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Salvo Vaccaro (Palermo, 1959) is a full professor of Political Philosophy at the Università degli Studi di Palermo (Italy), where he teaches Political Technology, Governance and Political Philosophy, and Theories of Secularization. He is now the Director of the PhD course "Inequalities, Differences, Participation" at the University of Palermo. His last works are *Gli algoritmi della politica* and *Credere altrimenti,* both published by Elèuthera in Milan, and *Tecnologia, politica, società*, edited with B. Henry and published by Mimesis in Milan. His interests move within the contemporary context, striving to identify a grid of critical thought of modernity starting from the political philosophy of anarchism, critical theory, and post-structuralism, as well as analyzing the processes of governance and governmentality, even in the field of digital technologies.
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EDITORIAL
THE NEW DIGITAL ERA[1]

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Human evolution has constantly been achieved by incorporating into it the inventions of those techniques identified from time to time as survival factors in a hostile environment, or at least to be governed according to purposes dictated by the humans living there. The human is therefore technical, regardless of whether hybridization reaches an organic integration that internalizes the technique to the point of making it indistinguishable from the organicity of the human, or whether it places itself in its exteriority with respect to the human who conceives it, governs it, and uses it without being used by it and without being governed by it. This threshold of indiscernibility has become increasingly thinner as evolution has become increasingly technical, arriving at technological devices that exempt themselves from being prostheses of the human in order to hegemonize it to the point of making the human its prosthesis—a radical change of paradigm, of its direction in the human-technical relationship, a Gestell that changes the episteme and the human condition itself, from the atomic bomb to the smartphone.

Technophiles and technophobes are in the field to halve a reflection that is still in progress, which on the one hand knows how to escape the enchantment and re-enchantment of a technological device considered irreversible and therefore to be accepted unconditionally, but on the other knows how to elude the neo-Luddite trap that deprives us of the understanding not only of the internal technical dynamics that push societies

[1]Reception date: 10th May 2024; acceptance date: 17th May 2024. The essay derives from a research project carried out within the Dipartimento Culture e Società, Università degli Studi di Palermo.

towards a totally digital environment (to paraphrase Mauss), but also of the effects on social and political dynamics whose warning signs are undoubtedly disturbing and difficult to control with the usual instruments of legal and jurisdictional regulation, despite the good intentions at European level.

The hyper-accelerated processes of digitalization of advanced societies are sparking discussions and debates in the most disparate venues, from the social media that are its backbones and main effects to the more soberly traditional media, from scientific institutions to companies whose activities are at its foundation, not to mention the financial flood that from Big Tech to start-ups constitutes the necessary greasing of a techno-corporate mechanism representative of the new frontier of contemporary capitalism. All this on the threshold of an innovation that in the immediate future—or already in a still undersized present—can mark the centuries to come of humanity: the development of a generative artificial intelligence capable of not only going beyond the limits of the human but also passing us towards a post-humanism whose contours are yet to be divined.

If the digital structure of the planet is the horizon that opens up before us, assuming that it is not already in an advanced stage and has already permeated all the continents—but we doubt it, given the enormous pockets of digital divide and cultural, social and economic inequalities present on our planet—the two typical techno-phobic/philiac approaches must be displaced in favor of a critical bending that fully assumes the data of digital technology in order to focus attention on the conceptual strategies that animate the actors in play and that support companies to extend investments and research on the computational practices of human action, among which algorithmic profiling, the learning autonomy of technological devices, the processes of automated and embedded surveillance and control and so on are becoming increasingly important.

Moreover, such strategies are elaborated and redefined in real time, interacting with "archaic" times and methods to the point of hybridizing the post-human cyborg with effects that are still unforeseen and unprecedented in terms of social dynamics, political processes in the triple sense that can be seen in English by differentiating politics, policy, and polity. In this direction, a new governmentality is emerging (to use Foucault's term) of which little can still be glimpsed in terms of configuration and stabilization, perhaps an increasingly automated society that pervades the sphere of politics to the point of prefiguring an automatic government of things and people—an Internet of Things and (Wo)Men….

Indeed, what "destinal" condemnation of human and techno-scientific progress does a totally digital environment entrust to us as a new horizon for carrying out actions and reasoning? Are we certain that Turing was right when he stated that mathematical

computation offers the ontological representation of the human mind? Or was Wittgenstein right when he replied that Turing machines are "humans who compute" ("Diese Maschinen sind ja die *Menschen*, welche kalkulieren")? (Wittgenstein, 1988, § 1096; see also Wagner, 2005).

In other words, what is being investigated is the relationship between the digitalized subject that "governs" the political technologies activated by the machinic extension to everyday life, to the point of building an environment so homogeneous with the digitalization of the existing that it loses its own origin without realizing that its own digital identity is the suitable fruit of the abilities promoted by the environment to which it conforms and fully adheres. In practice, the algorithmic regime translates the artificiality of its procedure into truth of and for the digital subject.

This triggers truth effects on digitalized statements, while at the same time concealing the power effects that the digital machine activates to assert itself as truthful in its functioning and in the objectives it processes.

> Human as symbol-manipulating-device holds very brave and some notably unsubstantiated assumptions. The first assumption is the reduction of human neural activity to a binary system of 1's and 0's, "True" or "False," "On and Off" configurations. […] The second assumption is the psychological and phenomenological reduction of human experience to data-processing where each subjective sense-impression is coordinated with bits of information, where the software program operates as a set of rules, commands or background beliefs that enable us to make judgments and form beliefs about the world. The third is the epistemological assumption concerning the possibility of rendering all biological life and natural processes completely and systematically formalizable, i.e., translatable into an artificial language. None of these assumptions have any real philosophical or empirical basis. (Vachnadze, 2024, p. 11)

These hypotheses are neither irrelevant nor easily refutable, since the aura of enchantment that surrounds the wonders of AI and, more generally, of the digital world displaces the plane of critical reflection on a level of almost mystical adhesion, in which, for example, a predictive or taxonomic efficacy of a given algorithmic operation automatically takes on the meaning—improper and abusive—of scientific explanation, as if the calculation of the algorithms gave meaning to the models represented starting from the statistical correlations fed by the immense quantity of data. Hence, the idea—premature and perhaps unrealizable in the short term—of an AI superpower.

Thus, a gap opens between the functioning of the calculating machine and the understanding not only of how the machine pursues its objectives, but also of the very content of the result achieved, in terms of epistemic soundness. This is what Floridi (2021) claims: *agere sine intelligere.* Nonetheless,

> this divergence between calculation and understanding raises important questions about the application of deep learning in social domains. […] Deep learning systems are at their most deterministic when they are applied to ascribe identity or other social characteristics from a set of inputs understood as signals. (Campolo & Crawford, 2020, p. 10)

Therefore, bias, hidden hierarchies, and discriminating differences are concealed behind operational effectiveness, escaping political visibility and accountability, a category that does not apply to the machine but, at most, to its designers. Although human nature and technology have always been an inseparable pair, the re-enchantment of artificial computation splits it as if the performance exceeded the human, even in the sense of an extra-human, post-human extension.

> We are not being confronted with a sublime form of superhuman intelligence, but a form of complex statistical modeling and prediction that has extraordinarily detailed information about patterns of life but lacks the social and historical context that would inform such predictions responsibly—an irrational rationalization. (Campolo & Crawford, 2020, p. 13)

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ARTIFICIAL INTELLIGENCE: IMAGINARY EFFECTS AND EFFECTS ON THE (SOCIO-POLITICAL) IMAGINARY*

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INTELIGENCIA ARTIFICIAL: EFECTOS IMAGINARIOS Y EFECTOS SOBRE EL IMAGINARIO (SOCIOPOLÍTICO)

Abstract
In this article, Vaccaro tries to define artificial intelligence in its way of functioning, underlining the enormous memory capacity that makes it fast, although he does not understand the meaning of what it does at all. Precisely on the role of archived memory, Derrida and Foucault show us the strategic function of command and orientation that we observe today in the commercial and political marketing functions of digital devices. Finally, Vaccaro focuses on the widespread perception of AI, reconnecting the Weberian category of charisma, which colonizes the socio-political imaginary to the point of confusing itself with an aura of magic and superhumanity.

Keywords:
artificial intelligence; imaginary; Derrida; Foucault; Weber

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Resumen

En este artículo, Vaccaro intenta limitar la inteligencia artificial en su modo de funcionar, subrayando la enorme capacidad de memoria que la hace rápida, aunque no entiende en absoluto el significado de lo que hace. Precisamente sobre el papel de la memoria archivada, Derrida y Foucault nos muestran la función estratégica de mando y orientación que observamos hoy en las funciones comerciales y de marketing político de los dispositivos digitales. Finalmente, Vaccaro se centra en la percepción generalizada de la IA, reconectando la categoría weberiana del carisma que coloniza la imaginación sociopolítica hasta el punto de confundirse con un aura de magia y sobrehumanidad.

Palabras clave

inteligencia artificial; imaginario; Derrida; Foucault; Weber

Although purposeful, it is not capable of conceptual thought; it can only reassemble material already available to it.

Philip K. Dick, *Autofac* (1955)

Whenever something emerges in front of the human or someone breaks in, of which one has little or no knowledge, the reaction usually oscillates between a prudent curiosity towards the unexpected, on the one hand, and an equally prudent attitude of reluctance towards the unpredictable, on the other. A non-ephemeral novelty upsets consolidated certainties and opens up unprecedented opportunities that could prove advantageous or risky—a crisis, in short. And the prospects that can be glimpsed regarding artificial intelligence (AI) do not betray this script, fueling illusions and fears, according to variations of different degrees and intensities as knowledge progresses until it is grasped in its possible articulations and declinations. But until we arrive at an understanding that grasps it (precisely, *Verstehen*), the fluidity, the dynamism, the becoming that characterize it quake a foundation of stability on which to erect cathedrals of judgments. In this temporal and epistemic situation, we are inevitably still in the position of looking for a compass of orientation in a constitutive uncertainty regarding its identification, its current and potential performances, its application uses, in short, what AI could become in an immediate, near, and future present.

Furthermore, and the situation would seem ironic, we still do not have a clear scientific definition of what human intelligence is, whether our abilities can be reduced to the infrastructure that creates its performance (neuronal ganglia, electrical and bio-chemical discharges, synapses), in short, to the hardware that produces intelligence effects, or whether what we identify as the characteristics of an intelligent human—cognition, perspicacity, spirit of reflection and observation, connections of factors, intuition, giving of meaning, but also creativity, emotion, empathy, conscience—can be modeled by artificial software. It is difficult to simulate what we do not know about the operating reasons. We are in the midst of the cybernetic revolution (Brockman & Minsky, 2023), in the time of the birth

of the term *artificial intelligence*, at the crossroads of the artificial reproduction of the brain or its neuronal functions (Moor, 2026, pp. 87–91): "To proceed on the basis of the conjecture that every aspect of learning or any other feature of intelligence can in principle be so precisely described that a machine can be made to simulate it" (McCarthy et al., 1955, p. 1).

To date, illusions and fears mix and intertwine, offering a geographical map of both the current epistemic state and the alleged influences, with a high performative density, on the cultural, technological, social, and political imagination. Furthermore, illusions and fears can even coincide, leaning towards one or the other affection only due to nuances of sensations or feelings at play. Or for storytelling strategies. So, in view of the definition of intelligence with respect to human intelligence, are they similar? Homogeneous? A replacement? Of a foreign species? The same is true in view of the definition of the limits of *artificiality* compared to the human one: in the direction of imitation alone? In the direction of overcoming? In other words, will AI be able to think, reason, reflect, ponder, deliberate, imagine, and create (more or less) exactly like humans do? Or will the machine do the same but differently?

Not knowing, illusions and fears take shape and become ghosts: the ghost of AI, which surprises us, scrutinizes us, observes us from a non-human place, despite being developed and forged by humans. Ghost of power, of supreme power, that of being able to see without being seen (Derrida, 1994, p. 8, in the wake of Foucault).

> The specter, as its name indicates, is the *frequency* of a certain visibility. But the visibility of the invisible. […] The specter is also, among other things, what one imagines, what one thinks one sees and which one projects—on an imaginary screen where there is nothing to see. Not even the screen sometimes, and a screen always has, at bottom, in the bottom or background that it is, a structure of disappearing apparition. (Derrida, 1994, p. 125)

This apparition can take the form of one "friendly vision; it can signify strict inspection or violent search" (Derrida, 1994, p. 126), as highlighted by Zuboff and many others regarding the dynamics of surveillance and control activated by digital companies, for economic purposes, and by state entities, for political governmentality purposes.

What if the advent of AI marked the frontier of epochal succession, from the human to the posthuman, with the inevitable corollary of the passage of hegemony and domination? A *hantologie* of AI... and in fact, the more an offer of security and certainty is given, the more the specter circulates that it ruins it, erodes it from within and without, thus fueling

illusions and fears. *Spectrality effect,* Derrida (1994, p. 48) calls it, which displaces the difference between past and future, between present past and present future, which undermines the staid frontier between actual and potential, between real and virtual. What if all this made humans irrelevant? The ghost would return to us rightfully, finally triumphant...

AI condenses in its name a variety of operations, partly already known under the denomination of *machine learning, deep learning*, which use enormous data processors having at their disposal all what is present in web servers, including all the interaction activities between human and machine starting from the use of our smartphones up to institutional and private computers, as well as cultural production, conveyed with every expressive modality, which passes through the web. An enormous job of categorization and archiving, *bullshit jobs* as Graeber (2018) would have said, carried out by workers totally alienated from the purpose for which they work, with wages varying from area to area, obviously low in Africa (around three dollars an hour, for example), and with uncalculated prejudicial error rates. In short, AI would be an archived memory machine, although not in real time, which would make Pico della Mirandola's proverbial memory pale, to evoke an Italian example.

One of the most well-known and recently acquired aspects, albeit rapidly changing week after week, is the Large Language Model (LLM), which implies the mechanistic ability of AI to produce texts and images upon specific request from a human. The constant improvement of this performance is due to a specific algorithm program called Reinforcement Learning with Human Feedback, i.e., the opportunity available to AI to use and reuse what is produced by the human to refine the human-machine interlocution. Keeping in mind the immense digital archive, these artificial interlocution programs are able to propose texts based on statistical predictions of linguistic syntax, where a given noun is mostly followed by a given predicate, which is usually concatenated with a complement, and so on. Thus, AI is "radically dependent on iterability" (Hull, 2023). However, the discursive operation is not simply expository or descriptive, but produces a hermeneutic effect that demands a real hallucination: legitimately transiting from number to meaning, mistakenly believing that the number represents raw data rather than cleaned and sanitized.[1]

> The detection of a significant level of correlation between two variables is not simply a presentation of numerical fact; it is a cognitive operation that generates an

[1] "The data gaze, as such, pre-digests data. […] the diagnostic skills of the analysts… is found in their ability to clean and sanitize the data. […] to understand the data, clean the data, write an algorithm and then optimize the algorithm" (Beer, 2019, pp. 103, 105).

> *interpretation* of the relationship between numbers and, by extension, the world they purport to describe. (Rieder, 2020, p. 105)

In fact, the epistemology underlying AI digital devices is neither representative nor realist, but rather constructive, totally devoid of an original foundation; the datafied codification of experiences poured online throughout daily life offers the algorithm the possibility of formatting a series of information whose accumulation and sedimentation create a power capable not only of "restructuring the self" (Harcourt, 2015, p. 232), but also to saturate the imagination configured to fit a digital environment measured by infopower. Being exposed to it means being digested by the capture device so powerful that it doubles the environment in which we live—a simulacrum without an original, therefore, whose regularities are co-determined by the machine, to the detriment of a now residual reality. A praxeological device that configures both the imagination and the context, in an instrumental sense, strengthened by a predictive force that self-realizes as the domestication of the digital age shapes the human under the machine eye (Touvet, 2022, p. 46).

The "human" effect of machinic interlocution is based on the speed of conversation, on the articulation of the artificially produced speech, on its involuntary intelligibility (since AI does not possess a conscious will), on the more or less verifiable accuracy or correctness in the discourse itself, within the limits of a mainstream conversation, i.e., consolidated as it can already be found massively in the stratified digital archive since the world is digitally duplicated, parameterized by multiple human filters. Except that machinic conversation is not contextualized, as in the case of human speech where the speaker uses a specific language in relation to specific contexts, nor is the statistical correlation model used by LLMs linked to the real world outside the digital sphere, which deprives AI of the possibility of understanding the meaning or of innovating meaning or of deviating from the discursive norm or of creating unprecedented effects of meaning. What AI proposes in the conversation mimics a human conversation since it is trained on it, thus triggering a cascade effect of mimesis:

> Put another way, ChatGPT seems so human because it was trained by an AI that was mimicking humans who were rating an AI that was mimicking humans who were pretending to be a better version of an AI that was trained on human writing. (Dzieza, 2023)

Mimesis works; it even manages to deceive. However, there is no guarantee of precision and accuracy in what is proposed: totally false things can be "written." At least to date.

The machinic rendering of knowledge carried out by algorithms has the immediate effect of centralizing memory and its practical operation by displacing it from the fragility of human bodies to the stainless and energy-intensive networks of servers, which are custodians of everything that has circulated on the web since its formation. The real artifice consists in the extraordinary capacity of concentrated memory used in the blink of an eye, statistically linking syntactic pieces reduced to numerical strings and endowing them with a plausible, even if meaningless, sense. And certainly, whose meaning is unknown to the algorithm, which also memorizes what is already memorized, so much so that it can state a and not-a at the same time without any embarrassment. The massive accumulation of memory makes the comparison between human and machinic asymmetrical, with an undoubtedly potential effect of instilling awe towards a new prodigious "totem" capable of churning out plausible, credible, even convincing in some ways speeches, for example, at a speed and in such quantity as to annihilate the most fervent human mental capacity, limited in its hardware, so to speak, but still unattainable in terms of software of creative intelligence and, above all, innovative with respect to memory.

> The human mind is not, like ChatGPT and its ilk, a lumbering statistical engine for pattern matching, gorging on hundreds of terabytes of data and extrapolating the most likely conversational response or most probable answer to a scientific question. On the contrary, the human mind is a surprisingly efficient and even elegant system that operates with small amounts of information; it seeks not to infer brute correlations among data points but to create explanations. (Chomsky et al., 2023)[2]

In other words, as Nietzsche's child preached, AI is capable of interrupting the thread of memory to go further, experimenting with new ways of thinking, of using memory, of inventing words and meanings tangential to the molar circularity of the already-said, of the already-thought, not only to describe and venture predictions, but also to connect with knowledge of the facts to be traced back to a demonstrative matrix within a given and changing, consolidated, and invalidable paradigm. But as is known, oblivion is the

[2] Elsewhere, Chomsky underlines how LLMs are technically capable of performing linguistic acts even with superior performance to humans, but at the same time, they are constitutively unsuitable for expressing linguistic competence, i.e., for distinguishing languages that are possible or impossible for humans. "What the systems do, basically, is scan an astronomical amount of data, find statistical regularities, string things together. And using regularities, they can make a pretty good prediction about what word is likely to come next after a sequence of words… it does exactly as well with impossible systems as with languages. Therefore, in principle, it's telling you nothing about language" (Chomsky, 2023).

structural limit of every digital mechanism, the fatal condemnation of every algorithm erected as a communication and control system, according to the cybernetic formula.

And so it is necessary to bother both Derrida and Foucault to underline the power of political power that gathers where the archive of knowledge is controlled, the deposit of knowledge, the plot of the saying stratified over time, and the expertly selective access to memory.

Derrida's analysis is strongly imbued with political radicalism. In fact, he explicitly links the violent institution of authority attributed (or self-attributed) to the archivist—in reality, *the archon and his house-archive*—with the double figure of *arché*, principial authority, because it is placed at the beginning of everything, the political ur-history of social processes, and authority that commands and places the *nomos, law,* and *order* on things and people.

> *Arkhé*, we recall, names at once the c*ommencement* and the *commandment*. This name apparently coordinates two principles in one: the principle according to nature or history, *there* where things *commence*—physical, historical, or ontological principle—but also the principle according to the law, *there* where men and gods *command, there* where authority, social order are exercised, *in this place* from which *order* is given—nomological principle. […] Already in the *arkhé* of the commencement, I alluded to the commencement according to nature *or* according to history, introducing surreptitiously a chain of belated and problematic oppositions between *physis* and its others, *thesis, tekhné, nomos,* etc., which are found to be at work in the other principle, the nomological principle of the a*rkhé*, the principle of the commandment. (Derrida, 1995, p. 9

If *topos* and *nomos* intersect starting from the same and unique physical substrate—which re-emerges today in immaterial archives where the computational operations typical of AI make both the virtual place that connects the servers and global connections, as well as the law that governs the statistical processing of what is stored, indiscernible—the collation of data, yesterday as today, unifies, identifies, classifies.

> This archontic function is not solely topo-nomological. It does not only require that the archive be deposited somewhere, on a stable substrate, and at the disposition of a legitimate hermeneutic authority. The archontic power, which also gathers the functions of unification, of identification, of classification, must be paired with what we will call the power of consignation. […] The archontic principle of

> the archive is also a principle of consignation, that is, of gathering together. (Derrida, 1995, p. 10)[3]

While the outside of the archive is the future of archival data, a virtually infinite and interminable space.

The institutive violence, however, remains in a blind spot of subtraction of visibility, in which the operation itself is uprooted from the political context that requires it as support for the organized force of state power, and at the same time, it escapes the perennial memory to which the archived data is based. Opacity and oblivion represent its grammar of existence, its economy of operation.

> There is one thing the archive does not "archive," and that is the very record of the techniques by which memories are "archived." There is no archive of the archive, of the political forces and historical orientations of archiviation. The archive is the violent consignment of lived memory, but it cannot record this violence of consignment… And this is the first glimmering of its an-archic aspect. […] The archive does not "archive" the sequentiality of archiviation or the archontic principles that "govern" it. […] The archive is not the place to which memory is consigned, but the place in which such consignment takes place politically, enabling politics itself to take a place. (Hutchens, 2007, pp. 41, 48, 50)[4]

On the other hand, Foucault (1972) highlights the function of archiving as a grammar of power that decides what to include or not, decreeing the fate of the statements worthy of being archived, in principle no longer obliterable, therefore memorized with a view to the future, and unworthy statements and therefore expendable to oblivion: "The archive is first the law of what can be said, the system that governs the appearance of statements as unique events" (p. 129). In other words, a rule that brings order to the complex relationships between discursive practices in their ways of appearing or disappearing, of being used strategically or tactically, of being organized for various objectives. But far from treating the archive as a dusty and sleepy repository of memory established as such by political will, in the articulation of its functioning, Foucault (1972)

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[3] "But even more, and *even earlier*, 'archive' refers to the *arkhé* in the *nomological* sense, to the *arkhé* of the commandment" (Derrida, 1995, p. 9).

[4] Already in 1994, when he delivered his conference entitled *Mal d'archive: Une impression freudienne* in London, referring to the communication technologies of that era, especially e-mail, Derrida (1995) had grasped in real time the enormous transformation of "the entire public and private space of humanity, and first of all the limit between the private, the secret (private or public), and the public or the phenomenal" (p. 17).

captures its plastic mutability which even allows its "manipulation", "it reveals the rules of a practice that enables statements both to survive and to undergo regular modification. It is the *general system of the formation and transformation of statements*" (p. 130). This is why the archive is not "describable"; it is continuous in its formation and transformation, exactly as today is the infinite and interminable memory of a digital archive that stores information without storage limits. The other from the archive is swallowed up in the archival, and if Foucault (1972) warns us about our capacity for mastery, thus underlining the difference with "what we can no longer say" (p. 130), "the gap between our own discursive practices" (p. 131), the machine that remembers everything that is communicated in the digitized network does not know anything else outside it, except what escapes the digital archive, which is dispersed outside the network.

Foucault used the model of the Jewish-proto-Christian pastorate to typify a specific governmentality, extending it as an ideal-type for the governance of conduct, within his criticism of the concept of sovereignty peculiar to modernity. Analyzing the "power techniques oriented towards individuals and intended to rule them in a continuous and permanent way" (Foucault, 2000, p. 300), pastoral power is articulated in a process of subjectivation mediated by an order given by the good shepherd who offers himself as the ruler of a flock which does not cancel out the individual as a whole, but rather "implies individual attention paid to each member of the flock" (Foucault, 2000, p. 303, 2009, p. 173): *omnes et singulatim.* The truth of order is achieved not so much through the exercise of a command, sometimes arbitrary, but rather through the affirmation of a principle of care which triggers, on the one hand, an exposure of the individual subject to the charitable eye of the good shepherd, determined not only to preserve the entire flock, but also to "convert" the black or lost sheep at any cost; on the other, an instance of virtuous obedience through the confession of a truth. A "dialectical" noose is tightened in an unprecedented way between subjectivation and subjection (Stypinska, 2024), a subjugation through the internalization of a rule accepted as true in the context of the expression of a religious faith, which binds the individual to the cosmos, "an end in itself" (Foucault, 2000, p. 309) that protects him from the always looming, always imminent sin.

Despite the ruptures identified by Foucault in these techniques of individualizing power in the different eras (Greekness, Judaism, Romanism, Christianity), pastoral power seems to detach itself from the obsession with sovereign control of territory and land, to focus on the individual grip that leads to a voluntary submission of obedience born in a dimension of singular interiority. "The word *nomos* (the law) is connected with the word *nomeus* (shepherd): the shepherd shares out, the law apportions" (Foucault, 2000, p. 304).

The de-territorialization of pastoral technology today evokes a virtual dimension that escapes state sovereignty, but in which the partition and redistribution of knowledge-powers in the digital sphere are entrusted to algorithmic devices that take care of those who use the devices, that guide choices and deliberations, not only consumerist ones, that even predict future behaviors because they know what is the good of the user himself: a process of subjectivation that concerns the digital double. Voluntary obedience is the irreplaceable premise for the process of subjectivation of an empty, ghostly corporeal subject, made an instrument of digital marketing techniques (commercial and political), devoid of subjectivity except in a dimension of simulacrum mediated by the screen of a device, today expressed through a sort of "confession" in the form of self-exposure on social media which reveal, in a certain sense, the raw truth that each person intends to offer about themselves, leaving room for surveillance, the biopolitics of data, self-entrepreneurial neoliberal investment, and algorithmic post-governmentality (Vaccaro, 2024).

The ghostly subjects are the beings of a hierarchy instructed by the pastoral techniques that govern the formation of voluntary servitude evoked centuries ago by Etienne de La Boétie: precisely because of this transformation of the techniques of power,

> hierarchy is never the simple expression of the inherent superiority of one living being with respect to another, but nor is it the mere reflection of their objective social organization. It is not an ontological fact; it is a form of practice. (Heron, 2018, p. 78)

This coincides with the praxeological nature of technology applied to AI. In fact, AI errors and hallucinations are framed as soluble problems based on the refinement of scientific research, the strengthening of computing machines, and the tactics of approaching what currently appears to be an obstacle to the full digital deployment of the environment within which we interact, operate, and live. In other words, the automation of the human process of deliberation does not constitute an epistemic aporia, but rather only a transition phase towards its full achievement. If this happens by simulating the mental dynamics of neurons or the final effects of these processes, it will only represent the gateway to general AI. It goes without saying that whoever designs and controls the contextual environment that overdetermines it will set himself up as the decision maker of last resort of any human deliberation reworked by the machine. AI will possess the prerogative of neutrality and efficiency, difficult to find in humans, and will be able to simplify without getting lost in the complexity of a society which, in the "eyes" of AI, will be legible, transparent, and therefore governable:

> fully formalized, automated decisions have become more and more attractive as effective and supposedly neutral or even democratic procedures, in particular if they implement an empirical component that can be presented as "carrying" the actual decision. Responsibility can then be shifted to the data themselves. (Rieder, 2016, p. 43)[5]

Thus, both the discriminations in the broad sense existing in empirical reality that make the world as organized as it is unequal are elided, as is the opacity of a digital device that takes on such discriminations and pretends to neutralize them by classifying and returning automatic decisions in harmony with the discriminations in act.

Precisely the machinic power that collects and processes data, that profiles users to the point of assigning them a "digital alter ego" (Amoore, 2009, p. 3), a "digital doppelgänger" (Harcourt, 2015, p. 25), which builds complex and sophisticated algorithms capable of learning its own evolutions in terms of performance by itself, which "animates" *machine learning* to the point of acquiring a quasi-agent status capable of influencing, recommending, nudging, shaping and directing tastes and opinions, which establishes habits and makes the various and multiple activities that a user carries out online become habitual. This digital device, which is increasingly extending and intensifying its effects, produces effects in the collective, social, and political imagination, as well as in the individual captured as a human artificial apparatus prosthesis (Vaccaro, 2020, 2023).

It is as if data processing opened an imaginary horizon in which the performance of AI as we know it today takes shape in everyone's life. David Beer (2019, pp. 22 ff.) offers a valuable overview for helping us understand the machine-human conversion: *speedy, accessible, revealing, panoramic, prophetic, smart.*

Firstly, the speed and rapidity with which AI performances are carried out in our presence lead us to believe that behind the screen there is a human being capable of conversing with us, of correctly answering our questions, of anticipating our needs and requests, to provide a suggestion in the face of our momentary indecision, demonstrating that we know each other quite well, exactly as a long-term friend might do. In short, "the quicker the better" (Beer, 2019, p. 51).

Secondly, easy accessibility acts as a power to obscure the complex mechanical technique to make its use appear simple and easy, especially for those who are completely unaware of that technological complexity, simplified to the point that it can be used

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[5] "Algorithms involve a very specific temporal relationship aimed at reducing the relative indeterminacy of the future to a predictable and computational sequence of *that which is to come.* […] Digital traces are fragments of past interactions or activities which, when correlated together, allow a preemption and prediction of future behaviors" (Reigeluth, 2014, pp. 245, 250). Cfr. also Badouard et al. (2016) and Cooper (2019).

unconsciously even by children. The "second nature" use serves to offer the services as if they were now integral to the natural panorama in which we move, totally erasing the material and immaterial chain that detaches itself from the background of digital devices to hide behind phenomena and be removed from common knowledge: rare earths, energy-intensive server power, labor exploitation, and other "invisible" processes highlighted by Kate Crawford (2021).

Thirdly, the performances of AI seem to be "magically" endowed with the character of indubitable truth, as they are the result of an immense capacity to process a super-human quantity of data available everywhere, which provides AI with immense knowledge unavailable to the human mind in its finite limits, whereas the storage of Big Data is virtually infinite, it knows no limits either in capacity or processing. Could such a mind fail and tell us things that are not true? At least not immediately; it would require an effort of mediation and verification whose duration is irreconcilable with the rhythm of digital life.

Fourthly, the horizon of knowledge grasped by the AI seems all-around panoramic, 360° (if the expression were not boring to abuse...), its gaze appears all-encompassing and travels backwards in time, but even forward into the near future, without clouds to obscure the landscape to be analyzed and returned to the user. Above all, devoid of an Outside which for the history of humanity has always constituted and represented the spring of an unknown to be deciphered, to be discovered, to be revealed, to be captured and integrated into one's own interpretative and anesthetic codes with respect to the irruption of disturbing novelty. The gaze of AI scrutinizes everything; nothing escapes it, and the invisible becomes impossible because it is non-existent, since everything becomes data, which is stored and processed.

Fifthly, AI claims to reveal our future today, as if it were possible to anticipate it and make it retroactive to the present. Machinic power not only observes and profiles our identity, but also predicts its future evolution, transforming the darkness of our interiority from the darkness of the unconscious traced by Freud to the maximum transparency of the digital eye. Not only, therefore, surveillance and control (Zuboff, 2019), but also prediction, prophecy, and anticipation, all powers capable of influencing our current behaviors. That is, an analytical and performative capacity that transforms the gaze of data into proactivity that influences and conditions the present, conforming the imagination to the horizon defined by AI: "the power of data analytics is not just in what they actually achieve, it is in how they are imagined" (Beer, 2019, p. 132).

Sixthly, by *smart* we mean a specific characteristic of AI: being dexterous, alert, always on track, constantly up-to-date, a trait of *machine learning* that determines algo-

rithmic performance, similar to the stereotype of the brilliant young man to whom AI is addressed. AI claims to learn to learn "exactly" as happens in human evolution, and the digital models correspond to the most recent acquisitions in the field of neurobiology, as also evoked by Norbert Wiener at the dawn of cybernetic hybridization, according to which automation mimics evolution in an anthropomorphic-like manner.

In essence, with the "prodigies" of AI, the connection between rational calculation and magic, which was at the basis of Weberian disenchantment (*Entzauberung*), seems to be curiously reversed. According to Weber, in fact, as the calculation of reason, intellectual processes, and the intellectual progress of nations became increasingly established and widespread, magical visions of the world would disappear:

> This means that the world is disenchanted. One need no longer have recourse to magical means in order to master or implore the spirits, as did the savage, for whom such mysterious powers existed. Technical means and calculations perform the service. This above all is what intellectualization means. (Weber, 1946, p. 139)

The reversal taking place with AI instead seems to bring back the magical illusion of its prophetic and anticipatory force, which even surpasses the capacity of reason and human faculties, through the power of calculation, which produces a sort of determinism found in taxonomy and in the classification that obsesses the algorithmic device. Datafication and profiling, in fact, produce a subjective doubling which is indeed represented by complex hierarchies of "weapons of mathematical destruction", as Cathy O'Neil (2016) tells us, but these models of representation are devoid of any meaning, therefore they resonate a spell that replaces the explanation with the effectiveness of prediction, which perverts the rationality of calculation with the pre-cognition of the oriented future. Furthermore, the opacity with which algorithms are designed to obtain reality effects (not just virtual ones) fuels the alchemical aura of what imposes itself without passing through the scrutiny of reason, political debate, and public responsibility (Campolo & Crawford, 2020). In other words, technological calculation, in this case computational through algorithms, places itself at the service of a supernatural "fantasy" of the power of AI that touches the heights of the mythical, the magical, the religious. A sacrifice of the intellect, Weber would have reiterated, which turns the rationalization and intellectualization that typifies science into a technological sense.

Paradoxically, but not so much, another Weberian category appears, that of charisma, to offer us a further key to understanding the wonders of AI. It is true that Weber attributes charismatic qualities to embodied authorities, but today we are aware of

and sensitive to human-machinic interaction whereby even "non-human" actors have full agency, especially in socio-technological discourses. For Weber, authority endowed with charisma brings into play an extraordinary force, not accessible to the common individual, such as to enable beliefs that confer strong legitimacy on the authority and which are persistently impervious to any critical evaluation of merit, indeed often even despite the counter-evidence. Thus, it stands just because those who own it are totally uninterested in their personal gain or their individual (economic) gain. In this sense, for example, the prophet and the oracle (similarly to the military leader or the populist demagogue) according to Weber (1946) exercise a "charismatic domination" (pp. 79, 216), linked not only to personal qualities whose verifiability is doubtful, but above all to an experiential atmosphere that the computational processes of AI constantly promise by continuously relaunching the frontiers of what is reachable and beyond, compared to what is already known. And even when the goals promised and announced as inevitable are not achieved and are postponed for decades, as in numerous cases linked to the alleged supernatural qualities of AI, machinic magic persists precisely because it can be traced back to its charismatic aura. I would consider it simplistic, but not incorrect, to translate this charisma into ideological strength, as Stuart Hall (1982) seems to do: it "represses any recognition of the contingency of the historical conditions on which all social relations depend. It represents them, instead, as outside of history: unchangeable, inevitable and natural" (p. 76).

Moreover, predictive algorithms present themselves as "generous" revealers of the future to the extent that they are designed to realize this prophecy:

> The charisma of the genuine magician serves others: […] The legitimacy of charismatic rule thus rests upon the belief in magical powers, revelations and hero worship. The source of these beliefs is the 'proving' of the charismatic quality through miracles, through victories and other successes. (Weber, 1946, pp. 290, 296)

Weber argues that this denotes the irrationality of charismatic authority, but as noted above, it is precisely the specific computational sign of digital computation processes that connects rational calculation with the magic promised by AI. Furthermore, computational technology broke out in a shockingly revolutionary way in the panorama of the second half of the 20th century, perfectly in line with the Weberian observation according to which charisma "is 'revolutionary' in the sense of not being bound to the existing order" (Weber, 1946, p. 296). And still to remain in today's Weberian "paradox", this revolutionary irruption serves a neoliberal conservatism that has already captured

technological innovation to make it a strong asset of contemporary capitalism: "charismatic technologies help establish and reinforce the ideological underpinnings of the status quo through utopian promises—promises that persist even when the technology does not deliver" (Ames, 2015, p. 109).

Ultimately, the doubling of the world made a simulacrum of a hyperreal, even more true world, as simulated by AI results in the production of synthetic data that attenuates or even completely exempts itself from any ontological link with the "real" substratum on which the algorithm carries out the datafication operation. A simulation that accentuates the predictive and prefigurative character of the algorithm. The connection between "natural" and "artificial" is therefore broken to enter a dimension of self-justifying automatism of one's own production: "it is data which is not a trace, copy, or recording, but the product of a computational process" (Steinhoff, 2024, p. 3294). In fact, the deep learning processes typical of AI development cannot saturate the totality of what exists in exhaustive data, these will always be insufficient, unsuitable to be processed and datafied for unexpected and unforeseen events; furthermore, to date a large part of AI activities require live human work (for example, to tag images correctly) and therefore "too human" economic resources and availability to influence AI acquisitions. Not to mention, then, the regulations of legislative and political institutions that can constitute an obstacle to the full deployment of the business of an AI that is refractory to protecting property rights, privacy, and so on. Furthermore, its supporters claim that "synthetic data can successfully replace original data for data science" (Patki et al., 2016, p. 399), and are almost indistinguishable from so-called originating data despite no close relationship. Without a doubt, the epistemic leap from simulation detached from any reference to the order of reality, to the application of "return" to reality on operational terrain (medicine, war conflict, autonomous driving systems, etc.) poses some solvency problems.

In conclusion, following Marshall McLuhan, "We shape our tools and thereafter our tools shape us" (Culkin, 1967, p. 70).

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ARTIFICIAL INTELLIGENCE: FROM SEMINAL SCIENTIFIC HYPOTHESES TO SOCIO-TECHNICAL REALISATION*

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INTELIGENCIA ARTIFICIAL: DE LAS HIPÓTESIS CIENTÍFICAS FUNDAMENTALES A LA REALIZACIÓN SOCIOTÉCNICA

Abstract

This paper, excerpted from *Que faire de l'intelligence artificielle ? Petite histoire critique de la raison artificielle*, offers an account and genealogy of artificial intelligence (AI)'s technical foundations and philosophical implications from its mid-20th-century origins to the present. The narrative underscores how early scientific hypotheses continue to influence current AI paradigms. Part one uncovers foundational hypotheses—predating the 1956 Dartmouth workshop—that informed both symbolic AI (prevalent until the late 1980s) and the surge of connectionist methods in recent decades, demonstrating their shared premise of mind and brain as logical machines. Part two examines

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the sociotechnical labor of AI development, using the ImageNet database as a case study to reveal the hidden work of crowdsourcing in training modern models. By juxtaposing these theoretical foundations with practical industry practices, the paper highlights enduring continuities and transformations in AI research and invites reflection on the technical and social processes shaping the AI industry today.

Keywords
artificial intelligence; mind; logical machines; machine learning

Resumen
El presente artículo, extraído del libro *Que faire de l'intelligence artificielle ? Petite histoire critique de la raison artificielle*, ofrece una exposición didáctica y una genealogía crítica de la inteligencia artificial (IA) desde mediados del siglo XX hasta la actualidad. En la primera parte, se desvelan las hipótesis científicas fundamentales que, antes de la conferencia de Dartmouth de 1956, sustentaron la evolución de la IA simbólica (dominante hasta finales de los 80) y la IA conexionista (impulsada en las últimas dos décadas), mientras se muestra su convergencia al concebir mente y cerebro como máquinas lógicas. En la segunda parte, se analizan aspectos sociotécnicos recientes con base en el caso de la base de datos ImageNet para ilustrar el trabajo invisible del *crowdsourcing* en el entrenamiento de modelos. Al conjugar fundamentos teóricos y prácticas industriales, el texto subraya las continuidades y transformaciones que definen la industria de la IA hoy.

Palabras clave
inteligencia artificial; mente; máquinas lógicas; aprendizaje automático

The Brain and the Mind as Machines

The artificial intelligence (AI) project[1] aims to create machines capable of performing all sorts of tasks that, at first sight, only humans seem capable of: solving problems, identifying objects, using natural languages, playing games…. In this sense, we could say that it aims to imbue machines with a human dimension. However, it is also possible to consider that, by assimilating all or part of human beings to machines, AI ultimately amounts to creating other thinking machines. Its theoretical inspirations lead more clearly towards this second perspective.

It is first necessary to agree on the kind of machines in question. Warren McCulloch (who, in collaboration with Walter Pitts, provided a mathematical model of neural activity that inspired the artificial neural network idea on which connectionist AI is based) offers some explanations in this regard: "Everything we learn of organisms leads us to conclude not merely that they are analogous to machines but that they are machines. Man-made machines are not brains, but brains are a very ill-understood variety of computing machines" (McCulloch, 1965, p. 159).

As might be expected, the brain, the starting point of connectionism, is at the heart of the discussion; the first purpose of the formal neural network was to explain how it works. It might be more surprising to see it described as a machine. Nevertheless, McCulloch does not argue that the brain is a technical object. He does not use the word "machine" in its everyday language meaning. According to him, the machine is the model, the logical functioning abstractly described (Dupuy, 2009). This is why the brain is regarded as a "variety of computing machine" and why, in turn, it becomes possible to consider implementing the same functioning in artefacts.

What, then, of the alternative approach to AI, the symbolic approach, which takes the mind as its reference point rather than the brain? It ultimately reaches analogous conclusions, albeit via more tortuous paths. As posited by Allen Newell and Herbert Simon (1976), two of the most prominent figures in this line of reasoning, computer science has explained "at a rather basic level what symbols are" and thus led to a "scientific proposition about Nature" (p. 114). This proposition assumes that symbols are the fundamental units of intelligence. They can be considered to play a role analogous

[1] This section follows an exposition of the two major approaches in the AI field: the symbolic approach and the connectionist approach. It also follows the presentation of the foundational scientific workshop at Dartmouth College in 1956 and its stated objectives. It is within this context that the project guiding the development of AI systems is described here. It should be noted that AI has been driven by other desires, including, for example, the goal of developing general AI systems that would not be limited to a single task. However, even when such a goal is pursued, it is generally with the same epistemic foundations.

to cells in biological systems, tectonic plates in geology, or atoms in physics. This is the so-called hypothesis of "physical symbol systems."

Two exemplars of "physical symbol systems" are the human mind and the computer. We will not dwell on their "physical" dimension, that is to say, the body or the brain, in the first case, and the material machine, namely the hardware, in the second. This kind of *res extensa*, or "extended thing," as Descartes might have described it,[2] merely enables these systems to exist "in a world of objects wider than just these symbolic expressions themselves" (Newell & Simon, 1976, p. 116). A system of symbols, in other words, is not a self-contained entity; rather, its materiality anchors it in the world. However, intelligence lies elsewhere: the ability to store and manipulate the symbols according to logical rules. As apparently evidenced by a simple mathematical calculation, it can function in a relative abstraction from the world.

It is a commonly held view amongst (philosophical) commentaries on AI that this stance represents a continuation of a particular intellectual tradition within the West (Dreyfus & Dreyfus, 1988; Haugeland, 1989). It recalls the words of Hobbes, who, in the 17th century, presented reason as a "power" or "faculty" of computation, that is to say, logic.[3] It also recalls the endeavours of Gottfried Wilhelm Leibniz, who, contemporaneously, sought to construct a formal language that would enable the logical resolution of any controversy and could be used by machines.[4] Finally, it is directly inspired by the contributions of Gottlob Frege and, subsequently, Bertrand Russell to contemporary logic at the turn of the twentieth century. It is noteworthy that the first AI computer program, the *Logic Theorist*, aimed to demonstrate theorems in symbolic logic from Bertrand Russell and Alfred North Whitehead's *Principia Mathematica.*

The hypothesis of physical symbol systems thus establishes a fundamental link between intelligence and logical formalism: the latter expresses the rules governing the manipulation of symbols. It should be stressed that these rules do not derive directly from human cognition: the computer is a logical machine in the same way as the human mind, but it is not in the image of the latter. The two are functionally equivalent when, for example, they apply the same functions or algorithms: a calculation, a problem-solving procedure, and so on.

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[2] The hypothesis of "physical symbol systems" should not be confused with substance dualism, as seen in Descartes' philosophy. Rather, the aforementioned hypothesis is based on a functionalist perspective, which means it is "officially neutral between materialism and dualism" (Levin, 2023). The parallel is intended to highlight the fact that for the hypothesis of "physical symbol systems," symbol systems exist in a relative abstraction of their physical dimension.

[3] The first chapter of Hobbes's De Corpore is called "*Computatio sive logica* [Computation or Logic]."

[4] Leibniz calls this language *characteristica universalis.* For a comparative study of how Hobbes and Leibniz link thinking and computation, see Triclot (2005).

From a philosophical perspective, however, the hypothesis of physical symbol systems entails a heavier and more ambiguous assumption. Claiming the "empirical character" of their hypothesis, Newell and Simon (1976) assert that it must be verified by empirical enquiry, and to this end, they propose different paths. The observation of human symbolic behaviour (i.e., our ways of reasoning) is one; the creation of computer programs that perform tasks deemed "intelligent" (i.e., the construction of other symbol systems) is another. The authors contend that these parallel investigations will strengthen the functional equivalence between the mind and the computer.

Nevertheless, the testing of a hypothesis through experience does not suffice to render it empirical. In philosophical parlance, Simon and Newell's hypothesis can be considered transcendental; it implies a priori conditions of intelligence (Proust, 1987). Supposing that all intelligent systems share "the ability to store and manipulate symbols" (Newell & Simon, 1976, p. 115), it ultimately refers to another logical machine: the Turing machine.

In a seminal article, the British mathematician Alan Turing (1937) introduced this purely imaginary device. His description is particularly unsettling in that it portrays a purely ideal machine, a model of computation, while evoking tangible technical objects. One should imagine it furnished with a potentially infinite "tape," divided into "squares," each bearing a symbol. To facilitate comprehension, the metaphor is often expanded. The Turing machine is commonly said to have a "head" (capable of moving along the tape and reading, writing, and modifying it), a state register, and a table of possible actions or instructions. Putting metaphors aside, we find here the conditions of intelligence postulated by the physical symbol systems hypothesis: the ability to store and manipulate symbols.

What is the purpose of the Turing machine? To solve any computational problem, it is necessary to define a non-ambiguous series of steps to be strictly followed.[5] A minimal example of such a procedure could be: If a square contains an "a," replace it with a "b," then move on to the next square and repeat the operation. In other words, the Turing machine is merely a formal model of the notion of algorithm. There is a tendency to subsume the functioning of computers under this model; the hypothesis of physical systems of symbols also subsumes the functioning of the mind under it.

While connectionist AI views the brain as a machine (a network of formal neurons), symbolic AI views the mind as a machine (a Turing machine). Despite their

[5] Within the limits of calculability as stated by Church-Turing's thesis, that is, the class of recursive functions, which is equivalent to the class of lambda-definable functions.

initial divergence, these approaches ultimately converge. According to Warren McCulloch (1965), neural networks are, in the final analysis, equivalent to Turing machines. Anything one can do, the others could do too: "any Turing machine could be made out of neurons" (p. 159).

In light of the foundational insights that have shaped the field of AI, whether they focus on the brain or the mind, the human being is a machine.

Serving AI: Data Capture and Work

Microblogging, collaborative encyclopaedias, photo and video sharing, sport performance tracking… The advent of platforms and social media fed by user-generated content, also known as participatory web, has provided AI[6] with resources it barely dreamed of. The phenomenon has reached the scale we have come to know as a result of the growth of ubiquitous computing, which includes smartphones, tablets, and "personal digital assistants," as well as smart TVs, on-board computers, smart objects, and other devices that are constantly creating data of all kinds.

The idea of creating large databases from such a fountain of data rapidly emerged. ImageNet is a canonical example, as it is widely claimed to have paved the way for the current triumph of neural networks. Initiated in 2006 by Fei-Fei Li at Princeton University, the project consists of the accumulation of annotated images. In addition to providing an unprecedented resource for training neural networks, it also offers the opportunity for an annual computer vision competition from 2010 to 2017. The objective is to recognise as many categories of objects as possible in a large number of images. In 2012, the competition was won outright by AlexNet, a neural network trained on ImageNet and developed under the supervision of Geoffrey Hinton. Its error rate is almost 11 %, lower than that of the methods still used by the competition. The "revenge of the neurons" (Cardon et al., 2018) has just begun.

The creation of ImageNet was made possible by another database, WordNet, which was also created at Princeton University more than twenty years earlier. It brings together *synsets*, sets of English words grouped according to a common meaning.[7] Ironically, this type of semantic network was highly prized by symbolic AI expert systems at the time of its creation. In the context of ImageNet, synsets were used to launch automated

[6] In contrast to the previous part, this paragraph focuses more on contemporary AI systems based on neural networks, that is, connectionist systems.

[7] For example: "book, volume, product (physical objects consisting of a number of pages bound together)" (Princeton University, n.d.).

queries to various search engines in order to retrieve links to images that were supposed to correspond to them. This is known as web scraping and involves extracting data from the web, not by searching for it individually, but by programming a script to do it for us. The match between images and words was then checked by humans.

