

Sopstvo, drugi i pravo

Elena Papangelodemou

UDK 342.721



0009-0009-9377-2889

Referenca:

Papangelodemou, Elena. 1/2025.
The Self, the Other and the Law.
Eudaimonia – Journal of Legal, Political and Social Theory and Philosophy 9: 138–167

DOI: 10.51204/IVRS_25110A

Ključne reči:

- Tehnologija
- Digitalno sopstvo
- Drugi
- Intersubjektivnost
- Pravo

Autor za korespondenciju:

Elena Papangelodemou,
Epapangelodemou@gmail.com

Ovaj rad razmatra i nastoji da istraži i osvetli živopisnu međusobnu igru između tehnologije, sopstva i prava. Ljudi su po svojoj prirodi tehnološka bića. Savremena digitalna i informatička epoha napreduje neviđenom brzinom, donoseći izuzetne promene, rušeći granice i nepovratno narušavajući naše razumevanje sveta. Sopstvo, oblikovano kroz odraz u Drugom, u spoljašnjem, prirodno se menja. Pojavljuje se novo, fluidno i relacijsko digitalno sopstvo. Pravo ima ključnu ulogu u ovladavanju ovim nadolazećim talasom i u podsticanju nastanka ovog novog sopstva. Tvrdnja je da, kako bi pravo dovoljno ispunito ovu svoju presudnu ulogu, mora obuhvatiti profanost ove nove epohe očima njenog novog subjekta i prepoznati intimni odnos između njih.

The Self, the Other and the Law

Elena Papangelodemou

UDK 342.721



0009-0009-9377-2889

Cite this article:

Papangelodemou, Elena. 1/2025.
The Self, the Other and the Law.
*Eudaimonia – Journal of Legal, Po-
litical and Social Theory and Philoso-
phy* 9: 138–167

DOI: 10.51204/IVRS_25110A

Keywords:

- Technology
- Digital Self
- Other
- Intersubjectivity
- Law

Author for correspondence:

Elena Papangelodemou,
Epapangelodemou@gmail.com

This paper discusses and attempts to explore and illuminate the vivid interplay between Technology, Self, and the Law. Humans are innately technological beings. The current digital and informational epoch advances at an unprecedented speed, bringing forth extraordinary changes, breaking boundaries and irreversibly disrupting our understanding of the world. The Self, constructed by reflecting in the Other, the exterior, is naturally transformed. A novel, fluid, and relational Digital Self emerges. The Law has a paramount role in mastering this coming wave and nurturing the emergence of this new Self. It is argued that for the law to fulfil this defining role sufficiently, it shall capture the profanity of this new epoch through the eyes of its novel subject and realize the intimate relationship between the two.

1. INTRODUCTION-PROLEGOMENA

As humans are innately technological beings, every new wave of technology—every new technological *epoch*—compels us to move, reshapes our human experience, and ultimately transforms our subjectivity. This paper will attempt to explore how the *Self* has been transformed in the new digital age and accordingly ascertain the role of the law in light of this new subjectivity.

The first part of this paper sets the philosophical background to the question of Technics, and the Self, based on which the main questions raised by this paper are to be discussed.

In the second part, this paper will explore the question of the Digital *Self*. Who are we? And who do we become when we internalize the digital realm as the Self's Other? How and to what extent is subjectivity transformed in this era of speed and volatility? A new humanity and new subjectivity emerge as this imminent wave approaches, radically disrupting human existence and life. A novel, processual form of subject arises, encompassing the multitude of relations that shape the digital environment.

The last part pertains to the question of Law. How can it address this new wave and foster digital subjectivity? How does the shifting informational and digital landscape challenge the Law? Is the Law intended to preserve its normative foundations? Or are we entering an age where the Law functions as a meta-technology? We must not underestimate the importance of the Law in this new era; if we do, we may face chaos. To remain significant, the Law needs not only reform but a complete reimagining. Successfully reimagining the Law involves understanding this new epoch, recognising the uniqueness of the digital Self, and importantly, acknowledging the close relationship between them, as well as the potential for a split between the two.

This paper adopts an interdisciplinary approach, as the inherent generality of the matter at hand would otherwise remain unacknowledged. This approach requires heavier reliance on secondary and tertiary sources. By addressing these inquiries and investigating their interactions through diverse fields, the absurdity and fragility of human existence are revealed, along with the continuous incompleteness of the human subject in contemporary times. It concludes that in an epoch where the unimaginable and the unthought prevail, we must depend on imagination and improvisation.

2. THE STEALING OF FIRE

Prometheus ("foresight") and Epimetheus ("hindsight") were sent by Zeus to give gifts of specific qualities to all the creatures of the world for them to survive together harmoniously (they would provide speed to the gazelle, force, and endurance to the

lion, a shell to the turtle etc.) After giving out all the gifts, Epimetheus soon realises that he has forgotten about humans; there are no defining qualities to give to a human that has not already been handed out amongst the other creatures. Humans thus begin life as beings without qualities; unlike the other animals of the world, they have no intrinsic defining characteristics. As Prometheus becomes aware of his brother's mistake, he returns to Mount Olympus, enters the workshop of Hephaestus (the god of fire), and decides to steal the Fire to give to humans as their defining quality. Whereas the other creatures have qualities specific to their ability to survive, humans instead receive the symbolic power of a god- the *Technics*. (Bluemink, 2015)

The Epimetheus myth illustrates the co-originality of the human and *Technics*. *Technics* did not emerge out of the already constituted human or the human out of the already constituted *Technics*, but these two ontological domains co-constituted each other from the very start. 'To have no technology is to be not-human' (Arthur, 2009, p. 216). '*Technics is the unthought*,' Stiegler states, the unimaginable (Stiegler, 1994, preface, ix), and so is [human] life.

2.1. *Technics*

The question of technology, or *Technics*, has been deemed unworthy of philosophical inquiry for most of human history. Only in the past few decades has this question been seriously and urgently raised. As Stiegler explains in the movie *The Ister*, *Technics* evolved along with humans, humans being nothing else than technical life. Still, for most of human history, there was no sense of this technical dimension that constituted human life, making humans unique among living beings. The pivotal moment in understanding *Technics* as constitutive of the human experience and existence came with the Industrial Revolution.

At the beginning of Western philosophy in Ancient Greece, *Tekhnē* – which in Greek refers to the process of creation and construction- was connected with the idea of the Artisan, the *Demiurge*, the creator. *Technics* were understood through two key distinctions: (i) through an epistemological distinction between episteme and *Technics*, and (ii) through a metaphysical distinction between nature and *Technics*. Distinguishing between episteme and *Technics*, Plato denounced technical knowledge as a sophistic instrumentalisation of knowledge and an abuse of power when set in a political framework. For Plato, art/ *Tekhnē* was a mere imitation of nature, nature being, in turn, an imitation of the Eternal Ideas. For Aristotle, technological thought was considered underdeveloped, lacking a unified system of its own as opposed to science. Science was understood to be the universal knowledge, whereas *Tekhnē* was understood as the individual's mere application of such knowledge. The Artisan, the one producing technical objects, could not invent and change

the technical forms according to which the Artisan works. The Artisan's tool and *Tekhnē* are mere instruments with which a pre-existent form fashions matter. As explained by Stiegler in *The Ister*, Technics carried no ontological depth or meaning; appearance was strictly separated from essence, and Becoming was isolated from Being. Episteme was fundamentally opposed to Technics.

Complementing the epistemological distinction between episteme and Technics, a metaphysical distinction was drawn between nature and Technics. Nature and natural beings, in Aristotelian metaphysics, relate to genesis, being autonomous, having an immanent cause of growth. Nature was understood as the *materia prima*, the substance (*ousia*), an essence, carrying self-causality, i.e. the ability to move itself -as opposed to *Tekhnē* and technical entities, which were understood to be passive, subject to animation from the outside as they are a *natura secundum materiam*, their change or movement being contingent rather than necessary. This refers back to *Tekhnē*'s and technical objects' instrumentality as means to be used for an end. Thus, in ancient Greek thought, nature was an essential, autonomous, self-organising principle or form, the divine archetype, the model of a creature in God's mind. In contrast, the technical entities were seen as passive instruments, dependent on the material and external stimuli.

The initial shift in the conception of technology and Technics occurred when humans were compelled towards self-assertion during the late Middle Ages by what Hans Blumenberg refers to as the theological absolutism of nominalism. For the first time in history, humanity had been dethroned as the central being around which everything evolves. In the early Middle Ages, the world was perceived as an anthropocentrically ordered cosmos created by God. However, during the late medieval period, the importance of humanity and its creation as part of God's great plan was questioned by introducing the nominalist notion of the radical intensification of God's freedom, omnipotence, and incalculability. The world was no longer viewed as an ordered cosmos but as an immense, inconceivable and orderless place. Blumenberg contends that the Copernican revolution validated this nominalist perspective, revealing that the universe was not designed for humans; humans are simply participants in a vast cosmos. (Blumenberg, 1985) This, in turn, resulted in a 'new viral self-consciousness.' As explained by Luciano Floridi, Copernicus's heliotropic cosmology displaced the Earth from the centre of the universe. It forced humans to reconsider their place and role in it, causing what he refers to as the first revolution to self-understanding. (Floridi, 2014, p. 87).

