions are immediate and spontaneous.



Conclusions

The Law on Information was a reactionary piece of legislation brought in the wake of the Charlie Hebdo attacks in early 2015. From drawing this case, I have been able to better understand the processes of passing legislative bills and the structure of the French Government.

Further to this, the drawing has allowed for a conversation about power, regulation of power and the means by which legislation, a fundamentally physically and, at least apparently, unshifting entity, can be amended and updated.

The main theme throughout the drawing has been the idea of shift; shift in scales, both in temporality and in geography, as well as shift in attitudes towards freedom and safety, and in power. It is important to keep returning to the idea of scale. The internet works at the scale of electrons, in terms of the physical, and at a global scale, in terms of output and influence. How then, can this be reconciled with the scale of a country, or even the scale of a city? It will be important to design a strategy which allows the legal system that I am designing to be relevant at all of these scales, so as to understand the building as both a physical space for law and for the internet.

What is truly striking is that a document, that provides the basis for all legal decisions and protocol within France can be shifted so easily, by a select few. The shift in legislation, cause, predominantly by a shift in attitudes with regard to freedom vs safety is perhaps some what subversive. In comparison to the internet, then, we can understand the idea of a rapid shift in opinion. However, it is the extent to which the shift is officialised that is in contradiction with the practises of the virtual world. If opinions, attitudes and allegiances are so quick to change in one direction, (and that speed has been increased by the conception of the internet), surely, they can move just as quickly back. If so, is the process of amending and updating a concrete document still appropriate. Architecturally, we work with materials in a similar way to those who write the constitution. We take a moment within a city, or country, and from it create a space that responds to it. However, the building, like the constitution, is often uncompromising when it comes to shifts in outlook. The building is then updated and reconfigured continually throughout its life, so as to fit the current climate within which it sits, with no regard for what came before. How then, can we design a building which is sympathetic to an ever evolving environment of opinion?

In order to represent this in an architectural form, it is now important to try to relate the ideas set out in the final section of this manual, to the site in Marseille, in order to create a strategy for designing a new type of legal institution, which can relate both to the existing institutions and systems of law and to the ever changing systems of the internet.