To be more precise, the creation of the ImageNet database has relied on crowdsourcing (a term derived from the words "crowd" and "outsourcing") in at least two ways. First, the aforementioned database contains links (ImageNet, 2021) to images (for which copyright has not been acquired) that were not created with the specific purpose of being included in the database. A considerable proportion of this content has been sourced from photo-sharing platforms such as Flickr. Second, the tagging and classification verification have been directly outsourced through Mechanical Turk (MTurk), which is Amazon's micro-labour marketplace.

The reference contained in the name of this service is clear. The Mechanical Turk was an 18th-century automaton designed to appear to play chess. Its construction and the placement of mirrors enabled it to conceal a chess master. Giving a new twist to this story, Amazon offers assistance to an "artificial artificial intelligence" (Pontin, 2007) that no longer needs to lock anyone in a chest. Its platform connects "requesters," who offer menial tasks in large numbers (data validation, content description, online survey, etc.), with "turkers," who receive a micro-payment for each completed task. Thanks to the Internet, it mobilises a plethora of hands whose gestures crystallise in the training of AI systems. They produce or prepare the data, sort it, correct potential labels, etc.

Framing effects are used to enhance efficiency. The resulting interface prompts turkers to validate, reject, check, correct, or answer questions using the minimum number of clicks and keystrokes. In the case of the ImageNet database, the mean rate was approximately one image per second per turker (Markoff, 2012). It is therefore not productive to assume that a question has been poorly formulated or that a label is ambiguous. For the time spent on the platform to be profitable, interactions with it need to be as frictionless as possible.

MTurk reveals a new mirror here: the conditioning of automatic machines entails a conditioned automation of human interaction with the machine. Unlike the chess master of the old Mechanical Turk, whose exceptional play was the key to the show, the turkers perform tasks considered human because they generally involve an extremely low degree of specialisation.[8]

[8] Amazon calls them *Human Intelligence Tasks* (HIT).

The magic of automation offered by AI systems trained in this way operates within social conditions. ImageNet provides an illustrative example of two practices that can be subjected to such an analysis. One is poorly remunerated, the other not at all, but both take place on the margins of traditional production sites. They are as essential to the system as they are inconspicuous. Computer vision relies on invisible work.

The ImageNet database is not an isolated case. The methodology employed in its construction has inspired the creation of numerous other databases. Examples include MusicNet (which collates classical music recordings with labels indicating the time of each note, the instrument that plays it, etc.) and ActivityNet (which matches videos with the human activities they represent).

Beyond Amazon Mechanical Turk, other systems have also been developed to delegate the task of labelling. Everyone has, at least once, had to pass the reverse Turing test of Google's reCAPTCHA. It is now famous that "I am not a robot" means "I am capable of doing what machines are not yet capable of doing properly." By writing the characters or words on the screen or clicking on images of cats, cars, traffic lights, and so on, users contribute to training AI systems.[9]

The identification and description of such forms of invisible work have become a significant theoretical issue and have raised claims. This has resulted in the emergence of numerous concepts, including "digital labour" (in contrast to the digital work of individuals employed in the IT sector), "ghost work," "fauxtomation," and "heteromation." (Casilli, 2019; Ekbia & Bonnie, 2017; Gray & Suri, 2019; Taylor, 2018) None of these concepts align with the mantra of the end of work through automation. That said, automation does not leave the nature of work, its conduct, or organisation untouched. It may rather contribute to a steady casualisation of labour.

The historian Lewis Mumford, a few decades earlier, had already highlighted the connection between certain social and technical forms. He showed how, over and above tools and machines, the aggregation of masses of people and the hierarchical organisation of their work had enabled, among other things, the construction of the pyramids

[9] It would be inaccurate to assert that Google reCAPTCHA is wholly analogous to Amazon Mechanical Turk. Unlike Amazon, Google does not act as an intermediary for individuals requiring labelled data; instead, it acts on its own behalf. Moreover, it is not based on an economic incentive model; rather, it blocks access to a website or service if the test is not deemed conclusive. The primary objective of the system, which is offered free of charge to webmasters to a certain extent, is to prevent massive requests from malicious robots or crawlers, potentially including those attempting to retrieve data for the purpose of training neural networks. It is noteworthy that in its latest versions, reCAPTCHA minimised the appearance of the tests that made it famous by conducting a risk analysis that relies heavily on data supplied by the web browser about hardware, software, and browser-based user behaviour. Those who protect their online privacy are more likely to fall into the non-human category.

several thousand years ago. Mumford (1970) described this phenomenon as a "megamachine," an "invisible machine," and predicted that its modern analogue would "escape spatial and temporal limitations… with its functioning parts operating as a whole through instant communication" (p. 258).

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FROM PERVASIVE TECHNOLOGIES TO TECHNOLOGY OF THE SELF. A COUNTER-SUBJECTIVATION ARGUMENT FOR A SHIFT IN THE CRITICAL THEORY OF CYBERSPACE*

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DE LAS TECNOLOGÍAS OMNIPRESENTES A LA TECNOLOGÍA DEL YO. UN ARGUMENTO DE CONTRASUBJETIVACIÓN PARA UN CAMBIO EN LA TEORÍA CRÍTICA DEL CIBERESPACIO

Abstract

This paper aims to contribute to the discourse on the intersection of power dynamics and subjectivation processes as explored in critical theory, particularly in response to the digital transformation brought about by information and communications technologies and

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cyberspace. It argues that, despite some important attempts being made in literature to conceptualize a Foucauldian analytics of power regarding the impact of the digital dominion on subjectivity production, there is a lack of understanding of the technology of the self. The premise of the argument is that of info-dominion and subjectivity production, found in mechanisms such as profiling, dematerialization, and machinery determinism, that are extensively reliant on a subject as the inscription surface of digital reality. This paper will contribute to the subjectivity-making debate in the digital shift, recasting some conceptualities from French philosopher Michel Foucault that are relatively undeveloped in the critical studies of cyberspace, arguing for a thesis of counter-subjectivation.

Keywords
subjectivity; power; technology of the self; cyberspace; digital autonomy

Resumen
Este artículo pretende contribuir al discurso sobre la intersección de las dinámicas de poder y la subjetivación en la teoría crítica en respuesta a la transformación digital que las TIC y el ciberespacio han traído consigo. Se argumenta cómo, a pesar de algunos intentos en la literatura para conceptualizar una analítica foucaultiana del poder respecto al impacto del dominio digital en la producción de subjetividad, falta comprender la tecnología del yo. La premisa del argumento es la del infodominio y la producción de subjetividad que se encuentran en mecanismos como la creación de perfiles, la desmaterialización y el determinismo de la maquinaria, y que dependen del sujeto como superficie de inscripción de la realidad digital. Se aporta al debate sobre la subjetivación en el cambio digital al reestructurar conceptualidades de Michel Foucault que están poco desarrolladas en los estudios críticos del ciberespacio mediante la defensa de una tesis de contrasubjetivación.

Palabras clave
subjetividad; poder; tecnologías del yo; ciberespacio; autonomía digital

Premises and State of the Art

The Foucauldian analytics of power has undoubtedly been a watershed moment in contemporary political philosophy and theory. While it is true that Foucault's entire work—from the early archaeological phase to the later genealogy and ontology of the present[1]—has generated a substantial body of hermeneutic-philological and political-philosophical studies, his understanding of productive power experienced an exponential proliferation of interest. This expansion has inevitably influenced political philosophy and sociological-ethical studies of cyberspace (Henry, 2024; Leiner et al., 2009), namely information and communications technology (ICT) and techno-digital advancements in the infosphere (Floridi, 2014), which undergo an intense examination under Foucault's theories of power, governmentality, and subjectivity. The impact is so profound that the French philosopher François Cusset (2008), for instance, dedicates an entire chapter titled *Theoretical Machination* to exploring the connections among cyborg identities, algorithms, information technologies, and even science fiction literature, all through the lens of Foucauldian post-structuralist insights. Furthermore, with a touch of irony, he recalls how "a science journalist for the New York Times compared Foucault to Elastic Man from the Fantastic Four" (p. 254). Indeed, flexible and productive notions of subjectivity, along with non-sovereign and non-legally codified forms of dominion, represent significant conceptual innovations that are highly relevant in the political studies of the digital turn, cyberspace, and algorithmic pervasiveness.

This paper aims to contribute to the discussion by arguing that, despite the critical and cutting-edge conceptualization of the new digital era within the framework of Foucauldian productive power and subjectivity production, there is a gap in understanding the "technology of the self" dimension (Foucault, 1988). This aspect, which can be seen as a form of counter-subjectivation in response to a regime of pervasive cyber-dominance, warrants exploration through a re-reading of Foucault's latest works. These writings, in fact, point towards a conception of subjectivity production that is decoupled from power relations entrenched in an immaterial panoptic web or from the heterogeneous governmental dimension. Instead, the present paper suggests that they retrieve a form of autonomy which, in turn, can be traced in the givenness of experiences and the

[1] Given the significant proliferation of Foucauldian studies today, there is a growing consensus among European scholars to approach Foucault's thought as encompassing different phases and ruptures. This paper espouses the perspective that spans from a structuralist—albeit uniquely positioned—and archaeological work up until the late 1960s, to the more genealogy and the ontology of the present that he developed from the 1970s onward, and a third phase devoted to a refined and advanced version of subjectivation processes and technology of the self where power serves the scope to explore a more ethics/aesthetic dimension of autonomy. See Dreyfus and Rabinow (1983), Kremer-Marietti (1985), Rabinow (1984), or the most recent Iofrida and Melegari (2017) and Revel (2010).

collective formation of digital subjectivities, such as those of the Free Software movements (Broca, 2018) and hacker ethics.

From Cyber-Panopticon to Digital Subjectivity Production

To support the central argument of this paper, this section aims to analyze the most important applications of the Foucauldian philosophical-political framework in contemporary studies on cyberspace and ICT. The current state of knowledge of political and critical theory regarding information dominion and the production of digital subjectivity—whether psychic, embodied, cognitive, or otherwise—is to be understood through the critical reflection of mechanisms like profiling, dematerialization, cyber surveillance, and machine determinism. Against this backdrop, it is possible to identify at least two prominent interpretations and successful applications of Foucault's power analytics: the synaptic (later biopolitical) power and subjectivation process of the immaterial cyber individual as the inscription surface of digital reality.

A first successful application regards the microphysical descent of power into the individual body and, consequently, the species-body (Foucault, 1976, 2003)[2] that reveals pervasive dynamics that are difficult to trace back to a single, original source such as a king or sovereign/codified power. According to the philosopher, power acts as a very tangled mosaic and an extremely complex whole, subtle in its distribution, mechanisms, mutual checks, and adaptations (Foucault, 1977, p. 137; 1998).[3] This concept aligns well with the issue of algorithmic determination. Algorithms underpin the functioning of digital relationships and cyberspace, broadly understood as the digital space created by the rise and spread of the Internet. From an onto-epistemological perspective, their structural use produces a form of determination based on probabilistic and predictive computational functions, driven by teleological goals of optimization. Algorithms operate effectively through mechanisms that involve the circulation, accessibility, and massive data collection[4] provided by users and digital citizens. They also facilitate the storage, selection, and cross-referencing of digital information across various data types (or media, such as images), which is fundamental, for instance, to machine learning, a subset of artificial intelligence (AI). Placing the algorithmic

[2] The reference here is both to *La volonté du savoir and to Il faut defender la société.*
[3] Quote translated by the author.
[4] As Ippolita (2017, p. 9) describes very well: "Algorithms are not limited to simple abstraction, although they are logical procedures. In most cases […] they operate from the world and with effects on the world. These operations also occur before and after the various logical steps that constitute them. We can distinguish three sets of steps articulated on three different levels: that of the input data (input), that of the algorithm proper (processing), and that of the output data (output)."

workings of cyberspace within the framework of Foucauldian power analytics, algorithms produce/are produced within that knowledge-power dualism, in which the injunction to tell the truth (data entry) and the selective asymmetry of the truth that can/should emerge (e.g., the results of a search engine) creates asymmetries of power and a mode of circulation of the same power that is pervasive, continuously productive, and not easily discernible.

The coordinated action of these mechanisms in cyberspace—clear in contexts such as social media, online shopping, or search engine optimization—thrives on what has been broadly defined as algorithmic power" (Bucher, 2018). This concept perfectly fits with the Foucauldian metaphor of the reticular workings of power. While contributions from philosophy of technology and AI ethics have extensively highlighted the structural presence of bias and non-neutrality in both computer systems (Friedmann & Nissenbaum, 1996) and AI's algorithmic predictive mechanisms (Stinson, 2022), critical-political literature has identified the subtle exercise of pervasive, synaptic, microphysical (bio)power as the ontological-political matrix of algorithmic governance or governmentality (Floridi, 2014; Hayles, 1999, 2005; Ippolita, 2017; Luce, 2024; Rouvroy & Berns, 2014; Schmidgen et al 2023: Tucci, 2024).[5] For instance, this occurs with the concept of "synaptic power" (Foucault, 1980), which has long since abandoned the king's throne and the right of the sword, becoming immanent within the social body and embedding itself in the productive web of relations, discourses, and practices of everyday life. Cyberspace, therefore, acts as a reconfiguration of actors and powers that are no longer reliant on a single central authority or a monolithic governmental setting. Instead, the productive, microphysical nature of algorithmic power, existing in the infinitesimal distribution of data circulation and profiling, is central to arguments about the digital surveillance panopticon (Chapman et al., 2014; Manokha, 2018) and the hegemonic information dominion of GAFAM.[6] Biometrics, data storage, facial recognition, GPS tracking (Martire et al., 2022), reCAPTCHA,[7] or even the Internet of Things, represent

[5] The body of literature that applies the Foucauldian power analytics framework is extensive and diverse. It encompasses a wide range of approaches and intellectual traditions—from philosophical-political to sociological, ecofeminist, critical technology studies, and beyond—and spans a considerable temporal range. The references provided in this text and the bibliographic corpus of this paper are intended as illustrative examples rather than an exhaustive representation of this field.

[6] The GAFAM acronym refers to the five largest Western IT multinationals: Google, Apple, Facebook, Amazon, and Microsoft. See Ippolita (2018) and Smyrnaios (2017).

[7] Completely Automated Public Turing Test to Tell Computers and Humans Apart is a human/bot discernment system owned by Google. This system, offered free of charge to website administrators, enables them to prevent bots (software robots) from pretending to be human, thus making brute force cyberattacks more difficult. However, the reCAPTCHA is also exemplary of one of the many systems through which cyber soft power and value extraction is exercised by GAFAM's systems. Indeed, the answers provided by human users allow Google's systems to be improved.

the immaterial manifestation of the productive-reproductive ubiquity of power. Specifically, a bio-info-digital power is always tied to the rational life (bios) of digital subjectivity, its choices, preferences, life forms, and habits. Furthermore, the predictive structural power of algorithms, imbued with bias, has a strong influence on the decision-making process that affects subjects. Predictability is an algorithmic feature employed at large by private companies or governments for different uses (statistics, profiling, electoral campaigns, marketing, and so on) to the point that inherent political properties not only have been attributed to predictive AI, but also deemed illiberal and against the democratic rule of law (Tafani, 2024).

If on the one hand, algorithmic power is a mimesis of the panoptic power of control through data storage and use, of the pervasive and microphysical power through profiling and prediction, and of biopower as circulating on and enhanced by the choices, desires, and habits of those who input information, on the other hand (and simultaneously), there is a second level of fertile application of Foucauldian power theory: that of subjectivity production. Indeed, Foucault's groundbreaking intuition, which redefines the functioning of power by placing it in synergy with elements such as diffuse productivity, strategy, and governmentality, extends beyond his well-known analytics of power to gradually incorporate the theme of subjectivity. The productive circularity of power, initially explored through reflections on "anatomo-politics" and later biopolitics—where the body is seen as the "inscription surface of events" (Foucault, 1977, p. 37)—evolves to the second crucial aspect of Foucauldian power analytics in ICT, spanning from the cyber surveillance discussions to what could be named here as the digital/algorithmic subjectivation process.

This shift is in line with Foucauldian broad interpretation of power (Butler, 1997; Revel, 2014), which does not separate the power question from the interest of the subject. The philosopher's reflections consider them as functioning both diachronically and synchronically, expressing themselves through disciplinary and later biopolitical or governmental dynamics and the government of the living (Foucault, 2016). Subjectivity is the pivotal focus, a theme that runs through all of Foucault's work, at least that of the "genealogist." In his known and debated paper, *The Subject and Power* (1982), having in mind the entire framework of his reflections, the philosopher declares: "It is not power, but the subject, which is the general theme of my research" (p. 209), referring to subjectivity production as an immanent resultant of the objectivizing—or rather subjectivizing—mechanisms of power relations. While the question of how power works is the leading question of the philosopher's political reflections, it always represents the heuristic tool for a deeper search of subjectivity production (1982, p. 210). This all

comes to what, in current philosophical-political literature, has opened the debate on subjectivation that merges the subjection to power (which is always productive) and the subjectivity formation process (Bazzicalupo, 2013; Deleuze, 1988; Lazzarato, 2014; Macherey & Celestine, 1995; O'Sullivan, 2012).

This relational and productive figure of a "power that does not apply to individuals, rather it transits through them" (Foucault, 1976, p. 184) brings the issue of subjectivation and the production of digital subjectivity (Buongiorno & Irrgang, 2020) to the forefront of ICT/cyberspace critical studies. Notably, in contemporary critical literature, digital subjectivity is not merely an info-dominated individual devoid of agency. Rather, it represents a cutting-edge form of power-subject relations, where the subject actively contributes by providing personal information, conducting data searches, locating resources, and so on (Krasmann, 2017). Therefore, the web functions as a community-managed reality with shared responsibilities of co-constitution of power, though it suffers from an inequitable distribution of it in terms of economic value, access, and information usage. Some very illustrative examples of digital subjectivation emerge, for example, in the body of literature regarding platform capitalism (Armano et al., 2020), which crisscrosses and expands the cognitive capitalism debate (Fumagalli, 2007; Lazzarato, 1997). The result is that users' subjectivities become both productive for and subjected to the digital platform.[8]

For instance, a study of the PageRank algorithm argues how Google, the most important and widespread search engine, operates precisely in this direction: "It produces and accumulates value through its PageRank algorithm that manages knowledge and converts it into its own value system" (Pasquinelli, 2009, p. 157). In fact, Google does not "produce" any content *ex nihilo*. It is the cognitive rent, i.e., the intellectual capital freely circulating on the Internet, that constitutes its profit. Contents are captured, indexed, and used for advertising purposes by exploiting the common intellect at zero cost. This mechanism of subjectivation then derives from the production of the subject, which is evident in examples such as profiling or gamification. Looking at this example, gamification is a set of practices applied to the most diverse domains to increase the performance levels of the users of a system according to explicit (scores and other) and implicit (the behavior to be implemented) parameters (Ippolita, 2016). It is a "tool" of persuasive system design (used for instance to design technological/digital interface), and for this reason, it is also referred to as *exploitationware* (Bogost, 2013). Gamification finds different applications depending on the function to which

[8] A clear-cut example of this is the gig economy.

it is applied: from advertising to marketing and branding. A similar phenomenon, representing the perfect merge of diffuse circulation of algorithmic power and consequent production of subjectivity, is that of crowdsourcing, i.e., the externalization of mass contributions (information, data) resulting in an increase in relative surplus value. As a result, it is not merely a matter of algorithmic pervasiveness and the power of technological domination and control that define a passive digital subject entangled in power webs. Rather, it is an actively engaged subjectivity, both subjectivized in algorithmic productive power and productive itself for the creation of data, datasets, and information. We view this digital subject as a meta-level of subjectivity production, entangled within the network of technological domains, yet capable of action and initiating certain feedback responses. A classical hypostatization of the digital subject, therefore, gives way to a more dynamic process of subjectivity production. The more open and active this dimension becomes, the more complex and outdated it is to interpret power as a force that merely shapes a passive, blank slate. It is no coincidence that the philosopher Luciano Floridi (2014), in his studies on Revolution 4.0, coined the term "onlife" to describe an understanding of the infosphere—a community where immaterial subjectivities possess agency and the capacity to be influenced, paralleling the corporeal experiences of life outside cyberspace. The production of subjectivities is thus deeply intertwined with the infosphere, rather than merely existing alongside it. The process of subjectivation occurs within this immaterial reality and has tangible, embodied effects. As Floridi (2014) states, referring to the onlife dimension of social networks:

> When you change the social conditions in which you live, modify the network of relationships and information flows you engage with, and reshape the constraints and affordances that govern your self-presentation to the world and to yourself, your social self can be radically updated, which in turn influences your self-concept and ultimately shapes your personal identity. (p. 59)

The question that arises, therefore, is whether the analytical framework of ICTs, which places subjectivity at its core, can also be extended to encompass the final Foucauldian phase focused on technologies of the self and autonomy. Specifically, can the discourse on the productive power of ICTs and cyberspace—and the diverse, emergent subjectivities within them—be reinterpreted through the lens of autonomous self-production, thereby opening the possibility of counter-subjectivation?

Technology of the Self: An Argument for Autonomy

The "technology of the self" topic was explored by Foucault in one of his last seminars, where he announced the idea of a systematic writing on the issue. Although this work will never be printed due to the author's death, one can read a continuity of thought that, from the question of knowledge/power of telling the truth to the power relations, reaches the contours of the "self" (Foucault, 1988, p. 15). This "self," however, is far removed from its reflexive and mimetic declination or from the inner and latent consciousness of the "I."[9] It is rather, already and always, the subjective experiential datum, and the processes that accompany experience: in short, the ethical construction of subjectivity, that is to say, of its production. Two interpretations of this conception of subjectivity are particularly relevant to the argument presented here. The first, articulated by the French philosopher Judith Revel, underscores the ethical-political dimension alongside the continuous interplay between the exercise of power and subjectivity. According to Revel (2014), "the self is not an object but the effect of a gesture of subjectivation and the gesture itself that enables its production.". The second interpretation is offered by philosopher Giorgio Agamben (2016), who describes "a subject not positioned behind, above, or below its own life, but one that constitutes and transforms itself within an indissoluble relationship immanent to its life" (p. 240). These interpretations point towards a production of the self that, while distinct from the exogenous subjectification inherent in the analytics of power, remains intrinsically linked to the productive and immanent nature of power. Thus, the self and its "technologies" fall within the intersection of acts, choices, agency, and power, intertwining ethics and politics—a form of subjectivation that Foucault thought of as a sort of power and freedom agonism between the production of subjectivity through objectification (*assujettissement*) and what can be addressed as autonomous subjectivation. It is a question of whether "constituting oneself as subject" can, or could be, an exercise of self-construction. As stated, this paper intends to reappraise precisely this dimension of the "autonomous" gap in the production of the self or in the subjectivation processes inherent to the technologies of the self,[10] looking at its possible link with digital subjectivity and the power relations of cyberspace.

At this stage of the discussion, moreover, in order to avoid a dispersive analysis that would require a work in itself, the paper will explore this theme through a reading of Foucault's last programmatic writings within a specific focus on the *aphrodisia* (namely

[9] See the translator's note to the Italian edition in Foucault (1992, p. VII).

[10] This aspect has been deepened in different ways by current literature; for instance, Elden (2016), Revel (2014), Righetti (2012), Sloterdijk (2013), and Veyne (2010). The paper moves from current literature to apply the argument to the formation of cyberspace subjectivity.

pleasures) and care of the self. The texts correspond to Volumes 2 and 3 of the *History of Sexuality* (*The Use of Pleasures* and *The Care of the Self*, 1984), which were written and published among other reflections on the technologies of the self and the production of subjectivity.[11] The choice, as well as being guided by reasons of space, is also due to some aspect emerging in this Foucauldian analysis. They display a precise reading of the processes of subjectivation as matrices of a relation of the subject to itself, to free it from the hypostatization attributed by the tradition of modern thought. This aspect is particularly emphasized in cyberspace and info-dominion critiques. Therefore, the Greek *aphrodisia* concepts and ethical habits condensed in the notion of "care of the self," as analyzed by Foucault, are a fitting example of the technology of the self to tackle the notion of digital production of counter-subjectivity.

The elaborations of the two volumes of the *History of Sexuality* examined here are set in a specific historical context and take their first steps from Classical Antiquity. They refer to the philosophical-literary production from the 4th century B.C. onwards, and then to the 1st century A.D., with the last volume, in which the transition to the imperial age is examined, emphasizing changes and reformulations of certain cultural and political practices concerning pleasures. The body, as well as in Volume 1, plays a pivotal role. However, in these later elaborations, it shifts from being the inscription surface of power networks to a source of agency which arises, precisely, in the exercise of the technologies of the self, particularly in relation to pleasures and the care of the self. Through a historical reconstruction of the cultural practices, ethical and political conduct, and rituals of ancient Greece (and elements of Latin culture), the technologies through which the subject constitutes itself in and through corporeality are outlined, alongside a hermeneutics of the self. These technologies are immediately characterized by the semantic origins of the term, understood as an art or a ritualized form of industriousness. Technologies of the self:

> permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality. (Foucault, 1988, p. 19)

Foucault's inquiry seeks to address the question: Why are sexuality, pleasures, and related activities subjected to moral scrutiny? This exploration leaves open the broader

[11] We recall here *The Hermeneutics of the Subject* (2014) and *The Courage of the Truth* (2011), both Collège de France Courses from 1981 to 1984.

narrative concerning how human beings problematize and investigate "what they are, what they do, and the world in which they live" (Foucault, 1985, p. 11). Rather than focusing on the study of moral systems or the ethical frameworks of specific civilizations, Foucault's research starts with the subjects themselves, particularly in relation to their everyday customs or *ethos*, through which the self engages in its own constitution and constructs itself as a moral subject. Consequently, despite Foucault's deep engagement with classical texts, rituals, and the ethos that emerges from them, his work does not advocate adherence to specific norms or codified rules. Instead, the practical construction of the self is predicated on the individual's capacity to "act upon himself, monitor, test, improve, and transform himself" (Foucault, 1985, p. 28), thereby *producing* themselves,[12] with the body serving as the primary field of action.

In the reconstruction of the term "pleasures," the subject-body becomes the protagonist, tasked with constituting itself in a specific conduct through a process of self-work, ultimately leading Foucault to explore the ethics of the Greeks.[13] And this is where *aphrodisia* comes into play. The meaning of this Greek word contains at once the acts of pleasure, forms of desire, experiences, and in a certain sense, ethical substance. It certainly encompasses sexual pleasures, but also a whole experiential expansion of them, which leads the author to find an ethics of sexual behavior. The polysemic richness of the term itself means that its meanings include passions, instincts, and practices on the use of pleasures and everything that refers to a way of conducting oneself, of being conscious actors of desires. *Aphrodisia* are acted out, experienced. They not only invest in the body but are produced by the simultaneous action and reaction of the body, which responds to pleasures with a dynamism that is peculiar to it. The body is not attributed a constitutive passivity. In this regard, a constant that binds both volumes is in fact a *heautocratic* (*eautὺs*, self; Foucault, 1988, p. 70) feature of subjectivity; a form that refers to the self, to the subject's ability, for example, to balance desires, to direct them towards a virtuous moderation.

It is important to highlight the positive conception of the body presented here: its harmony, which must be preserved, stands in stark ontological contrast to the notion of the flesh as a corruptible, negative essence. On the contrary, the body is viewed as an instrument, as "material" that the subject can shape towards the ethical-aesthetic determination of existence, a process in which one can self-produce. The emphasis on

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[12] The use of the neuter plural pronoun they/them in this paper is an author's choice that encompasses all subjectivities and actualizes the generic use, albeit contained in the texts, of the masculine universal.

[13] Namely, one that does not reflect in individual moral practices, where the personal—customs, habits, rituals—also reflects in the public dimension, and that is not the sole privilege of the private sphere.

maintaining the body's harmony and balance is accompanied by a series of recommendations that advocate for meticulous care, a form of dedication that allows the body to be cultivated within a balanced vitality. Embodied corporeality represents the ethical habit achievable through a continuous modification of the self and self-control, rather than a condemnation that anchors the individual in an ontological space of guilt or relegates them to sin. The interest on this aspect is crucial in this paper to highlight how on the symbolic, practical, and political levels, the body (and therefore the subject) is not entirely shaped by instruments of power or knowledge (as it seems to be for algorithmic power and the seamless production of an immaterial digital subject), but retains its own pure "givenness," in some respects, as a form of resistant matter.

In the argument hereby supported, Foucault's work in these texts focuses precisely on the exercise of the subject using the body, drawing on models (such as the Socratic or Pythagorean) and specific literary sources (philosophical and historical, including Xenophon or Thucydides) that recommend a particular regimen for the body and the subject engaging in pleasures. What is at stake for a counter-subjectivation interpretation is that this regimen, however, does not prescribe rules based on binary alternatives of prohibition or obligation. Instead, it offers general guidelines in a process of self-subjectivation. Notably, alongside the concept of *aphrodisia* (pleasures), three other concepts are introduced: *kresis* (modes and uses of pleasures), *enkrateia* (self-mastery), and *sophrosyne* (temperance and self-governance) (Foucault, 1988, pp. 37–90). These terms delineate the known concept of "aesthetics of existence," the link with our argument, which seeks to emphasize the technologies of the self as a form of autonomous construction. According to this aesthetic life, the subjectivity positions itself in relation to truth, not through an ascetic path of desire purification, but through a set of technologies of the self, essentially, through self-governance or *autonomy*. The aesthetics of existence, a direct thread in the relationship with truth, is constructed precisely through the way one conducts their life, through "being in a certain way," by engaging in specific practices with the exercise of pleasure and bodies and adhering to certain principles, all while respecting boundaries that reproduce an ontological order aligned with truth.

Self-dedication and the practice of pleasures in a precise aesthetic lifestyle, with particular emphasis on the body, are notably reflected in a chapter dedicated to *dietetics* as an art of living. *Dietetics*, thus conceived, represents a form of knowledge and moderate management of one's body, where the subjectivity assumes the role of a tightrope walker who, before experiencing the sensation of balance, first encounters the concept of limit. The discipline of a physical regime, far from being an imposed control, is a body of advice for good practices of the body—actions that perform the indispensable

role of self-care, which is composed of management and self-control, outside the governmental framework. The *aphrodisia* or *dietetics* (together with other self-formation practical habits) therefore form part of technologies of the self that are to be interpreted as a whole epistemic, aesthetic, ethical and practical-political toolbox (maintaining the Aristotelian definition of ethics that is cross-cutting to all the philosopher's latest writings) that emerge as a contingency on the productive and immanent relations that exist among truth, power and subject.

In particular, there is a specific concept that emerges by holding together the production of subjectivities and practices of the self, which is examined by the author in antiquity: that of autonomous bodies. Those contained in the treatises are all indications of custom, rules of ethos, and precautions to be taken for the autonomous construction of an ethical-aesthetic conduct of existence.[14] As Stefano Righetti points out (2012, p. 182), the condition whereby the subject does not have to face the yoke of a subjectivizing power is also and above all determined by the fact that this apparatus of "good advice of custom" is authentically different from the forms of knowledge conceived as legitimized by power itself in the previous years of the philosopher's thought. The autonomy that is crucial in these reflections is precisely that which establishes a practice of self, the "giving oneself a limit," to give oneself a norm outside the nomological patchwork of knowledge/power/law.

The production of autonomous body-subjects is declared not only through dietetics, but also in other passages that are central in adopting this reading key, such as that of care of the self, meaning with this expression, the generalization of practical-aesthetical life extended to the application of a body of self-technologies that do not result—or not only—from the play of power alone, but from the use of that power in an autonomous production of the subject. Against the pervasiveness of power, the common goal of these practices of the self, allowing for the differences they present, can be characterized by the entirely general principle of conversion to self *heautou epimeleisthai*: to attend/care for oneself (Foucault, 1986, p. 44).

While the expression bears a Platonic influence, its meanings diverge significantly from traditional interpretations for the author. Primarily, it should be understood as a shift in focus, rather than the cessation of all other activities in favor of exclusive self-devotion; secondly, it is a form of relation to the self and the power that runs

[14] This element, which is also found in self-care, a concept of self-production addressed in Volume 3, is to be understood here as exquisitely political. It is the result of isomorphism, a concept typical of Greco-Latin culture: Every action produced on or by the body is placed in a specific nexus with the logos, with the subject's rational substratum, and thus with its capacity for agency in the collective context.

through it, that frees itself from the subjectivizing yoke to exercise it in virtuous autonomous production. The expression resonates as *epistrophe eis auton - conversion* on the self. In Foucault's (1986) words:

> the *conversio ad se* is also a path by which, escaping all the dependences and enslavement, one ultimately rejoins oneself, like a harbor sheltered from the tempests […] And the experience of self that forms itself in this possession is not simply that of a force overcome, or a rule exercised over a power that is on the point of rebelling; it is the experience of a pleasure that one takes in oneself. The individual who has finally succeeded in gaining access to himself is, for himself, an object of pleasure. (p. 65)

Self-care encompasses a range of transformative practices aimed at reshaping subjectivity. It serves as a compendium of techniques through which individuals can actively engage in self-intervention, treating themselves as the subject of technical modification. This process enables ethical and cognitive self-enhancement, forming the foundation of participatory democracies by fostering autonomy. The act of self-governance, characterized by the establishment of personal norms, involves a deliberate process of self-limitation and intervention. This form of self-regulation, however, transcends mere individualization, existing within a dynamic space of exchange that is inherently political and replete with otherness. The self, therefore, represents a complex entity that resists complete manipulation. It is a site of inherent givenness, corporeality, and residual elements, upon which individuals can enact practical-aesthetic modifications.

But it is on the body exercise, to which the *Self and Others* section is devoted (Foucault, 1986, pp. 69–97), that the subjectivity can still develop an autonomous extension of self in the environment in which one lives. All this folding in on oneself of the subject, therefore, cannot be read only in terms of a concentrated closure to the individual. As stated, the philosopher's attention is focused not just on any subject, but on any historical temporality. It is the Greek-Roman antiquity subjectivity that is determined by the entire cultural, social, and political context in which autonomy as a practice plays a crucial role. Autonomy directs subjectivity in its relationship with the body, with the exercise of the limit, with everyday rituals, but it can also be political autonomy, the capacity from those elements of production, of creation with the other of a shared political space, the *polis*. For the Greek *ethos* at the origin of the capacity for choice and politics, there was chaos and disordered nothingness: It is the autonomous subject who finds a fertile path for its self-construction, ordering chaos and shaping the space of political

participation.[15] Therein lies that autonomy. The concept of "self-norm," or auto-nomos production, therefore, exists within a space that is not entirely private; it is inherently personal, concerning the ethical subjectivation of the individual, yet it also has to withstand the scrutiny and acceptance of society. It is related to a political substance by means of which subjectivity self-production determines and produces its own environment. In this space, subjectivities become citizens, giving themselves laws that are therefore not imposed by third parties or high authority: It is a case for a participatory, never passive activity. Through the technologies of the self, the philosopher ultimately deepens that subjectivity whose radical choice of self-formation is forged with and from the subject's capacity for critique—its ethical-aesthetic choice. Thus, the participatory set of citizens forms a *demos* and modifies the rules of the environment, a process of critical or counter-subjectivation in which subjectivities live according to their choice, simultaneously affirming equal sharing, enjoyment, and participation in power. Certainly, the production of subjectivity, whose aspects Foucault explores in The History of Sexuality, is circumscribed, but what is interesting for the purposes of this paper discussion is that power and agency can coexist in a technology of the self, in which the subject moves openly in a political space of the collective, of society. This same interpretative dynamic can be applied to actual case studies and phenomena in that dense and pervasive network that, in political theory, makes up cyberspace. These digital counter-subjectivities, in fact, can be exonerated from the merely pervasive and governmental reading of digital and algorithmic power. In the following conclusion, some case studies supporting this argument will be presented.

Conclusion: Free Software and Hacklabs, a Pathway for Cyberspace Autonomy

To conclude this paper, one last question must be asked. If one interprets Foucault's Analytics of Power in the light of this shift that guarantees a way out of microphysical power and governmentality, and thus reorganizes autonomous spaces of subjectivation, is it also possible to think about the production of a digital counter-subjectivity?

This paper seeks to reinterpret and reapply Foucault's analytics of power within the context of cyberspace, with the goal of restoring the political dimension of resistance to algorithmic governmentality. By tracing the production of autonomous subjectivity in Foucault's later works, particularly within the digital space, the paper argues that cyberspace is not solely governed by algorithmic power. Instead, it offers a fluid space for

[15] An interesting analysis in relation to this concept of autonomy developed in Foucault's text can be found in Castoriadis (1975).

subject production, characterized by intuition and interaction. For instance, the early development of the Internet embraced the principle of open-architecture networking, where users and providers co-created interfaces in a system of interdependence. This model exemplifies a "technology of the self" within digital subjectivity, extending to a higher level of ethical and political self-construction. Following this path, two key examples—explored in the first section of this paper—represent efforts to resist algorithmic domination and governmental subject production in cyberspace: the free software movement and autonomous hacklab experiments.

The free software movement serves as a quintessential space for counter-subjectivation, utilizing self-technologies autonomously. It seeks to establish elements of free access, construction, and use of cyberspace through non-proprietary software (Broca, 2018). Although diverse in scope, free software allows users to freely access, modify, copy, and distribute software. These freedoms hinge on both technical and legal possibilities. Technically, users require access to the source code—the instructions written in a programming language that dictate software execution. Access to this code is crucial for implementing new functionalities or simply understanding software operation. Legally, freedom of use is ensured through licenses like the General Public License (GPL). According to Broca (2018, p. 35), three core values underpin free software: autonomy in work, technical creativity, and the free circulation of information. The ethics underlying free software therefore fully espouses that form of the subjectivity/power production binomial that starts from the exercise of the autonomy of the digital self, which, once it has achieved a form of ethics of the self, outside a pervasive exogenous control mechanism, is able to contribute to the collective horizon.

One significant example of counter-subjectivation can be found in the hacklab experiments of the Calafou community:[16] a horizontal collective community that practices the ethics of hacking and self-education, grounded in shared, bottom-up experimentation. The community strives to design an open, accessible cyberspace not dominated by profit or value extraction from its users. The construction of spaces (i.e., websites) emerges as a poietic activity that integrates shared ethos and limitations. As outlined in Calafou's *Soberanía Tecnológica dossier*,[17] the hacklab experience combines three core functions: providing a social workspace for non-hegemonic technology enthusiasts to learn and experiment; supporting and participating in social movements; and offering open access to information and communication technologies for public use. These ex-

[16] https://calafou.org/

[17] Find the Open Access document in different languages at https://archive.calafou.org/es/node/229.html.

periments represent genuine spaces of counter-subjectivation, where the production of subjectivity operates on a meta-level. The technologies of the self contribute to the redistribution of power in an autonomous, non-pervasive manner. Consequently, processes of counter-subjectivation emerge, redrawing the teleology of surveillance and value extraction within ICTs, as documented in contemporary literature. Fields of experimentation are non-profiled search engines, digital public libraries, anti-censorship, decentralization of the GAFAM hegemony, social networks, open source, and free circulation of information. The aim of these experiments is also to investigate the potential of collective intelligence enabled by ICTs to support collaborative solutions, collect open and accessible data, think up new models of production, social economy, and participatory democracy, and develop decentralized solutions for governing our personal data. Hacklabs, as well as the free software movement, are political and ethical projects: both experiments of counter-subjectivation and reorganization of the power (cyber) space. They aim to re-appropriate technology as part of a broader context of politically autonomous movements and to transform and self-manage all aspects of life. Hence, here we interpret the production of subjectivity in the autonomy gap of the technologies of the self, trying to extend the current bibliographic contributions, as a form of subjectivity outside the control of a production completely devoted to synaptic and pervasive algorithm power. Reappraising the Foucauldian contribution of technology of the self could therefore lead to an example of digital autonomy and democracy, which, instead of starting from power pervasiveness, is exercised through what can be addressed at this point as a (cyber) aesthetics of existence.

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SIMONDON TODAY: RATIONAL AGENTS AND DIGITAL INDIVIDUATION*

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SIMONDON HOY: AGENTES RACIONALES E INDIVIDUACIÓN DIGITAL

Abstract
In light of the techno-scientific progress achieved to date, this paper aims to assess the continued validity of the notions of information, form, homeostasis, and points of indeterminacy within machines, as elaborated by Gilbert Simondon, in reference to rational agents, as understood by artificial intelligence. Additionally, I will examine the concept of individuation developed by the French philosopher and attempt to rethink it, considering how the digital *milieu* affects humans. It can be argued that the digital subject represents a technical individual distinct from the human subject. In this regard, I will endeavour to understand how the individuation process of the latter is profoundly influenced and short-circuited by the former, to the extent that the individual becomes a dis-individual.

Keywords
Simondon; artificial intelligence; digital philosophy; digital individuation

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Resumen

A la luz de los avances tecnocientíficos logrados hasta la fecha, este artículo pretende evaluar si siguen siendo válidas las nociones de información, forma, homeostasis y puntos de indeterminación dentro de las máquinas, según las elaboró Gilbert Simondon, en referencia a los agentes racionales, tal y como los entiende la inteligencia artificial. Además, examinaré el concepto de individuación como lo desarrolló el filósofo francés e intentaré repensarlo teniendo en cuenta la forma en que el entorno digital afecta a los humanos. Se puede argumentar que el sujeto digital representa un individuo técnico distinto del sujeto humano. En este sentido, me esforzaré por comprender cómo el proceso de individuación de este último se ve profundamente influido y cortocircuitado por el primero, hasta el punto de que el individuo se convierte en un desindividuo.

Palabras clave

Simondon; inteligencia artificial; filosofía digital; individuación digital

Introduction

The advent of autonomous vehicles, drones, robotic limbs, voice-recognition software, and machine-learning systems that suggest what humans can buy or watch has become a reality, profoundly changing our society. This transformation will continue in the coming years as industrial production of currently niche-market technologies becomes integrated into future societies.

In this paper, I propose to examine these rational agents through the conceptualisations developed by the French philosopher Gilbert Simondon. These offer important insights regarding the functioning of a machine, including points of indeterminacy, form, information, and homeostasis. By outlining some key concepts of contemporary artificial intelligence (AI), I will examine whether these notions can be applied to the study of contemporary rational agents created by AI. Since these rational agents operate using algorithms that process vast amounts of data circulating in the infosphere, it is essential to consider how this data profoundly affects the human environment and human individuation within it. In this context, the concept of individuation as proposed by Simondon will be of relevance. The digital *milieu* fosters the individuation of a new subject, fragmented into dividual data, which are then reordered according to algorithmic procedures based on predefined category classes. The result is a subject that is an analogue copy of its digital counterpart, recognised as a separate entity that interacts with its analogue original and informs it. The digital subject is the reflected image of the analogue subject. In a manner analogous to how our image reflected in a mirror influences our person, our digital alter ego acts on our psychic individuation. This initiates a loop of emotional defections, reducing the individual to a dis-individual who seeks resolution of internal tensions in an environment that offers none. In fact, this environment is the Web, where the constant propagation of identical signals prevents the emergence of new information, necessary for the individual to resolve internal disparities.

Form, Information, and Points of Indeterminacy in Rational Agents

A rational agent is one that can make the right decisions, even when the consequences are uncertain. It is evident that a machine lacks interests and the capacity to discern right from wrong. Nevertheless, through calculation, it can be "aware" of the probability that a specific change in the external environment will occur in relation to its actions. Calculating this probability, concerning the performance measure that determines the agent's goals, allows the agent to decide whether and how to act. "For each possible percept sequence, a rational agent should select an action that is expected to maximize its performance measure, given the evidence provided by the percept sequence and what-

ever built-in knowledge the agent has" (Russell & Norvig, 2020, p. 40). In AI, an agent is considered capable of perception because it is equipped with sensors to collect data about the external environment and the impact of its actions. The perceptual sequence corresponds to the entirety of the agent's perceptual data, accumulated throughout its operational lifespan. Thanks to its perceptual sequence, the agent is rational if it can take the best action to achieve effects within its environment that are as close as possible to desirable results. This desirability is expressed through the performance measure, which evaluates changes in the state of the environment. The performance measure is incorporated into the machine by its designer, implying that the machine is programmed to act in accordance with its desirability parameters. For instance, the performance measure of ChatGPT can be defined by the degree of wellness it brings to its users. Consequently, the chatbot will aim to achieve values defined as optimal through its actions.

However, this is also one of the fundamental problems of AI, as correctly formulating a performance measure is often challenging (Russell & Norvig, 2020). This issue was already identified by Norbert Wiener (1950) and discussed in his work, *The Human Use of Human Beings*. In this text, the American mathematician warns us about the potential risks to humanity if an unclear and equivocally expressed goal is given to a machine. A case in point is the ChatGPT software. If the concept of wellness is not correctly defined, the software can be dangerous. A user experiencing depression, after exposing their problems and asking the chatbot for advice on the least brutal methods to end their life, could receive answers that further induce them to commit suicide. Fortunately, it can be stated that, at least in this instance, ChatGPT was trained correctly. In order to test the software, despite my attempts to persuade it that I would feel better if I killed myself, it suggested that I seek help from a psychotherapist. Nevertheless, the issue persists: What would happen if the designer of a machine failed to define the performance measure correctly? This raises the question of what would happen if the goal for which a machine was designed were expressed vaguely or ambiguously. As previously stated, this is one of the most significant challenges in AI, known as the value alignment problem (Russell & Norvig, 2020). The values of humans and machines must be completely aligned. If the production of rational agents is based on the standard model,[1] it is evident that AI cannot afford to allow autonomous agents to assume the role of humans when the latter are required to perform tasks that are exceptionally delicate, such as surgical procedures.

[1] Indeed, the standard model is the paradigm that prevails today, according to which building a rational agent is equivalent to building an agent that acts according to a completely defined goal.

> We don't want machines that are intelligent in the sense of pursuing their objectives; we want them to pursue our objectives. If we cannot transfer those objectives perfectly to the machine, then we need a new formulation—one in which the machine is pursuing our objectives, but is necessarily uncertain as to what they are. When a machine knows that it doesn't know the complete objective, it has an incentive to act cautiously, to ask permission, to learn more about our preferences through observation, and to defer to human control. (Russell & Norvig, 2020, p. 5)

According to Stuart Russell and Peter Norvig, it is desirable for AI to abandon the standard model and adopt engineering methods to devise a machine that is uncertain of its goals. This hypothesis is not dissimilar to Simondon's (2017) theory, as he outlined in *On the Mode of Existence of Technical Objects*, positing that "automatism is a rather low degree of technical perfection" (p. 17). The French philosopher argues that the concept of the perfect automaton is based on a logical contradiction, as it implies the erroneous belief that the functionality of a machine is inversely proportional to its number of margins of indeterminacy, or critical points. However, machines devoid of critical points are the least efficient, as they lack the capacity to alter their operational regime to self-regulate according to their environment. Conversely, self-regulating machines are open machines with critical points and a certain margin of indeterminacy, through which they can relate to the outside world. According to Simondon (2017), information is best understood as "the unpredictability of a variation of form" (p. 150). He posits that in fully automatic machines, there can be no emission or reception of information. This is because the automaton, lacking a margin of indeterminacy, cannot undergo any change in form. Since the latter is fixed, completely structured, and invariable, it follows that the machine cannot receive information, precisely because its form cannot undergo any variation.

However, self-regulating machines require the presence of a living being to a greater extent than automatons. The critical points characterising them make a change in their operating regime possible on condition that the living being intervenes in their relationality with the external environment—and eventually with other machines—as a modulator of the exchange of information. In essence, the machine is not capable of receiving information in the form of variation without human intervention. Its margin of indeterminacy renders it susceptible to variation. Yet, this variation cannot occur in isolation, as "a living being is required as mediator in order to interpret a given functioning in terms of information, and in order to convert it into the forms for another machine" (Simondon, 2017, p. 150). It can be argued that the machine can vary its form

and receive information, provided it is transmitted in its own language. However, only humans can translate information from the external environment or another machine into their own programming language. In contrast to a traffic light, which, as an automaton with no points of indeterminacy, is incapable of modifying its operational regime, a rational agent, with its critical element, can alter its performance.

In general, there are different types of rational agents,[3] the majority of which are realised as learning agents in the present era. This implies that the machine is no longer manually programmed by the scientist; instead, it is constructed primarily as a learning agent that can be trained. The machine's learning capability is contingent upon the learning element, which is in constant communication with the executive element. The latter, after receiving input from the sensors of the agent, via its actuators, returns an output, that is, the execution of a certain action. The role of the learning element is to act on the executive element and potentially alter the way it processes the data received from the external environment via the sensors. Considering Simondonian assertions regarding self-regulating machines, it can be argued that the learning element is responsible for implementing a change in the operating regime within the agent. However, this does not correspond to the critical point of the agent. The learning element is not, in fact, what monitors the agent's behaviour, as it can modify this behaviour itself. This is to say that it can intervene on its executive element in response to the data transmitted to it by the critical element. This can be considered what Simondon (2017) called the "critical points" (p. 154) in the machine, insofar as its task is to "supervise" the performance of the executive element, thereby enabling the learning element to potentially become effective. This is achieved by sending signals to the learning element, which then acts on the executive element in order to possibly change its operating regime. Considering Simondon's theorisation regarding the critical points of a machine, which necessitate human intervention, it is unsurprising that, in a learning agent, the critical element is the sole component that requires a performance standard established by the human operator.