Blumenberg further explains that since it was discovered that God did not arrange the world for human benefit, humans could now consider themselves free from the compulsory nature of Nature. Instead, there was space for a second nature to be introduced: that of *the world of culture*, in which humans are no longer required to

imitate the eternal forms of nature – the universals – but can endeavour to invent forms and build a world for themselves from the raw materials provided by nature. Thus, this moment in time can be said to have inaugurated the first instance of the modern human as an active, self-shaping being of a cultured nature out of which it draws its consciousness, to which it relates itself, and in which it relates to others. This moment of existential anguish marked the primary shift to human self-understanding. For the first time, humans considered themselves standing at *the radical moment of Becoming*, in which neither cognition nor action was to be given down from a natural order or be predetermined by any God. This profound lack of natural givenness opened infinite possibilities and instigated a world powered by creativity and invention. As opposed to a world shaped by the divine, God, or by eternal and unchanging forms, where human, technical and artistic production had no choice but to accept the compulsory nature of such forms and things and where everything necessary pre-existed in metaphysical or physical facts – thus, rendering change, invention or creation superfluous. (Aigner, lectures 2023 and Blumenberg, 1988)

Following Blumenberg's analysis, with the rupture with the medieval order of the cosmos and the dethroning of humans from the centre of the universe, the importance of technology and Technics – as well as art – became increasingly apparent in human life. Instead of being bound to the realm of imitation, technology and Technics were now entering *the world of invention and creation*. Science and Technics substituted loss of order, and creativity substituted imitation. Curiosity was rehabilitated as a valuable characteristic; the modern idea of the creative human being arose, and the modern dominance of natural sciences and Technics was born. (analysis above from Aigner, lectures 2023 and Blumenberg, 1988)

However, the most significant disruption of the understanding and role of Technics was the Industrial Revolution, which began with the introduction of the steam engine in 1780. Up until the Industrial Revolution, Stiegler explains in *The Ister*, the periods of *technological rupture* – as referred to by Bertrand Gille – were sporadic and far apart in time, thus leading to a common (mis)belief that the world was stable, identical to itself over the years, a world of *Being*. With the Industrial Revolution, the duration of technical systems' transformative cycles became shorter and shorter. The immense change was measured in decades rather than centuries or millennia (Suleyman & Bhaskar, 2023, p. 29). This led to the emergence of historical consciousness, proclaimed by Hegel, as a new widespread realisation of *a world of Becoming* was introduced. As Marx declared, the 19th century revealed that stasis is the exception, while the “normal” is in perpetual flux. Nietzsche shared the same idea when he declared reality to be a *Becoming*. ‘They will not learn that man has become’, Nietzsche wrote in *Human, All Too Human*, suggesting that such change is somewhat accidental, a statement Stiegler espouses. Deleuze and Guatarri noted

that different technologies have different forms and ways of becoming (Deleuze 1992, Guattari 1995).

By the end of the 18th century and the beginning of the 19th century, a new relation was formulated between science and Technics. This relation upset the established philosophical order. The relationship between science/episteme and Technics was altered from one of *opposition* to one of *composition*. A new dynamism of Technics was introduced, which led to a period of ‘*permanent innovation*’. Technics and technology were constantly and rapidly transformed due to capitalist competition gradually spreading to the international order and essentially through technical innovation and machine optimisation. The global economic war was translated into a war of science and Technics – a tendency that would only intensify in the following decades. (Stiegler, 1998 and Stiegler in *The Ister*)

The Industrial Revolution and the overriding presence of machines brought about a transformation in self-understanding concerning both the identity and role of humans in the world. The works of Samuel Butler’s *Erewhon* (1872) and Darwin’s *On the Origin of Species* (1859), written in light of the Industrial Revolution, are prime examples. Butler’s fictional story of machines as a potential threat to humankind’s dominance created a perception of technology and machines as a threat to human existence, a view still held by many today, particularly in response to Artificial Intelligence. Further, Darwin’s finding that all species have evolved over the years from common ancestors through natural selection pronounced the displacement of humans from the centre of the biological kingdom. It rendered the origins of humanity a vexed question. As proposed by Floridi, the Darwinian revolution forms the second revolution in self-understanding – after the Copernican revolution (Floridi, 2014, p. 89).

The Industrial Revolution is widely accepted to have called for the reassessment of technical objects profoundly in a manner that is ever more relevant today. The proliferation of technical objects in the form of machines during the Industrial Revolution demanded – emphatically, according to Simondon and Stiegler – a systematic scientific approach to Technics and technology. As argued by Stiegler, the Industrial Revolution made it clear to the naked eye that Technics and technology were a problem that needed to be seriously and urgently addressed on all levels of thought and reflection. A critical attitude predominated in philosophical discussions about technology by the late 19th and throughout the 20th century. The classical philosophical concepts were considered incapable of grasping either the mode of existence of the technical objects or the experience of living in a world that is now fundamentally shaped by such objects. Technics were considered a challenge to philosophy itself. If philosophy is to play a role in the contemporary world, it must urgently address the question of Technics (Stiegler, 1998). Thus, philosophers embarked on a new quest

to explain and evaluate technology and Technics, as well as their modes of existence, function, nature, and relationship to humans and the Self.

2.2. The Self

The concepts of subjectivity, subject, and identity widely perturbed the thought of theologians, philosophers, sociologists, psychologists, and other theorists. Over the centuries, these ideas have been continuously conceptualized and redefined.

Subjectivity – broadly speaking – [pertains] ‘to the subject and his or her particular perspective, feelings, beliefs, and desire’ (Honderich, 1995, p. 900); it is ‘the [unique] capacity [of human beings] to reflect upon and evaluate their thoughts, feelings, and actions’ (Atkins, 2008, p. 1). The notion of subjectivity in modernity was initiated by Michel de Montaigne (1533–1592), who, during his project of self-exploration with the traditional aim of discovering a universal human nature, ended up discovering himself, his thoughts, feelings, and emotions. Thus, an understanding of subjectivity was introduced, which fostered a notion of the Self as a centralised locus of subjectivity in the hands of Descartes, Rousseau, Kant, and others (Honderich, 1995, p. 71). Descartes’s *ego cogitans*, Kant’s ‘*I think*,’ and Hegel’s ‘*spirit*,’ were based on ‘the [shared] idea that human subjectivity is the source of all reality or truth and the firm belief that human subjectivity is anchored in thought’ (H. Schmidinger, 1991, p. 49.; As quoted in Zima, 2018, p. 3). This dogma of idealism was, however, radically criticized by the Young Hegelians, Kierkegaard and Nietzsche; such critique was intensified in literary modernism – Dostoevsky, Musil, Valéry – and in Adorno’s and Horkheimer’s Critical Theory. Arguing against Jean-Paul Sartre, who followed Descartes in insisting that subjectivity – as ‘*consciousness*’ – was the ontological essence of being human, post-structuralist thinkers – such as Michael Foucault and Jacques Derrida – proclaimed the reverse of idealism’s conception, rejecting the concept of the subject as a fundamental or underlying entity and insisting that it is a subjugated or disintegrating instance: a product of power constellations (Foucault) and ideological interpellations (Althusser) or an unstable epiphenomenon of the unconscious and its impulses (Lacan). Thus, the notion of the subject and subjectivity transitions from its modern apotheosis to its postmodern deconstruction.

Peter V. Zima claims that this development of individual subjectivity from modern self-assertion to postmodern self-abnegation when placed in a sociological context, reveals a strong case of intersubjectivity between the individual and the collective. In Zima’s words, ‘the interdependence of individual and collective instances or actors may imply both an affirmation and a negation of individual subjectivity so that subjectivity [...] appears as a permanent oscillation between self-assertion and self-abnegation.’ (Zima, 2018, pg. xii). Based on this, Zima further maintains that

‘the individual subject is *a contingent construction*, a search for identity fraught with difficulties that can succeed or fail.’ In light of that, ‘[Self] appears as the object of an individual or collective subject trying to realize itself in thought and action.’ (ibid).

Vittorio Gallese, writing in the field of neuroscience, states that it has been convincingly ascertained that the starting point in *Self*-construction is the “*like me*” analogy between the infant and the caregiver (Meltzoff & Brooks, 2001, p. 1), the mirror stage, where we gain knowledge about ourselves through others while simultaneously learning about them. (Gallese, 2005, p. 104). Further, Gallese illustrates how subjectivity emerges from an intricate interaction of environment, culture, brain, and body. Gallese naturalises the question and outlines this interaction in four ways: (i) neotenic nature, (ii) presence of epigenetic mechanisms, (iii) co-evolution of gene and culture, and (iv) neural plasticity and experience.

Human neoteny enables individuals to engage in social relationships and understand others’ behaviours. Our development relies on the quantity and quality of interpersonal relationships we can maintain. As we grow, the complexity of neuronal connections increases depending on such interpersonal relationships. Human neoteny further emphasizes the essential role of embodiment in facilitating social engagement and comprehension of others’ behaviours. Neoteny significantly contributes to the development of human culture as it enhances and prolongs learning processes and strengthens social ties. Epigenetics governs changes in DNA expression, blurring the once-clear line between culture and nature. Gene-cultural co-evolution shows that genes and culture are both inheritable and interact with one another. Culture is not merely a human trait but a dynamic process that has shaped humanity. Culture modifies the natural environment, which influences our genetic evolution, yet cultural transmission and adaptation occur faster than biological changes. Lastly, neural plasticity indicates that the human brain is highly flexible and can undergo functional and structural changes dictated by external environments. (Gallese, lecture 2021) Gallese asserts that human experience is the result, sign, and reward of the interaction between organism and environment, which, when fully realised, transforms the interaction into participation and communication. For human contact, both meaning and presence components are necessary to experience. Experiences, sensual experiences, i.e. form awareness and self-awareness, are bound to the body, Christoph Wulf explains. This is why Thomas Nagel’s question, “*What’s it like to be a bat?*” remains unanswerable (Wulf, 2019, p. 1).

