

## II. DIGITAL JUSTICE: TECHNOLOGY AND THE INTERNET OF DISPUTES

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*A book review that opens the perspective regarding the endless facets of digital justice*

The book *Digital Justice: Technology and the Internet of Disputes* was written by Ethan Katsh, Director and Co-Founder of the National Center for Technology and Dispute Resolution, and Professor Emeritus of Legal Studies, University of Massachusetts, and Orna Rabinovich-Einy, Assistant Professor, Faculty of Law, University of Haifa, Israel, and was published in April 2017, under the care of Oxford University Press, when the subject of digital justice was shyly consolidating its position between up to date subjects in the law field.

The interest for the subject of digital justice was present over the last decades, being emphasized by different initiatives taken by the states and international organizations in the matter. While human beings became virtual tightrope walkers, positioned between two exceptional acquisitions of the last decade – the simultaneous expansion of the international human rights framework and the network of information technologies, one of their human rights become highlighted by its frequent connection to technology. We are talking here about the right to a fair trial, representing also a vital link to other main human rights.

After presenting a comprehensive historical overview of the online dispute resolution and prevention, the book in discussion goes beyond the core concept used for the right to a fair trial and examines other interactions of scientific keys and legal issues that illustrate the decisions governments must make in order to carefully integrate the potential of digital technology in their life. In this regard, the book raises the issue of solving disputes online in a pivotal moment for the traditional justice that starts to feel the obsolescence of the conventional system.

However, in the context of the COVID-19 pandemic, digital justice gained such importance to the point of becoming a paradox: in this very day, it can be viewed both as creating a problem and offering a solution for the justice seekers. The authors of the book anticipated the opposable perspectives and dedicated a whole chapter to this named: *Between digital injustice and justice*.

For the sake of the argument, the authors chose as the following chapters to be five tracks of discussion up to date:

1. *E-commerce and the Internet of Money*, representing the main conflict-generator sector, given the amount of sales and transactions made online;
2. *The Internet of On-Demand Healthcare*, addressing also the prevention of medical errors;

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3. *The Challenge of Social and Anti-Social Media*, where conflict is presented as a growth industry;
4. *Labor and the Network of Work*, a chapter that debates the use of the technology in the workplace and what disputes it can generate;
5. *ODR in Courts and Other Public Institutions*, presenting the possibility to solve online disputes in the public field.

As personal insights, on one hand, we consider that the most interesting part of the book is the constant recognition of the authors of both the bad and good parts of using technology in a sensitive field such as justice, showing the real image existing today about the access to justice in the digital era. As mentioned in the book, “there are still enormous numbers of disputes for which there is no access to justice and no effective redress”. Moreover, the choice of the areas exposed offers clarity to the argumentative course of the book, making it a useful source for the practitioners in the field. We appreciate that the book remains on a focused note about having new technological tools to resolve disputes and new tools to prevent disputes, not overlooking the existent flaws or presenting a too optimistic perspective over the evolution of the digitization of justice.

On the other hand, a less explored part of the subject remains, in our opinion, the link to the right to a fair trial. Despite the fact that the book starts by dedicating a chapter to the access to digital justice, using it as a hook, the link is lost as we continue to read. The authors accentuate bringing dispute resolution to cyberspace and the types of conflict encountered, concentrating mostly on different solutions found for the problems raised. But the main problem stays: the protection of the citizens’ rights is not emphasized, being slowly buried under the layers of technical information. We argue that more correlating terms to this matter would have added value to the whole reading, going in depth to the fundamental questions raised in regard to the human rights touched by the digital impact.

Throughout this book, a perspective that looks beyond courts and legal causes of action is proposed to us, being translated in terms used by the digital technology. It also demonstrates that the law to regulate digital technology with respect to the individual is already in place, as a fruitful effort of centuries of public debate and conflict that course through the constitutional and international treaty law. The chapter dedicated to conclusions resumes the stage of the digitization of justice today, with an open mind for the future and what is called a “Moving Frontier of Injustice”, making the book an essential reading for the experts in the field of the digital justice.

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