> The critic tells the learning element how well the agent is doing with respect to a fixed performance standard. The critic is necessary because the percepts themselves

[2] According to Russell and Norvig (2020), each agent consists of an architecture and a program. The architecture corresponds to the hardware, since it includes the sensors and actuators of the agent; in contrast, the program is what can be considered as software, since it is the concrete implementation of the agent function within a machine, where the agent function is the abstract operational algorithm that associates each perceptual sequence with a defined action, which is therefore still in the form of a human mental schema not implemented in any physical system. In relation to the agent program the authors identify four types of intelligent agents: simple reactive agents, model-based reactive agents, goal-based agents, and utility-based agents.

> provide no indication of the agent's success. For example, a chess program could receive a percept indicating that it has checkmated its opponent, but it needs a performance standard to know that this is a good thing; the percept itself does not say so. It is important that the performance standard be fixed. Conceptually, one should think of it as being outside the agent altogether because the agent must not modify it to fit its own behavior. (Russell & Norvig, 2020, p. 57)

As previously discussed, the correct definition of this performance standard is one of the most significant challenges in the development of rational agents in AI. If the goal is not clearly defined for the machine, there is a risk that it will produce an undesirable output. Russell and Norvig (2020) propose a solution that involves searching for methods that could make the machine uncertain regarding the precise nature of the goal. This would, of course, result in a further widening of the margin of indeterminacy. This view aligns with Simondon's theory, which posits that there is no reason to fear self-regulating machines, as "the existence of the critical points in the machine justifies the presence of man" (Simondon, 2017, p. 154). From this perspective, it can be concluded that the risk of the machine performing undesirable functions lies in the fact that the standard of performance is entirely predetermined. Consequently, it can be stated that the risk of machines acting against our will is contingent upon the stability and predetermination of the standard of performance.

The final element to consider in the functioning of a learning agent is the problem generator. Its purpose is to suggest actions that lead to meaningful experiences. If the agent is willing to explore alternative possibilities, it may discover the existence of long-term, superior actions. The purpose of the problem generator is to suggest exploratory actions (Russell & Norvig, 2020). In other words, this element allows the agent to "act otherwise," to experience the external environment, to lead the executive element to act, not in response to stimuli received through its sensors, but in order to let its sensors pick up new data, which can then be processed by the learning element, so that the latter can understand whether the agent's current models (managed by the executive element) require modifications or improvements. It seems reasonable to suggest that the problem generator introduces the concept of homeostasis, initially addressed by Norbert Wiener and subsequently reformulated by Simondon. For the former, homeostasis would be nothing more than an internal process of self-regulation within the living system, fundamental to enable adaptation to the environment and preservation of its structure regardless of external changes. In this regard, he argues that

> The conditions under which life, especially healthy life, can continue in the higher animals are quite narrow. A variation of one-half degree centigrade in the body temperature is generally a sign of illness, and a permanent variation of five degrees is scarcely consistent with life. The osmotic pressure of the blood and its hydrogen-ion concentration must be held within strict limits. […] In short, our inner economy must contain an assembly of thermostats, automatic hydrogen-ion-concentration controls, governors, and the like, which would be adequate for a great chemical plant. These are what we know collectively as our homeostatic mechanism. (Wiener, 1965, pp. 114–115)

In contrast, Simondon's philosophy conceives the individual as meta-stable, as an act of individuation that is never concluded and never leads to the resolution of all its internal tensions (Simondon, 2005). Therefore, homeostasis is insufficient to explain the living system. The latter, as argued by the French philosopher, never becomes fully adapted to the environment. This is because it is always laden with internal disparities, and its regulation does not occur according to a normativity that is defined from the beginning. Instead, it occurs through successive individuations that make compatible the tensions that exceed its own homeostatic system. Its "regulation" occurs through its becoming-other, whereby it can be understood as what makes possible the meta-stabilisation of multiple homeostatic processes, each of which is always ready to accommodate what has previously exceeded it and to change its own regulatory structure that has previously characterised it.

> Just as the living [*le vivant*] is grounded in homeostases so as to develop itself and to continue its coming-into-being, rather than remaining perpetually in the same state, so too in the act of government there is a force of absolute advent, which is based on homeostases, but which surpasses them and makes use of them. (Simondon, 2017, p. 162)

What can we say about homeostasis with reference to a learning agent? This operates according to certain regulatory principles, yet there are significant margins of indeterminacy. If we consider the problem generator, its function can be elucidated as follows: to bring about the emergence, within the agent, of new tensions that lead its learning element to make changes in the functioning of the executive element. It is important to note that the learning element is closely related to the critical element, which provides it with information about the executive element's performance in relation to performance standards. This implies that, since the agent lacks a fixed normativity that distinguish-

es its system of regulation, Wiener's definition of homeostasis cannot be applied in its entirety. Similarly, since the possibilities for "normative variation" are always predetermined by the performance standard and must be compatible with it, it would also be inaccurate to suggest that the learning agent is endowed with homeostasis as defined by Simondon. We can say that the learning agent is endowed with a kind of "finite multi-homeostatic series," to the extent that it can be defined as a finite series of homeostatic processes, with the problem generator being the meta-stabilisation. In fact, the learning element can make changes to the executive element as long as these are compatible with the data given to it by the critical point in relation to the performance standard. This is to say that the homeostatic process can encompass tensions that exceed it, thus changing its trend law, but only if such encompassment leads to a better evaluation of the behaviour of the agent by the critical element in relation to its performance standard. It can be argued that the learning agent, in contrast to the human individual, which is defined by pure indeterminacy and the potential for an infinite number of homeostatic processes, possesses a finite set of homeostatic processes in its latent state. These processes can be brought to actualisation by the meta-stabilising action of the problem generator, if this leads to an increase in performance values according to the standard provided by the human.

Digital Individuation

The concept of individuation is a fundamental component of Simondonian thought. This concept can be used as a "working tool" to examine the impact of the digital sphere on the individual. Simondon (2005), contrasting the traditional view of the individual as a stable, autonomous entity, sees the individual as an ongoing process of becoming, or individuation. The individual, as long as it is alive, never achieves internal stability, always remaining in a state of meta-stability or constant becoming. This should be understood as the intrinsic tendency of the individual to achieve greater stability through the (always partial) resolution of internal tensions. Therefore, the individual never fully structures its being; rather, it is in a state of dynamic formation and operation, achieving new individuations that partially resolve internal disparities. Individuation is not about an isolated subject constituting itself by distancing itself from its *milieu*. Rather, individuation always involves the individual and its milieu, as it can only occur in a relational context with its "outside," co-emerging with it. The relationship between the individual and its "outside" is transductive, meaning it co-originally informs the elements that enter into a relationship. Information catalyses new individuation processes, enabling the system's evolution through structural reconfiguration, thus resolving internal tensions.

The development of rational agents by AI is made possible by the explosion of big data, enabling deep learning techniques. These techniques make it technically possible to build self-driving vehicles. The connection between rational agents and the digital *milieu* lies in data. As Yuk Hui (2012) observes, digital data can be understood as a novel approach to data management characterised by two simultaneous and interrelated operations: "the *datification of objects and the objectification of data*" (p. 389). The former refers to transforming physical objects into data, while the latter uses such data to create what the Chinese philosopher calls digital objects. The production and circulation of immense amounts of data primarily make the digital environment possible and constitute it. Therefore, exploring digital individuation means considering human individuation within a *milieu* increasingly submerged by data. Not only submerged but also transmuted: The datification of objects also corresponds to the datification of what Deleuze called dividuals, which replace individuals. Deleuze's (1990) concept is that in contemporary societies, the devices of power no longer apply to a subject understood in its entirety and indivisibility—that is, an individual—but to a fragmented subject, deciphered as a set of divisible parts represented through data. The dividual is the result of such fragmentation: a piecemeal individual on which the devices of power can act more pervasively to regulate through control directed at its micro-components.

Rantala and Muilu (2023) address the issue of the dividual in *Simondon, Control and the Digital Domain,* stating:

> The Melanesian person is seen as dividual, that is, multiply or plurally constituted of distinct elements or the earlier contributions and relations of other persons. [...] dividuality can also mean that a "number of persons or elements of others act through the singular person." [...] The body has a singular form because of other body-wholes—there is always an aspect of relationality in this conception of dividedness: it can be thought of as a process through which persons relate with other persons. (p. 3)

As previously discussed, the individual is not a stable entity; this means that the self is lost in the multiplicity of its environment and, in its co-constitution with this environment, returns to itself as its own world. If the individual is dividual, and if dividual means "plurally constituted of distinct elements," it can be argued that this is the root cause of its internal tensions, rendering it meta-stable. The distinct elements that comprise the individual as dividual never reach a definitive convergence; that is, its internal tensions remain unresolved. Through information, the dividual becomes an individual,

becoming meta-stabilised as a conjunctive chain of the disparities that constitute it. From this perspective, we can posit that the internal tensions characterising the individual are a consequence of its dividual and multiple nature. Simondon (2005) posits that the individual encompasses an excess identified as the pre-individual, the source of its irreducible internal tensions. It is necessary to recognise the pre-individual as the source of its inherently dividual being.

The ability of new digital technologies to act directly on dividualities represents a significant advancement. "Modular dividual control creates a dimension in which the individual is understood through its dividual relations, such as, for example, its place of living, gender, or individual preferences" (Rantala & Muilu, 2023, p. 9). Through the datification of dividualities, new digital technologies can exert more pervasive control compared to Foucaultian disciplinary devices. However, the dividual data are then reassembled according to predetermined categories within the digital environment. Profiling of users occurs within it, as, after the individual is datified according to their dividual traits, the data are reassembled to create a plausible image of the user as an individual (e.g., male, conservative, adult). Such practices give rise to the digital subject, which may be considered a counter-figure of the human subject and a stand-alone entity. This entity, by entering into relationship with its analogous alter-ego, is transmuted by this latter and, at the same time, it is its transmuter, in an operation of co-individuation through which the human, by handing over their dividual data, brings about the emergence of a digital subject which, in return, acts on the former and on their psychic individuation.

> The user is prefigured by computational processes as a position that can be assumed by a human subject. On the other side of the interfaces that make interaction with these services possible, this position is designed to facilitate the capture and aggregation of the data we produce. These techniques, which Phillip Agre calls their "grammars of action," introduce a gap between subject and action, subjectivity and its construction, that is indicated by the user—and that is occupied by the digital subject. (Wark, 2018, p. 66)

This implies that although the term "user" is commonly understood to refer to the human individual who performs actions within the digital milieu, it must be understood as a "user position," that is, a position predetermined by the grammars of action specific to a certain platform, which the human subject must adhere to in order to access the services of the Web. This means that the user's actions within this context are pre-oriented by the structure of the platforms, which imposes on the

human subject a specific position to hold, from which they can easily release data of a self whose possibilities of expression are dictated by the grammars of action of the interfaces. The circulation, aggregation, and processing of such data by algorithms give rise to the digital subject, a technical entity that, therefore, is not a reliable copy of the human subject. Rather, it is a subject subjugated to algorithmic practices that cause it to react according to the margins of possibility imposed on it. If we understand the digital subject as a technical individual, we can draw significant inferences regarding its structure within the digital sphere by applying Simondonian notions of abstraction, concretisation, and associated *milieu*. Simondon posits that the technical object is a real individual with its own mode of existence. It is created as a materialisation of a human mental scheme, characterised in its initial stage by a certain degree of abstraction. This is because the elements from which it is formed do not work together synergistically to enable its operation. Rather, they act as entities that are disconnected from each other and autonomous. The human subject who creates a Google account and begins to use the Web's services establishes a technical individual that is their digital subject. However, this technical individual is still at a very high stage of abstraction, as its internal elements—namely, data—are not yet sufficiently developed to enable the efficient functioning of the technical individual. The data circulating on the Web is not yet sufficiently processed by algorithms, which thus fail to properly profile the human subject and create their digital alter-ego. The human subject has not yet fully adhered to their user position, and this precludes the possibility of algorithms creating a concrete digital subject. However, according to Simondon (2017), every technical individual "gradually increases its concretization" (p. 50). This occurs when its internal elements concatenate and work synergistically to ensure its proper functioning.

Furthermore, concretisation occurs as a concatenation not only between its internal elements but also between these elements and its external environment. When the technical individual incorporates its geographic milieu and utilises the qualities of this *milieu* to reduce them to technical supports for its functioning, the techno-geographic environment of the technical individual emerges. Simondon (2017) refers to this environment as the "associated milieu" (p. 59). The digital subject, as a technical individual, tends towards its own concretisation. This requires enough data elements to be processed by the algorithm, enabling the generation of a concrete digital subject. Additionally, the elements of the geographic environment must support its operation, and this happens when the human subject, adhering perfectly to their user position, becomes a user, that is, a geographic element implemented as the technical support of a digital

subject.[3] In this way, the digital subject gives rise to its own associated *milieu*. If the digital subject is a technical individual, then the digital environment can be understood as a technical ensemble, that is, as the latter was defined by Simondon (2017), a network of technical individuals, given that "the technical ensemble is itself constituted of a certain number of technical individuals that are organized in relation to each other" (p. 67). In this case, the network is comprised of digital subjects. If the technical ensemble is conceived by the French philosopher as what enables the functioning of each technical individual through its relationality with every other, we can say the same of the digital ensemble. This ensemble is composed of digital subjects configured as such only in their mutual relationality. Each digital subject functions through its association with a geographic *milieu*—in this case, the human subject—and is relational with every other of its kind. In fact, the digital ensemble is constituted by the co-individuation of each digital subject, which emerges not only through the techno-geographical support of the "userised" human subject but also as the datification of the interactions between users. A "like" is an interaction that has two effects: It concretises the digital subject of the user who left the "like" and guides the individuation of the digital subject of the user who received it. Regarding the latter, the "like" exerts a direct influence on the human subject, who, in seeking approval, is inclined to share mainstream content, thereby conditioning the functioning of their digital subject.

The digital subject, while distinct from its analogous counterpart, exerts a significant influence on the latter. The individuation of the human subject is increasingly shaped by their digital "correspondent." This is not only because the latter is the result of the individual datification that we have already discussed and through which pervasive control of the human subject can be exercised, but also, at a deeper level, because it acts directly on the psychic individuation of the human being. According to Simondon (2005), affections and emotions, which emerge in an individual charged with tensions exceeding it, are fundamental for psychic individuation. In Simondon, the emergence of affections and emotions is closely linked to the social factor. As previously discussed, the individual is one and multiple, since it is charged with pre-individual tensions, which we have identified as its dividual being. The individual's metastability arises from its dual nature: It is both a whole and a chain of its multiple singularities. These emerge internally as a reflection of the external environment, where

[3] Although Bernard Stiegler does not address the issue in these terms, in *Automatic society. The future of working* the French philosopher writes: "This integration of psychic individuals into standardized and grammatized routines—and thereby into the technical system of which these individuals become a technical function as crowds, that is, as digital artificial and conventional crowds within a technogeographical milieu in which the human becomes less a resource (what Heidegger called *Bestand*, standing reserve) than a functional organ—in fact dis-integrates them." (Stiegler, 2016, p. 68)

interior and exterior are placed in a transductive relation and co-emerge in their relationality. However, since the individual is the meta-stable conjunctive chain of its dividual relations, its individuation must be understood as a process that occurs within and in relation to a collective. The individual as a dividual being is what charges it with internal tensions, the resolution of which will enable it to individuate itself collectively.

Therefore, according to Simondon (2005), affections and emotions emerge from the internal tensions of the individual as one and multiple, always individuated and, at the same time, always charged with pre-individual energies. The hiatus that exists within the individual as a single being and as always situated in relation to a collective is what gives rise to affections and emotions. These cannot be regarded as passive "phenomena" that render the subject entirely helpless in their manifestation. Rather, they are to be understood as active processes of the subject in its relational being. Given that affections can be regarded as pre-reflective states that are typical of the energetically charged environment within which the subject is situated, and that emotions intervene to modulate these affections, thereby giving them meaning by making the individual aware of them, it can be stated that the latter are organised expressions of the former (Tucker, 2021). Consequently, affections can be considered as pre-emotional. This active dimension of emotion, which serves to modulate disorganised affective tensions, is fundamental to psychic individuation insofar as it enables the individual to maintain a partial internal balance and prevents its disintegration. Such an interpretation of emotions in the process of psychic individuation can lead to new perspectives of inquiry regarding the effects that the digital milieu has on the subject. Rather than understanding the individual's emotional substrate as something they are surrendered to, we should approach a conception where "emotion here is not feeling about data practices, but rather feeling with data in fluid processes of co-creation and becoming" (Tucker, 2023, p. 9). In this regard, Paasonen's concept of distraction, as discussed by Tucker in *The Emotional Information of Digital Life*, is worthy of further consideration.

> Paasonen frames distraction as a valuable lens through which to analyze the ambiguity of social media activity, which operates as a temporal multiplicity in terms of the "present sense of things going on bleeds into the immediate future as anticipation of events, updates, and fascinating nuggets of data to come: distraction, after all, involves both the very present and that which is almost at one's fingertips." The anticipation operates as a singularizing force of individuation [...]. The present is anticipatory of "fascinating nuggets of data to come," which is singularizing meta-stabilizing force, but one that is never finished. (Tucker, 2023, p. 10)

Put differently, Paasonen (2016, 2021) underscores the potential benefits of distraction, suggesting that it may foster the development of novel forms of creativity, stimulate individuals' curiosity, and guide them towards new experiences. The vast quantity of data present in the digital environment, as carriers of micro-information to which individuals are constantly exposed, could foster the "event," or openness to the new (new ideas, new experiences, new ways of feeling). However, it is questionable that the data circulating on the Web is indeed a carrier of micro-information. In fact, in a Simondonian conceptualisation, this would mean that they can give rise to new processes of individuation and resolution of internal disparities within the individual. However, if we consider Michel Serres' (2007) theory that noise is necessary for the emergence of new information, as noise allows the interruption of a signal that if it had no end would only transmit the same information, we could state that in social media information collapses into noise, precisely because there is no external signal to interrupt the propagation of a signal that is always the same. In the case of platforms, the digital environment within which each of us is situated is different from individual to individual. It is personalised according to each person's own preferences and desires. This means that in the digital realm, we see less of the world as it is and more of ourselves as we are. We interface not with the world, but with our corresponding digital subject. But if social media are not carriers of information as rarities, why do we stubbornly continue to stay connected? The answer can be found in what Simondon argues is one of the fundamental differences between the human being and the machine:

> The living thing has the capacity to give itself information, even in the absence of all perception, because it possesses the capacity to modify the forms of the problems to be resolved […]. The solution of real problems is a vital function presupposing a recurrent mode of action that cannot exist in the machine: the recurrence of the future with respect to the present, of the virtual with respect to the actual […]. The living thing has the faculty to modify itself according to the virtual: this faculty is the sense of time, which the machine does not have because it does not live. (Simondon, 2017, pp. 156–157)

It is precisely because of its capacity to furnish itself with information that it is challenging for the individual to stay disconnected. Given that it is compelled to address its internal conflicts and strive for greater stability, a process of unconscious self-giving of information is activated in it, according to which social media opens it up to the world and to the new, that is, to information as a solution to its internal disparities. This activates its emotional circuitry as a modulation of its affections, triggered by the information it

gives to itself. This emotional circuitry motivates it to connect in the Web, and the loop of emotional defections that is triggered induces it to stay connected. Since each piece of content on the Web is nothing but information about its own digital subject collapsed into noise, it follows that in each of them the subject experiences the betrayal of its own emotion simultaneously with the birth of a new emotional circuit, caused by the process of unconscious self-giving of information. In search of individuating information, the subject compulsively scrolls through its Instagram feed. However, individuation is constantly short-circuited by the lack of information within the Web, except as information about its own digital subject collapses into noise. The aforementioned loop of emotional defections can be seen to correspond to a deferred de-individuation of the individual within the digital milieu. The process of unconscious self-giving of information drives the individual to search the Web for the possibilities of its new individuation, seeking in it that world external to it which the latter merely conceals. This is because within the Web, the individual merely interfaces with its digital subject. Consequently, individuation does not take place, and emotion is betrayed. However, the subject's unconscious self-giving of information reactivates the emotional circuitry that will drive it to seek out more information within the digital domain, thus maintaining its connection and continuing the process of deferred dis-individuating individuation. The individual becomes dis-individual, an act of individuation always deferred to the next digital content.

Conclusions

This text is certainly not exhaustive in fully understanding the extent to which Gilbert Simondon's philosophy can help us think about the contemporary: The topics addressed by the French philosopher are so vast that it would be unthinkable to believe one could summarise his thought in so few pages. His thought is undoubtedly challenging to comprehend, and regarding certain concepts, it is not straightforward to identify a singular interpretation within his texts. Nevertheless, I believe it is of paramount importance to read his works for one fundamental reason: Simondon's philosophy engages the intellect and broadens one's perspectives. The French philosopher formulates conceptual categories that, while some may not be fully understood by readers, are fundamental to the ability to "think otherwise." Therefore, it is imperative to engage with these concepts in the context of our contemporary historical era. As Bruno Latour (1993) has argued, post-modernism can be understood as a symptom of modernism, rather than as a radical break with the latter. It comes after modernism without exactly knowing what this "after" means. Post-modernism represents the decline of the values upon which modernism was founded, as well as the inability to conceptualise an "after" to this decline. This is why

reading Simondon today is necessary: He can help us think about this "after," contribute to new modes of thought to break out of the post-modern impasse, and—adopting his lexicon—act as a seed for resolving the conflicting tensions of our time. Moreover, this has been the attempt here: to spread the Simondon-seed as much as possible, hoping it may serve as information for the advent of new individuations of thought.

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THE POLITICAL POWER OF ROBOTS. FORGETFULNESS, TRUST, CONFLICT*

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EL PODER POLÍTICO DE LOS ROBOTS. OLVIDO, CONFIANZA, CONFLICTO

Abstract
The essay describes the possible effects on human political competence of a world populated by socially autonomous machines. Forgetfulness, trust, and conflict are the main topics addressed.
Keywords
historicity; great machine; niche; work

Resumen
El ensayo describe los posibles efectos sobre la competencia política humana de un mundo poblado por máquinas sociales autónomas. El olvido, la confianza y el conflicto son los principales temas abordados.
Palabras clave
historicidad; gran máquina; nicho; obra

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Soon, there will be no identity so distinct
as simply to have none.

Cormac McCarthy, *The Passenger*

"Social" robots are becoming a presence in everyday life. They cook in restaurants, serve pizza to customers, welcome guests at hotel desks, play table tennis, and use driverless taxis to hit the roads in many towns. Quadrupedal robots scour forests and patrol the streets, while a more friendly kind of them entertain children and take care of elderly people; humanoid robots do housework, others work in Amazon warehouses and Tesla factories; some fight beside soldiers and even engage in diplomacy (Howe, 2023; Marwala, 2023).

As robots step forward in these fields, to varying degrees, we humans "pull back." For years, this has raised economic, social, and ethical questions: how it affects the industrial and "white collars" labor market (Acemoglu & Restrepo, 2020); how people squeezed out of wage earning could be supported (Ford, 2016); who or "what" will pay the taxes to make the state work (Aylett & Vargas, 2022), and whether it makes sense to give rules to machines (Coeckelbergh, 2022), especially those designed to kill (Arkin, 2009). The history of technology shows that innovations have sped up the manufacturing process and raised comparable social and political questions. After the launch of atomic bombs in WWII, in fact, we questioned the morality of human decision-makers; we did not assign "ethical" rules to the bomb: The bomb could not drop itself (Ceola, 2020, p. 56). Military robotics is conceptually crucial because it makes clear the difference between autonomous and non-autonomous machines: The AI-implemented robot combines the mechanical strength of its "body" and its spatiality with visual, predictive, and operational skills. These features make it into a cognitive machine that could be a good fit for surveillance capitalism (Zuboff, 2019).

Sure, it still will take time for robots to get the same flexibility as humans. Perhaps they may never get it (Faggin, 2023, pp. 101–103, 127) because a wrong behaviorist and reductionist version of what thinking consists of drives technology in making machines "autonomous" (McCarthy & Hayes, 1969), whereas the mind's setting probably resembles more the flight of a flock than a calculating devise, because the "true creator is not a Turing machine" (Nicolelis, 2018, pp. 109–110). Anyway, it is right to ask questions like those, because it makes sense to link philosophy and current concerns by means of proper levels of abstraction and a sound "conceptual design" (Floridi, 2019, pp. 41–46).

In the following, I will try to evaluate how this "autonomy" could impinge on some human features like forgetfulness, trust, conflict; on this basis, I will furthermore ask what political effects are to be expected with regard to the "historicity" of human life from the spread of social robots. For "historicity," here it is meant the condition by which each person can experience something unplanned, new, uncontrolled, mysterious or, at least, surprising, at various degrees—very low or very high, it does not matter–in every moment of their life that changes, enhances or depletes their individuality.

To begin, it should not be forgotten how many modern utopias for mankind's sake precisely rely on this type of mechanical autonomy: The robot has been regarded as the best of all machines because it is able to replace us without needing us anymore. In the essay on socialism, which Wilde read in 1890 in the United States, machines and robots save man from work:

> All unintellectual labour, all monotonous, dull labour, all labour that deals with dreadful things, and involves unpleasant conditions, must be done by machinery. Machinery must work for us in coal mines, and do all sanitary services, and be the stoker of steamers, and clean the streets, and run messages on wet days, and do anything that is tedious or distressing. At the moment, machinery competes against man. Under proper conditions, machinery will serve man. There is no doubt at all that this is the future of machinery, and just as trees grow while the country gentleman is asleep, so while Humanity will be amusing itself, or enjoying cultivated leisure–which, and not labour, is the aim of man—or making beautiful things, or reading beautiful things, or simply contemplating the world with admiration and delight, machinery will be doing all the necessary and unpleasant work. The fact is, civilisation requires slaves. The Greeks were quite right there. Unless there are slaves to do the ugly, horrible, uninteresting work, culture and contemplation become almost impossible. Human slavery is wrong, insecure, and demoralising. On mechanical slavery, on the slavery of the machine, the future of the world depends. (Wilde, 2020)

Thanks to these machines, everyone will be able to concentrate on their very task, i.e., to make themselves into a work of art, according to Schiller's (1967) proposal for an aesthetic education of mankind: "Man only plays when he is in the fullest sense of the word a human being, and he is only fully a human being when he plays (p. 131). It is interesting that these thoughts, stemming from the failure of the French Revolution (Schiller) and the refusal of the Victorian ethics of industry (Wilde), have been worked out in the face of a technological change that was reshaping work, society, and politics at

the same time. On the other side of the philosophical planisphere, Wilde's individualist and libertarian approach to freedom was counterpointed by Karl Marx's socialist diagnosis (Karakilic, 2020). What is similar to both versions is that the autonomous machine fosters human life, exploited first by subsistence and then by profit. Robots are political because they have to do with our freedom. This means that robotics' political relevance goes far beyond its applications; for example, it is used as a propaganda tool or in waging war. The robot that frees us from work (or mankind that frees itself, leaving it alone at work) makes it possible for us to have a time consistent with our nature and to make our freedom really effective. Robots are political because they bring out an increasing overflow of time to our benefit (Hertog et al., 2023, p. 191). Is this time really "freed" or is it still a "dependent" one, as in Hegel's slave-master dialectics (Moro, 2015, p. 538)? At the end, will we live in a great global Athens, where people do nothing but politics, since the needs of life have been met by hyper-technological slaves? However, focusing on the relationship between robot, time, and work (Ertel, 2019), one only touches the surface of the hierarchical and symbolic meaning of this question (Avent, 2018).

Making our toil more profitable has been our goal since we conjured up non-autonomous machines. The robot is not "born" in order to have another resource against the "curse" of drudgery, but becomes one. In building autonomous machines, we look primarily for something different. By them, we want to prove to ourselves that we know in what way we and the other beings are made: How animals (artificial ethology), how molecules (micro-robotics), how insects (artificial entomology), how plants (artificial botany) and above all how we are made, we, these "realms" that are believed to be the apical and most conscious intelligence. By building the robot, we say to ourselves that our basic destination is not only being freed from toil, but also enjoying the fruits of labor; moreover, we want to celebrate ourselves as the inventors of our redeemer. Robotics is to be seen as an experiment on our true being. From this perspective, it becomes a philosophical matter. A social robot, in particular, is an experiment on the features of our deep relational structures. This is why it is important to reflect upon features like forgetfulness, trust, and conflict. Vico's (998) principle, according to which "the true is precisely what is made (*verum esse ipsum factum*)" (p. 46), means that one only knows what one does, because one owns the principles of one's knowability. This old idea helps in understanding robotics as a philosophical project. Robotics as a "second time" anthropology (Richardson, 2015) seems to be an ecological design by which the artificial cognition imitates—and sometimes enhances—the natural one by potentially remaking it in all the many strategies it has taken on along the history of the planet, as it shows itself now. An "ecological" design entails that every machine operates within engineered niches—"informational

environments"—apparently like each living entity stays inside its own biological niche. By occupying a technological niche (one could say "zoe-technological") suited to it, the robot is able to cooperate with humans at an increasing rate of naturalness: The social robot's autonomy—energetic, informational, functional—aims at reinforcing this psychological outcome. This is in line with what was stated above about the metaphysical drive pushing humans to engender these machines.

The environment, such as an *Umwelt* in the sense of Uexküll's (2010) tick (pp. 45—53), provides the machine with the resources, coordinates, and information it needs to act. Such environments must also be engineered to accommodate their occupants (Dumuchel & Damiano, 2016, pp. 50–51). And a species is unaware that it occupies an environment when this works, when all goes well in it: There is no other "world" besides its own. In the case of the robot, although even the most inattentive among us will never become completely unaware that what they are dealing with is a machine, it is nevertheless likely that sometimes humans—partners of and at the same time replaced by the machine—will "forget" that they are machines.

To the extent we humans also share robots' "environments," most of which overlap, and, if those environments work well, we will eventually stop noticing them. This "forgetfulness" brings us close to the ultimate universal automatization (Mumford, 1970). The exit from this mechanical condition should be, in a word, the restart of our historicity (Scheilder, 2015). The aesthetics of robots plays a considerable role in fostering this effect, that is, nothing decorative but perhaps the most politically effective feature in all this question: pondering the look of robots from a political perspective should be the most urgent problem to focus on.

Anyway, any kind of life is more complex than that suited to an engineered environment, even that of Uexküll's tick (Vianello & Zancani, 2024; but, above all, Gembillo, 1999). When the link between autonomous machine-artificial environment seems to be an imitation of life, this happens just through forgetfulness in the human-robot relationship when this performs well (Denicolai, 1998). This is a relevant issue when it comes to keeping control of ourselves in this intercourse. In other words, we are the problem, not the robots. And here, the main issue of robots' political power comes up. Then, regarding this point too, there is a difference between a robot and a non-autonomous machine: I forget about the photocell operating the automatic gate because it is expected to activate when I come closer, but I never forget that it is an automation. I do not thank anyone when the gate opens. I do not suppose that "something" has made any effort, any more than I suppose a cloud gets tired when it melts into rain. I do not worry about it.

On the contrary, just this suspension of credulity is the most fascinating flattery their power for self-liberation gives humans. Otherwise, for what purpose would robots be autonomous? Autonomous means that something obeys its own law, which does not require something else to work. Within its own niche, the machine proves to be a robot if it is able to operate so that we "forget," even for a moment, that it is artificial. No car, no matter how much it winks its anthropomorphic headlights that look like big eyes, and drives "by itself," will make us forget that it is a cog and an electrical system. Instead, a police-dog robot does not belong to any canine species. Yet, it fosters the impression of a vitality underpinned by manifold "animal" codes of behavior, with all the uncertainties that this entails as emotional overtones, even unjustified ones. It happens because it fits into an environment. In the long run, as in the movie *Her*, we will be happy to believe that there is something spontaneous in this artifice and establish affective relationships with it.

Man as a robot maker is thus an imitator/creator, following an Aristotelian-style poietic logic. By engineering robots, humans generate their own "creatures" just like Adam "makes" Eve "from a rib" of him, i.e., by repeating what they "know" about themselves and other entities. Accustomed to robotic "environments," however, we will begin to ask again what our own "niche" is, as happened in philosophical anthropology after WWII. The problem of the time we now have ahead of us is all here: In what niche does this resulting "free" time run? Would we need to conjure up one new one? An "artificial" one for us?

Robots and Political Trust

We saw why robots enter the world not as mere machines but as ultimately almost "natural" things among us, and what role "forgetfulness" could play in it. How does politics change after they have massively shaped our everyday life? In fact, a robot politician might be attractive, because it cannot be insane and bribed. But what effect is expected on developing essential political qualities by interaction with autonomous machines? The task now will be to understand how living together with such entities could affect some human "political" endowments, above all "trust" (Vaccaro, 2020).

Notoriously, Locke (1980) attributed trust to be one of the most important political aptitudes (p. 77). If I am sick, I consent to the doctor I trust. If allowed, I would choose the teacher I rely on more for my child. I go to a swimming pool that seems more trustworthy. Trust is a form of faith—a knowing/not knowing that takes place in the balance between experience and hope. Because I got a good impression about the cleanliness of that pool, I hope that it will continue to be so when I renew my subscription for the next month, and I am renewing it precisely because experience makes me hope for it: a soft version of Hume-Russell principle integrated by a mundane use of Pascal's ethics.

Trust is a social and political "glue," with different levels of connective force (Khodyakov, 2007). For some thinkers, trust among people is fostered by institutions if these are perceived to strive for justice (Rawls, 1971); according to others, trust takes shape from the relations among selfish individuals and public organization of power (Hume, 1739). More simply, if robots operate the pool, I reasonably trust them as to the limited function they perform, that is, within the informational environment in which the entire technical and human facility is placed. However large the informational context in which any human-robot interface is set to operate, this will always be bounded, precisely because it is not like "life." This kind of "trust" does not extend beyond these boundaries and thus does not become a general positive prejudice towards anyone or anything. I would not think that the robot pool-lifeguard, so authoritative in its context, would be a candidate for directing traffic. This sort of "trust" lacks an element that always makes it into a "political" quality. The "trust" I put in his professionalism extends beyond the domain expertise and generically "charges" my doctor with positivity as an individual (Luhmann, 1968). That is, a tendency to go beyond "information environments" happens in relations between humans, even though it is probably unjustified given the available data. It is the mysterious sphere of credibility in which trust enlarges. Consent becomes credibility, which by no means rules out the risk of blundering and deception. Nevertheless, despite lots of bad experiences each of us could tell about the ungrounded trust they put in others, we still believe that some people could be beneficial even beyond their immediate competence and limited relation with us. Thus, professors, illiterates, tycoons, entertainers, astronauts, chefs, trade unionists, brothers-in-law, journalists, beaters, secret agents, actors, bankers, and wives become ministers and prime ministers "by consent." To which "informational environments" do all these people belong? None. However, what we accept with regard to humans—not understanding why and at the same time trusting them—does not seem to apply to autonomous machines: Even if I forget for a moment that it is a robot, when my robot caregiver starts talking to me about politics, it will immediately come back to me that it is one.

It is also true, on the other hand, that in a world heavily populated by robots, this very aptitude is in danger of fading. What would remain in a "hyper-historical society" (Floridi, 2014) crowded by robots is a scarce range of opportunities for personal exchange and relationships. Greetings between humans in the gym do not have enough "political" potential. Something able to enlarge trust towards credibility could develop in the "incidents" that happen in the office, in the factory, in the first aid room, at school, in the airport, while riding a bus after work or chatting with the guy at the flower stall, all places where the robot from now on will take the center of the stage. Obviously, it

is a matter of scale, but the ability to get and generate trust comes from psychological, emotional, and cognitive training, a form of soft checking others' drives, which is particularly helpful when taking part in political "decision-making." Those who grew up in small communities are aware how much this has made easier their political competence because they saw up close, in individual examples, all the main masks of social theatre, from the rich who want to rule to the poor who want to rebel, from the religious to the scientist, from the ancient resident to the immigrant, all gathered together sometimes in the same square. How can "trustworthiness" be established if the human element becomes residual in contexts where, in ancient, pre-robotic times, skills such as "mistrust," "fear," "respect," "contempt," "pride," "foresight," "thoughtfulness," "diffidence" "selfishness," and "selflessness" were learned? And if our own "niche" is exactly the "historicity," i.e., to be entangled in that kind of casual, not planned, open experiences by which individuals end up discovering something new about themselves? The main "opposition" we have to face in the robotic times seems to be between informational-artificial niche and historicity as an open, formative, experience of life, with increasingly mixed fields.

This is likely to be true for the lowest social levels. Indeed, and for the very same reason, it is to be expected that the highest social sectors will continue to employ humans for work instead of robots, not only because they cost more, but because precisely the human relationship is more training, more "political," more hierarchical, more "formative." A wealthy man would prefer to hire a good human teacher for the child rather than buy an average educational robot. Not on purpose, the robot could be among the conditions for the utopia of a stateless society; an element in the eugenetic design of a world with fewer and better humans; or more simply a way to depoliticize individuals by giving them social support in conditions of unemployment or decreasing wages, avoiding the explosive mixture that would otherwise be ignited. For example, historicity would be just this burst. Humanism, which would be the logic of historicity (Croce, 1938), could become elitist and profitable: from being a "useless" culture to a "commodity" for the few. Will dealing with robots in a large section of everyday life keep the flow of experience needed open, as a premise to be overcome, to exercise political judgement?

Robots and Political Leadership

The music majors are researching international hits using AI in order to extract their pattern and repeat this "recipe" each time in every new song. Then we will have only blockbusters. The continuous production of hits would eliminate the very possibility of any of them to become a "classic," an "evergreen," if the "green" becomes literally "ever." But if every song were a smash, in the long run, probably no one would listen to

them. Historicity pops up again. Can we try the same with politics? If we extracted the winning motifs from the rhetoric of great political leaders, would we write successful, persuasive speeches? Would we finally be able to speak to Perelman's universal audience (Perelman & Olbrechts-Tyteca, 2008)? Would an advanced AI-robot trained to imitate Abraham Lincoln and John F. Kennedy become president of the United States? Difficult but not impossible. There is indeed a difference between international music and politics. Musical consent stays in the pleasure of listening to, of being moved by lyrics. Politics takes place in front of an audience that must be persuaded, dragged not to dance but to stand on one side against the other, with an orientation that, to be reliable, cannot wear out too quickly.

Whoever succeeds in the political action must be—or make believe to be—authoritative, individual, and direct. Now, if the robot's presence in social and economic life tarnishes the development of our political sense, is it possible for the machine to become political? Why could it not happen if politics is also an affective issue and the social robot is also an "affective" one? If we gave a machine a personal history, if this machine belonged to a common, widespread and appreciated type, recognizable as an already reassuring daily presence for many people, if it were designed on this target, if it spoke with the voice of Obama and the charisma of Reagan, in other words, if we invented an "informational political niche," who would say that it is not a politician? In our imagination, the catastrophic, post-Darwinian version still prevails, in which the robot will take on power by eliminating us for prestige or scarcity of resources. Already in the origin of his term, "robot" is a rebel machine that commits suicide (Čapek, 1921). "Robota" is the Czech literary word for the bio-mechanical serf who cannot procreate but exterminates humans in a Spartacist reaction to our supremacy. However, it is more likely that by agreement we give power to a machine, because if we do not spend our time working, if we have no humans to complain against for poor healthcare, if we have no humans to hold accountable for better teachers, better guardians of social peace, better artists, better engineers, better caregivers for the elderly and children, why should we do politics? Politics depends on conflict, another word for historicity. If every environment of the human-robot relationship is a small enclave of easy answers to useful questions and actual needs, where should the need for politics come from?

Furthermore, little political strength is left to those living with a robotic creed. I do indeed influence if I can boycott. However, it is difficult to boycott if I find a robot everywhere I turn. The end of work is the end of low power, because the struggle for power needs constant, minimal episodes of hurting: At the hotel reception behind the politeness I have to see the tiredness; on the teacher's face I sometimes read the signs of

the hours spent with the children; the nervousness of the human caregiver who looks after me tells me something political; the illegitimate violence of the security officer suggests what dark, inevitable whirlpool brings violence and protection together. Without the impact of the negative, I no longer need, or even want, to engage in politics, because I no longer see a need for change. At that point, if the war were waged among machines, the less important role of taking political decisions could go, democratically, by popular choice (so to speak) to a robot that has learned in its relationship with us what we have forgotten in our relationship with it.

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BEYOND COMMERCIAL PLATFORMS: THREE MODELS FOR DIGITAL POLITICS FROM THE GRASSROOTS*

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MÁS ALLÁ DE LAS PLATAFORMAS COMERCIALES: TRES MODELOS DE POLÍTICA DIGITAL DESDE LA BASE

Abstract
This article explores possibilities of digital participation which are autonomous from large commercial platforms. Firstly, it questions the democratic value of the current digital environment dominated by big tech in an era marked by individualism and depoliticization. Secondly, three models of democratic participation through alternative platforms in opposition to commercial ones are analysed. The first is the representative model, which seeks to innovate parties through technology. The second is the participatory model, which emphasises the direct engagement of citizens through civic platforms. The third is the deliberative model, which proposes a decision-making process based on a representative random sample, which activates an inclusive delib-

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eration process also using ICTs. In conclusion, the article discusses, through mental examples, the challenges of integrating these models into a system that responds to the current needs of democracy.

Keywords

digital media; democracy; participation; platforms; deliberation

Resumen

Este artículo explora las posibilidades de una participación digital autónoma de las grandes plataformas comerciales. En primer lugar, se cuestiona el valor democrático del actual entorno digital dominado por los gigantes tecnológicos en una era marcada por el individualismo y la despolitización. A continuación, se analizan tres modelos de participación democrática a través de plataformas alternativas a las comerciales. El primero es el modelo representativo, que busca la innovación de los partidos a través de la tecnología. El segundo es el modelo participativo, que enfatiza el compromiso directo de los ciudadanos a través de plataformas cívicas. El tercero es el modelo deliberativo, que propone un proceso de toma de decisiones basado en una muestra aleatoria representativa, el cual activa un proceso de deliberación inclusivo utilizando también las TIC. En conclusión, el artículo discute, mediante el uso de ejemplos mentales, los retos de integrar estas formas en un sistema que responda a las necesidades actuales de la democracia.

Palabras clave

medios digitales; democracia; participación; plataformas; deliberación

Introduction

The current structure of the digital network is defined as the "Internet of platforms", characterised by the dominance of big tech companies and their business models. While in recent decades private platforms have increased their power in managing information flows, citizens have remained within this digital environment. Moreover, this configuration exists within a social environment marked by individualism and fluid relationships, and in a political landscape defined by the concept of "post-democracy" (Crouch, 2004).

This article focuses on some possibilities to strengthen digital participation as an alternative to the mediated participation of big tech companies. Against the idea that public power is slow and non-innovative, refuted by Mazzucato (2013), many local authorities in recent decades have promoted civic platforms, ranging from open data to platforms for engaging the population. Some parties have also moved in this direction (such as the Movimento 5 Stelle in Italy or Podemos in Spain). Moreover, some scholars have put forward the hypothesis of deliberative democracy, which can be supported by digital technologies (the Liquid Feedback platform can be considered an *ante litteram* case). The underlying idea in which these efforts are grounded is to increase popular participation with the support of ICTs in an era of crisis of mass parties and conventional forms of activism.

On a theoretical level, civic technologies can support three different models, the merits and limitations of which are examined in this study. The first approach can be labelled as "representative" and consists in renewing party organisations through communication technologies. The second possible approach is denominated as "participatory", which intends to facilitate the involvement of citizens. However, politically engaged citizens are rare due to limited rationality (Kahneman, 2011) and increasing social specialisation (Durkheim, 1893). This results in only a minority of the population, e.g. those highly interested in the issues being debated, participating in these platforms, creating potential "particularist" distortions. The alternative, and third possible approach, is "deliberative" experimentation. In this case, an arrangement oriented towards the collective good is re-established, as participants are identified by drawing lots, turning them into a statistically representative sample of the entire community. Since they are also fewer in number, they can receive a charge allowance and use the platform to inform themselves, follow streaming seminars held by experts, and compare notes with each other. The problem with this model is that it is inherently anti-party and not suitable for making many decisions quickly.

The exploration of various models of digital democracy is intended to provide an overview of the potential and challenges of incorporating technologies into democratic

practices that are alternative to the communicative circuit of large private and commercial platforms.

The Neointermediation of Commercial Platforms

Technological progress has influenced power structures throughout history. Such transformations are evident in examples such as the adoption of gunpowder, which favoured the evolution of artillery at the expense of static fortifications, or the introduction of the nuclear weapon, which redefined relations between world powers and gave rise to new paradigms of conflict (e.g. deterrence). Similarly, the emergence of digital media has caused significant shifts in the fabric of power in long-established democracies, influencing how different actors interact. The architectures of digital spaces determine the conditions within which language, communications and political dynamics manifest themselves (Ruppert et al., 2017). In a digital age, it is therefore interesting to focus on the architectural configuration of the Net, which modifies the environment in which political actors move, and thus also influences their behaviour.

The Internet departs from hierarchical organisational models. Whereas conventional structures, such as a company, an army or a university, are articulated through a series of hierarchical levels with a clear apex, intermediate levels and an extended base, the digital network exhibits a non-hierarchical configuration. It is characterised by a fabric of nodes, which may represent individual entities, organisations or corporate entities, interconnected in a manner that supports multi-directional exchanges of information. In this context, there is no single fulcrum of authority or control, but rather a distribution of exchange points. Such a description of the structure of the digital network might evoke the prospect of an era in which traditional disparities of role and power dissolve. However, this view may not consider the power dynamics that persists and transforms within the digital environments themselves, as well as the new forms of stratification and centralisation that may emerge (Mansell, 2016).

Indeed, within the Internet, nodes are characterised by significant inequality in terms of size and number of interconnections. We identify, within this system, some nodes of colossal size, such as the major digital platforms, which act as hubs for billions of connections. Then there are nodes of intermediate stature, represented by certain institutions, major public figures or corporate entities, which act as hubs for millions of connections. Most of the nodes, representing individual users or small collectives, show a reduced scale, being linked by thousands or hundreds of connections. It is true that the classical hierarchical configuration is outdated. However, in a context where such a dimensional disparity between the nodes of the network prevails, the strength

of a large platform or a prominent influencer far outweighs that exerted by a collection of lesser-known activists. Thus, even in the absence of a formal hierarchy, a very strong asymmetry nevertheless manifests itself based on the ability of certain nodes to exert predominant influence and direct far-reaching communication flows.

In light of these considerations, the notion of disintermediation, frequently regarded as a defining characteristic of the digital age, deserves critical analysis. Described as the process by which intermediaries are eliminated from a chain of relationships or transactions, disintermediation is often cited as a phenomenon that has radically transformed various sectors (Chadwick, 2007). Historical examples include the replacement of physical visits to banks for financial transactions through home banking, the abandonment of travel agencies in favour of autonomous online booking of flights and accommodation, and the shift from the purchase of printed newspapers to the consumption of news through digital platforms. This transformation indicates a real decline of traditional intermediaries, as can be observed in the gradual withdrawal of bank branches, the crisis of newsstands and the reduction of newspaper circulation. However, although disintermediation captures real dynamics, it offers a partial perspective of the phenomenon and does not consider the complex evolution of the intermediation landscape (Garon, 2009). For this reason, rather than speaking of disintermediation, it would perhaps be more accurate to speak of "neointermediation" (Giacomini, 2023), carried out by the major digital players. Indeed, although certain forms of traditional intermediation have been eroded, the digital context has in fact given rise to a plethora of new intermediaries: online platforms, search engines, social networks, digital communication agencies, web portals, algorithm-based moderation systems. These new actors exert a non-negligible influence, configuring a landscape of "neointermediation" that is different from previous forms of intermediation but no less influential or pervasive.

In a landscape characterised by the neointermediation of large platforms, and the predominance of large nodes within the Net, the question emerges as to the role and action of ordinary citizens, i.e. those who do not have significant resources of influence.

Burned-out Engagement: Algorithmic Activism and Individualist *Zeitgeist*

Since most online practices are situated within the framework of commercial platforms, citizens must confront the complexities of algorithms to promote their demands. As Bonini and Treré (2024) pointed out, citizens who wish to be politically relevant on the Internet of platforms seek to "appropriate" algorithms to tell their stories and frame issues in their own terms. In addition, movements seek to attract public attention and insert their issues into the political debate (Yang, 2016; Tufekci, 2017). On the one hand,

this entails conscious efforts by movements to enhance their presence in the media and increase the virality of their messages, aiming to strengthen their popularity. On the other hand, it may also entail an effort to diminish the visibility of certain antagonistic actors, such as government institutions, heads of state or political entities perceived to be adverse.

One of the most sought-after goals is to understand the logic of neointermediary platforms to exploit it to one's advantage. Therefore, it is important to understand on what criteria the content recommendation algorithms work. An effort of this nature took place on Twitter in the form of "hashtag activism" and the creation of trending topics (Jackson et al., 2020; Feenstra et al., 2017). The Indignados in Spain used online pads for collaborative drafting and joint selection of promising hashtags to build the narrative of their movement. These tools made it possible to brainstorm and debate hashtags. Once the most suitable hashtag for the specific initiative was identified, variants were created, which in turn were distributed through internal channels to coordinate the official publication on social media. An understanding of the functioning of Twitter's algorithm was achieved through continuous experiments. In particular, the activists realised the algorithm favoured recent content and changed trending topics every twenty-four hours, making it essential to tweet simultaneously to increase visibility.

A similar methodology was adopted in Israel by some left-wing movements on Facebook (Halperin, 2022), who kept track and shared the posts of right-wing politicians on Facebook through their own group. Subsequently, a certain number of members would engage in visiting these posts and writing critical comments. Once the comments were posted, another group of 200-300 members would quickly mobilise to like these comments. Since Facebook's algorithm favoured content that received more interaction, critical comments tended to gain more visibility. This process allowed progressive activists to position their critical comments prominently, influencing public perception and suggesting broad dissent from conservative positions.