Recent work in philosophy, psychology and cognitive neuroscience has linked bodily self-consciousness to the processing of multisensory bodily signals in the brain, which need to be integrated in order to obtain an accurate sense of *Self*, world, and Other (Blanke and Metzinger, 2009; Deroy *et al.*, 2018; Gallagher, 2000; Tsakiris, 2010 as referenced by Farmer, H., *et al* 2021, p. 366) Thus, establishing sub-

jectivity as pre-reflexive and embodied (Wulf, 2019, p. 1). Similarly, intersubjectivity is founded on intercorporeality, referring to the embodiment of the Other. The Other includes other individuals and parallel realms of representation, such as art, orality, language, and the virtual world. Gallese argues that these parallel worlds we create and inhabit (stories, art, books, photographs, and visual reality) indicate humans' profound dissatisfaction with the physical or natural world. These worlds also confirm that our nature is beyond Nature. *The Self and the Other are reciprocally connected and interconnected.* (Gallese, lecture 2021)

The *Self*, far from being an inherent quality, is a meta-state formation, something we acquire and realise through transindividual individuations, whereby the embodiment of Other(s), our capacity "to affect and be affected" (Spinoza), is synonymous to this very *Self*. The *Self* is an event in culture, not our natural or inevitable state (Mansfield, 2000, p. 178); it is historically and evolutionarily conditioned (Vesting, 2023, p. 35). 'Subjectivity will only emerge in a dialectical movement of selfhood and otherness, in which the Self is kept "from occupying the place of the foundation"' (ibid).

3. NEW EPOCH, NEW SELF

The introduction of a technical system, the arrival of a new 'wave,' signals the onset of a new *epoch* while relegating the preceding one to the background of everyday life. A new *epoch* can only emerge when 'new ways of thinking, new ways of doing, new ways of living [and new ways of being] take shape' (Stiegler, 2019, Part 1, 1). Stiegler proclaims that the digital age represents *an epoch of an absence of epoch, the age of disruption* (ibid). This forthcoming wave approaches with unprecedented, brutal force and speed, undoubtedly infiltrating and altering every facet of our existence and culture. Vesting asserts that the current technological wave has resulted in a revolutionary transformation of human life in every aspect (Vesting, 2023, preface xiv). As this new epoch unfolds, new humanity and new subjectivity are demanded. This part illuminates the nature of the *Digital Self* that exists and operates within this new environment and culture.

3.1. The Digital Epoch

The specificity of this new age lies primarily in the speed of its evolution (Stiegler, 1998, p. 23). The rapid advancement of today's digital age is illuminated by M. Sulleyman's reference to the history of computing in his book *The Coming Wave*. Computing began in academia and was marked by the groundbreaking work of Alan Turing. It first emerged during World War II when Bletchley Park, Britain's

top-secret code-breaking centre, successfully developed a true computer for the first time. By the late 1940s, there were only a few devices; as IBM's president, Thomas J. Watson, allegedly remarked early in the decade, 'I think there is a world market for about five computers.' By 1983, only 562 computers were connected to the early internet, whereas by 2023, when Suleyman published his book, the number of computers, smartphones, and connected devices was estimated to be 14 billion. (Suleyman & Bhaskar, 2023, p. 32–33). According to Statista, the world's total number of connected devices today is approximately 20.1 billion, and by 2030, this number is expected to exceed 32.1 billion. (Statista, 2024)

The rapid transformation of smartphones from a niche product to an essential necessity within a few years has led to a significant increase in internet usage, including social media, online videos, and digital life. And through the internet, another 'mind-boggling proliferation' developed: data. Eighteen million gigabytes of data are added every minute. And through data, meta-data is developed. (Suleyman & Bhaskar, 2023, p. 33)

Technological advances continue with even more significant momentum and increasing levels of abstraction and complexity. According to M. Suleyman, we are nearing an inflection point with the emergence of history's most profound high-order technologies. This upcoming wave primarily relies on two general-purpose technologies: artificial intelligence and synthetic biology. It attempts to reshape, respectively, the two fundamental aspects of human existence: intelligence and life. The ubiquitous Artificial intelligence replicates speech and language, vision, and reasoning, while synthetic biology has now progressed to the point of printing DNA. (Suleyman & Bhaskar, 2023, p. 55–57) By transforming matter into mind, AI upsets the conventional wisdom rooted in our Enlightenment heritage, which viewed matter as passive and the mind as active (Hildebrandt, 2015, p. 182).

Our world is being *re-ontologized*, Floridi explains. *By re-ontologization*, he refers to a very radical form of re-engineering, one that designs, constructs, or structures a system (e.g., a company, a machine, or some artifact) not only anew but with a fully altered intrinsic character/nature at its core. In this sense, for example, nanotechnologies and biotechnologies are not merely re-engineering but re-ontologizing our world. (L. Floridi, 2007, p. 4) The once-imagined futuristic dystopia is now an ongoing reality. What was once regarded as science fiction is now reality, from DeepFace's facial recognition to ChatGPT's and DeepSeek's language models.

Vesting states that the emergence of this new culture 'eludes systematisation and no longer allows for permanently stable forms and institutions', it is '*shaking the boundaries of thinking*' (Vesting, 2023, p. 137). Current technology continually challenges what was once regarded as the limits imposed by 'nature' and seems to progress at a rapid, irreversible, and universal pace. This new wave is extensive and

not confined to singular domains, characterised by creating increasingly complex and advanced relationships at an extreme speed and intensity (Suleyman & Bhaskar, 2023, pp. 55–57).

3.2. Raising the question of the Digital Self

Faced with this new *epoch*, its challenges, and the myriad possibilities it brings, we must imagine a new relationship between humans and technology, or, as Yuk Hui advocates, a new relationship between the [digital] object and the mind. When considering technology, the dimensions of human experience and humanity's identity are always at stake. With its violence and social disruption, the current digital age has brought the question of the *Self* to the forefront and given it a unique intensity (Mansfield, 2000, p. 149).

As Mireille Hildebrandt clarifies, the emerging technological infrastructure – like all technologies – will reconfigure our life world and *de facto* regulate our behaviour. (Hildebrandt, 2015, p. 8) Félix Guattari, enforcing this idea, argues that 'Technological machines of information and communication operate at the heart of human subjectivity, not only within its memory and intelligence but within its sensibility, affects and unconscious fantasms.' (Guattari, 1995, p. 4)

Stiegler's account of this age is rather dark; he argues that there is a suspension of all previous ways of thinking, which were elaborated by appropriating previous changes in the technical system, and there seems to be no place for any new modalities of thought. What emerges is absolute emptiness of thought, a *kenosis* – the ordeal of Nietzsche's nihilism. No new form of thinking can be translated into new organisations, new institutions, new behaviours, and so on, through which an epoch could be properly constituted. This is the Age of Disruption, *the epoch of an absence of epoch*, according to Stiegler, proclaimed by Adorno and Horkheimer as the 'new kind of barbarism' and by Heidegger's 'end of philosophy' (Stiegler, 2019, Part 2, 8).

Mansfield argues that the remapping of limits or breaking of boundaries brought forth by the speed of this *epoch* reconfigures the scope of subjectivity, the conditions of feeling, the interrelationship between the *Self* and *Other*, and, inevitably, the subject and its being in the world (Mansfield, 2000, p. 149). Despite F.T. Marinetti's (1876–1944) unfortunate associations with the Fascist movement, his reflections on speed indicate the Modernist *naiveté* regarding the emancipatory potential of technology. 'We declare that the splendour of the world has been enriched with a new form of beauty, the beauty of speed [...]' Marinetti wrote in 1908 (Mansfield, 2000, p. 150). Speed smashes the softness of the over-civilised Western flesh, Marinetti states, and destroys the sentimental aesthetics of the West. Leaving the glaring co-existence of violence and beauty in Marinetti's words aside, his Futurism is indeed

largely founded upon what Roger Griffin terms “programmatically modernism”, namely, a rejection of Modernity which “expresses itself as a mission to change society, to inaugurate a new epoch, to start time anew” (Griffin, R., 2007, p. 62). It is this sense of *Aufbruch*, of cultural cynicism, transformed into *palingenetic populism*, which constituted the ambiguous affinities between various Modernists/Futurists and Fascists. The machine and speed unleashed a promise for a future of purifying beauty that destroys as it builds, leading to an explosion that will shatter yet renew us. Speed, then, functions as a kind of sublime violence that brings an unparalleled thrill and a sense of human renewal. This renewal will shatter our subjectivity’s physical and sentimental limits to make a wholly new experience of the world possible. Change and disruption are unavoidable and desirable because such disruption will bring forth a new subjectivity (Mansfield, 2000). Stiegler’s work is therefore invaluable, in that it allows us to problematize the lack of a foreseeable new epoch approaching – the lack of a fundamental sense of *Aufbruch* – without falling into the twofold trap of *teleology* and *reaction*, which an ‘epoch of no epoch’ generously lends itself to.

Further, commenting on *Speed*, Paul Virilio reiterates that it has entirely transformed the human experience. Speed has triumphed over space and time by erasing distance and achieving immediacy. The globe has become completely homogenized. Digital aesthetics represent global aesthetics. As Virilio writes: ‘The violence of speed has become both the location and the law, the world’s destiny and its destination’ (Virilio, 1998, p. 57 quoted by Mansfield, 2000, p. 153).

Moving forward, Floridi’s analysis of the revolutions of self-understanding indicates that contemporary technologies have instigated the fourth revolution. Today, we understand that we are not the centre of the universe— as revealed by the Copernican revolution; we are not fundamentally different from the rest of the animal kingdom—according to the Darwinian revolution; and we do not possess a coherent, transparent Cartesian mind—as demonstrated by the Freudian revolution with the discovery of the unconscious (Floridi, 2014, p. 90). Computing and information technologies have provided unprecedented scientific insights into both physical and virtual realities and their associated engineering. Floridi argues that this has cast a ‘new light on who we are, how we are related to the world and each other, and hence how we conceive ourselves’ (Floridi, 2014, p. 93). This fourth revolution, akin to the previous three, dispelled any misconception of human uniqueness by revealing that ‘we are informational organisms, mutually connected and embedded in an informational environment, which we share with other informational agents, both natural and artificial, that also process information logically and autonomously.’ (Floridi, 2014, p. 94). This newly lost uniqueness has arguably made the *perpetual risk of divorce* between humans and Technics more imminent, as will be further discussed below, and prompted a re-examination of what constitutes *Self*.

‘Each epoch must discover its humanism,’ (Simondon, 2017, p. 118). ‘We construct our technologies, and our technologies construct us and our times. Our times make us, we make our machines, our machines make our times.’ (Turkle, 1995, p. 46) As every new technical epoch demands a new humanity, a new form of subjectivity emerges. Following Floridi’s idea and sharing Simondon’s concern, we must wonder: ‘What sort of human can achieve in itself the realization of [digital] reality and introduce that reality into the culture?’ (Simondon, 2017, p. 12) Who is the subject that emerges through this new epoch?

3.3. The Second Skin

We will begin answering this question by positing that that which is the digital *Self* does not cease with our presence in the digital world. Rather, it is a vigorous part of our physical ‘reality,’ including our physical interactions and relations, as our digital experiences are absorbed in our implicit memories and emotional state, thus being carried with us at all times. *Our digital Self is our Self*, or, as a Gen Z representative, a digital native, put it, ‘*Our selfies aren’t just pictures; they represent our ideas of Self*’ (Fang, 2019). Interestingly, Pope Benedict XVI similarly stated that in the digital world, ‘it is not only ideas and information that are shared but, ultimately, our very selves’ (Cep, 2014, quoted by Hildebrandt, 2015, p. 41).

The world we engage with through our screens follows us everywhere and shapes our perception of reality, social relationships, and identity (Gallese, lecture 2021). ‘I am connected, therefore I exist’ (Shavino, 2003 quoted in Savat, 2012, p. 142). Our ‘real’ life is neither online nor offline, but exists within a new kind of world that we are still discovering (Floridi, 2007, p. 6). The boundary between here (analogue, carbon-based, offline) and there (digital, silicon-based, online) is rapidly becoming blurred, as Floridi argues (Floridi, 2007, p. 6). The two realms—physical and digital—merge. This merging is manifested concretely in the *Self* as the entity that realises this newly formed *onlife*. Floridi, adapting Horace’s famous phrase, asserts that “captive cyberspace is conquering its victor” (Floridi, p. 6).

In *Being and Time* (1927), Heidegger argued that our relationship with tools can become so close and familiar through their use that the more we learn to master them, the more seamless their use becomes, blurring the lines between users and tools. Digital technology is a techno-body prosthesis (Gallese, lecture 2021); it *is a second skin* (Morse 1998, quoted by Savat, 2012, p. 108). Even those not connected to the Internet or not engaged with the digital world, by choice or otherwise, are somehow affected and constituted by it. ‘Escape is nearly impossible,’ Shavino states (Shaviro, 2003, p. 4, quoted by Savat, 2012, p. 107). Thus, following the attitude of this epoch, the digital subject *breaks the boundaries* of human nature. The human

subject goes beyond what constitutes the Human -here being understood as the technological being, *Homo Technologicus*. Still, simultaneously, it remains all too human as it develops into the *Homo Digitalis* (Vesting) through and because of the stealing of *Epimetheus's fire*.

In 'A Cyborg Manifesto' (1985) Donna Haraway furthers this idea by stating that in this 'mythic age' that we live in, '[...] we are all chimeras, theorised and fabricated hybrids of machine and organisms; in short, we are all cyborgs [...]' (Haraway, 1991, p. 150 quoted by Mansfield, p. 159). She explains that the cyborg description is appropriate in this age as the distinctions used to differentiate the human from the machine have failed, and this is even more the case as time progresses with the advancement of life engineering. Human and machine actions are now on par. Traits such as intelligence, autonomy, and creativity that were regarded exclusively human are becoming less and less ours. Haraway writes, 'Our machines are disturbingly lively, and we ourselves frighteningly inert' (Haraway, 1991, p. 152 quoted by Mansfield, 2000, p. 159).

Donna Haraway presents a positive perspective on the potential benefits of us as *cyborgs*. The cyborg, this hybrid creature we are becoming, can offer 'women of colour.' Women of colour do not represent a singular, uniform *Self* but rather a 'sea of differences,' a generalised relational and 'oppositional consciousness' that is perpetually *creating interconnections and new systems* to join (Haraway 1991, p. 156, quoted by Mansfield, 2000, p. 160). The creation of these new interconnections can transform the cyborg into a potential vehicle for meaningful and productive change. Mansfield argues that the strength of Haraway's argument lies in its recognition of the interrelation among various domains – the mechanical, the biological, the conceptual, and the political – in which contemporary technology remains inseparable as both a material reality and a cultural fiction. (Mansfield, 2000, pp. 158–161)

3.4. Beyond space and time

Digital reality develops new forms and modes of space, time, aesthetics, and experience for the Self. There is a *shift in the mode of experience* from *Erfahrung* to *Erlebnis*, and a transition *in the medium of experience* from non-sensuous linguistic correspondences to embodied and practical mimetic activity, termed "contact sensuousity". Digital technologies place a new bodily, non-linguistic visuality at the centre of our experience of the world. The body is reinstated at the heart of the relationship with a reality that is increasingly mediated by digital interactive visual representations.

Experiments indicate that our brains read or map physical reality and digital representations in a similar manner (such as the experiment in mirror neurons re-

ported in Caggiano et al., 2011). Gallese refers to this phenomenon as the mirror mechanisms in humans: the same cortical areas are activated during the execution, observation, or imagination of object-directed actions, communicative actions, and bodily movements. For instance, the same parts of the brain are activated when we are touched or when we observe someone else being touched. Consequently, thanks to embodied simulation, we can comprehend the meaning of various actions, emotions, and feelings of others from within, experiencing a quality of understanding that differs from mere intellectual “knowing.” There is no requirement for inferential reasoning in a linguistic format; instead, we employ certain “bodily inferences.” For example, an emoji can now convey a feeling adequately. This signals *a new embodiment of both the Self and the Other*. (Gallese, lecture 2021)

This new embodiment enables us to connect with an increasing number of Others and to internalise many Others. Physical presence is now unnecessary. Geography and distance become inconsequential, along with the constraints of time. What we commonly understand as space and time collapses in the digital world. As argued by Fredric Jameson, in this ‘space’, there is no sense of depth. At most, there is merely the surface of the screen. It is not a space we physically inhabit with our bodies; if anything, it inhabits us, as Savat explains (Savat, 2012, p. 113–114). By surpassing our geographic limitations, we can engage with and embody multiple Others and many parallel worlds of representation. Every locality, and consequently, everything and everyone, is instantly accessible (Mansfield, 2000, p. 150). We are not only connected with our immediate community; we do not only relate to our present; rather, we occupy different spaces simultaneously and preserve different times. *A multiplicity of the Self develops*, creating a ‘plural and polyphonic subjectivity’ (Mikhail Bakhtin’s expression quoted by Guattari, 1995, p. 1). In the words of a digital native, ‘*To grow up with technology, as my generation has, is to constantly question the self, to split into multiplicities, to try to contain our own contradictions.*’ (Fang, 2019).

This expansion of the Self through the annihilation of time and space consists of two key aspects, two key characteristics of this current epoch which we embody in our becoming-Selves: (i) the *perseverance of the past*, and (ii) the *acceleration of the future*.

Yuk Hui’s work on the digital object exemplifies the heightened relationality of our current age and the way in which the past is preserved and the future is accelerated. Yuk Hui argues in Simondonian terms that a digital object forms a network of relations but contends that it transcends the Simondonian technical object; there is a *new architecture of networks* (Hui, 2012). As Stiegler notes, commenting on Yuk Hui’s work, ‘the digital object reconfigures the artefacts emerging from industrial innovation; it allows for new relativities of scale to form and deform, and from this

arise improbabilities that are always in dynamic excess over and above the systems whence they derive' (Stiegler's foreword to Hui, 2016, p. viii).