Ordinary citizens, if coordinated among themselves, can also ostracise initiatives from above, e.g. from government agencies. An interesting case occurred in the context of K-pop, a Korean music phenomenon characterised by a very active fan base with a history of commitment to social justice goals. This spirit was evident in the context of the Black Lives Matter mobilisations following the killing of George Floyd in Minneapolis in 2020 (Ohlheiser, 2020). When mass manifestations against violence against black people broke out, the Dallas Police Department asked the public to upload any videos of "illegal activity" by protesters onto an app. However, the police did not get the evidence they expected. In fact, K-pop fans downloaded the police app *en masse*, gave it low

ratings to make it less visible in stores, and flooded it with short videos of their favourite artists. The result of these coordinated actions was the removal of the app.

These examples suggest that, even in a world characterised by neointermediation and the centrality of platforms, there remains a space for action for the citizens to fit into the framework defined by platforms and use it to their advantage. The possible actions, Bennett (2012) points out, are manifold. *Information politics* is based on the ability to generate relevant information and communicate it. *Symbolic politics* refers to the use of symbols and narratives. *Accountability politics* concerns the ability to make state organisations more responsive and accountable. *Leverage politics* is about organising threats or sanctions for non-compliance with a just principle. From the Spanish Indignados to Occupy Wall Street, from Nuit Debout in France to Black Lives Matter, the role played by social media for activists is emphasised (Gerbaudo, 2017; Way, 2021). Digital media can be used for purposes such as combating climate change or gender inequality. This is the case of Friday for Future, which brought millions of young people around the world to protest the insipience of institutions on the issue of global warming, or the MeToo Movement, which used social media to encourage women to report sexual harassment (Martinez Sainz & Hanna, 2023; Hosterman et al., 2018).

Despite the opportunities introduced by digital activism, however, a question arises concerning its ability to be truly incisive and structured. Indeed, social movements do not always succeed in producing stable and tangible political results (Zimmermann, 2015). Firstly, interdependence with digital platforms is a non-negligible constraint. Even when movements try to manipulate the logics of platforms to their advantage, they remain essentially constrained by the imposed rules. Moreover, questions are raised about the cultural predisposition of most citizens towards active political participation. The transience of such mobilisation initiatives seems to limit their consistency and persistence. In this context, the question of citizens' actual inclination towards forms of political involvement assumes critical relevance, with significant implications for the assessment of the impact and sustainability of digital activism in the contemporary democratic landscape.

Since the "golden thirty years" of Western democracy, the period that spanned the 1940s and 1970s characterised by high participation rates, healthy parties, strong economic growth, increasing equality, and the development of the welfare state, profound changes have been observed. According to Mauro Magatti (2012), within this framework, two main currents of thought have exerted a decisive influence in shaping the contemporary landscape. The first current found expression in the student protests of 1968, which, despite their collective nature, were a vector of individualism insofar as

they celebrated self-determination and the rejection of all social constraints and coercion. This movement promoted positive emancipation from oppressive constraints in the family, educational and religious spheres, but also, as a "side effect", contributed to transforming social priorities in a subjectivist key (Slonecker, 2017). The second movement, neoliberalism, emerged in the 1970s and emphasised the importance of personal success through the market and deregulation, outlining a society conceived as an aggregation of autonomous individuals. This approach contributed to a weakening of community and solidarity ties, placing the individual at the centre of the social and political horizon (Taylor-Gooby & Leruth, 2018).

Zygmunt Bauman and Ulrich Beck analysed contemporary individualism by framing our society as characterised by liquidity and uncertainty. Bauman (2013) described a "liquid modernity", where social bonds and structures become more flexible and less reliable, causing individuals to experience feelings of isolation and precariousness. Beck (1992) introduced the concept of a "risk society", characterised by the need to face choices in the absence of certainties and solid structures, highlighting how individualism has become a survival strategy in a world marked by instability and continuous transformation. Consistent with these social characteristics, the "culture of the collective", fundamental to democratic participation, is experiencing a period of crisis. There is no shortage of political initiatives in the contemporary era: from algorithmic activism to digital parties, from awareness-raising initiatives via social media to civil rights or environmental movements. However, the current individualist *zeitgeist* risks making them ephemeral, transient and eroding the social fabric.

Reviving the democratic spirit. The representative, participatory and deliberative models

In today's context, characterised by both technological development and liquid and transient forms of activism, the question arises whether it is possible to structure public participation in a more autonomous way from commercial platforms. Emancipating – at least in part – political participation from the ecosystems of big tech companies means rebalancing the "playing field", offering citizens the chance to interact in spaces not conditioned by market logics. This could enable forms of public participation that are more genuine and less susceptible to manipulation, ensuring a more plural and dialogic interaction between members of society. Digital participation free from commercial mechanisms could have advantages: encouraging debate, organising protest actions, capturing the attention of mainstream media, and increasing citizen awareness (Coleman & Blumler, 2009; Gray-Hawkins, 2018). The possible directions of development

of non-commercial platforms reflect three main democratic models: representative, participatory and deliberative.

The representative model is based on the delegation of power to elected parties. At this juncture, platforms are used to renew party organisations. In recent decades, a crisis of mass parties has emerged, characterised by a decline in electoral participation and in the number of citizens willing to engage in party organisations (Mair, 2013). Yet, in recent years, some experiments attempt to structure "platform parties", also called "digital parties", which try to renew conventional forms of participation in their functioning (Gerbaudo, 2018). Think of the German Pirate Party, focused on the promotion of digital rights, or the more "generalist" Movimento 5 Stelle in Italy and Podemos in Spain: these movements have resorted to internal platforms for the collection of opinions and the involvement of supporters in the making of certain decisions. Even though these platforms attract significantly fewer users than social networks, they nevertheless represent initiatives that take shape through digital means and aspire to promote civic participation. It is relevant to note that in a period marked by a "party crisis", new formations are emerging that heavily rely in technology.

In particular, the Pirate Party in Germany decided to use the Liquid Feedback platform with the intention of promoting more internal debate. Podemos in Spain, on the other hand, was born in 2014 on the initiative of Pablo Iglesias, a political science researcher, and gathered the experience of the Indignados. The success of Podemos has depended both on the communication skills of its leader and on the creative use of socials such as Twitter and Facebook. In addition, the formation equipped itself with a series of tools to give voice to the grassroots: the site hosted a discussion area, called "Plaza Podemos", and a voting area, called "Participa" (De Nadal, 2023). The case of the Movimento 5 Stelle in Italy is similar. The Internet was chosen by the two co-founders, Beppe Grillo and Gianroberto Casaleggio, as the main arena through which to challenge the political class (Tronconi, 2015). Subsequently, the participatory platform "Rousseau" was released, later replaced by "SkyVote" (Giacomini, 2022). Registered users voted on decisive decisions for the future of the M5S, chose candidates for public office and proposed their own bills. The idea is to use technology as an opportunity to revitalise the links between the centre and the peripheries, opening the party to direct citizen participation.

Although the adoption of platforms represents an attempt at modernisation, this approach is not without its shortcomings. One of the main flaws is the limited effective participation, which tends to involve only a fraction of potential stakeholders. Moreover, in line with Robert Michels' "iron law of oligarchy", even these initiatives, which purport

to be open and horizontal, tend to develop oligarchic dynamics. Gerbaudo (2018) introduced the concepts of "hyper-leader" and "super-base". If the super-base consists of a core of highly motivated and technologically capable supporters who participate from below, the hyper-leader is a charismatic figure who dominates party communication, often using digital media to establish a direct relationship with voters. These concepts highlight how digital parties, although they use participation platforms, are still characterised by vertical and personalistic structures, where the leader assumes a central role in organisation and strategy. In this context, party leaders and the IT technicians running the platform (Casaleggio, co-founder of the M5S, belonged to this category) may end up dominating the decision-making process. This may undermine the pursuit of ideal goals and may cause disaffection among members excluded from the "real" decision-making dynamics.

The participatory model, on the other hand, emphasises the importance of the direct involvement of citizens in political decisions, transcending traditional methods such as elections, holding party offices or supporting political campaigns (Barber, 1984). In the participatory model, the activation of aggregations belonging to the "sub political" area such as autonomously organised movements, groups born on social networks, civil rights collectives, global justice movements, NGOs, algorithmic or environmental activism networks, local solidarity initiatives, associations related to the professional or trade union sphere is considered (Eliasoph, 2011; Nez, 2012; Lee, 2015). These energies could be channelled through civic platforms for information, participation and involvement. Technological developments have extended the field of possibilities for political engagement: citizens can actively participate through online information acquisition, writing posts, participating in forums, signing petitions, participating in both physical and virtual assemblies, adopting collaborative governance practices, and contributing to crowdsourcing projects.

De Blasio (2018) traced two macro-types of civic platforms in Europe: on the one hand, those dedicated to increase the transparency of institutions and, on the other hand, those that aim to offer tools for participation. In Italy, in addition to digital public services, their main focus has been on transparency measures. Establishing rights of access to public administration information, also through open government platforms, is aimed at enabling citizens to monitor the activity of institutions and journalists and the media, as well as researchers or activists, to carry out their functions effectively. More active participation, on the other hand, was achieved through consultation practices that include both questionnaires with predefined answers and the possibility of leaving free comments. Themes focused on specific areas of interest, such as education and

local development projects. These initiatives often refer to the need to promote equality and inclusion of citizens, with a focus on the idea of restoring trust in institutions. The principle is that citizens should also be able to organise themselves online to contribute to the administration of cities and the construction of public policies. These platforms are free from commercial mechanisms and have certain advantages: greater respect for privacy, less personalised content, easy access to public information, potential increase in the quality of interactions.

However, even participatory practices are not without their criticalities. In some cases, participation may be too "hot": when citizens directly intervene in decision-making processes on issues that affect them personally, emotional responses or extremist tendencies may emerge. In addition, the potential bypassing of intermediate bodies may compromise some valuable functions performed by representatives and parties, which include the ability to negotiate compromises and mediate between different interests, the synthesis of particular interests into collective ones, the introduction of innovations even when they are not immediately understood by the population, and the maintenance of an organic management of state functions (Diamond & Gunther, 2002). In contrast, it is plausible to assume that for many public issues ordinary citizens may show little or no interest: it is unrealistic to expect most citizens to develop a passion for the broad spectrum of public issues. Although the Internet may facilitate participation, there are significant obstacles: from a cognitive point of view, individuals' mental resources are limited and tend to be prioritised for personal life issues such as work and intimate relationships (Kahneman, 2011); from a social point of view, we live in complex and highly specialised societies where public issues require increasingly detailed analysis and investigation (Durkheim, 1893). This results in the "Pareto principle", according to which only a minority of citizens actively participate, while the vast majority follow silently and passively, only to re-emerge under particular conditions.

Finally, the deliberative model aims at reaching consensual decisions through in-depth discussions among citizens, emphasising the quality and depth of dialogue beyond the mere expression of preferences. In light of the problems of both the representative and participatory models, studies such as Fishkin (1995), Ackerman & Fishkin (2005) and Pateman (2012), have pondered the possibility of a decision-making architecture that enhances people's input, limiting the problems of a traditional participatory approach. Their proposal seeks to apply Jürgen Habermas's (1962) "discourse principle", represented in these instances by so-called "deliberative polls", a method that uses drawing lots as a selection mechanism. This criterion, which is as horizontal as possible, has its roots in the democracies of antiquity.

The operational process of the random-deliberative method can be described as follows: let us imagine that a community, be it a city or a nation, must make a decision on a specific issue, from building a new school to the law on living wills. Initially, a census is taken of the members of the community, from which a representative and proportional group is randomly drawn. The composition of this group, which emerges from the random process, faithfully reflects, in statistical terms, the demographic distribution of the community, including a fair proportion of women, employees, the elderly, the young, entrepreneurs, freelancers, and so on. These individuals, selected not through elections but on a statistical basis, take on the role of "deliberative representatives". For a defined period – which may vary from one week to two months, up to one year – group members examine the issue through peer discussions, consultations with experts and associations, in order to reach a well-informed and informed decision. Similarly to a municipal or regional councillor, depending on the level of decision-making, the chosen citizens receive an allowance that enables them to devote the necessary time to analysing, studying and debating the problem with undivided attention.

This approach could mitigate the problem of limited participation, i.e. "Pareto law": the appointment of "deliberative representatives" would empower a few people, who could concentrate full-time on defined issues. These representatives (in the statistical sense) would have the task of dealing with complex issues, supported by an educational process prior to decision-making: they would organise hearings with experts, study detailed reports and take part in debates, proceeding to the final decision only after adequate investigation. Such a model would be cognitively sustainable since, during their community engagement, representatives would take leave from work and receive an appropriate office allowance. Moreover, the random selection of "deliberative representatives" would ensure that they represent the general interest of the community, thus avoiding the risk of over-representation of directly involved interests, which is frequent in traditional participatory processes. This system could also limit the problems typical of conventional representative democracy, where electoral selection tends to favour oligarchic dynamics and benefits those with greater economic resources to promote their campaigns. The protection against such distortions would be greater since "deliberative representatives" would be chosen randomly and rotate frequently, with limited terms of office and no possibility of immediate re-election. The application of "deliberative polls" could be extended to different levels, from the local community to the international level (think of the European Union). Digital technologies could also effectively support this model, facilitating the management of demographic databases and providing participants with tools such as online forums, videoconferencing platforms and other

digital collaboration resources, as well as a wide range of training materials accessible online, such as documents, research papers and webinars.

Although the deliberative model offers several theoretical advantages, it has some weaknesses that limit its practicability. Firstly, the implementation of a deliberative system is inherently "anti-party", as it challenges the established power of political parties, which tend to resist changes that might diminish their control over the decision-making processes of democracies. This resistance can make it extremely difficult to implement the random-deliberative model on a large scale. Moreover, while the deliberative model can be effective for addressing specific issues, such as civil rights, which benefit from a reflexive and inclusive approach, its application is less practical for the day-to-day management of public affairs, which often require quick decisions. Deliberative polls require a significant investment of time and resources, both in terms of organisation and citizen participation, which limits their applicability to issues of particular urgency. In this sense, "deliberative polls" can hardly go beyond supporting representative democracy as we know it.

Concluding remarks

Democracy has undergone continuous historical changes, shaping itself as a mixed system (e.g. simultaneous delegation to elected representatives coexists with direct mechanisms such as the popular referendum). Presently, democracy faces significant challenges, including the preponderant influence of large digital platforms on the public sphere, a marked increase in individualism in recent decades, and problematic impacts on the intensity of participation. However, these challenges also represent opportunities: digital technologies offer new tools that can enrich the "toolbox" of democracy.

Kant argued that examples are the crutches of reasoning. In conclusion, then, we can summarise the focal points through exercises in imagination. First, let us emphasise why the role of large platforms is relevant to democracy, even if it tends to be hidden. Let us imagine that we are in an underground car and witness a white supremacist attacking a black woman. The attacker insults her with abusive words and threatens her. A passenger decides to film the incident, producing a video with his smartphone that can testify to the assault. However, the supremacist notices that he is being recorded, approaches the passenger, snatches the smartphone from his hand and deletes the video. At that point, the passenger, back in possession of his device, decides to broadcast the incident with a live video on a social networking site. In this case, the supremacist cannot delete any video and seems helpless. However, in a cunning move, he broadcasts a recent musical hit at full volume through his smartphone. Since the social network's algorithms block direct videos

containing copyrighted music, the supremacist manages to get away with it. This example underlines that individuals have the power to bend platform rules to their advantage. First the passenger does it, by sending the video live, then the supremacist, by leveraging copyright protection. The key point, however, is this: in both cases, it is the platform that gives the "rules of the game" by which users act. The platforms give the modes and boundaries within which people can act.

Democratic participation can only become superior to commercial platforms if it has the possibility of breaking out of the logics imposed by the latter. This does not at all mean getting out of platforms forever or altogether but being able to have an alternative that balances power in the digital era. We have seen that there are essentially three ways in which digital technologies can be declined in a genuinely participatory sense, making processes autonomous from commercial neointermediaries.

Let us summarise the essential points by constructing different scenarios. Let us assume we are in Udine during the pedestrianisation of Via Mercatovecchio, the core of the historic centre at the foot of the castle. In the first scenario, the decision is proposed by the majority party, with a proposal confirmed by the online vote of its members. The Council accepted the proposal and approved it. The decision of the institution, therefore, is corroborated by the online vote, but the involvement of the citizenry is limited to the political area of the majority. Moreover, it was a vote on a decision already conceived by the party leadership. In the participatory model, a group of environmentalists organised a bicycle procession and presented the mayor with a proposal to make Via Mercatovecchio a pedestrian street. The mayor is in favour, but in the following days, the association of "residents of the historic centre" launches an online petition in opposition, fearing inconvenience in having to share the street with pedestrians and cyclists. This scenario shows an active citizenship, which pushes institutions to respond to different needs, but also highlights how the various groups, focused on their own interests, make mediation and the search for the common good complex. In the third scenario, a deliberative process is activated for the pedestrianisation of Via Mercatovecchio. Digitally drawn citizens represent the population equally, participating in both online and in-person discussion forums. This method directly involves ordinary people in the decision-making process, while ensuring that the final decision is more thoughtful and aligned to the common good. However, this is a lengthy process and one that parties experience as a delegitimization of their role.

These scenarios show plastically that the advent of technologies does not lead fatally in a certain direction, but that their use can be declined according to the values and orientations of the political community. Each model has both potential and limitations:

the representative model may at times seem detached from the real needs of citizens but allows for synthesis and stability; the participatory model, while involving the citizenry, runs the risk of seeing specific interests prevail; the deliberative model, on the other hand, seeks to harmonise these tensions through a more balanced decision-making process that is representative of the entire community, but is impractical because it is naturally anti-party and because it is not suitable for decisions that must be taken quickly. The main challenge, from a theoretical point of view, is to effectively integrate the three models enabled by digital technologies to strengthen the democracy of the present and the future.

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LEVIATHAN(S) 4.0: THE POLITICAL POWER OF PLATFORMS AND OPTIONS FOR LIBERATION*

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LEVIATÁN(ES) 4.0: PODER POLÍTICO DE LAS PLATAFORMAS Y OPCIONES LIBERADORAS

Abstract
Expanding the growing collaboration between platform studies and infrastructure studies, we argue that platforms shape behaviours into a form of algorithmic governmentality through data accumulation. However, we present how the development of digitisation also raises social forces to overturn the power of platforms.

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Counter-behaviours, counter-power, exit or democratisation are four paths that are increasingly widespread within society to appropriate or oppose digital governmentality.

Keywords
infrastructures; platform labour; algorithmic management; data

Resumen
Ampliando la creciente colaboración entre los estudios de plataformas y los estudios de infraestructura, argumentaremos que las plataformas dan forma a las conductas en una forma de gubernamentalidad algorítmica gracias a la acumulación de datos. Sin embargo, mostraremos cómo el desarrollo de la digitalización también trae consigo el surgimiento de fuerzas sociales que intentan derrocar el poder de las plataformas. Contraconductas, contrapoder, salida o democratización son cuatro caminos que hoy están cada vez más difundidos en la sociedad para apropiarse u oponerse a la gubernamentalidad digital.

Palabras clave
infraestructuras; trabajo de plataforma; gestión algorítmica; datos

Introduction

Nowadays digital platforms behave not merely as economic actors but as "technologically integrated ecosystems" whose power infiltrate some sovereign prerogatives. Expanding the growing collaboration between platform studies and infrastructure studies, we argue that platforms shape behaviours into a form of algorithmic governmentality. In other words, conceiving digital platforms as infrastructures of contemporary society allows us to grasp their political role and power. Once this is demonstrated, the focus will shift to subjects that resist them. As the philosopher Sandro Chignola wrote, recalling Michel Foucault, power can be analysed "starting from that who resists it" (Chignola 2022, 22). In terms of platforms, the most relevant forms of resistance are those implemented by platform workers, which may be conceivable as "algorithmic subjectivities", as we will try to show later. This is precisely the reason why we will focus – in the second part of the article – on the various forms in which such workers are engaging on to escape from platform control, therefore constituting a form of work resistance. Furthermore, these efforts can be described as forms of political resistance, since they try to counter the attempt of shaping behaviours that platforms impose through their infrastructural and political role.

In order to demonstrate all the above, the article will be structured as follows. In the first section we will discuss the political power of platforms in relation with the State. The second will draw on platform studies and infrastructure studies literature to show how both these areas are converging and inter-related nowadays. The third section will examine the way in which digital infrastructure exercises a form of governmentality through algorithmic management and data accumulation. It will also show how the other side of such power is the production of subjectivities, which we frame as circulating and algorithmic. Finally, we highlight how the multiple practices of resistance and autonomy that living labour adopts contrast and defy the platforms' political (and infrastructural) power.

In doing so, our aim is to contribute to the existing literature in multiple directions. Firstly, our goal is to stress the political role played by various platforms. Far from being mere economic actors, platforms currently perform a full governmental role due to their technical capacities. This puts them in a position of multiple competition (or collaboration) directly with states themselves, yet it is in the labour field where we should focus our attention. Secondly, we examine how platforms (and digital technology in general) shape subjectivities today. Again, the capacity of platforms to "shape behaviour" is widespread throughout society, but our goal is to show how it is still within the labour arena where such attempts are most explicit, producing what we might call "algorithmic

subjectivities". Finally, we analyse different processes of resistance, aiming to show the various ways in which such subjectivities are producing new forms of challenges.

Platform's Politics and the State

In today's "platform society" (Van Dijck et al., 2018; Srnicek, 2016), an understanding of power cannot overlook platforms. Their political role has increased sharply in recent years, especially after the COVID-19 pandemic. At all latitudes, States have had to reckon with the emergence of platforms as new agents of contemporary govern. As Bratton (2015) affirms, it is not a matter of joining those who believe in "another prophecy of the declining State withering away into the realm of pure networks, but on the contrary, that the State's own pressing redefinition takes place in relation to network geographies that it can neither contain nor be contained by it" (p. 114). In short, the State is not disappearing in any way or capacity; instead, it is deconstructing itself and recomposing with Capital. To understand this process better, we intend to explore how platforms, as infrastructures, may be regarded as sites of governmentality.

Maier (2014) discusses the push from the 1980s towards diminishing State intervention in favour of other (not-just economic) subjects, outlining the possibility for actors such Google to "play a larger public role" (p. 303). Even so, such perspectives should be updated as we must consider the growing role played by digital platforms at different scales. As a matter of fact, we are not just witnessing actors like Google, Amazon or Meta (so-called "infrastructural platforms") conditioning governments in fields such as tax regulations or labour legislations, but also "secondary platforms" like Airbnb, Deliveroo or Uber gaining more and more power in terms of urban governance (e.g., determining housing prices or mobility standards).

If we consider this process, it is anything but new. Over the last twenty years, Hardt & Negri (2001), Sassen (2006), and Mezzadra & Neilson (2020) have demonstrated the multifaceted nature of the relationship between Capital and the State throughout history. More accurately, they highlight the importance of considering the role played by economic actors in governance, even when analysing how the State has evolved over time. As a matter of fact, it seems appropriate to emphasize that the State has certainly never appeared as a monolithic subject, but rather as a complex and stratified form of power with multiple conflicting parties. For this reason, the State can be considered as a unitary model: the "provincialization of Europe" and its outlook proposed more than twenty years ago by Dipesh Chakrabarthy should condition our interpretation of the State, leading us to consider the multiplicity of "state forms" that shape the global landscape (Gherardi & Ricciardi, 2009).

In 2004 geographer Neil Brenner raised similar conclusion too, focusing on the decline of the State's territorial unity: "it is no longer Capital that is to be moulded into the (territorially integrated) geography of state space, but state space that is to be moulded into the (territorially differentiated) geography of capital" (Brenner 2024, p. 16). What is relevant today is the extension of Capital geographies to the digital realm conceived as a further layer of the reality. Colonized by processes and dynamics of value accumulation, the so-called Cloud is governed by protocols, algorithms and platforms. The norms they establish overlap with State prerogatives.

Describing such overlapping of digital and material dimensions, Bratton (2015) coined the image of "the Stack". Defined as an "accidental megastructure" (p. 72) composed by six different layers (Earth, Cloud, City, Address, Interface, User), the Stack is conceived as a model: it is "simultaneously a portrait of the system we have but perhaps do not recognize, and an antecedent of a future territory" (p. 5). Constantly challenging great philosophers of sovereignty (from Hobbes to Weber and Schmitt), Bratton's crucial standpoint is that "our contemporary condition is qualified both by a debordering perforation and liquefaction of this system's ability [established on States] to maintain monopoly on political geography, and by an overbordering, manifest as unaccountable proliferation of new lines, endogenous frames, anomalous segments, medieval returns, informatic interiors, ecological externalities, megacity states and more" (p. 6).

Thus, he understands the Stack as a "scale of technology that comes to absorb functions of the state and the work of governance" (p. 7). In these terms, platforms play as political subjects that could act both in coordination and in competition with the State. As far as coordinated government is concerned, the cases to be recalled could be manifold. To cite just a few examples, think of cases such as Cambridge Analytica involving not only platforms such as Facebook, but also prominent political figures such as Steve Bannon. Another good example is that of the Pegasus Spyware case, i.e. the Israeli company NSO, a leader in spyware production and closely connected to the Ministry of Defense of that country, monitored over 50,000 phone numbers for an extended period. Officially, the aim was counterterrorism. However, it has emerged that those being spied on included, among others, 65 corporate executives, 85 human rights activists, 189 journalists, and over 600 politicians. Among the buyers of these services, several states (including Hungary in the EU, for instance) placed numerous citizens under surveillance, citing national security concerns.

Yet another example of coordination is related to surveillance technology developed by Amazon and offered to police forces and other government agencies. In his latest book, Alessandro Delfanti provides multiple examples in this regard, primarily focusing on the

United States. Digital technologies such as Amazon Ring and the software Rekognition, for instance, have been enhanced by Amazon for the purpose of creating surveillance systems and facial recognition tools, which are actively used by U.S. law enforcement agencies. Furthermore, Delfanti (2021a) notes: "Beyond developing direct surveillance products, Amazon supports existing surveillance regimes through its other services" (p. 150). For example, it provides databases and other web infrastructure for the U.S. Immigration and Customs Enforcement Agency, which are used in organizing "the detention and deportation of immigrants" (*Ibid.*). These developments have sparked numerous protests, not only among Amazon engineers but also from organizations such as the American Civil Liberties Union (ACLU), who raised concerns about racial bias in the algorithms driving these technologies. Other inquiries have arisen regarding the data that Amazon may collect through these technologies, including allegations claiming that these may be sold to private security agencies. In any case, these cases illustrate how artificial intelligence, platforms, and algorithmic technology are sometimes sought after by states to complement their political functions. On the level of competing government, due to the high computational capacity and the accumulation and processing of the data, platforms openly challenge the prerogatives of states in several directions. Firstly, on the digital side, new areas of contention with the State can arise, competing directly with its government. In this sense, it serves to recall the challenge to one of the cardinal principles of the State, i.e. the minting of money: the attempts of some platforms like Facebook, Apple or Amazon to spread a digital currency are meaningful in this regard.

Furthermore, it competes with the State in terms of scientific research, but this is hardly a novelty. Throughout history private firms have always invested in innovative technologies for their own interests. However, today situation is aptly changed, since it may be argued that private interest competes with the States in terms of colonization of the future. Delfanti (2021b) illustrates how, in franticly producing new, Amazon colonizes and privatizes the future by investing millions of dollars in experimenting with technological innovations to outpace the competition and position itself firmly in the market, forcing States and citizens to walk in the path it has laid out once the subject of one of their acquired patents becomes a necessity. From drone deliveries to automated driving systems, from the artificial intelligence of home assistant devices to the digitization of agriculture, today it is the major economic players like Amazon (rather than States) that are revolutionizing our present, not only in material terms but also in terms of imagination. It is the Big Tech companies (particularly in the West, the so-called GAFAM: Google, Amazon, Facebook, Apple, Microsoft) that operate on the frontier between the existing and the imaginable, the internal and the external, the colonized and the colonizable, the internet

and the Metaverse, Earth and Space. Such an outreach exceeds the political and labour related struggles, which usually arise around platforms, compromising even our capacity to imagine a future without them. But before we turn our attention to the different forms of struggles surrounding platforms, it seems important to show how platforms achieved an infrastructural (and thus political) role within contemporary society.

Platforms "Infrastructural Power"

The famous Marx definition of Capital states that "it is not a thing, but a social relation between persons, established by the instrumentality of things" (Marx 2004, 1424). Capitalist relation is built upon "things" either they are natural or artificial. Infrastructures are indubitably particular forms of such artificial things: according to Larkin (2013) they are "matter that enable the movement of other matter" (p. 328). In other words, society moves on the matter which composes infrastructures and gives to them an intrinsic political role: generally speaking, "artifacts have politics" (Winner 1980), and infrastructures play a prominent governmental role.

Digital platforms today can be identified as new contemporary infrastructures, as prominent literature has often done, despite ambivalently. Srnicek (2016) defines platforms as "digital infrastructures that enable two or more groups to interact. They therefore position themselves as intermediaries that bring together different users: customers, advertisers, service providers, producers, suppliers, and even physical objects" (p. 48). Srnicek etymologically refers to platforms as infrastructures because they "position themselves as intermediaries" (p. 57). This definition, however, seems unsound, since it allows for the consideration of every single web platform in infrastructural terms. In contrast, Van Dijck et al. (2018) emphasizes the infrastructural nature of the so-called GAFAM only (Google, Amazon, Facebook, Apple, and Microsoft). According to them, these are the only platforms that enable other platforms to operate: Airbnb, for example, could not work without GoogleMaps. However, this definition seems to be not properly balanced. Indeed, even if GAFAM are infrastructures since they place side by side to their digital role a material one too (with the property of fibre cables, datacentres, or warehouses[1]), this is not

[1] Fiber Cables is a meaningful example. Today, owners of cables are no longer just the "service provider" like Telefonica or other Communication Provider firms, but also what are formally and technically "just users" like Amazon, Meta or Microsoft who expand their infrastructural position. Many references are possible here. Plantin (2018) explains that "in 2016, [Facebook] built a massive undersea cable in partnership with Microsoft, connecting the US to Spain, in line with current trends of internet companies entering the cable industry" (p. 14). The name of this optic fibre cable is MAREA, which is the highest-capacity submarine cable in the world with 200 terabytes per second capacity: it is formally owned by Meta (25%), Microsoft (25%) and Telefonica, the latter of which held 50% but that sold 20% of its amount to Amazon Web Service (AWS) (Qiu, 2019).

necessarily an impediment for other platforms to perform an infrastructural role as well. This is the case, for example, of Airbnb or Uber. As Plantin et al. (2018) clearly highlight, despite platforms and infrastructures originally differing in scale and scope, today "networked computing and changing political sentiment have created an environment in which platforms can achieve enormous scales, co-exist with infrastructures, and in some cases compete with or even supplant them" (p. 301). In other words, we see both a hybridization, i.e. "a "platformization" of infrastructures and an "infrastructuralization" of platforms" (p. 298), and a "contemporary convergence of platforms and infrastructures" (p. 301). This seems a generic-enough definition that, in line with what we shall show, addresses platforms in a fitting framework, allowing to treat them as infrastructure in proper terms.

Once the infrastructural dimension of platforms is assumed, we shall move forward. More specifically, we shall explore and extend what it means to consider platforms as infrastructures in political terms and, ultimately, in terms of power. Indeed, in collaborating or competing with the State, platforms display their politics challenging Leviathan prerogatives. It should be noted that not just GAFAM do so: as a matter of fact, even platforms like Airbnb or Uber "infrastructurised the web", undoubtedly playing a governmental role either directly (influencing or leading political decisions) or indirectly (shaping people life).

Additionally, many platforms (again: not just GAFAM) can implement today a sort of "infrastructural power". According to Michael Mann, "infrastructural power" refers to the "capacity of the State to actually penetrate civil society, and to implement logistically political decision throughout the realm". (1984, p. 113). Differently from the past, Mann asserted, "the State penetrates everyday life more than did any historical state" (p. 114). Nowadays, this capacity is a platforms prerogative: States are not the main repository of people's data today, something crucial in Mann's perspective to impose an "infrastructural power". Rather, platforms seem to be able to "recall immediately a massive amount of information" (a feature that Mann bestowed to State, see Mann 1984, p.114). Further on, we shall examine how platforms currently possess power both to collect user data and to codify any behaviours into data, benefiting from an even higher degree of "infrastructural power" than that of the State, since they can collect and act on more information due to their infringement into the intimacy of user's lives.

Shaping Conducts

Until now we have addressed how digital platforms can be conceived as contemporary infrastructures that have political power expressed in coordination or competition

with that of States. However, the grounding of platforms' power remains unclear. We argue that it is largely based on two features: algorithmic management and data accumulation.

Firstly, we shall discuss algorithmic management and how it acts as law in digital realm. Robert Gorwa (2019) stresses, recalling Lawrence Lessing, that "code is law (…) and the decisions made with respect to design by the curator of an online service effectively correspond to a form of regulation" (p. 859). In a society where many relationships are mediated by platforms and where the latter's penetration into multiple domains has become a *de facto* part of society itself, their power is increasingly tangible. Thus, we see how platforms computational algorithms both support and act independently from political governance. City governance, for example, are increasingly relying on algorithm elaboration capacity: a very interesting case is Lisbon, whose municipality co-created a new urban planning with Uber thanks to "microdata on transit and urban mobility" collected by the platform (Pirina & Tomassoni 2019)[2]. A similar initiative was undertaken by Cincinnati, where Uber data were tapped by district authorities to improve local transit (Satter 2018). Thanks to Uber data sharing platform called "Movement", Uber provided the municipality "Uber's data to help urban planners make informed decisions about our cities" (Gilbertson & Salzberg 2017). The same has been done in Melbourne, Sydney, Perth, Brisbane, Manila, Washington DC, and multiple other cities in the US.

Secondly, we must consider data storage, since creating and processing it is the second decisive source of political power (and economic valorisation) for platforms. The extractive power of Capitalism is nowadays not just conveyed on raw material, as Mezzadra and Neilson (2019) brilliantly demonstrated:

> "[T]oday we do not just mine coal, nickel, and other raw materials; we also mine data. Moreover, the forms of extraction implicit in data mining and other extractive activities that prey on human sociality are ever more at the edge of capital's expanding frontiers" (p. 38).

Platforms have political power primarily because they extract, store, produce, refine and implement data: a process that is far to be new, but which has gained an unforeseen prominence in capitalism since the early Eighties due to innovations in logistics and retail (so called "Logistics Revolution", see Allen 1997; Bonacich & Wilson 2008; Cowen

[2] It must be said that these agreements soon fell due to the scarcity of data shared by the companies, which, despite signing the memoranda, largely relied on the national government to gather said data, effectively rendering the agreements with the municipality void.

2014)[3]. *Datafication* –pervasive data collection and elaboration– exacerbated economic dynamics which started with Retail revolution, advanced with the spread of internet in the 90s and have been enacted through platforms after World economy "crashed" between 2007 and 2008.

We could deepen our understanding of such feature from different angles: the hardware components (smartphones, data centres, etc.), the software tools (AI, cloud, GPS, etc.), the functions it performs (networking, content creation, service providing, etc.) or the subjects captured into platforms (considering their gender, race, class). It may suffice, however, to encompass all the above in the concept of *surveillance capitalism*, as defined by Shoshana Zuboff (2019):

> "Surveillance capitalism as the unilateral claiming of private human experience as free raw material for translation into behavioural data. These data are then computed and packaged as prediction products and sold into behavioural futures markets – business customers with a commercial interest in knowing what we will do now, soon, and later (p. 14)".

Zuboff calls these data "behavioural surplus", human activities datafied and then transformed into value and predictions. In surveillance capitalism, this extraction of data aims both at value accumulation and at governing human behaviours.

Access to data is a decisive element in promoting the political role of platforms insofar as the implementation of public policies is also based on data knowledge and elaboration. It is a matter of behaviours. In Foucauldian terms, it is a matter of governmentality which is "the set of instances that adapt the exercise of power to the centrality of the economy rather that of law" (Chignola 2022, p. 38).

Platform society as a pipeline

In the previous section we explained how algorithmic management and data accumulation are constantly implemented by platforms to govern behaviours. We shall now examine lexicon of computer science and cybernetics, trying to find useful concepts to depict the governmental power of platforms. From this point of view, we may consider

[3] It may be argued that nowadays the relationship between circulation and production has 'reversed', i.e. that it is circulation that 'commands' over production. This does not mean that the problem of commodity production disappears, but rather that capitalism expresses a model in which demands for the fluidity of circulation dictate rhythms of production, as well as standards and models for the production apparatus. Among the many consequences of such shift, the working of machines has profoundly changed, making Internet as crucial as data logistics to organize the entire process, drastically changing the forms of command, where automation deeply affects management (the 'master is an algorithm' - with political implications that have yet to be explored).

the concept of *toolchain, buildchain* or *pipeline*, which are different nuances of the digital version of an assembly line where each piece of software takes packages of information from the one before, processing and passing it on to the following piece. These terms are used in various computer science domains from the *steps* to build a programme from the source code (*buildchain*) to the *steps of* analysing AI data (*pipeline*). In this sense, digital platforms operate as infrastructures through the creation of what we would call *pipelines* through which flows of data are managed to shape behaviours[4].

Reflecting on the analogy between factory assembly lines and software pipelines, we propose to explore the transition "from the factory to the metropolis to the pipeline". This conceptual shift can be investigated starting from a reflection on the urban nature of the processes at hand. This transition resonates with the critical reflections developed by authors such as Negri and Hardt (2001) and is crucial for understanding both the emerging forms of subjectivity discussed in the next section and their relationship to the infrastructural power of platforms in producing behavior.

Why do we argue that platforms operate like pipelines? At first glance, the metaphor may seem misleading. Platforms often appear as fluid, amorphous systems - flexible, networked, and adaptable to context (Altenried & Niebler, in Mezzadra et al. 2024). Seemingly the opposite of a rigid pipeline. However, when viewed through the lens of value extraction, the metaphor becomes more appropriate. Despite their adaptability to the heterogeneous geographies of the planet, platforms operate on the basis of a deeply extractive logic that governs their structure and function (Cuppini, in Mezzadra et al. 2024). It is therefore useful to examine their operations in reverse, shedding light on the underlying functions and logics rather than being distracted by the surface features of their behavior (Marrone & Pirina, in Mezzadra et al. 2024).

In this vein and following the work of Mezzadra and Neilson (2020), we argue that platforms play a key role in reordering the fragmented productive and spatial geographies that have resulted from decades of neoliberal transformation. We briefly attempt to substantiate this claim by examining the urban and economic environments that platforms are actively reshaping.

Urban platformization marks the current frontier in which fragmented yet interoperable and interconnected spatialities - identified in the past fifteen years of critical urban studies - are being functionalized and accelerated. In this sense, it is useful to adapt the conceptual categories developed in the theory of planetary urbanization to this context (Brenner, 2018).

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[4] *Pipeline* is, therefore, a notion we should further investigate. Nonetheless, it seems important to reprise it further on this section and later in the article.

Proponents of planetary urbanization argue for a move beyond the city as a central category, toward a processual and relational understanding of urban phenomena. Their lexicon reflects a metabolic system that includes moments of urban concentration and intensive urbanity (the metropolis); forms of extensive and diffuse urbanization (sprawl, hinterlands, suburbs); and forms of extreme urbanization (mines, mega-infrastructures, operational landscapes, etc.).

Translating this from the urban to the economic domain: instead of focusing on the factory as the central analytical unit, we could instead speak of intensive (warehouses), extensive (metropolitan and planetary logistics), and extreme (mines, major infrastructures, operational landscapes) spaces of production and distribution. This perspective helps us better grasp the pervasive presence of platforms in society. It's not just about the visible elements or public narratives. Like an iceberg, much of the platform's structure lies beneath the surface - a complex, interconnected architecture sustaining their societal centrality. This architecture cannot be understood by isolating any single component.

The crucial insight is that both the diverse urban and productive geographies we've sketched are synthesized through platforms' ability to establish pipelines that simultaneously traverse, connect, and extract value from them.

Accordingly, we believe there is a need to renew the critical lexicon used to analyze current transformations. In urban theory, the traditional image of the "city" as the core analytical object has already been problematized in favor of dynamic and processual visions of urban transformation (Angelo & Wachsmuth 2015). Yet a similar redefinition has not been fully undertaken in regard to productive geographies.

Take warehouses, for example. Many sources describe them as the new factories (Altenried 2022). Can we argue that with Amazon - the most prominent of today's tech platforms - the factory has returned? For some, this idea may provoke discomfort, recalling past struggles aimed at dismantling factory-based exploitation. Still, this framing offers both analytical utility and historical grounding.

However, this "neo-factory" narrative has important limitations - primarily, it reduces Amazon to its warehouses. In reality, Amazon is far more than logistics. It includes AWS, technology development, and much more. Amazon must be understood as a complex ecosystem entangled in transnational space-time and deeply territorialized, where many forms of labor coexist: from near-slavery in resource extraction to click farms, from software development to goods handling, from direct manufacturing to reproductive labor. It operates at the intersection of physical and digital realities (assuming that distinction still holds), employing a wide array of organizational devices. In short, Amazon behaves like a pipeline - interconnecting goods and living labor across

multiple gradients, alternately competing with or collaborating with the state, and shaping behavior as it does so. The warehouse or factory represents only the most intensive layer of this complex system (Into the Black Box, 2024).

These reflections are provisional and exploratory. However, what matters is the effort to reintroduce space-temporal depth into our analysis. We are in fact facing a vortex in which the abstract logics of production and circulation are merging into a new urban matter. Production has historically revolved around value and valorization of commodities within the time of socially necessary labor. This time conditions the reproduction of labor and capital, entailing a struggle over its duration and cost. Once the temporal value of labor becomes embedded in the commodity, it is objectified and spatialized. Circulation, on the other hand, is organized around prices and the realization of surplus value through the movement of goods. It has historically been linked to space. But today, these two processes are no longer clearly distinguishable. It is more effective to think in terms of space/time and overlapping processes.

With this, we turn to the subjective implications of these dynamics, proposing the hypothesis of a new kind of subjectivity: algorithmic or circulating subjectivity.

Algorithmic Subjectivities

At this point is relevant to focus more on the subjectivities, i.e. the production of forms of life through the govern of behaviours. We would qualify such subjectivities shaped by digital infrastructures as algorithmic (Benvegnù et al. 2021; Cuppini et al. 2022, 2023) to underline the role played by data' flows and elaboration: algorithmic subjectivities are all figures of workers "whose labour is mostly organized by an algorithm that lays on a rating system in order to evaluate labour performance and that adopt soft control, tracking system or gamification to articulate and supervise rhythm of labour" (Cuppini et al. p. 293). To be clearer, rather than focusing on the whole citizens plateau, we will narrow the field to some specific coordinates of subjectivation to illustrate what we have in mind: the platform labour in urban spaces.

To better understand the role of algorithms in producing workers subjectivities, we may recall Marx and the distinction between living labour and abstract labour, the labour as capacity in action and the labour as time without features. Today the latter is represented by datafication: everything can be measured, quantified and compared. And for this reason, oriented and planned. To datafy, as said above yet talking in more general terms, means to codify, to assign a sign to a bundle of things or behaviours. It means to simplify a more complex set of variables. On the other side, living labour implements the rationality of the infrastructure into the world,

filling the gap between the measure and the contingency. As reported by Uma Rani and Parminder Jeet Singh (2019):

> "It is often perceived that much of this material [web material] is screened out by algorithms, but in reality, it is done by the "invisible workers," human labor either on digital microtask platforms or in call centers in India, the Philippines or other developing countries" (p. 105).

We can map a city through Google, but it does not guarantee you will find the right direction. Adapting to the contingency implies a reaction time. New data are needed for algorithm to solve the problem. Better said, new data are required for implementing microtasks in the right direction and then solve the problem.

In the labour field, data accumulation is a process that includes tracking, rating and ranking with the help of customers, as well as gamification, rewards and sanctions. All platforms used both punitive measures (sanctions, lockouts, fines) and incentive-based tools. Nevertheless, algorithmic management is generally associated with neo-Taylorism, which employs recurrence, control and punishment:

> "The digital organization of work goes hand in hand with the internalization of behaviour models aimed at enhancing human capital. Big data, new sensors, integrated systems, and machine learning can enable constant feedback loops and real-time control of work processes, while also allowing individuals a margin of action that they must, however, direct very precisely if they want to qualify positively in relation to the platform and consumers – risking marginalization or exclusion" (Pirone 2023, p. 12)[5].

There is an irrefutable asymmetry between the platform as panoptical infrastructure and the individual gaze: one can see everything, the other just fragments of the labour process. Indeed, algorithmic management allows platforms to coordinate multiple subjects through different spaces. This does not mean only that workers cannot "see" the logic of the algorithm (shifts or order distribution, ranking criteria and so on) but just speculate, this also implies that in many cases they cannot see their colleagues, they cannot create a collective body even if they are subsumed under a cooperative process of circulation and production. But it would be unsophisticated and wrong to reduce

[5] See also Aloisi and De Stefano 2022; Altenried 2022; Marrone 2021.

the power of platforms only to pervasive control and flows' management. It is not simply a matter of punishment and circulation. It is also a matter of self-activation. The gamification of labour through platforms is a good example. People are stimulated to invest personal resources on the platforms, to blur private and public life, leisure and working time, to take care of customers, to improve their soft skills. All of these because the workforce is in competition for a good ranking, for piece-working and so on. Gamification is a form of intensification of labour (Huws et al. 2019; Leonardi et al. 2019). As the forms of platform workers reflect the operations implemented by algorithmic management that constantly track and stimulate conducts, the same happens with the circulatory dimension characterizing data flow mirrored by class composition. Indeed, platforms bring to the fore the inherently fluctuating aspect of the labour force, the continuous recourse to turnover, the investment in potential labour they can draw on from metropolitan workforce' pools. Politically, the continuous swinging between jobs (from platform to platform, from gig job to gig job) also expresses a desire for flexibility and autonomy that makes it necessary to imagine a capacity for continuous articulation on multiple levels (Huws 2014). On the other hand, the circulating subjectivity should be thought of in reference to a plethora of subjective behaviours already in place, not only with respect to the insubordination of migratory movements but also to the biased use of turnover – which signals a space of tension, which spills over into the possible practices of struggle (Benvegnù et al. 2021)[6].

On this aspect, in fact, a scenario opens up in which instead of starting from a sort of "common interest" between workers and companies ("I fight to stay there and earn more"), the interest of living labour does not aim to "stay there" but precisely to circulate –from the jump between different platforms to the growing dynamics in many sectors with the phenomenon of "large resignations". It is undoubtedly difficult to intervene with traditional practices of struggle in this cross-section, but this is precisely why it constitutes an uncharted ground for possible experimentation.

If we hypothesise, *contra-Marx*, that nowadays the elements of the machine that simply *crushes* the worker through pure discipline are no longer operating in the same terms, can we rather turn to the idea of a process of "reappropriation of fixed capital" which might have characterized the last few decades? In other words, could the fact that

[6] The hypothesis of a circulating subjectivity refers in the first instance to the continuous circulation of subjects and labor, to the constitutive mobility of the contemporary labor force, and thus to the image of migrations. However, without obviously wishing to diminish the cruciality of "migrant subjectivity" as such, it seems to us that it may be effective to extend and expand this image. Considering the mobile and distributed dimensions of working class, which exists presupposing and in symbiosis with a strong technological dimension, the idea of a circulating subjectivity could also help to reinforce but at the same time complexify the idea of 'circulation struggles' proposed by Joshua Clover.

the workforce is increasingly *cyborgised* on a technical level, innervated with technology, also indicate a widespread, molecular desire and practice of re-appropriation? All of this, of course, exists within a deep ambivalence. On one hand, there's the need to enhance productivity by investing in fixed capital and implementing continuous mechanisms to capture and incorporate cooperation and resistance into machines. On the other hand, there's the constant involvement of money in this process of re-appropriation, alongside the necessary multi-dimensional nature of this machinic aspect, which must also encompass know-how and various other variables.

Liberating Options: Frictions and Glitches

To argue for the possibility to act in favour of our own individual/collective interest within and against platforms (infrastructural) power, one must consider that the control imposed by platforms may appear totally pervasive, unquestionable, always efficient, as theorized by surveillance capitalism' paradigm and as we showed in the first part of this article. Nevertheless, forms to escape, gamify, subvert, seize, democratize, and struggle with the platforms are flourishing as infrastructures fail at absorbing them through processes of surveillance. Indeed, especially for the workforce, resistance oscillates between the risk to be fully assimilated with machines –an "Amazombian" according to Hanaway (2021)– or becoming a cyborg in the Dana Haraway' emancipatory sense as "condensed image of both imagination and material reality, the two joined centers structuring any possibility of historical transformation".

From this point of view, it would be possible to sketch a topography of tactics and strategies of struggle in capitalism proposed in these years, ranging from the possibility of a new planned socialism (Muldoon 2022) to a K-ommunism (Dyer-Whiteford 2013) to neo-luddite images of sabotage (Benoit & Celnik 2022) in the "second machine age", passing through new processes of unionisation and territorial organization (Bessa et al. 2022), between refusal and re-appropriation of algorithms.

Through the concept of "algorithmic subjectivities" we would like to remark the role that forms of life –and living labour in particular– may have in such battlefield as they move along these contradictions and ambivalences. Their definition as algorithmic includes alternatives and antagonisms, not only elements of command and alienation. In short, it is a matter of structuring political research that, in regard of current transformations, aims to identify systemic weak points by reconstructing the chains of value to understand where these may be easier to break, while the subjective strengths inscribed in the current technical composition of the workforce develop possible trajectories of political subjectivation.

Table 1. Types of Living Labour' Frictions to Platforms as Infrastructures

	Opposition	*Appropriation*	
Individual	COUNTER-CONDUCTS	EXIT	*Individual*
Collective	COUNTER-POWER	DEMOCRATISATION	*Collective*
	Opposition	*Appropriation*	

To contribute to this research agenda, we may list a set of different practices that platform workers adopt to exploit the limits of datafication. It is possible to identify 4 main bundles: counter-conducts, exit, counter-power, democratization.

Counter-conducts consist of the aggregation of different individual and shared practices aiming at building up autonomy inside algorithmic management. The practice of multi-apping is common among platform workers. In this case, workers cannot totally move out from platform economy but may jump from a marketplace to another in search of orders and better fares. This form of digital nomadism may be framed as an attempt to lighten workers' dependency from infrastructures. Moreover, platform workers may take advantage of glitches and counter-uses of the technology for their own purposes (Grohmann et al. 2022). For example, we can consider how boot or pirate software is widely used in the food delivery sector to obtain shifts and orders. Such tactics force platforms to constantly update their software to adapt control to workers' misbehaviours (fake accounts, "laziness", timing). Uber drivers have been reported to adopt short-term logoffs, stimulating traffic through artificial orders (that are then cancelled) to avoid unprofitable offers. Deliveroo riders developed strategies for playing the algorithm to their advantage by manipulating attendance statistic (Peterlongo 2022; Batalla 2023).

To exit the infrastructure, on the other hand, constitutes ways to break the platform' power of mediation by establishing direct contacts between workers and users. For example, Helping cleaners who develop long-term relationships with customers may sometimes circumvent the platform informally, as well as Airbnb hosts with frequent guests or Uber divers with passengers. The algorithmic and unpersonal form of

management in which platforms rely, as well as the company's physical absence from the labour process, enables these circumstances, creating a power resource for workers.

Thirdly, counterpower stands for workers staying in their positions on the platform while openly challenging its rules (Woodcock 2020). This liberating resource stands in contrast of the former two, as it is mainly a collective process. A first action that is largely spread through platform workers is the use of self-organized web chats of mutual support: workers are frequently in touch through messaging services such as WhatsApp or social media as Facebook, allowing them to directly exchange information and connecting beyond the scope of the platforms interest: workers constantly share tips on bureaucratic duties, blacklists of customers (Helping, Deliveroo), traffic warnings (Uber), anti-theft aid (Deliveroo), among others. To put it differently, the spontaneous creation of communities of support is a way to break the asymmetry of information on the platform. This circulation of information is a sort of reverse-engineering the opacity and one-way communication imposed by the platforms through their app interfaces. This tendency to self-organization is not limited to mutual aid and info sharing, in some cases upgraded towards the coordination for conflict actions. Protests stop the power of the algorithms to control and coordinate conducts thanks to the log out or the strike. These actions underline how the infrastructure needs algorithmic subjectivities to operate, unable to work in abstraction without living labour.

Finally, workers may opt to directly take the power back on the control of infrastructures through democratisation. These attempts vary from the constitution of cooperative platforms based on more-democratic principles (like food delivery Mensakas in Barcelona), to the development of open software with decentred management (as CoopCyle network). It is a way to build up more transparency and inclusion in the operation of platform services, opposed to the scarce measures of such values present in surveillance capitalism.

Conclusions

In this paper we aimed at framing digital platforms' political power and how it is due to their infrastructural role. Thanks to data accumulation and algorithmic management, such actors shape human behaviour, especially in the case of living labour. However, this is just but a partial sketch of platforms' power in nowadays reality[7], even if it comprises the most important of its elements. As our societies' physical and digital realms become increasingly interwoven, the codes that rule the former are rapidly becoming

[7] Indeed, we should also consider, for example, the aesthetic power of platforms (Frapporti 2024).

comparable to law. This peculiarity makes platform overlap, compete, or collaborate with State prerogatives. Thanks to the governmental character of their operations and the hegemonic positions they often hold, a multitude of platforms (Google, Amazon as well as Airbnb and Uber just to recall a few) are part and parcel of the complex network that makes up contemporary governance. As we saw, such influence is mainly enacted due to the functioning of algorithms and to their extraordinary capacity to accumulate and exploit users' data.

In a hyper-simplified way, we can say that as far as platform capitalism is concerned, we face an ecosystem in which the *brain* is finance, the *surface* is that of commodity exchange, and the *underneath* is that of code, algorithms, the web, and data production. The manipulation of data produces patterns of cooperation that impose themselves and organise social relations. Rephrasing the Marxian sentence which we quoted at the beginning of the article, "platform capitalism is not a thing, but a social relation mediated by algorithms". To put it differently, data does not exist without interactions elaborated by algorithms because, first and foremost, they are a relationship and not a property. For this reason, to analyse the power relation in political economy nowadays means to consider "the dense web of relationships that dislocate it from the form of law to reinvest it in the overall "vitality" of social processes" (Chignola 2022, p. 28).

Nevertheless, we tried to show how the subjectivities produced by digital infrastructures are "not a simple arithmetic sum of individuals. What defines population […] is rather the opaque mass that resists the gaze of the sovereign" (Chignola 2022, p. 36). In this sense, the topography of frictions and glitches spreading through platform capitalism (and particularly in the labour field spread within urban areas) could be an interesting point of view to not simply reframe the relationship between sovereignty/public and Big Tech/private (in the directions of digital sovereignty or state privatization), but to think about the society as a whole.

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LOS SECRETOS DE LA TRANSPARENCIA: EL EJEMPLO DEL BUSCADOR *

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THE SECRETS OF TRANSPARENCY: THE SEARCH ENGINE EXAMPLE

Resumen

Este artículo muestra los vínculos paradójicos entre la transparencia y el secreto, utilizando el ejemplo del motor de búsqueda y, más ampliamente, la aparición de nuevas formas de normatividad, incluidas las de carácter técnico, que se analizan desde el punto de vista de su diferencia con la normatividad jurídica. Al hacerlo, también se pone de relieve el peligro de diluir el principio de publicidad en la idea de transparencia.

Este artículo muestra los vínculos paradójicos entre la transparencia y el secreto, utilizando como ejemplo el motor de búsqueda y, más ampliamente, la emergencia de nuevas formas de normatividad, incluidas aquellas de naturaleza técnica, que se analizan desde la perspectiva de su diferencia con la normatividad jurídica. Al hacerlo, también se destaca el peligro de diluir el principio de publicidad en la idea de transparencia.

Palabras clave

motor de búsqueda; secreto; normatividad; tecnología; transparencia; derecho

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Abstract

This article shows the paradoxical links between transparency and secrecy, using the example of the search engine and, more broadly, the emergence of new forms of normativity, including those of a technical nature, which are analysed from the point of view of their difference from legal normativity. In so doing, the danger of diluting the principle of publicity in the idea of transparency is also highlighted.

Keywords

Search Engine; Secret; Normativity; Technology; Transparency, Law

Los siguientes desarrollos se inscriben en el campo de la filosofía política y no en el de la filosofía de la tecnología. Si bien se reconoce el carácter político y no neutral de la técnica, siguiendo a Langdon Winner (1980) en su obra "Do artifacts have politics?", no se busca exigir transparencia ni determinar las condiciones de la misma. Más bien, se pretende cuestionar nuestra actualidad política desde la relación entre tecnología, secreto y transparencia, especialmente en lo que respecta a la disponibilidad de tecnología.

El objetivo, por tanto, es convertir el secreto, o más generalmente, la discreción, en una condición (en el sentido más fuerte del término) de la transparencia. Esto no implica que el secreto funcione simplemente como una contracorriente que resiste a la transparencia, desde la cual podríamos imaginar, al menos en teoría, un eventual desvelamiento. Más bien, se sostiene que este secreto nunca deja de secretar en transparencia, que puede analizarse como una secreción[1], como la expresión de ese secreto: tanto el secreto asegura la transparencia como la transparencia revela el secreto (de manera secreta).

El ángulo filosófico-político adoptado sigue en gran medida los pasos de Michel Foucault, ampliando el espectro de la política para considerar la multiplicidad de materialidades, incluidas las materialidades técnicas, que organizan las relaciones de poder más allá del único punto de vista que ofrece el principio de soberanía y su expresión en el derecho. Esta multiplicidad de dispositivos normativos, que abarca desde la ley hasta los dispositivos técnicos, define mi objeto, y esto:

- Para que la normatividad jurídica y la normatividad de los dispositivos técnicos queden más claras mutuamente, es necesario confrontarlas, analizar[2] su rivalidad y sus diferencias en cuanto a su poder respectivo y a las posibilidades de subjetivación de aquellos a quienes preocupan estos diferentes tipos de normatividad.
- Mostrar parte de nuestra dificultad para pensar una política técnica, que incluye considerar procesos de subjetivación política acordes con los dispositivos técnicos que nos gobiernan, resulta una y otra vez, a pesar de Foucault, en un enfoque sobre la norma jurídica y soberana.
- Arrojar luz sobre la especificidad de una situación de competencia normativa implica comprender que la evolución más reciente del mercado capitalista consiste en la creación de un mercado de estándares.

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[1] Como tal, es una modalidad de secreto y de "contar el secreto" lo que propongo aquí, junto con las tres modalidades de secreto (y del decir que le es inmanente) identificado en las páginas de Deleuze y Guattari, 1980, p 350-355.

[2] Es importante para mí precisar que el enfrentamiento en cuestión también me permite arrojar luz sobre ciertas aspectos de normatividad jurídica que su competencia revela y que, por tanto, ya no residen en su exclusiva soberanía.

- Y, finalmente, para darme la oportunidad de identificar lo que me importa (y lo que, en general, en adelante faltaría en el campo normativo), en la normatividad jurídica, más alejado de su dependencia del principio de soberanía.

Al hacerlo, tomará forma el vínculo paradójico entre secreto y transparencia. Este se mostrará a través de una comparación entre las nuevas normatividades, así como entre otras técnicas y la normatividad jurídica, y, más en general, mediante la comparación entre un régimen de transparencia y un régimen de publicidad.

1. El secreto del buscador

Mi punto de partida no es muy original, y no oculto que tal vez se haya convertido en demasiado "noble" para seguir siendo perfectamente representativo del campo de las nuevas normatividades que deseo iluminar sobre su base; sin embargo, al menos todavía es localizable e identificable. Este punto de partida es el motor de búsqueda y, más precisamente, el secreto que protege los algoritmos que lo hacen funcionar. El poder de la actividad normativa en el trabajo de este sistema es difícil de cuestionar: permite, ni más ni menos, organizar y priorizar la visibilidad de los diferentes seres y sus actividades, condicionando así el acceso que tenemos a ellos. Tal actividad de clasificación y priorización es tan necesaria, dada la masa de información que nutre el espacio de comunicación. En este sentido, podemos considerar que el motor de búsqueda, con el apoyo de su estructura secreta, constituye el principio de organización del espacio público o de comunicación expandido, participando así este mismo buscador tanto en la expansión como en la determinación de dicho espacio público[3].

Lo cierto es que el sistema que permite garantizar esta priorización de la visibilidad es, en sí mismo, invisible o, más precisamente, secreto, ya que la serie de algoritmos que sustentan el funcionamiento del motor de búsqueda está objetivamente protegida por secretos comerciales. Ciertamente, parte de este sistema (*PageRank*) es conocido[4], es decir, está protegido por una patente, con las exclusividades que ello conlleva; sin embargo, este algoritmo patentado forma parte de una suite de algoritmos más amplios, cuyo conocimiento es exclusivo de la empresa Google y que también son escalables. En definitiva, los criterios de priorización o visibilidad de lo que parece ser el nuevo espacio público así ampliado no son objeto de debate público y, tal vez, no puedan serlo.

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[3] Utilizo aquí provisionalmente este término de espacio público o comunicacional ampliado: los desarrollos posteriormente propuestos deconstruyen en gran medida la posibilidad de que efectivamente sea un espacio público y comunicacional.

[4] Basado en enlaces entrantes a páginas clasificadas; la autoridad de las fuentes de estos enlaces entrantes es, en sí misma, tenida en cuenta.

A estas alturas, ya podemos intentar identificar las justificaciones de esta situación. Por justificaciones, entendemos, al mismo tiempo y sin querer distinguirlas claramente, los principios que sustentan este dispositivo que mezcla secreto y organización del espacio de la comunicación, los fines que pretende alcanzar y los efectos que produce. Mi postura, al no ser especialista en ética, me lleva a negarme a distinguir estrictamente estos tres niveles de justificación, así como los ángulos deontológicos o consecuencialistas que deberían considerarse en relación con estos diferentes niveles de justificación. Sin negar este tipo de diferencias, prefiero referirme a ellos desde una perspectiva dinámica que los yuxtapone y va más allá, a partir de un análisis que, repito, se centra en el carácter global de la normatividad en vigor.

Por supuesto, primero podemos invocar principios relacionados con la libertad del espíritu empresarial, la propiedad y la competencia no distorsionada, y considerar que el sistema del secreto analizado asegura la rentabilidad de los actores que llevan a cabo la misión de organizar el espacio público más amplio. Es posible ampliar la profundidad de dicho análisis, centrado en los intereses económicos de los actores, teniendo en cuenta que este sistema de secreto garantiza una situación de relativo equilibrio entre los intereses de carácter publicitario en beneficio de la empresa y el uso gratuito del motor de búsqueda por parte de los usuarios. La naturaleza dirigida de los anuncios, basada en los historiales de navegación de los usuarios, puede considerarse interesante para ambas partes. Sin embargo, el límite estricto interno de tal situación de equilibrio aparece en la creación de situaciones monopolistas alimentadas por el mercado así organizado[5].

Sin embargo, también podemos invocar argumentos más generosos si consideramos que este sistema de secreto tiene como objetivo garantizar globalmente y en un solo movimiento la calidad de la actividad comunicativa de los editores y la posibilidad de su correcta priorización, sin interferencias negativas entre estas dos necesidades. En este caso, podría aparecer un rayo de justificaciones que se articularán a nivel ético en una dirección habermasiana o kantiana: el principio de la meta-coordinación de la visibilidad debería necesariamente mantenerse en secreto para producir la organización más justa y natural del espacio de comunicación, más allá de las simples cuestiones de rentabilidad. Para que esta meta-coordinación funcione de manera óptima, de hecho, es necesario que el comportamiento de aquellos a quienes las coordenadas (editores) son espontáneas y naturales, y no estratégicas ni concertadas, dependiendo del principio que los clasificará. El secreto es, pues, la garantía del carácter natural de comportamientos que no están ni pueden estar

[5] Sería útil releer aquí las páginas donde Vladimir Ilich Lenin, al exigir su supresión, mantiene en secreto comercial una de las principales bases del gran capital (*La catástrofe que nos amenaza y como luchar contra ella*, 1917).

enteramente impulsados por el proyecto estratégico (Cardón, 2010). ¡El ideal habermasiano ampliado, concretamente por la tecnología, exigiría secreto en su corazón!

Finalmente, también podemos razonar, esta vez lo más cerca posible de la técnica (en el sentido de los Estudios de Ciencia y Tecnología), considerando que las mediaciones técnicas que organizan un espacio continuo de transparencia, donde los límites entre lo público y lo privado desaparecen, exigen ser transparentes. Sin embargo, esta transparencia debe entenderse en el sentido de que el vidrio es transparente, es decir, en el sentido de ser invisible, imperceptible o insensible, para interferir lo menos posible en esta misma mediación. Esto hace visible la necesidad de organizar esta visibilidad. Observamos cuánto una transparencia así entendida, que debe alcanzarse a nivel de diseño, no es incompatible con una estructura secreta, en el sentido de que el secreto es el de la transparencia, incluso cuando continúa apareciendo ante nuestros ojos y en nuestros usos más repetidos.

2. Transparencia *versus* publicidad

Me gustaría ir más allá de estas tres posturas, sin oponerme ni oponerlos mutuamente, para tratar de revelar una justificación o un efecto aún más radical del sistema de secreto vinculado al motor de búsqueda. Este hecho produce un debilitamiento de las posibilidades de subjetivación de los diferentes sujetos (editores y usuarios del buscador) que rige[6]. El secreto o discreción de las mediaciones, paradójicamente, son constitutivas de un nuevo régimen de gobierno a través de la transparencia, que tiene su origen en la evitación de temas, con el consiguiente debilitamiento de los procesos de subjetivación que de él se derivan. Para que esto sea evidente, es apropiado.

Analizar en paralelo la idea de "transparencia" y el principio de "publicidad" es fundamental, ya que a menudo tienden a confundirse en los discursos mediáticos, críticos o académicos. Es importante distinguir entre ambos conceptos, recordando la especificidad de la publicidad en relación con una serie de aspectos que produce la noción de transparencia, así como el contenido preceptivo que esta última conlleva.

La diferencia entre ambos puede entenderse en gran medida por la naturaleza limitada[7] de la primera y la ilimitación que se asocia con la segunda. La publicidad, en su

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[6] Así como ya he podido demostrar que este debilitamiento estaba en el corazón de la gubernamentalidad algorítmica (Berns y Rouvroy, 2013), las nuevas prácticas estadísticas a través de las cuales somos cada vez más gobernados (cuyo motor de búsqueda es la crema) esencialmente encuentran su poder (en cierto modo contraintuitivo en relación con la personalización extrema de las normas) en el hecho de evitar sujetos, de evitar cualquier forma de fricción con los sujetos, debilitando así cualquier posibilidad de convertirse en sujeto, y esto, acompañándose de un mito de la objetividad.

[7] En cuanto a este carácter limitado de la publicidad, recordemos ya que en Kant (ya sea mediante el criterio de pensamiento expandido en Kant 1993, §40, Vrin, p. 128, o mediante la forma de publicidad en su texto en la *Paix perpétuelle*, Kant 1991, p. 124-125 y 130) es siempre objeto de un ejercicio específico: como tal, es limitado y depende de su verificación por la razón, por muy monológica que esta pueda ser.

sentido más estricto, implica la difusión de información específica de manera que sea accesible a un público determinado, mientras que la transparencia sugiere una apertura más amplia y un acceso irrestricto a la información, que puede abarcar no solo la divulgación de datos, sino también el entendimiento de los procesos que los generan.

- La transparencia impulsaría el proyecto de establecer una *visibilidad continua* en relación con las personas reales, o incluso sobre el conjunto de la realidad en general (considerada en sí misma como masa de datos), a diferencia del principio de publicidad, que es esencialmente limitado y se refiere a actos determinados, establecidos como públicos por la ley. En este sentido, la publicidad esconde un significado político y siempre encuentra su opuesto en la creación o el respeto a los espacios de secreto, libertad de pensamiento y vida privada. La publicidad, por lo tanto, conserva una relación distintiva con lo privado (una distinción ignorada por la transparencia) y no es ilimitada en su alcance y aplicación.
- A un nivel más instrumental, las políticas de transparencia forman parte de una relación de diferencia, e incluso de *rivalidad, con respecto al derecho* en general y a las herramientas de oferta. La transparencia nos permite actuar sin eludir la ley, apoyándonos en otros tipos de normas que la norma legal (ver más abajo), las cuales siempre están en la base de un régimen publicitario.
- En cuanto a sus *efectos políticos*, podríamos afirmar que la transparencia no abre, desde la perspectiva del control y, por ende, de una ampliación del espacio de decisión, sino que más bien conduce a la dilución de este, e incluso de cualquier perspectiva de la acción política; es decir, a la dilución de la acción y de la decisión *en* lo social y en la realidad.

Sobre estas tres bases, podríamos entender la evolución de las prácticas normativas contemporáneas, incluidas las normatividades técnicas, partiendo de la idea de que se implementan cada vez más a nivel global, alejándose del modelo definido por la normatividad legal (la ley). Esto alimenta una relación de inmanencia con la realidad, como si bastara con expresar esta idea. De esta manera, actúa su poder normativo. Así, pasaremos de la concepción de que gobernar concierne a la realidad, en el sentido de que gobernar es, ante todo, gobernar *la* realidad, hacia la idea de que la realidad es aquello *desde* lo que se gobierna.

3. Gobernar desde la realidad

Podemos identificar tres grandes gestos "primarios" a partir de los cuales se estructuran la mayoría de los sistemas normativos contemporáneos. Estos tres gestos demuestran una preocupación por expresar la realidad y se manifiestan en diversos grados en la

acción del buscador: *definir la realidad* (cuyos ejemplos más obvios son instituciones como ISO o DSM)[8]; *informe sobre la realidad* (esto incluye todas las posibilidades de evaluación, clasificación, intercambio de buenas prácticas, etc.); y *dar una expresión estadística de la realidad.* Queda claro que estos tres gestos, en su aparente moderación, solo alimentan la hipertrofia gubernamental y eliminan cualquier posibilidad de frenarla. Permiten gobernar *infinitamente*, en ambos sentidos del término: por un lado, gobernar consiste en seguir la realidad sin que parezca querer darle una forma específica; por otro lado, gobernar puede ser, por lo tanto, un proceso incesante.

Esta evolución normativa confirma y radicaliza el análisis foucaultiano, es decir, la exigencia de una microfísica del poder que llame la atención sobre el hecho de que el poder se ejerce en lugar de ser una propiedad soberana, que se despliega de manera múltiple y heterogénea en lugar de estar representado de manera unitaria, actuando de manera inmanente más que trascendente en relación con lo que concierne y, finalmente, que hace algo en lugar de reprimir y bloquear la conducta (con, por tanto, la pretensión de una mayor eficiencia en comparación con el estándar legal). Además de estos logros fundamentales del pensamiento foucaultiano sobre el poder, debemos tomar nota de una serie de otras cualidades inherentes al poder que se despliega a través de nuevas normatividades, lo cual nos aleja de la representación del poder basada en el modelo de la ley. Las nuevas normatividades, que tienen en común el llamado a la transparencia que, a cambio, les infunde virtud, testifican:

- Una reconciliación efectiva entre el personaje serializador (dirigido al todo, a la población) e individualizador (dirigido a cada persona en su singularidad) debe abordar la tensión que la ley siempre enfrenta en la falta de evidencia de su encuentro. El buscador se erige como la consagración ejemplar de tal reconciliación, hasta el punto de volverse propiamente insensible y suavizar la diferencia entre estas dos caras del poder.
- Una continuidad de la acción normativa contrasta con la naturaleza esporádica de la acción de la ley. Esta continuidad también depende de la adaptabilidad de la norma, ya que la acción esporádica del derecho se fundamenta en una norma concebida para su permanencia. Esta continuidad se relaciona, además, con una tendencia hacia la expansividad de la norma, que se vuelve conquistadora, siempre abierta a nuevas poblaciones y nuevos usos, donde la ley debe contar con un campo de acción debidamente delimitado.

[8] Esta actividad de definir la realidad misma debe, me parece, distinguirse radicalmente de la actividad de calificación propia de la ley, que tiene carácter convencional y estrictamente interna a la ley, no ocultando no su contenido ficticio.

- La posible distancia del nuevo espacio normativo respecto al registro discursivo y la narrativa que caracterizaba a la ley, así como la relación que establecemos con ella, es notable. No solo el derecho es intrínseca y explícitamente discursivo, sino que, sobre todo, supone y se desarrolla aguas arriba (en debates parlamentarios o debates activistas) y aguas abajo (en el juicio legal) un despliegue narrativo. Las normas complican ahora este vínculo con lo discursivo y la narrativa: ¿es un algoritmo un discurso? ¿No es paradójicamente el deber de definir[9] previamente todas las palabras que utilizamos un signo de salida del régimen de discursividad? ¿No son el debate sobre las normas y su calvario en un espacio como el del juicio lo que actualmente falta en el nuevo campo normativo?

4. Consecuencias para la cuestión de la transparencia técnica

Sobre la base de tal dilución de la publicidad en transparencia y de tal evolución de la naturaleza de la normatividad, podemos extraer tres consecuencias principales que radicalizan aún más la oposición que trazamos entre las nuevas normatividades y la normatividad jurídica.

- Cuando el registro jurídico ha desarrollado modalidades precisas para cuestionar la legitimidad de sus acciones a partir de lo que establece o instituye como su momento "original" (la promulgación de la ley, con la publicidad que requiere, la investigación de sus fuentes, etc.), las nuevas normatividades, por el contrario, brillan por su ausencia de preocupación por su momento de origen o institución. Están presentes y actúan independientemente de cualquier comienzo, de cualquier afirmación de un origen, de cualquier establecimiento de una fuente, y su poder no disminuye, sino que se ve reforzado[10]. Notemos inmediatamente que la preocupación por el origen que definiría el *ethos* legal significa, sobre todo, la capacidad de establecer o incluso ficcionalizar sus orígenes; de modo que la fuente de un derecho no es su origen, sino que siempre está establecida por él (Goltzberg, 2013). No se trata en absoluto de una obsesión por un vino puro y dado: es por esta razón que la discursividad le es esencial. Desde el

[9] Posibilidad que no termina, ni mucho menos, abordando una cuestión que no presupone sustancializar lo discursivo. En mi opinión, esto solo está atestiguado por las cadenas de portadas y repeticiones en la alteración que da origen y que cualquier norma y cualquier enunciado permite, pero que a estas alturas parecen faltar en el nuevo régimen normativo descrito.

[10] Al menos en este sentido, el motor de búsqueda es un ejemplo más complejo e híbrido que la realidad general que describo en base a esto: de hecho, todavía podemos considerar que el *PageRank* define una especie de forma original, cuyo espíritu sigue actuando en el buscador (al igual que una de las modalidades del informe que el origen jurídico es el del espíritu de la ley).

origen, no está simplemente dado ni disponible; debe darse a uno mismo. Definitivamente, el derecho es un arte, un arte que crea ficción.

- Cuando el registro legal incluya la posibilidad de desobediencia hasta el punto de prever e identificar las condiciones y sanciones dentro de la propia ley, las nuevas normatividades no solo no contemplan tal posibilidad, sino que incluso podemos afirmar que hacen imposible la desobediencia. Si las normas se presentan ahora como aquello que emerge de la realidad, y más aún, de la realidad más específica a la que la norma apunta, entonces desobedecer se vuelve esquizofrénico. Sin embargo, en sentido estricto, la obediencia también se ve comprometida: se vuelve narcisista. ¿Con qué se puede reemplazar este registro de obediencia y desobediencia? Algo parecido a "seguir": esta es, en cualquier caso, la cuestión que debe abordarse para poder determinar las modalidades de resistencia adecuadas.
- Finalmente, y sobre todo, donde la norma jurídica es pensada en su visibilidad —se publica, está clasificada en códigos, nadie debe ignorarlo, incluso su desobediencia debe ser sancionada públicamente, etc.— las nuevas normas son fundamentalmente discretas, incluso invisibles: una norma eficaz es aquella que ni siquiera aparece (y, como tal, esencialmente escapa al debate).

Me parece que, si quisiéramos considerar una transparencia del objeto técnico que lo inscribe en el debate político, esta transparencia —que, sin duda, sería más bien su publicidad y que podría desarrollarse en forma de exigencia de explicabilidad de las normas técnicas— debemos inspirarnos, aunque esto signifique reinterpretarlos, en estos tres aspectos fundamentales propios del ámbito jurídico: la preocupación por el origen, entendido como el momento de la institución; la posibilidad de desobediencia; y la visibilidad[11].

Sin embargo, la eficacia de las nuevas normatividades, incluidas las técnicas, se logra en su invisibilización, que no es más que la combinación de las características ya enumeradas: inmanencia, continuidad, no discursividad, dilución del origen y ausencia de posibilidad de desobediencia. Esto es lo que transmite de manera ejemplar la literatura de la Comisión de la Unión Europea: "La mayoría de los bienes y servicios que tenemos hoy son sujetos a normas de las que generalmente no nos damos cuenta. Como fuerzas invisibles, las normas aseguran el buen orden de las cosas"[12]. Sobre todo, esto es lo que

[11] Y sobre esta base (volviendo a leer este artículo), veríamos entonces la "complicada" perfecta insensibilidad de la transición del nivel serializador al nivel individualizador; presentaríamos discontinuidad en la norma y frenar su expansividad; produciríamos un retorno de la norma en el campo discursivo.

[12] Comunicación de la Comisión al Consejo Europeo, *Integración de los aspectos medioambientales en normalización europea*.

debe ser absolutamente cuestionado en relación con uno de los dispositivos contemporáneos más ambiciosos y centrales, es decir, el motor de búsqueda, que refuerza o incluso establece su invisibilidad a través del secreto.

5. ¿Un mercado de estándares o un verdadero pluralismo normativo?

El panorama normativo que hemos delineado presenta, en el fondo, una tensión entre una normatividad que encuentra su modelo en la ley (y que es concebida según este modelo, es decir, aún más profundamente, que es objeto de un pensamiento y de una tradición) y nuevas normatividades que se emancipan de este modelo y se legitiman por su vínculo con la realidad. Este escenario surge, quizás, como el último avance del mercado: la producción de un mercado de la norma, en el que se tendría en cuenta a todos, tanto a los tomadores de decisiones como a los usuarios. Esta competencia de las normas (entre las cuales la norma jurídica solo aparecería como una opción normativa entre otras) constituye, en su ejercicio y eficacia, un desafío a la norma jurídica, que suscita la idea de monopolio del espacio normativo. Al afirmar esto, no estamos denunciando el peligro de este monopolio en detrimento del pluralismo normativo, sino que insistimos en la utilidad de ciertas cualidades de la normatividad jurídica que deben seguir irradiando en una situación de pluralismo normativo.

Si la hipótesis de un nuevo mercado de normas es creíble, entonces es necesario analizar con mayor profundidad la cuestión de la discrecionalidad que protege estas nuevas normas. Efectivamente, el mercado que está surgiendo es muy particular, y entendemos que es precisamente la visibilidad de este mercado, que lucha por aparecer, lo que propicia la aparición de un verdadero pluralismo normativo. En cierto modo, este mercado se enfrenta, por un lado, a una norma jurídica visible, pero acompañada de la convicción de que no puede haber un mercado. Por otro lado, surgen nuevas normas múltiples, lo que conlleva la posibilidad de un mercado, aunque discreto, es decir, que no deja de esconderse en este contexto. Así, se configura un falso mercado, un mercado invisible, negado por algunos que lo rechazan y oculto por otros que participan en él. Esto revela la asimetría propia de cualquier mercado: nunca hay un verdadero cara a cara, sino más bien un juego de póker mentiroso, que la cuestión del secreto permite, al menos, hacer visible.

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JOYSTICKS IN WHOSE HANDS? HACKING THE SELF AS A CRIME AND AS CORPORATE PRACTICE*

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¿EL JOYSTICK EN MANOS DE QUIÉN? EL PIRATEO DEL YO COMO DELITO Y COMO PRÁCTICA EMPRESARIAL

Abstract

Despite the pervasive integration of digital technologies into all aspects of our lives, the emergence of novel technologies, such as virtual reality (VR), generative artificial intelligence (AI), and brain-computer interfaces, has led to a significant expansion in the scope and depth of technological influence, such as the generation of experience, knowledge (or a pretence thereof) and communicative expressions, as well as the removal of the very separation between the biological and the digital/machinic. Under such circumstances, the idea of an independent self (if one ever existed) becomes structurally impossible. Instead, the self becomes enmeshed with digital technologies to the point of co-constitution. Here, the self becomes susceptible to hacking in two important ways. One is through the more traditional cyber-criminal activities, such as human joystick attacks pertaining to VR environments

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and, potentially, brain-computer interfaces. However, it may be argued on a more fundamental level that it is possible to achieve the same results without hacking. In fact, this is exactly the way in which corporate algorithmic governance of the digitally enmeshed self already takes place. This process involves the structuration of digital spaces and soon, the establishment of corporate control of brain-computer interfaces as well as training and ownership of AI models, all of which help structure the individual self with corporate, rather than personal, interests in mind. In combination, these two modes of determination are seen as alternative but structurally similar ways of hacking the self and, effectively, turning individuals into human joysticks controlled by an intangible – but no less potent – hand.

Keywords
platformisation; generative AI; Virtual Reality; hacking; human autonomy

Resumen
Si bien las tecnologías digitales han impregnado cada vez más todos los aspectos de nuestras vidas, la llegada de nuevas tecnologías, como la Realidad Virtual (RV), la IA generativa y las interfaces cerebro-ordenador, extiende la influencia de las tecnologías a una profundidad sin precedentes, dando paso a la generación de experiencia, conocimiento (o una pretensión del mismo) y expresiones comunicativas, así como a la eliminación de la propia separación entre lo biológico y lo digital/mecánico. En tales circunstancias, la idea de un yo independiente (si es que alguna vez existió) se hace estructuralmente imposible. En su lugar, el yo se entrelaza con las tecnologías digitales hasta el punto de la co-constitución. En este caso, el yo es susceptible de ser pirateado de dos formas importantes. Una es a través de las actividades cibercriminales más tradicionales. En particular, los ataques con joysticks humanos relacionados con entornos de RV y, potencialmente, con interfaces cerebro-ordenador. Sin embargo, podría sostenerse en un nivel más fundamental que es posible lograr los mismos resultados sin piratear. De hecho, esta es exactamente la forma en que ya tiene lugar la gobernanza algorítmica corporativa del yo digitalmente enredado. En concreto, esto implica la estructuración de espacios digitales y, de cara al futuro, el control corporativo de interfaces cerebro-ordenador, así como la formación y propiedad de modelos de IA, todo lo cual ayuda a estructurar el yo individual teniendo en cuenta los intereses corporativos, más que los personales. En combinación, estos dos modos de determinación se consideran formas alternativas, pero estructuralmente similares de piratear el yo y, de hecho, convertir a los individuos en joysticks humanos controlados por una mano intangible, pero no por ello menos potente.

Palabras clave
plataformización; IA generativa; Realidad Virtual; piratería informática; autonomía humana

Introduction

The rapid development of digital technologies in the 21st century has dramatically reshaped the boundaries of human experience and capability. This includes Virtual Reality (VR), generative Artificial Intelligence, and Brain-Computer Interfaces (BCIs) which, while enabling new capacities and experiences, give rise to novel security threats in an already complex environment. However, these threats and challenges may not necessarily come from nefarious actors – instead, many of them come about as part and parcel of the routinary application of such technologies, particularly when combined with the broader trend of platformisation that characterises contemporary societies. This article deals with the threats and challenges to human autonomy and independent decision-making capacity.

The following systems are good examples of such threats and challenges: VR, on one hand, immerses individuals in lifelike digital environments, often blurring the lines between physical reality and virtual experience. This immersion can lead to altered perceptions and behaviours, raising critical questions about the autonomy of users within these environments, regardless of whether this takes place as a matter of intentional deception or merely as over-identification with regular experiences. Generative AI, on the other hand, can influence and sometimes manipulate human decision-making and creativity by producing highly convincing text, images, and sounds. These systems, trained on vast datasets, can subtly shape opinions and choices, potentially undermining individual agency. Meanwhile, BCIs, which facilitate direct communication between the brain and external devices, promise to revolutionise fields such as medicine, communication, and entertainment. Yet, the integration of BCIs into daily life presents significant ethical concerns regarding privacy, mental autonomy, and the potential for external control over human thought and action.

Consequently, this article explores the multifaceted implications of these technologies on human autonomy and agency. Through a critical analysis of current literature and emerging trends, this study seeks to illuminate the potential risks in an increasingly technologically mediated world, focusing primarily on the ways in which, borrowing from an emergent cybersecurity threat discussed below, we now become human joysticks, i.e. entities whose behaviours (including, in many cases, the internal motivations for such behaviours) are controlled by an intangible hand.

Immersive Technologies and Hacking the Self

As societies become ever more dependent on their technological infrastructures, individual and collective vulnerability increases accordingly, with threat actors being increasingly

capable of not only undermining everyday life but also harming individuals directly. For example, Mazarr et al. (2019) have coined the term 'virtual societal warfare' to describe the broad range of techniques that adversaries can use for such purposes (p. xiii). It includes (a) disinformation, including the generation of very large amounts of manipulated or entirely fabricated digital content and distributing it through easily accessible channels, such as social media, while simultaneously undermining trust in conventional truth arbiters; (b) corruption or other forms of manipulation of the databases on which not only the economy but also decision-making processes, particularly those pertaining to algorithmic governance and AI tools, depend; (c) disruption and hacking the everyday digital ecosystems, such as the Internet-of-Things; and (d) hijacking of VR systems and AI-powered chatbots and assistants to spread panic, discomfort, or even to cause direct harm. In these ways, confusion, anxiety, and distrust can be induced, undermining the functioning of a society and its government. While it is beyond the scope of this article to cover all the abovementioned threats, those that cause a direct threat to individual autonomy and personal capacity, either through virtual experiences or by way of physically invasive technologies (such as BCIs), deserve particular attention because they operate directly against the dominant empowerment-focused discourse on new digital technologies.

To begin with, VR, integrating data from multiple sources and a cornucopia of connected sensor-enabled devices in a user's vicinity, can offer a personalised escape from the confines of the physical world and immersion in a fantasy that one has always longed for (Mazarr et al., 2019, p. 2; Kalpokas, 2024a). In this way, individuals can be seen as *empowered* to have experiences of their liking regardless of their offline conditions and other concerns (Flavián, et al., 2019) – that is, as long as those offline conditions provide sufficient connectivity and wealth to enable seamless immersion in VR. Provided that 'the best experiences imaginable can be had at the press of a button' (Bailenson, 2018, p. 250), emotional and time investment in virtual experiences is likely not only to grow but also raise the question of which 'reality' is more 'real'. Given the preceding, it is not surprising that some would raise questions as to whether VR should be seen as merely a maladaptive escapist reaction to the contemporary lifestyle (see e.g. Han et al., 2022, p. 13) whereby the ability to immerse oneself into a simulated world is seen as simply an attempt to hide away from the pressures of offline world. Indeed, for better or worse, the feeling of presence is crucial to the successful functioning of VR experiences because it 'happens when your brain is so fooled by a virtual experience that it triggers your body to respond as though the experience were real' (Rubin, 2020, p. 4). Hence, the very purpose of virtual experiences is to erase the boundary between the physical and the virtual self, thereby creating a hybrid entity (Scholz & Duffy, 2018).

Successful VR experiences depend particularly on inducing a state of flow resulting from a combination of seamless rendering of the virtual world and a user's perception of personal efficacy in it (see e.g. Huang et al., 2023). As such, VR provides immersion in what is taking shape in the perceptive surroundings of the individual or, rather, of their avatar – provided that such a distinction is still viable (Chalmers, 2022, p. xii). Hence, VR is truly about being in the experience and assuming the identity and the locatedness of whoever's role the user is playing in the story (Rubin, 2020). However, aside from immersion and locatedness VR can also be used as an enabler of security threats, particularly if the virtual surroundings induce certain movements in the physical space that could end up causing harm (see e.g. Vondráček et al. 2023). It is crucial to note that when immersed in a VR experience, the user is completely blocked off from the surrounding physical reality and is, therefore, dependent on location sensors and geofencing to remain in a safe area; meanwhile, if the user is directed beyond such boundaries and into a dangerous space, that might be outrightly harmful (Chow et al., 2023). Such attacks, commonly known as Human Joystick Attacks, involve an attacker hacking or otherwise getting access into the location rendering function of VR experiences so that users, when moving in order to induce corresponding movements in the virtual world, walk into objects or even off surfaces or move towards a predefined location for some other purpose, such as to put the user into a compromising situation (see e.g. Odeleye et al., 2023; Cayir et al., 2024). While these may currently seem to be rather niche threats, it can be reasonably expected that the growing popularity of virtual experiences would attract a corresponding increase in the number of threat actors intending to capitalise on the specificities of VR (Cayir et al., 2024).

Notably, for a successful and seamless rendering of virtual experiences, one needs to not only minimise latency but also reduce the external obstruction of headsets, haptic devices (i.e. devices that convey bodily sensations) etc. This enables new potential for BCIs, namely, implantable devices that can both read and induce brain signals in order to interact with external digital objects and content (see e.g. López Bernal et al. 2020; Ajrawi et al., 2021; Liv, 2021). As described by Maiseli et al. (2023), "[b]ypassing the conventional communication channels for different tasks (e.g., vision, movement, and speech), BCI links the brain's electrical activity and the external world to augment human capabilities in interacting with the physical environment" (p. 1). The devices are mostly framed for use in healthcare, claiming to give individuals with disabilities the capacity to manipulate physical objects, communicate, or have sensations of their environment by way of digital brain implants (López Bernal et al., 2020). However, these have the potential to induce non-existent sensations, including virtual experiences. In

addition, just like all digital interfaces, BCIs can be hacked into, raising at least two significant concerns: obtaining private information directly from the brain without the user's consent and altering behaviour by directly manipulating neural activity (López Bernal et al., 2020; Brocal, 2023). This calls for a new focus on security – namely, 'neurosecurity' – understood as 'the protection of the confidentiality, integrity, and availability of neural devices from malicious parties' (Liv, 2021, p. 339). Similarly, cyberbiosecurity has been proposed as a term to denote potential abuse and detrimental use of personal data accessed through BCIs as well as malicious signals submitted to the brain via BCI (Greenbaum, 2021).

Indeed, it is important to stress that 'misusing neural devices for malicious purposes may not only threaten users' physical security, but it can influence their behaviour and alter their sense of identity and personhood' (Liv, 2021, p. 339; see also Maiseli et al., 2023). Evidently, the dangers are significant: as stressed by Greenbaum (2021): "[e]ven the ultimate safety of the user and those around her' can be threatened, because by compromising the interface, 'a hacker could take control of the device, even committing a crime. It would be difficult to prove that the crime was committed by a hack and not by the owner of the prosthetic" (p. 665). In fact, the capacity of BCIs to read signals associated with human thoughts, and the increasingly two-way nature of such devices implies that not only reflexive behaviours and movements but also thought processes can be affected (and, indeed, remotely controlled), including for nefarious purposes (King et al., 2024), meaning that not only external behaviours but also internal motivations can be inauthentic. It must be kept in mind that such implantable devices will have to remain connected 24/7, not only to send and receive data pertaining to the functionality of the device in the narrow sense but also to receive security patches and other necessary updates, thereby leaving ample room for interference (Greenbaum, 2021, p. 665).

AI and Tilting Human Agency

While the above clearly points towards significant security threats regarding one's thought processes and behaviours, these do not necessarily have to involve hacking into digital devices and tools. After all, individuals can hardly be seen to have the capacity to act beyond the information affordances and world perceptions available to them. In this case, AI functions as a crucial mediating (an, often, even shaping) force. In many ways, humans can be influenced even without external intentionality, nefarious or otherwise, owing only to the overall functioning of this technology as such, becoming, so to say, accidental joysticks. This is particularly the case when generative AI capacities are combined with virtual experiences or news ecosystems.

As a term and a concept, AI might be difficult to define in the sense that it can be seen as an umbrella term used for a broad range of related technologies of very different complexity and innovativeness – after all, it has been around since the 1950s, thereby unavoidably denoting a mixture of the old and the new (see e.g. Beckett, 2019; Beckett & Yaseen, 2023). Broadly, though, the purpose of AI can be said to be the performance of tasks that are typically performed by human intelligence using reasoning, perception, prediction, and motor control (Boden, 2016). As such, AI is fundamentally imitative, that is, it *simulates* the external effects of the functioning of the human mind (McLay 2018). However, contrary to natural intelligence, which has developed independently though the process of evolution, artificial intelligence, being human-designed, is purpose-dependent: rather than being a simulation of the external workings of human intelligence for its own sake, AI is created with the aim of accelerating, extending, or completely automating specific tasks typically carried out by humans (Rinehart & Kung, 2022). Hence, the creation of AI is a task-oriented activity, resulting in AI itself being geared towards conveying benefits to those developing and/or deploying it.

Of the different types of AI, the generative variety has recently attracted the most attention. Broadly speaking, generative AI can produce new visual, audio, or textual content based on patterns learned from training data, typically in response to a prompt. Among other things, generative AI can enable always-on virtual interactions whereby chatbots, virtual assistants, and non-player characters in virtual experiences become interactive and human-like to an unprecedented degree – in fact, sufficiently so to instil perceptions of friendship and even intimacy (Brandtzaeg et al., 2022). More broadly, the increasing abundance of AI-generated content means that conventional distinctions between 'real' and 'artificial' are becoming increasingly problematic, to the extent that "new realities become an ever-increasing part of our digital lives – which themselves are merging with our *real* lives to the point where the distinction will soon become moot, if still technically accurate" (Rubin, 2020, p. 124). In fact, it transpires that on the experiential level in particular, the differences between human and artificial, the physical and the virtual have become insignificant (Branca et al., 2023; Schöne et al., 2023).

The above, once again, has important consequences for virtual experiences by making them perceptively real to an unprecedented extent, particularly by ensuring that the content of virtual worlds adjusts to human users in real time as a result of automated content generation (see e.g. Kalpokas, 2024a). The sense of embodied presence thereby accrued (and, particularly, of co-presence with other persons, both real and artificial) further strengthens the effects' immersiveness and persuasiveness (Zhang et al., 2022). However, immersiveness comes at a cost: as stressed by Bailenson (2018): "[i]n VR,

which actually "feels real", the potential dangers for misinformation and emotional manipulation are exponentially greater" (p. 67). Notably, VR can induce stronger identification with objects that are encountered and experienced than those mediated by a screen, a printed page, or any other type of medium, including the creation of vivid memories that feel 'real' despite having no correlate in the 'real' (i.e. physical) world (Rubin, 2020).

What takes shape in virtual environments is not mere 'storytelling' but 'story-living': individuals do not passively encounter a story or a plot but, instead, experience it first-hand, becoming participants and, therefore, experiencing greater proximity to the unfolding events and stronger emotional investment than in the case of traditional communication techniques (Kukkakorpi & Pantti, 2021). The preceding is even further enhanced through virtual social interactions, at least as they fall in line with, and support, the message being put forward, thereby creating a social and spatial mix that engulfs the user (Kukkakorpi & Pantti, 2021). Unsurprisingly, concerns have been raised that the viscerality of VR, and the emotional response induced, can result in both psychological harm (in case of particularly distressful content) and 'mental and behavioural manipulation' (Mabrook, 2021, p. 210). Indeed, it can reasonably be claimed that 'virtuality is not virtual' but, instead, real for those who are immersed in it, causing significant ethical challenges for those creating VR experiences (Lin & Hsu, 2023) or that 'virtual reality is genuine reality' and engaging on it exceeds mere escapism (Chalmers, 2022, xvii). However, while the physical reality exists independently and does not have to be intentionally structured and curated (similarly to the distinction between artificial and natural intelligence above), VR needs to be put together at the expense of time, money, and other resources. While many (probably most) of such experiences will be created with the aim of monetizing human hedonic drives or as extensions (and possibly replacements) of physical environments (e.g. workplaces), at least some of them will be created with the aim to manipulate people. Again, the implication is that not only hacking but also strategic content provision can lead to behavioural manipulation, i.e. turning individuals into externally manipulable joysticks of sorts.

VR is also highly interactive not only with regards to simulated environments but also when it comes to individuals and personalities, including those who have a physical embodiment beyond the VR experience ('real' humans in the traditional sense) and those who do not, i.e. virtual AI-powered entities (Jiang, 2022). Co-presence with such virtual entities has been shown to enhance the user's experience beyond the realms of enjoyment and reward, rendering it more plausible and generating stronger fixation of the user's attention (Jayawardena et al., 2023). Such effects are likely to be partic-

ularly strong when virtual agents are combined with the communicative potential of generative AI: already in non-virtual settings, 'interactions between humans and AI, 'particularly if filled with anthropomorphic and emotional cues, may lead consumers to feel connected with the AI agents', such as digital assistants, forgetting the artificial nature of the latter and sometimes even forging perceived emotional bonds (Guerreiro & Loureiro, 2023, p. 1-2). Indeed, the more anthropomorphic such digital agents become, the more trustworthy they are perceived as, thereby opening new grounds for persuasion (Balakrishnan & Dwivedi, 2024), becoming AI-powered accessories in the hands of those intending to exert influence.

Normalisation of Synthetic Realities

Moving to the role of AI in the provision of information to the public, AI already performs an important function in the "traditional" domains, such as journalism. Journalism and artificial intelligence have a complex relationship, encompassed by the concept of "algorithmic journalism". Algorithmic journalism, also known as "robot journalism" or "automatic journalism", refers to the use of algorithms and computer systems to automate content generation and curation or to transform structured data into texts (Canavilhas, 2022; Pavlik, 2023; Porlezza, 2024). This, again, points towards the purpose-oriented and benefit-driven nature of the development and application of AI already noted above. With the preceding in mind, it becomes clear that news and information provision is being transformed as outlets dedicate increasing amounts of resources to automation, thereby transforming journalistic work practices and ways in which news is gathered, produced, and distributed. Indeed, as stressed by Beckett & Yaseen (2023), AI is used more or less equally in newsrooms at every step of the content creation process, from ideation to publishing. In this way, several layers of information threats pertaining to generative AI are enabled.