Digital objects have emerged in the realm of network computing since 1993. A digital object is any object on the Web, such as YouTube videos, Instagram profiles, etc., composed of data and formalized by schemes or ontologies that can be generalized as metadata. Data establish connections and build data networks across various platforms and databases. The digital remains invisible without data or traces of data (Hui, 2012, p. 388). Data's function is to produce formal relations, no matter how arbitrary these relations are. Metadata is, by definition, data about data, i.e., a description of something else. This means that it can extend infinitely. It can grow in time if the database assigns more attributes to it. However, its relation to other digital objects will increase, even if it remains the same. 'When there are more digital objects, there are more relations. Hence, the networks either become larger or new networks are actualized.' (Hui, 2012, p. 390) Being 'utterly relational, the digital object creates a digital milieu along with the sociotechnical artefacts that enable its possibilities (Stiegler's foreword to Hui, 2016, p. ix).

Reverting to Stiegler's prosthesis – which positions the human outside itself and places it in a temporal relationship with the past and anticipation of the future – Yuk Hui raises a concern regarding digital objects as *externalised memories* that condition our retrieval of the past and anticipation of the future, what Stiegler calls – borrowing Husserl's terminology- *tertiary retention*, or Clark and Chambers the *extended mind* (Clarks and Chambers, 1998). Digital objects, through the immense volume of information that they hold, make possible an infinite repertoire of memories, thus allowing *tertiary retention to supplement the finitude of the primary and secondary retentions*, which refer to the memory of "now" and the short/tomorrow memory, respectively. At the same time, tertiary retentions are also the source of primary retentions and the support of secondary retentions, which are also the source of *protention*, encompassing anticipations and projections. Thus, Stiegler writes that digital technology 'creates a new organisation of the circulation of the symbolic. Within this new mode of organisation, suddenly, the production of the symbolic becomes industrial, subject to industrial processes. Here, we encounter the production of the symbols on the one hand and the consuming of such symbols on the other- an aporia because it is impossible to consume a symbol. The symbol is not an object of consumption; it is an object of exchange, of circulation, or of the creation of circuits of trans-individuation. So, the situation suddenly produced what I call a short-circuit of trans-individuation.' (conversation between Stiegler and Rogoff, 2009). Moreover, as Lazzarato demonstrates in his seminal essay on immaterial labour, the product of the latter – the symbol, in this instance – *is itself productive*: precisely because immaterial products cannot possibly be consumed, they are immediately productive of a *social relation* – namely the capital relation itself.

What is suggested is that memory, which, as previously illustrated, enables the emergence of culture, can now be controlled and manipulated. Nothing is forgotten unless expressly requested, thus preserving the past. Additionally, algorithms utilise data to pre-empt our intentions and forecast our future through predictive modelling. Prediction is then seamlessly transformed into prescription, whereby Power is able to select which futurabilities (virtualities) will become actualised and which will be stifled – a process or apparatus that Berardi in his work refers to as the “Statisticon”. Furthermore, this conceptualisation of the extended mind invites a redefinition of the individual as an information processor capable of managing memory, underscoring another way digital technology transcends the boundaries of thought and existence.

Yuk Hui’s analysis emphasizes the fragility and fluidity of digital objects that shape the digital realm. This inherent fragility and fluidity also apply to the relationships and culture these objects create. A digital object can be generated, destroyed, or altered by nearly anyone at the touch of a keyboard key. New objects and their associated relationships can appear and vanish in an instant. There is an ongoing cycle of formation and destruction of ‘forms of life’ (referring to Stiegler’s terminology). Yuk Hui contends that these objects might not achieve transcendence, which could make the system they create in this new era potentially unsustainable.

3.5. The Digital Self

This new epoch and its characteristic *Speed* evoke the breaking of our subjectivity’s physical and emotional boundaries, creating a novel experience of the world. The Self is *shattered and reconstructed*, perpetually forced to be malleable and fluid. With this remapping of limits and the new embodiment comes a reconfiguring of the scope of subjectivity, of the interrelationship between the Self and Other, and, inevitably, of the subject and its being in the world. (Mansfield, 2000, p. 149–150) A “form of excessive subjectivity” -arises – ‘that is never completely one with itself, that never stays completely within itself’ (terminology by Finkelde, 2017, referenced by Vesting, 2023, p. 7).

The Digital Self cannot simply be seen as dichotomies of subject and object, as suggested by Heidegger, nor can it be separated from Technics, as exemplified by Haraway’s cyborg concept. We may indeed be living in the society that Simondon envisioned—a society that moves beyond dichotomies. Mireille Hildebrandt asserts, ‘Dualism is Dead. Long Live Plurality’ (The Onlife Manifesto, 2014, pp. 27–29). In his phenomenological analysis, Charles Ess highlights ‘radically non-dualistic and strongly relational notions of selfhood and embodiment in our knowing and navigating of the world’ (The Onlife Manifesto, 2014, p. 93). Ess posits that the

relational Self is characterised by (1) the fading distinction between reality and virtuality, (2) the diminishing distinction between human, machine, and nature, and (3) a shift from prioritising entities to focusing on interactions (ibid, pp. 93–94). These perspectives reveal a significant transition in selfhood from an individualistic approach to one rooted in relationality.

The postmodern *subject wanders*, Jean-François Lyotard argued. As grand narratives give way to the aleatory event, subjectivity becomes increasingly individuated through a multiplicity of heterogeneous elements. All values are discredited and remain unsubstantiated. This contemporary era is characterised by uncertainty and interruption (Mansfield, 2000, pp. 162–170). It is, after all, the *epoch of an absence of epoch*, as denounced by Stiegler. The predominant sentiments seem to be panic, anxiety, and fear. Arthur and Marilouise Kroker assert that we live in a ‘panic culture [which we experience] as a floating reality, with the actual as a dream world, where we exist on the edge of ecstasy and dread’ (Kroker et al. 1989, pp. 13–14). Florian, sharing his experience as a young teenager at fifteen, dismally states, “When I talk to young people of my generation [...], they all say the same thing: we no longer dream of starting a family, having children, pursuing a trade, or holding ideals [...]. All that is done and over with, because we are certain that we will be the last generation, or one of the last, before the end.” (Florian, in *L’Impensable, L’Effondrement du temps*: Tome 1, Pénétration, Paris: Le Grand Souffle Editions, 2006, p. 7, quoted by Stiegler 2019, Part 1, 5).

Lyotard convincingly argues that an accidental relationship exists with the *Self*; it is *external to us*, a meta-stable formation appearing in transindividual networks. The postmodern condition is simultaneously a confession of defeat, an imperilment of individual thinking, and a celebration of creativity and improvisation (Mansfield, 2000, pp. 162–170). This contradictory essence of the current epoch and its corresponding subject pertains to Heidegger’s contentious interpretation of technology. The only organ worth possessing in this new epoch is *imagination*. We pursue not truth but an open-ended array of possible experiences; we dream of having it all, of being anyone and everyone. The subject becomes infinite and undefined (Mansfield, 2000, pp. 172–173). The “true” and “identifiable” are constantly cast to the wind, opening an enormous world of possibilities (Gergen, 1991, p. 17). Since the early modern age, the subject has been transitioning from the “realm of reality” to the “realm of possibilities” (Vesting, 2023, p. xiv). In an information network, the Self can explore its own virtual lines of flight through imagination and, perhaps, achieve creative recompositing of subjectivity (Vesting, 2023, pp. 37–39). Vesting explains that in the digital world, this creative subjectivity extends to include processes of the emergence of innovations in novel experimental and network-like formations – what Moulrier-Boutang has termed “invention-power”, with its affective

or pre-individual corollary being *libido sciendi* (Moulier-Boutang, Y., 2012). Most importantly, this new Self, Vesting's *Homo Digitalis*, acts in rhizomatic networks of co-operation, in structures, not as an isolated individual (Vesting, 2023, p. 145).

The traditional, autonomous, indivisible, knowing Self is thrust into an ever-widening array of relationships. The Self is continuously constructed, reconstructed, emergent, reformed, and redirected as it moves through ever-changing relations. Self is a *multitude—fluid, relational, and profoundly transindividual*. Thus, in order 'to adapt [...], we must shift our starting point from the fixed, unified self to fluid and complex social processes.' (Gergen, 2024)

4. LAW'S (IR)RELEVANCE

This final part will raise and explore the question of Law. It will inquire into the mode of existence of the law in this *Age of Disruption* in an attempt to (re)assess the law's role and nature and examine how it may be reimagined and redesigned in response to today's reality. With the law's foundations shaking and the *perpetual risk of divorce* between humans and Technics at sight, the discussion is forcefully opened: Are we entering an age of *meta-law*?

Raising the question of the law in Disruption

Modern Western law originates from a pre-digital era, shaped by the communication infrastructure of the printing press. It is grounded in a unified worldview, centred around the nation-state's authority and linked to a rational, autonomous sense of Self, associated with early modern thinkers such as Locke and Kant. Modern law is not merely a mechanism of social control and conflict management; it fundamentally contributes to the organisation of social reality and opens up new possibilities (Vesting, 2023, p. 41). 'Law doesn't just mop up, it defines. It doesn't just correct, it makes possible' (Geertz, 1996, quoted by Vesting, 2023, p. 41).