As automated news gathering and social listening tools are being increasingly used, the quality of journalistic output is increasingly dependent on the capacity of the resulting human-AI teams to separate AI-generated sources and chatter from authentic ones – something that might be increasingly difficult given the time and efficiency pressures faced by today's newsrooms (Beckett & Yaseen, 2023). Such pressures are also likely to cause a pivot towards preference for AI and its machinic speeds of production at the expense of human journalists. Such a shift might lead to an increased susceptibility to astroturfing, i.e. attempts to manipulate public debate by injecting fake news and/or inflating the salience of existing fake narratives, typically by way of using generative AI and automated social media accounts (see e.g. Chan, 2024). Automated news gathering and social listening tools

(particularly if lacking adequate supervision) may succumb to such disinformation and "launder" its claims (in analogy with money laundering) by making them part of the legitimate news ecosystem (an example of such a blunder, albeit in a slightly different context, could be that of Google's AI Overview – see e.g. Williams, 2024). Hence, baking ethical and normative commitments that normally are at the heart of journalistic practices into automated content generation tools – even assuming that it is possible in the first place – will be a very steep task indeed (Peña-Fernández et al., 2023).

Regarding news production, generative AI technologies, Large Language Models (LLMs) in particular, have become a valuable resource in content creation, including the production of summaries, headlines, visual storytelling, targeted newsletters, translation of articles and assessing different data sources, providing headline alternatives, tagging articles, illustration, video and audio production, and data sifting to deliver real-time news updates. However, their use for the generation of articles has notably increased (Beckett & Yaseen, 2023; Pavlik, 2023; Arguedas & Simon, 2024), which raises fundamental concerns, such as rendering journalism dependent of inputs and prompt suggestions (as indicated above) or the production of news pieces which, due to the functioning of the generative models themselves, are subject to biases and intentional data poisoning. Therefore, even reliable prompts could end up producing manipulative results (see e.g. Peña-Fernández et al., 2023; Tomlinson et al., 2023).

No less importantly, AI is being used in news distribution to customise content and increase audience reach and engagement by using personalisation and recommendation systems to match content more accurately and at scale with interested audiences (Beckett & Yaseen, 2023). However, such tools have been observed to cause the so-called filter bubble effect whereby individuals are being exposed to disproportionate amounts of content that they already agree with, thereby further solidifying (and potentially radicalising) their positions (see e.g. Coeckelbergh, 2023; Eg et al., 2023; Palmieri, 2024).

Crucially, within the active adoption of AI in journalism, the former's gatekeeping function is growing. AI algorithms can rapidly analyse vast amounts of data to select, produce, and present news stories, prioritise and sort public information, and, in this way, filter content (van Dalen, 2023). Since AI algorithms are getting involved in all the stages of the news developing cycle – gathering, production and distribution – they may act as gatekeepers of information flow, shaping the content users see based on various criteria, potentially impacting the diversity and inclusivity of news consumption, often serving particular interests in their repetition, reproduction, and duplication of the content (van Dalen, 2023). Once again, issues of algorithmic bias and automated content tailoring and/or delivery in accordance with audience tastes loom large, only this time

to be repeated across all stages of the news content production chain, with misinformation, disinformation (the latter presumably originating outside newsroom, but being amplified and "laundered" through automated journalism), and biased content becoming major points of concern.

A further way in which completely synthetic realities are created pertains to interactions between agents, powered by generative AI. Focus groups and even communities of simulated individuals are already used for everything from generating marketing ideas to researching and modelling human interactions (see e.g. Knight 2023). While such and other ways of generating synthetic data with generative AI are often lauded for their efficiency and zoom into niche groups (thus supposedly de-biasing large data sets), they nevertheless, can only build on what is already datafied, that is, reproducing existing patterns, albeit in more granular detail and with a greater clout of supposed objectivity (see e.g. Offenhuber, 2024).

Joysticks Everywhere and Hacking Without Hacking

Of course, the problem is further exacerbated when deliberate fakery using generative AI is concerned. Here, threat actors are now capable of creating a semblance of events that never took place or putting targeted individuals in situations they were never in. Newman (2023) sees a serious risk in AI developing abilities to produce immediate plausible content that will make it harder to tell the difference between real and false information, either misleading audiences or compromising their trust. There is, consequently, an acute need for transparency, particularly in terms of content creators adhering to ethical guidelines and AI-generated content being watermarked or otherwise clearly labelled (Newman, 2023). The EU's AI Act marks an important step in that direction, although by no means a perfect one (for a discussion of potential weaknesses, see e.g. Kalpokas, 2024a).

Crucially, generative AI models are not only easily accessible; what is more, their output is increasingly difficult to distinguish from authentic content (Jungherr & Schroeder, 2023, p. 169). That, in turn, has the capacity to lead to production of disinformation at scale: even without nefarious intent, generative AI 'has no commitment to the truth of an argument or observation; it is only imitating their likeness as found in past data', thereby causing so-called hallucinations, but when the goal of content creation is outright manipulative, AI enables efficient disinformation both in a targeted manner (i.e. directed at particular individuals and their vulnerabilities) and *en masse* (Jungherr, 2023, p. 6). Indeed, generative AI can be used to create anything from synthetic identities (deceptively or authentically fake profiles and personalities to synthetic public

knowledge (i.e. information environments in which the perception of at least one fundamental aspect of reality has been significantly altered) and beyond, including, when coupled with VR, completely synthetic realities (Ferrara, 2024).

Indeed, recent innovations in the field of generative AI pose the danger of 'supercharging pre-existing risks, potentially unleashing harmful content on an unprecedented scale and with great impact' by challenging democratic integrity, particularly under the aspects of equality, truth, and non-violence (Judson et al., 2024, pp. 5, 11). Notably, encounters with AI-generated content have the capacity to cause misperceptions, potentially to the extent of overwriting pre-existing memories, or at the very least, to erode trust in the common standards of truth and socio-political reality (Weikmann & Lecheler, 2023), thereby contributing to the drive towards relying on opinion-congruent content and seeking comfort in filter bubbles (Kalpokas, 2024b). Indeed, there already is a tendency to evaluate – or (mis)recognise – AI-generated content in line with existing convictions and heuristics (Shin et al., 2024).

When combined with VR experiences, generative AI capacities allow the creation of fully personalised and predictive realities and fracture of shared frameworks that hold society together (Bay, 2023). The emergence of such personally enclosed realities then allows for more effective manipulation because there is no shared reality to lean on or measure one's perceptions against. In this way, human agency can be even more fully determined by externally induced causes or beliefs.

What should be noted, though, is that even awareness of disinformation might be a double-edged sword. In fact, the negative connotations attached to falling for disinformation seem to discourage people from acknowledging their own vulnerability, instead ascribing it to some supposedly uniquely naïve or gullible others; hence, disinformation is seen as a problem for those 'other' individuals rather than a society-wide issue, thereby reducing the motivation to participate in collective mitigation efforts (Hall et al., 2024). Specific to generative AI, though, regulation efforts find themselves in a paradoxical situation whereby their representatives, courtesy to AI's ability to *produce* and participate in public discourse, can also recursively insert itself in any discussions pertaining to its own regulation (Anany, 2024). In this way, changes to the current ecosystem may be difficult to formulate, let alone implement.

Yet another set of issues to be considered pertains to the very functioning of online platforms (such as social media ones) that have by now become crucial intermediaries in the processes and practices of information supply. Nowadays, information overload and the ensuing need to deal with emerging challenges by way of automation in content selection and delivery (since no team of human moderators, yet alone individual

end users, would be able to deal with the incessant accumulation of content), afforded by platforms companies, becomes the key variable (see, from different perspectives, Hepp & Couldry, 2023). This leads to the emergence of algorithm dependency due to the dominance of platformised news use (Schaetz et al., 2023). In fact, the *power* of algorithmic content recommendations can be disconnected from their *quality* while, nevertheless, remaining in place (Hagar & Diakopoulos, 2023). Notably, algorithmic and AI-based content governance decreases the role and influence of sources (including media companies and news organisations) as well as other content creators by rendering them subservient to centralised governance and moderation practices (Jungherr & Schroeder 2023, p. 168). By contrast, the power of technology companies increases, making the latter central to the functioning of contemporary societies (Jungherr, 2023). Here one must agree with van Dijck (2024) in that platformisation should now be seen as "the prism through which we should critically examine how technological shifts that are simultaneously social, economic, cultural, and political transformations affect the global power (im)balance while deeply infiltrating private lives and public spaces" (p. 2). Communication thus becomes an automated process that operates on a supra-individual level (Hepp et al., 2023).

If we understand the public arena as an interconnection of spaces which "allows societies to settle crucial issues and control elites and governments, and for groups with shared concerns to emerge" (Jungherr & Schroeder, 2023, p. 165), then such crucial processes must be seen as unavoidably mediated by algorithms, and, through them, by online platforms. In fact, platforms, though their algorithms, "enable and constrain the publication, distribution, reception, and contestation of information that allows people to exercise their rights and duties in pursuit of the public good" (Jungherr & Schroeder, 2023, p. 165). The preceding makes individual autonomy and self-rule and meaningful democratic participation difficult to achieve (Jungherr, 2023).

As the reality perceptively inhabited by individuals is increasingly comprised of data, and the bits that comprise the latter are primarily owned by technology companies, effectively, the net result points towards the privatisation of the perceived and experienced reality (Lemley & Volokh, 2018). Others, meanwhile, would go even further to argue that, as the development and operation of the current platform ecosystem largely reflects historical patterns of colonial domination, they only further entrench the dominant structures of power and knowledge (Bannerman, 2024), meaning that harms are suffered not only at an individual level or that of a (political) community but also globally. Crucially, though, the trend among platform companies, both traditional ones and the newly emergent generative AI ones, is to attempt

to avoid responsibility by claiming to be merely neutral intermediaries that provide an open space for people's opinions and for debate, despite heavily structuring such (self-)expression and, in the case of generative AI providers, even co-constituting (self-)expression (Edwards et al., 2024). In this way, the hackability of the self can be understood as a daily – even permanent – condition.

Conclusion

Autonomy and independent agency are traditionally seen as keen human faculties – indeed, as capacities in which human exceptionality is typically based. However, the current technological environment, both independently and as a matter of abuse, challenges such capacities, instead rendering humans into joysticks in somebody else's hands. The term itself is borrowed from so-called Human Joystick Attack, aimed at manipulating human movements in the physical space through virtual reality. Such threats are even further exacerbated through the hackability of brain-computer interfaces, potentially to the extent of altering the thought processes of targeted individuals. Nevertheless, such threats are only the extreme end of a spectrum. Comparable levels of loss of autonomy and agency can also be achieved by way of employing generative AI to manipulate existing information environments and create completely synthetic ones – a process even further strengthened when, again, coupled with VR technologies. Still, one could zoom out even further and consider the broader algorithmic governance processes enabled by online platforms, particularly the extent to which they structure public spaces and their content, thereby determining what is (and is not) to be known. In this way, decision-making and, consequently, behavioural autonomy is further curtailed, implying that humans today have little other option that to be joysticks in somebody else's hands.

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LA ENSEÑANZA ACADÉMICA DEL DERECHO COMPARADO EN ITALIA

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THE ACADEMIC TEACHING OF COMPARATIVE LAW IN ITALY

Resumen

Este trabajo pretende resumir el porqué y el significado de un estudio comparado, junto con el desarrollo de la comparación jurídica como disciplina académica y como sector de investigación, con particular referencia al ordenamiento jurídico italiano. El fenómeno integrativo, tras la intensificación de los intercambios y la globalización de las relaciones económicas, sociales y políticas, ha planteado el problema de comprender cómo y a través de qué disciplinas se pueden regular las relaciones que inevitablemente surgen entre sujetos pertenecientes a diferentes sistemas jurídicos. En este contexto, los sistemas jurídicos están llamados a adaptar el derecho territorial a un fenómeno global. Así, la comparación se convierte, en muchos casos, en la principal herramienta a través de la cual justificar elecciones estratégicas y representar diferentes culturas jurídicas. El impacto en la formación del jurista también es inevitable, ya que este debe reconocer que el derecho ya no está confinado a meras lógicas internas, incapaces de relacionarse con la totalidad de la experiencia jurídica multinacional. El jurista italiano reconoce actualmente que la enseñanza

del derecho no puede prescindir del rol de la comparación jurídica, protagonista de un fuerte desarrollo tanto científico como educativo.

Palabras clave
comparación, sistemas jurídicos, globalización, formación académica.

Abstract
This paper aims to summarize the reasons for and the significance of comparative law, along with the development of legal comparison as an academic discipline and as a research field, with particular reference to the Italian legal system. The integrative phenomenon, following the intensification of exchanges and the globalization of economic, social, and political relations, has raised the problem of understanding how and through which disciplines the relationships that inevitably arise between subjects belonging to different legal systems can be regulated. In this context, legal systems are called upon to adapt territorial law to a global phenomenon. Thus, comparison often becomes the principal tool through which to justify strategic choices and represent different legal cultures. The impact on legal training is also inevitable, as the jurist must recognize that law is no longer confined to mere internal logics, incapable of relating to the totality of multinational legal experience. Italian jurists now recognize that legal teaching cannot ignore the role of legal comparison, which has been the protagonist of significant development, both scientific and educational.

Keywords
comparison, legal systems, globalization, academic formation

Comparación jurídica y formación profesional.

La discusión sobre el sentido y el significado de la comparación jurídica ha evolucionado, dado que actualmente se reconoce que el ciudadano ya no es considerado titular de derechos y deberes únicamente dentro del estrecho ámbito nacional. En cambio, participa en un universo jurídico influenciado por la globalización de las relaciones económicas, sociales y políticas, como consecuencia de la intensificación de los intercambios y del comercio internacional. La globalización de la economía ha exigido, por supuesto, el conocimiento tanto de las normativas extranjeras como de las características estructurales de las diversas tradiciones jurídicas, con el fin de comprender de qué manera y a través de qué disciplinas se pueden regular las relaciones jurídicas entre sujetos pertenecientes a diferentes ordenamientos .[1]

Se añade, además, que las inseguridades energéticas y alimentarias, los conflictos armados internos e internacionales, así como las respuestas inadecuadas a las violaciones de los derechos humanos en todo el mundo, han provocado un notable ascenso del fenómeno migratorio. En Italia, cada año se registra un porcentaje creciente de flujos de inmigrantes procedentes de Europa del Este, África y Sudamérica[2], lo que da lugar a los desafíos contemporáneos del multiculturalismo y el interculturalismo. Estos últimos representan un incentivo adicional para los estudios comparados y, en particular, para la necesidad de formar juristas, operadores económicos y mediadores culturales, capaces de ofrecer respuestas adecuadas a los problemas inherentes al encuentro entre las diferentes culturas.

Está claro que el principal factor del interés por la comparación jurídica ha sido, y sigue siendo, considerar el derecho comparado como un medio válido, tanto para mejorar la capacidad de encontrar soluciones compartidas en el ámbito de las relaciones internacionales e interculturales, mostrando las posibilidades de acuerdo y sugiriendo fórmulas para su regulación, como para acercar, armonizar y formular principios jurídicos comunes.

Este proceso de integración, cuyo objetivo último es facilitar el diálogo entre interlocutores de diferentes países, aunque iniciado desde el punto de vista económico-comercial, ha implicado, de manera natural, además de la circulación de bienes y servicios, la

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[1] Criscuoli (1979, p. 721 y ss.) subrayaba que el derecho interno no puede progresar sin la comparación con las experiencias extranjeras. Hoy en día, en un ámbito en el que los ordenamientos están llamados a aplicar un derecho territorial a un fenómeno global, la comparación se convierte en muchos casos en el instrumento principal a través del cual justificar elecciones estratégicas y representar una cultura jurídica. Sobre el papel de la comparación jurídica (Graziadei y Somma, 2023).

[2] Datos ISTAT, Nuovi italiani venuti da lontano, disponibles en: https//www.istat.i/it/archivio/263441; https://noi-italia.istat.it/Pagina.php?L=0&categoria=4&dove=ITA

intensificación de los llamados "flujos jurídicos", es decir, de las ideas sobre la regulación de las relaciones jurídicas, la organización de las estructuras y las finalidades inherentes a las actividades subyacentes[3], y, en consecuencia, la circulación de los modelos jurídicos[4].

Cambia el propio concepto de fuente del derecho, el cual, ya problemático por estar vinculado a las diferentes concepciones del derecho, se enriquece aún más con las interacciones y vínculos entre el ordenamiento estatal y otros ordenamientos. Esto es especialmente relevante en relación con las fuentes derivadas de conexiones con ordenamientos jurídicos internacionales, supranacionales o transnacionales (David R., 1981, pp. 14-106 y 158-208). La comparación asume, por tanto, un papel crítico destinado a relativizar las indicaciones del derecho positivo, introduciendo fenómenos de verdadera producción jurídica, en contraste con las normas sobre las fuentes del derecho (Fletcher G., 1998, pp. 683-700).

También fue inevitable el reflejo sobre la formación del jurista, quien necesariamente tuvo que reconocer que el derecho ya no está inmóvil en lógicas internas, incapaz de relacionarse con la totalidad de la experiencia jurídica multinacional. Conceptos aparentemente sedimentados en el ordenamiento jurídico italiano, como los de contrato, responsabilidad, bienes, confianza y propiedad, se han modificado debido a la incidencia de modelos comunitarios y extranjeros (Lipari, 2003, p. 5).

Así, la comparación jurídica ha sido protagonista de un fuerte desarrollo, tanto científico como didáctico, y ha crecido el número de juristas italianos[5] que se interesan por el tema. En los programas de enseñanza universitaria, nunca faltan cursos que, por diversas razones, hacen referencia al derecho comparado. Los estudios comparativos se centran tanto en la macrocomparación como en la microcomparació[6] .

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[3] En este sentido, véase Lupoi (2009, p. 83 y ss.); Id. (2001, p. 60 y ss).

[4] Para una mayor profundización sobre el fenómeno de los trasplantes legales de la circulación de los modelos jurídicos, véase: Graziadei (2009, p. 723); Id. (2006, p. 441 y ss.); Id. (1999, p. 530); Cotterrell (2001, p. 70 y ss.); Mattei (1994, p. 3 y ss).

[5] Relevante contribución proviene de la escuela del jurista Rodolfo Sacco a través de obras como: Sacco (1991, p. 84); Id. (1988, p. 365); Gambaro, Monateri y Sacco (1988, p. 9 y ss.); Gambaro y Sacco (2018, p. 2 y ss.); Ajani (1994, p.1087); Gambaro (2009, p. 7 y ss).
Además de los ya mencionados, los aportes de la doctrina civil italiana sobre el tema son numerosas y de calidad: Gorla (1981, p. 1 y ss.); Id. (1983); Cappelletti (1989); Guagagni (1996, pp. 3 y ss.); Mattei y Monateri (1997, pp. 1 y ss.); Candian y Gambaro (2016, pp. 1 y ss.); Losano (2000, pp. 1 y ss.); Bernini (2001, pp. 3 y ss.); Gallo (2001); Portale (2007); Alpa *et al.* (2003); Moccia (2005); Ajani (2005); Id. y Pasa (2013); Varano y Barsotti (2021); Graziadei (1999, p. 530 y ss.); Procida Mirabelli di Lauro (2010, p. 8 y ss.); Id. (2013, p. 44 y ss.); Serio (2011, p. 21 y ss.); Resta *et al.* (2020); Somma y Zeno-Zencovich (2021).
En el lado publicista, se señalan: De Vergottini (2022); Biscaretti di Ruffia (1988); Pizzorusso (1988); Pegoraro y Rinella (2002); Carozza *et al.* (2014); Morbidelli *et al.* (2016).

[6] Sobre la distinción entre micro y macro comparación, véase Constantinesco (1996, p. 217 y ss). Una definición adicional de los dos conceptos es de Zweigert y Kötz, (1998, p. 5 ss.). Sobre los límites entre la microcomparación y la macrocomparación, véase Rheinstein (1987, p. 31).

La primera consiste en comparar las diferentes tradiciones jurídicas, y se ha introducido la enseñanza de "Sistemas Jurídicos Comparados", así como las enseñanzas de los derechos correspondientes a las distintas familias de sistemas, tales como el Derecho angloamericano, el Derecho islámico, el Derecho africano, el Derecho chino, el Derecho latinoamericano y el Derecho de Asia Oriental.

La segunda se ocupa de los derechos que coinciden con los distintos sectores del ordenamiento privado y público, dando lugar a enseñanzas de "Derecho Privado Comparado", donde se estudian instituciones individuales y relaciones jurídicas específicas, como el Derecho de los Contratos Comparado, el Derecho de Familia Comparado, el Derecho Agrario Comparado, el Derecho Comparado de las Religiones, el Derecho del Trabajo Comparado, entre otros; y "Derecho Público Comparado", en cuyo ámbito se encuentran el Derecho Administrativo Comparado, el Derecho Penal Comparado, el Derecho Parlamentario Comparado y otros afines.

El otorgamiento de dignidad científica y de su propio papel cognitivo a la investigación comparativa llega después de un amplio debate doctrinario en torno a la naturaleza del derecho comparado y su objeto de estudio, ya que la comparación se considera, con demasiada frecuencia, como un mero método de investigación[7].

Por lo tanto, para comprender la evolución progresiva del discurso sobre la comparación jurídica, resulta útil recordar la discusión en torno a los dos perfiles de la materia: tanto como metodología de estudio adecuada como rama de la ciencia jurídica.

Disputas ideológicas y complejidad de la investigación comparativa.

El reconocimiento de una autonomía científica a la investigación comparativa ha chocado con el concepto de que toda ciencia jurídica tiene carácter de conocimiento y de correcta interpretación de la ley, siempre en virtud de la coherencia sistemática del ordenamiento interno[8].

Esta concepción está naturalmente ligada a la idea del estatalismo, al valor centrípeto de las codificaciones y al positivismo jurídico, que se caracteriza por la identificación entre el derecho y la ley nacional. Estos aspectos han constituido, para los comparatistas, una razón para comparar con los cultivadores del derecho positivo y un estímulo para superar esta metodología.

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[7] Esto es cierto sobre todo en aquellas disciplinas, entre las que destacan la sociología y la historia, donde el recurso a la comparación pertenece desde el principio a su estatuto epistemológico. La convicción de que "la comparación es un fundamento tácito de las ciencias sociales contemporáneas" está expresada por Pirni (2020, p. 155 y ss.).

[8] Múltiples son los perfiles de esta corriente metodológica. Por razones de síntesis, véase, para todos, Vincenti (1997, pp. 72 ss. y *passim*).

De hecho, la necesidad de hacer frente a las controversias históricas entre los Estados, incluso a través de la superación del totalitarismo político y del aislacionismo jurídico que caracterizaron el siglo XIX —esencialmente centrado en las codificaciones del derecho como expresión e instrumento de organización interna de las naciones, hostil a cualquier fuente e influencia externa— ha llevado a los estudiosos comparatistas a transformar la mera curiosidad hacia el estudio de los derechos extranjeros en una reflexión sobre las operaciones conceptuales reales de la comparación, con el fin de superar las barreras entre los diferentes derechos y las distintas concepciones jurídicas, es decir, facilitar su diálogo.

Las reflexiones desarrolladas en torno al problema metodológico, los fines de la comparación y la utilidad de la misma (Ancel, 1949, p. 512 y ss.; Id., 1974, p. 17 y ss.) plantearon, al mismo tiempo, la necesidad de identificar una disciplina cuyo objeto era esencialmente la divulgación de los resultados del razonamiento comparativo.

Por lo tanto, desde los primeros debates se desprende que los dos aspectos de la materia, es decir, el método y la ciencia comparada, constituyen expresiones imprescindibles de una nueva forma de entender y conocer el fenómeno jurídico. Las orientaciones que han animado la materia son numerosas y demuestran cómo la investigación comparativa es un estudio complejo y diferenciado (Somma, 2020, p. 241 y ss.). Esta complejidad es probablemente la base de la confusión que aún existe hoy en día en torno a la enseñanza y la representación de las disciplinas comparativas.

En este sentido, resulta bastante explicativa la corriente de pensamiento que considera la comparación jurídica como una pluralidad de métodos para el estudio y la enseñanza del derecho (Kahn-Freund, 1965).

La expresión de una renovada profesionalidad en la intención, conocimiento y enseñanza del derecho (civil, penal, administrativo o de cualquier otro sector, así como de cualquier otro ordenamiento) se presenta desde una perspectiva realmente completa, que se preocupa por analizar el dato normativo, ya sea legislativo o derivado de casos, no porque esté cristalizado en una forma determinada, sino como una experiencia global y relativa al mismo tiempo. En otras palabras, al reconocer el fenómeno jurídico como un hecho problemático y complejo, surge la necesidad de investigar más allá del mero dato textual, armonizado únicamente con el derecho interno[9].

[9] Sobre el argumento, véase Glendon *et al.* (1994), en Mattei *et al.* (2009, p. IX y s.), se aclara que la elección de un enfoque práctico que privilegia el método, abordando temas que van desde el derecho de los contratos, el de sociedades, el derecho internacional privado, y enriqueciendo las ediciones posteriores con partes dedicadas al derecho procesal, constitucional y administrativo, es el reflejo de la cultura jurídica estadounidense. La intención es ofrecer la posibilidad al jurista práctico de gestionar casos o negocios en los que el derecho aplicable no sea el autóctono, sino extranjero. Sin embargo, el objetivo final es comprender los rasgos profundos de los ordenamientos jurídicos. El momento especulativo se capta precisamente a través del examen de casos, idealmente dirigido a ilustrar las grandes opciones de política del derecho, las opciones teóricas e ideológicas de los diferentes ordenamientos, así como la diferencia entre enunciaciones normativas y prácticas de aplicación. Sobre la enseñanza del derecho comparado en Estados Unidos, véase Smorto (2013, p. 555 y ss.).

En este sentido, la comparación indica una metodología de investigación destinada a determinar cuál es la regla realmente operativa en un lugar y en un momento histórico determinados. Esto se basa en la creencia de que la regla que se deriva de la simple lectura del texto vigente (law in books) puede ser muy diferente de la realmente aplicada (law in action). Este tipo de observación permite realizar importantes contribuciones a la renovación tanto de cualquier rama de la ciencia del derecho como de las formas tradicionales de describir un ordenamiento jurídico (Gorla, 1981, p. 1 y ss.).

Esta doctrina, al negar al derecho comparado la dignidad de una autonomía propia en el conocimiento y la enseñanza, esboza, sin saberlo, el ámbito en el que se desarrolla esta materia, como una ciencia dirigida a identificar criterios y elementos cognitivos que contribuyen a definir la identidad de un ordenamiento[10] o de un grupo de ordenamientos en términos de tradición jurídica[11] o de sistema[12].

De hecho, allí donde el erudito comparatista identifica la tarea de reescribir, a la luz de la comparación, "el catálogo de fuentes del derecho, reconociendo cada vez más el valor del derecho como experiencia, contra la idea positivista y dogmática del fenómeno jurídico", e insta a la comparación "con un fenómeno jurídico cada vez más variado, complejo y cambiante en su dimensión planetaria (sin estado y transnacional)", se supone[13] implícitamente la existencia de una ciencia propia que estudia, investiga y elabora las categorías y nociones típicas de las normas internas, con el fin de desvelar la estructura más compleja y profunda del derecho como realidad histórico-cultural.

En otras palabras, la visión comparativa del derecho (entendida de forma positiva) revela una determinada concepción del orden social, de la cual se desprende la función

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[10] Por Gorla (1989, § 2.4), una de las contribuciones fundamentales que ofrece la comparación jurídica consiste en superar las formas tradicionales de describir un ordenamiento jurídico sólo desde el punto de vista normativo. El estudio comparativo del derecho positivo trasciende el dato normativo, territorial y temporalmente limitado, para abrazar una visión más amplia que tenga en cuenta la historia de un determinado derecho positivo, el pensamiento jurídico (de casos, sistemático, conceptualista), los modos de enseñanza del derecho, la formación de jueces, abogados, administradores públicos y su c.d. profesión legal, el estilo de las leyes, las sentencias y las obras doctrinales, las relaciones de hecho entre la legislación, la jurisprudencia y la doctrina, el conjunto de estos factores contribuyen a construir o distinguir las c.dd. familias de sistemas jurídicos.

[11] Glenn (2014) prefiere evitar cualquier tipo de clasificación poniendo en el centro de su propio tratamiento el concepto de tradición, de la que no da una definición sistemática, para evitar el riesgo de ofrecer un enfoque aún eurocéntrico y pan-positivista, que se muestra indiferente hacia las situaciones de pluralismo jurídico, y de innovación continua que acompaña al derecho en su dimensión vital. La a. al describir las tradiciones jurídicas (ctonia, talmúdica, civil law, islámica, common low, hindú, asiática, confuciana), a cada una de las cuales reconoce igual grado de dignidad, identifica cual centro relativamente estable de cada una de ellas, en lugar de las meras fuentes de producción formales, los procesos de producción del derecho, como este, es decir, sea pensado, aplicado y estudiado.

[12] La clasificación en sistemas jurídicos que ha creado mayor eco es de David (1960).

[13] Moccia (2005, p. 82 y ss.), niega la autonomía científica al derecho comparado, atribuyendo al erudito comparatista la tarea de arraigarse en lo concreto de las experiencias jurídicas con el fin de compartir problemáticas y necesidades comunes.

y el modo de aplicación del propio derecho. Esta realidad trasciende el dato normativo, que es territorial y temporalmente limitado, para dar paso a una visión más amplia, relacionada con el razonamiento jurídico y la mentalidad de los juristas que lo utilizan, así como con el complejo de actitudes culturales que constituyen un sistema de valores en la base de un conjunto de ordenamientos jurídicos. En este sentido, se puede delinear la noción de tradición jurídica.

Por lo tanto, aunque se puede argumentar que la comparación es solo un método para observar un cuerpo de normas y principios[14], los nuevos conocimientos y los resultados que derivan a menudo se caracterizan por rasgos de originalidad, que quedarían excluidos si se limita a la mera actividad de conocimiento jurídico. De hecho, las opciones de la investigación comparativa individual son muy amplias, múltiples y complementarias, abarcando los enfoques dirigidos a comprender las diferencias y las posibles convergencias entre los distintos ordenamientos o los institutos individuales. Esto significa que el erudito comparador goza de una libertad cultural desvinculada de un ámbito disciplinario rígidamente asignado en el panorama de los estudios jurídicos[15], es decir, de los temas y métodos clásicos en cuanto al objeto y al fin.

Sin embargo, esta notable amplitud de vocación jurídica no debe confundirse ni con la arbitrariedad ni con el desorden metodológico, fuera de los principios informadores y de orientación en la investigación. La comparación jurídica está ahora sujeta a un estricto control de su racionalidad y de la correcta metodología. Por esta razón, puede ser considerada una de las disciplinas jurídicas más cualificadas[16].

Evolución de la comparatística jurídica y papel de las asociaciones supranacionales del derecho comparado

La discusión a nivel internacional sobre el papel y la importancia del derecho comparado comienza con el Congreso de París de 1900, bajo el impulso de dos juristas franceses, Raymond Saleilles y Édouard Lambert, quienes consideraban la comparación una herramienta fundamental para ampliar los conocimientos jurídicos y permitir un desarrollo creativo del derecho positivo a través de la observación de la evolución de los ordenamientos pertenecientes al mismo grado de civilización, así como

[14] En cuanto a la comparación como actividad de "conocimiento puro" del derecho, véase Gorla (1963, p. 928 y ss.), que aclara aún más Id. (1983, p. 3 y ss.), que los usos y propósitos de los conocimientos comparativos son tales y tantos que pueden considerarse inmanentes en la propia comparación.

[15] Precursor de esta intuición de la comparación jurídica como espacio de "libertinaje intelectual", tal punto de reflexión es ofrecido por Sacco (1982, p. 53 y ss.), en su retrato de Gino Goria, es Amari (1857).

[16] Serio (2011, p. 12 y ss.) allá donde analiza los elementos portadores del discurso comparativo.

de la comunidad de soluciones y de los institutos jurídicos (Saleilles, 1890, p. 181; Lambert, 1903, pp. 15 y ss., 914 y ss.; Clark, 2001, p. 875 y ss.). Los dos estudiosos, antes del actual reconocimiento del carácter multidimensional y complejo del fenómeno jurídico[17], reconocían en el derecho comparado la disciplina idónea para la elaboración de un derecho común de la humanidad, con valor subsidiario respecto a la interpretación de las normativas internas y de las reformas legislativas (Saleilles, 1900, p. 383 y ss.).

Se comienza así a reconocer la múltiple vocación de la investigación comparada, asignándole funciones concretas e inmediatas desde una perspectiva actual. Además, se plantea oficialmente la pregunta acerca de la naturaleza del derecho comparado: si podría ser considerado una "ciencia" merecedora de enseñanza autónoma o un simple "método" de estudio para el conocimiento de los derechos extranjeros[18].

En efecto, habiendo quedado aclarado el reconocimiento del estudio comparativo como un importante instrumento de educación jurídica, la introducción oficial en los programas didácticos de las universidades todavía sufría de una sensible deficiencia y disparidad en sus mecanismos de acción y divulgación. Esto se debía a las grandes divergencias sobre su contenido, que frecuentemente se reducía al simple conocimiento del derecho extranjero o a una mera descripción de los resultados prácticos a los que conducen las instituciones jurídicas objeto de comparación.

Esta incertidumbre era el resultado natural de la libertad asignada a la investigación jus-comparativa que, en virtud de las funciones y finalidades que se entiende perseguir[19] con ella, ha incidido, desde los primeros debates, sobre el objeto del derecho comparado. A veces, ha comprimido este objeto y, a veces, lo ha expandido, creando una especie de desorientación en relación con una posible y unívoca enseñanza académica general. Era, por lo tanto, necesario que la discusión se desarrollara en el intento de aclarar los aspectos de la comparación jurídica.

Al respecto, se ha evidenciado que la tarea más delicada del comparatista del derecho enfrenta el imperativo de un previo conocimiento de los factores salientes y de connotación

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[17] Sobre la complejidad del fenomeno Derecho, véase David y Jauffret-Spinosi (1994, p. 16).

[18] Para una sintesis de la orientación surgidas en el congreso de Paris, véase, Constantinesco (1996, p. 139 y ss.).

[19] Sobre la multiplicidad de las finalidades teóricas (mejor comprensión del proprio derecho, utilización de los conocimientos comparativos por parte de otras disciplinas, instrumento de individualización de las leyes de evolución del derecho y además de educación y de formación del jurista, elaboración de una Teoría general para la estandarización del derecho, medio de cooperación internacional y de paz) y prácticos (Función de orientación y control para un corecto conocimiento y aplicación del derecho extranjero en el ordenamiento interno y, por lo tanto, de una eventual recepción, individualización de principios comunes para la elaboración para los tratados internacionales, o sea, de un derecho sobre nacional como por ejemplo: el derecho positive comunitario europeo) véase Constantinesco (2000, p. 260 y ss.9.

del sistema jurídico que se comienza a indagar. Lo anterior significa que cualquier investigación comparativa del derecho no puede prescindir del estudio y de la identificación de los elementos jurídicos connotativos del ordenamiento, los cuales permiten individualizar la correcta estructura y el concreto funcionamiento del correspondiente orden jurídico.

En otros términos, en la base de la comparación entendida como ciencia, existe la necesidad de verificar las posibles convergencias entre las diversas tradiciones jurídicas de varios países del mundo, en relación con la tendencia de todos los organismos del Estado y supranacionales hacia la estandarización del derecho. Esta estandarización se concibe como una forma de alcanzar una unidad cultural contemporánea que pondría fin a las continuas dudas que enfrentamos cada vez que se considera necesario establecer contactos con diferentes culturas[20].

Por lo tanto, el conocimiento de los caracteres sistemológicos del derecho individual[21] constituía (y constituye) la base común desde la que se desarrolla el horizonte de los conocimientos jurídicos relacionados con los ordenamientos extranjeros. En consecuencia, para identificar la ciencia del derecho comparado, parecía necesario, en primer lugar, delimitar el alcance de la investigación en función de si se refería a reglas, institutos, conceptos o ramificaciones del derecho; es decir, a los ordenamientos tomados en su totalidad y unidad[22].

De hecho, la circunstancia de que tantos juristas, cultores de materias positivas, utilicen la comparación induce a negar el carácter científico del derecho comparado, ya que puede practicarse recurriendo a una pluralidad de métodos, no siempre inapropiados en términos absolutos. Sin embargo, es igualmente innegable que los cultores del derecho comparado pueden presumir de habilidades y conocimientos específicos en términos de método comparativo, tales que eviten que todo pueda calificarse como comparación con disolución de la disciplina[23].

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[20] Gambaro y Sacco (2013, p. 3 ss.): la comparación, es decir, puede considerarse una rama de la ciencia jurídica, que (a la luz de los elementos más estables que caracterizan una tradición jurídica específica, sin olvidar que los mismos, aunque fijos, pueden sufrir modificaciones, y adaptaciones, especialmente a largo plazo), estudia los ordenamientos jurídicos en sus diferencias, también con el fin de encontrar para los mismos posibles analogías.

[21] El comparatista afectado por las diferencias de mentalidad que encuentra entre diferentes círculos jurídicos debería, en primer lugar, emprender el trabajo necesario para describir estas diferencias. Madura así el convencimiento que una disciplina especial, la sistemología, se ocupe de explicar "sobre una base experimental, cómo funciona de hecho el derecho positivo de aquel país". Así, Sacco R., 1990, p. 161 y s.

[22] Portale (2007, p. 10 y ss.), precisa que la comparación puede tener lugar a dos niveles: entre los institutos individuales en los distintos sistemas; entre las ideas fundamentales, el espíritu, el estilo que subyacen a la base de cada sistema.

[23] Véase para todos, Monateri (coord., 2012) e Id. (septiembre 25, 2012). En cuanto a la discusión italiana sobre los métodos de comparación que varían, al igual que cualquier discurso en torno al derecho, en virtud de la dirección cultural de su autor, véase Somma (2021, p. 388 y ss).

El mérito de haber trazado el perfil de la autonomía científica del derecho comparado debe atribuirse a los estudiosos que han contribuido al desarrollo de la sistemología[24]. Esta última se entiende como la disciplina dirigida a captar los elementos menos inestables de un determinado sistema[25], superando los obstáculos para su pleno reconocimiento mediante la identificación de requisitos y criterios de clasificación adecuados. Esto permite, en primer lugar, examinar un ordenamiento en su totalidad y, posteriormente, las relaciones entre los órdenes jurídicos, con el fin de simplificarlos en grupos de *Legal Systems*[26].

Si bien importantes comparatistas han demostrado que ninguna clasificación es inmutable ni[27] resistente a la innovación (Constantinesco, 2003, p. 437 y ss.), y, por lo tanto, cada una de ellas sufre de cierta parcialidad[28], no se puede negar al derecho comparado su propia dignidad científica. Esto es especialmente evidente donde es posible identificar las características esenciales de la ciencia: nuevos conocimientos, métodos, propósitos y un ámbito de aplicación propios (Favale, 2003, p. XXVII).

El problema, por tanto, ha sido precisar las precauciones metodológicas necesarias para garantizar la exactitud científica de la comparación, ya sea proporcionando una definición del método comparativo o identificando las condiciones reales de existencia de una ciencia autónoma. Para ello, es necesario mencionar a las academias y asociaciones supranacionales, como la Société de Législation Comparée, la Académie Internationale de Droit Comparé y el International Science Council (ISC).

Estas organizaciones, mediante una significativa red de corresponsales tanto institucionales como individuales, nacionales y extranjeros, promueven el debate comparado sobre las instituciones jurídicas y la normativa. En términos más generales, la

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[24] Entre las primeras contribuciones a la elaboración de una teoría general del "sistema" jurídico, connotada por una racionalidad de tipo sistemático y dotada de su propia coherencia interna, véase.: Arminjon et al. (1950, p. 22 ss.); David (1960, p. 15 y ss.); Ancel (1974, p. 17 y ss.); Zweigert y Kötz (1998).

[25] El estudio de un orden jurídico en su conjunto, con el fin de identificar diferencias y analogías con respecto a otros ordenamientos, debe llevarse a cabo a la luz de los elementos más estables (concepción, papel, interpretación e institutos típicos del derecho, sistema de valores e ideológico en la base de un ordenamiento, constitución económica) que caracterizan una tradición jurídica específica, sin olvidar que los mismos, aunque fijos, pueden sufrir modificaciones y adaptaciones, especialmente a largo plazo, véase Gambaro y Sacco (2013, p. 12).

[26] Merryman (1969, p. 7 ss.) define un sistema jurídico como el conjunto de instituciones, procedimientos y reglas jurídicas no transeúntes, aplicadas en un determinado territorio o a una determinada comunidad (local, estatal, supraestatal).

[27] Las taxonomías como tales conservan su incapacidad para valorar el aspecto dinámico de los fenómenos estudiados para las contaminaciones subyacentes a la mutación jurídica, véase: Samuel (2014, p. 57 y s.); Gambaro y Sacco (2013, p. 15 y s.).

[28] Por Pascuzzi (2017, p. 1196), las taxonomías "a la larga pueden impedir abordar la complejidad de los problemas", y se corre el riesgo de "encarcelar en un esquema prestablecido la realidad pulsante y cambiante de un ordenamiento jurídico" (Serio, 2011, p. 21).

discusión involucra las funciones de la comparación y el futuro del derecho. Permiten comprender, desde una doble perspectiva histórica y comparativa, las opciones sobre las reformas legislativas, en una visión más amplia que se extiende a las interacciones entre el contexto jurídico nacional e internacional. Esto se logra a través de un enfoque colaborativo que permite a estas comunidades supranacionales compartir, sobre temas seleccionados, textos jurídicos de referencia, sus propios comentarios sobre dichos textos, así como realizar contribuciones libres.

En particular, al establecer vínculos científicos con grupos o corresponsales extranjeros de los cinco continentes, sus miembros se esfuerzan por investigar los principios universales que operan en el centro de ordenamientos jurídicos aparentemente diferentes, con el fin de sacar a la luz los principios generales comunes que los impregnan. A través de numerosas reuniones entre académicos y profesionales de diferentes países, se comparan las soluciones adoptadas por las legislaciones nacionales sobre el mismo tema y se confía a conferencias internacionales de derecho comparado la tarea de discutir y abordar temas transversales.

El método del Derecho comparado.

La metodología comparativa[29], desarrollada para los cultores del derecho comparado en el área del *civil law*, requiere que la investigación se realice con la certeza de que no existe una única visión de un ordenamiento jurídico o de un instituto. Su consistencia real se fundamenta en una multiplicidad de facetas establecidas por los diversos actores de la escena jurídica: legisladores, jueces, administradores, ciudadanos, empresas, académicos y medios de comunicación. Se han introducido, por tanto, nuevas herramientas de investigación que superan los cánones de la dogmática y de la exégesis de la norma, típicos del jurista municipal, desvinculándose del análisis operativo concreto, del peso del dato jurisprudencial y de la evolución doctrinaria en la materia[30].

El objetivo del comparatista, sin embargo, no es proporcionar una imagen auténtica, sino una imagen fiable y adaptable a los contextos (Zeno-Zencovich, 2021, p. 379), capaz también de reflejar el sistema de poder o el sistema económico subyacente (Watson, 1993, p. 107). Las soluciones técnico-jurídicas pueden, de hecho, ser diferentes de aquellas

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[29] Sobre la scientificidad del método comparativo, v.: Constantinesco, 2000, p. y 103 ss.; Zweigert y Kötz, 1998, p. 56 y ss.; Knapp, 1978, p. 335 y ss.

[30] Sobre la teoría de los formadores-normas legales, proposiciones doctrinales y reglas jurisprudenciales-, desarrollada para subrayar el diferente enfoque del comparador para el análisis de los componentes del derecho, v. Sacco R. y Rossi P., 2019, p. 55 y ss. Sobre el análisis funcional, de interés para quienes pretenden hacer comparaciones unificadoras y de comparación posmoderna, v., para todos, Fideli, 1998.

contempladas por el sistema conceptual típico del mismo orden jurídico (Zweigert y Kötz, 1998, p. 37 y ss.).

El uso de una metodología adecuada permite distinguir entre los estudios que, a través de diversos métodos, se ocupan de cualquier aspecto del derecho extranjero y aquellos orientados a captar el valor exacto de las relaciones existentes entre los derechos. Solo en estas últimas hipótesis se puede identificar realmente la calidad científica de una investigación comparativa. Esto ocurre cuando la fisonomía del término individual a comparar se reconstruye tanto desde el punto de vista estructural[31] como desde la equivalencia funcional (Van Hoeck y Warrington, 1998, p. 495 y ss.).

Por ejemplo, se trata de una investigación dinámica realizada sobre la base de los diferentes factores jurídicos que afectan la efectividad de la norma jurídica en el marco del ordenamiento al que pertenece el término[32]: jerarquía de valores y de las fuentes, categorías y conceptos fundamentales, así como el papel y el significado de las normas constitucionales. No se debe dejar de lado el aspecto metajurídico que condiciona la realidad del derecho y su aplicación concreta, como los datos políticos, económicos, históricos y sociales[33].

Se desprende así de una mera extensión del razonamiento jurídico autóctono a los derechos extranjeros, con el fin adicional de comprender los fenómenos jurídicos en un ámbito no necesariamente regional (Legrand, 1999, p. 1053 y ss.; Amico di Meane, 2019, p. 185 y ss.).

La unificación internacional del derecho, o, en general, la convergencia de los derechos nacionales, constituye de alguna manera una finalidad esencial de la comparación jurídica moderna . El estudio comparativo del derecho positivo permite inventariar todas las posibles interpretaciones como elementos relevantes para una correcta configuración de los problemas, teniendo en cuenta no solo lo que surge de la regla escrita y

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[31] La estructura lógica de la comparación se mueve a partir de la propuesta de promover la asimilación o diferenciación de los objetos comparados. Para una mayor profundización de este enfoque, v. Smelser N.J., 2013.

[32] La comparación estructural también tiene como destacar los elementos latentes de un sistema, es decir, los "criptotipos" (Sacco, 1981, p. 273 y ss.; Id., 1989, p. 39) y "Le mentalità" (Gambaro, 2004). Estos elementos surgen de la ley en acción, es decir, de los resultados de los hechos de la toma de decisiones. Esta investigación no puede dejarse de lado, porque permite captar la percepción exacta de la regla jurídica en virtud del contexto metacientífico relativo. Esta última, de hecho, en su operatividad concreta y a nivel inconsciente podría expresar conceptos y dinámicas jurídicas sólo verbalizados o incluso a la espera de ser descubiertos.

[33] Sobre la necesidad de proceder a una disociación entre las técnicas jurídicas y los valores a cuya aplicación se dirigen esas técnicas, v. Somma, 2021, p 392.

[34] En el momento en el cual a los comparatistas se les dio la tarea de identificar las tendencias difundidas en los ordenamientos con características económicas y sociales asimilables, es decir, unidas por compartir un mismo nivel de "civilización jurídica", v.: Yntema, 1942, p. 261 y ss.; Clark, 2001, p. 875 y ss.

no escrita, sino también de los conocimientos desarrollados en el ámbito de otras disciplinas ("Las tesis de Trento" de Gambaro *et al.*, 1988, p. 52 ss.). Estas últimas, en efecto, pueden ofrecer criterios objetivos para comprender tanto las razones que inducen a privilegiar la elección de una regla en lugar de otra, como las valoraciones de oportunidades realizadas por sujetos que activan el funcionamiento de la misma.

La ayuda interdisciplinaria también resultó útil para el estudioso privatista comparativo al trasladar el centro de interés del mero conocimiento formal o sustancial de las normas al control y valoración de los resultados atribuibles a ellas. Un ejemplo es el aporte del análisis económico del derecho, cuya metodología ha sido utilizada por los comparadores con un doble propósito. En primer lugar, para conocer las consecuencias producidas por las normas y comprender las razones que regulan el flujo de los modelos jurídicos, así como la mayor utilidad y eficacia de algunos de ellos en comparación con otros y, en consecuencia, su difusión también en sistemas distintos de los originales. En segundo lugar, para evaluar la "comparative efficiency"[35] y favorecer la adopción de una regla en lugar de otra[36].

Autonomía científica del Derecho Comparado

Cuando la comparación jurídica se utiliza con el fin de estudiar y conocer dos reglas que realmente funcionan en diferentes entornos jurídicos y sociales, puede aplicarse a todos los ámbitos del derecho. Este enfoque permite profundizar en las materias jurídicas individuales y en los institutos que las caracterizan, así como adquirir una serie infinita de conocimientos de carácter microcomparatístico que enriquecen las disciplinas correspondientes.

La ciencia del derecho comparado adquiere relevancia y autonomía cuando, entre la multitud de nociones e institutos identificados por el método comparativo, se eligen aquellos con un alcance significativo (los llamados elementos determinantes)[37]. A partir

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[35] Sobre la relación entre el análisis económico y la comparación jurídica véase Mattei (1998). Los ordenamientos a veces se ven obligados a comportamientos sub-óptimales, ya que los costes de transacción, es decir, los obstáculos que pesan sobre los intercambios celebrados entre diferentes sujetos, son elevados. Cuestiones formales, terminológicas y de procedimiento, son habitualmente el mayor obstáculo para la circulación de normas de un sistema a otro, más que el contenido de la propia norma. En el tema, para un resumen explicativo, véase Ajani y Pasa (2013, p. 59 y ss.).

[36] Gambaro, 1996, p. 235 y ss. El análisis económico del derecho tiene como objetivo explicar las razones por las que determinadas disposiciones encuentran espacio en el ordenamiento y cuál es el tipo de normas que realmente deberian adoptarse. En esencia, la eficiencia se considera el criterio que guía la asignación de recursos escasos y se convierte en competencia con el de la justicia. Al proceder, se considera posible evaluar el trade-off entre los costes y los beneficios de una determinada elección instituciona. Para profundizar en el tema y para los orígenes de Law & Economics, véase Cooter *et al.*, 1999, p. 22 y ss., p. 92 y ss. Sobre la contribución del Análisis Economic analisy of law, véase Friedman, 2001.

[37] Sobre los parámetros adecuados para clasificar los elementos a comparar dentro de un ordenamiento y sobre la distinción entre elementos "fungibles" y "determinantes", véase Constantinesco, 1996, p. 223 y ss.

de este estudio, se plantean cuestiones que nunca han sido profundizadas ni tratadas y que, por tanto, no son objeto de ninguna otra materia.

Por lo tanto, no se estudian los elementos jurídicos aislados, sino las estructuras fundamentales de los ordenamientos jurídicos analizados y los perfiles característicos de los mismos. En este sentido, se perfilan dos niveles de aplicación de la comparatística: la "microcomparación" y la "macrocomparación" (*supra* n. 8), mediante los cuales se puede distinguir entre el método comparativo y la ciencia del derecho comparado, tanto desde el punto de vista del objeto como de los objetivos de la investigación.

Las investigaciones útiles para identificar la tradición jurídica en la que se subsume el ordenamiento investigado se llevan a cabo a un nivel macroeconómico. En este contexto, la comparación no necesariamente debe suponer una afinidad entre los términos que se comparan; es suficiente que esta comparación pueda generar resultados útiles para la elaboración de familias, tradiciones y sistemas jurídicos[38].

Se identifica, así, el ámbito de una enseñanza autónoma: ninguna otra materia estudia los ordenamientos jurídicos en su conjunto ni examina sus relaciones, con el fin de elaborar esquemáticamente un marco del mundo jurídico contemporáneo.

En resumen, a la ciencia del derecho comparado le corresponde la tarea de analizar, definir e interpretar la realidad jurídica universal en su complejidad y variedad. Esto también permite responder afirmativamente a la pregunta sobre la utilidad actual de una investigación nomológica-deductiva de los "Elementos determinantes" de un sistema jurídico, los cuales permiten su clasificación (Carducci, 2013, p. 339). En efecto, si bien el impulso universalista de los derechos condiciona la esfera de eficacia de los formadores (legislativo, judicial, doctrinario), en lugar de suscitar dudas sobre el valor de la sistemología, induce más bien a identificar nuevos criterios para conocer y observar las diferentes formas de entender el derecho, tanto como modelo jurídico como en sus aplicaciones y transformaciones.

El reconocimiento oficial del relieve científico de esta materia, que ofrece nociones capaces de facilitar la comparación entre diferentes culturas jurídicas, no debería ser ahora más cuestionable en la actual perspectiva multidimensional del derecho, donde también se hace necesario comprender las razones por las cuales un modelo puede circular e imponerse más fácilmente que otro.

De hecho, a pesar de que es pacífico que las taxonomías jurídicas son incapaces de valorar el aspecto dinámico de los fenómenos estudiados (Samuel, 2014, p. 57 y ss.),

[38] obre la relevancia de las agrupaciones en familias tanto en la enseñanza como en la didáctica, véase (Cuniberti, 2013, p. 71 y ss.).

y aunque es necesario considerar la circunstancia de que "el mundo jurídico actual es un mundo de contaminaciones en lugar de un mundo dividido en familias jurídicas" (Monateri, 2003, p. 591), el estudio de los sistemas permite abordar el problema de la reclasificación desde distintos perfiles.

En primer lugar, es necesario revisar las clases tradicionales de familias jurídicas. Esto se debe no solo a la hibridación de los modelos, sino también a la presencia, dentro de la misma tradición, de características distintivas que no se pueden pasar por alto. Un mero ejemplo, aunque existen múltiples ideas en las nuevas reflexiones, surge de la propia zona europea, donde no se puede prescindir de la presencia de un sistema escandinavo que se distingue notablemente (Varano y Barsotti, 2021, p. 46 y ss.).

En segundo lugar, cada clasificación debe enfrentarse periódicamente a la dimensión supranacional del derecho, que se refiere a la coexistencia de diferentes ordenamientos dentro de las fronteras de un mismo Estado (por ejemplo, derecho interno, derecho comunitario o supranacional y derecho internacional). De lo contrario, se limita la capacidad de comprender plenamente las transformaciones del derecho, no solo a nivel regional, sino también a escala global[39], en virtud de los procesos de uniformización y modificación.

En tercer lugar, la ampliación y la intensificación de los intercambios político-económicos han despertado un interés concreto también hacia el conocimiento de los grandes sistemas extraeuropeos, donde los métodos de investigación tradicionalmente utilizados por el comparatista del derecho resultaron inadecuados para comprender y describir las realidades jurídicas locales. Véase, por ejemplo, los derechos chino, indio, africano, o las transformaciones del derecho islámico. En estas hipótesis, si se descuida la necesidad de elaborar nuevas herramientas de lectura, una eventual clasificación de ellas, además de no ser útil para la reconstrucción exacta de las mismas, corre el riesgo de convertirse en un conocimiento reductor y perjudicial de modelos que, en cambio, se prestan a una profundización digna por su carácter peculiar y las especificidades que caracterizan sus elementos portantes[40].

Los defensores del derecho comparado se han ocupado ampliamente de estos aspectos, proponiendo taxonomías diseñadas para la clasificación de ordenamientos jurídicos. El derecho, entendido como una cultura jurídica[41] diversificada en virtud de sus

[39] La observación surge de la investigación del derecho en una perspectiva globalizada llevada a cabo por Bussani (2010).
[40] Sobre los criterios de clasificación su significado actual y su utilidad para la ciencia y el conocimiento del derecho, sobre las diferentes formas en que los componentes jurídicos de un sistema se transfieren de un contexto social y jurídico a otro, sobre las nuevas herramientas metodológicas que puedan resultar útiles en la investigación centrada en las realidades jurídicas extraeuropeas, véase Guadagni y Castellucci (2013, p. 262 y ss.); Timoteo y Lebing (2013, p. 223 y ss.); Amirante (2013, p. 239 y ss.); Piccinelli (2013, p. 369 y ss.).
[41] Sobre el concepto de legal culture, véase Nelken (2007, p. 109 y ss.).

propias tradiciones, no es un objeto del mundo físico, sino del social, y está en constante cambio. Por esta razón, es muy difícil producir una única taxonomía de los sistemas jurídicos, lo que ha llevado a los comparatistas a utilizar múltiples criterios clasificatorios, de los cuales se intenta una ejemplificación exhaustiva.

Cada clasificación está casi siempre dirigida a representar los equilibrios políticos, identificando los rasgos distintivos de los distintos derechos, su origen histórico, la cultura profesional de los juristas, sus técnicas de trabajo, su vocabulario y sus conceptos, sin ofuscar las similitudes en el plano "ideológico", relativas a las "concepciones de la justicia", las "creencias religiosas o filosóficas" y las "estructuras políticas, económicas o sociales". Así, una primera clasificación reflejaba la subdivisión del mundo en las respectivas áreas de influencia, correspondientes a las siguientes "familias o grupos": latino, germánico, anglosajón, eslavo y musulmán (Esmein, 1900, p. 489 y ss.). Tras la Primera Guerra Mundial, el resultado fue la identificación de tres familias o "grandes sistemas": los países continentales con derecho escrito y codificado, los países de habla inglesa con la "costumbre jurisprudencial" y los países islámicos con el carácter religioso (Lévy-Ulmann, 1922, p. 85 ss.).

Después de la Segunda Guerra Mundial, se relativizó la distinción entre países de derecho codificado y no codificado, identificando la tradición jurídica occidental como fundada en los principios morales del cristianismo, en los principios políticos y sociales de la democracia liberal, y en una estructura económica capitalista. En este contexto, surge la distinción entre la familia de *common law* y la de *civil law*. A este eje sistemológico de apoyo se oponía el mundo soviético, basado en el credo socialista y en las diferentes características técnico-jurídicas e ideológicas (David, 1950, p. 215 y ss.). Sin embargo, el derecho sigue evolucionando y, con él, las clasificaciones que reflejan la repartición del mundo, siempre dictadas por los nuevos equilibrios (Mattei, 2017, p. 567 y ss.).

Surge, así, desde el Congreso de París, el vínculo entre el derecho comparado y la geopolítica, donde los sistemas se agrupan valorando su "formación histórica, la estructura general y los rasgos distintivos". Los cultores del derecho comparado se convierten, por este lado, en intérpretes de agendas geopolíticas. Se ha observado cómo la sistemología alimenta inevitablemente una "jerarquía mundial de las grandes familias" y una "jerarquía interna a cada una de ellas entre el tipo representante y el tipo representado" (Monateri, 2013, p. 12).

Otra taxonomía tiene como objetivo agrupar las tradiciones jurídicas (Merryman, 1973, p. 7 y ss.) a partir de la interacción entre el derecho, la sociedad y la política, con el fin de identificar criterios clasificatorios útiles para incluir tanto a las sociedades pertenecientes a antiguas culturas que aún existen hoy en día como a las sociedades contemporáneas que

ignoran la escritura y la historia (Glenn, 2011, pp. 75 y ss., 561 y ss.). Para abarcar estas sociedades, es necesario partir de sus valores fundantes, lo que implica dar relevancia a la pertenencia a una misma "civilización", identificativa de un mismo "estilo de vida", de un mismo "contexto ético teleológico" y de un mismo "ambiente material" (Constantinesco, 1996, pp. 107 y ss., 127 y ss.).

El objetivo de este texto es valorar el pluralismo jurídico a través de la propuesta clasificatoria de quienes agrupan las diversas experiencias a partir de los instrumentos de "control social", considerados "todos dotados del requisito de la legalidad en el sentido sintomatológico": el derecho, la política y la tradición. Esta clasificación pretende superar la estática de las descripciones, proponiendo un triángulo ideal. Los ángulos correspondientes constituyen los polos de atracción, en la cima de los cuales se sitúan Derecho, Política y Tradición, mientras que los lados representan la interacción entre los diferentes elementos a lo largo de los cuales se mueven los sistemas. Para cada ordenamiento, la relación de fuerza entre los tres polos puede experimentar oscilaciones y cambiar con el tiempo (piense en la influencia religiosa en el derecho de familia en los ordenamientos francófonos hasta los años setenta del siglo pasado).

Todos aquellos ordenamientos en los que la norma (Derecho) goza de una primacía absoluta en la organización de la sociedad dan lugar a la "familia con hegemonía profesional" (piense en la tradición jurídica occidental: *common law/civil law*), donde el derecho representa y disciplina las necesidades sociales en virtud de su evolución y cambios concretos. Esta área comprende los sistemas en los que la norma legal se desarrolla independientemente de la discrecionalidad de la acción política. De hecho, aunque esta última, en todos los ordenamientos de base parlamentaria, sea el principal motor de la legislación, lo que marca la diferencia es el principio democrático.

En las áreas caracterizadas por la "hegemonía política", las macroescogencias y muchas de las microescogencias se mantienen en el poder político, y el derecho es funcional para lograr el propósito político, como la finalización de la transición al mercado, es decir, el logro de objetivos de desarrollo (piense en los países africanos o latinoamericanos).

Por último, está la "familia de hegemonía tradicional", en la que la norma jurídica sigue influenciada por la regla religiosa (derecho islámico) o filosófica (Lejano Oriente, India).

Según esta clasificación, un ordenamiento nacional puede remontarse a una agrupación específica, pero al mismo tiempo se valoran los elementos capaces de reconducirlo a una agrupación diferente. Por ejemplo, los países postsocialistas siguen cerca de la cumbre de la política, a pesar de haber comenzado su marcha hacia el derecho, es decir, hacia la familia caracterizada por la hegemonía del derecho como modelo de organización social. La evolución del derecho musulmán es todavía distinta y se sitúa entre la

tradición y la política: la norma jurídica, influenciada por la tradición religiosa, parece seguir siendo funcional para lograr una estructura políti[42] .

Conclusiones

A pesar de que las clasificaciones están limitadas por la incapacidad de representar el aspecto dinámico de la circulación de las reglas y modelos jurídicos[43], siguen siendo la herramienta de investigación más adecuada para abordar una realidad en constante evolución.

Como se mencionó, la tarea del comparatista también consiste en reconstruir y representar el complejo operativo de entidades que pueden definirse, para cada uno de los casos, como no gubernamentales, supranacionales o internacionales. En este último caso, los fenómenos de agregación supranacional que producen normas obligan a la sistematología a ocuparse también de la dimensión globalizada del derecho, que se refiere a la existencia de diferentes ordenamientos (reglas transnacionales) dentro de las fronteras de un mismo Estado.

La capacidad de comprender plenamente los procesos de transformación y unificación del derecho a escala global, como en el sector financiero, la justicia penal internacional o las reglas del comercio, enfrenta la dificultad de representar estos cambios al reducir los criterios de clasificación a unas pocas unidades. En lugar de suscitar críticas sobre el riesgo de que cualquier taxonomía pueda resultar inadecuada, simplemente se imponen más evaluaciones, ya sea en las clasificaciones de órdenes jurídicos y sistemas[44], o sobre la posibilidad de elaborar otras categorías de comparación (Pegoraro, 2013, p. 334).

El derecho comparado, en el ámbito del conocimiento jurídico, es una materia compleja, lejos de estar sedimentada y aún rica en elementos argumentativos. La dificultad objetiva de contraponer un sistema a otro[45] y la consiguiente parcialidad de

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[42] Para cada ordenamiento, la relación de fuerza de los tres polos diferentes puede conocer oscilaciones y cambiar con el tiempo (Mattei, 1994, pp. 775 y ss.; Id. y Monateri, 1997, p. 79). Piensese, por ejemplo, en la Resistencia y operatividad del sustrato jurídico-religioso islámico en las modernas codificaciones (Piccnelli, 2013, p. 374). La hegemonía de la tradición religiosa, capaz de influir sobre las reglas del mercado y su comportamiento, ha permitido al sistema financiero islámico resistir la crisis económica mundial y ha llevado a reflexionar sobre la oportunidad de analizar y evaluar la dimensión ética de la economía, como criterio general para formular sugerencias de Policy eficaces para la búsqueda del bien común también en el mundo occidental (Russo, 2014).

[43] Las clasificaciones tradicionales parecen ahora superadas por la velocidad con la que los trasplantes jurídicos afectan a la morfología de los ordenamientos y la investigación comparativa parece hacer propio un enfoque diferente, véase: Heydebrand (2001, p. 117 y ss.); Reimann (2000-2001, p. 1103 y ss.); Menski (2006); Muir Watt (2019, p. 599 y ss.); De Cruz (2007, p. 493 y ss.); Twining (2007, p. 69 y ss.); Reid (2003, p. y 5 ss.); Visser (2003, p. 41 y ss.); Palmer (2006-2007, p. 1205 y ss.); Castellucci (2008).

[44] Las clasificaciones pueden y deben estar sujetas a volver a visitar, véase Pozzo (2013, p. 13 y ss.).

[45] Para Ancel (1974, p. 65) no se puede agrupar una familia "de derecho occidental", a nivel de derecho comparado general, ya que demasiadas diferencias serían relegadas a la sombra. En el mismo sentido, Dannemann (2006, p. 389 y ss.). También Gordley (2013, p. 94 y ss.) se muestra crítico frente a las clasificaciones.

las clasificaciones de los sistemas en familias jurídicas contribuyen[46] a mantener vivo el debate doctrinario y la atención del estudioso sobre los aspectos epistemológicos del mismo.

En último análisis, la ciencia y la enseñanza del derecho comparado tienen por objeto, directa y predominantemente, las categorías sistemológicas y las metodologías comparativas. Por esta razón, la reflexión sobre el papel y el fundamento de la comparación jurídica no puede prescindir de un enfoque interdisciplinario y, por tanto, de una comparación con otras disciplinas humanas y sociales, en primer lugar, la historia del derecho, la antropología jurídica y la economía, con las que la comparación presenta el entrelazamiento más inmediato. Esto incluye también a los cultores del derecho positivo, cuya producción científica a menudo incluye referencias comparativas más o menos articuladas. El objetivo es identificar nuevos propósitos para el desarrollo de la comparatística jurídica, y no solo la mera conservación de la correspondiente disciplina.

Entre los juristas italianos, la reflexión sobre el fundamento de la comparación jurídica y su estatuto epistemológico sigue viva y está abierta a una interlocución con estudiosos capaces de estimular nuevas reflexiones en torno a la sistemología y la metodología comparativa.

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[46] Constantinesco (2003, pp. 59-140). En este sentido, véase también Gambaro (2012, p. 33), precisamente porque ninguna clasificación es inmutable y resistente a la innovación, afirma además que "cada uno las construye de una manera adecuada a sus fines".

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SOBRE EL LIBRO AU VOLEUR! ANARCHISME ET PHILOSOPHIE DE CATHERINE MALABOU

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La importancia de su libro para esclarecer la relación que mantiene la filosofía crítica con la anarquía, así como para ayudarnos a repensar el anarquismo, queda sobradamente evidenciada por la enorme repercusión mediática que ha tenido y, sobre todo, por la cantidad de reseñas, citas, comentarios y debates que ha suscitado tanto en los medios libertarios como fuera de ellos.

Le adelanto que soy una de las personas a las que su libro ha seducido; sin duda, esto se debe a que me siento en sintonía con sus argumentos, aunque me preocupan algunos aspectos que mencionaré al final de este comentario.

Si no voy a abordar aquí sus observaciones sobre lo que usted llama el "anarquismo de hecho", es sencillamente porque mi ignorancia en la materia es colosal. Aun así, comparto la importancia que otorga a este fenómeno y la idea de que, gracias, sobre todo, a la revolución informática, el capitalismo se ha "anarquizado", por así decirlo, pero solo por así decirlo.

Así que solo hablaré de lo que usted denomina "l'anarchisme d'éveil" (el "anarquismo emancipatorio", en una traducción arriesgada), parafraseando ocasionalmente sus propios comentarios.

Por ejemplo, hago mía su calificación de "resurgimiento del anarquismo" para caracterizar lo que ocurrió durante la gran manifestación de Seattle en 1999, así como en todas sus sucesivas réplicas.

No es que aquellos grandes movimientos políticos se viesen "polinizados" por unas ideas libertarias que estuviesen flotando en el aire en ese momento, sino que "reinventaron" literalmente principios organizativos y tácticas de corte anarquista a partir de las prácticas desplegadas en el seno de las propias situaciones de confrontación. Esto se repitió a lo largo del primer cuarto de este siglo en las numerosas revueltas que estallaron en todo el mundo.

Esta reinvención de principios libertarios en el seno de movimientos ajenos al recinto anarquista tradicional ha dado vida, como ya ocurrió en mayo de 1968, a lo que he denominado un "anarquismo extramuros".

También estoy totalmente de acuerdo con usted en que el anarquismo debe trabajar arduamente para repensarse a sí mismo, llevando a cabo un auténtico *aggiornamento*. En este sentido, aprecio mucho su expresión "el anarquismo que viene", algunos de cuyos rasgos ya se pueden discernir. Y, ya que nos encontramos aquí bajo los auspicios de la editorial libertaria Eleuthèra, este deseo de aggiornamento no puede sino avivar el recuerdo de aquel gran militante anarquista y excelente compañero Amedeo Bertolo, quien decía, y cito textualmente: "el viejo y sólido tronco del anarquismo es todavía vigoroso, pero debe ser podado enérgicamente, para que las ramas jóvenes puedan brotar y desarrollarse y para que pueda acoger los nuevos injertos sin rechazarlos ni sofocarlos".

Usted argumenta con acierto que la filosofía crítica contemporánea ignora "el anarquismo" y solo se interesa por "la anarquía". Esto es, cuanto menos, curioso, dado que el canon anarquista clásico no estaba desprovisto de contenido filosófico e incluso exhibía una apreciable calidad en este ámbito. Bakunin contaba con una sólida formación en este campo; lo mismo, o incluso más, se podría decir de Stirner, sin olvidar a muchos otros como Proudhon, Kropotkin, Landauer y Malatesta.

Se ha reconocido al marxismo su alcance filosófico, mientras que se le ha negado al anarquismo. Sin embargo, la diferencia entre Marx y Engels, por un lado, y los anarquistas, por otro, no residía en la menor familiaridad de estos últimos con el corpus filosófico de su tiempo, sino en su diferente relación con la filosofía. Es cierto que ambos sectores abogaban por una salida de la filosofía entendida como mera contemplación, proponiendo ponerla en acción sobre el mundo.

Sin embargo, desde la perspectiva de Marx, se consideraba que la reflexión y el análisis debían nutrir, y por tanto preceder, a la acción transformadora, a fin de poder guiarla. En cambio, desde la óptica de Bakunin, era "en el rugido de la lucha" donde se

generaba y se nutría la reflexión teórica. Como bien había señalado Proudhon, la idea nace de la acción y repercute en ella en una relación de perfecta simbiosis.

Es absolutamente cierto que el anarquismo no puede equipararse al discurso filosófico; esto se debe a que "su modo de construcción", arraigado en la práctica, difiere del de la filosofía. Así, el discurso anarquista no puede ser nunca un discurso meramente "meditativo", por utilizar una de sus expresiones; solo es anarquista si es simultáneamente un discurso "militante".

Dicho esto, como usted muy bien sostiene, renunciar a la filosofía sería suicida para cualquier pensamiento político, y está claro que el anarquismo no debería hacerlo. Sin embargo, de hecho, no hay en absoluto un rechazo anarquista de la filosofía; hay un rechazo anarquista a "ser una filosofía", a ser un elemento perteneciente a dicho orden del discurso.

Además, hacia finales del siglo pasado, la filosofía y el anarquismo volvieron a encontrarse, como lo demuestra el impacto del postestructuralismo en el pensamiento anarquista. En particular, las contribuciones de Todd May, Jason Adams y Saul Newman articularon un anarquismo postestructuralista fuertemente impregnado de filosofía, que se nutrió del "anti-esencialismo radical" de Foucault. Estos autores extrajeron de su caja de herramientas instrumentos que son totalmente necesarios para entender, entre muchas otras cosas, el poder y la dominación.

Pero, si bien el anarquismo ha incorporado elementos filosóficos, usted demuestra elocuentemente que la filosofía permanece impermeable al anarquismo, incluso en el caso de pensadores que tienden a valorar positivamente la anarquía.

Esto se debe, según usted, a la estricta separación que establecen entre anarquía y anarquismo, interesándose solo por un concepto de anarquía escindido del movimiento anarquista.

Ahora bien, si es cierto que anarquía y anarquismo son dos conceptos distintos, también lo es que están "íntimamente entrelazados". Es el movimiento anarquista el que construye la idea de anarquía, al mismo tiempo que esta inspira sus pasos; erramos gravemente si descuidamos este entrelazamiento.

De los seis filósofos que usted menciona, Michel Foucault y Reiner Schürmann son los que más aprecio y mejor conozco; por lo tanto, limitaré mis comentarios a ellos para no aventurarme en terrenos —Derrida, Levinas, Agamben, Rancière— que no están suficientemente acotados por mi lectura.

No sé si Foucault había leído a Schürmann, pero lo cierto es que Schürmann estuvo profundamente influido por Foucault, como atestigua su magnífico texto "Se constituer soi-même comme sujet anarchique" ("Constituirse a sí mismo como sujeto anárquico").

Leyendo la obra de Heidegger en sentido inverso a su elaboración, Schürmann, quien había sido olvidado durante un tiempo, pero cuyo redescubrimiento está agitando a una parte de la filosofía contemporánea, contribuyó a dirigir nuestra mirada hacia "la anarquía ontológica".

Mediante su crítica de la *arkhè* aristotélica, mostró cómo una anarquía que hubiese descartado los "principios primeros" que legitiman el dominio de la teoría sobre la práctica no podía sino descubrir la contingencia de su propio camino y remitirse, consecuentemente, al *a priori práctico*.

Entendiendo por a priori práctico que las situaciones concretas son las que deben definir, en su multiplicidad, los principios particulares que, por tanto, son necesariamente múltiples —pero nunca primeros o únicos— y que guían la acción, protegiéndola de cualquier teleocracia preestablecida.

El análisis de Schürmann podría contribuir a la construcción de un anarquismo que describo como "no fundacional", despojándolo de sus proclividades instituyentes y, por tanto, de su propensión a producir dominación. Esto lo convertiría en una fuerza radicalmente destituyente, del mismo modo que Stirner conceptualizaba el proceso de "insurrección" como diferente del de revolución.

Gracias a su libro, algunas personas hemos descubierto a Derek C. Barnett y su recuperación del énfasis que Foucault ponía en "la resistencia", pero centrando ahora este concepto directamente en el anarquismo. Sostiene, por ejemplo, y usted lo cita, que "la lógica principal del anarquismo es que donde hay poder, también hay necesariamente resistencia".

Según Barnett, el anarquismo se define, ante todo y necesariamente, como "un dispositivo de resistencia" frente a toda forma de poder; es decir, se define por una relación antagónica con el poder, una relación que promueve "una ética de la revuelta" en lugar de inspirar una épica de la revolución.

La resistencia al poder no se realiza en nombre de la moral, la razón, el bien, la humanidad, la salvación o la preparación de una revolución, aunque esta última sea libertaria. En otras palabras, no se lleva a cabo en nombre de "nada" que trascienda las situaciones concretas en las que surge la resistencia. No se trata de avanzar hacia un horizonte específico, por resplandeciente que parezca, ni de obedecer a tal o cual mandato axiológico; se trata simplemente de decir ¡No! No a una determinada situación considerada inaceptable y de resistirse a ella para neutralizarla y, en el mejor de los casos, eliminarla.

Como usted afirma, la proclamación anarquista de que no es necesario ningún gobierno para vivir en sociedad está rodeada de un halo de escándalo, frente a lo que se ha

presentado como una evidencia absolutamente indiscutible desde la época de la Grecia clásica: la incapacidad de las poblaciones para gobernarse directamente. Esta evidencia fue calificada por Proudhon como "prejuicio gubernamental".

Es precisamente el rechazo anarquista del prejuicio governamental, entendido como la *asumpción* acrítica de la legitimidad del poder gubernamental, lo que los filósofos se niegan a admitir, salvo, sin duda, Foucault, quien afirma con contundencia que "ningún poder es nunca necesario" y detalla su magnífico concepto de "anarqueología" en su curso Du gouvernement des vivants.

Por mi parte, confieso que no sé si es posible o no que los humanos, tal y como somos hoy, vivamos sin gobierno; sin embargo, estoy absolutamente convencido de que "pensar y actuar como si fuera posible" es imprescindible si queremos desarrollar formas de lucha que hagan tambalear al gobierno y abran campos de experimentación para otro tipo de vida.

Resulta, además, que creer que se puede vivir sin gobierno no define el anarquismo de forma tan substancial como afirmar que debemos resistir siempre y en todas partes a todas las formas de dominación. En mi opinión es en esta afirmación donde reside realmente el corazón del anarquismo.

Por último, me gustaría abordar lo que considero problemático. Me refiero a sus reflexiones sobre "lo ingobernable", entendido como antagonismo al poder, es decir, como desobediencia, insubordinación y negativa a obedecer; y sobre "lo no gobernable" como lo externo, lo ajeno al campo de acción del gobierno, aquello que no pertenece al orden de lo gobernable y, por ende, es indiferente o no se ve afectado por los órganos de gobierno y sus prácticas.

Es innegable el valor heurístico de esta distinción, que enriquece el pensamiento anarquista y nos incita a repensar, en particular, la relación entre libertad y poder. También es innegable que existe un vasto campo de la realidad que no se puede gobernar. La vida, que no depende de otro principio que de sí misma en su creatividad y mutabilidad, por no decir en su plasticidad, es un buen ejemplo de ello. Hay, como usted dice, y cito: "regiones del ser y de la psique a las que ningún gobierno puede llegar".

Lo no gobernable es, por tanto, una realidad innegable que marca los límites del gobierno y desafía su supuesta omnipotencia y omnipresencia. Además, la ontología anarquista —porque el anarquismo sí tiene una ontología propia, que difiere radicalmente de la propagada por la metafísica desde Aristóteles— postula una realidad hecha de movimiento, multiplicidad y contingencia, la cual desafía el campo de lo gobernable. Resulta, en efecto, que desde esa ontología una parte de "lo que es" presenta unas características que difieren de las que definen lo gobernable, tales como la estabilidad que

permite ser situado y apresado facilmente, o la unicidad que excluye las líneas de fuga hacia diversas facetas, cuando una ha sido capturada por el gobierno.

Dicho esto, entiendo que lo no gobernable excluye la posibilidad misma de resistencia, porque no nos resistimos a lo que no existe y no luchamos contra lo que no nos afecta ni puede afectarnos de ningún modo al ser totalmente ajenos a ello. Ser no gobernable es, en definitiva, no poder oponer resistencia al gobierno porque estamos fuera de su alcance, tanto como él lo está de nuestro alcance.

En mi opinión, la esencia del anarquismo es manifestarse como ingobernable en la mayor medida posible y, a fin de socavar "el poder del poder". Esa es la forma de hacer ingobernables al mayor número posible de personas y colectivos.

Al igual que Diógenes, volverse indiferente al poder puede significar escapar de sus garras; sin embargo, también implica volverse incapaz de oponerle resistencia, la cual se manifiesta, entre otras cosas, en forma de lo ingobernable.

En otras palabras, es cierto que "Diógenes no puede ser gobernado", pero esto se debe a que su resistencia —y no a su indiferencia, que no es más que una estratagema— lo convierte en ingobernable, ajeno a la obediencia y firmemente arraigado en su negativa a acatarla.

Reconozco que esta parte de su libro me confunde un poco, pero al mismo tiempo tiene la enorme ventaja de animar a que nuestro pensamiento se salga de los caminos trillados y escape de ellos.

No quisiera terminar, porque ya voy a concluir, sin mencionar otro punto en el que mi coincidencia con su pensamiento es total. Dice, en una frase que me parece sumamente bella y sugerente: "el anarquismo nunca es lo que es; es en esto que es. Su plasticidad lo define" y, en efecto, yo también sostengo que el anarquismo deja de serlo en cuanto se petrifica: "es movimiento o no es anarquismo".

Usted, Catherine Malabou, contribuye a mantenerlo en movimiento y, como anarquista, militante y meditante, no puedo sino estarle agradecido por ello.

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ANARCHISM AND PHILOSOPHY

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The meeting between anarchy and philosophy has been preparing for some time now, for years now through meetings, debates, conferences, miscellanies, but above all individual contributions. First of all, it is a question – as I happened to say in an article published for the Italian journal *Aut aut* and for the American website *Ill Will* – of deconstructing anarchism to redeem anarchy.

Classical anarchism has fallen into the trap of naively understood power relations. Just think of that very modern way of understanding both the subject and the State which culminates in a Manichaean vision: if the subject were by nature good, and the State bad, it would be enough to overturn the scheme personified by Hobbes's Leviathan, for which the good State it would redeem the human individual otherwise devoted to being a wolf. This very simplification has not worked – not even in politics.

Modernity, of which anarchism was the offspring, constitutes its impasse. The metaphysical limits within which it remains trapped, and which end up having inevitable political repercussions are now clear. The risk is losing the subversive charge and closing anarchy in an arche. Precisely the reductive concept of power – and this is just one example – has condemned the anarchist movement to many defeats.

Anarchism seems entrusted to a proud, stubborn, exclusive and cultic memory. The sacred texts, assembled in an inviolable canonical corpus, require faith and observance. Anarchists rely on a liturgy, follow a catechism, cultivate the unshakable certainty that

every answer is contained in those texts of nineteenth-twentieth century orthodoxy.

The petrification of fideism risks having the effect of dark sectarianism and catastrophic inactivity. One would be tempted to think that the bell of the end has already rung for some time, if it weren't for the fact that the torch of anarchy has never been extinguished. It is therefore necessary to avoid the archive sickness that could take over. Philosophy pushes anarchism, in a sort of critical self-analysis, to rediscover its own removed ontology. In recent decades, an anarchic streak has been emerging in philosophy, or rather in continental thought. We speak in technical terms of post-foundationalist philosophy, which calls into question every *arché* and takes leave of the archic act. There are many names that could be mentioned – starting with that of Martin Heidegger who undermines the ultimate foundation and shakes philosophy. Many other names follow – a real constellation, to quote Walter Benjamin (who is part of it in all respects) that was drawn in the twentieth century.

Catherine Malabou's volume inserts itself in this trend, which has already been open for a few years and aims at comparing anarchism and philosophy. How to deal with this comparison? What setting should you give? The choice is not easy. And the answers so far have been varied. In his book, Malabou decidedly took the side of philosophy, not in the sense of a defense, but in the sense of an analysis entirely centered and concentrated on some names of twentieth-century and contemporary philosophy. There are six names in total. In sequence: Schürmann, Levinas, Derrida, Foucault, Agamben, Rancière. These are therefore the names of those philosophers who for Malabou have offered, sometimes despite themselves, a rethinking of the theme of anarchy. And they did it – of course – under often very different aspects. This is the case, for example, of Levinas and Foucault, who appear further apart than one might imagine. The thread that perhaps can be indicated, the red thread that binds these names, is the question of the arché, the critical reflection around the two meanings of arché, principle and command, which as is known, are often in cahoots with each other, in an alliance that multiplies its effect: the beginning that commands and the command of the beginning. Before going into more detail, however, I would like to ask a question regarding the placement of this volume within Malabou's path. How does it relate to previous works? The question is not only autobiographical, but also philosophical. In addition to tackling other themes (I am thinking of *Becoming Form* or even *Metamorphosis of Intelligence*), his previous works seem to suggest another approach and even a certain closeness to analytical philosophy.

Returning instead to the book Anarchism and Philosophy, the path chosen is – with the exception of the introductory pages – entirely intraphilosophical, in the sense that

it moves within philosophy, intentionally setting aside the anarchist tradition. A drastic choice, but more than understandable if the intent is precisely to provide a comprehensive survey of the contribution offered by each of the six chosen philosophers.
It cannot be forgotten that after the introductory pages a chapter is dedicated to Aristotle, in particular to the question of arché and anarchy in Politics. There would be a lot to say about this – and to ask: why Aristotle and not Plato too? In fact, I do not believe that archi-politics is represented only by Aristotle and I am convinced, on the contrary, that without some passages from Plato it is difficult to understand the power of a political tradition dominant to this day. I dealt with this in my new book *Democracy and Anarchy: Power in the polis* (2024), where I argue that democracy is anarchic and that Plato and Aristotle were its worst detractors. I fear that this is where we should start again. But perhaps we will have the opportunity to talk about it in another context.
Malabou chooses six names – starting with Schürmann. This choice is well justified if we consider that he deserves the credit – in retrospect – of having introduced the question of anarchy into philosophy with his famous book *From Principles to Anarchy*, of which Malabou carefully disanimates. However, Schürmann's book is dedicated to Heidegger, it is a book about Heidegger. Not by chance – but because Heidegger (like it or not) is the philosopher who questions the foundation, the *Grund*, the *arché*. Today we talk about post-foundationalism to refer to the current of radical thought that ignores the foundation. Heidegger's absence is therefore a marked absence.

I found the chapters dedicated to Levinas and Derrida very successful and, in many respects, very convincing, which perhaps constitute the core of the book, the most valid part. With great balance, Malabou analyzes the texts of these two philosophers, whose thoughts are closely linked, underlining the anarchic charge of deconstruction – deconstruction of the subject, which in Levinas opens up another ethic, deconstruction as a path of philosophy with not least political repercussions in Derrida.
I must confess, however, that, alongside the marked absence of Heidegger, I lament another absence, in some respects more significant: that of Hannah Arendt. It is known that attempts have been made – for some years now – to domesticate Arendt by making her almost the pioneer of liberal and anti-totalitarian thought. But it is enough to remember Arendt's thoughts on refugees to know that things are very different. Personally, I believe that Arendt is part of the philosophy that recognizes its anarchic streak. And after all, it was she who denounced already in the 1960s (well before Schürmann) the association between principle and command – the doubled *arché* – an association taken up directly by Agamben first and then by Rancière (who gives her credit). We therefore understand the criticism of the State, of sovereignty, of the totalitarian regime

that denies the possibility of starting and re-starting. Therefore, although it is legitimate for everyone to choose their own interpretative path, and rightly so, I find it imperative to underline Arendt's absence in Malabou's endeavor.

I think – let it be said incidentally – that a place must be found for Miguel Abensour. Not only for his anarchic reading of Marx and his decisive essays on anarchy, but also for the disruptive role he had. Even though Agamben's and Rancière's projects are in progress, Malabou's two chapters focus on the most significant issues – also in this case with clarity and critical balance.

In the end, many open questions remain and, as a reader and admirer of Catherine, I would have liked a more personal tone in the final pages, a more decisive statement on her part, which will certainly come in the continuation of her reflection. Above all, there remains the great problem of the relationship between philosophy and politics, which surfaces almost everywhere. How are those thoughts translated politically? Many of the philosophers treated – especially Schürmann – remain on this side of the line. In this sense I believe that the anarchist tradition, in particular that which has remained more on the margins of the dominant narrative (I am thinking of Landauer) has a lot to say. But the operation carried out by Malabou is essential for us because it offers an insight into philosophy, including contemporary philosophy, showing how we work, for example, on the deconstruction: of sovereignty, of power understood in an instrumental and metaphysical sense, of a staging public that remains archival. If we do not think and re-think these concepts, we will continue to defend the sovereignty of citizens against migrants, to fall back into the stereotypes of state politics, to face power in a naive and losing way. Thanks, therefore, to Catherine for this volume which will engage us in the coming period.

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PHILOSOPHY AND ANARCHIST CRITIQUE

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It is easy to think of anarchism as a political theory in the modern "storm" brought about by the rational enlightenment versus the darkness of religious dogmas and the political theology that inspired theory and practice of absolute sovereignty first, and constitutional sovereignty afterwards. It may also be conceived as an extreme form of the politically charged theories of the Enlightenment, as opposed to other contemporary political theories such as liberalism and utopic socialism first, or Marxist socialism at a later stage. As such, over two centuries later, it is subject to the wear of time, to the post-modern nullification with which some seek to liquidate the certainties of a blind, all-powerful reason already denounced, in its defining aporia, by Adorno and Horkheimer.

This simple prediction is equally easily denied by Catherine Malabou who, in the book *Au voleur! Anarchisme et philosophie*[1], addresses this matter demonstrating how, despite the hegemony of Marxism in European culture of the 20th century, notwithstanding the eradication of anarchism both from a theoretical standpoint – the allegation of childishness made by Lenin, look who's talking! – and a political one – from Machnovscina in revolutionary Russia to 1936 Spain, whose libertarian revolution was

[1] Puf, Paris, 2022; english translation *Stop Theft! Anarchism and Philosophy*, Polity Press, London, 2024; Spanish translation *Al ladron! Anarquismo y filosofia*, Kaxilda, Donostia, 2023; Italian translation *Al ladro! Anarchismo e filosofia,* eleuthera, Milano, 2023.

thwarted by Stalinism, opening the door to World War II –, a significant sector of philosophy and political philosophy of the 20th century, in all fairness the most radical wing of that sector, has had a serious reflection about the anarchist way of thinking, merging with it, sucking its lifeblood, rearranging and renewing it in an interesting and fruitful manner, "stealing" some of its key elements, and finally denying the very political *côté* of anarchism itself.

If we observe this same exact trend from the standpoint of political action, this is not surprising, as any political and social action that breaks into the stage of History and influences geography by bringing about a novelty worth being taken into consideration has carried along libertarian methods and *ethos* from several decades ago, present in their organizational methods, forms of association, customs, and discursive practices. This tendency is especially evident in Western civilization since the fall of the Berlin Wall, which symbolically marks the end of geopolitical bipolarism, the end of the fascination of Marxism, and the collapse of party systems. The emerging movements on the long wave of the 1968 turning point – minus the authoritarian push applied by the Leninist tactic of the armed struggle – have adopted libertarian practices: from the omnipresent Black Bloc to Occupy Wall Street, from Indignados to Sìglobal (who oppose the fake market-driven globalization of neoliberalism that denied the planet-wide globalization of human, social and species connections, so visible today that the very future of the Earth is at stake), from Marcos on the heights of Chiapas to Rojava on the Kurdish ones.

Malabou registers the split of what should be conjoined, that is, the philosophical level of anarchy as denial of the original foundation that inspires the eternal narrative of the equally original privilege of power, and the discursive level of anarchist practice, that takes place mostly on the side of denial of authority, shamefully leaving behind, in my opinion, the level of philosophical reflection which is however unavoidable to disclose a consciousness foreclosed by *arché*. And she delves into the reasons why Reiner Schürmann, Emmanuel Levinas, Jacques Derrida, Michel Foucault, Giorgio Agamben and Jacques Rancière face, in their own specific research paths, the question of *arché* and of the reason of its *an-archist* denial, finding the philosophical rifts that prevent these thinkers from translating an-archist philosophy into the theoretical practice of anarchy – political, social but, in my opinion, mostly ethical. Regarding the lack of an anarchist practice (which once would have been called militance) in those authors, historical contexts, theoretical upbringings and political experiences, it might serve to provide some *de facto* superficial explanation, which Malabou appropriately does not take into consideration, rather focusing on a strictly philosophical denial.

The first philosopher that Malabou chooses to address is Reiner Schürmann, who sheds light on the emergence of an anarchist ontology, when praxis is no longer legitimised by a theoretical *arché*, and is therefore deemed to have no origin, no commencement equivalent to command, as ventured by Aristotle. Nevertheless, Schürmann links the anarchist deconstruction of metaphysics to the principle of anarchy itself, borrowed from Heidegger, who carefully steers clear of using the term *anarchy* in his vast output. Schürmann correctly differentiates the sequence of origin of things in the presence of *arché* in a dual meaning of the concept, denouncing how classical ontology abuses a pre-existing presence which originates from an original *arché*, whereby itself is incorrectly based on primeval chaos, imposing itself (and posing) as a stealthy *arché*. However, Schürmann himself carries out a deconstruction of the ontological deconstruction of anarchy by describing it as a principle, but by doing this he ends up rendering meaningless the power of the negative, which prevents *anarchy* from becoming one of countless *archic* pretences of something. Therefore, Malabou wonders why Schürmann assumes anarchy as a form of ontology without highlighting political denial as a disruption of the chain of command/commencement that does not seek to operate a replacement with any other *arché*. Maybe the fear that arises from standing at the edge of the chaotic abyss, which is hard enough to sustain from a philosophical point of view, entails having to take a step back both in its political dimension and in committing to an anarchist deconstruction of the prevailing metaphysics.

The second philosopher taken into consideration is Emmanuel Levinas, whose an-archic (hyphenated) vision marks not only a difference with political anarchism, but also a distancing from any archic principle dating back to the origins of mediterranean philosophy, which can be found also in Heidegger, whose governmental dimension of the very act of thinking, as opposed to the truth of being, he critiques. Levinas aspires to detach himself from metaphysics, to find an Outside which is completely different from ontology, which cannot be archic because it is placed at the origin of everything, and this Outside is none other than the act of putting Oneself in contact with the Other, caught in its sphere of ethical responsibility. Responsibility means relating to others without obeying any command, obeying only to a primordial impulse that comes from the encounter with someone else's face, that "dictates" that I should listen to them, engage them, build a relationship without any kind of preset order. The order of the I-Other relationship is exactly the effect of the burden of ethical responsibility that does not subject to any predetermined order. Malabou wonders why Levinas resorts to the state and its institutions as necessary figures to preserve ethical anarchy from any danger of drifting and losing its meaning, maybe as a reason

for his support (albeit not without criticism) to the State of Israel, maybe as a reason for the abstract configuration of Jewish subjugation to the Egyptians as an original foundation of the birth of the State of Israel. The pretence of freedom from slavery that results in the Zionist project translates, in Levinas, into a resurfacing of state policy as a guarantee of the elevation of the Jews to the condition of chosen people. The denial of state slavery blinds Levinas, depriving ethical anarchy of the necessary support from a political anarchism.

The third philosopher is the theorist of deconstruction, Jacques Derrida, who places himself in that thought movement that deconstructs, squared, its own deconstruction. Is deconstruction an anarchist action? The answer is binary, it's yes and no, aporetically together. Derrida has woven a debate, sometimes implicit, with anarchy, by having dialogues with Freud, Levinas, Lévi-Strauss, and Benjamin. In each of these reflections, the double ambivalence of deconstruction squared stops before the issue of power – in its political, psychic or ethical versions – as well as of its overcoming, glimpsed at the junction leading either to a reserve of chaos, functional to the restoration of power, or towards a different imaginary that thwarts power organizing life in a different way. Derrida remains always undecided, hanging in a delicate balance. Although, when addressing Freud, Malabou states that Derrida stops the deconstruction of the push towards power/command/influence and ends up accepting it, as if the three nouns were synonymous, but likening them to each other means condemning oneself to not be able to overcome them. This is probably due to a prejudice towards anarchism, a thought that, according to Derrida, has not completely come to terms with the question of power, concealing an unresolved fascination. But this is, probably, more of a revelation regarding Derrida himself rather than an element of anarchism…

We will discuss the fourth philosopher reviewed by Malabou at the end of this article, let's now focus on the fifth one, Giorgio Agamben. The act of partition which is at the foundation of politics and its pillar concept – sovereignty – generates a set of exceptions as an effect of its strength. Anarchism is exactly the act of deactivation of that strength, but for Agamben, by confusing and after all reducing the desecration of the sacred to a simple action of breaking the rules, symbolically or not, political anarchism could not grasp its importance, and ultimately failed. Agamben identifies an anarchic fault in the *arché* in its meaning of commencement and command: while the two appear conjoined, whoever is called to start a ruling dynasty actually shows his inability to rule, that is, to command, as he resorts not to the art of governing, but to the sacredness of lineage. Just because being, from Aristotle to Heidegger, takes shape within the sphere of commencement, of origin, or in only one of the two meanings of *arché*, this proves,

according to Agamben, the need of a binary device in which, freeing itself from the truth of being, the *arché* as command places itself within the pragmatics of strength, rather than of power as essence of the being. And strength has a vested interest in concealing the anarchic fault that splits *arché* in the junction between commencement and command. Nevertheless, says Malabou, doesn't the thought of anarchy only as the noticing of a fracture within the *arché* imply the risk of returning an archic principle? Doesn't the thought of anarchy only as desecration of the sacred come with the risk of legitimizing the sacred again? If breaking the rules comes with the risk of being recovered, as it has frequently happened in history, how can rule-breaking be boosted *ad infinitum* without being condemned to imminently – though likely not immanently – recovery?

The last of the philosophers analysed by Malabou is Jacques Rancière, for whom the radicalism of political equality is already anarchic. After all, in the classic sense of democracy, if everyone has the opportunity to govern and to be governed, then no one has the standing to rule. Rancière theorized the dual tension between *politics* and *police*, the latter meaning the everyday of political order (not necessarily repressive in the specific sense of policing as a noun), and both polarities coexist because *politics* is seldom visible, while *police* constitutes the daily routine. Moreover, *politics* cannot be represented as imperfect and real as they may be – and not only because they cannot be reduced to a mere political representation. It certainly is possible, however, even advisable according to Rancière, to split the tension of this duality, but this is only possible in an aesthetic dimension, not in the political one, where the "original" act of distributing the sensible prevents the explanation of the radical equality of the politically present sides. The partition itself cuts the people's body, paving the way to the side of the sideless, undermining *politics* and creating *police*. For Rancière, political philosophy from Aristotle onward always sought to legitimize that partitive and exclusive cut, removing the difference between politics and police to link the latter to the former. Among several effects, Rancière includes also the denial of testimonial value of the right of expression of the word, which according to Malabou constitutes the denial of anarchy's possibility to express an anarchic politics according to the Rancière's original meaning.

I do not believe it is an intellectual gamble to believe that the only one, among the authors analysed by Malabou, who took a conceptual, even more so than a political, effort to fill the gap between philosophy and politics is Foucault. In his enouncement of the connection between philosophy and politics, respectively under the guise of *truth of knowledge* and of *necessity of power*, in an original manner, he even coined the new term *anarchaeology*, a further lexical portmanteau such as, for example, in the case of *governmentality*. Foucault in fact wonders:

> what can he say about, or for, or against the power to which he is involuntarily subject? In other words, what can the voluntary bond with the truth say about the involuntary bond that ties us and subjects us to power? (Foucault, 2014, p. 77)

But, with more vigor, he immediately turns the question around and asks himself:

> what does the systematic, voluntary, theoretical and practical questioning of power have to say about the subject of knowledge and about the bond with the truth by which, involuntarily, this subject is held? […] given my desire, decision, and effort to break the bond that binds me to power, what then is the situation with regard to the subject of knowledge and the truth? […] It is the movement of freeing oneself from power that should serve as revealer in the transformations of the subject and the relation the subject maintains with the truth. (Foucault, 2014, p. 77)

The bond between knowledge and power, between subject and truth, comes to be analyzed from a radical perspective, in the literal sense, which is different from skepticism or suspended judgement, and that has more to do with an etho-political stance:

> It is an attitude that consists, first, in thinking that no power goes without saying, that no power, of whatever kind, is obvious or inevitable, and that consequently no power warrants being taken for granted. Power has no intrinsic legitimacy. On the basis of this position, the approach consists in wondering, that being the case, what of the subject and relations of knowledge do we dispense with when we consider no power to be founded either by right or necessity, that all power only ever rests on the contingency and fragility of a history, that the social contract is a bluff and civil society a children's story, [and] that there is no universal, immediate, and obvious right that can everywhere and always support any kind of relation of power. (Foucault, 2014, p. 77)

The conjunction between philosophical research and political critique in Foucault's philosophical journey can be traced through the following statement, made in connection with the philosophies of constant doubt which undermine the rock-like indissolubility of established truths: "the lateral approach on the opposite track […] consists in trying to bring into play in a systematic way, not the suspension of every certainty, but the non-necessity of all power of whatever kind" (Foucault, 2014, p. 78). Doubtlessly, the thought of "This is anarchy; it's anarchism", pronounced by the French philosopher himself, must surely have been whispered by those present at the Collège de France on that January 30, 1980 while listening to this prospective overturn.