Given the intensification of processes of deterritorialisation in late modernity, the mode of existence of the law, its normative foundations, and the constitutive role of providing and safeguarding rights have been interrupted. Pagallo's discussion of the impact of the information and digital revolution on Law in the *Onlife Manifesto* is illuminating in this regard. First, Pagallo maintains that a normative conception of the law, such as in Hans Kelsen's *Pure Theory of the Law* of the legal 'ought to', often falls short today (Pagallo, 2015, p. 162). Digital technologies, which are both constitutive and regulative, carry inherent constraints within their spaces and interfaces. Consequently, they shape our behaviour by enabling certain actions

while excluding others before the normative statement of ‘ought to’ is even at play. Comparing legal to technological regulation, Hildebrandt confirms that what she calls *technical regulation* can rule out violating the rule they embody, thus practically forcing compliance with the norm. (Hildebrandt, 2015, pp. 11–12) Further, the technical regulations in question are often inscribed by private entities serving their private interests, as opposed to the legal norms which the *Grundnorm* validates.

A normative conception of law encompasses specific spatiotemporal relations that do not reflect the reality of the digital environment, which, as previously discussed, collapses space and time. The Web is transnational, and so are we. National laws struggle to address challenges such as identity theft, spamming, cyber-attacks, and viruses despite repeated attempts, as Pagallo explains, referencing the US Anti-Spam Act of 2003 (Hildebrandt, 2015, p. 11–12). Additionally, issues like cyber-terrorism and national security have been systemic, transcending the borders of any particular nation. Consequently, other actors and institutions have emerged, considering national law, which includes international and transnational law (Hildebrandt, 2015, p. 11–12). Hildebrandt clarifies that this does not imply that the dreams of cyberspace utopians have been realised; the nation-state has not lost its footing, and territorial jurisdiction has not become meaningless (Hildebrandt, 2015, p. 189). Rather, there is a shift from government to governance. The nation-state is now one of the actors in governance. These various actors often find themselves in conflict, particularly when the interests of private companies clash with those of government institutions, leading to power struggles that are not necessarily resolved according to the principles of fairness and justice. Furthermore, a reduction in state authority raises questions regarding the protection of rights, including human rights, the enforcement of which – at least in theory – lies with the state.

Furthermore, evolutionary processes of spontaneous orders emerge that are technology-dependent, ubiquitous, and complex. Such spontaneous orders can be better understood when contrasted with human planning or, in Friedrich Hayek’s terminology, *kosmos* as opposed to *taxis* (Pagallo, 2015, p. 167). According to Pagallo, empirical evidence confirms that the informational complexity of human interaction cannot be reduced to *taxis* alone; hence, additional orders spontaneously arise from the complexity of the environment through specific laws of evolution (Pagallo, 2015, p. 167). The proliferation of these spontaneous orders and their complexity—often rendering them invisible—makes it difficult to criticise and contest them, if not impossible. Thus, accountability and legal certainty are hindered.

Furthermore, Pagallo suggests that traditional hard and soft law tools, including national rules, regulations, international treaties, and codes of conduct, are increasingly supplemented by design, coding, and architectural mechanisms. These mechanisms did exist in the past (as in the case of installing speed bumps, for instance),

but their application remained exceptional. However, technology has compelled governance actors to develop more sophisticated approaches to legal enforcement. The challenges facing the law today, as Pagallo observes, have called into question the understanding of law as a system composed of commands enforced through physical sanctions within the territory of the sovereign state (Pagallo, 2015, p. 163). This returns to undermining the law's normativity and poses an imminent threat of paternalism or nudging in situations such as privacy by design.

Hildebrandt argues that any attempt to impose administrative written rules to manage the new material and semiotic infrastructures is destined to fail. This is due to the fact that written law alone is ineffective against the distributed, mobile, polymorphous, and real-time nature of the smart computing environment. (Hildebrandt, 2015 pp. 9–10) In reference to the framework concerning data protection, Hildebrandt contends that 'the implications of *Onlife* cannot be reduced to privacy and data protection' (Hildebrandt, 2015, p. 183). The burden placed by the notorious General Data Protection Regulation (EU) 2016/679 (GDPR) on companies—especially start-ups—and individuals, without ultimately offering any essential protection, exemplifies the shortcomings of traditional legal tools. To oversimplify for the sake of argument, companies expend substantial amounts of time and money preparing and maintaining all the requisite documentation so that individual users will tick the box when entering a platform, as failure to do so restricts their access, indicating the extent to which techno-regulations prevail.

Another such example is the Digital Operational Resilience Act Regulation (EU) 2022/2554 (DORA), which came into force only a few days ago and requires all financial institutions to assess their, along with their partner's digital operational resilience, in effect placing an administrative burden of undertaking an exercise that will have a splash over effect to any other entities or related institutions, thus hindering relations and in essence resulting in the production of paperwork around digital security systems – which, for the most part, remain incomprehensible to the general public.

Pagallo posits that traditional legal concepts, including reasonable foreseeability, responsibility, liability, and legal personhood, are increasingly being questioned (Pagallo, 2015, p. 163). As we shift from tangible matters to the realm of AI, (semi) autonomous drones, and self-driving vehicles, these aged legal concepts struggle to adapt and correspond to our contemporary reality. Additionally, the law's attributes, such as certainty, generality, and enforceability—previously mentioned—are now at risk. The varied information channels, the swift pace of change, and the indeterminacy of the digital age challenge core legal principles.

Law constitutes life – *jus vitam Institutet* – it engenders possibilities. One traditional way in which the law has fulfilled this role is by bestowing rights upon its subjects. In his intriguing work on the philosophy of rights, Costas Douzinas explains

that ‘Rights construct a system of relations and juxtapositions, a matrix-like structure in which the different positions are given in advance of our admission.’ (Douzinas, 2019, p. 110) Rights are constructed in a manner that overlooks digital realities and, more importantly, fails to acknowledge the relational nature of the digital Self. This is exemplified by observing how challenging it is to reconcile old and new rights, as in the case of *Scarlet Extended SA v. SABAM* (2011) in the ECJ. In this case, the Court noted that the fundamental right to property, which includes the protection of intellectual property rights, “must be balanced against the protection of other fundamental rights.” The other rights at stake here, alongside the company’s right to conduct business, were the users’ rights to protect personal data and freedom of expression. Moreover, ‘newly’ formed rights appear to burden the subjects rather than contribute to their ‘freedom and well-being’ (Douzinas, 2019, p. 110). For example, the right to an explanation (Article 22 of the GDPR) and the right to be forgotten (Article 17 of the GDPR) can be argued to shift a responsibility traditionally held by the state—to protect its subjects—to the subjects themselves.

Law as Not a relic

As demonstrated above, the forthcoming wave and its profound changes to human life and the *Self* shake the law’s foundations, nature, and role. The *Age of Disruption* disrupts the Law, demanding its radical reassessment. The law must *adopt* the digital, in the Stieglerian sense, if it is to survive.

This *Age of Disruption*, characterised by the dynamic transcendence of boundaries and the continual reconstruction of relations, ‘does not burden itself with reform: it dissolves it and replaces it with a state of fact that renders the very notion of law obsolete.’ (Stiegler, 2019, Part 4, 22) The current order arises from diverse, flexible, decentralised structures that are open to the unknown and can favour *the event over the legal rule*. (Malabou, 2008, p. 42, referenced by Vesting, 2023, p. 138). Stiegler argues that by positioning ourselves ‘outside the law,’ we risk plunging into chaos and ultimately realising the ‘new form of barbarism.’

This contemporary *disruption* embodies the ultra-liberal, as Stiegler suggests, by attempting to absorb the social and political realms into the technological and economic spheres through their complete annihilation, dissolving them into the computational (Malabou, 2008, p. 42, referenced by Vesting, 2023, p. 138). Operating through a continual manufacturing of a ‘competition of speed’ and ‘radical innovation’, digital technologies create a scenario where the law invariably ‘arrives too late’. ‘It is a matter of standing outside the law by situating oneself as being prior to it’ (Malabou, 2008, p. 42, referenced by Vesting, 2023, p. 138). As Hildebrandt illustrates in her work, the digital environment is permeated with pre-emptive technologies that consistently outpace us (Hildebrandt, 2015, p. 8).

As discussed above, such technologies hinder the law's normativity by precisely situating themselves *prior to* the law. Nonetheless, it is not only that technology is progressing too rapidly; the law is also lagging too far behind. The issue is reciprocal. There is an abundance of legislation that was simply enacted too late. During a lecture in February 2024, Pagallo critically examined the recently enacted EU AI Act, which he referred to as a 'legal monster' that is likely to become obsolete before it even takes effect. Pagallo also mentioned the nine years it took to prepare the Instant Payment EU Regulation related to e-payments and transactions – covering services such as PayPal – as further evidence of the law's sluggish and inadequate pace.