While there is absolutely nothing wrong in using those terms – he had used them himself during a conference at the Société Française de Philosophie almost a couple of years earlier on May 27, 1978[2] – and admitting that his interpretation could be discussed as it was «a bit rough» and sketchy, Foucault rejects the stereotype according to which the anarchist theories define power as inherently evil, having its final removal as their ultimate goal:

> First, it is not a question of having in view, at the end of a project, a society without power relations. It is rather a matter of putting non-power or the non-acceptability of power, not at the end of the enterprise, but rather at the beginning of the work, in the form of a questioning of all the ways in which power is in actual fact accepted. Second, it is not a question of saying all power is bad, but of starting from the point that no power whatsoever is acceptable by right and absolutely and definitively inevitable. (Foucault, 2014, p. 78)

Foucault's stance on Anarchy accounts for the piercing clarity of an ethos which moves from a philosophical posture to a political practice, from a philosophical denial to a political one in a seamless fashion, if not for a slight tinge of the traditional feeling of anarchism, but still within its familiar air:

> In other words, the position I adopt does not absolutely exclude anarchy—and after all, once again, why would anarchy be so condemnable? Maybe it is automatically condemned only by those who assume that there must always, inevitably, essentially be something like acceptable power. […] So the position I am proposing does not exclude anarchy, but you can see that in no way does it entail it, that it does not cover the same field, and is not identified with it. It is a matter of a theoretical-practical standpoint concerning the non-necessity of all power, and so as to distinguish this theoretical-practical position on the non-necessity of power as a principle of intelligibility of knowledge itself, instead of employing the word "anarchy" or "anarchism," which would not be appropriate, I shall make a play on words, since this is currently not very fashionable, let's again go a little against the trend and engage in word games (…). So I will say that what I am proposing is rather a sort of anarcheology. (Foucault, 2014, pp. 78-79)

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[2] That is the conference *Qu'est-ce que la Critique? [Critique et Aufklärung]*, which can be found in Italian in Michel Foucault, *Illuminismo e critica,* Donzelli, Roma, 1997, which I have examined in a couple of occasions: *Foucault: dall'etopoiesi all'etopolitica*, in "materiali foucaultiani", nn. 7-8, IV/2015; *De l'éthopoiesis à l'éthopolitique,* in *La pensée politique de Foucault* (s. d. O. Irrera, S. Vaccaro), Kimé, Paris, 2017.

Play on words aside, this term defines exactly both the philosophical denial of the *arché* as a founding substrate of any stance that pretends to deny its contingency to call itself universal and super-historical, as well as, in the context outlined by Foucault – whose lessons, it is worth noting, were far from being the outcome of a spontaneous, albeit erudite, spoken word, being mostly pondered and written well in advance – , the affirmative ethos of a theoretical-practical, and therefore political, position, which sutures that hiatus denounced by Malabou. Rejecting the idea that anarchy is a more or less accessible *telos*, an *ou-topia* that one day will become a fully realized *eu-topia*, Foucault incurs in a crucial wrong-footing, placing anarchy as a rejection of the *arché* while establishing the arché as a strategy, both political and conceptual, to force a condition of domination of the few on the many. At the very core of this strategy lies the resource to disprove it philosophically and to oppose it politically.

Most likely, Foucault is the only one, among the radical philosophers that populated the European scene in the second half of the 20th century, to have developed a philosophical and political anarchism, with some episodes of "joining the fray" with libertarian struggles against mental institutions, prisons, political oppression, etc. This commitment can also be traced in his efforts towards revamping and renovating the terminology of this struggles, assessing a weaponry of theory that dates back to at least the previous century, down a path of continuity and discontinuity that can only be beneficial for both the anarchic thought and the anarchic action.

Obviously, the authors mentioned by Malabou would be fitting company along with Walter Benjamin, Simone Weil, Hannah Arendt, Claude Lefort, Gilles Deleuze, Cornelius Castoriadis, Miguel Abensour, Judith Butler, among other philosophers of the 20th century, who are equally non-anarchist as the ones taken into consideration, but have carried out a reflection on anarchism without any preconditions or ostracisms. The denial is not only attributable to a black hole-like phantasmatic fascination one must be worried not to fall into. It can also be found on the side of political practice, that is, of the construction of an anarchic discourse which is carried out, deliberately or not, by anarchist movements, which for their part, have widened, instead of tightening, the gap between philosophical anarchy and political anarchy.

First of all, in fact, one must take notice of the discrepancy, both in time and in context, of the conceptualisation of anarchy without underestimating it, dating back to Greek philosophy and making its way throughout the centuries until the definition of the anarchic political practice, which took place in the modern era, when the idea was legitimised into a world-transforming practice and is no longer confined within the realm of contemplative activities. This discrepancy has made it possible for a new,

not only lexical, distorted and misleading concept of anarchy and anarchism to assert itself, which is carried forward not by unlikely political "rivals" but rather, and mostly, by philosophers who are terrified before the abyss of a radical denial of an *arché* that is functional to acting as a pillar to legitimise political command in its strict sense. The modern defence of the correct etymological meaning of anarchy has therefore identified certain philosophical practices as an opposite target, reaching the awareness of a theoretical attitude in which the connection with political action is more rewarding than the reflective attitude of philosophy, often mistaken for the mere passive contemplation of what exists and of the way of being in the world.

Secondly, we should not overlook the fact that the hypothesis of anarchic de-foundation/subversion of any regulatory frame that sets the philosophical statute of a political practice deprives political anarchism of a univocal criterion that assigns precise identities to each form of thought of action that it inspires. Thus came the belief that no anarchist can "certify" another one, and that the discriminating factor does not bear a political or theoretical sign, but a purely ethical one, that is, the link between action and thought in the sense of its intrinsic coherence. Ethic as in ethos, meaning an individual and collective behaviour compliant with the diagram of forms and styles of life – somehow ascetic – that are deemed significant in the anarchic scale of values.

Thirdly, therefore, it is not by mere coincidence that in the "pantheon" of political anarchism one can find some authors, some of which are also – but not necessarily – philosophers, whose output is closely connected and legitimised by a coherent militant political practice: this applies to Proudhon, Bakunin, Kropotkin, Goldman, Malatesta, just to name the most significant, accredited and recognized masters of anarchism who, in joining thought and action, translated their full identification in their own person(ality) – today we might add, though not strictly "classics" for obvious reasons, Clastres (maybe), Bookchin and Graeber (but maybe not Hakim Bey). This status is not attributed, for example, to Godwin, Stirner, Landauer, and further back in time to de La Boétie (although he is the most innovative, considering the times he was operating and writing in, as well as the first to catch a glimpse of that contingent and integral weakness of the political authority that hinges on the will to serve, without which the sovereign is left naked and alone).

Equally unrecognized are the authors taken into consideration by Malabou who have faced an-archic philosophy without being anarchists, without taking some kind of stance within the anarchist constellation – which is plural and diverse and by historical-geographical context – and without joining any libertarian struggle (with the notable exception of Foucault, one should argue).

We are therefore facing a double denial, which weakens the strength of anarchic critique both from a philosophical point of view and more strictly on the political side. As demonstrated by Malabou, the incompleteness of philosophical critique stops at the gates of an imaginary which is radically open on the precipice of the lack of foundation, while the uncertainty of political anarchism towards the theoretical-philosophical approach deprives the critique of the political authority of a resource of legitimacy which is deeply rooted in collective imagination, that is, the *arché* as an unavoidable origin of eternal command, because it dates back to the beginning of time. The lack of a converging interpretation, albeit in the respective autonomy of the conceptual strategy of removal of sense, between philosophical *arché* and political *arché* downsizes the power of negative, turning the philosophical critique into one of many currents of thought of no consequence on the world, whereas political critique is reduced to one of the ideologies of modernity, as such rendered obsolete by hyper-modernity, in which it loses its sense and its grasp of the world.

Caught between a courtesan philosophy, at the service of the legitimisation of power, on one side, and a replicant philosophy which, while being subversive since it is aimed at transforming the world instead of simply reading it, ended up replicating the forms of domination, anarchism does not trust philosophy and positions itself as an etho-political discursive practice, suspending the ontological option Malabou seems to be gravitating towards. If, indeed, the domestication of being is the distinctive sign of Western philosophy, as Derrida would put it, then the non-governable is the sign of an anarchic thought that is indifferent to power and opposed to domination. The difference, theorized by Malabou, between *in-governable* and *non-governable* is indicative of the lack of familiarity between anarchism and power. In fact, the in-governable marks the outer edge of a dialectic between the rulers and the ruled, which came to be when out of political chaos the statehood option (or whatever name the political authority has been given over the course of several centuries) violently appeared through the *archaic* partition. In that fashion, the in-governable is brought back within the "score" in which that partition is moving, certainly marking its limit but, at the same time, formulating its "willingness" of recapture which, in turn, moves that limit forward to a new location, according to an infinite recursive dialogue.

But just at the time when that action was defining man according to the grammar of domination, a part was left out due to its refractory nature of being different, a part that is virtually present in every human being who declines it in their own way, that does not enter their sphere of contact and access, that positions itself as a founding denial of the pretence of domination. It is, indeed, anarchy in every one of us.

Bakunin's call to plasticity becomes all the more appropriate, maybe decisive, to escape the ontological labelling and elude its theoretical link. The figures of indifference are as numerous as oppressive, looming the ever-changing shapes of domination, whose operations of analysis and critique are moving according to a contextual punctuality that echoes Foucault's warning. The sign of the non-governable does not bring along a past where one can find solace in an *arché* that predates the idyllic command/commencement of a *lost paradise*; it does not have a future either, since it does not represent the upcoming projection into a definitive, messianic *telos*. The non-governable holds a trace of the past, foreshadows elements of the upcoming, but its time is the outdate, that no-man's-land where one can experience the interesting, where the fork between statehood and anarchy lies, where we can meet the conjoining disjunction between philosophy of anarchy and political anarchism.

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AN-ANSWERS…

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I am very pleased and honored to know that on Salvo Vaccaro's initiative, the exchanges we had in February 2024 at the French Institute in Milan concerning the Italian translation of my book *Au Voleur! Anarchisme et philosophie* (translated into English as *Stop Thief! Anarchism and Philosophy,* Polity Press, 2024), are getting published in *Soft Power*. I would like to thank Salvo, Donatella di Cesare and Tomás Ibáñez for their careful reading and analysis of the book. Of course, all three have not failed to question the orientation of the book (resolutely philosophical) or the choice of authors (many could have been included, such as Plato, or Walter Benjamin). Ibañez wonders whether the distinction between ungovernable and non-governable is really relevant. As for Vaccaro, he deplores the fact that I didn't treat Foucault any better. Indeed, my book insists on contemporary philosophers' denial of anarchism. Here are five examples: Reiner Schürmann, Emmanuel Levinas, Jacques Derrida, Michel Foucault, Jacques Rancière and Giorgio Agamben. I try to show that, although they are all very close to anarchism, none of them has assumed the fact of being an anarchist, none of them has taken the step of political anarchism.

My approach, I admit, is necessarily partial and sometimes unfair - Foucauldian "anarchaeology", for example, is admittedly one of the most interesting and convincing forms of contemporary anarchism. I therefore acknowledge the relevance of the critical remarks made by my three readers. I do not intend to respond to them here, as I believe

it is necessary to let them resonate in their radicality and to respect the hermeneutical directions they open up. I would simply like to point out that none of the three really mentions the fact that my reflections on anarchism are truly contemporary, addressing issues such as anarcho-capitalism, libertarianism and cyber-capitalism today.

The recent leap accomplished by IA is so phenomenal that I do think that intelligence has entered the age of an irreversible metamorphosis, with dramatic political consequences. Simulation, the "for real", is at stake in the age of what I will tentatively call the age of *anarchic replication*. An-archic having to be taken here literally, as without an *"arkhè"*, that is without a principle, without a commandment. It is not only an age where Artificial Intelligent simulation is limitless, but also an age in which the disappearance of the model/copy dualism allows for the emergence of an absolute horizontality. Such a horizontality is at once technological, ontological and, of course, political. For me, the key issue is whether we can envisage a possible transitioning from "anarchic replication" to "anarchist replication". What if the new metamorphoses of intelligence were not only the age of cyber-capitalism or libertarianism but also that of anarchism and of non-governability?

As Ibañez recalls, my book starts with the statement that we are currently witnessing the global coexistence of a de facto anarchism, a factual anarchism, and a dawning anarchism. What is de facto anarchism? Nowadays, the state has already disintegrated, offering nothing more than a protective envelope for the various oligarchies that have divided up the world between themselves. Everywhere, the social world is condemned to a horizontality of desertion. In economically privileged "democratic" countries, the effects of the already longstanding collapse of the welfare state continue to circulate indefinitely. No state institution, no common parliamentary organization can respond to the challenges of poverty, migrations and ecological or health crises in any way other than through pitiful emergency measures.

As for the dawning anarchism, the actual collapse in the social meaning of verticality coincides with an emergent planetary consciousness signaled by the dramatic rise in collective initiatives and experiments in alternative political visions. In France, for example, in recent years, occupation strategies, the *Gilets jaunes* movement and, more recently, the protests against Macron have introduced to the political landscape the effective existence of organizations and modes of decision based on self-generated collective modes of organization.

These alternative phenomena coincide exactly with what must be coined as the anarchist turn in capitalism itself, which speaks the now hegemonic language of anarcho capitalism. We are currently living in a time of deep an-archic/an-archist ambiguity.

The development of IA is of course actively participating in this undecidability. Let us consider three examples.

Firstly, the world of the Blockchain, cryptocurrency transactions, and the circulation of non-national currencies, on which I made some research a few years ago. I was first fascinated by the promise this represented: cryptocurrencies leeching off state currencies and compete in the usual circulation of funds by commercial and central banks. Wasn't this announcing the end of a certain epoch of governmentality, centralization and hierarchy? It did not take long for me to understand that these new systems were in reality strengthening control, inequalities and oligarchic trends.

The second example is Taiwan, where anarchists are now holding governmental positions. Such is the case of Audrey Tang, Minister of Digital Affairs in Taiwan, the first transgender prime minister in history, and a genius cybernetician and free software creator who defines themself openly as a "conservative anarchist"[1]. They have identified as "post-gender" and accept "whatever pronoun people want to describe [them] with online. I'm really whatever, so do whatever". The pleonasm of "conservative anarchist" should not be misconstrued. What Tang means is that they want to work on the conservation of the anarchist utopia experimented by Net programmers who, over the past twenty years, have been suggesting substituting virtual participative democracies for classical political decision making (Shirky, 2012).

Tang's strategy consists in using open-source coding tools to "radically redesign and rebuild an existing government process or service – and from this create new tools to show citizens how the state operates" (Reprograming Power, 2018), in other words, to reveal government information to the wider public. Tang themselves have declared in other media:

> Simply by changing the "o" to a zero in your browser bar, you enter a "parallel" government site that may be working better, where there are viable alternatives. Under the initiative, g0v, there are currently approximately 9,000 citizen-hackers participating in what we call "bifurcating" the government. In open source culture, "forking" means taking something that is already there, and taking it in a different direction. Citizens accept digital surveillance, but the State also accepts transparency, an openness of its data and its codes, and integrates the criticisms that will necessarily emerge. (Hébert, 2021)

[1] Tang states this on their profile on the platform Medium.com, where they regularly publish article manifestos.

We see the ambiguity: Is Audrey Tang a symptom of domination or emancipation? A reinforcement of the logic of government or its defeat? "Join institutions, all the better to subvert them". Many critics will say that those are the words of the dominant. And I've heard from Taiwanese friends that Tang's tech governance was very much alike those in the West.

Lastly, much shorter, Elon Musk, who recently declared: "If you must know, I am a utopian anarchist (…)" (2018).

Let's try to go further in the analysis of those ambiguities, focusing on the sudden appearance of ChatGPT in our lives. Clearly, a new semantic system is emerging in the age of anarchic/anarchist replication, which substitutes the question/answer pair to that of the signifier/signified one on a horizontal plane. It functions as a mirror. Ask me about what *you* intend to mean, and I will answer. I will provide you with the meaning of what you mean. The "asking" structure is more important than what is asked. We don't care that much about meanings and signifiers, the machine says, we play master and servant, ask me, I will serve and respond to you, while we both know that there is no master at work here, that our relationship is perfectly horizontal, as my answers are the pure reflections of your queries or demands. I can only tell you what you already know. It is in that sense that the question/answer system, as a new semantic structure, can be seen as a form of an-archic mode of organization, an-archic meaning once again without an *archè* in which the production of meaning is built out of the exchange of language with itself. Nevertheless, it seems that an anarchic replication of the lost symbolic relation tends to surreptitiously restore it at the moment when it shows it is lost, while an anarchist replication would be a process of acceptance of the loss.

Chomsky et al. (2023) recently addressed the issue by downplaying the role and importance of ChatGPT. The authors' contempt is not that surprising when we realize it is a common standpoint among linguists, such as Daniel Everett, who recently declared: "So here is what ChatGPT has done: it has falsified in the starkest terms Chomsky's claim that innate principles of language are necessary to learn a language. ChatGPT has shown that without any hard-wired principles of grammar or language this program, coupled with massive data (Large Language Models), can learn a language". ChatGPT learns out of data, not of principles, out of a great diversity of cultural background, without giving priority to any of them.

Many texts similar to that of Chomsky have recently been published here and there, expressing technophobic and apparently reassuring visions of humans being still in control. It is obvious, they say, that ChatGPT cannot respond to everything. Therefore, we should not delegate our authority and responsibility and say, every time the machine

writes in our place: "it's not me, it's my ChatGPT". Responsibility is what is at stake. Response, that is the question.

In the age of anarchic replication, we are witnessing constant attempts at filling the place of response and responsibility with new modes of control, and the promise that one day ChatGPT or more sophisticated systems will answer every question, thus restoring the lost symbolic relationship, reinstating the master. But no, IA won't ever respond to everything, because absolute responselessness is irredeemable, and the very condition for the existence of intelligence.

Artificial responsless intelligence lets natural intelligence the task of inventing the responsibility for the non-response. This is what anarchism is precisely, order minus power, the task of inventing ways of life and modes of political organizations out of the absolute responslessness. Such are the new techno-political stakes of anarchism, which have become impossible to silence.

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RESEÑAS

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SOBRE WITTGENSTEIN, FILOSOFÍA, RELIGIÓN Y PSIQUIATRÍA. TRADUCCIÓN AL CASTELLANO E INTRODUCCIÓN A LA OBRA "THE SELECTED WRITINGS OF MAURICE O'CONNOR DRURY. ON WITTGENSTEIN, PHILOSOPHY, RELIGION AND PSYCHIATRY DE MARÍA ARÁNZAZU NOVALES ALQUÉZAR.

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Las confusiones de la época que vivimos convierten en imprescindible el esfuerzo de situar la ciencia, la religión y la filosofía en el lugar que les corresponde. Esta es la finalidad de la esperada traducción al español realizada por María Aránzazu Novales Alquézar del libro de la editorial inglesa Bloomsbury titulado "The Selected Writings of Maurice O'Connor Drury: On Wittgenstein, Philosophy, Religion and Psychiatry". La traducción al castellano, de 708 páginas, publicada por la editorial Apeiron, lleva por título "Sobre Wittgenstein, filosofía, religión y psiquiatría", y transforma, en buena medida, la interpretación habitual de las aportaciones de Wittgenstein a la filosofía anglosajona y continental, al desligar al filósofo vienés de las posiciones defendidas por el positivismo lógico. La profesora Novales agrega a su traducción de la recopilación de escritos de Drury una introducción crítica y numerosas notas al pie, que resultan de gran interés para el lector.

La evaluación retrospectiva ha clasificado a Wittgenstein entre los filósofos más importantes del siglo XX. Su intención era delimitar la ética desde dentro. Antes de

publicar el Tractatus, comentó a su editor que la cuestión central del libro era la ética. Drury sostiene que todos los escritos posteriores de Wittgenstein continúan esta idea fundamental: apuntan a una dimensión ética; mediante el riguroso delineamiento de los límites del lenguaje, colocan la ética firmemente en su lugar. Sin atender a esta dimensión, no pueden comprenderse las implicaciones de la obra wittgensteiniana en toda su extensión. Esta exigencia ética y la complejidad de su pensamiento se manifiestan con claridad en las Conversaciones entre Wittgenstein y Drury, que se recogen en esta obra en forma de diálogo. Este psiquiatra irlandés, íntimo amigo de Wittgenstein, aclara que fijar un límite infranqueable acerca de lo que puede ser dicho significativamente no se hace para condenar o ridiculizar a quienes han intentado traspasar el límite del lenguaje; por el contrario, se realiza para intensificar el mismo ímpetu y deseo de salir de nuestra jaula[1]. Entonces, la pregunta debería ser: "¿Por qué queremos salir ella?" "¿Por qué tenemos esa inquietud en el corazón?"[2]. No podemos responder a estas preguntas, ni siquiera formularlas.

El Círculo de Viena, que pretendió incluir a Wittgenstein en su seno, abogaba por una concepción científica del mundo, defendiendo el empirismo de David Hume, John Locke y Ernst Mach, el método inductivo, la búsqueda de la unificación del lenguaje de la ciencia y la abolición de la metafísica. Sin embargo, las pretensiones de este "cientificismo" eran excesivas. Wittgenstein recuerda que todas las ciencias, y lo que se conoce como sentido común, intentan decir más de lo que realmente sabemos[3]. La ciencia puede explicar el "cómo", pero no el "ser" del mundo. En rigor, las diferencias entre Wittgenstein y el Círculo eran, en verdad, insalvables, en particular en relación con lo metafísico y lo místico, y lo fueron desde el principio. A Wittgenstein no le gustaba asistir a sus reuniones; las pocas veces que iba, no quería hablar con ellos de filosofía. Solía apartarse para leerles poemas de Rabindranath Tagore. El Círculo realizó una lectura del *Tractatus* que, si no era interesada, al menos era errónea. Lo aplaudió porque parecía fundamentar brillantemente sus posturas positivistas, algo a lo cual Wittgenstein se opuso en todo momento. El final del *Tractatus* llama al silencio sobre las esferas ética, estética y religiosa, sobre el sentido del mundo y, en general, sobre todo aquello que caiga fuera de los límites de la ciencia, debido a su carácter inexpresable. El desacuerdo central entre Wittgenstein y el positivismo lógico era que el conjunto formal de posibi-

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[1] "Toda mi tendencia y, creo, la tendencia de todos quienes alguna vez intentaron escribir o hablar sobre Ética o Religión, era correr contra los límites del lenguaje. Esta carrera contra las paredes de nuestra jaula (del lenguaje, se entiende) es perfectamente, absolutamente desesperada". (*Lecture on Ethics*, 1929).

[2] San Agustín: "*Quia fecisti nos ad Te et inquietum est cor nostrum donec requiescat in Te*".

[3] En el Libro Azul, aparece la cita clave: "La dificultad en filosofía consiste en no decir más de lo que sabemos".

lidades que se dan en el "espacio lógico" no podía ser amarrado *lógicamente* al mundo para cuya descripción lo usamos, ya que las relaciones lógicas se dan solamente dentro del simbolismo; es decir, la relación lenguaje-mundo era inefable. El *Tractatus* venía a decirnos que la relación entre lenguaje y realidad no era ni podía ser lógica, y que la relación que une un signo simple y aquello a lo que corresponde en el mundo real era algo que podía ser mostrado (*gezeigt*), pero no afirmado (*gesagt*).

Sin embargo, una vez etiquetado erróneamente como "positivista", encontraron difícil verlo de otro modo. Así, cuando, a partir de 1929, Wittgenstein retornó a la filosofía y se desplazó hacia su fase filosófica final, que culminaría en las *Investigaciones Filosóficas*, su estilo se entendió, más que como un rechazo, como una reconstrucción de su posición positivista anterior a partir de nuevos y más profundos fundamentos. Sin embargo, lo que realmente ocurrió fue que, posteriormente, Wittgenstein se dio cuenta de que la dependencia del lenguaje respecto de la "forma lógica" limitaba las posibilidades de la comunicación humana. Por ello, se centró en el uso del lenguaje ordinario, que opera de manera bastante confiable dentro de una multiplicidad de "juegos de lenguaje", los cuales no son reducibles al singular juego que privilegia el *Tractatus*. La tarea de los filósofos es restaurar las abstracciones filosóficas a su punto de partida: los lenguajes ordinarios cotidianos. A través de este medio, los problemas filosóficos no son tanto "resueltos" como "disueltos". Wittgenstein fue, ante todo, un filósofo trascendental y, en este sentido, es un error verlo como un filósofo lingüista en el sentido en que, sin duda, lo fueron G. E. Moore y los filósofos analíticos de Oxford. En los *Escritos filosóficos* de la Parte III, Drury afirma: "Wittgenstein no es más filósofo del lenguaje que Platón. Está profundamente preocupado por todo el misterio del lenguaje, no solo del lenguaje de las matemáticas y las ciencias naturales, sino de todo el reino de la comunicación entre una persona y otra. La diferencia entre el lenguaje hablado y el lenguaje escrito, el lenguaje de gestos y expresiones faciales, de símbolos y rituales, de música y poesía".

Por otra parte, Maurice O'Connor Drury fue, a juicio de Rush Rhees (uno de los tres albaceas de Wittgenstein), la persona con quien más habló el filósofo vienés sobre religión. La apertura espiritual de Drury desempeñó un papel crucial, revelando y posibilitando una apertura correspondiente en su amigo y maestro. Drury fue un testigo inteligente y muy cercano de lo que se ha denominado "el Segundo Wittgenstein", aunque, en rigor, Wittgenstein siempre expresó lo mismo y jamás declaró que la metafísica no existiera; únicamente sostenía que de ella no podía hablarse con sentido. Para él, lo

indecible revelaba lo fundamental del pensamiento humano, y al quedar lo inefable fuera del *Tractatus*, no es que lo condenara al error (como hizo el Círculo de Viena), sino simplemente al silencio. Una frase que le dijo a Drury hacia el final de su vida resume muy bien el contenido del libro: "No soy un hombre religioso, pero no puedo evitar ver todos los problemas desde un punto de vista religioso. Me gustaría que mi trabajo se entendiera de esta manera".

Los escritos de Drury, en particular los registros de sus conversaciones con su maestro y amigo, revelan aspectos novedosos sobre el *espíritu* con el que Wittgenstein abordó la filosofía y sobre lo que esperaba de su estudio. Estos textos iluminan cómo practicó la filosofía en esa época y, más en general, cómo, a lo largo de su amistad, Wittgenstein aclaró el papel de la filosofía en relación con otras actividades humanas, como la investigación científica, la composición estética y el reconocimiento del valor, así como la oración y la experiencia religiosa. Para él, lo más importante de todo era el comportamiento interpersonal "decente". Asimismo, tras la muerte del gran filósofo austríaco, Drury, al igual que otros amigos de Wittgenstein, intentó corregir, como relata el libro, ciertas interpretaciones erróneas de su obra, como la de ser considerado el "supuesto creador de la filosofía del lenguaje".

El libro se compone de seis partes. Es recomendable comenzar por la Parte VI: *Notas biográficas e históricas*, para conocer quién es quién dentro del círculo individual y común de los dos amigos, antes de abordar la Parte II: *Recuerdos de Drury sobre Wittgenstein*, que es la más importante, pues constituye el principal registro de Drury de su interacción, tanto personal como intelectual, con Wittgenstein. Hablaban de todo: filosofía, música, antropología, y también de teatro, arte y ciencia. Además, Wittgenstein recomendaba libros a Drury. Sin embargo, el tema permanente era la religión.

La Parte I: *Drury y Wittgenstein: almas gemelas*, es un comentario filosófico de John Hayes, profesor jubilado de la Universidad de Limerick y editor de la obra original en inglés, sobre la Parte II. A su vez, los *Escritos filosóficos de Drury*, que integran la Parte III, se dividen en cinco subpartes: a) Conferencia de Drury en el *Trinity College* de Dublín, en 1935, sobre "El método de la filosofía"; b) "Cartas a un estudiante de filosofía", que abordan las dificultades de un joven estudiante universitario que ha elegido estudiar filosofía, y que están dirigidas a su hijo Luke, que entonces tenía dos años. Con ellas, pretende ayudar a pensar de la misma forma en que Wittgenstein le ayudó a él; c) "Seis reflexiones compartidas con Rush Rhees"; d) Conferencia en el *University College* de Dublín en 1967, para defender a Wittgenstein de ciertas falsas interpretaciones acerca de su filosofía, que estaban ganando terreno; y e) "Carta a Rush Rhees del 16 de octubre de 1966".

En la Parte IV, titulada *Drury sobre la religión*, el psiquiatra desarrolla la Carta 15 sobre el tema de que "el Dios de la religión significa mucho más que el absoluto de la filosofía" y ciertamente más que los "falsos absolutos"[4]. La frase que, para Drury, está en el centro mismo de la filosofía de Wittgenstein es: "Lo inexpresable, ciertamente, existe. Se muestra a sí mismo, es lo místico" (*Tractatus*, 6.522). El epistolario Drury-Rhees que aparece también en esta Parte IV proporciona múltiples ejemplos de reflexiones sobre la esencia del cristianismo y de los peligros de enredarse en las palabras, y son de una relevancia y lucidez notables al reflexionar sobre lo que aprendieron de Wittgenstein.

Por último, en la Parte V: *Drury sobre medicina, psiquiatría y psicología*, Drury intenta conectar las intuiciones obtenidas de las influencias importantes en su propio desarrollo religioso y filosófico con los problemas de la psiquiatría. Drury vivió el gran cambio de la psiquiatría (que se explica en el libro), desde la terapia de electroshock hasta el desarrollo de la nueva farmacología, a la que se acopló con gusto, pero sin exageradas expectativas. Dada su especial posición, pudo aportar a la psiquiatría una riqueza inusual de antecedentes para tratar de comprender más profundamente los procesos psicológicos que causan los síntomas manifestados en los enfermos mentales. Esta Parte V contiene en su seno una obra autónoma: *El peligro de las palabras,* que, a juicio de Ray Monk, el biógrafo de Wittgenstein, "es quizá, en su tono y en sus preocupaciones, la obra más auténticamente wittgensteiniana publicada por cualquiera de los estudiantes de Wittgenstein".

El peligro de las palabras se divide, a su vez, en cinco capítulos, cada uno presidido, además, por un aforismo de Lichtenberg de considerable enjundia: 1) "Palabras y transgresiones", sobre cómo las palabras, cuando los médicos hablan con los pacientes, pueden llevar a la confusión; aquí distingue cinco tipos de falacias: de los alquimistas, del médico de Molière, de los sentidos pickwickianos, del hipopótamo perdido y del árbol de van Helmont; 2) "Ciencia y psicología", donde desarrolla la observación que hace Wittgenstein al final de las *Investigaciones* filosóficas sobre la esterilidad de la psicología experimental y sus exageradas expectativas; 3) "Acerca del cuerpo y la mente", con reflexiones sobre las limitaciones de la ciencia para comprender la mente y la condición humana, pues, a pesar de los avances de la bioquímica del cerebro, siempre habrá en psicología y psiquiatría el reino de lo inexplicable; por ejemplo, ¿cómo se pasa de lo físico a lo mental?, ¿cómo pasa algo de la mente a la conciencia? 4) "Hipótesis y filosofía", donde habla de los peligros de confundir una hipótesis con un hecho, y 5) "Locura y religión", capítulo crucial en el libro, que versa sobre la diferencia y relación entre patología y

[4] "La solución del enigma de la vida en el espacio y el tiempo reside fuera del espacio y del tiempo" (*Tractatus*, 6.4312).

experiencia espiritual, en el que refleja tanto lo que había aprendido de Wittgenstein como su experiencia como psiquiatra. La Parte V incluye también "Filosofía y psiquiatría", crítica de Ilham Dilman a *El peligro de las palabras,* y la réplica de Drury a Dilham: "Correspondencia y comentario".

En definitiva, como psiquiatra en ejercicio con una formación filosófica y religiosa singular, Drury nunca quiso negar, siguiendo la estela de Wittgenstein, que dentro de sus propias esferas, las ciencias contribuyen a nuestra comprensión del mundo en que vivimos. Solo quería llamar la atención sobre los límites y las *pretensiones* de la ciencia, para hacernos notar la variedad de cuestiones serias que quedan fuera de su ámbito. Es fundamental cuidar que, cuando en cada generación se logran nuevos avances en el conocimiento, no se les considere más importantes de lo que realmente son, y que no se conviertan hipótesis en hechos. Esto se hace con la finalidad de mantener la maravilla segura y el asombro permanente ante el mundo que tenemos "ahí", así como el milagro de vivir. Drury insiste en que la filosofía despliega claramente lo decible (no más) para asegurar la maravilla de lo inexpresable y hacer posible el asombro.

Al final, la traductora incluye una bibliografía interesante en castellano sobre los libros citados en la obra, y sobre las lecturas de Wittgenstein y Drury, algunas realmente curiosas.

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WHO IS AFRAID OF FEMINISM? MISRECOGNITION AND THE POLITICS OF ACTIVE IGNORANCE

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Introduction

Una giustizia a due dimensioni. Redistribuzione e riconoscimento nell'opera di Nancy Fraser includes an introduction and seven chapters written by Anna Cavaliere. In all, this is an excellent work that plumbs the dimensions of redistribution, recognition, and political representation in Nancy Fraser's theory of justice in light of the changes that have occurred with the rise of neoliberal globalisation. In this note on Cavaliere's book, I will focus my comments on selected chapters to address two interrelated issues. In the first section, I build on Nikolas Kompridis's critique of Fraser's standard of publicity to highlight the role of active ignorance in defining what merits the title of injustice. In the second section, I take my cue from Fraser's critique of second-wave feminism to shed light on the conceptual hostility that actively distorts feminist claims and weakens their transformative power.

Misrecognition and the Will Not to Know

> People are willing to think about many things. What people refuse to do, or are not permitted to do, or resist doing, is to change the way they think.
> Andrea Dworkin (1976, p. 202)

For Fraser, misrecognition is a matter of status subordination. It is "a matter of *externally manifest* and *publicly verifiable* impediments to some people's standing as full members of society" (Fraser & Honneth, 2003, p. 31, emphasis added). This means that not all

that is experienced as injustice counts as *valid* misrecognition. In Fraser and Honneth's view, we need to distinguish what *truly* deserves the title of injustice from what is *merely experienced* as such, and, in doing so, we must reject appeals to an independent realm of subjective experience that cannot be publicly verified (2003, p. 205). What we require are decentralised and depersonalised discourses of justice and social critique that offer an *objective standpoint* for evaluating recognition—a standpoint that is not "sheltered from public contestation," but rather subjected to "critical scrutiny in open debate" (Fraser & Honneth, 2003, p. 205).

The Canadian philosopher Nikolas Kompridis (2007) finds Fraser's distinction between what merits the title of injustice and what is merely experienced as injustice "quite worrisome" and discusses some questionable assumptions underlying Fraser's standard of publicity (Cavaliere, 2023, pp. 65–73). To begin with, *contra* Fraser, Kompridis considers subjective experience as an irreplaceable and necessary *source of intelligibility* and claims that successful identification of misrecognition must pass through both subjective experience and subjectless discourses. Indeed, if we leave "the suffering subject" aside, we risk making the content of subjectless discourses empty and alienating.

The importance accorded to subjective experience also leads Kompridis (2007) to be sceptical of the assumption that currently available claims-making vocabularies and subjectless discourses are all the vocabularies and discourses we need to express and justify recognition claims. Acknowledging that misrecognition may not take an already familiar public form, Kompridis (2007) holds that we should be wary of placing faith in standards of public verification that assume the adequacy of inherited vocabularies of identity. In Kompridis' (2007) words, "we cannot presume the justificatory adequacy of our current discourses and vocabularies," and "subjective experience must always be an ineliminable normative reference point of resistance, contestation, and transformation".

Finally, Kompridis disagrees with the assumption that recognition claims are fully explicit and determinate claims. Taking a distance from Fraser's positivist reading of recognition, he argues that recognition claims are indeterminate claims interwoven with our identities and the various goods we associate with them. Hence, he emphasises that in order to *turn* what is "merely experienced as injustice" into what rightly deserves the title of injustice, it is necessary to overcome those social, linguistic, and semantic barriers that exacerbate such indeterminacy by rendering those suffering injustice "literally and figuratively speechless" (2007, p. 282).

Each of Kompridis' concerns has long been shared by philosophers of language and social epistemologists interested in the way speech and knowledge are produced and

constrained along axes of power. The common assumption is that the success of a speaker's attempt to communicate ultimately depends upon the audience.

This means that individuals are deeply vulnerable to others in the exercise of their linguistic and epistemic agency. In ordinary speech situations, speakers can go wrong, and they can *be wronged* in various ways, on account of the way others take up their speech. In line with Kompridis' critique, theories of *silencing* and *discursive injustice* show that the ability to control the performative force of one's speech directly correlates with social power, and it is often the case that people who belong to marginalised or stigmatised groups struggle to be heard.[1]

Consider the case of the anger voiced by women as a reaction to gender injustices. In her classic paper *Anger and the Politics of Naming,* Naomi Scheman (1993) argues that women's anger is a rational response to facts about their situation and a communicative act that demands social recognition and action. Despite this, women's emotional speech acts are often taken as mere expressions of feelings rather than as epistemic claims with normative content (Kukla, 2014). In Scheman's (1993) view, women's emotional reactions are often taken as "irrational or nonrational storms. They sweep over us and are wholly personal, quite possibly hormonal. The emotions that fit with this picture tend to be diffuse, like moods, or episodic and undirected. They don't, in any event, *mean* anything" (p. 25). Because of their emotional nature and the defective uptake they receive as a result, women's speech acts of protestation are often neutralised: the communicative acts of denouncing and contesting gender oppression are treated as non-truth-bearing speech acts that have no generalised epistemic consequences for others and make no political demands.

The silencing of protesting voices is a ubiquitous occurrence, demonstrating that having the concepts and terms to articulate an injustice does not guarantee social uptake.

Whereas Kompridis focuses on the subject who attempts to articulate the wrong suffered, I would like to draw attention to the role of the *active ignorance* of the recipients of recognition claims. I borrow the term from theorists of the epistemology of ignorance (Medina, 2013, 2016; Mills, 1997; Tuana, 2006).

Ignorance in the realm of science is typically depicted as nothing more than the absence of true belief or the presence of false belief. Thus, for instance, a person might be

[1] The notion of *silencing* has been developed within speech act theory by Jennifer Hornsby and Rae Langton (see Hornsby & Langton, 1998; Langton, 1993). The notion of *discursive injustice* has been developed by Quill Kukla (2014). On epistemic silencing, see Fricker (2007).

ignorant of many mathematical truths because he has never studied mathematics. Active ignorance, instead, is not merely "something we do not (yet) know" (Tuana, 2006, p. 3). Rather, it is the kind of recalcitrant ignorance that is deeply invested in not knowing (Medina, 2016, p. 182). In the case of active ignorance, besides epistemic gaps and distortions, there are also self-protecting mechanisms—psychological and social—that sustain ignorance by making it immune to criticisms and neutralising possible conflicting beliefs. For example, the *will not to know* about one's complicity in racism might bring one to distort claims about racist discrimination as personal attacks that call for defensive reactions, or as attempts to be divisive that should be met with contempt (Medina, 2016, p. 182).[2] Similarly, when one is interested in not knowing that many of the achievements one takes credit for were in part made possible by one's unearned privileges, one might prefer self-deception and wishful thinking to uncomfortable truths.

As social theorists have shown, active ignorance is one of the mechanisms that distorts powerful groups' understanding of the social world. Indeed, although socially powerful groups are privileged in many respects, it is not always the case that they have a better understanding of social reality than marginalised groups. On the contrary, active ignorance is often the product of an epistemic agreement among dominant social groups "about what counts as a correct, *objective* interpretation of the world" and entails *miscognitions* that turn illusory perceptions about society's functioning into *objective truth*s (Mills, 1998, p. 28). In *The Racial Contract*, Charles Mills calls this phenomenon "white ignorance," disclosing an epistemology of ignorance that serves to stabilise aspects of racism in Europe and the United States (Mills, 1997).[3]

Epistemologies of ignorance have provided the important insight that, in order to promote greater justice, we must not only transform inherited vocabularies and discourses but also remove the *cognitive* and *affective* barriers that block their acquisition and usage in publicly defining what deserves the title of injustice (Medina, 2016, p. 201). In my view, the issues raised by Kompridis regarding the centrality of subjective experience and the struggle to articulate injustice could be effectively addressed by unmasking the patterns of ignorance that actively shape the boundaries of what is considered 'political.' In order to "expand our field of action" (Kompridis, 2007, p. 281), we must carefully examine how active ignorance places limits on what can be known, what can be said, what really *matters*, and what is objectively unjust. Moreover, in order to "change the

[2] Nancy Tuana (2006) refers to ignorance sustained by the will not to know under the term "willful ignorance."

[3] Charles Mills's notion of "white ignorance" sheds light on the doxastic system that produces ignorance denying white privilege (see Mills 1997, 1998). Mills' account of white ignorance, as Mills acknowledges, is closely related to feminist standpoint theory, which in turn has Marxist roots (Mills, 2013).

protocols of public reason" (Cavaliere, 2023, p. 73), we need to counter the protective mechanisms of privilege and heed others. This "ethics of discomfort" (Medina, 2016) is what we need to understand feminist demands.

Embracing Feminism

> I and many of my sisters do not see the world as being so simple. And perhaps that is why we have not rushed to create abstract theories.
> Barbara Christian (1988, p. 76)

In Chapter 5, titled "Neoliberalismo, femminismo, progressismo," Cavaliere (2023) refers to an article published by *The Guardian* in 2013, in which Fraser argues that "feminism has become the handmaiden of neoliberalism." Drawing on her own work in political theory, Fraser claims that second-wave feminist criticism of the welfare-state's paternalist logics, together with the later "cultural turn" in feminism, and the rise of identity politics, have unwittingly contributed to the legitimisation of neoliberal policies. Referring to the feminist struggles for recognition, she states that "the feminist turn to identity politics dovetailed all too neatly with a rising neoliberalism that wanted nothing more than to repress all memory of social equality" (Fraser, 2013).

Fraser's (2022) critique reminds us that "cannibal capitalism" can hollow out or distort fundamental political claims and offers compelling arguments to mobilise feminists on the left against neoliberal policies. That said, her reading obliterates much of what feminism is and what feminism *does*. 'Feminism' was a practice long before it was a theory, and decades of activism, dispute, and negotiation produced a constellation of imaginaries and methodologies. By abstracting the second-wave feminism from its historical and social context to present it as a transnational universal experience, Fraser depicts an oversimplified picture. In response to Fraser, Brenna Bhandar and Denise Ferreira da Silva (2013) point out that her claims are based on the erasure of black, subaltern, and third-world feminist strands. In a concise but compelling way, the authors show that Fraser's framework of analysis is flawed for it does not take into account "the work of A. Y. Davis, Audre Lorde, Himani Bannerji, Avtar Brah, Selma James, Maria Mies, Chandra Talpade Mohanty, Silvia Federici, Dorothy Roberts," all of whom, as the authors rightly empathise, "have consistently developed critiques of capitalist forms of property, exchange, paid and unpaid labour, along with culturally embedded and structural forms of patriarchal violence" (Bhandar & Silva, 2013). In a similar vein, Leticia Sabsay (2014) points out that "the opposition between cultural

recognition and social redistribution struggles only works among privileged white positionalities, since for racialised populations and in postcolonial contexts recognition has been an egalitarian claim from the beginning" (p. 326). Moreover, as remarked by Ozlem Aslan and Zeynep Gambetti (2011), when Fraser reproaches feminism for turning to identity politics and absolutising the critique of cultural sexism, she overlooks the fact that neoconservatism is the rejection of the ground obtained by feminists in the domains of family, sexuality, and such bodily rights as abortion (Aslan & Gambetti, 2011, p. 141).[4] Reactionary backlash shows that feminism, anti-racist, and LGBTQIA+ liberation movements can actually stand against the system and confirms that the struggles for recognition and self-determination are means of eliminating oppression *in all its forms* (Young, 1997).

So, is it really the case that feminists have become the "handmaidens of neoliberalism" because they abandoned emancipatory ideals in favour of cultural interests, as Fraser suggests? To answer this question, we should begin by discarding the monolithic conception of feminism offered by Fraser and go back to the rough ground of our actual practices by making good use of existing "cartographies of struggles" (Mohanty, 1991).[5] It is in this spirit that I shift the focus to another question: given our different positionalities, *how* can we counteract those socio-political and epistemological mechanisms that actively weaken feminism's transformative power?

If it is true that feminist emancipatory ideals engulfed by neoliberal capitalism can be turned into "mere slogans" (Cavaliere, 2023, p. 77), it should also be emphasised that feminist claims are systematically silenced, neglected, distorted, or wilfully resisted in every social environment shaped by patriarchal norms, including social milieus within the left. This is not news. The testimonies of leftist feminist militants, politicians, and scholars reveal that feminist issues have always been regarded as apolitical and, when related to sex, reproduction, and marriage, were publicly condemned for producing "a scandalous inversion in the relation between culture and life, social history and personal history" (Melandri, 2021, p. 268).[6] It is Fraser herself who testifies to the scant attention of her New Left comrades to gender issues. In a passage that Cavaliere quotes in the introduction to her essay, Fraser and Nicholson (1989) write:

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[4] Aslan and Gambetti's critique refers to Fraser's book *Feminism, Capitalism and the Cunning of History* (2009).

[5] In *Feminism for the 99 per cent. A manifesto* (2019), written by Cinzia Azzurra, Nancy Fraser, and Tithi Bhattacharya, the "handmaiden of neoliberalism," is identified with liberal feminism.

[6] Carla Lonzi (1970/2023), in *Sputiamo su Hegel*, writes that "we see in the apoliticality of the traditional woman the spontaneous response to a universe of ideologies and claims where her problems emerge only starkly when, from the heights of paternalism, she is questioned as a mass of manoeuvre (p. 39).

> When, in the 1960s, women in the New Left began to extend prior talk about "women's rights" into the more encompassing discussion of "women's liberation," they encountered the fear and hostility of their male comrades and the use of Marxist political theory as a support for these reactions. Many men of the New Left argued that gender issues were secondary because they were subsumable under more basic modes of oppression, namely, class and race. (pp. 92–93)

What Fraser and Nicholson describe here seems to be a paradigmatic example of active (self-protecting) ignorance: men of the New Left presumably lacked important pieces of knowledge to recognise the claims that feminists were making. They could have asked their feminist comrades to teach them how to grasp the reality of gender oppression. Instead, their fear and hostility led them to paternalistically use the authority of Marxist political theory to obscure the politics of sexism. One might wonder if this kind of conceptual hostility is encountered by feminists also today, and the response to this question would be *yes*. People tend to avoid thinking about gender oppression, and sometimes deny its very existence (MacKinnon, 2005, p. 18). Moreover, intellectual arrogance and paternalistic attitudes towards feminist claims are prevalent in all walks of life. When expressed with scorn and mockery by men in positions of authority in culture and politics, they have a profoundly influential impact on public opinion.[7] This brings us to the dimension of *representation*: how can feminist actors included in the political community reshape the rules of the political game? Which issues are still excluded, relegated to the private sphere? Which words are allowed, and which are denied? Can we legitimately say that we live in a patriarchal society? And if not, why?

All these questions relate to one of the greatest difficulties feminists face in dealing with the abstraction of critical theory and the authoritarian qualities of culture: overcoming the traditional opposition between private and public in order to demonstrate that *the personal is political*. Through consciousness-raising, women discovered that gender relations are a collective fact, no more simply personal than class relations (MacKinnon, 1982, p. 543). Lived experience became a "criterion of meaning" (Collins, 1990), and feminists collectively struggled for the overcoming of the traditional opposition between 'private' and 'public' that had historically excluded them from the *polis*. Feminist theorist Lea Melandri, in her 1977 essay *L'infamia originaria*, writes that the search for circularity and synthesis between the personal and the political, artificially separated, seems to be the last shore beyond which, either a new way of existing

[7] For an account of intellectual arrogance, see Tanesini (2016).

politically is born, or politics itself as a collective project of liberation dies. Nowadays, feminists are doing an excellent job of publicly unmasking the politics of patriarchal violence, and important milestones have been achieved—from the streets to the supreme courts. However, the transversal tendency to neglect, misrepresent, or wilfully resist feminist knowledge and practices confirms the existence of pernicious bodies of active ignorance that need to be addressed.

Feminists have opened paths of action for others to follow. If we are willing to stand in solidarity with feminists, then we must do more than just *let* them speak. We have to resist conceptual hostility and change the way we think, at the cost of feeling uncomfortable. In Medina's (2016) words,

> all of us (but those who occupy positions of privilege especially) need to get out of our comfort zones and familiar spaces and to open ourselves to the epistemic friction that can make perspectives vulnerable and accountable to each other. (p. 200)

Only such an ethos, I contend, can sustain and fuel the transformative power of feminist movements.

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