However, as Hildebrandt states, the law is *not a relic* ready for exhibition in the museum of bygone historical artefacts (Hildebrandt, 2015, p. 9); quite the contrary. As this wave increasingly resembles a tsunami, we must assert the necessity of a new state of law (Stiegler, 2013, p. 30). If we are to preserve life and prevent it from 'just turning into dust' (Stiegler, 2019, Part 4, 22), the law is paramount. To master this *epoch of an absence of epoch*, the law needs not just to be reformed but to be reimagined and redesigned. Creating and negotiating a new legal framework is necessary, Stiegler contends (Stiegler, 2013, p. 30). Hildebrandt concurs, calling for a new framework that will adapt to the evolving socio-technical environment while being robust enough to provide a reliable backbone for the individual (Hildebrandt, 2015, p. 9).

Suppose we understand the law as a stage where we are all actors, invited to perform our shared lives, as Hildebrandt suggests. In that case, we must first recognise that the stage is set amidst a messy, complex, and often chaotic network of relations, where actors internalising the disorder enter a state of meta-stability, perpetually incomplete. Accordingly, the reinvention of the law can only succeed if it comprehends the nature of such a network, acknowledges the *actors' processual becoming*, and, most importantly, understands the intimate relationship between the two. If we do not direct the law in this manner, 'the law will lose hold of our imagination' (Hildebrandt, 2015, p. xiii). With imagination as the dominant force in this new epoch, such a loss could reduce the law to a mere tool or replace it with *technological regulations*, rendering it irrelevant or even obsolete. For the law to remain relevant, it must flow, improvise, and reinvent its creativity. It must be continually renewed and rearranged to retain its provisional nature in a peculiar way (Vesting, 2023, p. 138).

4.1. The perpetual risk of divorce

Technology mediates between humans and nature. In discussing the role and characteristics of technology as a mediator (or technological *in-betweenness*), Floridi notes that technology, in its capacity as the mediator between humans and nature, represents only first-order technology and pertains to simple tools or objects, such

as a pair of sunglasses that mediate between a person and sunlight (nature). Second-order technologies refer to those that mediate between humans and other technologies, such as a screw used with a screwdriver or an engine that provides energy to another machine. The Industrial Revolution and modernity have undoubtedly introduced levels of complexity and abstraction, as our dependency on technologies has rapidly increased; ‘no trains without railways and coal, no cars without petrol stations and oil’. Nevertheless, these second-order technologies imply and sustain a mutual dependency with the first-order ones. (Floridi, 2014, pp. 25–32)

Floridi maintains that the contemporary digital and informational age has led to a third order of technologies, where technology mediates between technology and other technologies. Humans and nature are no longer involved, and technologies directly interact with other technologies, so *third-order technologies* are at play (ibid). In this third order, the human is neither the organiser nor does she play a key role in this invention process: technology can now be *human-independent*. Paul Virilio makes a similar point when discussing the speed of nuclear war. He argues that this technology marginalises humans, as their decisions, location, and initiative become irrelevant in a world where events unfold at a pace no one can match. The machine reduces the human into a series of alternatives; he argues that once a pre-fixed path has been initiated, human invention and indeterminacy become irrelevant, inefficient, and redundant. (Mansfield, 2000, p. 154)

Technics and humanity’s evolution have historically followed an intertwined path. Nevertheless, as Stiegler asserts in *The Ister*, there is a *perpetual risk of divorce*. A risk of *disjointedness*, in Gille’s terminology. Technics create a system, a network, with its own dynamics that can exist independently of the human. Heidegger’s conception of technology, characterised by its non-human essence, further illustrates this. As a system of its own, technology has led to today’s reality: the *third order* of technologies that can exist and operate without humans. Technics have developed to an extent and in a direction that no longer necessarily includes or relates to humanity and the essence of human life. Stiegler explains that, like all living beings, humans seek – at least on a more fundamental level – to preserve themselves; they yearn for stillness, whereas technology is negentropic, pursuing constant transformation and modification. The latter justification may not be entirely convincing; however, it is undeniable that the pace and manner of technological advancement make it extremely difficult—if not impossible—for humanity to keep up. In light of the current reality, we must almost inevitably conjure scenarios of a ‘posthuman world’ (reference by Vesting, 2023, p. 139).

Pagallo asserts that the introduction of third-order technologies necessitates the evolution of law into a meta-technology that encompasses and regulates other technologies. He cites the European Chips Act, which came into effect in September

2023, as an example of legislation functioning as a meta-technology. The European Chips Act establishes a framework of measures aimed at strengthening Europe's semiconductor ecosystem. The regulation focuses on the technology itself. Law, as a meta-technology, serves, among other purposes, as a regulatory technique. Pagallo explains that law is not the sole regulatory system; instead, law as a meta-technology is merely one of the forces at play. Technology itself also functions as a regulatory system. A conflict may arise between technology and law due to their respective regulatory roles. We may be entering a new reality in which law does not always prevail and may not always relate to humanity; we are arguably entering a paradigm of meta-law. (Pagallo lectures 2021 and 2023)

5. CONCLUSION

In our rapidly evolving digital and information reality, we must not seek the “answer” but a constant “process of answering,” not a dialogue but a multilogue. (Gergen, 1991, p. xxiii) This paper seeks to explore *Technology*, *Self*, and the *Law* by raising some crucial questions, thereby stimulating this *process of answering*.

Examining the relationship between Technics and humanity, from their co-originality to their impending separation, it is illuminated and argued that our humanity and subjectivity are intertwined in the development of technology. With the coming of a new technological rupture, a new humanity and a new subjectivity are demanded.

In this *Age of Disruption*, an *era of absence of epoch*, the transformation of the Self from a unified, all-knowing being to a processual becoming is discussed. This subject exists in a state of continuous construction and reconstruction, which is (re-)created within an ever-changing network of relations that constitutes the digital. Such transformation is of a pharmacological nature, both a cure and a poison. Thus, it needs to be stirred in the right direction.

This age of Speed and boundary-breaking nature, along with the transindividual subject it births, arguably threatens the realisation of Adorno and Horkheimer's ‘new kind of barbarism’. As the fact supersedes Law, we and our world are continuously placed ‘*outside the law*’. Thus, the Law is in dire need of change if it is to remain relevant, and the law must remain relevant, or else we are to rescind into chaos. A new framework of Law must be reimagined, one that fully grasps the intimacy between Technics and Self and the *perpetual risk of divorce* between them. Imagination and improvisation must be utilised as the only viable methods in this epoch: ‘If we are to survive, improvisation will be our way of life’ (Gergen, 1991, p. xxiii).

REFERENCES

Bibliography:

1. Papacharissi, Z. (Ed.). (2010). *A networked self: Identity, community, and culture on social network sites*. New York, NY: Taylor & Francis.
2. Alam, T. (2018). *A reliable communication framework and its use in Internet of Things (IoT)*.
3. Arthur, W. B. (2010). *The nature of technology: What it is and how it evolves*. London, UK: Penguin Books.
4. Arthur, W. B. (2009). *The nature of technology: What it is and how it evolves*. London, UK: Penguin Books Limited.
5. Atkins, K. (2008). *Self and subjectivity*. Hoboken, NJ: John Wiley & Sons.
6. Berardi, F. (2017). *Futurability: The age of impotence and the horizon of possibility*. London, UK: Verso Books.
7. Blumenberg, H. (1985). *The legitimacy of the modern age*. Cambridge, MA: MIT Press.
8. Caggiano, V., Fogassi, L., Rizzolatti, G., Pomper, J. K., Thier, P., Giese, M. A., & Casile, A. (2011). View-based encoding of actions in mirror neurons of area F5 in macaque premotor cortex. *Current Biology*, 21(2), 144–148. <https://doi.org/10.1016/j.cub.2010.12.022>
9. Clark, A., & Chalmers, D. (1998). The extended mind. *Analysis*, 58(1), 7–19. <https://doi.org/10.1093/analys/58.1.7>
10. Clemens, J., & Nash, A. (2019). Irremediability: On the very concept of digital ontology. In A. Lagerkvist (Ed.), *Digital existence* (pp. 29–60). London, UK: Routledge.
11. Deleuze, G. (1992). Postscript on the societies of control. *October*, 59, 3–7.
12. Deleuze, G., & Guattari, F. (1977). *Anti-Oedipus* (R. Hurley, M. Seem, & H. Lane, Trans.). Minneapolis, MN: University of Minnesota Press.
13. Lagerkvist, A. (Ed.). (2018). *Digital existence: Ontology, ethics and transcendence in digital culture*. London, UK: Taylor & Francis.
14. Douzinas, C. (2019). *The radical philosophy of rights*. London, UK: Taylor & Francis.
15. Durante, M. (2017). *Ethics, law and the politics of information: A guide to the philosophy of Luciano Floridi*. Dordrecht, Netherlands: Springer.
16. Farmer, H., Cataldo, A., Adel, N., Wignall, E., Gallese, V., Deroy, O., Hamilton, A., & Ciaunica, A. (2021). The detached self: Investigating the effect of depersonalisation on self-bias in the visual remapping of touch. *Multisensory Research*, 34(4), 365–386. <https://doi.org/10.1163/22134808-bja10046>
17. Finkelde, D. (2017). *Excessive subjectivity: Kant, Hegel, Lacan, and the foundations of ethics*. New York, NY: Columbia University Press.
18. Floridi, L. (2014). *The fourth revolution: How the infosphere is reshaping human reality*. Oxford, UK: Oxford University Press.
19. Floridi, L. (2007). A look into the future impact of ICT on our lives. *The Information Society*, 23(1), 59–64. <https://doi.org/10.1080/01972240601059094>

20. Floridi, L., Mittelstadt, B., & et al. (Eds.). (2015). *The onlife manifesto: Being human in a hyperconnected era*. Cham, Switzerland: Springer. <https://doi.org/10.1007/978-3-319-04093-6>
21. Gallese, V. (2005). Being like me: Self-other identity, mirror neurons, and empathy. In S. Hurley & N. Chater (Eds.), *Perspectives on imitation: From neuroscience to social science*. Vol. 1. Mechanisms of imitation and imitation in animals (pp. 101–118). Cambridge, MA: MIT Press.
22. Gallese, V. (2007). Before and below “theory of mind”: Embodied simulation and the neural correlates of social cognition. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 362(1480), 659–669. <https://doi.org/10.1098/rstb.2006.2002>
23. Geertz, C. (1996). Off echoes: Some comments on anthropology and law. *Political and Legal Anthropology Review*, 19(2), 33–37.
24. Gergen, K. J. (1991). *The saturated self*. New York, NY: Basic Books.
25. Griffin, R. W., & Moorhead, G. (2007). *Organizational behavior: Managing people and organizations* (18th ed.). Boston, MA: Houghton Mifflin.
26. Guattari, F. (1993). Machinic heterogenesis. In V. A. Conley (Ed.), *Rethinking technologies* (J. Creech, Trans.). Minneapolis, MN: University of Minnesota Press.
27. Guattari, F. (1995). *Chaosmosis: An ethico-aesthetic paradigm* (P. Bains & J. Pefanis, Trans.). Sydney, Australia: Power Publications.
28. Habermas, J. (1971). *Toward a rational society: Student protest, science, and politics* (J. J. Shapiro, Trans.). London, UK: Heinemann Educational.
29. Hansen, M. B. N. (2004). *New philosophy for new media*. Cambridge, MA: MIT Press.
30. Harcourt, B. E. (2015). *Exposed: Desire and disobedience in the digital age*. Cambridge, MA: Harvard University Press.
31. Heidegger, M. (1962). *Being and time*. London, UK: SCM Press.
32. Heidegger, M. (1977). *The question concerning technology, and other essays*. New York, NY: Garland Publishing.
33. Hildebrandt, M. (2015). *Smart technologies and the end(s) of law: Novel entanglements of law and technology*. Cheltenham, UK: Edward Elgar.
34. Honderich, T. (1995). *The Oxford companion to philosophy*. Oxford, UK: Oxford University Press.
35. Hui, Y. (2012). What is a digital object? *Metaphilosophy*, 43(4), 380–395. <https://doi.org/10.1111/j.1467-9973.2012.01764.x>
36. Hui, Y. (2016). *On the existence of digital objects*. Minneapolis, MN: University of Minnesota Press.
37. Jameson, F. (1991). *Postmodernism, or, the cultural logic of late capitalism*. Durham, NC: Duke University Press.
38. Kroker, A., Kroker, M., & Cook, D. (1989). *Panic encyclopedia: The definitive guide to the postmodern scene*. New York, NY: St. Martin's Press.
39. Leroi-Gourhan, A. (1993). *Gesture and speech*. Cambridge, MA: MIT Press.

40. Lindberg, S. (2019). Being with technique—Technique as being-with: The technological communities of Gilbert Simondon. *Continental Philosophy Review*, 52(3), 299–310. <https://doi.org/10.1007/s11007-019-09471-5>
41. Malaspina, C. (2022). Simondon and the birds of the apocalypse. *Journal of the CIPH*, 101(1), 66–81.
42. Mansfield, N. (2000). *Subjectivity: Theories of the self from Freud to Haraway*. New York, NY: NYU Press.
43. Meltzoff, A. N., & Brooks, R. (2001). “Like me” as a building block for understanding other minds: Bodily acts, attention, and intention. In B. F. Malle, L. J. Moses, & D. A. Baldwin (Eds.), *Intentions and intentionality: Foundations of social cognition* (pp. 171–191). Cambridge, MA: MIT Press.
44. Moulrier Boutang, Y. (2012). *Cognitive capitalism*. Cambridge, UK: Polity Press.
45. Pagallo, U. (2022). The politics of data in EU law: Will it succeed? *Digital Society*, 1(20). <https://doi.org/10.1007/s44206-022-00020-9>
46. Read, J. (2015). *The politics of transindividuality*. Leiden, Netherlands: Brill.
47. Savat, D. (2012). *Uncoding the digital: Technology, subjectivity and action in the control society*. Basingstoke, UK: Palgrave Macmillan.
48. Shaviro, S. (2003). *Connected, or, what it means to live in the network society*. Minneapolis, MN: University of Minnesota Press.
49. Simondon, G. (2017). *On the mode of existence of technical objects* (C. Malaspina & J. Rogove, Trans.). Minneapolis, MN: Univocal.
50. Simondon, G. (2012). *Being and technology*. Edinburgh, UK: Edinburgh University Press.
51. Spelda, D. (2013). Theological absolutism and human self-affirmation: Blumenberg’s conception of the modern age. *Filosofický Časopis*, 61(2), 181–205.
52. Stiegler, B. (1998). *Technics and time: The fault of Epimetheus*. Stanford, CA: Stanford University Press.
53. Stiegler, B. (2013). *What makes life worth living: On pharmacology*. Cambridge, UK: Polity Press.
54. Stiegler, B. (2019). *The age of disruption: Technology and madness in computational capitalism*. Cambridge, UK: Polity Press.
55. Stiegler, B., & Rogoff, I. (2009). *Transindividuation*. (Conversation as part of “Pharmaconomics” at Goldsmiths in February and March 2010)
56. Suleyman, M., & Bhaskar, M. (2023). *The coming wave: Technology, power and the twenty-first century’s greatest dilemma*. London, UK: Jonathan Cape.
57. Floridi, L., et al. (Eds.). (2014). *The onlife manifesto: Being human in a hyperconnected era*. Cham, Switzerland: Springer.
58. Springer International. (2022). *The rule of law in cyberspace*. Cham, Switzerland: Springer.
59. Turkle, S. (1995). *Life on the screen: Identity in the age of the internet*. New York, NY: Simon & Schuster.
60. Vesting, T. (2018). *Legal theory and the media of law*. Cheltenham, UK: Edward Elgar.
61. Vesting, T. (2023). *Subjectivity transformed: The cultural foundation of liberty in modernity*. Cambridge, UK: Polity Press.

62. Virilio, P. (1998). *The Virilio reader* (J. Der Derian, Ed.). Oxford, UK: Blackwell.
63. Wulf, C. (2019). The formation of the subject in the digital culture: Some considerations, hypotheses and research results concerning the education of young people. *Azimuth*, 7(14), 157–169.
64. Zima, P. V. (2015). *Subjectivity and identity: Between modernity and postmodernity*. London, UK: Bloomsbury.

Websites, online articles:

1. Bluemink, M. 2015, . *Man, the animal without essence*. Blue Labyrinths. <https://bluelabyrinths.com/2015/03/02/man-the-animal-without-essence/> (Posted by Matt Bluemink, March 2, 2015)
2. Cep, C. 2014. The pointlessness of unplugging. *The New Yorker*. <https://www.newyorker.com/culture/culture-desk/the-pointlessness-of-unplugging> (Posted by Casey Cep, March 19, 2014)
3. Fang, T. 2019. We asked teenagers what adults are missing about technology. This was the best response. *MIT Technology Review*. <https://www.technologyreview.com/2019/12/21/131163/youth-essay-contest-adults-dont-understand-kid-technology/> (Posted by Taylor Fang, December 21, 2019)
4. Judy. 2018. *Bernard Steigler's Technics and Time 1: The Fault of Epimetheus*. The Simulation Space. <https://thesimulationsspace.wordpress.com/2014/09/08/bernard-steiglers-technics-and-time-1-the-fault-of-epimetheus/> (Posted by Judy Ehrentraut, September 8, 2014)
5. 2007. *Phenomenological Approaches to Ethics and Information Technology* (Stanford Encyclopedia of Philosophy). <https://plato.stanford.edu/entries/ethics-it-phenomenology/#OrigTechHumaBein> (First published Sat Feb 19, 2005; substantive revision Thu Jun 29, 2017)
6. Sshaviro. 2004. *Simondon on technology – The Pinocchio Theory*. <http://www.shaviro.com/Blog/?p=298> (Posted April 30, 2004)
7. Statista. 2024. *Number of IoT connections worldwide 2022–2033*. <https://www.statista.com/statistics/1183457/iot-connected-devices-worldwide/>
8. Gergen. Kenneth J. 2024. *There is no unified self*. IAI TV – Changing how the world thinks. <https://iai.tv/articles/there-is-no-unified-self-auid-2951> (Posted by Kenneth J. Gergen, September 19, 2024)

Movies and lectures:

1. Aigner, Franziska 2023. *Bernard Stiegler's Thought on Technics*
2. Gallese, Vittorio 2021., *Seminar: Embodied simulation and experimental aesthetics*
3. Huk, Yui, 2017. *Simondon & Technology*
4. Malaspina, Cecile, 2023. *Human Nature & the Technical Object, Reading Simondon*
5. Movie *The ISTER*, Pagallo Ugo 2021., *Technology and the Philosophy of Law*
6. Pagallo Ugo 2023. *Technology and the Philosophy of Law*